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## Breakaway States: Understanding When The International Community Recognizes The Legitimacy of Separatist States

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## Breakaway States: Understanding When The International Community Recognizes The Legitimacy of Separatist States

### Abstract

This essay focuses on these conditions that result in the extension of international legitimacy, asking the question; “which factors lead external actors to recognize separatist regions as legitimate states?” In particular, the essay hones in on the factors that lead the international community to recognize separatist states despite the seemingly dominant norm of sovereign territorial integrity. In the subsequent analysis, the essay finds that concerns for international stability and systemic order best explain the variation of international recognition among cases. These concerns are manifested through two distinct mechanisms by which secessionists may undermine the international order. First, separatist behavior that defies the expected normative behavior dictated by the current normative system might encourage future violations and eventually wholesale change of the international structure. Second, the separatist unrecognized states create uncertainty by working outside of the expected convention of the international community, which in turn generates systemic instability.

### Keywords

separatists, secession, united nations, sovereignty, international community, Iraqi Kurdistan, Nagorno-Karabakh, Turkish Republic of Northern Cyprus, Political Science, Alex Weisiger, Weisiger, Alex

### Disciplines

International Relations

# **BREAKAWAY STATES: UNDERSTANDING WHEN THE INTERNATIONAL COMMUNITY RECOGNIZES THE LEGITIMACY OF SEPARATIST STATES**

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## INTRODUCTION

To date, external state recognition remains one of the greatest challenges facing aspiring secessionist movements. Separatist groups require external legitimacy for successful incorporation into the mainstream international community. However, the ongoing conflict between the principles of state sovereignty and self-determination continue to promote uncertainty for the legitimization of these separatist groups. Traditionally, the international community has strictly defined the U.N. Charter's support for the "self-determination of peoples."<sup>1</sup> As the protection of individual human rights has gathered increased prominence over the past two decades,<sup>2</sup> there has also been a paralleled rise in international support for individual self-determination, and accordingly, support for the self-determination of minority or disadvantaged sub-national groups.<sup>3</sup> However, while the international community may be more sympathetic to sub-national autonomy rights than it was twenty years ago, the fact remains that many separatist groups that successfully implement autonomous rule do not receive international recognition.<sup>4</sup> In many cases, these quasi-states or *de facto* states<sup>5</sup> may even exhibit a stronger degree of internal control and domestic governance than some of their internationally recognized peers.<sup>6</sup>

External recognition is not a peripheral concern for aspiring states. The existence of international recognition often determines the long-term prospects for the state's political and economic viability. Unfortunately for the potential separatists, both the political science

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<sup>1</sup> United Nations Charter, Article 1. Richmond (2002) however, offers an alternative explanation to Article 1 of the United Nations Charter. "While some have argued that Article 1 of the UN Charter contained a promise of self-determination, Kelsen argued that it described relations among states, and that self-determination of peoples actually means the sovereignty of states: the principle of self-determination is thus basically a principle of non-intervention and respect for the claim of sovereign equality of UN member states." (389).

<sup>2</sup> Contrast Krasner (1999) with Jackson (1993).

<sup>3</sup> Richmond (2002). As Hironaka (2005) writes, "In recent years the international community has shifted in the direction of recognizing and protecting secessionist regions." (153-154).

<sup>4</sup> According to Kolstø (2006), 736; "the unwritten rules of international relations have contained extremely strong restrictions against the creation of new states."

<sup>5</sup> Kolstø (2006)

<sup>6</sup> Richmond (2002)

literature and the wider literature on international diplomacy agree that the current state system is indisposed towards expanding the number of states in the international system, especially when such expansion occurs at the expense of preexisting territorial borders.<sup>7</sup> Despite the rising popular support for sub-national group rights, the sovereign state remains king.

The lack of state recognition does not just harm the secessionist state through a high opportunity cost; but may also pose an active threat to the non-recognized state's survival. For example, as Fabry writes, "the most serious consequence of non-recognition, as will be seen, is that those who find themselves in this position are legally exposed to being forcibly displaced from the territory they claim and control by the state actually recognized as sovereign in that territory."<sup>8</sup> Without international recognition, the accepted norms and rules do not apply; the quasi-state is considered illegitimate, aberrant and therefore unprotected.<sup>9</sup>

On the flip side, once a separatist region enjoys *de jure* sovereignty, then that sovereign state receives privileged protection under the territorial integrity norm. In this way, external recognition serves as a precursor to international legitimacy. If the state government has the internationally recognized right to control the region, then it may then petition external actors to intervene and protect its sovereign rule.<sup>10</sup> For example, Russia was able to intervene in Abkhazia on the grounds that Georgia was violating Abkhazia's right to self-government.<sup>11</sup> Moreover, states also enjoy a number of positive benefits besides a basic right

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<sup>7</sup> Richmond (2002), Berg and Kuusk (2010), Ker-Lindsay (2008), Hannay (2005), Laitin and Suny (1999), Berg and Mölder (2012), Migdalovitz (2001), Walker (1998)

<sup>8</sup> Fabry (2002), 7.

<sup>9</sup> One consequence of this is that all surviving quasi-states must possess the capacity to adequately defend themselves through military means. This need for self-defense either necessitates a disproportionately large standing army or a credible security guarantee by a powerful supporter.

<sup>10</sup> Western and Goldstein (2011)

<sup>11</sup> It is worth noting that the case of Abkhazia is somewhat contentious, because most of the West sees Abkhazia's secession as illegitimate. However, Russia's legal basis for their intervention was based on this

to a safe existence. These rights include a wide range of economic benefits associated with normalized interaction with other states, a greater freedom of travel, and input in shaping the opinion and agenda of various international forums. These benefits, in turn, help the state's government provide the goods and services necessary for the long-term sustainability of that government.

Thus, from this basic overview, one finds that external state recognition on behalf of the international community plays a critical role in determining the long-term success of a separatist attempt to create an independent sovereign state. However, while the benefits of international recognition may be clear-cut, the conditions under which external states grant official recognition despite a strong predisposition to oppose separatist movements are far more ambiguous. This essay focuses on these conditions that result in the extension of international legitimacy, asking the question; "which factors lead external actors to recognize separatist regions as legitimate states?" In particular, the essay hones in on the factors that lead the international community to recognize separatist states despite the seemingly dominant norm of sovereign territorial integrity.

In the subsequent analysis, the essay finds that concerns for international stability and systemic order best explain the variation of international recognition among cases. These concerns are manifested through two distinct mechanisms by which secessionists may undermine the international order. First, separatist behavior that defies the expected normative behavior dictated by the current normative system might encourage future violations and eventually wholesale change of the international structure. Second, the separatist unrecognized states create uncertainty by working outside of the expected convention of the international community, which in turn generates systemic instability.

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principle of protecting sovereign territorial integrity, whether or not the application was actually valid in this case.

The cases also provide support for the important role of the interests and preferences of Great Power actors. Alternative explanations focusing on levels of state or separatist violence, concerns of precedent, and ethnic ties all provide some degree of explanatory power, but notably fail to explain at least one of the cases from the selection studied. A further hypothesis expecting ethnic homogeneity to lead to greater recognition was not borne out by the evidence provided; of the three cases, the case which received the greatest level of external recognition was also the most ethnically diverse.

The essay proceeds by carefully defining the scope of a number of key terms, including the nuances of the term “recognition,” on which this essay is based. I also introduce a conceptual spectrum through which to analyze the relative degrees of state recognition. After, the essay surveys the previous scholarly literature conducted on the theories behind state decision-making pertaining to recognition of secessionist movements. The essay then suggests that the international community’s hesitation to recognize separatist states arises from a concern with preserving the current international system, but in rare occasions states will ignore long-term systemic interests in order to promote immediate national interests.<sup>12</sup> A number of hypotheses are then derived both from the paper’s theory and other theories extant in the literature. These hypothesis are then tested through their application to three cases of autonomous separatist regions: 1) the Turkish Republic of Northern Cyprus (TRNC) 2) Iraqi Kurdistan 3) the Nagorno-Karabakh Republic.

Through these cases, I find that the hypothesis postulating that state concerns for international stability and the hypothesis focusing on Great Power interests are most supported by the evidence. Finally, the essay concludes by recapitulating the research

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<sup>12</sup> Some critics may note that the international normative system is always in flux, and therefore it does not make sense to talk about an international normative system. **This critique implies that past cases may not provide applicable evidence for the present due to normative shifts.** However, the cases analyzed are consistently contemporary, and thereby solving this potential challenge.

findings, introducing a new theoretical mechanism, and highlighting avenues for future research.

#### OPERATIONALIZATION AND MEASUREMENT

The definition of ‘state recognition’ is not clear-cut. For example, does the supply of weapons to a group reflect recognition? How about bilateral economic trade agreements, or even direct humanitarian aid or other non-military resources? Perhaps state recognition is only through the United Nations, or through a diplomatic presence in the country?<sup>13</sup>

Therefore, in order to analyze the phenomenon of external state recognition in the context of secession, it is critical that one takes care to clarify and define all terminology.

A precise definition of a secessionist movement reads as follows; “A secessionist movement is a nationalist group that is attempting to separate from an existing state in order to form a newly independent state.”<sup>14</sup> However, in this paper, the term secession will be used more broadly, as a synonym of a “separatist movement.” This distinction is important primarily in that it not only encompasses groups who are unwaveringly committed to independent statehood, but also those groups that are determined to win greater autonomy than they currently enjoy but are willing to settle for less than complete independence. Moreover, some separatist groups might have reasons for actually preferring an arrangement that allows national autonomy within a greater federal arrangement.<sup>15</sup> For example, the French Quebecois nationalists have ardently pressed for greater autonomy, yet most have stopped short of pursuing total independence.<sup>16</sup>

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<sup>13</sup> However, for pragmatic reasons, many countries do not maintain diplomatic personnel in every country with whom they have diplomatic relations.

<sup>14</sup> Coggins (2011)

<sup>15</sup> For more information on the various forms of federal autonomous arrangements, see Lluch (2012).

<sup>16</sup> Gagnon (2003)



Oftentimes, efforts for accommodation within a parent state mainly involve internal domestic politics that largely exclude outside state actors and the rest of the international community.<sup>17</sup> Those internal efforts are less relevant to the research question, which pertains to external state recognition of separatist groups. For example, the process of devolution (or independence) for Scotland has occurred without an appeal to the international community, and primarily follows the internal constitutional process outlined in the constitution governing the United Kingdom.<sup>18</sup> However, when a separatist group initially seeking secession compromises for less than sovereign independence, external state interaction may play an important role in that decision-making process. Thus, the paper uses separatist groups to refer to movements that seek independence, at least at some point during their campaign, even if that group is willing to compromise for less than absolute autonomy.

Next, it is important to understand what the author means by state recognition. First, one must appreciate that rather than operate solely as a binary variable, state recognition simultaneously exists upon a gradient spectrum. Actors can experience higher or lower levels of recognition. Furthermore, through the iterative process of interacting with the international community, that level of recognition has the potential to change.<sup>19</sup> Taiwan serves as an oft-cited example of an aspiring state that falls in the middle of this spectrum: Taiwan is only officially recognized as a state by 23 member-states,<sup>20</sup> but has independent membership in major international forums ranging from the International Monetary Fund

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<sup>17</sup> These mechanisms comprise a different literature, primarily based in the field of comparative politics, which primarily examines the mechanisms and preferred strategies of the domestic actors in cases of sub-national groups seeking greater autonomy. For more information, refer to McGarry, O'Leary and Simeon (2008) and Hepburn (2010).

<sup>18</sup> Tierney (2008)

<sup>19</sup> For more on changes in the international community through argumentation and interaction over time, see Crawford (2002).

<sup>20</sup> Statistics from Ker-Lindsay (2012),15.

(IMF) to the World Trade Organization (WTO).<sup>21</sup> This spectrum of international recognition and acceptance is not restricted to those separatist states barred from the mainstream international arena. For example, while Israel, the People's Republic of China, North Korea, South Korea, Armenia and Cyprus are all legitimate and well-recognized members of the international community, none of these states have attained universal acceptance as sovereign state actors.<sup>22</sup> However, these examples represent cases of states that are nearly fully recognized and integrated in the international community. If one imagines a spectrum of external support for separatist groups, ranging from complete recognition to total isolation, these cases are all tightly concentrated around the 'fully recognized' pole of the spectrum. Based on Figure 1, these states all fall in the range to the left of "Acceptance in United Nations." Past the threshold of U.N. admittance, sovereign participation is a near-certain conclusion, and these states do not need to worry about campaigns of recognition. Consequently, these cases are also less interesting from this paper's research perspective, which is more concerned with the factors that enhance the international support for less entrenched groups that have not crossed the United Nations threshold.

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<sup>21</sup> Taiwan's status still seems to be constantly in flux, as it has the notorious honor of being one of the few states who have been unrecognized by member states in the international community, evidenced most recently by Gambia's decision to cut diplomatic ties on November 15, 2013 in deference to Gambia's "strategic national interest." Reuters. (15 Nov. 2013)

<sup>22</sup> Ker-Lindsay (2012), 18.

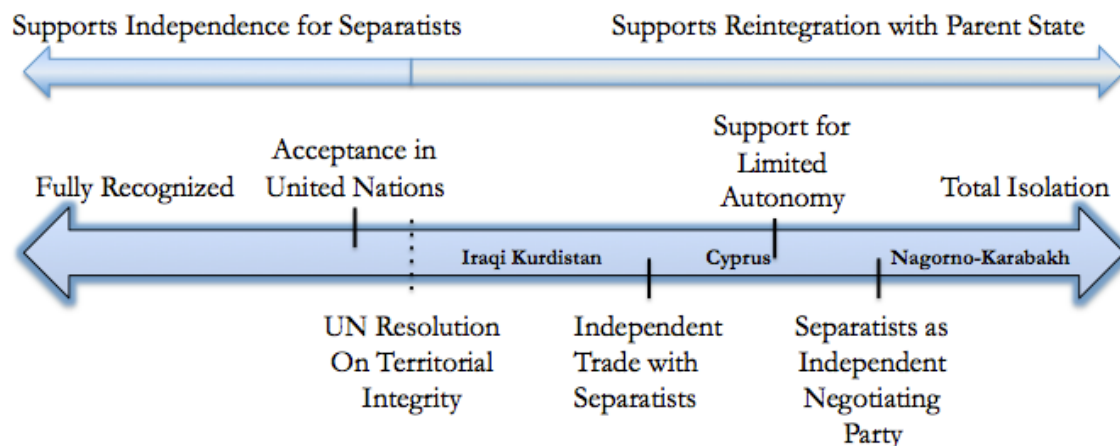


Figure 1: Spectrum of External Responses by the International Community to Separatist Movements

Thus, the United Nations serves as a robust metric reflecting the level of international support towards recognition. As mentioned above, joining the United Nations as a member state signals the support of a critical mass of the preexisting international community.<sup>23</sup> Moreover, the United Nations' role as a legitimizing agent may levy normative costs against a separatist cause.<sup>24</sup> If the United Nations passes a resolution against the aspirations of a separatist group, that resolution establishes a baseline that delegitimizes the separatists in favor of the parent state. While before a condemning resolution was passed, a state could conceivably interact with the separatist group and retain a neutral status,<sup>25</sup> after a resolution is passed, a state cannot interact with the separatist group and still plausibly maintain neutrality. Therefore, the passage of a United Nations resolution condemning a

<sup>23</sup> The United Nations plays such an important signaling function because of its ability, as an international platform, to overcome collective action problems. As such, it helps facilitate cooperation in maintaining an international system of sovereignty that benefits all current sovereign members. However, if a state decides to violate a U.N. decision in pursuit of its own personal interests (i.e. defect from the cooperation regime) the offending state can expect substantial punitive repercussions. For more information on the United Nations' role as a signaling feature see Thompson (2006). For more on collective action problems, see Hardin (2009).

<sup>24</sup> Johnston (2001), Claude Jr. (1966). In fact, Ker-Lindsay (2012) goes as far as to label the United Nations as "an important forum for anti-recognition efforts." (22).

<sup>25</sup> A neutral state would likely be willing to engage in typical interstate activities, such as economic trade, if such an arrangement would serve the neutral state's interests.

separatist cause or reinforcing territorial integrity may signal the death knell for the separatist movement's chances of long-term independence.<sup>26</sup>

However, even if the international community does produce a United Nations resolution in favor of the parent state, the separatist group may be able to garner a substantial amount of external sympathy for its cause. Due to the norms constricting the violation of territorial integrity, external actors are predisposed against supporting a distinct sovereign entity. Nevertheless, sympathetic external actors may press for a compromise solution in which the separatist group in question receives greater political or cultural autonomy rights.<sup>27</sup> In other words, states may recognize a group's right to greater self-governance.

Even if the external actors do not recognize the right of the separatist group to greater autonomy, situations vary on the acceptability of the status quo. In some situations, while the external actors promote a solution that involves reintegration with the parent state, such a position does not come with a strong sense of urgency. These circumstances, King finds, arise through "a dark version of Pareto efficiency: the general welfare cannot be improved--by reaching a genuine peace accord allowing for real reintegration--without at the same time making key interest groups in both camps worse off."<sup>28</sup> In these cases, the current state of affairs, while undesirable in the long run, does not pose any severe problems, normatively or politically, in the short run. Under these circumstances, outside states may be willing to engage in a greater degree of unofficial interaction with the separatist group in the short term. One major form of interaction develops through economic interchange. Any

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<sup>26</sup> At the very least, it raises the barriers to recognition, as examined by Richmond (1998) in the United Nation's response to the declaration of the TRNC.

<sup>27</sup> As Walker (1998) puts it, "Although hostile to separatism, the international community is generally supportive of autonomy as a means for reconciling territorial integrity and national self-determination."

<sup>28</sup> King (2001), 525-526.

entity isolated from the international marketplace is at a major disadvantage on the world stage, and the more economically vibrant dyads that the separatist group enjoys, the more recognition (albeit unofficial) the state will enjoy. Furthermore, once these economic interactions are established, those economic trading partners have an interest in seeing the group maintain at least the current level of autonomy which the group enjoys under the status quo in order to protect the external state's trading interests.<sup>29</sup>

Lastly, an important benchmark in assessing the level of state recognition for an independence movement is whether or not the international community is willing to treat the group as a legitimate negotiating partner. When separatists are included in negotiations, there is a tacit understanding of both the existence and influence of the organizational leadership of the separatist group. If the international community and parent country are unwilling to even consider negotiating with the separatists,<sup>30</sup> this implies a near-total lack of recognition. In the eyes of the external actors, either the alleged grievances are illegitimate or separatist movement's capacity is insignificant enough that the parent state and international community members decide that their optimal strategy is to simply ignore the offending separatist group, or arrest the rebel leadership.<sup>31</sup>

Even once one understands the spectrum on which international recognition lies, one must also appreciate the difference between collective acceptance by the international community and individual state-level relations. This difference arises because state recognition operates on two levels. On one hand, it exists on a collective level reflecting the

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<sup>29</sup> Furthermore, the greater the diversity of trading partners, the greater likelihood that the separatist group in question has the ability to collect the resources necessary to operating a viable sovereign independent state.

<sup>30</sup> A position often taken against less organized, and less legitimate groups that are instead titled terrorists. The author conjectures that such a distinction may play an important role in a state's tendency to apply the "terrorist" label to a broader range of government oppositionists, thereby undermining credibility.

<sup>31</sup> Further, the ability to enter negotiations also generally accompanies some sort of ceasefire, thereby freezing the status quo. Oftentimes, these ceasefires will actually lead to greater separatist state capacity, as the stop in fighting allows the separatist group to garner its resources, rebuild its fighting strength, and provides bargaining leverage during the negotiation process. Valentino (2011), Luttwak (1999).

general world opinion towards the country in question. However, every state also maintains hundreds of individual relationship dyads. While these two levels exist separately, they also work interdependently: if an aspiring state has too few states who recognize its sovereign independence, then achieving consensus-level recognition will prove impossible.<sup>32</sup>

Furthermore, it is important to distinguish between recognition and delegitimization. The two concepts are not logical opposites. On one hand, external actors have the option to either recognize a group as independent or to not recognize that group.<sup>33</sup> However, there is also a significant difference between the choice to not recognize a group and the choice to actively delegitimize that group's independent status. Thus, a state that chooses not to recognize a state has another range of choices, spanning from the decision to actively delegitimize the group to normalized interaction with the group albeit without official government channels, or even to lobby members of the international community on the group's behalf.<sup>34</sup> While a growing literature has begun to explore more of the processes involved in state recognition,<sup>35</sup> this paper, while interested in factors that play significant roles in these processes, does not aim to address the strategies of conferring recognition itself. Moreover, the difference between state non-recognition and delegitimization will be important in ascertaining potential state motives behind the decision to recognize or not recognize a separatist group's independence.<sup>36</sup>

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<sup>32</sup> This essay does not focus on the process of generating the critical mass needed for sovereign recognition.

<sup>33</sup> Admittedly, as explained above, the choice to recognize falls upon a spectrum, where there are various possible avenues for partial recognition.

<sup>34</sup> For example, while many states choose to not formally recognize Taiwan, most of those states do not conduct an active campaign of delegitimization. On the contrary, during the years in which the United States did not recognize the communist People's Republic of China (from 1949-1979), the United States actively campaigned for and supported a reinstatement of Taiwan's government over Mainland China.

<sup>35</sup> Ker-Lindsay (2012) and Berg and Kuusk (2010) are two such examples of recent works that have examined the process of state recognition, and the strategies that state use to pursue such recognition. Stanton (2009) and Kydd (2005) also explore the strategies and challenges relevant to separatist groups seeking international recognition and support.

<sup>36</sup> For example, such a distinction may help shed light on how large a role normative ideology plays in state behavior. If states are fundamentally opposed to the existence of separatist groups and the development of new

## LITERATURE REVIEW

A number of scholars have explored the conditions that lead to the formation of legitimately recognized separatist states. In explaining the legitimacy of these breakaway states, these researchers inevitably must address the tradeoff inherent between territorial integrity and self-determination.<sup>37</sup> As Laitin and Suny put it, “[i]t seems to us that what has been lacking is a formulation that can reconcile the two principles of territorial integrity and national self-determination without one undermining the other.”<sup>38</sup>

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states through secession, then one would expect a much greater degree of denunciation than if states were motivated by pragmatic measures.

<sup>37</sup> Walker (1998), Fabry (2010)

<sup>38</sup> Laitin and Suny (1999), 169.

Bridget Coggins argues, in Stephen Krasner's<sup>39</sup> vein, that the recognition of states does not follow a logic of appropriateness, but rather a logic of consequences.<sup>40</sup> That is, sovereign recognition results from great power recognition, and therefore, the actual principles of secession and self-determination play an inconsequential role. Other scholars also believe that self-interest plays a driving role behind recognition, but disagree whether it is motivated by ethnic ties,<sup>41</sup> future challenges,<sup>42</sup> or mutual coordination concerns.<sup>43</sup> Finally, some experts believe that even liberal states inherently predisposed towards promoting a logic of appropriateness in self-determination norms bow to the rationality of pragmatism when it came to the overriding interest in international stability.<sup>44</sup> As Mark Zacher writes,

“While self-determination for ethnic groups is at times viewed sympathetically by liberals, it is “trumped” by their recognition that the logical outcome of allowing self-determination for every national group would be continual warfare.”<sup>45</sup>

This notion that a strict adherence to the norm of self-determination leads to systemic chaos and instability shows up as a consistent theme in a number of academic texts.<sup>46</sup> Thus, some people interpret the international weight on sovereign territorial integrity as a result of steps taken to ensure the primacy of the current state system<sup>47</sup> and the maintenance of international stability.<sup>48</sup>

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<sup>39</sup> Krasner (1999)

<sup>40</sup> Coggins (2011)

<sup>41</sup> Saideman (1997), Atzili (2007), Horowitz (1985)

<sup>42</sup> Walter (2006), Toft (2002)

<sup>43</sup> Weingast (1995), Spruyt (1994), Paquin (2010)

<sup>44</sup> While the liberal Western states may have been ideologically inclined towards self-determination, in practice they only begrudgingly assented to the breakup of colonial empires and the self-determination efforts for indigenous peoples. However, by the 1960s and 1970s, most of the Western powers had shed their colonial possessions and given in to the inevitable.

<sup>45</sup> Zacher (2001), 239. Buchheit (1979) predicted Zacher's observation as inevitable long before such a reality came to pass.

<sup>46</sup> Zacher (2001), Jackson (2007), Buchheit (1979)

<sup>47</sup> Ringmar (2012), Coggins (2011), Malkki (1994), Gurr (1993)

<sup>48</sup> Paquin (2010). Moreover, as Jackson (1993) points out, newly anointed leadership in developing countries had self-interested institutional incentives to strongly support an end to further self-determination efforts.



However, some political scientists argue that the conception of legitimate sovereignty is less interest-driven and more normatively based. This argument suggests that norms in the international community regarding the just establishment of states have evolved over time.<sup>49</sup> For example, Allan Buchanan contends that from a philosophical perspective, the right to secession may operate under a number of possible mechanisms.<sup>50</sup> First, one can have the right to self-determination only as a remedial measure, or in such circumstances where the current government violates a group's human rights.<sup>51</sup> Second, one can conceive of a 'primary right' to secession, or one that does not need just cause. Buchanan argues that the international community's conception of the right to self-determination was firmly planted in the "remedial" camp, and legitimate secession required a necessary precondition of human rights oppression. A similar sense of the "remedial" prerequisite comes through in Berg and Mölder's writing: "Only in the case of serious injustices may international law recognise a remedial right to secede."<sup>52</sup> In other words, unless the separatist's candidacy for statehood rectifies injustices inflicted onto an unprotected minority group, then the separatist activity is unjustified. Some of the scholars within this school of thought agree that a norm of remedial national self-determination did in fact develop, but further qualify the norms of legitimacy to apply strictly to only those countries with a colonial past or those territories where there was no previously established self-rule.<sup>53</sup>

Moreover, the recognition of secessionist movements is inextricably tied to the strength of norms of sovereign territorial integrity. As Jonathan Paquin states, "a state recognizing a secessionist movement [necessarily] intrudes in sovereign affairs of another

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<sup>49</sup> Zacher (2001), Barkin and Cronin (1994), Crawford (2002)

<sup>50</sup> Buchanan (1997)

<sup>51</sup> Of course, if self-determination is classified as a human right, then this conversation becomes tautological.

<sup>52</sup> Berg and Mölder (2012), 527.

<sup>53</sup> Herbst (2003), Trisotto (2010), Fabry (2010)

state.”<sup>54</sup> Specifically, cases of secession highlight the tension between the norms of sovereignty and those of self-determination. While the anti-colonial movement in the decades following World War II gave strength to the self-determination norm over state sovereignty, overall, the effect of self-determination was rather limited to a specific range of cases.<sup>55</sup> While states of all kinds were willing to support the end of the colonial system, all states, including the newly established states, interpreted self-determination as extremely limited in scope.<sup>56</sup>

This paper builds on the past work in a number of ways. First, it represents a step towards the comprehensive assessment of the existing theoretical literature by amassing the existing viewpoints. Also, while many of the prior works reference the motivations or influences on state recognition of separatist states, few of the works directly address the question of the driving factors behind state (and more broadly systemic) motivators for the highly conservative stance taken by external state actors against separatist movements. Finally, this essay’s ambitious attempt to glean insights from three different case studies varying along the spectrum of international recognition also lends it substantial analytical leverage.

## THEORY

To a large extent, joining the community of sovereign states is just like joining any elite club—the preexisting members have total control over new membership. Moreover, the current club members (the current sovereign states) are fairly content with the club’s exclusive operation—the current club members enjoy a number of major perks—including the collective control of governance over humanity. The notion of state sovereignty plays an

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<sup>54</sup> Paquin (2010), Ch.1. Also see Berg and Kuusk (2010).

<sup>55</sup> Sinha (1973), Grant (1999), Paquin (2010)

<sup>56</sup> Or even especially the newly established states.

essential part in this control as it legitimizes the state's monopoly of legitimate violence over a given territory.<sup>57</sup> Governing elites of the sovereign states would ideally like to maintain the status quo with minimal effort—government leaders would rather expend their energies on pursuing their countries' respective interests and develop their constituents' general welfare than on mediating international crises.

Therefore, the onus is upon the aspiring new members to demonstrate that their inclusion in the international statehood club would strengthen or reinforce the current state-centric system. In particular, aspiring states, especially separatist groups, must demonstrate that the international acceptance of their statehood bid will not jeopardize international stability by undermining the current systemic structure. The problem, however, is that the very existence of separatist regimes signals the glaring truth that the present international system of sovereign Westphalian states is one of many possible systemic formulations.<sup>58</sup> The United Nations serves a central role in embedding the social reality of the modern international system, and can only be supported and sustained by the assumption that its sovereign representatives serve as the only legitimate voices in the international community.<sup>59</sup> Therefore, since states in the international community want to preserve the current international structure, they will not recognize separatist movements and will try to dissuade separatist challenges to state sovereignty.

However, the reality is that not all separatist cases are treated the same. A number of separatist cases receive varying degrees of recognition short of independence. The level to

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<sup>57</sup> Tilly (1985), Krasner (1999)

<sup>58</sup> Because separatist movements demonstrate that there are clearly actors and interests other than the recognized sovereign states.

<sup>59</sup> As Ker-Lindsay (2012), 310, writes, "UN membership has come to be regarded as nothing less than the "gold standard" of international legitimacy." See also Wendt (1999), Richmond (1998), Jackson (1993). While one may consider other non-sovereign institutions such as humanitarian non-governmental organizations to play a legitimate role in the international community, those institutions are consigned to periphery, supportive roles and while they may provide important sources of information, do not in themselves constitute a legitimate independent entity on the actor level.

which the separatist movement threatens preexisting state sovereignty norms inherent in the current international system may explain this variation in external support and recognition. While states may occasionally flout these norms in pursuit of critical national interests, this theory predicts that these violations will be rare..

Separatist states may undermine the international system through two distinct pathways. On one hand, separatist states may undermine the international community by setting a troublesome precedent. The international community is at its essence a social construct, where the relevant actors have agreed to abide by the same set of rules governing behavior.<sup>61</sup> As such, when behavior diverges from the normative convention, it detracts from the strength of that convention. As such, it becomes easier for other actors to violate the convention as well, citing the first violator as a precedent. This challenge to the convention in question is even more powerful if the original violator was not punished for the normative violation. Since state separatists violate the norm of territorial integrity, they serve as the initial norm-breakers, acting outside of the confines of the international community based on sovereign territoriality. Therefore, the higher the level of acceptance of separatism from the international community, the greater the damage posed to the current norms on territorial integrity in the international community.

On the other hand, separatist states also generate instability by working outside of expected norms of the international community. A substantial component of order in the international system is based on the fact that everyone is behaving by the same set of rules.<sup>62</sup> Because separatist states reject the prevailing rules governing state sovereignty; the rest of the international community cannot be sure of separatist states' intentions or expected

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<sup>61</sup> Wendt (1999)

<sup>62</sup> Weingast (1995)

behavior. This poses a threat to external states' sense of security.<sup>63</sup> Moreover, when other states then officially recognize a separatist state operating beyond the confines of the accepted convention, the international community no longer enjoys a normative consensus, thereby undercutting the entrenched systemic structure.<sup>64</sup>

Against this backdrop, the members of the international community search for the easiest resolution to separatist movements and cases of disputed sovereignty. Typically, the easiest way to settle a burgeoning separatist conflict is to allow the parent state to quell the separatist cause internally.<sup>65</sup> However, if the separatists successfully break away from the parent state's control, then external states are caught in a bind. On one hand, the recognition and incorporation of new sovereign states has the potential to upset the present international order, yet at the same time, the autonomously governed separatist region cannot be easily integrated back into the parent state.<sup>66</sup> At this point, if the conflict generates ongoing violence with the potential to escalate to a highly disruptive regional or global war, then the international community will take action, including the use of international force to eliminate

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<sup>63</sup> See for example, Waltz (1979), Fearon (1995) on the challenges that uncertainty poses to state security.

<sup>64</sup> A third, not explicitly tested mechanism may involve separatist states undermining the stability of the international structure by shuffling regional or even international power dynamics, as Gilpin (1981) suggests. As soon as external recognition becomes involved, then the separatist conflict involves state actors beyond just the parent state and the separatists. Moreover, such recognition will likely put the external recognizing state into a conflict of interests with the parent state. Due to complex alliance structures in the international system, this sort of conflict can quickly escalate to wider scale involving many international actors. These confrontations can change the estimated relative capabilities between the various actors, thus influencing the states with the most normative impact on the international system. If the reshuffling brings states to power with interests not maximally reflected in the norms of the current prevailing system, then those states actors will attempt to shift the norms accordingly. Of course, this trail of logic assumes that the current normative system better represents the interests of some states more than others, and that more powerful states tend to have more influence. Such arguments are found particularly in the context of the United Nations. For example, see Roberts (2003). The argument that most closely mirrors this logic is an argument found in the hypothesis section on restraint from violence.

<sup>65</sup> Moreover, Fabry (2010) suggests that powerful international norms require separatist groups to fight their way to independence against a parent state without external interference. However, the development of a stricter human rights conscience has the potential to limit the ways in which the parent state may employ counter-secession strategies. If in countering the separatist aspirations, the parent state resorts to major human rights violations, as seen in Darfur, then such tactics have become increasingly illegitimate.

<sup>66</sup> Therefore, one finds that a significant military projection capability is automatically assumed by for all of the pertinent aspiring states. If the separatist region lacked such a capability, then the parent state would likely be able to reassert control in the region without expending excessive resources.

the instability. However, many such situations stabilize into a self-contained armistice arrangement, often referred to as “frozen conflicts.”<sup>67</sup> In such cases, the path of least resistance becomes the maintenance of the status quo—a viable, unrecognized “quasi-state” with international non-recognition, yet a marked absence of international delegitimization.<sup>68</sup>

#### HYPOTHESES

Ultimately, the long-term goal of this research program is to establish a framework for understanding why states recognize some separatist states and not others. At this stage in the overall research timeline, however, the direct objective of this paper is to narrow down some of the most relevant factors as a means to provide a more informed avenue for further research. The theory outlined above suggests the two following hypotheses:

*HYPOTHESIS 1:* Separatist movements will receive support from external powers when the secession will not undermine international stability by working outside of the accepted normative system.

*HYPOTHESIS 2:* Separatist movements will receive recognition from external powers when the secession does not set a precedent for recognizing secessionist states.

**HYPOTHESIS 1: INTERNATIONAL STABILITY:** This hypothesis most directly reflects the theory outlined above; that the level of international recognition will depend upon the separatist’s ability to maintain international stability by working within the current systemic structure. In this essay, stability refers to the consistent application of the normative structure governing interactions among actors and institutions (i.e. the government) to behavior in the international community. This definition differs from one that merely equates violence with instability; while interstate violence (or intrastate violence) may undermine state capacity, it does not inherently undermine a state’s international legal sovereignty and ability to

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<sup>67</sup> Walker (1998), King (2001)

<sup>68</sup> Kolstø (2006)

represent itself as a sovereign state in the international community.<sup>69</sup> In fact, the presence of international stability, as conceived in this essay, is necessary for systemic stability. Without the presence of stable institutional structures on the state-level, then the entire system of Westphalian sovereign states would be at risk.

Many scholars identify international stability as a primary motivator in determining state behavior towards external actors.<sup>70</sup> Specifically, this approach stresses that all established states benefit from the maintenance of international order.<sup>71</sup> Therefore, international recognition of a secessionist group is most likely when a breakaway group can smoothly integrate into the international community without generating significant instability.

One such factor that may represent a metric on the ability for smooth integration may be whether or not the secessionist group exercises *de facto* sovereign control over the disputed territory.<sup>72</sup> In other words, if the external recognition would merely acknowledge the ‘facts on the ground’, such recognition may even play a stabilizing factor, and therefore one might expect greater amenability to recognition.<sup>73</sup> However, based on the fact that a number of *de facto* states have clear control over their sovereign territory yet have not received recognition, the presence of *de facto* control does not seem sufficient to warrant recognition.<sup>74</sup>

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<sup>69</sup> For a definition of international legal sovereignty, see Krasner (1999).

<sup>70</sup> Weingast (1995), Jackson (2007). Also for an in-depth example, Paquin (2010) argues that the United States’ approach towards separatist groups in the post-Cold War has been motivated by defensive stability-seeking behavior.

<sup>71</sup> This also corresponds to the finding by Fearon and Laitin (2003) that instability serves as a significant cause of war. Instability can also lead to the spread of conflict, as examined in Salehyan and Gleditsch (2006).

<sup>72</sup> Berg and Kuusk (2010)

<sup>73</sup> Or at least a lack of active delegitimization. However, an initial glance seems to imply that this approach is not borne out by the evidence. While intuition and other supporting factors encourage one not to entirely discard this hypothesis, the evidence strongly suggests that *de facto* control in and of itself is not sufficient to warrant state recognition.

<sup>74</sup> The government of Somaliland, which many have argued has a much greater control over its territory than the government of Somali has over the rest of the country, has still not received sovereign recognition.

More strongly in line with the proposed theory, states may be willing to extend international recognition when the separatist groups manage to pursue independence in a way that promotes international stability by reinforcing the current sovereign state system. Therefore, when the separatists manage to pursue external recognition while still following the guidelines of the international community (i.e. respecting state sovereignty), then external actors will be reassured of the separatists' commitment to honor the current normative structure and therefore be more likely to extend recognition. However, the crux of the challenge is that the sovereign system is strongly predisposed against separatist violations of state territorial integrity—it is in this impossible context that separatists must try to follow the normative structure of the international system while pursuing a goal that seems nearly fundamentally at odds with the systemic rules.

**HYPOTHESIS 2: PRECEDENT-SETTING EFFECT:** Another popular explanation that often receives a great deal of attention focuses in on a specific mechanism of the outlined theory of systemic stability. This explanation is a qualified one: that states will not grant recognition if the specific case of secession can be justified to set a precedent counter to the current norms of sovereign territorial integrity in the international community.<sup>75</sup> This prerequisite stems from the fear that otherwise, the recognition of one state could ignite a cascade of future separatist claims as potential groups judge independence to be more feasible.<sup>76</sup> In particular, these fears of precedent setting would have the greatest influence on the decision-making process for recognition among countries that have aspiring separatists within their

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<sup>75</sup> Authors who discuss the importance of precedence as a factor in determining external support in cases of secession include Buchheit (1979), Zacher (2001), Kolstø (2006), Walter (2006) and Ker-Lindsay (2012).

<sup>76</sup> Such logic may be characterized by Simmons' (2009) theoretical decision-making framework, where actors' decision to pursue a campaign is determined by their anticipated opportunity for impact and success. Similarly, Brancati (2006) finds that opportunities for greater self-government (and resources for success) may increase the likelihood of future bids for independence.



own territorial boundaries.<sup>77</sup> However, the challenge here is the dissonance between rhetoric and reality. No two cases of contested sovereignty will be exactly the same. As a result, there will always be *some* way to justify a case as unique and unrepresentative. Therefore, while the rhetoric of “exceptional” cases of secession may be highly correlated with external state recognition, one cannot immediately discern which factor plays the causal role.

Nevertheless, one can speculate upon factors that might be most likely to encourage future secession. Specifically, factors that promote separatist aspirations at the expense of the maintenance of the normative status quo would be most likely opposed, and would have the greatest normative impact. For example, if a separatist movement violated the norms against the use of coercive violence or against the sovereign territorial integrity of nation states, then any subsequent support would set harmful a precedent for other actors.<sup>81</sup>

On the other hand, one might be most likely to see an increased level of recognition when separatist groups manage to work within the established norms of the international system, such as working in cooperation with the United Nations and avoiding an official challenge to state sovereignty. In such cases, the case of secession will not fundamentally challenge the nature of the international sovereign system. In fact, if the separatist group works within the rules and order of the international system, then the separatists may actually set a precedent of working within the sovereign state system, which in turn would promote international stability.<sup>82</sup> In this way, the precedent-setting hypothesis mirrors the

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<sup>77</sup> For example, Ker-Lindsay (2012) identifies India, Argentina, and Nigeria as countries all motivated by concerns of ramifications on their own secessionist movements. (118) Valentino (2011) echoes

<sup>81</sup> This harmful precedent-setting effect would be even stronger if an international body had specifically prohibited the separatist group from undertaking the behavior. For example, in the case that external states recognized a separatist group after the United Nations recognized the territorial integrity of the parent state. In such a situation, by undermining the authority of the United Nations, the decision to recognize the secessionist state directly challenges the authority of the international system.

<sup>82</sup> Still, one may argue that potential separatist groups in other countries are less discerning about the tactics that other groups use to achieve recognition and merely see the success of a separatist group, and therefore the increased level of recognition of separatists poses a net loss on international stability.

expectations of the previous hypothesis in that both should expect greater international recognition when working within the international normative system. However, the two diverge in their underlying mechanisms: this hypothesis expects concerns for precedent to serve as the primary driver, while the prior hypothesis sees the uncertainty that arises from unpredictable state behavior as the primary concern.

The extant literature leads to a number of other hypotheses regarding the factors that drive external actors to recognize separatist movements. A number of potential hypotheses derived from the extant literature are listed below.

*HYPOTHESIS 3:* Separatist movements will receive external recognition when they enjoy great power support.

*HYPOTHESIS 4:* Separatist movements with ethnic ties to diasporas or nearby states will be more likely to receive external recognition.

*HYPOTHESIS 5:* Separatist movements will receive greater recognition from external powers when the actors refrain from violent conflict.

*HYPOTHESIS 6:* Separatist movements will receive greater recognition from external powers when the separatist region in dispute is ethnically homogenous.

**HYPOTHESIS 3: GREAT POWER SUPPORT:** Political scientists have identified the significant role that great power states play in facilitating the recognition of separatist states.<sup>83</sup> However, while Great Power states play a very important role in state recognition, this recognition does not actually allow the reader to infer much about the conditions under which that recognition is extended. In many ways, to argue that the international community (led by Great Power states) recognizes separatist groups under circumstances where those self-same states recognize the separatists groups seems to follow a circular reasoning structure.

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<sup>83</sup> Coggins (2011). As Ker-Lindsay (2012), 110, puts it, “When acting in tandem, great powers can decide success or failure of secession.

Therefore, the finding that Great Power states serve as a critical element in the recognition process of separatist groups does not adequately address the question of which factors lead to that step of extension of recognition.

One may also define ‘support’ more broadly to include assistance to the separatist state that falls short of diplomatic recognition. In such cases, one could plausibly construct a scenario where limited great power support for a separatist region would diminish the normative taboo associated with other states taking the additional step of officially recognizing the separatist state. One possible critique, however, is that if the great power state does not feel comfortable defying the international community’s prohibition on official recognition of separatist states, then it seems even less likely that a weaker state will have the power and conviction to upset the equilibrium in the international community and recognize a new sovereign actor.<sup>84</sup>

HYPOTHESIS 4: ETHNIC SUPPORT: Ethnic diaspora support has also arisen as a potential cause in external actor’s decision to recognize the legitimacy of a separatist group. In particular, ethnic groups will often point to the disproportionate influence of the diaspora lobby of opposing ethnic groups.<sup>85</sup> Proponents of the impact of ethnic kin contend that the powerful ethnic lobby organizations have the ability to determine whether or not the country recognizes a separatist group.<sup>86</sup>

Alternatively, if the leadership of a country shares ethnic ties to a group contesting territorial sovereignty, the kin-country will support the group with whom it shares ethnic ties. Of course, one major piece limiting the support of ethnic arguments as a primary

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<sup>84</sup> Weingast (1995)

<sup>85</sup> For example, Turks point to Kurdish ethnic support as a major hindering factor, Azeris point to Armenian support, etc. For more on the role of ethnic diasporas, see Byman, Chalk et. al (2001).

<sup>86</sup> However, even if these groups do have an impact does not automatically necessitate that ties of kinship play a determinative role, even when the leadership stems from the same ethnic background.

motivator is the fact that in many circumstances, external countries do not have significant ties to either group in the conflict.<sup>87</sup> Therefore, ethnic ties cannot result in a direct effect on the international consensus to recognize a separatist group or not. However, the fact remains that some individual states do maintain ethnic ties to separatists or the parent state, and these specific bilateral relationships may play an important indirect role in determining the normative level of recognition throughout the international community. This effect should be displayed most strongly if the diaspora communities are able to affect Great Power states.<sup>88</sup>

Moreover, part of this tendency to account for the lack of foreign support by blaming ethnic lobbies may derive from a shared psychological phenomenon. Separatist groups, as with many groups promoting particular agendas, tend to see their cause as objectively right. Thus, this perspective tends to create a general world schema where those who agree with the cause are considered 'principled,' and those who do not support the separatist agenda as biased or unprincipled in some fashion (for otherwise they would also support the cause). As such, the excuse of a foreign diaspora lobby does a good job of providing a non-principled reason why an outside observer may not support the separatist cause.

HYPOTHESIS 5: RESTRAINT FROM VIOLENCE: Following in the remedial school of thought for legitimate self-determination, one may argue that external states are only willing to recognize new separatist states if the international community believes that the separatist population has reason to believe that they would not receive protection of their rights under

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<sup>87</sup> Besides the ongoing scholarly debate as to whether ethnic ties have any impact whatsoever. (For example debate between Saideman and Fearon & Laitin.) Ethnic-based arguments have also found a sympathetic audience in the policy community, as evidenced by works such as Byman, Chalk et. al (2001).

<sup>88</sup> As outlined in the hypothesis exploring Great Power support.

the governing body of the parent state.<sup>89</sup> This notion of self-determination for remedial measures was entrenched in the sovereign international system as a restricted loophole and as a means to justify changes from imperial rule to local self-governance within the established norms of the sovereign international system.<sup>90</sup> As Fabry notes, the norms against redrawing international borders apply only when states respect minority rights: “Western states in effect argued that groups living in a democratic society whose human and minority rights were respected had no reason to strive for a change of international borders.”<sup>91</sup> The contrapositive, however, suggests that groups do have the right to change their independent borders when they do not live in a democratic society that respects their minority or human rights. Therefore, in cases when ethnic or religious minority groups suffer from violence and the existing society does not adequately protect the group, then the minorities are barred the rights that would have prohibited their secession. Thus, in such situations, normative opposition to secession is significantly diminished. On the flip side, if minority rights are protected but the separatist group still resorts to violent tactics, then the norms promoting territorial integrity will be even more strongly enforced.

Alternatively, the presence of violence may cause sovereign insecurity. Under such an approach, states may be wary of recognizing groups currently engaged in violent conflict.<sup>92</sup> External state caution towards violent conflicts may stem from two disparate sources. On one hand, violence is inherently volatile and would therefore signal a lack of control on

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<sup>89</sup> Grant (1999)

<sup>90</sup> This rule has remained in international customary law after the end of colonial empires, but with one significant change. While the violation of human rights provided just cause for the ill-treated domestic population to fight for separate self-determination, laws of non-intervention still remained in effect: that states should not intervene on behalf of either party. However, the principle of ‘right-to-protect’ has challenged this norm of non-intervention. While the notion of the right-to-protect principle and questions of non-intervention bear further in-depth discussion, the topic falls beyond the scope of this essay.

<sup>91</sup> Fabry (2010), 206.

<sup>92</sup> Although ironically, much of the peacebuilding efforts may enforce the current divides by freezing the conflict, thereby both legitimating the secessionist group and providing protection against further retaliatory aggression. Walker (1998).

behalf of the combatants.<sup>93</sup> Therefore, the lack of control may result in a severe escalation in the scope of the conflict in the case that external actors become more involved.<sup>94</sup> In fact, some scholars have identified restraint and the absence of violence as an important signal of group commitment, cohesion, and capacity, which may in turn promote international support and recognition.<sup>95</sup>

The absence of violence as a separatist tactic may also serve as an important catalyst of recognition for normative reasons.<sup>96</sup> In this vein, both international rhetoric and the academic literature have increasingly popularized the principle; “territorial gains achieved through violent means are not legitimate in the eyes of the international community.” As Oliver Richmond finds, “However, recognition of a state brought about through the use of force and foreign intervention was a significantly more difficult endorsement for the Security Council.”<sup>97</sup> Therefore, states may be almost exclusively willing to recognize groups that refrain from using violence in order to enforce international norms against violence,<sup>98</sup> which in turn can limit challenges to the preexisting order in the international system.<sup>99</sup> The one noteworthy exception to this rule may be when separatist groups form in response to ongoing violence in a country without a recognized legitimate ruling government. If the group advocates for separation within this failed state context, norms favoring the

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<sup>93</sup> Kydd (2005)

<sup>94</sup> If different external actors support each side of the conflict, then one could very well see this type of conflict as igniting a third World War; something that all states in the international community have carefully avoided.

<sup>95</sup> Chenoweth and Stephan (2008) and Stanton (2009).

<sup>96</sup> Zacher (2001), 220, Buchheit (1997)

<sup>97</sup> Richmond (1996), 137.

<sup>98</sup> One potential tradeoff is that without violence group will be have fewer grievances and therefore more difficulty mobilizing support, thus creating moral hazard problems.

<sup>99</sup> As Zacher (2001) argues, “Among the Western industrialized states, the association of territorial revisionism with major wars was the central driving force that led these states after World Wars I and II to advocate a prohibition of coercive territorial revisionism.” (238.) Therefore, a fear of violence can quite plausibly be associated with a fear of mass chaos throughout the international system.

sovereignty and territorial integrity of the parent state do not apply as strongly.<sup>100</sup> For example, while the Federal Republic of Yugoslavia (FRY) may not have been entirely defunct, a number of secessionist wars in the early nineties rendered the FRY government services largely irrelevant in Croatia and Slovenia. Therefore, the secession of Croatia and Slovenia (and later the other warring Balkan states) was met with much less opposition from the international community.

HOMOGENOUS POPULATION: A discourse has also developed over whether ethnic homogeneity produces greater lower levels of conflict in a separatist region, and the separatist movement would therefore be more likely to receive outside support.<sup>101</sup> This hypothesis argues that homogenous populations add greater legitimacy to a secessionist effort because they avoid the problem of creating a new national minority out of the previous majority population.<sup>103</sup> The breakup of the Federal Yugoslav Republic offers a strong example supporting this claim; the international community was much more comfortable recognizing the relatively homogenous Croatia and Slovenia and much more reluctant to extend similar recognition to the more ethnically diverse Bosnia. Moreover, the ensuing conflict between the Bosnian Serbs and Bosnian Muslims suggests that the fears of ethnic conflict were well founded. Thus, each of the cases explored will assess whether variation among levels of ethnic homogeneity affected the level of external recognition or

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<sup>100</sup> As Barkin and Cronin (1994) note, “the legitimacy of international system established in favor of nations or states during times of change (usually war).” (115). However, these must be the rare situations where the failed state in question enjoys neither juridical nor *de facto* sovereignty. See also Krasner (1993).

<sup>101</sup> Horowitz (1985) would promote this view, while Fearon and Laitin (2003) specifically note that they find no relationship between homogeneity and civil war. For a more philosophical discussion on the relative benefits of ethnic homogeneity in society, see Walker (1967).

<sup>103</sup> Fabry (2010), 10. The creation of an island of the previous majority population could in turn give rise to further separatist or irredentist efforts, and could also give rise to the ethnic security dilemma as outlined in Posen (1993).

support.<sup>104</sup>

## CASES

The paper analyzes three separatist movements and assesses the relative success that each case has received in obtaining international recognition. Below, the essay will first introduce a brief overview of the significant trends in each case and then evaluate the strength of the various hypotheses in light of the historical facts. The three separatist groups selected for analysis are 1) the Turkish Cypriots of Northern Cyprus 2) the Kurds of Iraq 3) the Armenians of Nagorno-Karabakh. These cases share a number of similarities. All of these regions contain concentrations of an ethnic minority population. Furthermore, all three groups have sought formal independence from the parent state at some point in time. Moreover, by 2013, all three cases have gained significant levels of *de facto* autonomy. However, the level of international recognition that each separatist region has received has varied. The Kurds of Iraqi Kurdistan have gained the greatest levels of international acceptance as an independent entity; while not officially recognized as an independent state, Kurdistan conducts its economic and political affairs autonomously from the Iraqi government. The TRNC has not gained much international acceptance, although the strict political and economic isolation imposed by the international community has shown signs of slowly lightening over the past decade. Moreover, the TRNC has firmly established itself as an independent actor in the international community. Lastly, the Nagorno-Karabakh Republic has been totally isolated and ignored by the international community. Nagorno-Karabakh is not recognized as an independent actor and is not even a participant during negotiations.

The following section provides an overview of each case and then offers analysis

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<sup>104</sup> Alternatively, a homogenous population may also lend normative support to the separatists' claim, as it fits more closely within the bounds of the international conception of self-determination.



into the primary factors that led to the level of recognition achieved in each case. The analysis section also assesses the strength of the various hypotheses. As a whole, the cases provide the strongest support for a theory of systemic stability. In particular, the hypotheses highlighting the importance of working within the established international system and the importance of Great Power states receive greatest support from the case analysis.

#### CYPRUS: OVERVIEW

The seeds of the conflict in Cyprus trace back to the presence of two very different populations in Cyprus under British rule. After the overthrow of British rule in 1960, a significant majority of the Cypriot population identified as Greek, and had very strong ties to the Greek government. In fact, many Greek Cypriots advocated *enosis*, or formal rejoining of the island of Cyprus to greater Greece.<sup>105</sup> However, a sizable minority of the population identified as Turkish Cypriots and was a legacy of past Ottoman rule.<sup>106</sup> The Turkish Cypriots strongly opposed *enosis*, and the resulting Cypriot constitution formally recognized Turkish Cypriot concerns of underrepresentation as an ethnic minority by giving Turks a disproportionate share of political power.<sup>107</sup>

However, neither side was pleased with the constitutional arrangement. The Greek Cypriots, led by Archbishop Makarios, pushed for *enosis*, and the Turkish Cypriots, led by Rauf Denktash, wanted either federal autonomy or independence.<sup>108</sup> However, the Turkish Cypriots suffered a major setback when, in December 1965, the United Nations Security Council passed Resolution 186, which “undeniably recognized Makarios’s government as the

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<sup>105</sup> Richmond (1998)

<sup>106</sup> Ker-Lindsay (2012)

<sup>107</sup> Hannay (2005) and Richmond (1998) suggest that the resulting constitution may have given too much power to the Turkish Cypriot minority.

<sup>108</sup> Richmond (1998), 98.

sole legitimate force on the island.”<sup>109</sup> This effectively constituted international recognition of the Greek Cypriot sovereign government and therefore endowed the government with all the rights of a traditional parent state, including sovereign territorial integrity.<sup>110</sup>

The situation on the island drastically changed in 1974, when a Greek-sponsored coup threw the country into disarray. Turkey sent military forces to Cyprus and occupied over a third of the northern part of the island, ostensibly to protect their ethnic kin.<sup>111</sup> The violence homogenized the population, as an estimated 160,000 Greek Cypriots and 40,000 Turkish Cypriots moved to the south and north of the island, respectively.<sup>112</sup>

After failed mediation attempts to unify the island, Denktash and the Turkish Cypriot leaders explicitly rejected the authority of the United Nations and declared independent statehood in 1983 as the Turkish Republic of Northern Cyprus (TRNC).<sup>113</sup> In response,

“Cyprus, Greece and the United Kingdom immediately called a Security Council meeting. In reply the Security Council adopted Resolution 541, which categorically condemned the unilateral action of the Turkish Cypriots, calling it invalid.”<sup>114</sup>

As a result of the UN resolution, no country other than Turkey recognized the independence of the TRNC, and the TRNC has suffered both political and economic isolation.<sup>115</sup>

Furthermore, even though Turkey recognized Northern Cyprus, it did not make a significant

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<sup>109</sup> Richmond (1998), 94.

<sup>110</sup> Interestingly enough, the vote on recognizing Cyprus as a sovereign member of the United Nations was cast with major reservations, as reflected in the fact that the resolution passed 47 in favor to 6 against with 51 abstentions, including the Soviet Union and most Western powers. However, the fact that the resolution *did* pass definitively set the stage for Greek and Turkish Cypriot negotiations through the present.

<sup>111</sup> Richmond (1998), Ker-Lindsay (2005), Ker-Lindsay (2012). Ker-Lindsay (2012) puts the exact percentage of territory occupied by Turkish forces at 38%.

<sup>112</sup> Ker-Lindsay (2012)

<sup>113</sup> Richmond (1998), 155. See also Hannay (2005) and Ker-Lindsay (2012).

<sup>114</sup> Richmond (1998). The vote passed 13-1-1, with Pakistan voting against and Jordan abstaining.

<sup>115</sup> Richmond (1998). “Embargos cripple trade in TRNC.” (November 2013).

effort to cultivate international support.<sup>116</sup> Nevertheless, Turkey has been committed to TRNC's survival, serving as the sole lifeline to the international community and spending an estimated quarter of a billion dollars in aid to TRNC every year.<sup>117</sup>

However, Turkey's utility-calculus of supporting the TRNC shifted significantly by the late 1990s as it became clear that Cyprus would be applying for accession to the European Union (EU). Turkey had similar aspirations for EU accession, and Turkey knew that it would not be able to join the EU if Cyprus joined first.<sup>118</sup> Turkey did not recognize the Cypriot government as legitimate, and there was no way Turkey would be accepted into the EU if it did not recognize the sovereign legitimacy of one of its constituent members.<sup>119</sup> As a result, Turkey threatened to annex the TRNC if the EU accepted Cyprus, hoping that the EU would be unwilling to draw in to Cyprus conflict.<sup>120</sup> Moreover, by being willing to accept a divided Cyprus into the EU, the EU implicitly rejected the legitimacy of the TRNC.<sup>121</sup> Once it became clear to Turkey that the EU would not bow to its pressure, Turkey then began putting unprecedented pressure on the Turkish Cypriots to reach a settlement with the Greek Cypriots so that Turkey would be able to recognize Cyprus and join the EU.<sup>122</sup>

In 2003, the TRNC took the unilateral step of opening their border to Greek Cypriots. This act was seen by the international community as a major step towards rapprochement and normalization between the two countries.<sup>123</sup> Seen as a major public relations victory for the TRNC, it resulted in new heights of international recognition. As

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<sup>116</sup> Richmond (1998), 197.

<sup>117</sup> Ker-Lindsay (2005), 4.

<sup>118</sup> Richmond (1998), 206; Ker-Lindsay (2012) 42.

<sup>119</sup> Ker-Lindsay (2005), 58.

<sup>120</sup> Ker-Lindsay (2012).

<sup>121</sup> Ker-Lindsay (2012), Richmond (2006)

<sup>122</sup> Ker-Lindsay (2005), 58.

<sup>123</sup> Richmond (2006).

Ker-Lindsay reports, “Even though the new administration was not formally recognized by any country other than Turkey, congratulations streamed in from governments around the world, all of which hoped that a settlement was now a step nearer.”<sup>124</sup>

Finally, in 2004, a negotiated settlement was put up for a referendum in (Greek) Cyprus and the TRNC. The Turkish Cypriots made a clear choice to support a federal union, with 64.91% in favor.<sup>125</sup> On the other hand, a hardline nationalist government urged the Greek Cypriots to oppose the referendum, and only 24.17% of Greek Cypriots voted for the referendum.<sup>126</sup> While Cyprus joined the EU a week later, the 2004 referendum signaled a marked shift in international opinion towards the TRNC.<sup>127</sup>

First, the UN Security Council would have passed a resolution in support of the Turkish Cypriot’s vote but for a Russian veto.<sup>128</sup> Second, Azerbaijan and a number of Central Asian countries threatened to recognize TRNC independence.<sup>129</sup> Third, the Organization of Islamic Cooperation upgraded the TRNC, which had been previously held observer status, to the “Turkish Cypriot State.”<sup>130</sup> Similarly, TRNC was granted observer status in the Parliamentary Assembly of the Council of Europe (PACE).<sup>131</sup> The European Union itself loosened restrictions against its citizens’ travel to the TRNC and in has allowed individual EU member states to decide whether or not to have economic relations with TRNC.<sup>132</sup>

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<sup>124</sup> Ker-Lindsay (2005), (80).

<sup>125</sup> Ker-Lindsay (2005)

<sup>126</sup> Ibid

<sup>127</sup> Ker-Lindsay (2012), 43.

<sup>128</sup> Ker-Lindsay (2005), 109. Analysts such as Ker-Lindsay have argued that Russia has lent Cyprus disproportionate support as a means to gain a small measure of influence in the European Union and Council of Europe. He also argues that Russia has played an instrumental role in preventing Central Asian countries from recognizing TRNC in the post-2004 era. Ker-Lindsay (2012).

<sup>129</sup> Ker-Lindsay (2005), 108; “Azerbaijan Stall TRNC Recognition.” (June 2003)

<sup>130</sup> Ker-Lindsay (2012), 140-141.

<sup>131</sup> Ker-Lindsay (2012), 149.

<sup>132</sup> Ker-Lindsay (2005), 113; Vogel (October 2010)

One also saw a marked shift in the behavior of U.S. and U.K. officials, when the U.S. Secretary of State met with the then president of the TRNC, Mehmet Ali Talat, and the British Foreign Minister met Talat in his 'presidential' offices as opposed to a less official location.<sup>133</sup> The British behavior is even more significant when contrasted with British negotiator David Hannay's account that from 1995-2003, "we [the United Kingdom] did not have official dealings with his government and ministers, and could not therefore call on them in their offices."<sup>134</sup> However, this augmented diplomatic relationship did not mean support for official independence, as evidenced by the United States' pressure on "certain Arab states" that were considering recognizing the TRNC.<sup>135</sup>

#### CYPRUS: ANALYSIS

First, when understanding the international community's relationship to the TRNC, one cannot understate the impact of UN Resolution 186 recognizing the Greek Cypriot government as the official representative to the international community.<sup>136</sup> That resolution set the Greek Cypriot government as the status quo state in the international system, and the Turkish Cypriot aspirations as outside, chaotic forces. This systemic disapproval was strongly reinforced through the Security Council Resolution 541 that expressly called the TRNC state 'invalid.' While the Great Powers on the Security Council played a role in passing this resolution, the stage for discounting the Turkish Cypriot state was already set by the Resolution 186 implicitly establishing the TRNC as illegitimate. However, one may make a stronger case for the role that Great Powers have had in coercing other states to not recognize a country through individual dyadic relationships. In particular, the Russian

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<sup>133</sup> Ker-Lindsay (2012), 89.

<sup>134</sup> Hannay (2005), 56.

<sup>135</sup> Ker-Lindsay (2012), 110.

<sup>136</sup> The impact that such a designation can have on the reality in the country is no more sharply highlighted than in Herbst's (2000) analysis of state-building in Africa.

pressure on Central Asian states and the American pressure on Arab states do seem to have affected their decisions on whether or not to recognize the TRNC.<sup>137</sup>

Second, it is important to note that while still considered illegitimate, the TRNC gained a significant amount of legitimacy after its decisions to open its borders in 2003 and its vote to rejoin Cyprus in 2004. What explains this increase in international support? The theory outlined in this essay proposes that the actions taken by the Turkish Cypriots during this time somehow diminished the threat to the present order of the international system. I argue that both opening the borders to Greek Cypriots and voting yes in the unification referendum do just that. In both situations, the Turkish Cypriots took actions intended to facilitate rejoining with the Greek Cypriots—and, more importantly, took actions that respected the sovereign territorial integrity rules set forth by the United Nations. This behavior lies in marked contrast to the Turkish Cypriots' behavior after declaring independence, where "Denktash's response to the harsh reaction of the Security Council was to argue that 'the Security Council was...not a judicial organization competent to judge the legality or validity of states.'"<sup>138</sup> In other words, Denktash defied the relevance of the United Nations and the power vested in it to maintain the current international system. Denktash's view implies that contrary to the prevailing logic, groups outside of the current sovereign system had the right to establish their own status of statehood. The irony here is, however, that as the Turkish Cypriots decided to work within the state system and not to actively pursue independence, they became more likely to gain the legitimacy that will actually lead to their independence.<sup>139</sup> This explanation fits well with the hypothesis that expects greater

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<sup>137</sup> Ker-Lindsay (2012), 112.

<sup>138</sup> Richmond (1998), 166.

<sup>139</sup> However, this does not address the potential setbacks or results of eventually declaring independence—it may be that the increase in legitimacy would allow the TRNC to move towards independence without backlash, or once a path towards independence was readopted, the past opposition to TRNC independence may resurge.

support for independence when working within the current normative system.

Turkey's unique decision to go against the tide and recognize the TRNC bears particular explanation. One might be inclined to explain Turkey's decision in terms of its ethnic kinship with the Turkish Cypriots—in fact, some of the Turkish Cypriots were Turkish settlers who had moved to Cyprus after the formation of the TRNC.<sup>140</sup> However, the ties of ethnic kinship do not seem to play an overriding factor in states' decisions whether or not to recognize separatist groups. The evidence points to a large degree of sympathy rising from a sense of shared religious heritage among the Muslim world. Such ties help explain why Pakistan and Jordan, the two Muslim countries on the Security Council at the time, did not support the Security Council Resolution 541 calling the TRNC invalid. Moreover, a shared religious (Muslim) heritage explains the inclination for Azerbaijan, the Central Asian countries, and the Arab states to want to recognize the TRNC. However, despite the sense of kinship, in no case did any of these states choose to actually recognize the TRNC.<sup>141</sup> Instead, other concerns took precedence, including the concern for the prevailing norms in the international system. Furthermore, the main shifts towards more active support took place after 2004—after the TRNC posed less of a threat to the normative order in the international system. Thus, ethnic kinship does not seem to be a major permissive factor in generating state recognition for most states.

Still, the ethnic ties between Turkey and the TRNC do certainly exist, and Turkey did recognize TRNC independence in defiance of the established international norms. One explanation for this is that ethnic ties did motivate Turkey to consider the defense of TRNC so vital to Turkey's national interest that it overrode concerns for the international sovereign

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<sup>140</sup> Richmond (1998)

<sup>141</sup> They did, however, choose to upgrade TRNC membership status in the Organization of Islamic Cooperation (OIC).

system. This could in fact be the case if Turkey considered Turkish Cypriots to be Turkish nationals. However, this logic fails to explain how the Turkish government “abandoned” the TRNC and forced reconciliation with the Cypriot government once it became clear that Turkey’s relationship with the TRNC jeopardized Turkey’s prospects for EU membership. If Turkey truly considered the TRNC as ethnic nationals, then the Turkish government should not have put its mainland interests before those of its peripheral nationals.<sup>142</sup> However, Turkey may also have had geostrategic interests for recognizing the TRNC, such as providing an excuse to maintain a standing military in the Mediterranean Sea, thereby greatly enhancing Turkish power projection and military influence.<sup>143</sup> Thus, the hypothesis suggesting that Turkey’s recognition of the TRNC was motivated by concerns of ethnic ties is inconclusive at best.

On the other hand, a hypothesis focusing on restraint and lack of violence fails to explain the increased levels of recognition enjoyed by the TRNC. True, the steps taken through the border opening and referendum were non-violent, but the negotiations that had taken place intermittently since 1974 with the Greek Cypriots had been non-violent as well, so violence cannot account for the change in recognition here. The evidence also points against the idea that ethnic homogeneity leads to higher levels of international support. After all, the violence in 1974 leading to the Turkish occupation of Northern Cyprus resulted in far greater ethnic homogeneity than had been present before 1974. However, there are no

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<sup>142</sup> One may respond by noting that the change in Turkey’s support level mirrored a change in government leadership, specifically the rise of the AKP. Therefore, it is plausible that the prior government felt a genuine kinship to the Turkish Cypriots and was therefore willing to risk international censure to protect their Turkish brethren, but the new government did not feel the same level of ethnic connection and therefore prioritized Turkey’s interests before those of the TRNC.

<sup>143</sup> One may infer such a possibility from the split that Hannay (2005) finds between the military and the political structure. The military used the TRNC as a means to exercise power and control beyond the reach of the Turkish politicians. As Hannay reports, “the military became completely incommunicado to overseas, non-military visitors.” (25). If the military could have reasonably expected to have this extra-political control through the occupation of Northern Cyprus, such a motivation may have played a role in affecting Turkey’s decision to invade Cyprus.



indications that the international community was more inclined to support Turkish Cypriot claims for independence once the Turks had expelled around 140,000 Greek Cypriots. If anything this may have led to the United Nations promptly declaring the TRNC declaration of independence to be 'invalid.'<sup>144</sup>

Finally, this case poses a major challenge to those who would promote the hypothesis that precedent-setting is the primary state concern when deciding whether or not to recognize a state's independence. Turkey, the one state that did recognize TRNC independence, has very strong reasons for not wanting to encourage the recognition of separatist movements. Turkey has struggled with highly motivated Kurdish nationalists from the Kurdistan Worker's Party (PKK) in southeastern Turkey hoping to secede and establish an independent Kurdish state. Yet, despite those fears, Turkey has recognized the TRNC. Thus, Turkey's support of Turkish Cypriot separatists does not exhibit the behavior predicted by the precedent-setting hypothesis.

In sum, the TRNC offers a case of a separatist group that tried defying the United Nations and its systemic foundations for multiple decades. However, shifts in power arrangements led to renewed pressure on the Turkish Cypriots to change their approach to the conflict and more earnestly seek out a settlement within the bounds of the established sovereign order. As a result of the Turkish Cypriots' change in tactics to work within the international system, they are enjoying unprecedented levels of international recognition. In contrast, the arguments relating to ethnic ties, precedent-setting, restraint of violence, and ethnically homogenous populations faced serious challenges by the facts of the Turkish Cypriot's struggle for independence.

#### IRAQI KURDISTAN: OVERVIEW

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<sup>144</sup> See Richmond (1998) 137. (Quoted in the theoretical explanation of the hypothesis on violence).

The Kurds are a Middle Eastern people with a distinct language, primarily concentrated in Turkey, Iraq, Syria, and Iran. While they comprise a unique ethnic population, the Kurds missed out on sovereign statehood after the collapse of the Ottoman Empire in the early twentieth century, a time when many of the modern Middle Eastern countries were established.<sup>145</sup> The failure to achieve sovereign statehood was not a result of a lack of trying, as demonstrated by the short-lived Kurdish Republic of Mahabad from 1946-1947.<sup>146</sup> Still, until around 1990, the Kurdish fight for independence within Iraq was largely internal to Iraqi politics.<sup>147</sup> Only later did the question of international recognition become more relevant to the case of Iraqi Kurds' aspirations for independence. Furthermore, the Kurdish quest for independence serves as a particularly useful case for analyzing the factors that affect international recognition, as the Kurdish nationalist movement in Iraqi Kurdistan has evolved from one with nearly no international support to a widespread level of international inclusion just short of official diplomatic recognition.

When the Kurdish people were denied territorial statehood under the Treaty of Lausanne in 1923, the Kurds of Iraq continued to fight for sovereign independence. The explicit goals of the Kurdistan Democratic Party (KDP) separatists called for “complete independence” and the establishment of a “federal Democratic State of Kurdistan.”<sup>148</sup> However, during the struggle for greater Kurdish self-governance, for pragmatic reasons, the Kurdish demands shifted from complete independence to greater autonomous rule, which the Iraqi government officially conceded in a 1970 agreement known as the ‘March

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<sup>145</sup> Bengio (2012), 10. As Bengio explains, the Treaty of Sevres promised the Kurds autonomy the option of a large Kurdistan state in areas formerly of Ottoman control. However, the Treaty of Sevres was later replaced by the Treaty of Lausanne, “which offered the Kurds nothing.” See also Aziz (2011), 60.

<sup>146</sup> Bengio (2012)

<sup>147</sup> Although the Kurds did receive outside support, particularly from Iran, as a means of furthering Iranian war efforts during the Iran-Iraq War, the question of Kurdish recognition remained an internal issue.

<sup>148</sup> Bengio (2012), 14.

Declaration.<sup>149</sup> However, even before the Iraqi government officially recognized limited Kurdish autonomy, the Kurds had carved out a great deal of *de facto* autonomy. In 1964, the Kurds established their Revolutionary Council, which served as an unofficial parliamentary structure.<sup>150</sup> Moreover, by the time that the central Iraqi government agreed to limited Kurdish autonomy, the Kurds had a sizable standing military force in their Peshmerga militia force, which included 20,000 Kurdish combatants.<sup>151</sup>

However, the March Declaration failed to bring about a peaceful settlement, as both sides accused the other of violating the terms of the agreement.<sup>152</sup> Nonetheless, throughout this time, the Kurds of Iraq took care to not advocate separatist aspirations. In fact, *Al-Ta'akhi*, a major Iraqi Kurdish publication, went so far as to deny that the KDP had ever sought separation, and declared the KDP's preference for a "voluntary union or federalism (*ittihad ikhtiyari*)."<sup>153</sup> During this time, the Kurds in Iraq did not receive any sovereign recognition from the international community, although a number of states took advantage of collaboration with the Kurdish population as a means of advancing their own national interests in Iraq.<sup>154</sup>

As the fighting between the Kurds and Iraqi government increased in intensity with the initiation of the Iraqi Anfal campaign in the later stages of the Iran-Iraq War, Kurdish civilian casualties skyrocketed. The Kurds turned to the international community for

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<sup>149</sup> Bengio (2012), 17,40-48. One of the major points of contention between the Kurdish nationalists and the central Iraqi government was the type of autonomy. The Kurds wanted territorial autonomy, while the central government feared that territorial autonomy would lead to greater support for separatist tendencies.

<sup>150</sup> Bengio (2012), 30-31.

<sup>151</sup> Bengio (2012), 31.

<sup>152</sup> Bengio (2012). Particular tension was generated over the question of the disputed province of Kirkuk. For more on the fight between the Kurds and Iraqis over Kirkuk, see Haber (2013).

<sup>153</sup> Bengio (2012), 93. However, Bengio also notes here that the publication specifically did not renounce the Kurd's right to self-determination.

<sup>154</sup> Bengio (2012), 35, 39. For example, the Iranians were willing to supply arms to the Kurds, not as a means of advancing Kurdish independence so much as a way of weakening and distracting the enemy Iraqi government.

assistance, but the United Nations ignored the appeal for intervention.<sup>155</sup> The Iraqi government's direct targeting of Kurdish non-combatants combined with its use of chemical weapons led to worldwide sympathy for the Kurds of Iraq. The plight of the Iraqi Kurds was epitomized by the Halabja massacre, during which Iraqi forces unleashed a chemical attack that became known internationally as "the Hiroshima of the Kurds."<sup>156</sup>

After the Persian Gulf War of 1991, the Kurds faced displacement and severe reprisals for their support of the Western forces during the fighting. Just two years after the Anfal Campaign, international media once again broadcasted the Kurdish plight for the world to see. Images around the world showed two million Kurds attempting to flee the oppressive Saddam Hussein regime only to be turned away at the borders of Iran, Syria, and Turkey.<sup>157</sup> The groundswell of international sympathy resulted in a primarily humanitarian United Nations Security Council resolution implementing a no-fly zone over Kurdistan, which served to "create a safe haven zone and entice stranded Kurds to a lower ground, where they could be properly treated, sheltered, and fed."<sup>158</sup> As a result, the Kurdish refugees were able to return to Iraqi Kurdistan.

The implementation of the no-fly zone, known as 'Operation Provide Comfort,' had a huge impact on the level of self-governance in Kurdistan. One major implication was that Saddam Hussein's Iraqi troops were forced out of Kurdistan.<sup>159</sup> The Kurds quickly filled the power vacuum, aided by the now 60,000 soldiers filling out the Peshmerga forces, many of whom were ethnic Kurds from outside of Iraq who had been motivated to fight for the

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<sup>155</sup> Bengio (2012), 132.

<sup>156</sup> Bengio (2012), 178-181.

<sup>157</sup> Bengio (2012), 199.

<sup>158</sup> Ahmed (2012), 7.

<sup>159</sup> Aziz (2011), 6.

nationalist cause.<sup>160</sup> Furthermore, the international community strong-armed the Iraqi government to once again begin autonomy negotiations. The Kurds wanted to push for independence from Iraq, but “under intense pressure from Washington and Turkey, the Kurdish leadership agreed not to declare independence but to seek autonomy within a democratic federal system of government in Iraq.”<sup>161</sup> In response to the Kurds cooperation, Kurdish leaders including Jalal Talabani and Mas’ud Barzani received an elevated level of diplomatic status and “became *personae gratae* in several Western capitals, including: London...Paris...and Washington D.C.”<sup>162</sup>

These meetings included high-level unofficial meetings with Western countries, including a secret meeting between Talabani, Barzani, and President George W. Bush in 2002.<sup>163</sup> While the Kurds tried to build greater international support from the Western allies, they were “met with a cool response from these countries, which continued to regard the problem as purely humanitarian.”<sup>164</sup> The reason the U.S. State Department gave for its limited support was that “a high degree of autonomy or independence for the Iraqi Kurds would be disruptive of area stability and inimical to our interests in the long run.”<sup>165</sup> This area instability would most directly adversely affect U.S. interests through encouraging separatist Kurdish sentiment in Turkey, a close U.S. ally. In other words, the U.S. association Kurdish autonomy with destabilizing precedent, adversely affected the level of support that the Americans were willing to give for Kurdish recognition. However, despite its claims to the contrary, the U.S. did find value in extending some degree of diplomatic recognition to the Kurds. As Ofra Bengio finds, “the Kurdish entity received a degree of legitimacy with

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<sup>160</sup> Bengio (2012), 197-199.

<sup>161</sup> Ahmed (2012), 9; Bengio (2012), 203.

<sup>162</sup> Bengio (2012), 204.

<sup>163</sup> Bengio (2012), 266.

<sup>164</sup> Bengio (2012), 224. Like the Western allies, the U.N. did not respond favorably to calls for the idea of an independent Kurdish states. Bengio (2012), 225.

<sup>165</sup> Bengio (2012), 70.

the establishment of Kurdish diplomatic offices in Washington and other Western capitals—at a time (following the post-1990 sanctions) when Iraqi officials were banned.”<sup>166</sup>

The 2003 Iraq War cemented Kurdish control over Iraqi Kurdistan as the Iraqi central government crumbled while the Kurdistan Regional Government (KRG) remained strong.<sup>167</sup> Furthermore, in 2006, the two major Kurdish parties with a long history of conflict signed a reunification accord, thereby further establishing the KRG’s legitimacy and the strength of Kurdistan democratic civil society.<sup>168</sup> Despite nominally being a sub-national accord, the signing drew international participation, with ambassadorial representation from United States, Great Britain, Russia, China, and Iran.<sup>169</sup> Five months later, the KRG went a step further in joining the international diplomatic community by establishing the Department of Foreign Relations (which was specifically not called the Foreign Ministry so as not to antagonize the central government).<sup>170</sup> Again, the Kurds took another small step towards independence without explicitly stating independence as a goal, due to fears of retaliatory activity from the United States and neighboring states.<sup>171</sup>

The establishment of the Department of Foreign Relations has met widespread acceptance in the international community, and as of 2013, Kurdistan has been operating as an independent state-like entity in the international community.<sup>172</sup> For example, when KRG President Barzani travelled to Paris, his reception was considered “out of the ordinary,” and “reserved for foreign heads of state.”<sup>173</sup> Similarly, the Danish Ambassador to Iraq treated the KRG with an elevated status when the Ambassador took his leave of President Barzani

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<sup>166</sup> Bengio (2012), 262.

<sup>167</sup> Kurdistan also did not experience the same degree of occupation by U.S.-led forces, and the Kurds served as allies against Saddam Hussein’s Iraqi forces.

<sup>168</sup> Bengio (2012), 303.

<sup>169</sup> Ibid.

<sup>170</sup> Bengio (2012), 305.

<sup>171</sup> Ahmed (2012), 47.

<sup>172</sup> Aziz (2011), 92.

<sup>173</sup> Ahmed (2012), 100.

before leaving Iraq. As Ahmed notes, “Such visits were normally kept for the Iraqi president, prime minister, and foreign minister.”<sup>174</sup>

Even more significant has been the trend for governments to establish permanent diplomatic offices within Kurdistan. As Bengio recounts,

“Many countries, including France, Germany, the Islamic Republic of Iran, the Russian Federation, and Turkey opened consulates general. In December 2010 Egypt became the first Arab country to open a consulate in Erbil, joining seventeen consulates from other countries. The Republic of Korea and Great Britain both maintain an embassy office in the region while Austria, the Czech Republic, Greece, and Italy have economic or trade offices. Japan, Denmark, the Netherlands, Spain and Sweden appointed honorary consuls to the region, and the United States is represented by its regional reconstruction team.”<sup>175</sup>

And the trend of state-level diplomatic normalization continues to strengthen. In 2010, the United States Congress decided to upgrade its representation to a consulate in Erbil.<sup>176</sup>

Moreover, Turkey’s decision to open a consulate was particularly symbolic of Kurdistan’s growing acceptance in the international community, as Turkey and Kurdistan’s other Arab neighbors have traditionally opposed greater recognition of an autonomous Kurdistan.<sup>177</sup>

Finally, Kurdistan has begun being included in certain UN committee meetings with the support of the Iraqi delegation, another step towards full international recognition.

While the state-level diplomacy does a great deal to convey Kurdistan’s growing acceptance in the international community, Kurdistan has also increasingly resembled a sovereign state through its military and economic activity. Under the new Iraqi constitution, Kurdistan has legally maintained their Peshmerga forces, which supplies Kurdistan with a ready military army capable of coercion, power projection, and maintaining internal order.<sup>178</sup>

Furthermore, Kurdistan has demonstrated its economic independence, as evidenced by the

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<sup>174</sup> Ahmed (2012), 51.

<sup>175</sup> Bengio, (305). Ahmed (2012) reports that by early 2010, there sixteen active diplomatic delegations in Kurdistan.

<sup>176</sup> Ahmed (2012), 98.

<sup>177</sup> Ahmed (2012), 205.

<sup>178</sup> Bengio (2012), 299.

over 40 oil contracts signed with foreign companies over the past few years.<sup>179</sup> A major oil contract with Exxon Mobil was particularly telling, as Kurdistan signed the agreement despite strong opposition from the central government.<sup>180</sup> In short, today's Kurdistan not only operates as a *de facto* state in relation to its domestic population, but it also interacts with the international community on a *de facto* state level.

#### IRAQI KURDISTAN: ANALYSIS

The case of Iraqi Kurdistan has achieved an unusually high level of international recognition and legitimacy in the international community. A number of factors combined to lead to Kurdistan's near-sovereign legitimacy in the international system. The categorization of Iraqi Kurds as an unprotected minority, the internationalization of the Kurdish issue, the overthrow of the 2003 regime, and the Kurds' ability to advance their cause for statehood without challenging the international sovereign order have all played very important roles in allowing the Kurds to gain such a high level of recognition in the international community.

First, Iraqi Kurdistan saw a dramatic increase in international sympathy towards its separatist aspirations after the widespread international recognition of the atrocities committed during the Anfal Campaign and at Halabja.<sup>181</sup> These attacks set the stage by establishing that the Kurds had a reasonable expectation that their human rights would not be protected as a minority ethnic population under the Iraqi government. Thus, the constraints forbidding minority citizens of sovereign states from aspiring to self-governance were lifted due to the clear violation of human rights, and the Kurds were granted the remedial right to take action to protect their rights. As such, the human rights violations of the Anfal Campaign played an important permissive role in legitimizing the Kurds' half-

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<sup>179</sup> Bengio (2012), 208.

<sup>180</sup> Bengio (2012), 206.

<sup>181</sup> Human Rights Watch estimates that between 50,000-100,000 Kurds were killed by Iraqi forces during the Anfal Campaign. Human Rights Watch (1993).



century-long struggle for greater autonomy.

Next, one critical move made by the international community lifted the Kurdish question to international attention: the decision to pass UN Security Council resolution 688, which empowered member states to intervene in Iraq on behalf of the Iraqi Kurds. This resolution marked a significant shift from Iraqi Kurdistan as an internal issue to one of international concern. As Mohammed Ahmed notes, “The UN resolution internationalized the Kurdish question by mentioning the Kurds for the first time since 1923.”<sup>182</sup> The fact that the United Nations had discussed the Kurds of Iraq as a distinct entity from the Iraqi government—even if only in a humanitarian context—helped legitimize the notion of a unique Kurdish people operating in international politics at the state level. It was this shift that bumped the Iraqi Kurds up to nearly the state-level in the international system, and allowed for the state-like diplomatic relationships that followed.

Furthermore, the chief transition from international sympathy to active diplomatic engagement occurred after the U.S. invasion of Iraq in 2003. This fits with the theory promoting the centrality of international systemic stability in deciding the levels of international recognition. From 1991-2003, while the international community saw the Kurds as an oppressed people worthy of greater autonomy and the U.N. resolution had allowed the Kurds an entry-point into the sovereign community, the state-level diplomatic interaction between Kurdistan and states in the international community was still barred by the presence of a sovereign Iraqi state. However, the 2003 Iraq War freed this constraint by overthrowing the Iraqi regime and leaving Iraq temporarily without sovereign rule. During the aftermath of the war, the international community had a chance to reconstruct the sovereign nature of the Iraqi state. At this point, any increased recognition given to

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<sup>182</sup> Ahmed (2012), 8. See also Aziz (2011), 83.

Kurdistan would not detract from the sovereignty of the preexisting Iraqi government, because, with Saddam Hussein ousted from government, no sovereign authority existed within the Iraqi space.<sup>183</sup> At some level, the U.S.-led coalition destroyed the sovereign state of Iraq and created a new Iraqi state as its successor. During the recreation of Iraq, Kurdistan's relationship changed so that the new state did not completely follow the same sovereign-dependent relationship that had been internationally mandated during the prior regime. Thus, while Kurdistan nominally remained under Iraqi jurisdiction, the KRG took advantage of an opening to increase its legitimacy within the confines of the established international system and made the extra step to reaching a pseudo-state level of diplomatic relations with the international community.

Finally, Kurdistan's successful cultivation of diplomatic relationships on a state-to-state level has also been aided by the Kurdish willingness to not declare formal independence. The fact that the Kurdish people have long desired independent statehood is clear from Kurdistan's failed Republic of Mahabad from 1946-1947.<sup>184</sup> However, the Kurds have taken special care to avoid challenging Iraq's sovereign territorial statehood through a declaration of independence. This decision to refrain from declaring sovereign independence had a vital effect—it has allowed the KRG to exert greater autonomous control without actually challenging the sovereign status of a territorially unified Iraq in the international system. Thus, the Kurds were able to transform their separatist aspirations from inherently zero-sum to a positive sum where the Kurds could have a great level of autonomy within an over-arching statist structure.<sup>185</sup> Moreover, because the Kurds have worked within the system of territorial integrity, they have reinforced the current international order and

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<sup>183</sup> Therefore, given Kurdish self-sufficiency, the lack of a constricting sovereign principle removed a primary obstacle preventing recognition.

<sup>184</sup> Bengio (2012)

<sup>185</sup> Walker (1998)

promoted international stability. As a result of Kurdistan playing along with the system of international sovereignty, other countries can include Kurdistan in the system without threatening the internal coherence of the international structure. Even after the overthrow of Saddam Hussein, the Kurds signaled their commitment to preexisting territorial integrity norms by not seceding.<sup>186</sup> As a result of the Kurds' determination to work within the international system, the international community has felt increasingly more comfortable including Kurdistan as a sovereign member. This is precisely the mechanism predicted by the hypothesis on international stability.

One side effect of this relationship, however, is the internally inconsistent way that Kurdistan interacts with the diplomatic community. On one hand, member states extend rights and privileges to Kurdistan as if it were a fellow sovereign state. On the other hand, those same members of the international community have universally ignored the fact that Kurdistan is treated as a sovereign equivalent. The reason why the international community cannot officially recognize that Kurdistan has joined the diplomatic community as an independent entity is because of the threat that such a reality would pose to the current international system. To allow for a sub-national group to exert sovereign-like control would be to include actors on a diplomatic stage that was previously solely constrained to sovereign states. By ignoring the fact that Kurdistan has been exercising sovereign-like powers, other member states have been able to continue to maintain the illusion of normative consistency.<sup>187</sup> Thus, Kurdistan's decision to not challenge international systemic stability and force the international community to cope with the implications of a sovereign separatist state has allowed Kurdistan to effectively join the international community, albeit in a

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<sup>186</sup> Furthermore, the Kurds have also cultivated territorial legitimacy through a narrative that identifies land as historically Kurdish regions that have been illegally invaded by non-Kurdish settlers in violation of international norms.

<sup>187</sup> This is closely related to the effect that Krasner (1999) calls "organized hypocrisy."

thoroughly labyrinthian manner.<sup>188</sup>

When assessing the outlined hypothesis one finds once again that Great Power states do play an important role in determining the levels of state recognition of a separatist state. There is no question that the Great Power states had a role in the decision to intervene and support Kurdistan through the implementation of a no-fly zone—after all, it was primarily the troops of Great Power states responsible for enforcing the no-fly zone and thus preventing Saddam Hussein’s soldiers from maintaining control of Kurdistan. Nevertheless, the intervention of the Great Power states is less important than the motivation behind the decision to intervene. While the official reason for establishing a no-fly zone over Kurdistan was due to international sympathy and human rights violations, the international community’s inconsistent record of responding to massive human rights violations suggests that the violations of human rights are insufficient to warrant international intervention.<sup>189</sup> After all, the international community had ignored Kurdish pleas for help just a few years earlier during the Anfal Campaign.<sup>190</sup>

However, the violations resulting in international intervention did not just cause death and destruction; they also generated 2 million refugees with nowhere to go. Under the sovereign system, because sovereign states represent the people of the world, every person should have membership in some sovereign state. Thus, stateless refugees challenge the order of the sovereign international system. More specifically, the presence of 2 million stateless refugees pose a serious problem for the state system by violating the accepted state-

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<sup>188</sup> One can conceivably see this inclusion reinforcing its own legitimacy, building on itself until Kurdistan does in truth reach a state of full *de facto* statehood. At such a point in time, because the international community has essentially accepted the country as a sovereign state (without acknowledging the process), one would imagine that the Kurds could then make the jump to officially recognized sovereign statehood without undermining international stability.

<sup>189</sup> Gilligan and Stedman (2003), Oxfam (2000)

<sup>190</sup> However, it is important to note that there were also major geopolitical factors that influenced the decision to not intervene during the Iran-Iraq War. The international community was hesitant to do anything, including support the Kurds, which might hurt Iraq and help facilitate an Iranian victory.

citizen relationship. As such, it is likely that Great Power states were concerned about the impact that the Kurdish refugees would have on the stability of the international system; and that this in turn motivated the Great Powers to intervene through the UN Security Council—thereby elevating the Kurdish question in Iraq to the international stage. Thus, once again, it appears that concerns for international stability motivated the decision-making activity of the international community to extend greater recognition to autonomous Kurdistan, just as that hypothesis suggests.

Furthermore, as would be consistent with the theory of international systemic stability, the case of Iraqi Kurdistan demonstrates that external states are more likely to recognize separatist groups when they work within the international sovereign system and don't challenge regional stability. In this case, the decision to not declare independence was particularly noteworthy as a good-will gesture promoting international stability. However, while there was some evidence of concerns that recognition and greater Kurdish autonomy could lead to greater regional instability, this concern may account for the fact that the full wave of diplomatic ties did not come until important gestures by regional actors such as Turkey signaling a change in mentality regarding the increased acceptability of an autonomous Kurdistan.

However, the fact that Turkey established relations with Kurdistan might seem to challenge the precedent-setting effect hypothesis—after all, by normalizing relations with the Kurds of Iraq, the Turks may have encouraged the separatist-leaning Kurds of Turkey. Upon a closer examination, however, one finds that Turkey has still retained an open threat to invade Kurdistan if Kurdistan declares independence, a stance that is indicative of Turkey's real fear about the ramifications of events in Kurdistan on Turkey's own Kurdish population. Moreover, the arrangement with Kurdistan was partially in order to build

Kurdistan's support for a two-pronged attack on the militant Kurdish separatists in Turkey, a move which forces a strong distinction between the goals and aspirations of the Iraqi Kurds and those of the Turkish Kurds. Moreover, Ahmed clearly states the Turkish concern for precedence: "Turkey did not want the Kurds to set a precedent for its own Kurdish population and territories."<sup>191</sup> Therefore, the fact that Turkey's ability to forge a strong relationship with Kurdistan has been highly constrained by Turkish concerns for precedent, indicates the important role that precedence plays in the decision for (at least) some countries to recognizing separatist states.<sup>192</sup>

Next, in assessing the influence of ethnic kin, one does not see any dramatic shifts that could explain the change in behavior of various state's decision to develop their diplomatic relationships with Kurdistan. Moreover, because the Kurds do not have any states that share ethnic ties, one must look at the influence that the ethnic diaspora population may have had.<sup>193</sup> There is indeed some evidence that the large Kurdish diaspora populations in Europe and the United States may have played a helpful role in internationalizing the persecution of the Kurds after the Anfal Campaign and then during the retaliatory invasion following the first Gulf War.<sup>194</sup> However, while the diaspora may have been helpful in publicizing the persecution of Kurds, there is no evidence that the Kurds would not have received the same external publicity without the help of the

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<sup>191</sup> Ahmed (2012), 140.

<sup>192</sup> The precedent mechanism here is slightly different than the one proposed by the theory. The theory anticipates opposition based on the potential for challenging the state system, while Turkey seems primarily concerned with its own personal problem. However, because states are motivated by their own concerns to support the international status quo, this result is consistent with the proposed theory.

<sup>193</sup> Interestingly, Bengio (2012) notes that the Israelis felt a sense of shared history to the Kurds due to similar trajectories of persecution in the face of statelessness, and suggests that these sentiments, in addition to strategic benefits to supporting antagonists against the shared Iraqi enemy, may have played a role in Israel's military and humanitarian aid to the region.

<sup>194</sup> Bengio (2012), 281.

diaspora.<sup>195</sup> After all, a key component causing the international publicity was the great deal of access offered to international media.<sup>196</sup> Furthermore, countries without significant Kurdish populations were willing to support the Security Council resolution authorizing the no-fly zone. Russia's support of the resolution is of particular interest in this regard, because Russia has traditionally been extremely reluctant to support military interventions.<sup>197</sup>

Moreover, Kurdistan offers an example of a separatist state that has not refrained from engaging in violence. The Iraqi Kurds represent a population that has attempted to win greater autonomy through force—not only did they violently establish the earlier Republic of Mahabad, they have initiated no less than five violent rebellions against their Iraqi sovereigns in as many decades.<sup>198</sup> Moreover, while there may have been relatively less violence in Kurdistan than the rest of Iraq after the Second Iraq War,<sup>199</sup> this just reflected the greater level of counter-terrorist security in Kurdistan than Iraq as opposed to greater restraint from state-sponsored violence. Therefore, the international support Kurdistan has received does not support the expectations of this hypothesis suggesting that restraint leads to recognition.

Finally, the case of Kurdistan does not support the hypothesis stating that ethnic homogeneity will lead to state recognition. After all, while the Kurdistan region does contain a high percentage of Kurds, it also contains significant Arab, Turkmen, and Assyrian populations, and Kurdistan has still successfully moved towards greater and greater

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<sup>195</sup> Such evidence may have manifested itself as a lack of external support by actors without ties to Kurds or the Kurdish diaspora. However, highly invested actors such as Danielle Mitterand (see Bengio 2012, 225) suggests that in the counterfactual case subtracting the impact of the Kurdish diaspora, there would still have been international awareness about the Kurdish plight.

<sup>196</sup> Aziz (2011), 83.

<sup>197</sup> One might make the case that Russia's will was easy overridden at this time, and Russia was reeling from the dissolution of the Soviet Union. Still, little evidence indicated that internal domestic pressures played a large role in bringing about the U.N. resolution, and also does not explain the sharp increase in level of recognition following 2003.

<sup>198</sup> Bengio (2012), 130.

<sup>199</sup> As Aziz (2011) 12, finds; "Following the removal of Saddam Hussein's regime and the subsequent violence, the three provinces under the Kurdistan Regional Government's control were the only three in Iraq ranked 'secure' by the U.S. military."

recognition.<sup>200</sup>

In sum, a number of permitting factors worked together to facilitate the high level of international support that Kurdistan received from the international community. First, the Anfal campaign's human rights abuses loosened the normative restrictions against the Kurds seeking self-determination and also internationalized the Kurdish plight. Second, the Second Iraq War destroyed the preexisting sovereign order in Iraq, which enabled states to recognize greater Kurdish independence without undermining Iraqi sovereignty. Finally, the Kurdish decision to not seek explicit independence signaled a willingness to work within the current international system and thus bestowed greater legitimacy onto the movement. These factors lend greatest support to the central role that concerns for international systemic stability plays in determining the level of external state recognition, and the way that working within the system can bring about greater recognition.

#### NAGORNO-KARABAKH: OVERVIEW

The Nagorno-Karabakh region was an autonomous *oblast*<sup>201</sup> under the Soviet Union within greater Azerbaijan, despite Nagorno-Karabakh having an ethnic composition more similar to neighboring Armenia.<sup>202</sup> As nationalist aspirations began to tear the Soviet Union apart, representatives from Nagorno-Karabakh “voted 110-17 to request from Moscow the transfer of Karabakh to Armenia.”<sup>203</sup> However, Azerbaijan's refusal to accept the separatist ambitions of the Armenian-dominated oblast led the Armenians of Nagorno-Karabakh to declare independence. This in turn sparked a full-blown war as Azerbaijan sought to reassert control against Armenia, which fought in support of the autonomous province. Russia secretly sided with the Armenians, and by the 1994 Russian-brokered ceasefire, most of the

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<sup>200</sup>Bengio (2012), 56; Mamouri (September 2013); Aziz (2011), 92.

<sup>201</sup> Region.

<sup>202</sup> Laitin and Suny (1999), 151.

<sup>203</sup> Laitin and Suny (1999), 152.



Nagorno-Karabakh region as well as a number of Azerbaijani provinces had fallen under Armenian control.<sup>204</sup>

Despite the overwhelming majority of ethnic Armenians in Nagorno-Karabakh and the current Armenian control, no state in the international community has recognized Nagorno-Karabakh's independence, including Armenia.<sup>205</sup> As Berg and Molder find, "the results of these [Nagorno-Karabakh's] self-determination acts were overwhelmingly considered null and void by the international community."<sup>206</sup> The only exceptions to this rule of non-recognition are the other pseudo-states in Eastern Europe: Abkhazia, South Ossetia, and Transdneister all recognize Nagorno-Karabakh as well as each other.<sup>207</sup>

While Nagorno-Karabakh has continued to function independently over the past twenty years, there has been little movement in terms of state recognition. The international consensus continues to view Nagorno-Karabakh as illegally occupied by Armenia.<sup>208</sup>

Moreover, Nagorno-Karabakh is not a party to negotiations over its fate; the negotiations have all been conducted directly between the Armenians and Azerbaijanis.<sup>209</sup> By 1996, the parties had agreed that the peace settlement would fall in line with three broad principles: "the preservation of Azerbaijan's and Armenia's territorial integrity; the realization of the right of the Karabakh people to self-determination through the provision of the "highest degree" of autonomy within Azerbaijan; and security guarantees for all parties."<sup>210</sup>

Furthermore, Nagorno-Karabakh has not established separate citizenship; citizens of the Nagorno-Karabakh Republic have Armenian passports, and Nagorno-Karabakh did not

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<sup>204</sup> Berg and Molder (2012), 533; Mehdiyeva (2003), 283

<sup>205</sup> Midgalovitz (2001) finds that Armenia does not recognize Nagorno-Karabakh because doing so would be tantamount to igniting a war with Azerbaijan, something that Armenia's Russian supporters will not allow.

<sup>206</sup> Berg and Molder (2012), 528.

<sup>207</sup> King (2001), 543.

<sup>208</sup> Ker-Lindsay (2012).

<sup>209</sup> Betts (1999), 164.

<sup>210</sup> Walker (1998).

even have a constitution until December 2006.<sup>211</sup>

#### NAGORNO-KARABAKH: ANALYSIS

The Nagorno-Karabakh Republic differs from the cases of TRNC and Kurdistan in that it has received practically no recognition of any degree from the international community. The fact that the Nagorno-Karabakh Republic does not even have a seat at the negotiating table is very instructive—Nagorno-Karabakh represents a case of complete lack of recognition, yet also a failure of international will to pursue active delegitimization.<sup>212</sup> In the case of Nagorno-Karabakh, this paper's theory expects recognition of the separatist region to severely challenge current systemic state sovereignty norms.

First, it is important to identify a puzzling factor: as in the case of Kurdistan's increased recognition following the Second Iraq War, Nagorno-Karabakh emerged at a time when sovereign borders were being redrawn. Therefore, one might expect greater amenability to granting territorial autonomy. However, one finds much more opposition to Nagorno-Karabakh's quest for independence than that of Iraqi Kurdistan. The chief differences between the two cases are the interests of the Great Power states as well as the fear of systemic instability through detrimental precedent-setting.

As in the other two cases, Great Power interests play an important role. In the case of Nagorno-Karabakh, the primary Great Power player is Russia. Russia considers stability in its near abroad to be one of its primary national security interests.<sup>213</sup> Furthermore, Russia sees stability as most easily accomplished with direct Russian oversight.<sup>214</sup> Russia has been

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<sup>211</sup> Kolstø and Blakkisrud (2008); Berg and Molder (2012), 534. While some might see this as evidence that Nagorno-Karabakh residents would prefer to remain within Armenia rather than exist as an independent entity, Armenia has rejected the option of irredentist annexation, so the Nagorno-Karabakh nationalists have had to pursue independence as a goal, not rejoining the greater Armenian state.

<sup>212</sup> With the exception of Azerbaijan, which actively works to delegitimize Nagorno-Karabakh and regain sovereign control. Guliyev (2013).

<sup>213</sup> Mund (2013)

<sup>214</sup> Betts (1999), 172.

able to keep a close eye on Nagorno-Karabakh and the status of the conflict by maintaining a very strong presence in Armenia; politically, militarily, and economically.<sup>215</sup> On the other hand, Azerbaijan has been far more independent in pursuing its policy, often butting heads with Russian interests.<sup>216</sup> Thus, in order to maximize its influence in the Caucasus region of the post-Soviet near abroad, Russia has worked to ensure that the Nagorno-Karabakh conflict remains unsolved.<sup>217</sup> In a similar vein, the deterrent threat of Russian intervention keeps Nagorno-Karabakh in Armenian hands despite the fact that Armenia's army is vastly outmatched by Azerbaijan's.<sup>218</sup> Nonetheless, Russia is also not interested in the legitimization of Nagorno-Karabakh—Russia, like the rest of the sovereign member states, has a strong interest in maintaining the status quo with respect to international borders.<sup>219</sup>

Moreover, in the eyes of the rest of the international community, recognizing Nagorno-Karabakh's right to self-determination would unleash substantial instability in the region through empowering states outside of the normalized diplomatic community and by setting harmful precedents. One of the primary ways through which the current international system could suffer from the recognition of Nagorno-Karabakh would be the chain effect it could have on other frozen conflicts in the region. The unrecognized Eastern European states have likely further hurt their cause in the eyes of the international community by banding together and extending diplomatic interactions between their respective states.<sup>220</sup> By

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<sup>215</sup> Dimov (2013).

<sup>216</sup> Valiyev (2013). While one might think that this anti-Russian stance is a result of Russian support for Armenia, the evidence suggests that the non-Russian sentiment precedes the Russian decision to back Armenia as Azerbaijan took a hard pro-Western position immediately upon declaring independence. Over time, particularly under the Aliyev regime, Azerbaijan has sought to mend ties with Russia, despite the conflict over Nagorno-Karabakh.

<sup>217</sup> A stalemate serves Russian interests better than a pro-Armenian settlement because an unfavorable settlement would push Azerbaijan from an 'independent' foreign policy to an avowedly pro-Western approach.

<sup>218</sup> Valiyev (2009), Dimov (2013).

<sup>219</sup> Russia's behavior is exceptional in South Ossetia and Abkhazia, where Russia does not feel that it is challenging the international status quo because of its sense of extended sovereignty in the current international system over its immediate near-abroad. Most of the international community disagrees.

<sup>220</sup> King (2001), 543.

doing so, they have reflected the attitude reflected by Denktash during the early years of the TRNC—these unrecognized states have flouted the recognized body of sovereign states and tried to force entry into the exclusive international community club. Thus, as in the case of Iraqi Kurdistan, the case of Nagorno-Karabakh supports the hypotheses concerning the interests of Great Power states, the challenges facing actors beyond the international normative system, and precedent-setting concerns.

This case study is also consistent with the hypothesis that sees violence as counter-productive towards state recognition of a separatist state. Nagorno-Karabakh, through Armenia, has remained at war with Azerbaijan since its declaration of independence, and as a result, it is unsurprising that the self-proclaimed republic has not received greater recognition.<sup>221</sup> Moreover, in the case that external states did in fact recognize Nagorno-Karabakh, states have good reason to believe that Azerbaijan would retaliate against the Nagorno-Karabakh region and its Armenian protectors, regardless of Russian threats of reprisals. Moreover, such a conflict with Azerbaijan would likely also draw in Turkey, due to strong ethnic ties and Turkey's national interest in maintaining a power projection capability in the region. In turn, Turkish involvement would threaten to escalate a potential conflict into the very type of war that Zacher believes the sovereign territorial integrity norm is meant to prevent.<sup>222</sup> The strongest evidence for fear of retaliation playing an important role comes from Armenia's refusal to recognize Nagorno-Karabakh, despite the ties of kinship, for fear of sparking a war.<sup>223</sup> Therefore, it also appears that ties of ethnic kin cannot be a primary motivating factor. However, as expected, ethnic ties do predispose external actors

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<sup>221</sup> While there has not been an outbreak of full-scale fighting, firefights do arise sporadically, causing the occasional casualty.

<sup>222</sup> Midgalovitz (2001); Zacher (2001), 238.

<sup>223</sup> This does not, however, stop Armenia from providing Nagorno-Karabakh with an interstate loan that covers 75–80% of its budget. Kolstø (2006).

towards a sympathetic stance, especially within a diaspora community.<sup>224</sup> Nonetheless, there is little evidence of the diaspora having a significant effect on changing the levels of recognition Nagorno-Karabakh receives.<sup>225</sup> Finally, once the Armenian occupation of Nagorno-Karabakh began, all of the remaining Azeris fled or were expelled.<sup>226</sup> This has resulted in “a population that is almost completely homogeneous in ethnic terms.” However, despite this ethnic homogeneity, the ethnic Armenians of Nagorno-Karabakh still did not receive any recognition. In total, all of the hypotheses except that of ethnic homogeneity are consistent with the findings in the case of Nagorno-Karabakh.

## CONCLUSION

When examining the three cases, one finds that the separatist states received very different levels of support from outside actors. Iraqi Kurdistan has received the highest level of support, and conducts its diplomatic and economic affairs nearly as if it were a sovereign state, leading some to call Kurdistan ‘sovereign’ in all but name. The TRNC has faced much higher degrees of political and economic isolation, but recent years have shown indications of greater economic integration with the international community. The Nagorno-Karabakh Republic faces the highest degree of isolation, and while the international community does support limited autonomy within sovereign Azerbaijan, the breakaway enclave has received minimal international recognition even from its strongest supporters.

Of the hypotheses tested, only Great Power interests and working within the international system received considerable support from each of the cases tested. However,

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<sup>224</sup> Take, for example, the success of the Armenian Diaspora community in getting the city council of Highland, California in the United States to recognize Nagorno-Karabakh. “Azerbaijan Protests California Town’s Recognition of Nagorno-Karabakh.” (26 November 2013). However, this decision does not appear to have significantly impacted the bilateral relationship between the U.S. and Azerbaijan nor affected the opinion of the international community in any appreciable fashion.

<sup>225</sup> Still, much to the consternation of the Azerbaijani government, the Armenian diaspora has been more effective in constraining arms sales to Azerbaijan. Guliyev (2013).

<sup>226</sup> Kolstø and Blakkisrud (2008); Laitin and Suny (1999), 163.

as demonstrated in the case analyses, the Great Power explanations fail to explain the motivations underlying the behavior (recognition) that the research project hopes to explain. Therefore, between these two hypotheses, I believe that the explanation focusing on the concerns for international stability by working within the international system provides the greater explanatory leverage.

Furthermore, separatist states may undermine international stability through one of two mechanisms. First, states can set harmful precedents, as demonstrated in two of the three cases,<sup>227</sup> which in turn promotes norms that challenge the established international order. The second mechanism through which separatist states challenge international stability is when separatists behave outside of the accepted norms of the international system, thus generating uncertainty and destabilizing the established order. One may explain the variation in cases through both of these mechanisms.<sup>228</sup>

One similarity between Kurdistan and the TRNC is that both have established a precedent of working within the sovereign state system to receive higher levels of international recognition. In Kurdistan, the KRG has accepted all of its autonomous power without claiming to seek complete independence from the sovereign state of Iraq, thus demonstrating the KRG's willingness to operate within the current territorial delineations. As such, any eventuality that could conceivably result in territorial changes could not be easily categorized as a challenging precedent to the sovereign community. Similarly, once the Turkish Cypriots voted to unify with the Greek Cypriots in the 2004 referendum, the Turkish Cypriots demonstrated their willingness to work within the sovereign state system without territorial changes. Thus, any greater autonomy through such a course does not

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<sup>227</sup> In the cases of Iraqi Kurdistan and Nagorno-Karabakh.

<sup>228</sup> However, because of the precedent-setting mechanism's failure to explain Turkey's behavior towards the TRNC, it may be that the second mechanism emphasizing credible commitment is more robust. However, further differentiation will require an increased sample through future research.

appear to award secession but rather reinforces support for the territorial integrity norm. In contrast, the separatists of Nagorno-Karabakh refuse to remain within territorial Azerbaijan. Consequently, any recognition for the breakaway republic would set a negative precedent for the territorial integrity norm.

The second mechanism finds that external states' hesitancy to recognize separatist states is based on the uncertainty caused by private information about the separatists' commitment to the current normative regime, rather than concerns of precedence for other separatists.<sup>229</sup> After all, the current separatists definitely want to challenge at least one aspect of the system: the sovereign territorial integrity norm.<sup>230</sup> Therefore, the reason why Kurdistan and the TRNC have received greater international recognition once they have taken costly measures to work within the international system might serve, not as an indication that these groups are no longer interested in sovereign independence, but as a means to signal the depth to which they are committed to complying with current international norms.<sup>231</sup> Thus, the problem facing the separatists is one of credible commitment; the separatist states must find ways to prove to the international community that they are fully committed to working within the system. By foregoing numerous opportunities to declare sovereign independence, the KRG has displayed a credible commitment to working within the current international system. The Turkish Cypriots also won a great deal of good faith after the 2004 referendum. By voting to integrate with the Greek Cypriots, the Turkish Cypriots made a credible commitment to work within the current territorial system, even though the cost of which will probably be the independence

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<sup>229</sup> Fearon (1995)

<sup>230</sup> At least until the separatists are recognized as a sovereign state.

<sup>231</sup> Fearon (1997). If so, then the success of the separatists may be less related to concerns that the separatist state is currently violating international norms than that these separatists might use the legitimacy of their sovereign statehood to undermine the accepted rules in the international system.

of the TRNC. However, if the Greek Cypriots continue to reject proposals for integration, one would expect increasingly high levels of acceptance of the TRNC from the international community. However, those in Nagorno-Karabakh have given no indication that they are interested in working within the international system. Thus, it may be that this signal of a willingness to work within the current international order has in turn made the international community more willing to consider including these states within the sovereign club.<sup>232</sup>

However, the question still remains of whether these gains in both cases would be immediately retracted if the groups ever did take a greater step towards independence. While this is possible, it also seems likely that if a separatist state acts as a *de facto* sovereign within the accepted international community for a sufficient amount of time, the international community will take efforts to formalize the relationship with the state in order to preserve the sovereign structure of the international system.<sup>233</sup> This suggests one practical difference between whether the concerns for international stability operate through a mechanism reflecting a concern for precedent or through a signaling mechanism. If the recognition operates through a precedent-setting mechanism, then as soon as the separatist states take an action that sets a negative precedent, such as declaring independence within the borders of a preexisting sovereign state, then the international support for that separatist state should immediately diminish. On the other hand, if the critical factor is a signaling mechanism, then the costly actions to demonstrate the separatist state's commitment to the normative system adequately reveal the separatists' resolve for compliance. Therefore, if the separatist state

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<sup>232</sup> A breakdown in international stability has often been a precursor to systemic change, and therefore actors that challenge the international order, through violence or otherwise, will more likely receive censorship from the international community. By convincingly demonstrating a commitment to following the understood norms of the current system (and thereby reflecting an inclination toward stability), the signaling mechanisms employed by aspiring separatist states can be critical for gaining international acceptance. Moreover, the demonstration of behavior prescribed by current international norms reinforces the current structure and avoids precedents that may weaken the current normative regime, a threat even more significant due to the socially constructed, normative nature of the international sovereign system.

<sup>233</sup> For example, Taiwan.



declares independence after having proven its committed nature, then the international community should continue to recognize the separatist state.

Through the analysis of three cases, one also finds clear evidence that Great Power states play an important role in determining the level of international support for separatists. However, while the cases demonstrate that the powerful states are major movers, they do not so easily explain the motivations for the behavior. In both the cases of Cyprus and Iraq, it appears that the Great Power states are primarily motivated by a concern for international order. However, in the case of Azerbaijan, Russia's motivations for maintaining a stalemate seem to be motivated by the perception of key national interests that override Russian concerns for international order. Similarly, Turkey's decision to recognize the TRNC falls along similar lines.

Ethnicity seems to play a role in all three cases—states with ethnic or religious ties seem more predisposed to recognize states with which they feel kinship. However, the cases suggest that while ethnicity may lower the barrier to recognition, it is not sufficient for state recognition. While many Muslim states are sympathetic to the TRNC cause, they are not willing to upset international order by extending recognition. In a related manner, the Armenian diaspora has generated some political support for the Nagorno-Karabakh, but has not generated sufficient political influence to determine levels of recognition.

Similarly, the use of violence can hurt chances of recognition, while exercising restraint from violence can help recognition efforts. This could be related to the fact that the use of violence flouts international norms against non-aggression, thus signaling a lack of commitment to the current international system. Moreover, if there is a reasonable expectation that recognition of secession could lead to regional warfare, then the separatist state is less likely to receive recognition. Many states feared that Turkey would initiate a

regional war if Kurdistan received too much autonomy from Iraq, and Turkey's support for Kurdistan's current level of independence seemed to facilitate other states' recognition. Similar concerns exist in regards to Azerbaijan's response to recognition of Nagorno-Karabakh. However, violence does not seem as likely to be the primary motivating factor due to its inability to explain the variation in levels of international support in the case of Cyprus. Lastly, from a normative perspective, it appears that violence used against a group minority does lend that group's separatist aspirations greater legitimacy.

Finally, the cases offer little support for the influence of ethnic homogeneity on state recognition. Nagorno-Karabakh and TRNC are more homogenous ethnically than is Iraqi Kurdistan, but Kurdistan received the greatest level of recognition. However, it bears noting that all three cases are relatively homogenous (even in Kurdistan, Kurds form an overwhelming majority of the population), and homogeneity concerns may prove far more relevant in cases where the separatist group forms a slight majority or only a plurality of the territorial population.

One other hypothesis bears mentioning: some writers have suggested that *de facto* states may gain legitimacy simply as a consequence of their continued existence.<sup>234</sup> For example, Ker-Lindsay points out that the "Cypriot government is more concerned about the creeping acceptance of the TRNC as a *de facto* entity."<sup>235</sup> To some degree, it does make sense to assume that over time, a *de facto* state-like entity will become more greatly entrenched and therefore gain a greater sense of permanence. However, while efforts to promote active delegitimization may fade over time, this increased sense of permanence does not necessitate a higher level of external recognition. In fact, based on the cases analyzed, it does not appear that states necessarily receive greater levels of recognition over longer periods of time. After

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<sup>234</sup> Richmond (1998), 121.

<sup>235</sup> Ker-Lindsay (2012), 87.

all, the *de facto* TRNC has existed for a far longer amount of time than has Iraqi Kurdistan, yet the KRG has received much higher levels of recognition. Moreover, it is incorrect to view recognition as a one-way street; states can also lose international recognition over time.<sup>236</sup>

Taken holistically, this study has attempted to explore the factors that explain varying levels of recognition of separatist states despite a clear preference for sovereign territorial integrity. The cases explored found support for a collective commitment amongst the members of the international community to maintaining the norms of the current international order by working within an agreed-upon normative structure. However, as a number of hypotheses are consistent with a desire for systemic order, a helpful next step would be to further test the explanatory capacity of the various hypotheses. A larger analysis of multiple cases over time using statistical methods may prove helpful in this regard. Furthermore, a future study should aim to attempt to more carefully differentiate the mechanisms of precedent-setting and credible signaling as a means of assuaging the international community's concerns about challenges to systemic stability. A future study might also consider including a wider scope, including states that have gained greater acceptance into the international community as well as separatist movements that have failed to win control over a territory.<sup>237</sup>

Finally, another area for research arises from the fact that the international systemic structure is a shifting process—certain norms gain legitimacy and others fall to the wayside. One rising norm that appears to be challenging state sovereignty is the norm promoting the

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<sup>236</sup> For example, the Taiwan case discussed above. Reuters. (15 Nov. 2013) However, it is also important to note that the continued existence of an independent region over time often signals its viability, which may drive the expected correlation between years independent and levels of recognition.

<sup>237</sup> The essay largely ignored those movements that have not gained substantial territorial autonomy. However, there are many aspiring separatist groups that are simply disregarded by the international community.

Responsibility To Protect (R2P), or the responsibility to intervene on behalf of universal human rights regardless of sovereign borders.<sup>238</sup> If norms of territorial integrity continue to decline in prominence vis-à-vis the rights of the individual, then the international community may be opening up a path to a higher level of international recognition for sub-state separatist movements.

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<sup>238</sup> For more on R2P, see Western and Goldstein (2011); Pape (2012).

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