

## Why the International Community Should Be More Accommodating to De Facto States

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De facto states are notorious for their pariah status, constant security deficit, and embryonic institutions, producing the perception that they are states-in-the-making perpetually striving for sheer survival. Their reliance on a patron is considered proof that they would not be viable states and thus are incapable of having independent agency. Without the freedom of choice, these entities lack deliberate will for action, and without capacity to do, they can hardly be in a position of exerting power. A focus on agency allows us to ask how far and in what ways these unrecognized entities have been able to act in the international system. We demonstrate that, despite their limited capacity, de facto states do display some agency, and that their foreign policy choices are sometimes not remarkably different from recognized small states or micro-states. Even imperfect agency may bring relief for local policymakers who are supposed to alleviate anarchy and chaos in their daily practices. The international community, we argue, should thus be more accommodating to de facto states; if their agency is continuously denied, they will be both increasingly reliant on their patron and separated from the international community.

### **Agents of Secessionist Cause**

A telling aspect of the level of agency relates to whether de facto states are able to participate in the processes related to the management or resolution of conflict, which in most cases they see as leading to independent statehood or bolstering the status quo. Are these processes unfolding with their direct participation, or are they completely sidelined?

Negotiations offer de facto states some opportunities to assert their agency. The costliest option would be if they refuse to participate, or to threaten leaving the talks as a way to

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show that they simply hold the power to do so. An example of the latter is Somaliland in 2000-2012 where the law prohibited representatives of the government or private citizens from attending conferences about Somalia, with attendance [being](#) “a treasonable offense.” Or de facto states might [participate](#) in conferences for so-called “devious objectives,” or for indirect benefits such as stalling to gain time for reorganization or avoiding concessions that might undermine their positions. Yet, often, de facto states are eager to participate in negotiations for the air of acknowledgment it creates.

In some cases, it is international pressure that binds parties to a negotiation process. Most notably, the EU’s conditionality policies keep Kosovo and Serbia locked in a process that showcases how external supporters can bolster the claims of a de facto state, thus increasing the de facto state’s leverage of being an agent of a secessionist cause. At the same time, the “Cypriot owned, Cypriot led” peace talks [demonstrated](#) that Northern Cyprus can be seen as a “state” acting independently (no less so than the internationally recognized Republic of Cyprus) on negotiation issues ranging from territorial adjustments and security guarantees to constitutional arrangements of the potential new state.

Taiwan’s agency was especially significant during the rule of President Ma Ying-jeou (2008-2016), when several agreements were signed and when the leaders of China and Taiwan met in person for the first time in over 60 years in November 2015. Notwithstanding, Somalia’s manifest failure to establish a viable state has not hindered its ability to act internationally; it has been successfully denying Somaliland’s freedom of choice and prevented it from engaging with the international community.

Among the post-Soviet de facto states, Transnistria has a privileged seat at the so-called “5+2” talks. The involvement of Abkhazia and South Ossetia in the multilateral Geneva International Discussions was in a more limited capacity; Georgia refused to acknowledge the territories as direct parties to the conflict, [arguing](#) that they are under Russian occupation. From the other end of the continuum, Nagorno-Karabakh has been completely excluded from the multilateral Minsk Group talks, while its relations with Azerbaijan are virtually non-existent.

These accounts reveal that negotiations present parent states with serious dilemmas. In order to have negotiations, one needs to acknowledge the existence of the other side, and the validity of its claims. When negotiation positions are diametrically opposing, with one side oriented toward reintegration and the other toward secession, the process develops into a stalemate. Common to all these negotiation cases is a tendency that doing something does not necessarily bring de facto states closer to international recognition; however, their chance of being an agent of something increases.

## Capacity to Do

The failure to gain external recognition does not mean that the one seeking it does not have any capacity or will to act independently. This can, occasionally, lead to tensions between a de facto state and its patron. A good example of such friction was the public [exchange](#) of words between the presidents of Northern Cyprus and Turkey in April 2015, when Northern Cypriot President Mustafa Akinci claimed that it was time to rethink the nature of their relations and Turkish President Recep Erdoğan retorted, “Do his ears hear what he says?” For their part, people in [Abkhazia](#), [South Ossetia](#), and [Transnistria](#) have, at times, rejected the Kremlin’s preferred candidates in elections for high positions. They do so out of worry that the patron might hold too much sway in local politics, although, in reality, no local politician could propose a strong reorientation away from their territory’s chief patron.

Engagement with a secessionist entity depends more on geopolitical context than specific agency. While there is not much de facto states can do to affect changes and preferences at the highest of political levels, they are not completely agentless when one includes various types of cross-border engagements. Moreover, de facto states imitate the institutional set-up of confirmed states: they have developed their own foreign affairs ministries and appointed special representatives and honorary consuls. Their high-ranking officials have been guests in states that do not officially recognize them. For example, the president of Nagorno-Karabakh often has working visits to the [United States](#), [France](#), and Russia, as all three are observers in the Minsk Group. The president of Transnistria delivered a speech at the Oxford Union in June 2017, while the deputy prime minister/minister of foreign affairs of Northern Cyprus held [several meetings](#) in New York in September 2018, which included bilateral talks with representatives of different countries.

The aim of foreign representatives from de facto states is to keep the host state communities interested in their cause (especially if the host state also has a significant diaspora presence), and advocate for bottom-up recognition through grassroots engagement. Nagorno-Karabakh and Somaliland are de facto states that, thanks to their relatively large and widespread diasporas, have been able to utilize these connections to raise funds, for example for infrastructural improvements.<sup>2</sup> This kind of help is not available for all de facto states and is not usually in the amounts required, thus prompting them to turn to their patron states to cover budget holes and further develop their institutions. However, any external help that they receive from their patrons henceforth opens the way for international criticism that the patron will have de facto control over the de facto state’s domestic politics.

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<sup>2</sup> See, for example: “[Armenia Fund Telethon Raises Over \\$11 Million](#),” The Armenian Weekly, November 27, 2018; “[Mohamed Hassan Ibrahim, Somaliland’s Investment in Peace: Analysing the Diaspora’s Economic Engagement in Peace Building](#),” DIASPEACE, August 2010.

While this is certainly true to some extent, again, the real picture is far more nuanced. For example, the United States has provided military security in the form of weapons sales to Taiwan, but has little involvement in Taiwanese day-to-day politics. Kosovo, on the other hand, has experienced far more direct and varied U.S. involvement through donor money poured into the country after 1999; there is still a lot of kowtowing to international donors and organizations evident in Kosovar politics, with legislation often demonstrably influenced by the language of international norms and rights. Still, the direct influence of a patron is far more observable in the case of Northern Cyprus, and especially so in the cases of post-Soviet de facto states.

With the exception of Taiwan, de facto states have struggled considerably with institution-building and access to foreign markets. Without previous governance experience, they have built their capacity largely from scratch, with limited access to requisite know-how and external assistance. While trading with de facto states is often limited and cumbersome, it is not entirely impossible, and represents another way in which de facto states can display their capacity to do. For instance, Transnistria is able to export its goods to the EU through Moldova's Deep and Comprehensive Free Trade Agreement as long as its businesses are registered in Moldova. Taiwan, on the other hand, is a full democracy, belongs to the top 30 largest economies, and has a global network of trade partners.

Abkhazia, Nagorno-Karabakh, and South Ossetia rely on their patron states to train their diplomats and public servants, and in some cases receive seconded officials. In return for its support, the patron [expects](#) a combination of assets such as "ideological convergence, international solidarity, and strategic advantage." After being recognized by Russia in 2008, Abkhazia and South Ossetia are increasingly locked into cooperation agreements that allow Russia to exert more control over their everyday domestic affairs. Abkhazia, however, has not alleviated its restrictions on selling land to foreigners, including Russians. For its part, Nagorno-Karabakh has been unofficially run by its patron state Armenia. Of note, two former Armenian presidents, Robert Kocharyan and Serzh Sargsyan, both hail from Nagorno-Karabakh.

### **De Facto States as Imperfect Agents**

De facto states have a variety of ways to display their agency by, for example, negotiating over their statuses, showcasing their capacity to act through forging economic cooperation arrangements, opening representation offices, or simplifying access for tourists. Some factors influencing the extent of their activities are familiar to all small states: the simple lack of people-power and monetary resources to develop large-scale bureaucracies. Other factors, however, are more specific to de facto states, such as being born out of conflict situations and having international boycotts placed on them.

By arguing that de facto states themselves do not have agency, they are dismissed as entities that cannot be taken seriously. However, expecting full agency from de facto states in an age where no state can actually claim to have it entirely, points to hypocrisy. All the more so when the European microstates of Andorra, Liechtenstein, and Monaco have each developed arrangements with their neighboring states over the last few centuries that give their neighbors some degree of control over their affairs—a self-limiting of their own freedom of choice. Yet all of them are able to interact with other states on an equal basis.

Maintaining some sort of patronage has been especially commonplace in the context of decolonization, where former colonizers have often retained their military presence and interfered with internal politics when deemed necessary. The United States has forced its military presence or its international relations posture on a number of small states while making aid and loans contingent on compliance, and [tying](#) these states—such as the “hybrid jurisdictions” of Palau, the Marshall Islands, and the Federated States of Micronesia—into a relationship of dependence where much relies on the goodwill of the more powerful partner.

## Conclusions

We claim that the international community needs a more accommodative approach to de facto states and that acknowledging their agency, however fragmented and flawed, will contribute to a better-managed co-existence for them. When a de facto state’s agency is continuously denied—as is the case with Abkhazia and South Ossetia, which unlike Nagorno-Karabakh have no effective diasporas to fall back on—it will lead to a vicious circle of increasing reliance on the patron and to their ever-increasing seclusion from the international system.

In the end, all states can have their capacity to do undermined by different arrangements and considerations. But once a state has gained international recognition, the limitations placed on its agency are paradoxically considered another part of their right to do: a recognized state has full agency to enter into relations that constrain its ability to act as it wishes to the point of entering into unions with other states. In doing that, capacity proof loses its face value as a signifier of agency: de facto states’ capacity to do is not constrained by the lack of agency, as is often proposed, but by the non-recognition of their right to do.