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**INTERNAL AND EXTERNAL DIMENSIONS OF PRO-INDEPENDENCE
MOVEMENTS IN REPUBLIKA SRPSKA AND IRAQI KURDISTAN**

MA thesis

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Arpi Grigorian

Abstract

The aim of this study was to analyze the internal and external channels that Republika Srpska in Bosnia and Herzegovina, and Iraqi Kurdistan put to use to promote their internal sovereignty and external political actorness. The theoretical implications of the research are that comprehensive peace agreements contain elements that can be deemed to encourage secessionism in the power-sharing structures they create, which challenges the solution of ethno-nationalist civil wars through establishing federalist states. Receiving constitutionally guaranteed powers, the minority elites continue promoting their cause using state structures and competencies granted to them by the state, contesting the central government in the internal political domain. Though I find that the actions of these entities slow down bureaucratic processes in the state and challenge central authorities, I did not find support that the secessionist politics led by sub-state entities have the aim of secession as a short-term goal. Rather, sub-state entities use structures given to them to re-negotiate their positions with the central government, and engage in foreign relations to strengthen their political and economic ties with external actors, which serve to legitimize the perpetual actions of challenging central authorities and gaining support from sub-state constituents.

List of Abbreviations

- BiH** Bosnia and Herzegovina
- CDJ** Coalition for Democracy and Justice (Iraq)
- CPA** Coalition Provisional Authority (Iraq, 2003-2004)
- CPA** Comprehensive Peace Agreement (Sudan, 2005-2011)
- DNS** Democratic People's Alliance (Serb, Bosnia)
- FBiH** Federation of Bosnia and Herzegovina (southern entity of Bosnia and Herzegovina)
- KDP** Kurdish Democratic Party
- KRG** Kurdish Regional Government
- NCP** National Congress Party (Sudan)
- OHR** Office of the High Representative (Bosnia)
- PUK** Patriotic Union of Kurdistan
- RS** Republika Srpska (northern entity of Bosnia and Herzegovina)
- SAF** Sudanese Armed Forces (Sudan, controlled by the north)
- SDS** Serb Democratic Party (Serb, Bosnia)
- SNSD** Alliance of Independent Social Democrats (Serb, Bosnia)
- SPLA** Sudanese People's Liberation Army (Sudan, controlled by the south)
- SPLM** Sudan People's Liberation Movement (Sudan, South Sudan)

Table of Contents

Introduction	7
Chapter 1. Comprehensive Peace Settlements in Intra-State Conflicts	13
1.1 Power-sharing in Comprehensive Peace Settlements	14
1.2 Autonomy as a Solution. Does Federalism Enable Secessionist Politics?.....	18
1.3 State Responses to Sub-State Secessionism.....	23
1.3.1. Overcoming deadlocks.....	26
1.3.2 South Sudan: Interlude.....	27
1.4 States-Within-States and Their Sovereignty Credentials.....	30
1.5 Sub-State Foreign Policy	35
Conclusion	37
Chapter 3. Methodology	38
3.1 Case selection.....	40
3.2 Limitations of the current project.....	41
Chapter 4. Analysis.....	45
4.1 Constitutionally Codified Institutional Designs.....	45
4.1.1 The Constitution of Bosnia and Herzegovina 1995	47
4.1.2 The Constitution of Iraq.....	49
4.2 Challenging the State and State Responses.....	51
4.2.1 Challenging the State in Iraq.....	53
4.2.2 Challenging the State in Bosnia	57
4.3 Internationals and Entities. Foreign Dimension.....	61
Conclusion	64
References.....	68

Introduction

Peace-building following intra-state conflicts in the recent couple of decades has begun incorporating aspects of power-sharing arrangements and coexistence of warring parties inside one political unit - the state, preserving its territorial integrity. Especially if the civil conflict has an ethnic dimension, and these ethnic groups are territorially concentrated in a province inside the state, empowerment of minorities and establishment of their political participation are the priority in shaping a peace settlement. Thus, if the war has ended not in the decisive victory by either side, but rather with a peace settlement (Fortna, 2004), the compromise often entails political power-sharing, and perhaps some autonomy guarantees, if not the federalization of the state.

At the same time, if power-sharing entails the cultural, political and the territorial autonomy of a population, based on group identity, such kind of an agreement might pave the road to secession, with the assumption that giving some level of autonomy will perpetuate the minority's desire to gain more. Once the central government agrees to concessions in order to preserve its territorial integrity, the fear is that even a low level of autonomy can be the catalyst of rebel forces pushing for a secessionist agenda and eventually succeeding. Two entities that are highly self-ruled as a result of peace settlement and who are continuing to push for more independence – Republika Srpska in Bosnia and Iraqi Kurdistan – are under examination in this research. Having a constitutionally protected status inside the federal system, these entities in the post-conflict phase have been more interested in increasing their sovereignty than integrating with the state. Thus, this creates a perception that the resolution of conflicts through provisions for self-rule and territorial autonomy for the group can lead to secession¹. This creates a theoretical challenge to international peace-building practices intended to reconcile hostile societies under one state. Whether autonomy leads to more autonomy is debated in the scholarship,

¹ There are multiple examples of power-sharing that do not entail a federal structure for the state, such as Lebanon, which has power-sharing across sectarian lines, but not territorial division of competences. Power-sharing is also differentiated across political and territorial (including military) dimensions (Caspersen, 2017), such as in Bosnia, Macedonia, Serbia and Montenegro before 2006, Sudan before 2011 in the former case, and Israel-Palestine, Indonesia-Aceh, Mali, Niger, Russia-Tatarstan, etc. in the latter.

and is the source of anxiety for a central government when it comes to agreeing to a peace settlement. The focus of this research is particularly those power-sharing systems, which entail the federalization of a state's territory, the competencies of sub-state structures as provided in constitutional provisions, and factors crucial in inducing or preventing secession.

The argument that a territorially autonomous region with constitutionally guaranteed political powers, where a certain cultural or ethnic group comprises the majority can lead to this group's pursuit of external self-determination, meaning independence, secession or joining another state has empirical grounds. The example of the formation of South Sudan as a newly emerged state recognized by the international community and by the state it legally seceded from demonstrates that given the right set of conditions, a group will choose to secede. The legal secession of Montenegro from the Republic of Serbia is another example where a federal unit through provisions for independence chose to become a sovereign state. Republika Srpska and Iraqi Kurdistan, missing the legal channels to secede have been pushing for more self-rule over time using different tactics and opportunities given to them in their respective environments².

The secessionist or nationalist platforms of political elites in the sub-units and actions directed at pursuing concessions from the central government do demonstrate desire for more freedoms, but strong arguments exist for why even the leadership of sub-state entities is not willing to push all the way to full independence. In fact, the federalization of a state might be the upper threshold of self-determination for many groups seeking sovereignty or autonomy. The reason behind this is that often the political elites of the entity will not have the capacity or will to push for complete independence. There is also an understanding that ruling elites often do not wish to give up established networks and power structures they have created, and under a new system, their positions may be threatened. Carrying out state-building without the umbrella of support provided by international peacebuilders and the central government of the rump state can be rather

² The constitutions of both Bosnia and Herzegovina and Iraq have clauses rejecting the break-up of the state.

costly and unfeasible³. The example of collapsed states such as Afghanistan, South Sudan and Somalia also demonstrate that ruling elites alone cannot guarantee smooth political processes.

Besides the capabilities and resources of the sub-state entities or 'sub-units', there is also an external dimension to the constraint of self-determination. Secession is often the least favorable outcome for resolving conflicts in the eyes of the international community. In general, the emergence of new states through unilateral measures is not encouraged in the current world order, with the territorial integrity and political independence of a state understood as being the backbone for international stability and security. From the perspective of international peacebuilders, the break-up of states into smaller ones does not prevent recurrence of violence, does not guarantee that the new state will have longevity, and further exacerbates violations of human rights without addressing the roots of conflict. Elites of these entities understand that international law does not allow secession outside the colonial context and that 'unilateral secession,' which is secession without the consent of the host state, is frowned upon internationally, and can cause not only regional instability but set negative precedents globally, as summarized in the Kosovo case. This in its turn can make central governments of states with highly autonomous regions employ more repressive measures to prevent the possibility of secession. But they cannot repress ethnic mobilization too harshly, as it strengthens the perception among the minority that group security can be provided only under circumstances of political and territorial freedom. Elites of sub-state entities in their turn instrumentalize public dissatisfaction, build a nationalist platform and push for more concessions from the central government. Such a circular process is therefore perceived in secessionist theory to create conditions where minority groups will always continue pursuing more autonomy.

Having the current international legal framework at hand, pro-independence movements search for ways to gain external self-determination using a combination of tools domestically and externally, demonstrating their resolve to become independent. Since being excluded from participation in global economic, political and security structures

³ At the same time, constitutions of federalized states, especially drafted with conflict settlement in mind contain provisions that explicitly deny the possibility of secession.

would be detrimental for political stability and economic development, these sub-state entities need to take legitimacy into account. Thus, this thesis explores how sub-state entities pursue independence through two parallel processes: (1) attempting to renegotiate their autonomous status through changing terms internally within the federal structure, and (2) engaging in foreign relations in order to upgrade their political subjectivity and make their secessionist cause more visible. The first refers to the internal dimension, where the province is engaged in nation-building and state-building projects parallel to the central government, and generates local legitimacy. Social and political cohesion inside the entity are the basis that these movements can build on, even if independence is not a realistic option at the moment or in the near future. In order to achieve a stage where secession could be a viable option without causing the entity to implode, resilient institutions have to be in place to provide basic security and services to the constituents. Engagement in foreign ties keeps the cause alive externally, and establishing trade relations with neighbors links these entities with regional economic networks. Gaining external recognition of the cultural identity and of mobilization around the independence cause is understood as constructive by elites and populations in preparing for a final status change, while building trade relations and opening of liaison offices allows these entities to be represented and to attract more investment and international attention to their cause.

Therefore, in this paper I strive to answer the question how entities in post-conflict federalized states promote their independence cause. The research comprises of two parts – understanding how sub-units put to use established structures in the state to increase sovereignty and how they promote their political actorness in the external world by engaging in foreign relations with states and non-state actors. In the first chapter I set the frame of how self-ruling entities come to existence through comprehensive peace agreements, what constitutionally-guaranteed powers they have and what tactics they use for gaining more independence. I begin with addressing peace-building through complex power-sharing as a practice in creating divided states, followed by the consolidation of “states-within-states” as a result of the weakness of central powers, and the activities of these entities internally and externally. In the methodological section, I explain the choice of cases and limitations of the research and data collection. Chapter 3 is dedicated to the

analysis of my cases, based on the competencies given to them under agreements with the central government, steps taken to upgrade their status internally, and the establishment of foreign relations with other actors regionally and in the international arena.

This study contributes to the knowledge of secessionism in federalized states, exploring the recent developments in secessionist activities in Republika Srpska and Iraqi Kurdistan. It also sheds light on the connection of such kinds of intra-state peace-building with the consolidation and promotion of ethnic sovereignty. This research also contributes to the literature of 'states-within-states' – structures inside states that provide services and security to their constituents when the central government is weak and which are gradually becoming enduring members of the international system. The two entities that I examine continue demonstrating activity in the promotion of their independence. Iraqi Kurdistan's latest step was the facilitation of an independence referendum in September 2017, followed by a harsh response both from Baghdad and from the international community. The leadership of Republika Srpska in its turn challenges state institutions and blames the international community for creating a dysfunctional state, where the citizens' will is held back by complex bureaucratic structures.

Through this study I argue that choosing this trajectory of increasing an entity's political actorness through existing and guaranteed state institutions over time is a more stable and secure road to possible independence in the future, with a clear realization that each of these entities exist in very different security environments, and thus their calculations and tactics for pushing for sovereignty have to take into account the broader regional context. The entities that I have chosen for this study receive high levels of attention internationally and in academic circles, with regional empowerment and international involvement being in the center of the debate. They will continue receiving the spotlight for actions challenging central powers. General elections were held in Iraq on May 12, 2018, and will be held in Bosnia and Herzegovina in October 2018. Tracking recent political developments and inter-party dynamics reveal how elites prepare to engage in a new round of sovereignty-pursuing tactics. I also track the establishment of relations with foreign actors by these entities, and reveal that these relations have not only official

dimensions, but that political parties also build networks with partners abroad outside of sub-state structures.

Chapter 1. Comprehensive Peace Settlements in Intra-State Conflicts

The preferred model for peace settlement proposed by the international community in societies divided along identity lines has been the introduction of liberal peace prioritizing political representation and security to the minority group through political and economic reforms, commonly understood to be essential for state and regional stability (Rothchild and Roeder, 2005). The international community has generally promoted solutions that maintain the existing state, and although there have been some movements towards negotiated secessions in particularly protracted conflicts, the preferred form of self-determination is through the realization of various autonomy arrangements and self-rule inside the state. Characterizing post-Soviet peace agreements, Florian Bieber and Soren Keil state that there seems to be no other alternative 'to some form of power-sharing arrangements in post-ethnic conflict societies' as guaranteeing group security and participation in internal political affairs, while at the same time maintaining the borders of the existing state (Bieber & Keil, 2009; p. 338). The alternatives to power-sharing – the partition of the state or the rule of the majority over the minority – are not deemed to be viable options for building sustainable peace both in the academic literature and in international circles (Fortna, 2004). The international community is reluctant to accept the creation of new states outside of the colonial context, having the fear that intra-state conflict will continue on the inter-state level, and new minorities and minority issues will arise in the newly created state, as seen in Serb minority regions and municipalities in Kosovo. The example of South Sudan has also demonstrated that newly born states will not have enough capacity to maintain stability, and will face challenges such as civil wars soon after emergence.

Since the end of the Cold War the international community and the United Nations have moved from "traditional peacekeeping" between states to becoming more involved in civil conflicts inside states, with more complex mandates for monitoring and administering various aspects of the transition to peace (Fortna, 2004). Before, a type of peacebuilding related to preserving negative peace was applied and took place between states. United Nations peacekeeping during the Cold War era would attempt to bring warring sides to a

ceasefire, mainly aimed at strategic and military balances, which could later lead to an elite-level agreement in a state-centric world (Richmond, 2014; p. 509). International peacekeeping, because of the bipolar status quo, could not interfere in domestic political matters. However, this practice changed in the post-Cold war period, where it took the path of building liberal states without necessarily receiving local consent. The concept of peacekeeping developed gradually, and international efforts became more engaged in the peacemaking process encompassing restructuring of powers inside the state along liberal lines in order to get rid of discriminatory power structures and elites. New peacebuilding became characterized as international peace-builders governing jointly with domestic elites. Negative peace was not considered to be sufficient by the international community, which now emphasized institution-building and integration projects as more likely to guarantee long-lasting peace. This was a top-down approach to reconstruction of the state, its institutions, economy and society. Thus, peace-building started to take the form of state-building, with the international community employing an approach of achieving sustainable peace by working towards institution-building and democratization simultaneously (Barma, 2017). However, international peace-building is problematic in a number of ways. Such approaches demonstrate insensitivity of the peacebuilding model to the local context, they do not counter the co-optation of the peace-building efforts and created institutions by local elites, and put under question the solution of intra-state nationalist conflicts through autonomous arrangements. In the following sections I address theoretical questions on power-sharing elements in comprehensive peace settlements; the federalization of the state as a solution to conflict, which also enables secessionist movements and the co-optation of its structures by local elites; and the development of 'states-within-states' with strong local legitimacy inside the state and their strategies for maintaining power.

1.1 Power-sharing in Comprehensive Peace Settlements

"A limited power-sharing framework tends to be developed more or less always with the confines of territorial sovereignty" and such an approach often weakens the need

for pluralism with respect to identity, focusing instead on territorial division for establishing power-sharing mechanisms (Richmond, 2014; p. 511). Peacebuilding arrangements also do not tend to address the roots of the dispute and avoid questions of deep reconciliation, rather preferring to separate warring groups from one another. These approaches in the last twenty five years have resulted in creating second-class global citizens and states, because transition does not take place from the post-conflict state to full reconciliation, and these societies continue living in a state of perpetual managed conflict, rather than peace. The examples of Cyprus, Bosnia, Kosovo, Afghanistan, etc. exhibit these constraints on daily life. Such an approach is viewed by critics as an attempt to impose a Western understanding of the state, and for being insensitive to the local culture and identity (Mac Ginty & Richmond, 2013). The overarching argument of opponents of neo-liberal peace is that international intervention in its attempt to bring peace directly and indirectly causes more disruption (Egypt, Libya and Syria as the most recent examples). Previous peace-building projects have shown that there is a clear break between the understanding of peace within the local population and from the perspective of the international community regarding stability. Thus, an improved approach to peace-building and state-building would have to be based on local agency and grass-roots peace formation, with a thorough investigation and deliberation of the particular conflict situation. However, pitfalls of waiting for local parties to decide on the terms can result in re-mobilization and re-grouping of forces, spoiling and recurrence of violence. Both the local and regional context have to be considered for drawing case-specific approaches, which should be driven by local actors, rather than being imposed by the international community. Relations between competing groups have to be central in these approaches, which would make peace more durable.

Jason Franks and Oliver Richmond argue that current peace-building models do not provide emancipatory and self-sustaining forms of peace: "Increasingly, because of the failures of such projects, [...] calls are being made for more local ownership, custodianship and participation, and a move away from heavy-footprint neo-colonial style approaches to peace-building and state-building [...] Yet, local cooption is ethnically motivated and reifies the very roots of the conflict peace-building is trying to assuage" (Franks &

Richmond, 2008; p. 98). Resources such as financial support and expertise offered in the post-conflict setting are often quickly controlled by local actors in order to further their pre-intervention goals following the settlement phase. Cooperation with international actors by local elites - which often reveals attempts to manipulate the created structures - commonly does not result in the outcome anticipated by the actors involved, making international parties complicit in creating dysfunctional systems they have to continue financing, and the consolidation of majoritarian and ethnicized entities (Franks & Richmond, 2008; pp. 99-100). Therefore, the theoretical problem of international peacebuilding when it comes to comprehensive peace settlements offered to the rebels and central government of the state is the creation of conditions where sub-state entities can promote their own goals and own sovereignty. When weak state structures are generated through a peace agreement decentralizing power, minorities who have received a legal basis for certain territorial and self-rule rights find that ethnic sovereignty can be strengthened further, which they do by accumulating support from inside the group, and by challenging central authorities as a means to bargain for concessions.

International efforts to restore peace have been unsuccessful, in part due to post-conflict elites' strategies for guaranteeing their own self-interest and political survival by grabbing power. International efforts to build peace are co-opted by local elites, who are often former leaders of rebel movements, and once they enter the newly established local political arena, they continue promoting their original goals, but now in the political domain (Barma, 2017). Thus, peace-building approaches themselves contain elements that can lead to disappointing outcomes. Whether it would be possible to deny these actors, who have been key figures in leading rebel forces, a seat at the negotiation table or in the phase after is also hard to imagine, as it will create distrust in the peace settlement process and derail it. According to Naazneen Barma, unintended governance outcomes emerge from all three critical phases of peacebuilding: the peace settlement phase, the implementation, and the aftermath. "Elite peace settlements are intended to mark an agreement on a country's post-conflict future – but, in reality, they serve more as the terms upon which conflict continues by political means" (Barma, 2017; p. 4). Ethnic partition places state resources in

the hands of ex-military forces, who would benefit from perpetuating nationalist conflict (Jenne, 2009; p. 276). The intention is to strengthen the state, but instead, political forces entrench their power in institutions, supported by international interveners whose aim is to create a functioning state apparatus and structures.

Balancing the pragmatic interests of parties at the negotiation table and the expectations of the international community have proven to be challenging. "Nationalism, discrimination and non-democratic or capitalist power structures are condemned by internationals, who are nonetheless often forced to work with the authoritarian state forms they have produced (Richmond, 2009; p. 516). Therefore, local subjects need to be understood as actors in shaping the course of peace-building and state-building, with political goals and mechanisms to achieve them, rather than as subjects of intervention. In short, though international models of peace-building by default are problematic (such as perpetuating societal divides), local actors play a role in derailing peace efforts from their expected outcome. Identity groups create structures that function based on group cohesion, through which they continue realizing self-rule and maintaining order. Using the peace models and governance frameworks shaped by international actors, these groups establish themselves in these structures. Thus, power-sharing arrangements offered in comprehensive peace settlements create a new platform where ethnic minority elites (rebel forces) continue their struggle through political means. Power-sharing becomes a compromise between giving local actors agency to develop institutions and services for constituents, and maintaining territorial integrity by the central government, even though these arrangements entrench ethnic divide and legitimize it by providing a political base for ethnically centered activities.

Agreements reached in separatist conflicts are about group rights (Fawn & Richmond, 2009; Richmond, 2016). The focus on territory and territorial autonomy, and group rights rather than individual rights as clear trends in these peace agreements, which highlights the importance of claiming self-rule for ethnically mobilized groups. Justice and rights are ethnically-defined, and aim to ensure self-governance and protection for minority groups. However, it should be acknowledged that groups involved in conflict are not unitary or homogenous actors and not all of them are represented at the negotiation table

when it comes to the stage of settlement. Leaders cannot represent everyone, which results in individual rights becoming secondary to group interests. Since the experience of marginalization and discrimination is fundamental to mobilization against oppression, groups themselves perceive individual rights as secondary and focus on the absence of mechanisms to protect group rights and group representation. Issues such as trauma, gender-based violence, environmental destruction and other social concerns become subordinate, with peace efforts being focused on building complex agreements (Constantinou, 2008; Constantinou & Papadakis, 2001).

Elections that are held once these systems are established give legitimacy and power to the signatories of the agreement. Non-state actors utilize international efforts in democratization and development for constructing their case for sovereignty. Such co-option leads to non-pluralistic entities that exploit the created structures and investments coming from international actors. Engaging in such projects of building power, local elites continue attempting to promote their cause under the new conditions and environment established by the peace agreement.

1.2 Autonomy as a Solution. Does Federalism Enable Secessionist Politics?

Autonomy as a solution is in the interests of the central government and the rebels. Proponents of autonomy as a solution argue that it offers a viable compromise between demands for separate statehood and for a unitary state (Ghai, 2008; p. 245). Autonomy is at the core of almost all peace agreements, either as a permanent or an interim solution (Caspersen, 2017, p. 16). Territorial self-governance allows for different groups in the society to reach a new level in self-determination while simultaneously preserving the territorial unity of the state - it is the only compromise for competing claims of state-building and territory (Wolff, 2009; p. 34). Philip Roeder also agrees that 'ethnofederalism' where a constituent unit becomes the homeland of an ethnic minority group is embraced widely both as an international practice and by local warring parties as a solution to intra-state conflicts (Roeder, 2009; p. 205). At the same time, institutionalizing autonomy arrangements is also seen as an unstable solution which empowers separatist forces and

risks causing the break-up of the state (Roeder, 2009; Norman, 2006). Ethnic federalism is criticized for separating warring parties instead of addressing the root cause of the conflict (Erk & Anderson, 2009; Lustick, Miodownik, & Eidelson, 2004). Autonomy also perpetuates further division by creating a 'proto-state which reduces the cost of secession, thereby making it a realistic option' for the future (Caspersen, 2017; p. 18). In this way, the 'balance of coercive and defensive capabilities is likely to shift to the advantage of the secessionists' and trap the political system between decentralization and dissolution, becoming unstable (Roeder 2009; pp. 212-213). Therefore, it can be seen as paving the way to the breaking away of the self-governing region.

When a power-sharing agreement is on the table, the majority group will be reluctant to accept such a deal, but there are incentives that make it appealing (Horowitz 2002; McGarry & O'Leary, 2013), such as the fear of losing territory. The central government would prefer to give territorial autonomy to the rebel/separatist forces over power-sharing, since such an agreement would not entail 'giving away' power in the center, and would not lead the region to break away. Both territorial integrity and power would be preserved in the center, but the national minority would receive more rights and freedoms locally (Wolff, 2009; p. 31). Accordingly, in a separatist conflict, if political power-sharing at the center is not a requirement by the minority rebels, territorial autonomy and maintenance of a security apparatus have to be guaranteed if a state desires to maintain territorial integrity.⁴ Separatist movements on the other hand may have a greater interest in political power-sharing, because it would prevent recentralization. By participating in central decision-making on behalf of the entity, sub-state political elites can contribute to legislation that takes into consideration the interests of the minority group. Following a violent conflict, rebel forces demand guarantees of security and self-governance in the form of autonomy. Such an agreement, reflected in the constitution, gives them reassurance that their interests are secure. If the agreement is embedded in the constitution, it will provide additional guarantees to the separatist forces that they are protected. Once such provisions

⁴ Autonomy without power-sharing is also due to the weak bargaining power of the separatist forces and the lack of leverage they have (See Walter, 1997).

exist in the constitution of a state, they are extremely hard to remove and require the participation of minorities to amend them.

Achievement of independent statehood is in many cases the least feasible or appropriate exercise of self-determination. Therefore, in situating the concept of self-determination in federalist systems, it should not be assumed that 'independent statehood is the natural goal or inevitable result of aspirations for self-determination' (Buchanan, 2004, p. 332). Engaging in nation-building, minority elites, or minority nationalists hope that these efforts will bring to more political autonomy. They also make claims to autonomy to have more freedom to continue nation-building. In the eyes of the majority group or the central government, these nation-building projects and autonomy calls are a vicious cycle: 'autonomy leads to nation-building, which leads to demands for more autonomy, and so on, until well-mobilized demands for secession are inevitable' (Norman, 2006, p. 75). However, this line of reasoning is questionable. Some argue that secession may not be the authentic goal of independence movements, resulting from calculations by elites of minority provinces that independence would not be viable, putting possible statehood under threat. Promoting independence is often generated through high level of popular support for the cause, first, creating expectations from leaders to continue searching for solutions of self-determination, and because political elites themselves work towards preserving power, which could become uncertain in the case of changed status for the sub-unit.

Secession is also not preferred by the international community. Buchanan (2004) states that self-determination for minorities should take place within the multinational state, rather than outside, and that the international community and international law should encourage alternatives to secession, such as prohibiting discrimination inside a country based on ethnicity or religion, supporting cultural, political, military autonomy arrangements and respect of human rights by the central government or the majority group. This way, states are not broken apart, but the minority enjoys self-government and internal self-determination.

Preventing secession as a central design challenge in multinational federations can be achieved through making secession less attractive to minority groups, by taking away incentives for leading secessionist politics. Demand for secession is in reality a demand for

more concessions from the central government by leaders in the sub-state unit. This is also a source of legitimacy for minority elites to gain support from their own constituents. However, once secession becomes a legal option, it is possible that it becomes less attractive for some minority elites. Basing their source of legitimacy on the promotion of the independence call, elites understand the low chance of reaching a new milestone. At the same time, this is related to competition for power inside the state as well, as ruling elites are not willing to alter existing networks and give up power.

Secession is permitted only by mutual agreement between a central government and a regional minority (Crawford 1997). Thus, power-sharing or granting autonomy is the sovereign decision of the state, based on calculations and costs for various scenarios of resolving the issue with the minority rebellion. Sufficient conditions for legal secession are the act of genocide or strong violations of human rights by the central government, or the unjust annexation of a territory by another state. If parties that committed these violations were held accountable by international actors, central governments would not have incentives to abuse national minorities - they would honor agreements, being under the watch of the international community - and therefore, secession would not become an option. If international law recognized the unilateral right of secession, it would be in the central government's interest to rule justly. The condition that is lacking is that international law would have to be reformed to focus more on intra-state issues, which is not what sub-states rely on.

If secession was based on the majority of the population's will to become independent, the central government would try to constrain decentralization in order to prevent this possibility (Buchanan 2004: 349). But when fear of secession becomes a real concern for a state with an autonomous region, it can establish repressive policies even before the opportunity for mobilization arrives. Thus, repressive measures would be applied even to groups that desire political participation or some level of autonomy, but not more. Even demands for low-level autonomy would be viewed as leading to the collapse of the state and receive negative responses from the center. If the desire to become independent would be based on just-cause, meaning that a group has the right to secede if it has been the

victim of serious violations of human and group rights, or if it has been illegally annexed, then very strong support for the cause would be necessary to stimulate such large-scale action. If, however, support for the cause is low and only has the form of rhetoric in political circles, then secession will not take place. Organizing such steps as preparing for a real change in status would require enormous resources for mobilizing crowds, armies, and preparing other institutions for transition. Political elites might simply not have the capacity or the will to pursue independence, nor is collective action so strong or supported internationally, to be deemed successful.

A secessionist movement without a legal means to pursue such a political agenda will give rise to political uncertainty or fears or eruption of violence, especially when not supported by concrete plans of action after a referendum has taken place. Added is the idea that a legal procedure might diminish the chance that there will be an attempted secession or even a serious secessionist movement. Such mechanisms, which would make it difficult for elites to capitalize on popular support, would be enshrined in a legal agreement between the state and the province, such as providing to hold a series of referenda over a period of years to demonstrate the will of the people over time, or require very high voter turn-out from all participating districts (Norman, 2006; pp. 191-192). To counter the last point, the interim phase in Sudan to determine whether the southern province would remain in New Sudan or vote for partition shows the transformation from willingness to stay united to taking the path of independence, as local political parties began focusing on institution-building projects in South Sudan. Though remaining in the same state was originally believed to be the favored outcome following the interim stage, legally established processes led to desolation of the state. At the same time, the level of violence and marginalization of southern Sudanese during the Sudan civil war revealed few viable options to interim governance.

Thus, in theorizing secession, an ad hoc approach would be preferable, as both the outcomes of responses by central governments to minority provinces and other regional configurations have to be viewed individually. Even when some factors are controlled, such as level of autonomy, institutional arrangements, international presence and pressure, the outcomes are not generalizable (Erk & Anderson, 2009; Lutsick et al., 2007). Post-conflict

federal systems contain elements of empowerment of the marginalized group, which receive agency in the state, guaranteed by the constitution. Elites of these entities continue promoting the independence aspirations of the group, having access to state institutions and the support of local constituents.

1.3 State Responses to Sub-State Secessionism

Territorial recognition of minority rebel forces may intuitively seem to be the best way to manage ethno-linguistic conflict but in the long run, such recognition perpetuates and strengthens the differences between groups and provides minority nationalists with the institutional tools for eventual secession. Further, federalism provides opportunities for conflict between regions and centers that might not otherwise exist (Erk & Anderson, 2009; p. 192). A federal arrangement that formally recognizes ethno-linguistic diversity to help manage the political system can set the state on a path to eventual disintegration. Self-rule tends to reinforce and strengthen divisions among groups by institutionally 'freezing' them in various forms (see also Ghai, 2000). Steps taken to guarantee the representation and participation of minorities then become the base for further separation. The same institutions that seem to be able to resolve differences, acknowledge diversity and prevent states from breaking apart along ethnic lines seem to encourage conflict, harden divisions and facilitate the break-up of states.

Group recognition ensures the perpetuation of the differences and provides minority elites with a vested interest in the continuation of the divided system. Recognition of group rights also means that these groups will have the institutional tools to promote and strengthen their cause and unity, and keep the political arena divided. Thus, federal systems can perpetuate group divisions further, and aid the disintegration of the state, because they can reduce the cost of secession and make it a more realistic option for minority groups. If the federal entity has full control over education, trade, taxes and budget, security and armed forces, secession may seem technically realistic. But what serves as a factor holding these actors back from pushing for full independence is the fact that the status quo is beneficial for the political elites in power in the province.

Demands for autonomy are often rooted in the belief that the group's social, economic and cultural survival is threatened by the actions or inactions of the central state, and their perception that the state is trying to interfere with internal issues. In advanced democracies, federalism has helped to keep states unified, and in less developed countries there is evidence of positive effects of creating federal structures (Bermeo, 2002, 108). The reinforcement of specific interests of the group in a state is a good step for preventing secession, and federalism reduces the possibility of conflict, despite the potential problems. A certain amount of autonomy and group rights will satisfy collective action goals, stopping minority groups from continuing their pursuit of the ultimate goal of secession. Despite the solidification of group identities, self-rule reduces conflict, because it still promotes integration by becoming a basis for interaction between the region and the central government, keeping them inside the same public space (Bermeo, 2002). In itself, ethnofederalism creates strong incentives for elites to mobilize mass support around ethnic themes (Snyder, 2000). It provides minorities with greater resources for self-rule and decision-making, but erodes the demand for full sovereignty (Hechter & Okamoto, 2001). Lutsick et al. also suggest that power-sharing institutions, such as federalism, may decrease the chances of secession, but they increase the likelihood of mobilization along ethnic lines (2004). Thus, in describing political and social processes inside these regions, ethnic mobilization is mistaken for secessionism. Hechter (2000) and Caspersen (2017) reconcile opposing arguments about the relationship of federalism and secession by stating that whereas decentralization may provide minorities with greater resources to organize and engage in collective action, it also erode the demand for sovereignty as it responds to the desire of the disadvantaged group. Lutsick et al. also find strong support to decreased secessionist activity as a result of even low-level power-sharing. From the point of view of the central government, responsive tactics to meeting the rebels' demands are more preferable than repressive, as "significant decreases in secession frequency were achieved with relatively smaller-scale increases in representativeness compared to the scale of increases in the repression necessary to produce comparable decreases in secession" (Lutsick et al., 2004, p. 224). Repression is costly and keeps group mobilization active. At

the same time, going on concessions with the minority group, the state reduces the potential for secession at its own expense, accepting that the minority group will have a significantly larger role in political processes and the political life of the whole state. Exploring the relationship between institutionalized empowerment of potentially secessionist groups and the appearance of secessionism based on a simulation of a state with provinces prone to ethnic tensions and calls for secession, they find that even when key variables such as "international involvement, relative economic position of the potentially secessionist region, and distinctiveness of group identity" are held constant, outcomes are non-linear (Lutsick et al., 2004; p.222). Moreover, in shifting between repressive to responsive and representative tactics, central governments in the first case achieve demobilization (Fearon and Laitin, 2003) but in the longer term may face threats of secession, and in the case of responsiveness - mobilization continues, with the threat of secession decreasing in the long run (Lutsick et al, 2004, p. 223; Snyder 2000). Atul Kohli (1997) argues if the central authority structure is strong but willing to be accommodating and responsive to demands by potentially secessionist minorities, as a result there is a short-term increase in ethnopolitical mobilization but in the long term the likelihood of facing secessionist threats decreases. If the state is unaccommodating but strong, they can expect continuing cycles of mobilization and repression.

1.3.1. Overcoming deadlocks

To address the post-conflict ethnic divide, a flexible environment for settlement needs to be created. One option is to postpone contentious issues in the agreement.⁵ It was applied in Bosnia's Brcko district, when after the Dayton Agreement was signed, the district which during that time had not received a final resolution was incorporated into the Federation of Bosnia and Herzegovina (southern entity), causing much disapproval in Republika Srpska, but did not lead to renewed violence. In Sudan, the dispute was around the oil-rich Abyei region. By the time the commission made its decision, the context had changed - the South was on the obvious path of independence, and interim institutions and solutions became obsolete.⁶ In the Iraq, the status of several regions which had been under Iraqi and Kurdish control was left to be resolved at a later stage. In the latter case, disputed territories became the center of renewed tensions more than ten years following the settlement.⁷ Thus, when drafting a settlement, the maximalist positions of the sides can be accommodated by pushing contentious issues back, and including them in the constitution forces these issues to be resolved applying legal mechanisms and consensus in the post-conflict stage⁸.

These approaches have their shortcomings, because ambiguity, or postponing the solution of critical issues for later phases can create instability and exacerbate mistrust and

⁵ Another option is the creation of an interim agreement to serve constructive ambiguity for final settlement, allowing for the formation of institutions and signifying further significant changes later. Transitional power-sharing arrangements do not allow for the creation of a political deadlock (Sisk & Stefes, 2005).

⁶ Clashes in the Abyei region intensify around the date of the independence referendum in January 2011. See the BBC Country Profile for South Sudan <http://www.bbc.com/news/world-africa-14019202>

⁷ It is also an option to divide big agreements into increments. For example, the Comprehensive Peace Agreement for Sudan included six agreements, which had to be met gradually within three years.

⁸ Interim governments or solutions give a temporary stop to violence and are intended to re-establish trust. Central governments risk further disobedience and violence without a peace agreement, thus they have an interest in making the interim institutions work, as this is a chance to demonstrate the benefits of continued co-existence, and it is much more easily done if the agreement is implemented, institutions are well-functioning and minority rights are respected. Separatist leaders have little incentive to cooperate in central institutions, and will try to demonstrate how dysfunctional they are in order to continue with their cause. At the same time, the central government might fear, that going ahead with the deal will create more effective institutions in the separatist region, resulting in the emergence of proto-states that will strengthen their opponents and make secession more likely.

hostility. Delaying a settlement on contentious issues can be the only way to reach an agreement, but these issues can be undermining to the core deal⁹ (Caspersen, 2017; p. 125). The transitional nature of these arrangements makes compromise easier, because it allows the leaders of all parties to claim victory, but with interim arrangements or postponing contentious issues, all attention in these circumstances will be drawn to the final solution of these matters, which affects cooperation between parties. For resolution of conflict and territorial integrity to prevail, the interim period has to contain hope for the arrangement to withstand maximalist goals of parties, having already enabled a compromise. The lack of effective institutions may be a source of instability and it is also possible that there is a shift in power after the agreement is signed, and the government backs down from its position after the interim phase (Caspersen, 2017, p 131). Steps can be taken for overcoming deadlocks, but after the entry into force of the peace agreement or the constitution, unresolved issues remain an apple of discord between the central government and the self-ruling minorities.

1.3.2 South Sudan: Interlude

South Sudan is an example of the process of gaining power-sharing and territorial autonomy inside the state, gaining independence through a referendum agreed upon by leaders of the central government and the rebels, and the subsequent collapse of the newly created state into civil war (Belloni, 2011). Mechanisms were applied to give an exit strategy to the rebel forces in the case the central government was not able or willing to resolve issues specified in the peace agreement. This gave incentives to the central government to invest in institution building and power-sharing, being unwilling to give up the southern part of its territories. An interim government was created to address the roots of the conflict and to allow for political representation from the south, but the most significant provision of the peace agreement was the possibility given to the South

⁹ It is argued that the interim solution in Sudan became the catalyst for institutions to be underdeveloped and parties to focus building power locally, abandoning plans for building a common state.

Sudanese to secede from Sudan following the end of the interim period. South Sudan chose external self-determination, as commitment to the idea of maintaining one state waned among its political leadership, who gradually became less interested in building common state institutions, and instead focused on power-grabbing in South Sudan. This resulted in a civil war that broke out between two factions of the same party in South Sudan, throwing the state into chaos. The case of South Sudan is an example of how rebel forces of an under-represented and marginalized group negotiate their status within the state, achieving political and territorial autonomy as well as power-sharing in the center. The interim agreement is also notable, as it was able to bring the warring parties to peace, delaying final decisions on some issues such as territorial delineation and revenue-sharing. The independence clause in the agreement presented itself as a strong incentive for the central government to invest heavily in minority representation and institution-building, but over time discouraged the same among the rebel forces, who gradually became more interested in breaking away.

The decades-long war in Sudan ended in 2005, with the signing of the Comprehensive Peace Agreement (CPA)¹⁰ between the South Sudanese rebel forces represented by the Sudan People's Liberation Movement (SPLM) and the National Congress Party (NCP) in the north, ruling in Khartoum. The CPA gave South Sudan a status of territorial and political autonomy inside the state, with the option to break away from Sudan if the sides were unable to resolve disagreements during an interim phase. The Comprehensive Peace Agreement set out an interim consociational democracy where South Sudan received exclusive territorial autonomy with the right to a separate army. During the interim stage, both sides wanted to retain control over their own coercive forces until status issues were resolved. The objective was to ensure the feeling of security for constituents and create an atmosphere of trust until the independence referendum was to take place, rather than attempting to make the army a functioning state institution. The high level of distrust disabled serious steps of demobilization, intensified with violent clashes in border regions and evidence of armament of local warlords in the delineated areas (Small Arms

¹⁰ Peace Accords Matrix. University of Notre Dame. 2005.
<https://peaceaccords.nd.edu/sites/default/files/accords/SudanCPA.pdf>

Survey, 2009). It was decided in the CPA that Joint Integrated Units would be created over time, which would be the basis of an integrated army, but South Sudan voted for independence before their implementation.

The state would be ruled by the President representing the North, and two Vice-Presidents, where the First Vice President represented the South and had veto power over declaring war against another country, and in case of state of emergency (Art. 2.5.1). A number of seats in the parliament were reserved for the South, 15% of which would be for other forces from the South, that were not in coalition with the SPLM (Art. 3.5). The agreement also promised proportionality in civil service (Art. 2.6).

The CPA was able to achieve the end of a bloody war, but much of the agreement was never implemented. The ultimate objective of the agreement was to make remaining within the state more attractive to the South through a process of democratic transformation. However, progress in practical steps was slow and marginal, which already in 2009 revealed that the leadership in South Sudan had identified independence as the only solution (O'Leary, 2012). The transitional period was unable to make unity attractive, making independence the center of political debates in the country.

The conflict in Sudan was not initially about territory, but rather about the nature of the discriminatory regime excluding the southern regions that over time took on a territorial dimension. Following the signing of the CPA, both sides were striving to maintain "New Sudan." The SPLM was fighting to achieve a state where the south would be represented, and only later did the demand for independence and creating a new state become desirable.¹¹ The secession of South Sudan from the Republic of Sudan took place in a relative agreement with the central government. Clashes in oil-rich border regions took place during the interim period following 2005, and several months before the Independence Referendum, which also highlights the dangers of delaying contentious

¹¹ Following the untimely death of the leader of SPLM, John Garang, the separatist faction of the party became more dominant and the NCP became reluctant to implement the peace agreement, reportedly fearing that it would strengthen the SPLM and increase the risk of independence for South Sudan.. The SPLM became increasingly focused on institution-building in South Sudan, abandoning the New Sudan project.

issues.¹² South Sudan has scored among the top five in the Fragile States Index¹³ since 2013, with indicators for security, political and social cohesion showing worsening since independence.

I include this example as South Sudan has gone through a phase of power-sharing and territorial autonomy, followed by negotiated secession with the central government. Factors hindering the success of South Sudan should be viewed ad hoc, focusing on institutional capacities and social, political tendencies in the territory. However, despite the dire unfolding of independence, legal procedures were followed, gaining South Sudan the full sovereignty it desired. The conclusion for Republika Srpska and Iraqi Kurdistan in this regard is that sustainable political institutions need to be created for the pursuit of independence to succeed and for the entity not to collapse.

1.4 States-Within-States and Their Sovereignty Credentials

To summarize previous sections, though independence is the final collective aspiration of the group, autonomous entities (even if the issue of capacity and legitimacy was solved) often are not willing to be independent. Sub-units are protected within the boundaries of the state, and having their autonomous status guaranteed by the constitution, they are protected from the oppression of the state and can engage in internal and external political and economic processes. Under state structures, rebel elites that base their legitimacy on supporting the independence process, also secure their own power and self-interest, being protected from internal competition. The case of South Sudan also shows that even with an interim phase to build institutions, these structures did not work and the newly emerged state fell into civil war. Political competition inside the region is also controlled through federal mechanisms and strong institutions, which diminish the chances of violence and instability breaking out. Being protected from the anarchic system of the world, these entities nevertheless acquire many state-like features, such as a delineated

¹² See the BBC Country Profile for South Sudan <http://www.bbc.com/news/world-africa-14019202>

¹³ Fund for Peace, 2018. <http://fundforpeace.org/fsi/data/>

territory, a constituency and structures to manage social and economic affairs. In this section, I introduce the concept of states-within-states, which have these features and challenge the idea of the international system consisting only of states.

States within states are political entities emerging from 'the crumbling of one form of political order' ruling above them, where they can effectively control a territory, 'collect taxes, and conduct business with international and transnational actors' (Kingston & Spears, 2004: p. 1). States within states emerge as a challenge to existing state structures that have weakened and cannot provide social order and services. Being within collapsing states, these entities have to provide security and welfare to their populations. From the perspective of state-formation, elites of states-within-states have a territory that they rule over, with a monopoly of military forces, resembling the features of the state as according to Max Weber (1947).

According to Charles Tilly (1985), war-making and state-formation are linked, as seen from the emergence of states in Western Europe. War-makers come to an agreement with civilian populations, transforming into accountable political entities with demarcated territories, where leaders use their monopoly of force to enhance the productivity of the society. The authors of *States-Within-States* focus primarily on the formation of states in previous eras as a basis for thinking about the formation of such state-like entities within the territory of states. However, the debate whether states-within-states lead to the disintegration of the state they are in is not conclusive, as outlined in previous chapters.

The peace agreements I study, which give wide power-sharing and autonomy rights to minority groups create grounds for the development of strong entities, which can be characterized as states-within-states - entities that monopolize power in the territory under their rule and promote their own nation-building projects. Conflict and competition between the state and sub-state result in the emergence of sub-states that have acquired a number of state-like features. Some of the deeper theoretical implications of states-within-states lie in these entities' role in the international system, such as their capacity to protect minorities or provide security in highly unstable countries (Pegg, 1998). Scott Pegg also believes that states-within-states will be enduring features of the international system (Pegg, 2004). Among the Third World states, many have not been able to consolidate

power over a defined territory. Thus there is a gap between a Weberian model of a functioning state versus what is on the ground. This gap has led to the scholarly exploration of concepts such as 'quasi-states' or 'shadow states' or 'collapsed states,' which are now recognized as all recognize are new phenomena in the international arena (Jackson, 1993; Herbst, 2014; Tilly, 1985) as prior to 1945, these kinds of states with weak administrative structures and divided populations would have been swallowed up by stronger powers¹⁴. States-within-states however have effective control over the territory they rule and have developed institutions and structures to provide services such as collecting taxes, conducting trade with external partners, etc. The maintenance of own security forces are also an indicator of the weakness of the central government. It can also be argued that maintaining own security forces and utilizing them (such as the Kurdish Peshmerga against Iraqi forces before 2003 and against the Islamic State in 2014) strengthens public mobilization and support to entity elites and institutions. Fighting against external threats increases the cohesion between the state-within-state and its population, and strengthens group identity. The capacity to generate revenue is also a significant feature of states-within-states – creating structures to engage in export of resources and trade is the basis of livelihood of the minority provinces. For this, investment in infrastructure development is necessary, such as inter-state roads, airports, border checks, etc., perpetuating the strengthening of sub-state capacities.

Thus, states-within-states, managing to govern a certain territory and guarantee security for constituents, can be understood as preparing for future statehood and independence. In having reached such a high level of nation-building and state-building, these entities demonstrate that they are capable of governing competently. The recognition or acknowledgement of states-within-states in situations of civil conflict can solve group

¹⁴ According to William Reno (2003) a quasi-state, besides having a juridical nature, exists by relying on patronage networks and investments from abroad. Over time, due to these connections, the elites of the quasi-state become less interested in state-building and the welfare of the populations, and rather focus on grabbing power and resources (Spears, 2004: p. 15). Shadow states in their turn are legal structures that keep foreign interlopers out. In collapsed states the government not only failed to provide the population with security and other basic needs, but also ceased to function altogether. The most famous case is Somalia, where there has been no internationally recognized government for over two decades (Spears, 2004: p. 15). See also Mcloughlin, C. (2009), *Topic Guide on Fragile States*. GSDRC Topic Guides. Birmingham: University of Birmingham.

trust issues once a peace agreement has been reached calling for disarmament (Spears, 2004: pp. 28-30). The authors of the book *States-Within-States* believe that these entities should be considered by the international community as a type of state formation that can guarantee security and the protection of rights for identity groups. Unlike *de facto* states, “the nature of the final decision-making powers that [partially independent territories] possess is characterized by an agreement in which their powers are generated by the core state with which they are associated,” and formally entrenching these powers in the constitution makes them difficult to change (Rezvani, 2015; p. 274). Going back to the relation between federation and secession, shared power and autonomy guaranteed by the constitution protect the minority entities. For Rezvani, partial independence is better than full independence based on three reasons: autonomous entities produce nationalistic compromise, public goods, and commitments that fully independent states usually do not possess (2015; p. 280). Sub-units do not have to face external threats alone, being under the protection of the central government. Such an environment is differentiated from the anarchical system that states exist in. Therefore, partially independent territories have an advantage of existing in a more secure environment. Being in an agreement with the central government also means that state structures accommodate the nation-building projects of both the central government and the province. Finally, what gives security to the entities in the world system is precisely their sub-state position. Their status will be protected by arrangements for dispute resolution that do not exist for states. Such arrangement solve issues associated with insecurity, poverty and nationalism, which are core concerns for states in the international arena.

Entities do not need to be recognized states to gain *de facto* sovereignty. Having military and security forces to enforce order, functioning institutions and social structures, ethnic sovereignty has developed in these political entities (Fawn & Richmond, 2009; p. 210). Often, the only resources these groups do not enjoy are international relations, external legitimacy and recognition, and integration into regional and global financial systems. Thus, in states-within-states, internal legitimacy is more important than external legitimacy, and it is probably also far greater. Since these entities tend to become non-pluralist, their legitimacy is derived from within the ethnic group they represent, in addition

to have the implicit endorsement of international actors, who cooperate with them in the domain of peace- and state-building. Entities exercise a form of ethnic sovereignty effectively, delivering to their own interests. Some local actors, often representing traditional, pre-conflict elites, have considerable agency, and are able to manipulate their work to attain goals outside the formal aims of the peace process aimed at self-interest (Fawn & Richmond, 2009; p. 209).

Such entities develop *de facto* state qualities and simulate as many of the features of formally sovereign states under the given international constraints. The methods and goals for conducting such affairs are also part of these entities' efforts to attain greater sovereignty, recognized by the international community. They defend their current status, acquired by own efforts and engraved in the constitution, and try to attain more by engaging with external actors, and establishing local institutions and carrying out nation-building. Seeking international recognition, or, at least wider cooperation with international actors, these entities simulate *de jure* sovereignty, while also working to undermine similar efforts taken by the central government of the federalized states they are part of (Fawn & Richmond, 2009). An interesting tendency in state-entity relations is that entities focus more on their relations with external actors, than with their local counterparts, which is also an undermining factor in achieving co-existence. As domestic legitimacy is more important for the elites of the sub-states, they must be able to govern their constituents, and provide bureaucratic, political, social and economic cohesion. Institution-building therefore is a primary concern as a starting point for secessionist mobilization. In the international domain, these entities establish relations with other actors first through the peace-building agents, and then with NGOs, international agencies and other state actors already having many state capacities. These efforts are carried out for the purpose of promoting international actorness and establishment in existing regional and global systems.

1.5 Sub-State Foreign Policy

Aspirations for sovereignty can be determined by examining, where relevant, the political and material resource bases of the entities and their interaction with outside actors, including kin states, NGOs, and international organizations. By engaging in peace-building in post-conflict states, which in the previous sections was demonstrated to be closely related to state-building, international actors participate greatly in the creation and strengthening of self-ruling entities inside federalized states. And once these entities gain self-rule, they begin expanding cooperation with external actors (establishing trade and security relations, bringing foreign direct investments, opening liaison offices, etc.), thereby entering into foreign relations and elevating their sovereign status. In the post-conflict setting, state actors are active in developing a foreign policy capacity, in order to demonstrate that they control the domestic setting. Ethnically sovereign actors tend to be relatively domestically organized, but more dependent on the international community for any international or foreign policy status. Both state and non-state actors who are competing for sovereignty on the territory of the state (and the province) tend to see the roles of third parties as deriving their legitimacy from the support they provide directly or indirectly for their own case (Fawn & Richmond, 2009; p. 212).

‘Parallel diplomacy’ or sub-state diplomacy refers to the establishment of foreign relations with other players in the international arena by sub-state actors, to promote cultural, political and economic relations. Sub-national diplomacy has become common in all continents of the world with sub-state mobilization increasingly acquiring a foreign dimension. Some of these ties are exclusively economic, to participate in regional integration of provinces (Southeastern Triangles of Growth in Asia, or regions of Mexico establishing relations with the U.S.), however, even these are gradually gaining a political edge. At the same time, sub-units engage in foreign affairs with neighbors to put pressure on the central government to protect regional interests (Cornago, 2000), but the development of parallel relations are not acts of insurgency only. Central governments realize the importance of regional integration of provinces for stability and economic

activity, and encourage the development in this domain, with certain control. A central question in the study of parallel diplomacy in the 1990s turned from federal studies to establishing whether the diplomacy of provinces undermined the interests of the central government, but the benefit of engagement in foreign relations by the sub-state is seen as elevating the status of regional integration and therefore to fulfill the foreign relations objectives of sub-state, state and external actors (Hocking, 1993).

When it comes to weak or fragile states, there is uncertainty whether the parallel diplomacy of autonomous regions increases or decreases their weakness. When territories have very high autonomy or are seeking independence, diplomatic ties can be an important aspect of conveying their message and cause to the international community, as the case of Kosovo demonstrated before the UDI in 2008. Thus, there is support that foreign relations elevate the independence cause of a group. At the same time, these practices can contradict the absolute sovereignty of the state, which can raise instability or deteriorated relations between the center and the province. Especially if this is preceded by conflict or hostility, it can be expected that the aim of the province is to strengthen political and financial channels across the border and within international circles. In having these relations with external actors, sub-state entities can hold the central government accountable internally. In its diplomatic relations, the state will have to consider the interests of the minority group, which can have constraining or shaping effects on the design of the state's foreign affairs.

The parallel diplomacy of sub-units can have various relations with the central government, which can be grouped into competition or cooperation with state diplomacy (Duran, 2013). When the nature of sub-state foreign affairs is competitive, it can challenge the authority of the state, and even undermine it (Criekemans, 2007; Criekemans & Duran, 2010). The empowerment of sub-units can give these entities incentive to not pursue external self-determination, as it increases their capacities and level of sovereignty as well. Thus, a challenge is to understand whether these institutional arrangements are contributing to the end goal of independence.

Foreign relations become a powerful attribute of sovereignty for these entities. In the previous section I argued that what makes these self-ruling entities state-like is their internal cohesion, functional institutions and legitimacy. Establishing foreign relations is

another dimension for the regional elites to seek support and legitimacy, showing that they exist empirically. Entities have emerged empirically as sovereign, without recognition and without radical or unilateral measures to gain independence. They find room to maneuver inside given structures to consolidate their sovereign powers. Basing sovereignty on the competencies that the regional governments have achieved, such as local support, functional institutions and ability to engage in relations with external forces, sub-state entities take advantage of structures available to them to push for expanded powers and freedoms.

Conclusion

In this chapter I argued that the implementation of peace following intra-state conflict encompasses elements of power-sharing. In some instances, power-sharing entails the territorial autonomy of the rebel group, which is perceived to enable secessionism. Receiving empowerment codified in the federal constitution, the minority group begins using its status and institutional capacities given to it as a means to pursue its own nation-building and state-building projects, contesting the absolute power of the state. In receiving such powers, entities begin generating their own channels for gaining more autonomy and local support internally, and political actorness and engagement with other actors in the international arena externally. Having this framework, I proceed with studying the state-like attributes of Republika Srpska and Iraqi Kurdistan, and their strategies for strengthening their positions inside the state and externally.

Chapter 3. Methodology

For this study I compare the Republika Srpska and Iraqi Kurdistan to each other through a number of factors to reveal how these entities have been proceeding with increasing their sovereignty internally and externally. Both of these entities are a part of federal arrangements, in which two or more self-governing communities share a common political space (Norman, 2006; p. 78). I start by analyzing the Constitutions of Bosnia and Herzegovina and Iraq to reveal the power shared and divided between the entity and the central government. This serves as a starting point for understanding the legal ‘range of movement’ these entities have. Following, I explore significant political developments that have taken place in these countries in relation to challenging state authorities by the sub-unit or in consolidating power unilaterally, going over state authority. Finally, I look at the foreign relations these entities have developed, to understand how much they have promoted their external actorness in the world.

I use the method cultivated by Erk and Anderson (2009) to determine what factors could secession-inducing or secession-preventing. They move forward three factors: (1) federal institutional design codified in the constitution; (2) the political will of the subunits and their institutional and societal capacity; (3) and uncodified economic and social factors (2009, p. 196). Institutional design refers to the division of power and competences between the unit and the central government (shared versus separated), demarcation of borders, integration of markets and legal systems, etc., as well as secession clauses in the constitution. The institutional capacities of the entities are given and protected by the constitution, and serve the interests of the minority groups. The created institutional capacity can contribute to secessionism, but it might also satisfy the group, with the understanding that independence is unrealistic. Often, the will to secede comes from the belief that the status quo is less satisfactory to the identity group than an alternative, often associated with the policy of the central government or perception that economic growth in the province is stagnated due to being part of the larger state. But the political will of sub-state elites also comes from their calculations which could find that external self-

determination is not plausible under the given circumstances (Erk & Anderson, 2009; p. 197). Other aspects of institutional design are the number and nature of political parties. It is significant for understanding whether there is support for secessionism. Political competition between sub-unit parties bases success on public support. Ceding power to moderate parties will hinder plans for secessionist/nationalist parties, therefore, they have to continue competing for power centrally as well, albeit to prevent moderates from the same group or cross-sectarians to come to power, diminishing their positions. Uncodified factors are economic and social factors not codified in the constitution. For example, economic inequality among regions, especially if the minority group believes its economic resources are being exploited by the central government with little return. Another factor in this group is the existence of kin-groups in neighboring territories, or states that have particular interests in the region. Under this point I also add the foreign relations aspect of the entities' activities, not in the scope of Erk and Anderson's research. Sub-state entities can lead foreign affairs that are in competition or cooperation with the foreign interests of the central government, and in circumstances when the entity is pursuing more sovereignty, foreign channels are put to use for elevating this cause. These factors do not exist in a vacuum, and each case has to be individually examined in the environment it is in.

This is a paired comparative study, the aim of which is to explore the development of empirical sovereignty of these entities in the environments where they belong. The measurement of sovereignty is not the goal of this research. Instead of quantifying the sovereignty of autonomous entities, I explore the capacities they have institutionally, and what measures they have applied to build strength internally and to establish connections with external actors. In the first section of the theoretical framework I mention that the power-sharing systems I study create the perception that granting autonomy creates more autonomy. But, most minorities in the world do not have political autonomy (as opposed to broader cultural or non-territorial autonomy), so it is difficult to establish a causal relationship between minorities receiving autonomy, and using it to gain more autonomy. In addition, multinational states with reasonably long traditions of democracy demonstrate

that even when secessionism is favored in opinion polls¹⁵, the best explanation for secessionist demands may be the larger state's refusal to grant autonomy and recognition to them within the state (Norman, 2006, p. 75). Undertaking the task to estimate whether these entities have become more 'sovereign' would require an attempt to measure "sovereignty received" at the stage of agreeing to and implementing the constitution versus "sovereignty acquired" up until now¹⁶, however, constitutions in neither of the cases have expanded the rights of the entities and I prescribe observed expansion of sub-state sovereignty to . Instead, I look at tactics employed by the entities internally and externally to promote their internal sovereignty and international subjectivity. I refrain from defining concepts such as 'sovereignty', 'independence' or 'political actorness' as grounding these concepts would diverge the focus of my research.

3.1 Case selection

The international community did not need to have a position on the question of Sudan because it was an internal political process. For Iraqi Kurdistan and Republika Srpska, provisions and internationally-held positions are constraining factors for considering secession as a real option. No states support the independence claims of Serbs in Bosnia and Kurds in Iraq, however, these entities receive much international coverage due to the destabilizing effects their actions could have regionally, and in setting global precedents. These entities are theoretically interesting, as they have to find other ways to promote their interests beyond the legal structures given to them.

Bosnia and Herzegovina is a consociationalist model of power-sharing, while Iraqi Kurdistan is simply a province of a federal state, where Kurds receive 1/3 of parliamentary seats based on sectarian divides. By nature, the federal systems where these entities are located are different. In addition, the governance of Bosnia and Herzegovina is also partly shared with the international community, and Iraqi Kurdistan had to protect its borders

¹⁵ Canada and Quebec

¹⁶ The Kurdish Regional Government controlled more domains on its territory than prescribed by the constitution of Iraq due to the weakness of the central government until October 2017.

from ISIS until 2014, which further differentiates the environments where these entities operate.

In declaring their interest to gain independence eventually, how do sub-state entities push for more sovereignty? I argue that the use of internal structures of the state, and the development of external relations push forward the process of gaining more sovereignty and more self-rule in the entity. Sub-units build on rights constitutionally given to them very resourcefully, engaging both in nation-building and elevating their political subjectivity externally on the international arena. As will be seen from the empirical evidence, the two entities are in the process of enhancing their autonomy arrangements.

I conduct content analysis of statements and press releases from official sources of the entities and the federal states, such as the Presidency, Ministry of Foreign Affairs, Parliament, etc. regarding foreign relations and relevant internal developments, as well as speeches by powerful political figures, and published statements on the official websites of liaison offices and representations of the entities abroad to collect information on the type of activities these structures and individuals carry out in support of the sovereignty cause.

Significant events that I have selected are independence referenda, vetoed bills and other topics of political confrontation between the central government and the sub-unit. The constant confrontation between the Constitutional Court of Bosnia and the Office of the High Representative, and Republika Srpska elites revolves around the actions of political figures in the entity that are deemed against the interest and territorial integrity of the Bosnian state. In Iraq, the issues that create tensions between the central government and the province are besides the territorial ones, the issues of revenue distribution and not transparent actions of the Kurdish leadership in international trade deals and neighboring states.

3.2 Limitations of the current project

Initial expectations of analyzing large amounts of statements and announcements by the representative offices of the entities or their foreign relations departments were deemed not entirely useful for the scope of this paper. In particular, much cherry picking had to be

done especially when going through published information by Kurdish political parties, or state institutions, as often, the information would be not specific to the issues of Kurds in Iraq, but rather to the Kurdish nation spread across several states. An argument can be made that such kind of information sharing across countries elevates the Kurdish cause and makes it more visible for a bigger audience, but then the ‘cause’ itself goes beyond the boundaries of a specific state.

Language is also a barrier for conducting deeper analysis for either of my cases, leaving me to resort to English-language texts only. Not specializing in constitutional law also is a disadvantage when it comes to comparing the constitutionally-defined freedoms of the entities, which I do superficially. Theoretical and empirical aspects of this research could be expanded. In this paper I use the example of South Sudan as a state created through secession as a post-conflict solution. Expanding to examine other state-like entities that have declared independence unilaterally without achieving international recognition would enable a better placement of these entities in the international system as actors. The states-within-states section could also be developed to include other examples of quasi-statehood emerging in weak or failed states. Measuring the weakness of states would also strengthen my arguments for how entities calculate the use of various tactics in pushing for more independence or concessions from the central government. I do not focus on state weakness as much as on the strength and state-like attributes of the sub-state entities, thus a more in-depth study would also try to account for state weakness in empowering these entities, rather than their constitutions.

The project could expand its scope in time as well. I analyze the distribution of powers between the federal and sub-unit level for my two cases and subsequent developments in political dialogue, but analysis in the case of Republika Srpska starts with the coming to power of Milorad Dodik in 2006. In Iraqi Kurdistan, analysis starts since the end of Nouri Al-Maliki's term as the Prime Minister of Iraq, succeeded by Haider Al-Abadi, whose relations with the Kurdish entity differ significantly.

Repressive and responsive tactics of the central government towards the sub-entities is studied in relation to the entities' steps to push forward their group interests at the expense of central authorities. Repressive measures will strengthen a rigid and

unresponsive regime bureaucracy in response to secessionist tendencies. But such tactics can increase or decrease these tendencies if pushed too hard. I assume that since in the Bosnian political system, representation of the minority group is highly guaranteed, with veto powers in the Presidency and the legislature, repressive measures are hard to apply, even with the power of the international representative to over-rule any decisions deemed unfavorable for the unity of Bosnia. In the case of Iraq, though repression has decreased significantly since the end of the Baathist regime, violence has occurred between the province and the center, especially around unresolved territorial issues and independence referenda. Following the independence referendum in October 2017, the Iraqi military conducted operations in the disputed districts, demonstrating that it is willing to apply use of force to maintain its territorial integrity.

One of the major concerns for secession theorists is the blurred line between ethnic mobilization and the act of gaining independence - it is hard to distinguish among advocating secession, mobilizing for secession demands or attempting secession. Thus, when I analyze the content of such significant events and the rhetoric surrounding them by local and external officials, I realize that operationalization is problematic. Politicians with nationalist or secessionist platforms will not fear to use strong pro-independence rhetoric, however, the achievement of significant milestones in gaining sovereignty is a long-term process, and it should not be assumed to be measured accurately by analyzing interviews and speeches of sub-state political figures. The validity of the empirical data in supporting the argument is challenged due to the fact that pre-election campaigns as well as resolutions in parliaments often do not lead to the end result. Capacity and intention are under question, and often the long-term lack of solution to the issue leads to freezing it in its current status.

I use public surveys conducted in Iraq and Bosnia to demonstrate general tendencies among the populations of the entities towards the central government, international actors and current political processes to give a broader picture of public sentiments. The data is reliable - taken from official sources, the official web sites of political parties or state and sub-state institutions, as well as interviews and speeches of some key political figures. Factual information and the chronology and development of events is based on

International Crisis Group Reports¹⁷, SIPRI databases and publications, Stratfor Worldview, The Economist Intelligence Unit etc. For statistical data about public opinions on the issues I look at surveys conducted by the Arab Barometer, UN Agencies or international NGOs. I use the Fragile States Index by the Fund for Peace to discuss weak institutions.

I find that secession is not the immediate goal of political elites, even though we presume that independence seeking entities would invest all efforts and resources into realizing their plan. Instead, it is understandable that political elites struggle for their self-interest and the durability of their rule, which can be undermined by steps towards independence, receiving a negative response from the central government and lacking capacity to govern in a state of limbo as unrecognized entities in war with rump states.

I would also go deeper in geopolitics, as the foreign relations of these entities are important for key regional actors in the Middle East and in Eastern Europe. In particular, the role of self-interests in Turkey and Iran are a significant factor in internal processes of Iraqi Kurdistan. The same applies to right-wing political parties that elites in Republika Srpska engage with, as well as United Russia, the party in power in Russia. The broader geopolitical goals of regional players, as well as current political developments in Europe such as the rise of populism have impact on the calculations of the sub-state entities. Moreover, the foreign powers most interested in internal relations of these countries use the sub-entities not only as ends but as a means to negotiate with the central government as well.

¹⁷ <https://www.crisisgroup.org/latest-updates/reports-and-briefings>

Chapter 4. Analysis

This chapter is divided into three sections in accordance with the theoretical framework. In the first section I analyze the capacities of Republika Srpska and Iraqi Kurdistan as entities inside their respective federations based on the division of powers as according to the constitutions of the states. In the second part, I analyze how the elites of these entities promote their internal sovereignty inside the state. In the third part, I refer to how these entities promote their political actorness externally, by establishing relations with other actors in the international arena.

4.1 Constitutionally Codified Institutional Designs

Federations by default do not put constraints on the nation-building projects of either the central government or the sub-state units, but these structures allow territorially concentrated minorities some level of self-determination and protection from outside threats, including the central government of the state they are in. The basic challenge in the design of a multinational federation is to coordinate between the self-government aspirations of more than one community and their rivaling nation-building projects associated with parallel state-building processes. Thus, clarifying the powers that are shared and separated reveals in which sectors the entities have freedom of action. Each side will be keen on controlling the mechanisms that shape identities, pushing them to fight for gaining more power. The constitutionalization of power struggles between the elites of these groups means that even symbolic and representation issues will likely be translated into demands for pragmatic steps through aggregation and articulation of group interests. The weakness of such federal systems is the slow pace of political processes, often resulting from competition between the minority province and the central government. In addition, minority elites in the sub-unit are limited by federal laws in their nation and state-building affairs, while the central government sees inefficiency in promoting national or state-wide programs, since some competencies fall under the jurisdiction of the provincial

governments. Both sides will be caused discomfort by the conservative nature of the system, as the competencies divided between the federal and provincial levels will be very difficult to amend, and will need the support of the minority group to change. Thus, when group rights become constitutionally defined and guaranteed, created structures become channels for the minorities to pursue their collective goals.

In a federal arrangement, the constitution decides the distribution of power between the center and the provinces, also determining the nation-building potential of the entities through sectors such as education, health and social services, collection of taxes, communications, armed forces and police, vetoes to decision-making in the center, powers to appoint constitutional court judges, etc. Guarantees in the constitution also serve a symbolic role in appeasing minorities through recognition of group rights (Norman, 2006; Caspersen, 2017). Constitutions are where these groups in the multinational state fight for their self-determination. Constitutions play an important part in my research, because it is through national laws that leaders of autonomous areas can further their objectives of receiving more freedoms in education, public services, communication, security forces, local judicial system, management of funds, etc. The rights of the national minorities and the structures of sub-national governments are guaranteed by the constitution. And having these powers under the constitution gives rights to national minorities towards powerful nation-building within the sub-unit. Ultimately, these policies play a big role in deciding whether nation-building means aggregating further self-determination pursuit or remaining in the federal government and focusing on unitary nation-building, or in other words, whether the sub-unit elites will choose to develop competing or complementing nation-building projects in relation to the federal government. The central government will compete with minority nationalist elites for shaping group identities in the common political space, but both sides may also have expectations that full independence is neither feasible in the given stage nor preferable for the minority elites as an immediate goal. The division of constitutional powers guarantees political freedom, as federalism allows for participation in decision-making in the center, at the same time enabling sub-units to control their own economic and security affairs (Newmann, 1955).

4.1.1 The Constitution of Bosnia and Herzegovina 1995

The Constitution of Bosnia and Herzegovina is Annex 4 of the Dayton Peace Accords¹⁸ of 1995 that ended the Bosnian War and united local Serbs, Croats and Bosniaks under one state. According to the constitution, Bosnia and Herzegovina is divided into two sub-state entities: the Federation of Bosnia and Herzegovina (FBiH) and Republika Srpska. The FBiH encompasses ten cantons, and is populated primarily by Bosniaks and Croats. The other entity is Republika Srpska (RS), which is a centralized, Serb-dominated state within a state. Republika Srpska has its president, government and ministries, parliament and Constitutional Court. According to a census published in 2013 by the Agency of Statistics of Bosnia and Herzegovina, Bosniaks constitute 50.11% of the population, Serbs constitute 30.78% and Croats 15.43%, the remaining 2.73% refusing to answer or coming from other groups¹⁹.

On the state level, the Presidency of BiH is tripartite, and the three major ethnic groups - Serbs, Bosniaks and Croats - have a member representing them. The seats are distributed by ethnicity in both chambers of the parliamentary assembly as well. The House of Peoples has fifteen delegates, ten coming from the House of Peoples of the FBiH, and five from the National Assembly of the RS (Art IV.1). The House of Representatives in its turn has 42 seats, and its members are elected directly with 2/3 coming from the FBiH and 1/3 from RS (Art. IV.2). In addition, each chamber has a rotating Chair and Deputy Chairs, each representing one of the three ethnic groups. In addition, the Constitutional Court of Bosnia, besides judges from the three ethnic groups also includes international judges. But more importantly, the international presence is also visible in the country, headed by the High Representative, who may legally overrule any processes to impose the decisions of the OHR.

¹⁸ The Dayton Agreement and the Constitution of Bosnia can be found here: <https://www.osce.org/bih/126173>

¹⁹ Agency of Statistics of Bosnia and Herzegovina, 2013. Retrieved from: <http://dissemination.bhas.ba/PXWeb/pxweb/en/Census%202013%20-%20Popis%202013%20-%20D0%9F%D0%BE%D0%BF%D0%B8%D1%81%202013/?tablelist=true&selection=Census%202013%20-%20Popis%202013%20-%20D0%9F%D0%BE%D0%BF%D0%B8%D1%81%202013&rxid=510249dd-858d-473a-8774-a7d1ac7f0dc5>

Procedures in the Parliamentary Assembly demonstrate how complex decision-making in Bosnia is. All legislation requires the approval of both chambers (Art. IV.3.c). If a decision has not gained at least 1/3 support from all ethnic groups in both chambers, the Chair and Deputy Chairs have to convene to attempt to gain the missing votes, otherwise, 'decisions shall be taken by a majority of those present and voting, provided that the dissenting votes do not include 2/3 or more of the Delegates or Members elected from either Entity' (Art. IV.3.d). A proposed decision of the Parliamentary Assembly can be deemed against the vital interest of the group by the delegates of the group (Art. IV.3.e), and if the majority of the delegates (by each group) objects to the invocation of the previous paragraph, a Joint Commission has to convene to resolve the issue (Art IV.3.f) and if it is not resolved within five days, the issue is referred to the Constitutional Court, which will review it.

The responsibilities of Republika Srpska are the right to establish special parallel relationships with neighboring states consistent with the sovereignty and territorial integrity of BiH (Art III, 2 a), assist the federal government in honoring its international obligations (2.b), provide security to constituents (2.c) and enter into agreements with states and international organizations with the consent of the Parliamentary Assembly (2.d).

The Presidency makes decisions by consensus. However, within three days, a member of the Presidency can declare the decision to be destructive of the vital interest of the Entity (Art. V.2.d), which is immediately referred to the National Assembly which is then voted on within ten days for the decision to take effect or fail. Because of the tripartite system of the country, Republika Srpska participates in the foreign policy making of the central government. Being directly elected by the constituent people of the RS, the Serbian member of the Presidency, together with the two other members is in charge of conducting the country's foreign policy, appointing ambassadors and negotiating agreements (Art. V.3). Accordingly, any member of the Presidency has the power of veto in the case a decision goes against the 'vital interest' of one of the entities (art. V-2d).

In addition, the RS National Assembly has to be consulted if the Serbian member of the Presidency opposes a decision. The representative cannot be overruled unless they abstain, meaning that an initiative passes only through unanimity. This results in the

extreme slow process of decision-making on the state level and means that every decision that is taken has to be with at least the passive consent of the president of Republika Srpska.

4.1.2 The Constitution of Iraq

Compared to the Constitution of Bosnia, the Iraq constitution is not as complex and does not include consociational structures and veto powers. Article 1 of the 2005 Iraqi Constitution states that “[the] Republic of Iraq is a single federal, independent and fully sovereign state in which the system of government is republican, representative, parliamentary, and democratic, and this Constitution is a guarantor of the unity of Iraq.”²⁰ The Arabic and Kurdish languages are considered the two official languages of the state, with other minorities such as Turkmen, Armenian, Assyrian etc. having the right to teach their language (Art. 4.1). As in the constitution of Bosnia, in Iraq, the exclusive authority to formulate the state foreign policy, establish diplomatic relations, negotiating and ratifying international agreements, trade and national security belong to the federal government among others (Art. 110). The competencies that are shared between the federal government and the regional authorities are the management of customs, the regulation and distribution of the main source of electric energy, regulation and distribution of water resources, formulation of environmental policy, planning, public health, and public education (Art. 114.1-7). However, in the next section I demonstrate that many of these competencies were carried out purely by the Kurds until October 2017.

The status of Iraqi Kurdistan as a region and its existing authorities are codified in the Constitution (Art. 117.1), Kurdistan also has the right to continue to practice maintaining representative offices abroad to promote economic, cultural and educational interests of the province.²¹ In addition, the curriculum of public education is different in Kurdistan compared to the rest of the state.

²⁰ Constitution of Iraq, 2005. Retrieved from the Comparative Constitutions Project. https://www.constituteproject.org/constitution/Iraq_2005.pdf?lang=en

²¹ Department of Foreign Relations. Government of KRG. <https://dfr.gov.krd/p/p.aspx?p=29&l=12&s=010000&r=336>

The President of the Republic of Iraq is the Head of State, and a symbol for the unity and sovereignty of the country (Art. 67), and Kurds have held this position for three consecutive terms, regarding it as highly symbolic of their role and willingness to participate in Iraqi politics.

The Kurdistan Region is itself a federated region inside Iraq. It consists of four governorates - Erbil, Dohuk, Sulaymaniyah(Sleman) and Halabja, consisting of a population of 8 million. The three main institutions are the Kurdistan Regional Government, the Kurdistan Region Presidency and the Kurdistan Parliament. These institutions have executive and legislative powers in allocating the regional budget, security and policing, management of natural resources and development of infrastructure (Kurdistan Regional Government Website). The Kurdistan Regional Government (KRG) is the executive branch of the Region and is currently led by the Prime Minister Nechivan Barzani. The government has 19 ministries. The Kurdistan Region Presidency (KRP) was created in 2005. Massoud Barzani became the first President in 2005 by the Kurdish Parliament, and was re-elected by secret popular ballot in 2009 with over 70% support. (He was re-elected as President in 2009, and in 2013 his presidency was extended for two more years by the decision of the Parliament). The Kurdistan Parliament has 111 seats, 11 of which are reserved for non-Kurdish minorities of the region.

After the armed forces and administration of Saddam Hussein left from the Kurdistan region in 1991, Iraqi Kurdistan established its own administration. First elections were held in May 1992, followed by the elections in 2005, after the Iraqi Constitution had been agreed on by all sides. Under Article 121 of the Iraqi Constitution, the Kurdistan Parliament has the right to amend the application of Iraq-wide legislation that falls outside of the federal authorities' exclusive powers.

In order to prevent an exploitation of the international presence, or long-term spoiling (or continuation of conflict in the political arena), entities and central governments need to enter into an interdependent relationship with one another. For the Republika Srpska the capacity given by the constitution to be involved in decision-making in various levels is higher than in Iraqi Kurdistan. In Iraqi Kurdistan, much of the political power is

centralized in Baghdad, and not in the Kurdish capital of Erbil, even though the autonomy of Iraqi Kurdistan is much higher than in Republika Srpska. There is high dependence of Erbil on Baghdad, while Banja Luka, the capital of Republika Srpska seems to promote its ethnic interests easier due to powers given to it through the Dayton peace agreement on various levels of internal decision-making. Iraqi Kurdistan does not have the same power of representation, and centrally made decisions in Baghdad cannot be vetoed by the Kurds. In addition, the constitution of Iraq stipulates that other provinces have the same right as Iraqi Kurdistan to form self-governing entities, which diminishes the power of the Kurds on absolute terms if other provinces decide to act upon their right. The structure of the state in Iraq entails the subordination of the province to the central government, versus having two politically equal entities under one federal government in Bosnia.

Thus, power-sharing is not one uniform model. There are different levels of interaction between territorial and political power-sharing. Central governments will prefer to limit power-sharing to its territorial and military forms, thus reducing power-sharing in the center. Separatist movements may have a greater interest in power-sharing at the center as it provides for stronger guarantees against recentralization. For example, the KDP and PUK have more incentive to gain seats in the Iraqi Parliament having the fear that opposition parties, in particular Gorran Movement or Komal who have cross-sectarian platforms can 'steal seats' and hinder control of key positions in the Iraqi government that could belong to them. If secessionism has to be promoted, it has to be done from the central level as well. Thus, the key positions that Kurds hold and have held on the central level.

4.2 Challenging the State and State Responses

Ambiguity is created when the constitution or peace agreement leaves some issues unresolved, which creates leeway for sub-states to promote their interests. I find that sub-state entities are resourceful when it comes to pushing for more sovereignty. The level of autonomy that provinces get for self-rule are put to use under the guaranteed protection of the state. Therefore, if an entity is conducting foreign relations with other actors, it means

the central government at least latently accepts the status quo. What is created through this tacit agreement is a form of ‘blurred sovereignty’ (Bell, 2008; p. 107) or ‘zone of indistinction’²² (Soguk, 2015; p. 958) where the sub-state uses existing state institutions for its own gain. In order to be safe, these entities do not move unilaterally but rather use the existing structures founded on the initial expectations from the peace agreement and the constitution. The co-option of these structures allows political actors coming from the sub-unit to use them as means for promoting regional interests. Thus, with the absolute sovereignty of the state being perforated (Duchacek et al, 1988; p. 31) due to ambiguity coming from the strong will for self-rule regionally and unresolved issues, sub-states actively pursue new channels for increasing their sovereignty. Contested issues become new platforms for engaging in political dialogue with the state, and the sub-state entities moves forward in the evolution and consolidation of their powers.

Postponing contentious issues in the constitution makes them the focus of the new political talks between the center and the sub-state, and also becomes the source of legitimacy for the sub-state nationalist parties, under the pretense that central authorities will act against group interests without strong leadership from local elites. These parties have to demonstrate to their constituents that steps are being taken to increase ethnic sovereignty, and promises of independent referenda, challenging federal institutions and progress in establishing relations with external actors are key in moving the entity towards more *de facto* statehood.

Pushing for more sovereignty internally, I consider the ruling elites' self-interest as a driving factor in the entities' tactics of operating from within state structures rather than unilaterally. Since the establishment of the recent constitutions in Iraq and Bosnia, territorial disputes have been resolved in the latter, while they remain unresolved and a destabilizing factor in the former. Unresolved territorial issues increase mobilization around secessionists, as public dissatisfaction with the unresolved status of contentious issues is channeled into political agendas that regional political parties pursue. Visions created

²² See also Agamben, G. (1998). *Homo Sacer: Sovereign power and bare life*. Stanford, CA: Stanford University Press, and McAdam, D. (1982). *Political process in the development of black insurgency*. Chicago, IL: Chicago University Press.

around these contentious issues become the central justification for more sovereignty by these actors. In Iraqi Kurdistan there are four territories under dispute that have not received a final status since 2005, however, neither side is too eager to move forward with finding a resolution, as by resolving this issue, the nationalist political party can lose its platform, while for the central government, it is important to respect and be accountable to provisions given in the constitution, which anticipates a political solution of the issue.

4.2.1 Challenging the State in Iraq

The most significant challenge to the state has been the decision by the Kurdish Prime Minister to carry out an independence referendum. The decision was announced in October 2015, following which, two opposition parties walked out of the Parliament. The Kurdish Parliament convened only two years later, a day before the independence referendum, deciding to pass it both in the territory of the KRG and outside of it, in the four disputed territories that are ruled both by central authorities and the Kurds. The Parliament convened the day before the independence referendum, as the other Kurdish parties, who had opposed the unilateral proposition by the Kurdish Democratic Party to hold a referendum, stated that the matter should be dealt with through the parliament and not at the party level.²³ The Kurdistan legislature made its decision days after the Iraqi parliament found in a resolution that the referendum is a threat against the unity of Iraq, encouraging Prime Minister Haider Al Abadi to take measures to cancel the vote.²⁴ In addition, the Constitutional Court of Iraq also found that no province in the state has the right to secede, which was respected by Prime Minister Nechirvan Barzani, as he became the ‘head of state’ of Kurdistan, following the stepping down of Massoud Barzani following the referendum.

Whether the referendum was deemed possible to lead to independence by the leadership of the KDP is questionable, in particular due to the very harsh retaliation from

²³ Rudaw News Agency. PUK conditions support for rederendum on reactivated parliament. June 18, 2017 <http://www.rudaw.net/english/kurdistan/180620173>

²⁴ Rudaw News Agency. Kurdistan parliament approves independence referendum on Sept 25. September 15, 2017. <http://www.rudaw.net/english/kurdistan/15092017>

the Iraqi government. However, looking at the freedoms that Iraqi Kurdistan had before the independence referendum demonstrates that the Kurds were confident in their powers and relied on international attention as leverage against the state. In addition, in the recent round of general elections in Iraq, the KDP received significantly much more support than expected. This is in part due to the collapse of the other major Kurdish Party – Patriotic Union of Kurdistan (PUK) first by having a faction of it break away and create the Gorran Movement in 2009, followed by the creation of the Coalition for Democracy and Justice (CDJ), and the death of the leader of the party Jalal Talabani, who was the first non-Arab President of Iraq, and advocate of Kurdish independence since the 1970.

Iraqi Kurdistan had a wide range of freedoms before the independence referendum in 2017. Autonomy that the Kurdish side had before the government took measures to gain control in October 2017 included the right to govern oil production in its territory and its exports. It would bypass the central government in signing contracts with international oil companies²⁵ and often not in a transparent manner. Clashes with the central government revolving around the issue of oil resulted especially in one incident, where upon reaching the US, the oil from the Kurdish oil tanker was seized and revenues were passed to the Iraqi central authorities²⁶ after a US judge approved overnight the Iraqi government's request to seize it.

Another aspect of Kurdish freedoms during the inactivity of central forces was the protection of borders, which according to the Constitution should be a joint undertaking. The Kurds also controlled all of taxation and customs on the territory, which led to it becoming 'a duty-free zone' for foreign products to enter. Upon entering the territory of Kurdistan, these products were cleared from customs and were then distributed throughout Iraq. Kurdistan also had its own visa requirements separate from Iraq, and allowed citizens from over 30 countries to enter its territory receiving an Iraqi Kurdish visa upon arrival²⁷. Border checks were conducted purely by Kurdish forces, who allowed foreign nationals to

²⁵ Exxon Mobil in November 2011.

²⁶ Reuters. U.S. to seize \$100 million of Iraqi Kurdish oil in tanker off Texas. <https://www.reuters.com/article/us-usa-iraq-kurdishoil/u-s-to-seize-100-million-of-iraqi-kurdish-oil-in-tanker-off-texas-idUSKBN0FY0KX20140729>

²⁷ Sanger Ali. No Changes to Visa Requirements to Kurdistan Region for Newruz. March 12, 2018. Kurdistan24.net. <http://www.kurdistan24.net/en/news/dbbd7532-9c27-45a9-8506-a3fc4f5440ae>

enter its territory (and therefore the territory of Iraq) without receiving federal visas. This included crossing land borders from Turkey and Iran, but also the Erbil and Suleymania airports. While the state of Iraq requires visas for entering the state, the Kurdish region has been very open to receiving foreigners, and is made more attractive to them due to the much safer environment and the absence of the requirement to travel with a guide, unlike in the rest of the state.

They have also been involved in state affairs and holding of high positions, which have also been viewed as highly significant as contributing to state affairs. The de facto ruler of the country is the Prime Minister, but according to the Iraqi Constitution, the head of state is the President. This position is being held by a Kurdish official. During previous governments, in the stage of coalition building, Kurdish parties have had a deciding role. They have also held the position of the Vice Prime Minister, Vice President of the National Assembly. These positions are part a recognition of participation and the role of the Kurdish people in the state, as actors who have significant functions and a role in the state political life.

On October 16, 2017 the Iraqi federal government launched an armed attack on the city of Kirkuk, adjacent oil fields, an air base, airport and other federal installations to restore its power after four years of being defeated by ISIS forces in 2014. It was also a response to the independence referendum held by Iraqi Kurdistan on September 25, 2017.

The central government balances between the PUK and KDP. The military move on October 16 was enabled by a deal between the Abadi government and a faction of the PUK (Crisis Report 2017, p. 1), the latter of whom withdrew, leaving the KDP forces of Masoud Barzani, president of the Kurdish region, and initiator of the independence referendum had to flee. As a result, Baghdad established its rule over the city of Kirkuk and the surrounding oil fields.

The status of Kirkuk, which was left to be resolved later was included in Article 140 of the 2003 Iraqi Constitution, but the lack of decisive steps to resolve the status question for so many years only strengthened Kurdish claims over the territory. An additional stimulus was the fact that the independence referendum was held not only within the

established administrative borders of the KRG, but in the disputed territories as well, causing the central government to react.

Between 2014 and 2017, the Iraqi government considered the status of the territories to be temporarily under the control of the Kurdish forces, with the re-establishment of central administration in the regions once ISIS was to be defeated.

The success of Abadi's military move was also enabled by deep divisions inside Kurdish powers, between the KPD and PUK, as well as intra-party power struggles, such as the one in the KDP between Masoud Barzani's son who is in charge of the region's security file, and his nephew, its prime minister.

Though the three major powers involved in Iraqi politics - the US, Iran and Turkey all opposed the independence referendum, they do believe that the territorial integrity of Kurdistan should remain in tact, and the status of the disputed territories should only be decided through negotiations. However, the issue is that these international actors also have varying interests in Iraq.

Concrete measures taken by these actors include joint military maneuvers by Iraqi troops with their Iranian and Turkish counterparts on their respective borders when the Iraqi forces were arranging to respond to the KDP. A harsh response such as the military move of the Iraqi forces on October 16 were also conditioned by the KRG's ability to sell oil on international markets (Crisis Group, 2017; p. 5). In the wider context of central responses to secessionist moves, such repressive measures are predictable, given that since the gaining of a federal status with the Iraqi Constitution of 2005, the Kurdish region has achieved significant milestones in financing its self-governance. Due to revenues from oil exports, the KRG has been able to cover the gap in its budget which is supposed to be covered by the 17% of the national budget allocated by Baghdad, however, due to disagreements of revenue-sharing from oil exports by Kurdistan, these funds have been allocated only partially in the recent years. However, following the referendum, and the drawbacks that it caused in the autonomy of Kurdistan, now the central authorities and the province have agreed that civil servants will be paid soon.

The independence referendum in Iraqi Kurdistan was held on 25 September 2017, which was received negatively by the central government. Some of the immediate

responses included the ban of international flights to airports in Erbil and Sulaimaniyah (lifted at the beginning of March, 2018 when the KRG agreed to return the airports under federal authority)²⁸.

4.2.2 Challenging the State in Bosnia

As seen above, the Kurdish Region and Republika Srpska are in very different security environments, which also affects the methods they use in engaging with the state. No recognized state condemned Baghdad for the military move against Kurdistan in October, or the reclamation of powers that are shared, such as border checks and customs, and the establishment of state control over Kirkuk and its oil reserves. In Bosnia, the challenge is different. So many mechanisms preventing unilateral steps exist in the Bosnian Constitution, that regional actors simply do not have the opportunity to claim more freedoms unilaterally. The presence of the Office of the High Representative and its mandate are a further constraint, as individuals promoting causes that are too nationalistically centered can be removed from office. Therefore, in challenging the state, Republika Srpska challenges these institutions and structures.

The slow pace of IDP and refugee returns, as well as the lack of immediate responses to obstructionist political figures are considered the biggest factors in entrenching ethnic divisions in the country that were already pre-conditioned by the Dayton Agreement (Bose, 2005; Belloni, 2005). There were external factors that allowed for the recentralization of Bosnia. First was the beginning of discussions for Bosnia's accession to the European Union, which initiated some powers being ceded to the center. The Office of the High Representative also achieved some steps in reducing minority veto powers in the federal government, which strengthened the center further in 2007. In addition, Bosnia showed willingness to become part of NATO's Partnership for Peace program, which resulted in joining the separate army units of the entities and creating one defense ministry

²⁸ Iraqi News. Iraq Lifts International Flights Ban on Kurdistan Airports
<https://www.iraqinews.com/features/iraq-lifts-international-flights-ban-kurdistan-airports/>

to meet the pre-conditions of NATO. A step such as giving up control over entity security and armed forces meant that sub-unit leaders did not feel threatened by the other side, and moreover, giving up the executive authority over the security sector is a significant de-escalation of secessionist stances and a step towards re-integration (ICG Report, 2007: 15-17).

Events such as the annexation of Crimea, and the rise of populist right-wing parties in the region encourage Milorad Dodik and SNSD to be more assertive in their goals, taking advantage of global trends. Since it has already become clear that Dodik is running for the Serb membership of the Presidency of Bosnia and Herzegovina, his aim is to elevate the cause of RS from the entity level to the state level. Since he has been the head of RS for almost ten consecutive years, he has used his and SNSD's power to promote the cause of independence and direct the 'national interests' of RS Serbs as an entity leader, and his next step is to create space for promoting these ideas already on the state level.

A great dispute has revolved around the celebration of Day of Republika Srpska (celebrated as day of statehood), which was banned by the Constitutional Court of Bosnia in 2015, as being discriminatory against the non-Serb constituents of the entity. However, the RS leadership ignored the decision of the Constitutional Court, and not only did the 'state-wide' celebration take place, but "hundreds of police officers armed with automatic weapons, firefighters, prison guards, war veterans, and members of sport clubs and the Civil Protection force" were a part of the parade held in Banja Luka (RFE/RL Balkan Service, 2018). The national anthem of both Republika Srpska and Serbia were played at the parade (Krajisnik Srpske, 2018). President Dodik again emphasized his commitment to achieve the highest possible level of independence for Republika Srpska (euractiv.com, 2018). In the past Dodik has repeatedly insisted that Bosnia is not a functional country, labelling it a "useless state" and a "failed international project". He has also repeatedly threatened to carry out a referendum on independence for the RS. Other contestations to state institutions have taken place as well, such as following the Constitutional Court's decision to ban the RS national holiday, the appeal filed by Bosnian Serb politicians from the National Assembly of RS that stated the Independence Day and Statehood Day of Bosnia (state-wide holidays on March 1 and November 25) violate the interests of the

Serbs. The Constitutional Court rejected it, and Bosnian Serb officials stated that such a move violates the constitution, as these holidays are not accepted in the Serbian entity. Such relations between the state and the entity slow down bureaucratic processes and the smooth functioning of institutions country-wide. It could be interpreted that Milorad Dodik and the Republika Srpska political powers are determined to demonstrate the weakness and dysfunctionality of the state of Bosnia by such provocative acts. After this event, an entity-wide referendum was held on September 25, 2016 to determine whether to continue celebrating the 'national' holiday or to abolish it, and 99.8% of voters chose to keep the holiday.

Dodik has also mentioned several times that he is not against BiH, however he is against what the state has turned into, mainly pointing to the amount of international intervention in Bosnian political affairs, which do not satisfy Serb leaders. Outside of such rhetoric, it is obvious that Dodik's aim is to demonstrate the dysfunctionality of the Bosnian state, and various mentions of calling for an independence referendum have also shown that the Bosnian Serb leader is continuing his stance on Republika Srpska gaining more power. According to Sarajevo Times, Dodik will be running for the Presidency of BiH in October, and stated that the SNSD has 40 per cent support from the population. And that he is not against BiH, but he is for the Dayton BiH, where rules are not imposed by foreigners.²⁹

Milorad Dodik and Republika Srpska are also key obstacles to Bosnia's entrance to NATO, which they demonstrated by joining a declaration against the membership of Bosnia into military alliances. Ties with Russia also point to Republika Srpska's unwillingness to allow for such processes to go forward. Milorad Dodik has also met with the Russian President Valdimir Putin several times, while no meetings with representatives of the Bosnian central government have taken place with him. This also demonstrates the use of Republika Srpska by Russia as one of its footholds in the Western Balkan region (The Guardian, 2018).³⁰ Moreover, Vladimir Putin's open support to hold an independence referendum in RS is tied to Russia's broader interests in the Balkan region, with many observers and analysts arguing that this is yet another step in Russia's Balkan strategy to

²⁹ <http://www.sarajevotimes.com/dodik-not-bih-might-run-presidency/>

³⁰ <https://www.theguardian.com/world/2018/jan/12/russian-trained-mercenaries-back-bosnias-serb-separatists>

engage with groups in the region that would like to redraw borders, or assert themselves in the political domains of these countries.

In 2017, Russia publicly backed Republika Srpska in carrying out a referendum for independence. However, Dodik announced that a referendum would not be a suitable goal for 2018, and the momentum would rather be used differently. He reiterates constantly his will to push for independence even if not through a referendum call in the next several years. In April 2015 he warned of the possibility of holding an independence referendum in 2018 if the entity would not receive extended powers from the central government. A resolution was passed by the National Assembly of Republika Srpska stating that "unless the Serb Republic is able to strengthen its autonomy by the end of 2017, [the National Assembly of RS] will call a referendum" to separate from the Federation, in a peaceful dissolution and mutual recognition (Reuters, 2015).³¹ This received a negative reaction from the international community, who stress that secession is not allowed under the Dayton Agreement by either of the entities, and that the Office of High Representative would be put to use to fire officials and bloc entity-level resolutions that go against the unity of the state. While such policies by external observers look like continuous tactics of ethnic cleansing of the entity, Republika Srpska leaders believe that they serve to preserve the cultural identity of the group in a country that is hostile to their interests (Politico.eu, 2017).³²

A referendum was to be held in Republika Srpska on November 9, 2017, with the question "Do you support the unconstitutional and unauthorized imposition of laws by the high representative of the international community in BiH, specifically the imposed laws on the Court of BiH and the Prosecutor's Office of BiH and the implementation of their decisions in the the Serb Republic?" as a response to the decision of the Constitutional Court of Bosnia to ban the Day of Republic holiday in RS. However, the referendum did not take place. It was proposed to be voted on in the RS Parliament, but suspended but opposition forces in the shape of Alliance for Change, who hold power on the federal level,

³¹ <https://www.reuters.com/article/us-bosnia-serbs-secession-idUSKBN0NG0NB20150425>

³² <https://www.politico.eu/article/milorad-dodik-bosnia-serb-republic-serbia-leader-no-breakaway-vote-next-year/>

and whose support was needed for the referendum to take place. However, the opposition argues that since a decision to have a referendum had already been made, this act was simply to hide behind the opposition, as Milorad Dodik was afraid to lose his position for agreeing to and then withholding the decision to carry on with the referendum since 2015. These developments between the Constitutional Court of BiH and RS demonstrate that Dodik is pushing for removing constraints in Republika Srpska's self-determination, however, he realizes that international bodies such as the OHR can employ punishments if he pushes for such radical ideas.³³

4.3 Internationals and Entities. Foreign Dimension

Whether there will be new configurations of political forces in the state and entity level will also affect the conduct of sub-states both on the federal level and internally. This indicates that there is some level of 'international actorness' that Republika Srpska and Iraqi Kurdistan have, which also speaks about the existence of various features of recognized states that these entities have. Neighbors that have established relations with the sub-units can have hostile responses to the rapid rise of sovereignty in these entities, as the rise of these entities can create instability for them as well. Regional actors can use the powerful position they have as a negotiating card in future affairs, such as to direct the federalized state towards a specific foreign policy direction. For example, The RS blocked by these means Bosnia and Herzegovina's recognition of Palestine or Kosovo's independence, or its alignment with European sanctions against Russia following the Crimean crisis (Marciacq, 2015; p. 335). Approaches are different in engaging for Republika Srpska and Iraqi Kurdistan. The Kurds in Iraq rely on energy resources that they can export as a source of revenues and as a medium to interact with neighboring actors, such as Turkey. In RS, such resources do not exist and the entity relies on geopolitical trends to elevate their cause such

³³ B92.net November 7, 2017. Dodik gives up on referendum on Bosnia's Judiciary. https://www.b92.net/eng/news/region.php?yyyy=2017&mm=11&dd=07&nav_id=102741

as connecting with other right-wing and populist parties in the region, who engage in dialogue with Russia and use these relations as a platform to interact with the international.

For the KRG, sovereign statehood is achieved through concrete political and economic policies and steps, in particular engagement with Turkey and Iran, the two countries that can undermine the region's sovereignty attempts, but who have also forged strong political and economic relations with it. Iraqi Kurdistan's status and statehood have evolved over time both in substance and form, but the biggest milestone was in 2005, when the rights and freedoms of the region became codified in the Iraqi Constitution.

There is a point of view that Iraqi Kurdistan is a state without having or seeking sovereignty in the constitutional legal form, stemming from the understanding that while state-building processes have progressed, Kurdistan is not seeking full independence (Soguk, 2015: p. 960). Though an independence referendum was held on October 16, 2017 in Iraqi Kurdistan, there is evidence that the ruling parties are not ready to take any unilateral steps. The drawback of such actions ranges from losing power to becoming a failed/fragile state. Thus, the Kurdistan Regional Government is using its capacities to solidify and legitimize its sovereign powers through engaging with neighbors, most crucially with Iran and Turkey. The oil pipeline in Turkey is the lifeline of Iraqi Kurdistan. However, as mentioned before, due to the lack of transparency, the Iraqi government considers this oil-smuggling.

Iraqi Kurdistan has representative offices in 13 countries (Australia, Austria, France, Germany, Iran, Italy, Poland, Russia, Spain, Sweden, Switzerland, the United Kingdom and the United States), and one mission to the European Union (Kurdish Regional Government website, 2018). They are designated to promote the political and economic interests of Iraqi Kurdistan abroad. These offices provide services to Kurdish Diasporas abroad, who also play a powerful role in raising awareness about Kurdish issues in states that host them around the world. Separate political parties such as the PUK and KDP also have their representative offices in New York and London (PUK also in Iran), which are actively engaged in lobbying for the Iraqi Kurdish cause. In particular during 2013-2014, the Kurdish lobbying organizations in Washington DC played a major role in fundraising for the Peshmerga, resulting in many western states arming the paramilitary

group in face of the threat from ISIS.³⁴ Such actions also promoted the underlying goal of the Kurds to become visible on the international arena, which they hoped would aid them in legitimizing the independence referendum.

For Republika Srpska, given the right to establish special relations with neighboring states in accordance with the interests of the state and the Croat and Bosniak interests, foreign relations were created with the Republic of Serbia, enabling the dual citizenship of many Bosnian Serb in Serbia. Having representative offices in cities such as Belgium, Israel, Russia, Serbia and Germany serves the purpose of representing interests of the Bosnian Serbs abroad, and to draw investments. At the same time, the SNSD party itself has engaged in building relations, primarily with the United Russia party of Russia, and was a member of Socialists International until it was suspended on the grounds of supporting right-wing movements in Europe. Meetings have taken place between Milorad Dodik and Vladimir Putin, and the SNSD has also signed a cooperation agreement with the ruling party United Ossetia of South Ossetia. In 2016, it joined a declaration for keeping the Balkan states militarily neutral, preventing Bosnia from participating in Partnership for Peace in the NATO.

The foreign relations of the two entities are qualitatively very different, coming from the environments they are in and the legal constraints there are on their actions. I conclude that both of these entities take advantage of channels available to them to promote their cause and to resist the central government.

³⁴ New York Times Magazine. May 7, 2016. Iraqi Kurds Build Washington Lobbying Machine to Fund War Against ISIS <https://www.nytimes.com/2016/05/07/us/politics/iraqi-kurds-build-washington-lobbying-machine-against-isis.html>

Conclusion

International approaches to peace-building manage conflicts rather than resolving them, disrupting everyday life due to their inflexible nature and inability to address deeply-rooted causes of conflicts. Peace agreements continue being implicitly re-negotiated in the implementation phase, and it is difficult for targeted peace efforts to bear fruit where the end goals of strong statehood are undermined by participating actors, who are striving for the opposite. Local actors will engage in local sovereignty-building while the federal state is being consolidated. The practice of arranging power-sharing mechanisms following intra-state wars divided along ethnic/cultural identity lines will continue to be the only favorable or adequate choice that the international community has as a solution. Focus on territory and territorial autonomy, as well as group rights rather than individual rights appear as clear trends in peacebuilding through power-sharing. But the agreements also reflect the conflict context, such as the strength and bargaining power of the rebels and the central government, intensity of conflict, level of involvement by third parties or the international community.

Peacebuilding efforts in these two cases have led to the consolidation and promotion of ethnic sovereignty. The groups under question gained significant legal powers and rights under the federal systems, and have used the state structures and competencies they have as a means in itself to perpetuate a cycle of consolidating power locally and through this, gaining concessions from the central authorities. However, the constitutionally given powers to the entities differ. In Iraq, the Kurdish region has the right to engage in foreign relations with other actors, and enjoys proportional representation in the parliament. But this is where the consociational features of federal Iraq end. In Bosnia, power-sharing is much more extensive, with the availability of veto rights to each ethnic group to vote down decisions deemed to go against the group rights of others. Again, we see that these structures perpetuate ethnic divides emphasizing group rights over individual rights. Republika Srpska has an additional constraint that Iraqi Kurdistan does not have, which is the mandate of the Office of High Representative preventing local political leaders from taking radical steps in shaping their secessionist tactics. Thus, Republika Srpska acts in an

environment constrained not only by state structures, but also by the international community. This kind of imposition of hegemony on all ethnic groups in Bosnia fixes them in the hierarchy as second-class citizens of the world, who have to overcome many circles of obstacles for self-determination, or even to pass state-level resolutions. In terms of sub-state foreign policy, RS has taken all chances to block resolution for Bosnia to join the Partnership for Peace, to recognize Kosovo or Palestine, and to find new alliances in the world, in the person of United Russia, and other populist parties in Europe that have been attempting to tip the scale in their favor.

For Iraqi Kurdistan on the other hand, not as many rights are available constitutionally in comparison to RS, however, other internal threats to the Iraqi central government such as a Sunni uprising, and then the rise of ISIS became opportunities for the Kurds to concentrate on state-building without the intervention of the state. In particular, oil trade was established with several states, customs and taxation were conducted by Kurdish representatives versus the joint action designated by the constitution, and extensive relations with Western actors built a perception in Kurdistan that time had matured for holding an independence referendum. The referendum can be said to have served several purposes, though it was branded to be un-binding by the KDP leadership itself. First, such a step signaled to the world that the Kurds have the capacity to govern themselves. Strong diplomatic exchange and armament of the Peshmerga against ISIS, the joint operation of Peshmerga and the US forces to crush it in Kirkuk also elevated the Kurdish question world-wide. Taking advantage of the high popularity that Iraqi Kurdistan enjoyed globally, the bid was that the self-determination cause would be supported. However, the response from the Iraqi government was repressive, pushing the Peshmerga back from the contested regions, closing the international airports of Suleymania and Erbil, and reclaiming competencies such as the protection of borders and custom clearance of imported goods. The independence referendum reduced the freedoms that the Kurds enjoyed previously, but also resulted in some internal political changes. Following the referendum, the KDP leader and president of KRG condemned the lack of support by the PUK to the cause, and the withdrawal of its paramilitary forces from contested regions when the Iraqi army began its operations. This, in the recent general elections of May resulted in the PUK becoming

weak, while the KDP gained more seats than ever in the Iraqi Parliament. It is too soon to discuss new political configurations following the elections, however, from preliminary results, it can be concluded that the KDP will become a strong power in the center, and with the retirement of Massoud Barzani as the President, the KDP will adopt a different policy in relation to independence and participation in Iraqi politics. This is also supported by the fact that the Prime Minister of the KRG, Nechirvan Barzani, to whom the authority to govern was passed after Massoud Barzani retired, has been complicit with the decision of the Constitutional Court of Iraq in sharing competencies with central authorities. Thus, though the constitutionally guaranteed rights of the entity did not decrease, empirically, Kurdistan has fewer freedoms than before the independence referendum.

Thus, returning to the topic of peace-building through power-sharing and territorial autonomy, it is in the interests of both the central government and the ethnic minorities to create a functional state, albeit under 'ethnic' or entity control. When shaping a peace agreement that changes the balance of power between the central government and the rebels, minority empowerment and territorial autonomy become a means in themselves for the sub-state entities to continue pursuing greater autonomy and concessions from the central government. Thus, when power-sharing systems are created with the aim to end violence, they serve that purpose, but also, by giving agency to local actors (representatives of groups who fought the war, who under the new peace settlement continue their independence pursuit politically) they perpetuate the sub-state entities' quest for freedoms and rights and interaction with other actors on the international arena.

Though in this paper I did not find strong evidence that Republika Srpska and Iraqi Kurdistan have the will or capacity to push for a fully independent status as of 2018, these entities do possess many of the attributes of sovereign states. Republika Srpska - given the many levels where proposed legislation can be blocked and authorities removed from positions - does not have the same space for maneuvering as Iraqi Kurdistan, which using Baghdad's pre-occupation with internal instability and the weakness of its institutions took unilateral steps in negotiating energy extraction and export deals with internationals. The same range of constraints apply to the central governments as well. Central authorities and the representatives of Croats and Bosniaks have the opportunity to veto decisions, but a

coercive or military response would be out of the question, while in Iraq, a quick demonstration of power by the central authorities regained control of disputed areas and signaled the state's determination to resort to coercive measures to maintain the integrity of the state. These entities can be argued to have many state-like features, but both environmental and legal constraints exist limiting their freedom.

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