



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



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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 legitimization strategies adopted by unrecognised states and how these affect 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.

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“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](#)]

Introduction

The above quote illustrates a common view of unrecognised states.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 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 and 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.

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¹ Also referred to as de facto states or contested states.

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.

There are already a few very useful studies of the degree of internal legitimacy in unrecognised states (see e.g. Berg, 2012, 2013; O'Loughlin, et al., 2011; Bakke et al., 2014) and of their differing positions in the international system (see e.g. Berg and Toomla, 2009; Berg and 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.

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 have 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 and 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' (Kolossoff 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) and led 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, 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 and Kuusk (2010) have analysed both external and internal sovereignty in the context of non-recognition as a matter of degree.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 considerable 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

³ For further literature on state-building in unrecognised states, see for example King, 2001; Kolstø and Blakkisrud, 2008; Blakkisrud and Kolstø, 2011; Richards, 2014.

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