**Degrees of legitimacy: Ensuring internal and external support in the absence of recognition**

KEYWORDS: Legitimacy; sovereignty; statehood; unrecognised states; de facto states

ABSTRACT: Unrecognised states, such as Abkhazia, Nagorno Karabakh, Northern Cyprus, Somaliland and Transnistria are denied (widespread) international recognition, and have therefore tended to be viewed as illegitimate entities by the international community. This is despite much recent academic literature which has rejected binary conceptions of sovereignty and has demonstrated both the varying levels of international engagement available to non-state actors and the degrees of statehood and legitimacy that can be achieved without (external) sovereignty. Taking this literature as its starting point, but based on a reconceptualization of existing approaches to legitimacy in the context of non-recognition, this article analyses legitimation strategies adopted by unrecognised states and how this affects their degree of internal and external legitimacy. Drawing on evidence from several case studies, it finds that there is often a fraught relationship between different forms of legitimacy. Both external and internal legitimacy are crucial if unrecognised states are to survive, but external legitimacy is always problematic in the absence of recognition and attempts to garner external support risk undermining the internal legitimacy achieved. Strategies for ensuring internal legitimacy can similarly undermine attempts to achieve external support. These tensions affect both the type of governance found in these entities and their ability to survive.

“*People, especially state figures, have to know that the authorities of Nagorno-Karabakh are illegitimate. They have to respect international law and UN conventions stating that this region is a recognized part of Azerbaijan*” (Azerbaijan’s Ministry of Foreign Affairs, in Muradova 2011)

The above quote illustrates a common view of unrecognised states.[[1]](#footnote-1) These territories, which have obtained de facto independence but have failed to gain (widespread) international recognition, remain “illegitimate in the eyes of the international community” (Berg and Toomla 2009: 28).[[2]](#footnote-2) Unrecognised states, such as the Republic of Abkhazia (Georgia), the Nagorno Karabakh Republic (Azerbaijan), the Turkish Republic of Northern Cyprus (Cyprus), the Republic of Somaliland (Somalia) and the Pridnestrovian Moldavian Republic/ Transnistria (Moldova) are seen to have violated the territorial integrity of their de jure ‘parent states’ and their right to self-determination is denied. Since they are denied international recognition, they are widely seen to be devoid of external legitimacy. Internal legitimacy is likewise often considered absent and these entities have commonly been characterised as kleptocracies and/or as the puppets of external actors, or at the very least as ill-functioning entities that are unable to provide their populations with basic public services.

The academic debate on these issues has however become a lot more nuanced. Mainstream International Relations theory may continue to largely view sovereignty and statehood in binary terms - an entity is either sovereign or not sovereign, and an entity without sovereignty is not a state - but much recent literature has problematized this view. Thus, a number of authors have already pointed out that ‘degrees of statehood’ and indeed ‘degrees of legitimacy’ (e.g. Clapham 1998; Berg & Kuusk 2010; Caspersen 2012) can also be applied to non-state or non-sovereign entities, including unrecognised states. A certain level of legitimacy, both internal and external, is in fact crucial if unrecognised states are to survive. They need to be able to mobilise armies and avoid significant emigration, and ensure external resources by gaining access to the international system or by securing the support of an external patron.

There are already a few very useful studies of the degree of internal legitimacy in unrecognised states (see e.g. Berg 2012 and 2013; O’Loughlin et al 2011; Bakke et al 2014) and of their differing positions in the international system (see for e.g. Berg & Toomla 2009, Berg & Kuusk 2010; Ker-Lindsay 2012). This literature has shown that the success of unrecognised states in ensuring internal and external support varies. Some entities are allowed access to the international system, in the form of trade, diplomatic relations and even membership of international organisations, while others are facing greater isolation. Some entities enjoy significant popular support, while others rely on repression.

What we know less about are the factors that affect such support: What strategies do unrecognised states employ to ensure legitimacy and when do they succeed? Drawing on evidence from several cases and based on a reconceptualization of legitimacy in unrecognised states, this article will first demonstrate that unrecognised states need legitimacy in order to survive and that it is indeed meaningful to analyse non-sovereign entities in terms of degrees of legitimacy. It will then go on to ask which factors affect the level of legitimacy achieved. It will be argued that legitimacy in the absence of recognition presents specific challenges. Internal legitimacy is in some ways facilitated by the lack of recognition and the unresolved conflict, which the leaders of unrecognised states will often instrumentalise in their attempt to avoid dissent. . However, internal legitimacy is not a foregone conclusion and it appears to depend, in particular, on ensuring security and other basic public goods. This in turn necessitates external support. Such support is, however, problematic in the context of non-recognition and the strategies used for promoting external legitimacy, for appealing to external audiences, risk undermining the internal legitimacy achieved. Internal and external legitimacy are closely linked, but may also run at cross purposes. Ensuring legitimacy is therefore a key challenge for unrecognised states and this challenge affects the type of entities that are likely to develop, the type of governance found in these entities, and their prospects for survival.

**1. Legitimacy and Non-Recognition**

If external legitimacy is equated with international recognition, then the issue of legitimacy could be seen as an open and shut case: unrecognised states failed to gain widespread international recognition; they are not members of the coveted international system of sovereign states and do not therefore enjoy external legitimacy (Berg & Toomla 2009). The early literature on unrecognised states also routinely denied any talk of internal legitimacy and described these entities as anarchical badlands or as puppets of external actors (Lynch 2004). Somaliland was, for example, described as a ‘pirate state’ (Kolossov and O’Loughlin, 1999: 152) and unrecognised states in the post-Soviet world were routinely dismissed as Russian puppets (see Lynch 2004). Internal legitimacy was therefore deemed lacking either due to the lack of order and the dominance of criminal interests, or since the de facto regimes were simply regarded as the pawns of external, and much more powerful, actors. This closely corresponded with the views of the de jure ‘parent states’, which frequently argue that unrecognised states are the result of external aggression and occupation (Ker-Lindsay 2012: 22) andled by bandits. The then President of Georgia, Mikheil Saakashvili for example argued that Abkhazia’s leaders “have profited from illegal smuggling and contraband [and] now threaten to draw us all into conflict” (quoted in King 2004).

Such views were bolstered by an absolute conception of sovereignty dominant in much mainstream IR literature: A state is either the supreme authority on its territory or it is not. James, for example, argues, “sovereignty, like pregnancy, is either present or absent, never only partially realised” (quoted in Philpott, 2001: 32). The absence of external sovereignty, the absence of international recognition, would therefore render it meaningless to talk about any other form of sovereignty (Bartelson 1995: 28), including statehood. If a state is not sovereign, “it is not a state” (Tansey 2010: 1519. See also Bartelson 2001) and mainstream IR literature therefore tended to equate the lack of external sovereignty with internal disorder. These simplified notions of sovereignty as fixed and indivisible have however been challenged with some authors pointing out that sovereignty has different meanings for different states (Sørensen 1999: 597) and that there are different forms of sovereignty (see Krasner 1999 and 2001). Such reconceptualisation makes it possible to conceive of degrees of domestic sovereignty or statehood, including in entities that lack international recognition (see Caspersen 2012).

Clapham (1998) has convincingly argued that non-sovereign actors, such as guerrilla insurgencies, can be analysed in terms of their degrees of statehood, and several authors have pointed out that informal systems of security and governance exist in the absence of a functioning sovereign state (see e.g. Menkhaus 2006/7). Caspersen (2012) has similarly argued that a ‘degrees of statehood’ approach is useful when analysing unrecognised states and Berg & Kuusk (2010) have analysed both external and internal sovereignty in the context of non-recognition as a matter of degree.[[3]](#footnote-3) Some of these entities enjoy relatively strong external links and are able to provide many of the basic functions of statehood. If such alternative conceptualisations of sovereignty are adopted, legitimacy in the context of non-recognition ceases to be an oxymoron, and it can also be analysed in terms of degrees.

Berg and Toomla (2009) have convincingly argued that that there is considerably variation when it comes to the degree to which unrecognised states are integrated into the international system, but they also demonstrate that no entity is completely negated, i.e. completely without external support. Lack of membership of the international system of sovereign states does not condemn an unrecognised state to “death and oblivion” (Krasner 1999: 228). Ker-Lindsay (2012: 14) has likewise argued that lack of recognition does not mean lack of international engagement: “there are several ways in which a state may choose to interact with a secessionist territory, and thus give it a degree of legitimacy, and yet not go as far as to extend formal recognition.”

Similarly, if we can talk about different degrees of statehood, we are likely to talk about different degrees of internal support. Popular support cannot be reduced to the performance of the regime, but the provision of public goods including security matters for legitimacy (see e.g. Lipset 1960). Moreover, the degree of popular support is likely to affect the workings of the institutions that have been created, and there is consequently a close link between statehood and internal legitimacy (see also Berg 2013: 471; Bakke et al 2014). Issues of legitimacy have therefore not been ignored by more recent literature on unrecognised states. However, the strategies used for ensuring external and internal legitimacy remain under-analysed and there has been no examination of the possible trade-off between different types of legitimacy. The lack of focus on such questions is in part due to the way in which legitimacy often previously has been conceptualised.

Legitimacy is, in the wider literature, commonly defined either as popular support for a regime (see e.g. Weber 1978), which is therefore purely subjective, or as being dependent on whether the regime meets certain normative criteria, such as democratic rule (see e.g. Beetham 1991). Existing analyses of the external legitimacy of unrecognised states has focused on international engagement - or the degree of diplomatic, economic and cultural links that unrecognised states enjoy - and has therefore predominantly adopted the former definition of legitimacy (see Berg & Toomla 2009; Berg & Kuusk 2010). These publications have been very useful in detaching external legitimacy from recognition and in problematising dichotomous views of sovereignty, but have not considered the motive behind engagement with unrecognised states and also include measures of international integration that are only indirect indicators of external support (level of foreign trade) or that may not reflect such support (international involvement in conflict resolution) (Berg & Toomla 2009). The external legitimacy of unrecognised states has moreover been conceptualised as a single cumulative measure and authors have, for example, added up different forms of international integration to construct a ‘normalisation index’ (ibid.). When it comes to internal legitimacy, most existing analyses focus on the level of popular support (e.g. Bakke et al 2014). Berg (2012: 1273) also asks if the regimes “correspond to the criteria of liberal democratic legitimacy” but the role that coercion and violence may play in ensuring domestic support is generally downplayed.

For the purposes of this article, legitimacy will be defined as support: internal legitimacy as popular support and external legitimacy as support from external sources, be it from state or non-state actors. This is the kind of legitimacy that is vital to unrecognised states if they are to survive. However, two additional criteria must be added. Firstly, legitimacy is not conceived through a single measure: support can come from different actors or audiences and these sources of support, or the strategies used to attract such support, may come into conflict. Secondly, popular support that is simply the result of coercion will not be considered as a form of internal legitimacy. What is referred to is active, voluntary support. This does not mean that a non-democratic regime, or indeed one financed through illicit means (Reno 2009), cannot enjoy popular support, but it does mean that the legitimation strategy adopted by the regime matters. There must either be some congruence of values, or the regime must have provided other benefits that have persuaded the population to lend their support. Normative criteria are therefore not considered as without importance, even if they are not explicitly included in the operationalisation of legitimacy. The degree to which normative criteria are met affects both external and internal legitimacy, but the extent of this impact and the type of normative standards that matter are expected to depend on the audience in question. It is therefore considered an empirical question.

Analysing legitimacy in unrecognised states does, however, present certain methodological challenges, even when the chosen conceptualisation is relatively straightforward. The biggest challenge concerns internal legitimacy, since reliable or indeed comparable data on popular support in unrecognised states is notoriously hard to come by. There are however enough indicators to enable an analysis of differing and changing levels of legitimacy and the primary focus of the analysis is, in any case, on legitimation strategies. What is done to achieve internal and external legitimacy?[[4]](#footnote-4) Under what conditions are different strategies successful and what is the link between the different strategies, or appeals to different audiences: are they complimentary or is there tension between them? Relative, rather than absolute levels of legitimacy, is therefore at the heart of the analysis.

**2. External Legitimacy**

Whether they are pursuing international recognition or simply aiming to survive as de facto independent entities, unrecognised states need external support. Most of these entities have achieved their de facto independence through bloody wars and they face the immense task of reconstructing destroyed infrastructure, building state-like institutions - in some cases from scratch - while retaining the capability to defend themselves against military offensives from their ‘parent state’. As Zartman (1995: 272) argues, when it comes to state (re)construction it is “hard to get around the usefulness, if not the outright need, of external assistance”. In the context of non-recognition, this external assistance usually comes from a patron state. The unrecognised states that manage to survive do, with a few exceptions, have external backers: Nagorno Karabakh relies on the support of Armenia, Russia provides vital support for Abkhazia, South Ossetia (Georgia) and Transnistria; while Turkey offers both military and financial support to Northern Cyprus (see also Caspersen 2009).[[5]](#footnote-5)

A few unrecognised states have managed to survive without a patron state. Bougainville (Papua New Guinea) in fact survived despite complete international isolation and instead relied on the resourcefulness of its inhabitants: the island’s rivers were used to generate electricity and coconut oil was turned into fuel (Coconut Revolution2001). However, thousands of people died due to lack of medical supplies and Bougainville never managed to create an effective entity (see e.g. Boege 2006). This requires access to external resources. Other entities may rely on powerful external backers, but their access to the international system is not limited to a single patron. Somaliland does not have a patron state as such, but it receives support from a number of recognised states, in particular the US and the UK, and has also established links with several international organisations, including the EU and the UN (Bradbury 2008: 5, 255). The relationship Taiwan (the Republic of China) has with the US comes closer to that of a patron state, as it relies on the US for a security guarantee and also enjoys privileged access to its markets. However it also has trade links with a number of other states (see e.g. Pegg 1998: 185).

This form of external support comes closer to the kind of international engagement enjoyed by recognised states, which may have close links with a powerful neighbour but also benefit from a range of other bilateral and multilateral links. This is a model increasingly emulated by other unrecognised states: they are seeking more widespread international engagement and access to the international system. The advantage for unrecognised states is that such international links would limit their dependence on a patron state, which may harbour ulterior motives and whose support may fluctuate. As Zartman (1995: 272) warns, although external support is important to enable state-building, it should only be a stop gap solution, since external reliance can make a state dependent and vulnerable. Moreover, reliance on a patron state can - as will be further explored below - damage attempts to ensure other forms of legitimacy.

When it comes to external support, unrecognised states are not only limited to seeking links with recognised states and international organisations. Important external support may come from non-state actors. A number of unrecognised states have for example benefitted from support from diaspora populations. For example, in the case of Nagorno Karabakh, the Armenian diaspora has funded several infrastructure projects and the entity’s prime minister estimated that no less than half of all public construction in Karabakh, including schools, hospitals and water supply, would be financed by the diaspora.[[6]](#footnote-6) Almost all foreign investment in the entity also comes from the diaspora. Similarly, in the case of Somaliland, the diaspora played a very significant role, especially in the initial state-building efforts when international support was not forthcoming (Lewis 2008: 96). The diaspora provided expert knowledge of how modern societies operate and provided financial support thought to be worth up to US$500 million a year (Kaplan 2008: 150). Other unrecognised states rely on forms of illicit commercial networks for their revenue, although this is not something widely advertised by the regimes. In the early years of Iraqi Kurdistan’s existence as an unrecognised state, taxation and customs revenue generated by smuggling accounted for an estimated 85 pct. of the entity’s revenue (Natali 2010: 44). Finally, and perhaps most surprisingly, some unrecognised states rely on links with their parent states. Moldova, for example, allows thousands of vehicles to cross the de facto border from Transnistria every day and lets many Transnistrian companies operate with Moldovan licences (Kolstø & Blakkisrud 2010: 112-3).

There are therefore several sources of external support available to unrecognised states and it is common for leaders of unrecognised states to argue that the current international system with its many possibilities for transborder linkages, increases their chance of survival.[[7]](#footnote-7)

*2.1 Degrees of External Legitimacy*

However, the extent of external support, and its form, varies significantly between the different unrecognised states and it therefore makes sense to talk about *degrees* of legitimacy. Geldenhuys (2009: 46) argues that international responses to unrecognised states can be placed on a continuum ranging from one extreme of “military action to suppress a unilateral bid for statehood” to the other extreme of de jure recognition.

If we first look at patron state support, then at one end of the spectrum we find unrecognised states that are recognised by and enjoy significant military and economic support from their patrons. In this category we find Abkhazia and South Ossetia that are both recognised by Russia, receive substantial financial support from Moscow and have signed a “military cooperation treaty” with their powerful neighbour. This treaty authorises Russia to station troops and military bases in the two entities and protect their de facto borders (ICG 2010a, 2010b). Northern Cyprus can also be included here: it is recognised by Turkey and remains dependent on Turkey for its financial viability: the entity uses the Turkish lira and Turkey supports its economy through aid, loans and subsidies (Caspersen 2009: 50). A bit further along the spectrum we find entities that are not recognised by their patron but enjoy very significant levels of support. Here we find entities such as Nagorno Karabakh, which despite very substantial military and economic support has not been formally recognised by its patron state Armenia. In this category we also find Taiwan and Transnistria that benefit from support from the US and Russia respectively. Finally, there are a few cases that lack a patron state. Most of these have been unsuccessful, such as Chechnya (Russia) and Tamil Eelam (Sri Lanka), but Somaliland has survived for over two decades without patron state support.

When it comes to other forms of external support, or international engagement, the variation is similarly marked. At one extreme we find Taiwan, which is a member of a number of international organisations such as the World Trade Organization and the Asian Development Bank, and enjoys wide-ranging bilateral links, including but not limited to the twenty three states that recognise its independence (Caspersen 2012; see also Berg and Toomla 2009). Two other unrecognised states that enjoy significant levels of international engagement are Northern Cyprus and Somaliland. EU and UN agencies have offices in Somaliland to manage their aid programmes and the entity has also established bilateral relations, short of recognition, with a number of states: with Ethiopia, Denmark and especially with the UK (Bradbury 2008: 5, 255). Somaliland receives generous financial aid from the UK (Egge 2012) and has been granted observer status in the Commonwealth (Somaliland Press, 2011). The UK Minister of State for African Affairs has also addressed Somaliland’s parliament (UNPO News 2011), and Somaliland’s president in 2012 met with David Cameron in Downing Street (Egge 2012). Northern Cyprus enjoys observer status in the Organization of the Islamic Conference, and it wasupgraded from ‘community’ to ‘state’ in 2004 which signalled a further degree of de facto recognition. The entity also has two non-voting representatives in the Council of Europe’s Parliamentary Assembly, and Brussels views the whole island as part of the EU, while suspending its law in the north (ICG 2008: 25). Much less international engagement is available to unrecognised states in the former Soviet Union. When it comes to bilateral relations, Abkhazia, South Ossetia, Nagorno Karabakh and Transnistria are limited to their patron states and - in the case of the two Georgian republics - the other states that recognise them (Nauru, Nicaragua and Venezuela, at the time of writing). No multilateral links are available. In addition, they rely on links with non-state actors, such as diasporas, while Transnistria also has links with its parent state, Moldova. In the three other cases, such parent state links are either completely absent (Nagorno Karabakh) or very limited (Abkhazia and South Ossetia).

The degree and type of external support therefore varies significantly, but external support is problematic for all unrecognised states. Unrecognised entities do not have access to external support in the way that recognised states do; even Taiwan is, for example, barred from membership of the World Bank and the IMF. Moreover, other sources of external support - including patron state support, unregulated trade, and parent state links - are associated with important costs and there is moreover a potential trade-off between the different sources of support. These costs and trade-offs will be further analysed below.

**3. Internal Legitimacy**

External support is not enough if unrecognised states are to survive, they also need internal legitimacy. The threat of renewed warfare is constant in almost all unrecognised states; they are not protected by norms of non-intervention and most parent states reserve the option of forceful reintegration. In order to survive, unrecognised states therefore have to be able to mobilise an effective army with soldiers willing to risk their lives for the entity. Maintaining a supportive population is also necessary for the creation of a well-functioning entity, with a viable tax base. Most unrecognised states have less than a million inhabitants and the consequences of war have in many cases led to a demographic crisis (Caspersen 2012: 84) and emigration constitutes a significant threat to their viability. Domestic support is therefore a key concern for unrecognised states; the regimes have to make sure that conditions are good enough to make people stay and volunteer their support.

One could argue that for unrecognised states, internal legitimacy is a foregone conclusion. The existence of an external threat, along with the mobilising power of nationalism, makes it relatively easy for the leaderships of these entities to ensure popular support. In the face of a military threat, and helped by propaganda, people will rally round the flag and support their leaders. As Kemp (2005: 19) described the popular view of the South Ossetian leadership: “they may be bastards, but they are our bastards”. There is little doubt that the unresolved conflict and the uncertain situation in which these entities find themselves provide the leaders with a degree of insulation from dissatisfaction (see also Berg 2012). In the case of Nagorno Karabakh, the authorities have for example actively promoted the idea that unity - and hence lack of opposition - is needed in the face of the external threat,[[8]](#footnote-8) and the Director of Apsnypress in Abkhazia similarly argues that unity is “often understood as agreement of opinion” (Gurgulia 2004). Using the persistent external threat to promote unity is a common feature of unrecognised states and there is often a pronounced siege mentality (Caspersen 2012: 94-95).

However, internal legitimacy is not guaranteed. The external threat may create a tendency for people to rally round the flag, and their leaders, but if the ability of the leaders to ensure security is continuously being questioned, then such internal support could well be undermined (see also Berg and Mölder, 2012). While actual opposition may be lacking, this could also be a consequence of repression or it could simply reflect apathy, rather than active support. Lack of internal legitimacy may not lead to the immediate collapse of the entity, but may slowly undermine its effectiveness. For example, in the case of Republika Srpska Krajina (Croatia) the external threat only served to highlight the entity’s shortcomings: the population did not feel that their security was guaranteed by the regime. This was compounded by an ever more chaotic situation, a lack of basic public services and an increasingly repressive regime which relied on violence to silence any opposition. As a result, the entity came to be characterised by gradual demoralisation. By the end of the entity’s existence, there were rumours of a possible rebellion,[[9]](#footnote-9) and apathy had spread to the army, with one former soldier describing how the Croatian military offensive in August 1995 almost came as a relief.[[10]](#footnote-10) The Krajina army did not offer any resistance and the entity was forcefully reintegrated. As Zartman (1995: 7) has convincingly argued, a state that relies on coercive powers is a lot less effective than one that enjoys internal legitimacy. This is more true for unrecognised states.

Internal legitimacy can therefore not be taken for granted; a claim to self-determination can paradoxically be an authoritarian claim and/or initial support may be undermined by subsequent developments. Internal legitimacy is vital for unrecognised states and it is not a foregone conclusion. The regimes therefore actively have to seek to promote internal legitimacy and the degrees found in different entities would appear to be associated both with the statehood achieved and with the ongoing conflict.

*3.2. Degrees of Internal Legitimacy*

The few studies that exist of internal legitimacy in unrecognised states have generally found that they do enjoy popular support (see e.g. Berg & Mölder 2012; O’Loughlin et al, 2011). Berg and Kuusk (2010: 46) have argued that unrecognised states are more homogenous when it comes to levels of internal than external sovereignty, yet there seems little doubt that the level of internal *support* shows significant variation. In the case of South Ossetia, survey data, for example, portray “a poor, peripheral area that has suffered dramatic out-migration as a result of economic transition and warfare” (Toal and O’Loughlin 2013: 150) and South Ossetians are “decidedly less optimistic” than their neighbours in Abkhazia (Ibid. 152) (see also Protsyk 2009 on Transnistria). Some unrecognised states resemble police states, while others have introduced meaningful reforms; some are the result of bottom-up pressures whereas others were largely born out of elite-manipulated conflicts and rely on coercion to ensure unity; and some of the entities are surprisingly well-functioning while others remain largely chaotic.

Strategies for promoting internal legitimacy usually take two forms: the provision of public services and the introduction of political reforms. Improving public services is, for example, one of the key strategies undertaken by the Nagorno Karabakh authorities. They have increased the level of social benefits in an attempt to increase popular satisfaction, boost the entity’s birth rate and reverse the negative demographic trend.[[11]](#footnote-11) Protsyk similarly describes how the Transnistrian authorities emphasise social justice and fairness, and for example offer heavily subsidized health care and education, in their attempt to boost internal legitimacy (Protsyk 2006). Unrecognised states unable to deliver such public goods, may instead have to rely on coercion and violence to ensure internal cohesion (see also Wood 2010), but this should be seen as a sign of weakness, not strength.

An alternative strategy for promoting internal legitimacy consists of the introduction of political reforms. Most unrecognised states have witnessed a gradual shift in power away from authoritarian war heroes and towards some form of proto-democracy (Caspersen 2011). This has, as will be shown below, a lot to do with attempts to ensure external legitimacy, but it is also driven by internal needs, and expectations of popular sovereignty. There is at least a historic link between nationalism and self-determination, and separatist leaders are almost always rhetorically committed to popular sovereignty.

**4. Ensuring External and Internal Support**

What factors determine the level of external and internal legitimacy enjoyed by unrecognised states? And to what extent can this be purposefully pursued by the leaders of these entities? When it comes to international support, external factors appear to be as important as factors internal to the unrecognised states,[[12]](#footnote-12) and a lot appears to be down to geopolitical luck: do these entities occupy a strategically important position that will make other states ignore qualms about territorial integrity and choose to engage with them. Somaliland’s relatively high level of international engagement for example owes a lot to its strategic position in the Horn of Africa and what is seen as its potential to play an important role in the fight against terrorism and piracy. Similarly, some unrecognised states border on a patron state that has an interest in supporting a separatist attempt - possibly due to shared ethnicity - while others do not. To some extent the level of external legitimacy is therefore down to external factors beyond the control of the unrecognised states, but a significant proportion of it still depends on strategic choices. Somaliland, for example, makes the most of its strategic position by being willing to co-operate on counterterrorism, and by presenting itself as a stable alternative to its chaotic parent state (see e.g. Somaliland Press 2010). Similarly, unrecognised states can actively court assistance from patron states. Following Russia’s recognition and subsequent annexation of Crimea, Transnistria’s parliament for example renewed its request to join the Russian Federation (BBC News 2014). The strategies for attracting such support however depend on the audience in question and they may well come into conflict, with each other and with the strategies for ensuring internal support.

*4.1 General Acceptability*

When it comes to seeking general international acceptability, either in the form of recognition or in the form of greater access to the international system, unrecognised states have pursued strikingly similar strategies. Unrecognised states all make a claim to self-determination, either focused on national identity or on historic continuity.[[13]](#footnote-13) But however it is defined, they all stress the existence of popular support for independence; within the national community or within the territory (Caspersen 2012). Ensuring internal legitimacy, avoiding significant emigration and demonstrating that lack of dissent is not simply due to coercion, is therefore also crucial for external legitimation strategies.

The claim to self-determination rarely stands alone and is in most cases combined with a claim to a “remedial” right to secession, based on the allegation that the parent state denied the community/territory rights and subjected them to abuses. The proclamation of the Nagorno Karabakh Republic for example claimed that the enclave had been subjected to a “policy of apartheid and discrimination” (Declaration on proclamation of the Nagorno Karabakh Republic 1991). In addition, since the late 1990s, unrecognised states have also claimed to have ‘earned’ their sovereignty by building effective and democratic institutions. This strategy is based on the conditions attached to the recognition of the former Yugoslav republics, in particular the “standards before status” policy for Kosovo, which directly linked achievements in institution-building and political reforms to the goal of independence, and the overall international emphasis on democratisation in the post-Cold War era (see e.g. Caspersen 2008; Gardner 2008). As a result, the rhetoric of state-building and democracy became ubiquitous in unrecognised states (see e.g. Bradbury 2008: 131; Protsyk, 2009). The assumption behind these legitimation strategies is that not just strategic interests matter for the prospect of recognition; the extent to which hegemonic normative standards are met matters as well.

When it comes to seeking access to the international system, short of recognition, the strategy is similar: the entities proclaim their stability, their successful institutions, and their democratic credentials. But another strategy - which conflicts with the strategy for recognition - also appears effective: do not declare independence officially and/or retain links with the parent state. The parent state acts as an important gate keeper to the international system, and access is in most cases only granted if the parent state accepts it, or at least does not openly oppose it.[[14]](#footnote-14) For example, Taiwan has crucially not declared independence and its membership of international organisations, such as the Asian Development Bank, still depends on its acceptance of the name ‘Chinese Taipei’. China has successfully eroded international support for Taiwan (UNPO News 2008a), and any international engagement is increasingly dependent on its approval. Even Taiwan’s observer status in the World Health Assembly, i.e. a position of marginal importance that Taiwan finally achieved twenty-two years after applying, was conditioned on Taiwan accepting to use the name “Chinese Taipei” (UNPO News 2009). Similarly, Transnistria enjoys greater international engagement than all other post-Soviet unrecognised states; the entity is for example able to trade, and the EU set up a Border Assistance Mission (EUBAM) at the Transnistrian–Ukrainian border to help monitor the border traffic. But these links are due to Moldova’s deliberate strategy of engagement with the entity and depend on Chisinau’s approval (Blakkisrud & Kolstø 2011). Azerbaijan on the other hand rejects any kind of engagement with Nagorno Karabakh and the entity as a result faces almost complete international isolation; Armenia and the Armenian diaspora constitute its only links with the outside world, and trade is only possible via the patron state.

The only exception to this gate keeping role appears to be when there is no parent state that is able to mount an effective objection to international engagement, such as in the case of Somaliland. In the case of Northern Cyprus, which has also seen increasing international engagement, this can be explained by Cyprus’ rejection of the 2004 Annan Plan which legitimised engagement with the unrecognised state that had accepted the plan (see ICG 2008: 25). This suggests that engagement as part of a conflict resolution strategy is a possibility for the unrecognised entities. But it is important to note that Cyprus did not actively object to this engagement, In the case of active parent state objection, other types of external support are needed, the most important of which is support from a patron state – from a state which is prepared to defy the objections of the parent state.

*4.2 Patron State Support*

Unrecognised states have often relied on patron states for their survival, but the recent recognitions of Kosovo, Abkhazia and South Ossetia have emphasised the importance not only of patrons but of *great power* patrons for the fate of unrecognised states (see also Coggins 2011; Sterio 2010). Kosovo’s recognition was to a large extent dependent on US support, while Abkhazia and South Ossetia would never have been (partially) recognised had it not been for the role of Russia. Great powers play an important gate keeping role in the international system of sovereign states, due to their veto right on the UN Security Council and due to their leverage over other states (ibid.). Another conclusion that could be drawn from the Georgian breakaway republics was the importance of great power military support when it comes to fighting off a military offensive by the parent state. Other unrecognised states were quick to note that had it not been for Russia’s support, South Ossetia would not have been able to withstand the offensive. It therefore also showed the vulnerability of unrecognised states and their dependence on powerful backers.

The question is however how to attract great power support. When it comes to support from Western powers in particular, unrecognised states still seem to rely on the formula of earned sovereignty, pointing to their institution-building and political reforms (see e.g. Somaliland’s appeal in UNPO 2008b). This is the case, even though Kosovo’s recognition was not based on the achievement of specific institutional standards. Democracy, human rights and the rule of law were not dismissed with, but these institutions were to be created after independence - under international supervision - not before. Moreover, Serbia’s transition to democracy did not seem to be considered by the states favouring recognition and the perception in unrecognised states that they will increase their chance of recognition if they are more democratic than their parent states (see Broers 2005) was therefore not supported in this case. This is even clearer if the patron state, whose support unrecognised states seek to enlist, is Russia. When justifying its recognition of Abkhazia and South Ossetia, Russia made no reference to democratic standards, which is perhaps not surprising given its proclaimed preference for “managed democracy” (Beer 2009).

*4.3 Trade-Offs: The Challenge of Diversifying External Support*

Attracting patron state support is however likely to come into conflict with other legitimation strategies. Appealing to a shared ideology, or other normative standards, may well make the unrecognised states more likely to gain patron state support, but such values may not be shared by recognised states more widely and would damage attempts to ensure more general support. Similarly, in case of a shared ethnicity, unrecognised states may be able to play to a domestic audience in the patron state, but playing on nationalist credentials and the ethnic nature of their demands could damage attempts to ensure general acceptability. If such normative and/or emotional strategies are ineffective, or even counterproductive, another strategy could be for the unrecognised states to convince the patron state that support would serve their strategic interests. But in most cases, this would mean being willing to compromise on the de facto independence they have achieved. Russia has for example established military bases in Abkhazia and South Ossetia and also has significant economic interests in especially Abkhazia (see ICG 2009a). This provides essential support for these entities but it also chips away at their independence. This can, as will be argued below, undermine the internal legitimacy of these entities, but is also likely to undermine attempts to gain general international acceptability. Entities tarred with the label ‘puppet states’ are rarely seen as legitimate entities by the international community, as has been demonstrated by the difficulty Abkhazia and South Ossetia have had in ensuring more widespread international support.

Attracting other forms of external support can be similarly fraught. In their attempts to garner Diaspora support, unrecognised states are likely to emphasise their nationalist credentials and the persistence of the external threat. This could undermine attempts to present the entity as a stable, tolerant entity to the wider international community and reliance on diaspora support has also been argued to foster an unsustainable form of development, which lacks a domestic basis. In Somaliland, concerns have for instance been raised about the reliance on remittances and whether this creates a false economy and a new form of dependency (Bradbury 2008: 178).

Reliance on smuggling is arguably even more problematic. It has been argued that illicit trade thrives in the legal limbo in which unrecognised states find themselves (see e.g. King 2001), but it is important to realise that due to the lack of international recognition and inability to obtain trade agreements with recognised states, all trade could in many unrecognised states be classified as illicit. It therefore also includes trade in, for example, tangerines (Khashig 2002) and livestock (Natali 2010: 44). However, such activities have created an image problem for unrecognised states. A report by the European Parliament (2002) for example described Transnistria as a “black hole” in Europe due to the “illegal trade in arms, the trafficking in human beings and the laundering of criminal finance”. Such trade thrives if the de facto authorities refrain from creating effective border controls and instituting law and order and although such reforms are unlikely to be feasible in the early years after de facto independence is achieved, they become more realistic as state-building proceeds. It therefore comes to represent more of a strategic choice. In the context of non-recognition, unregulated trade may help raise revenue for the entity as a whole and for individual leaders, but it can make general international acceptability more difficult to achieve. It conflicts with attempts to present the unrecognised state as a stable, effective entity that should be allowed access to the international system. Secondly, reliance on and empowering of actors engaged in such trade would likely undermine the political reforms that often form part of unrecognised states’ legitimising strategy and could damage the regime’s internal legitimacy.

Therefore, although unrecognised states are trying to diversify their sources of external support, this can prove difficult due to conflicting imperatives. This demonstrates both the challenges of ensuring external legitimacy in the context of non-recognition and the usefulness of analysing the different audiences to which legitimation strategies can be directed and the possible trade-offs between different sources of external legitimacy.

*4.4 Effects on Internal Legitimacy*

For most unrecognised states, access to the international system is limited: they are not allowed to trade freely, foreign investors are put off by the lack of insurance, they cannot get loans from international institutions, their travel documents are in many cases not accepted etc. In order to survive, they therefore rely on patron states, diaspora populations, or smuggling, but this risks undermining attempts to ensure internal legitimacy.

The emphasis on state-building and democratisation which has become dominant in the external legitimation strategy adopted by unrecognised states could be seen as beneficial, or at least cost-free, when it comes to internal legitimacy. If it is merely rhetoric then the impact would be limited and if it does indeed result in the creation of effective institutions and the introduction of political reforms then this should have a positive impact on popular support. However, the possible downside for the regimes is that it also opens up space for divisions; this form of rhetoric can empower the opposition and serve to expose divisions that were otherwise hidden under nationalist banners (Caspersen 2011). Separatist leaders are keen to demonstrate popular support for the cause, as this is seen as important for external legitimacy, but reluctant to encourage genuine political competition. Similarly, the claims to both popular support and democratisation become problematic in cases where large proportions of the original population have been displaced. In order to counter charges that the unrecognised state is founded on only minority support and/or ethnic cleansing, the de facto authorities may seek to present a more inclusive, or civic, form of nationalism. But such strategies can again expose divisions and can even cause an internal backlash. This has been a particular problem in Abkhazia where the pre-war Abkhaz population only constituted 17 pct of the region’s inhabitants, but where attempts to create a more inclusive identity have been met with resistance (Clogg 2009). The need for unity, for undivided popular support, tends to be stressed and acts as an important counterweight to political reforms (see Caspersen 2011). Another potential source of tension is that the model these entities follow in their attempt to attract widespread international support and increase their chance of recognition is very much a Western model of state-building: a liberal democratic state with strong central institutions. This may not be the most appropriate model for these entities and can clash with indigenous forms of governance.

The result of these tensions between the pursuit of external and internal legitimacy tends to be a form of hybrid regime. It can be hybrid in the sense that it combines democratic and authoritarian elements; a form of constrained, ethnic democracy (Caspersen 2012; see also Protsyk 2012). Or it can be hybrid in the sense of combining Western models of governance with more organic or local forms. Richards (2014) for example convincingly demonstrates how the Somaliland state-building model incorporates clan structures and other forms of “traditional governance”. This has ensured internal stability, while still allowing Somaliland to appeal for external support and present itself as a state-building success. Tensions between the competing legitimation strategies, however, remain. The authorities may be tempted to prioritise control and exclusivity over openness and inclusivity, but this risks undermining both the external and internal legitimacy on which they rely (see also Caspersen 2012: 108).

Finding a middle-way between such cross-pressures is at least as difficult when it comes to patron state support. Significant dependence on a patron state is not only likely to damage the prospect of more widespread recognition, it also risks undermining the de facto independence achieved by these entities and this can damage attempts at ensuring internal support, which has in many cases been helped by a strongly nationalist rhetoric. In the case of Abkhazia the increasing influence of Russia has, for example, been the subject of domestic debate (see e.g. ICG 2010: 7). Partial recognition by the patron state and a few allies also removes one of the key arguments for internal support available to the leaders of unrecognised states: the promise of future recognition. Pointing to non-recognition is an effective way to excuse current shortcomings, for example in terms of the supply of public services and even the slow introduction of political reforms. What patron states can do, however, is provide a security guarantee that the regimes would otherwise find it hard to provide. In the cases of Abkhazia and South Ossetia, security is no longer a concern thanks to the Russian presence and the patron state has therefore helped ensure the internal legitimacy of the regime (see O’Loughlin et al 2011; Toal and O’Loughlin 2013). However, this effect largely depends on local perceptions of the patron state and its intentions. These are overwhelmingly positive in the case of South Ossetia (Toal and O’Loughlin 2013), but this not a given; it is subject to change and is importantly beyond the control of the local leaders.

Reliance on illicit commercial networks, or smuggling, as a source of external support would seem even more detrimental to internal legitimacy. However, Reno (2009) has shown that the involvement of leaders in such activities does not necessarily undermine popular support, if the resulting revenue is used to provide benefits for the population; if it has enabled a degree of governance. Republika Srpska Krajina was one entity that relied on smuggling for its survival. War profiteers ensured that basic supplies such as toothpaste, oil and flour were available, and it was therefore possible to sustain some form of normal life (Svarm 1993a). The then mayor of Knin, Krajina’s ‘capital’, argues: “we were trying to satisfy our basic needs”; the exact way that goods were brought in was not essential.[[15]](#footnote-15) But the entity’s internal legitimacy was undermined by the immense wealth accrued by these profiteers. A Krajina soldier, for example, described how people fighting at the front deplored “having to defend all those smugglers and thieves who became rich overnight” (Svarm 1993a). The activities that allowed a minimum of statehood to exist therefore also made the entity less viable. The problem in this case was, however, not only the enrichment of a small class of profiteers; the problem was that this happened in the context of a lack of security and a lack of reliable supply of other basic public services. Crime was rife, there was little or no central control, and the economy was collapsing: the very idea of the entity’s statehood was being put into question (Svarm 1993b). As a result, the authorities increasingly had to ensure unity through coercion and this further undermined internal legitimacy.

Finally, dependence on a parent state is usually highly controversial in an unrecognised state. Access to the international system would be improved if the authorities choose not to declare independence, but this could lead to internal pressures. Similar pressures are likely to be experienced if the entity becomes so dependent on the parent state that its independence could simply be accused of being ‘imagined’ (Blakkisrud & Kolstø 2011: 191). If co-operation is possible, it removes a significant raison d’être for the unrecognised state. Unrecognised states are therefore frequently reluctant to engage too much with their parent state, fearing a form of creeping reintegration if they do. In the case of Taiwan, the rapprochement with China has been met with protests and the Taiwanese leadership is going out of its way to reassure the public that Taiwan’s autonomy will not be diminished and that unification is not on the agenda (Chao 2011).

Unrecognised states need external support in order to survive, and certainly in order to build effective and stable entities which is necessary for the equally important task of ensuring internal legitimacy. However, ensuring this form of external legitimacy - whether widespread or confined to a few actors - is always problematic in the context of non-recognition and risks undermining their internal legitimacy. While the two forms of legitimacy are therefore linked in important ways, they also frequently come into conflict.

**Conclusion: Legitimacy without Recognition**

Unrecognised states need both internal and external legitimacy in order to survive, and this legitimacy can usefully be analysed in terms of degrees. But legitimacy in the context of non-recognition presents specific challenges. In order to get to the core of this challenge, legitimacy should be analysed as a multidimensional concept: legitimation strategies differ depending on the chosen audience and this is likely to result in tensions and trade-offs. The different audiences to which legitimation strategies are addressed hold different values and have different interests, and a strategy that helps ensure support from one actor may alienate another.

External legitimacy is particular problematic and unrecognised states start out with a deficit of it due to their lack of international recognition. However, this rarely results in complete international isolation. Some entities are allowed access to the international system; others rely on patron states, diasporas, illicit commercial networks and even links with their parent state. However, there are constraints on the type and degree of external support available to unrecognised states, and the strategies used to attract this support moreover risk undermining the support of other external and domestic actors. Internal legitimacy could appear unproblematic for unrecognised states: the threat of a military offensive by the parent state, often combined with nationalist propaganda, arguably provides a greater threshold of internal legitimacy. But it is not a foregone conclusion and the entities need the capacity to ensure benefits for their populations. Relying simply on coercion, or even on apathy, will in the long term undermine their viability.

The strategies for ensuring internal and external legitimacy are to an extent mutually reinforcing. Unrecognised states point to their, alleged, popular support and democratic credentials in their pursuit of external legitimacy; and the more external support they manage to gain, the more likely it is that they will be able to build secure and prosperous entities that enjoy internal support. However, the two can also conflict: strategies for attracting general support can for example expose internal divisions, or the dependence on a patron state risks undermining the de facto independence of the entity and thereby one of the key instruments for ensuring internal legitimacy.

Legitimacy therefore remains both a top priority for the unrecognised state and a source of tension. This affects the type of governance that tends to develop. In order to alleviate the tension, hybrid forms of governance have become the norm: political reforms tend to stall and/or be combined with more indigenous forms of governance; de facto independence is stressed yet dependence on a patron state or closer links with the parent state are hard to escape; and the entities face a dilemma between allowing profitable illicit networks and clamping down on them by creating effective institutions.

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1. Also referred to as de facto states or contested states [↑](#footnote-ref-1)
2. For a definition, see for example Caspersen (2012) and Pegg (1998). Please note that this article is written in a political science/IR tradition and mainly relies on works from this discipline. [↑](#footnote-ref-2)
3. For further literature on state-building in unrecognised states, see for example King 2001; Kolstø & Blakkisrud 2008; Blakkisrud & Kolstø 2011; Richards 2014. [↑](#footnote-ref-3)
4. Although undoubtedly important it is beyond the scope of this article to analyse endogenous legitimation (Baker 2001); how the regime legitimises itself to itself. [↑](#footnote-ref-4)
5. Some may argue that these entities are under effective foreign control and should therefore be regarded as ‘puppet states’. However, the degree of patron state control should not be exaggerated (Caspersen 2009) and it is moreover highly doubtful if unrecognised states lack “the support of the vast majority of the population” which is the other criterion for a puppet state (see Geldenhuys 2009: 17). [↑](#footnote-ref-5)
6. Author’s interview with Araik Harutyunyan, prime minister of Nagorno Karabakh (Stepanakert, 30 October 2008) [↑](#footnote-ref-6)
7. Author’s interview with David Babayan (Stepanakert, 29 October 2008) [↑](#footnote-ref-7)
8. Author’s interview with Gegham Baghdasaryan, former Karabakh opposition deputy (Stepanakert, 27 October 2008) [↑](#footnote-ref-8)
9. Author’s interview with Dragan Đević, deputy mayor of Donji Lapac (1 April 2009) [↑](#footnote-ref-9)
10. Author’s interview with Stanko Momčilović, mayor of Udbina (Zagreb, 1 April 2009) [↑](#footnote-ref-10)
11. Author’s interview with Araik Harutyunyan [↑](#footnote-ref-11)
12. See Coggins (2011) on factors affecting international recognition [↑](#footnote-ref-12)
13. For an excellent volume on the right to self-determination and the nature of sovereignty, see Bahceli et al (2004) [↑](#footnote-ref-13)
14. For the strategies parent states adopt in order to prevent the recognition of contested territories, see Ker-Lindsay (2012) [↑](#footnote-ref-14)
15. Author’s interview with Drago Kovačević (Belgrade, 20 February 2009) [↑](#footnote-ref-15)