



# Contested States

The Struggle for Survival and Recognition in the  
Post-1945 International Order

Shpend Kursani

Thesis submitted for assessment with a view to  
obtaining the degree of Doctor of Political and Social Sciences  
of the European University Institute

Florence, 23 July 2020



European University Institute  
**Department of Political and Social Sciences**

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## **Examining Board**

Professor Jennifer Welsh, European University Institute (Supervisor)

Professor Dorothee Bohle, European University Institute

Professor Nina Caspersen, University of York

Professor Eiki Berg, University of Tartu

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# Abstract

One of the most fundamental principles underpinning the post-World War II order, on which there is a broad and long-held consensus, is that once admitted into the club of universally recognized states, a political entity's territory and borders become sacred. The phenomenon of the "contested state," however, stubbornly challenges this sacred consensus, by suggesting that the current membership in and territorial configuration of the international society may not be entirely fixed. With three standalone substantive chapters, this thesis investigates three different aspects of contested states' relationship with the existing society of states. In Chapter 1, I attempt to make sense of the existence of these entities alongside other actors in the international system. By employing an ontological approach, I argue that a constellation of four dimensions constitutes a contested state as *an independent non-UN member state, over which another State lays claim*. My approach not only establishes these entities more clearly as a separate analytical category in world politics, worthy of detailed study, but also specifies these entities' distinct behavior when compared to other actors populating the same international system. Departing from the empirical reality that more than half of the thirty contested states have already died, Chapter 2 investigates the conditions under which contested states survive in the post-1945 international order. By employing an original time-series dataset and applying a comparative configurational analysis of the universe of cases of contested states, I show that three pathways to survival sufficiently capture the patterns underlying the persistence of these entities. The Chapter shows that, while external support is not a necessary condition for contested state survival, what happens outside a contested state's own "domestic" realm, nevertheless, plays a crucial role in keeping these entities alive. The findings of this Chapter unearth a contradiction that exists between the prerogatives of territorial

integrity and the aims for peace and stability of the post-WWII international legal and normative order. Chapter 3 conducts a critical analysis of the nature and effect of contested states' struggle for recognition by focusing on Palestine and Kosovo. While seeking recognition and maintaining the hope of eventual membership in the society of states is an understandable objective, I argue that for contested states, recognition has a price. The post-WWII international legal and normative order has presented contested states with a trade-off. In seeking to achieve universal international recognition, contested states must curb their claims to self-determination and sacrifice some of the elements of empirical statehood they have managed to establish. Taken together, these chapters make a set of empirical, methodological, and theoretical contributions, not only for the study of contested states but also for the general discipline of IR.



# Acknowledgements

Acknowledgements are usually boring. Not least, because they are, very often, the same. Mine will not be much different. But I cannot refuse to write one to acknowledge a lot of people that have helped me materialize this thesis. While I acknowledge many people, the names of only a few will feature here. First and foremost, I must admit that this thesis would have not been completed without the advice and constant engagement of my supervisor, Jennifer Welsh. Jennifer has been a guide throughout this thesis beyond my expectations and comprehension. My engagement with broader International Relations theory, and beyond, would not have been possible if it was not for Jennifer. All the limitations in this respect rest with me.

I never had in mind to acknowledge the Examiners of the thesis, for this is also boringly expected. I have to admit that after receiving their absolutely enlightening remarks which have put my thesis beyond what I expected Examiners would be able to do, and this too, rests with me, I cannot but extend my utmost gratitude to Nina Caspersen, Eiki Berg, and Dorothee Bohle as Examiners of this thesis.

There are many other people to thank. I do thank especially those who had to put up with me during the process of researching for and writing this thesis. My attitude towards the hierarchy in academia and the knowledge production industry could have, at times, been slightly smoother. Not that I agree with this alternative, but acknowledged must be the fact that, without intention, I may have affected many people with or without my presence. I am grateful for their patience.

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# Introduction

This thesis is motivated by my observations of the dynamics and relations between territory, authority, and legitimacy in the domestic and international realms of the post-1945 international order. Kosovo's declaration of independence in 2008 is an event that certainly triggered these initial observations. The entity's declaration of independence marked a moment when a new authority, under the Republic of Kosovo, was being established over its claimed territory and population. The event drew considerable attention not only among social scientists and international lawyers but also among policymakers and public commentators around the globe. A new state was emerging, not without controversy, however.

At least two intriguing aspects of this event are worth highlighting. The first is that the emerging *de facto* independent state of Kosovo followed half a dozen previously established authorities over the same territory and population within a brief period of only twenty years. This includes some of the varying (state) authorities that have continued to lay their claims over the entity.<sup>1</sup> Upon the declaration of independence, Kosovo's authorities moved swiftly to adopt many of the modern symbolic "trappings" of statehood, such as the flag, anthem, constitution, and passports. What is striking to note, however, is that for the majority of people in Kosovo, including those as young as twenty years of age at the time, the newly issued passports by the Republic of

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<sup>1</sup> The Socialist Federal Republic of Yugoslavia, which became extinct in the early 1990s, Milosevic's ruled Federal Republic of Yugoslavia during most of the 1990s, and the United Nation's Administration in Kosovo established in 1999, are some of the layers of authority preceding the newly established Republic of Kosovo. At the same time, from the Federal Republic of Yugoslavia until early 2000s, to its subsequent succeeding states of the Union of Serbia and Montenegro until 2006, and the Republic of Serbia afterwards, are some of the "changing" authorities that continued to lay claim over the entity.

Kosovo, would be stacked on top of at least three or four other passports they had already possessed or saved from previous periods. Metaphorically speaking, the growing stack of passports would remind them of the “stack” of authorities that had previously ruled or continue to lay claims over them. For me, it raised the question of how long the newly labeled passport of the Republic of Kosovo would sustain its top rank in the existing stack of passports. In other words, given the seemingly ephemeral layers of authority that preceded the creation of this new political entity, is the Republic of Kosovo likely to experience the same fate, and ultimately be replaced?

The second and related aspect of the 2008 declaration of independence is the broader international reaction that the emerging *de facto* state of Kosovo would soon encounter. One could arguably say that the most recent established authority in the territory of Kosovo enjoyed a high level of domestic legitimacy. However, from an international standpoint, its legitimacy would continue to be questioned. The entity emerged against all the odds of being universally recognized. Its declaration of independence, which came without the consent of Serbia and two of the major veto-holding powers in the United Nations (UN) Security Council,<sup>2</sup> meant that Kosovo’s ability to *de facto* change the established territorial landscape could not be acceptable *de jure*. For almost half of the members of the society of states, Kosovo was to remain, at least for the foreseeable future, a contested state.

In efforts to bolster the emerging state’s international legitimacy, the domestic governing elites in Kosovo, some powerful members of the society of states in the West, such as the United States (US), the United Kingdom (UK), Germany, France, as well as some international lawyers, have held that Kosovo’s independent statehood ought to be viewed as a *sui generis* (unique) case. Many historical, political, legal, and moral arguments, including those that emphasize the complex relationship between Kosovo and previous authorities ruling over it, have been used to advance the *sui generis* case for Kosovo. Nevertheless, the case for Kosovo’s *uniqueness* proved to be difficult to fathom in the wider domain of international politics where many other peoples and entities have continued to press for independent statehood.

The post-1945 international system had already seen the emergence of dozens of similar entities that have been successful in establishing *de facto* independent statehood, while remaining contested with no or limited international recognition. At the time of Kosovo’s independence, for

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<sup>2</sup> The Permanent Members of the UN Security Council that did not support Kosovo’s independence without Serbia’s consent were the Russian Federation and the People’s Republic of China.



instance, Europe's periphery had already been populated with some half a dozen contested states. From Abkhazia and South Ossetia in Georgia, Northern Cyprus on the island of Cyprus, to Transnistria and Nagorno-Karabakh in Moldova and Azerbaijan, respectively, a set of entities has established what seem to be domestically legitimate authorities. However, internationally, they remained largely unrecognized. Also, not very far away from Kosovo, Republika Srpska (in Bosnia), the Croat Republic of Herzeg Bosnia (in Bosnia), as well as Republika Srpska–Krajina (in Croatia), emerged as *de facto* independent entities in the early 1990s. Almost half a decade after their emergence, these entities got reintegrated back under the authority of their respective “parent states.”<sup>3</sup> Most of these entities also tried to invoke historical, political, legal, and moral arguments in support of their self-determination claims. Each of these entities could find and claim some *uniqueness* in their own right; however, common among these cases remained the very contestation of the legitimacy of their *de facto* established independent statehood and their struggle to navigate the post-1945 international system with their contested status.

The European continent and its wider neighborhood, while hosting many contested states, is not the only part of the world that has been populated by these entities. Apart from the Americas and Australia, all the other parts of the world seem to have met, in one way or another, with the presence of contested states. In the Horn of Africa, Somaliland successfully established itself as a *de facto* independent entity from its parent state Somalia in the early 1990s, and it continues to exist as such to the present day. Somaliland fascinates many researchers because, despite its internationally contested status, it has been successful in building state institutions that provide public services and mitigate conflicts between various tribes inside the entity. Somaliland's successes in such aspects of governance have been dubbed as incomparably better than those of its parent Somalia or other neighboring internationally legitimate states such as Eritrea and Ethiopia (Bradbury 2008). Elsewhere in Africa, Biafra in Nigeria, Katanga and South Kasai in the Democratic Republic of the Congo (DRC), and arguably the Rwenzururu Kingdom in Uganda, have all emerged in the 1960s and 1970s. All these entities' *de facto* independence succumbed after some years of existence when their respective parent states successfully absorbed them. The

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<sup>3</sup> I use the term “parent state” to refer to belligerent states which challenge the existence of contested states, usually by not recognizing the latter's existence as *de facto* independent states. While understanding the challenges and emotional burden that this term may carry for many people in these entities, there is no impartial way to refer to these actors in a way that would satisfy parties in contention all at the same time. While acknowledging these problems, for the purposes of simplicity and with the goal to remain consistent with the vast literature on contested states, I use “parent state” throughout the thesis.

less known and discussed case is the captivating story of Hyderabad – a contested state which emerged in India right after Britain granted the latter independence in 1947. Hyderabad maintained itself as a *de facto* independent entity from India in an area which is almost as large as that of South Korea and North Korea altogether, before being absorbed by India in 1948.

Outside the context of the decolonization process, the phenomenon of the contested state can be seen as a product of two competing forces in the post-WWII international order. On the one hand, there has been a strong centrifugal force stemming from unparalleled demands for independent statehood, a period which has witnessed, on average, more than fifty active secessionist movements every single year (Fazal and Griffiths 2014; see also Cunningham, Gleditsch, and Salehyan 2013; Griffiths 2015). On the other hand, there has been a strong counter centripetal force, stemming from the post-WWII norm of protection of the territorial integrity of existing states – something that has been protected almost religiously over the past seven decades by the existing society of states (Zacher 2001; Fabry 2010; Jackson 1990; Pegg 1998). The centripetal force of this contemporary international order has been, more often than not, stronger in resisting the centrifugal force of statehood contenders.

However, at times, when the balance of these forces has flipped in favor of the centrifugal force of state contenders, contested states emerged and persisted for significant periods – something which has not been, what one may say, only a temporary systemic “hiccup.” Just in the past half a decade and throughout the process of writing this thesis, several conflicts reversed the balance in favor of the centrifugal force. They led to efforts to change established state borders in different parts of the globe. In some cases, such demands were not fulfilled; however, in other cases, secessionists have succeeded in changing the universally recognized state borders. While these changes have been contested and *de jure* not accepted by the society of states, they persist as a *de facto* empirical reality.

For example, in February 2014, a wave of demonstrations and civil unrest erupted in Ukraine, which eventually led to the replacement of the Russian leaning Victor Yanukovich’s authority by a new pro-Western authority. Less than a month later, on 16 March 2014, residents of Crimea partook in a controversial referendum for the entity’s secession from Ukraine to join Russia. Only two days after the reported ninety-six percent of Crimea’s residents gave their support for the union with Russia, the latter annexed the entity – *de facto* changing Ukraine’s borders (Walker and Harding 2014; BBC 2014). The event was far from being isolated from statehood

contenders in other parts of the world. The Crimean referendum and the inclusion of the territory into Russia were met with strong opposing reactions by major powers in the West. But Russian representatives did not take long to draw parallels between their actions in Crimea and Western actions elsewhere. In his speech on the day of Crimea's annexation, Vladimir Putin claimed that Russia's actions in Crimea were not much different from those of the Western countries that have provided support to Kosovo Albanians' self-determination claims and their *de facto* secession from Serbia (President of Russia 2014).

Further northeast from Crimea, and as the civil unrest continued in Ukraine, in April 2014, residents of the two Ukrainian *Oblasts* declared their independence from Ukraine, establishing their *de facto* independent Donetsk and Lugansk republics which continue to persist to this day. Elsewhere, some of the armed rebel groups that had been fighting to oust Syria's President Bashar al-Assad from power declared the Caliphate of the Islamic State (IS) in June 2014. Although the IS never emerged with the intent to establish an independent state which would partake in and respect the existing rules of the international system, it soon found itself "trapped" as a state-like entity, operating as a *de facto* independent state. Soon after the declaration of the Caliphate, the Islamic State began to control vast amounts of territory in Syria and Iraq – as liquid as the borders of the said territory may have been. The entity, additionally, accumulated a visible coercive apparatus and began providing public services to the populace that the leaders of the IS believed to be deserving to live under their authority. According to Stephen Walt (2015), the Islamic State was emerging as a "Revolutionary State" – given the entity's rejectionist stance against the existing rules of the international system.

In September 2017, after having shown unprecedented military and organizational prowess in the fight against the ever-expanding IS, the Kurds in northern Iraq held a referendum on independence from Iraq. More than ninety-two percent of the 3.3 million who had voted inside the Kurdish Regional Government's territory supported an independent statehood for the Kurds (Aljazeera 2017; BBC 2017). However, the Iraqi government rejected the referendum as illegal, and with no support emerging from any major powers or neighboring states at the time, the Iraqi Kurds aborted their planned declaration of independence – a declaration that the Iraqi Kurds longed for in response to their referendum results (Calamur 2017; Toosi 2017). The case of the Iraqi Kurds could certainly be seen as an aborted attempt to establish a state which would potentially have been contested if it was to emerge without Iraq's consent. Nonetheless, this speaks to the Kurds'

persisting desire for independent statehood, one which cannot be ruled out as a force in regional and international politics in the future.

As a final example, the residents of Bougainville held their long-expected referendum on independence from Papua New Guinea in December 2019. Close to ninety-eight percent of Bougainvillians supported independence instead of the option for more autonomy under the state of Papua New Guinea (BBC 2019). Bougainville's recently held referendum is not without a long history of its people's previous struggle for self-determination and independent statehood. Already in the late 1980s, in their attempts to establish an independent state, Bougainvilleans had waged a violent campaign against Papua New Guinea's authorities, leading to the *de facto* independent existence of Bougainville for more than a decade. The 2019 referendum had been promised in an earlier peace agreement signed between Bougainville and Papua New Guinea in 2001, in which the former agreed to cede its *de facto* independent existence until a referendum on possible *de jure* independence could be organized in the future (UNSC S/2001/988 2001). As this thesis was being completed, the "extensive consultations" between Bougainville's representatives and the government of Papua New Guinea were underway (Pacific 2019). Given the coordinated measures taken between the entity and the central government, it appears likely that Bougainville will emerge as a universally recognized state with its parent's consent; alternatively, a second attempt to secure Bougainville's emergence as a contested state cannot be ruled out.

The emergence of contested states in the post-1945 international normative and legal environment has unearthed territorial anomalies and layers of authority that do not fit the idealized image of the world divided into states with clearly delineated borders (Caspersen and Stansfield 2011). But contested states are not just some isolated manifestations of territorial "misfits." The existence of the phenomenon at hand has already triggered a rich research agenda on alternative forms of political authority, self-determination, state-and-nation building, international legitimacy, as well as wars between and within states (Pegg 1998; C. King 2001; Bahcheli 2004; Lynch 2004; Kolstø 2006; Caspersen 2012; Florea 2017). Contested states often become "sites" for competition and struggle not only among ethnic or religious minorities and their central governments but also among Great Powers and neighboring states. These entities, as Matan Chorev wrote, "will continue to play an outsized role in global politics in the coming years" (2011, 37). Therefore, efforts to continue exploring many questions that the existence of these entities raise for the general discipline in IR are, as some of the examples above attest to, worthwhile taking.

An intriguing aspect about contested states is that when they emerge, they undermine the authority and sovereign claims of the internationally recognized states that try to exert control over them. But when they continue to survive and persist, they additionally show a stubborn capability to challenge what Christopher Clapham (1996) has called the international “rules of the game” devised after WWII. Under the conditions of the present international “rules of the game,” many have argued that while we may expect contested states to emerge, we can also expect their lives to be cut short; these entities’ temporary lives and future demise have been seen as a fact of life in post-1945 international politics (see Geldenhuys 2009; Kolstø 2006).

Indeed, the number of contested states that have perished after WWII is not negligible. For example, after emerging in 1999 as a contested state, Aceh was reincorporated in Indonesia in 2005. Biafra in Nigeria, Katanga and South Kasai in D.R. Congo, and Tamil Eelam in Sri Lanka have seen the same fate, albeit their duration varied. For example, while Biafra’s life was cut short only after around three years of securing its *de facto* independence from Nigeria in late 1960s, Tamil Eelam emerged in 1987 to survive for some 22 years, when it was violently absorbed by Sri Lanka in 2009. Yet, at the same time, entities such as Abkhazia, South Ossetia, Somaliland, Northern Cyprus, Kosovo, Transnistria, and others have demonstrated a striking ability to survive, despite pressures that come from the constant contestation of their existence. Some, like Taiwan and Western Sahara, will soon have surpassed the longevity of recognized sovereign states like the former Yugoslavia and the Soviet Union during their post-1945 lifespans.

The central question that this thesis attempts to address is why is it that some contested states survive and others do not? Before addressing the central issue of survival, however, the thesis first attempts to make a conceptual sense of the existence of contested states in the post-1945 international order. As the next few paragraphs will show, there is no shortage of attempts to conceptualize the contested state. However, in my first substantive chapter, I additionally attempt to contribute to advancing a theoretical understanding of these entities’ distinctiveness from other state and non-state actors populating the same international system. After addressing the conceptual component, the thesis embarks to address the question of contested state survival in what initially seems a restraining international environment to provide some “life insurance” against conquest by their parent states. The conceptual exercise in the first Chapter allows me to address the question of survival by including in my analysis the universe of cases of contested states. Some implications from the findings of contested state survival leads me to explore what

can broadly be said to be their engagement with the international environment and the implications of their struggle for recognition. The thesis, therefore, consists of three standalone substantive chapters which addressed substantive related issues that are central to understanding contested state survival but also that are implied by it. The thesis content and its central arguments are summarized in the following paragraphs.

### **Making sense of contested states after WWII**

How do we make sense of contested states which “live” in the international system alongside other actors, such as states trying to defend their borders and territories, guerilla movements attempting to take control over existing states’ administrations, or secessionist movements attempting to fragment existing states? Attempts to define and delineate contested states are not scarce. It has been observed that there are more than a dozen conceptual formulations and over fifteen different labels that have been used in literature to describe these entities (Toomla 2016). For instance, the phenomenon has been referred to as “*de facto* state” (Pegg 1998), “separatist state” (Lynch 2004), “contested state” (Geldenhuis 2009), “unrecognized state” (Caspersen 2012), among many other terms. While continued attempts to conceptualize the phenomenon of contested state have helped to improve understandings of some of the key features of these entities (see Kingston 2004; Geldenhuis 2009; Caspersen 2012; Florea 2017), there is continued disagreement over how to delineate these entities from other actors in the international system (Pegg 2017).

Although with some consequences, the fact that there are many definitions of the phenomenon is not a fundamental problem *per se*. Rather, the deeper issue that appears is the under-theorization of the concept of contested state and the lack of a systematic procedure for applying the concept empirically. With continued inconsistencies in the accounts of what constitutes these entities as a distinct actor in world politics, it remains difficult to theoretically understand the phenomenon’s distinct interaction with the international system when compared to other actors in that system. The plethora of conceptual approaches also create great variation in the number of empirical categories that each proposed definition captures. The variation ranges between those who consider nine cases of contested states that emerged in the post-1945 international system (Kingston 2004), to those that claim the number to be thirty-four (Florea 2017) and those that list as many as sixty-seven (Riegl 2013). This ambiguity over how many contested states actually exist (or have existed) makes any systematic comparative analysis of the

phenomenon of contested states, and therefore any compelling arguments about their existence, emergence, or behavior in the international system, unfeasible (see Sartori 1970; Mair 2008).

With this in mind and building on the existing efforts in the literature, **Chapter 1** is essentially an exercise in concept formation. It addresses the following questions: how do we conceptualize the contested state; how do we theoretically understand its distinct interaction with the international system; and what socio-political subjects (or entities) in the world does the concept empirically encompass? The Chapter tackles these questions by adopting a formal ontological approach to argue that a constellation of four constitutive dimensions serves to conceptualize the contested state as *an independent non-UN member state, over which another State lays claim*. I also suggest that the ontological approach improves our understanding of contested states by specifying (i) how the concept is to be constituted internally, and (ii) how the internal constitution of the concept might affect the contested state's distinct interaction with its external environment. In other words, I offer a concept which not only is more clearly established as a separate analytical category but also enables us to study the contested state from some of its distinct qualities *vis-à-vis* other actors populating the same international system. The Chapter, therefore, moves on to outline some of the theoretical utilities of my approach.

The formal approach to conceptualizing the contested state enables me to take the additional and unprecedented step of introducing an explicit and transparent procedure for applying the concept of contested state to the empirical world. I apply my proposed concept to more than ninety empirical categories as potential candidates for the inclusion in the population of contested states – a process that suggests that only thirty of these cases fulfill the constitutive criteria of the concept of contested state. The process of empirical application undertaken in this Chapter also opens the doors to explicit internal and external validation, something which remains absent in the current literature on contested states. This can, therefore, hopefully help to sharpen future debates on the empirical manifestation of the phenomenon of contested states in world politics.

What emerges from this substantive chapter is that it becomes clear that the population of contested states include a very diverse and heterogenous phenomenon. It not only points to the geographical and temporal diversity (where and when they emerged, and their duration), as this has not been unknown thus far, but also to the diversity in their empirical statehood and state-building efforts. It has been common among researchers in thus subfield to readily assume and

suggest that contested states exhibit, *a priori*, strong components of empirical statehood and overall state-making efforts. My conceptual approach suggests that contested states, much like the universally recognized state, can be relatively strong (i.e., from Taiwan to Nagorno-Karabakh) and relatively weak (i.e., from Western Sahara to Palestine) from state-building perspective. These findings make the central question of this thesis all the more intriguing, and warrant an analysis of all the population of contested state when attempting to explain their survival, which I turn to summarize next.

### **Understanding the survival of contested states**

It has been rightly suggested that it is difficult for a *de facto* independent state to survive without international recognition; although contested states continue to emerge, many “have been wiped off the face of the earth again” (Kolstø and Paukovic 2014, 309). Caspersen and Stansfield (2011) also emphasize that neither the leaders and the population inside these entities, nor the outside world, view their non-recognized status as permanent. However, in their volume, they work towards unravelling the possibilities in which one can view these entities as something more permanent in world politics than it is generally thought (Caspersen and Stansfield 2011). Embarking from their observation that contested states are a temporary phenomenon, Bahcheli et al. (2004), have labeled these entities “states in waiting.” Waiting, that is, either to be reintegrated into their respective parent states or for their status to be upgraded into fully recognized UN member states and as fully legitimate actors of the international society (Bahcheli, Bartmann, and Srebrnik 2004). In other words, these entities have often been viewed as states waiting in purgatory for their (final) fate to be determined.

Under what conditions do contested states survive? This question is the principal concern of **Chapter 2**. Current literature on contested states provides only partially satisfactory answers to the question of these entities' survival. To begin with, case-and-area studies do not provide generalized knowledge on contested state survival and are often focused on micro-level explanations at domestic and international levels. Some of the factors at the domestic level hypothesized in the literature include the efforts that leaders in these entities put on nation-building (Kingston and Spears 2004; Kolstø 2006), maintenance of domestic legitimacy (Bryden 2004; Bartmann 2004; Hassan 2015), preservation of high levels of militarization (Pegg 1998; Kolstø 2006; Caspersen 2012; Riegl 2013), and efforts to avoid internal fragmentation (Caspersen 2012).



Some factors hypothesized at the international level, include, among others, the existence of an external patron/supporter (Pegg 1998; Bartmann 2004; Kolstø 2006; Owtram 2011; Caspersen 2011; 2012) or the persistent weakness of the respective parent states (Kolstø 2006; Chorev 2011; Kolstø and Paukovic 2014).

Rooted in hypotheses from civil war literature, the emerging quantitative literature on these entities provides a “credible commitment” account, to argue that shifts in the balance of power within-and-between contested states and their respective parent states over time plays a key role in understanding how these entities disappear (Florea 2017). While it covers the gap in offering a generalized understanding, the emerging quantitative literature remains limited in addressing the possible causal complexity that may explain the survival of these entities that emerged in different parts of the world and across various periods after WWII. Additionally, these two research traditions hardly speak to each other and offer mainly implicit explanations for contested state survival by addressing a set of other related questions about contested states.

Chapter 2 attempts to bridge this gap by conducting a configurational analysis through fsQCA, which allows us to draw valid generalized conclusions through the analysis of necessary and sufficient conditions for survival (and death). The chapter approaches the question of contested state survival by introducing a model that captures not only the differences in conditions between all surviving and non-surviving cases of contested states but also the dynamics behind the changes in conditions that occur over time. By employing an original time-series dataset developed specifically for this thesis, the analysis of the entire universe of thirty cases of contested states suggests that three pathways sufficiently explain all but one case of survival of these entities after WWII. The first is, what I call, the *Grotian pathway* to survival, which consists of the conjunction of conditions that explains survival based on the existence of an external supportive social environment. This environment legitimizes these entities, to a degree, enabling them to interact with the existing society of states. The second is what I call the *Hobbesian pathway* to survival, which includes a conjunction of conditions that explains survival through the existence of unstable and troubled neighborhood which contested states strategically navigate by receiving some outside support. This troubled neighborhood is characterized by parent state’s involvement in concurrent and long-standing conflicts with actors inside and outside their territories, providing contested states enough room to “breathe.” The third is what I call the *Bodinian pathway* to survival, which focuses on contested states’ sustained state-making efforts in a general condition of peace –

something which they characteristically maintain by having an outside helping hand. These three overarching pathways to survival speak of the heterogeneity of contexts in which contested states navigate with their contested status in the international system.

One striking pattern to note from the findings in Chapter 2 is that even though external support is not necessary for survival, as many authors would suggest, a contested state's external environment does play a dominant role in their survival. No contested state has survived without having some favorable conditions outside its domestic realm. My findings suggest that they must either have sustained external support from neighbors or Great Powers, a high and consistent degree of international legitimacy, or ongoing parent state instability. Nevertheless, conditions in the domestic realm also remain vital. The *Bodinian pathway* to survival, which explains almost half of the survival cases, is demonstrative of such a claim. It infers that, in conjunction with some favorable conditions in the international realm, sustained state-making efforts by these entities' leadership remains a necessary component in understanding how some contested states manage to survive.

The benefit of analyzing the universe of cases of contested states, conceptualized as such in the first Chapter, and the ensuing results from QCA raise some interesting questions about the relations between contested states' domestic and international environments. For example, one of the pathways to survival, especially the *Grotian pathway*, captures the survival of relatively weak contested states, namely Palestine and Western Sahara. This indicates that there may be a paradoxical relationship between contested states' struggle for recognition, and success in such a struggle for that matter, and their internal sovereignty. Exploring this relationship remains the aim of the next substantive Chapter, which analyzes two cases from different pathways of survival, yet, the ones which exhibit higher levels of international legitimacy, namely Palestine and Kosovo.

### **Exploring implications of contested states' struggle for recognition**

The third and final aspect of contested states addressed in this thesis is the nature and effect of contested states' struggle for international recognition. A near consensus exists among authors in IR, and especially those dealing with these entities that international recognition is a prized "good" that comes with many benefits. This argument about the benefits of recognition and membership in the post-1945 international society of states is straightforward and intuitive. To begin with, universal recognition and membership in international society buy entities a form of "life

insurance” against external territorial conquest and, as such, ensures recognized independent entities’ survival. International recognition in the post-1945 international order has been said to ensure the survival of even very fragmented and dysfunctional states, which in previous periods would have disappeared (Jackson and Rosberg 1982; Jackson 1990; Clapham 1996; Fazal 2007; Fabry 2010; Maass 2016). Caspersen similarly maintains that recognition "provides a powerful vision of statehood; one of security and prosperity" (2012, 116). Apart from security benefits, international recognition allows entities to have immediate access to other international public goods, such as access to external economic, financial, and humanitarian resources (Mihalkanin 2004; Mulaj 2011; Fazal and Griffiths 2014). Others consider that international recognition plays a crucial role in the internal consolidation and improved functioning of the emerging independent entities’ (Müllerson 1996; Riegl 2013). To this end, Stephen Krasner (1999) asserts that international recognition is a valuable resource. As such, he sees recognition as something that bares (almost) no costs to those entities to which recognition is granted (Krasner 1999).

**Chapter 3** revisits this consensus on the benefits of recognition by focusing on its costs. Examining the costs of recognition is warranted not only because of the gap in the scholarly literature. It is also because of the empirical reality that a number of those entities that have managed to establish *de facto* independent states spend significant energy and resources in seeking international recognition by and engagement with other actors (Caspersen and Stansfield 2011). While acknowledging the aforementioned benefits of recognition, the analysis presented in Chapter 3 suggests that formal recognition by the members of international society (external sovereignty) does, or *can*, come with a price for some important elements in entities’ empirical statehood (internal sovereignty). I arrive at this conclusion by conducting an in-depth case study analysis of Palestine and Kosovo. These two cases have prominently engaged in active recognition-seeking practices, and have attained a significant amount of international recognition while remaining contested as they lack full membership in the post-1945 club of states.

My analysis is based on a process that I call “negotiated statehood,” which describes the constraining international environment within which contested states navigate in their struggle for recognition. The post-WWII international legal and normative order prescribes that any changes to the territorial configuration of existing states are not recognized as legitimate without the parent state’s prior consent. As such, parent states hold unprecedented gatekeeping powers to either allow or prevent emerging statehood contenders from assuming an equal place in the society of states.

In analyzing Palestine's and Kosovo's struggle for recognition through the lens of the process of "negotiated statehood", I show that in an attempt to gain consent from their respective parent states, and sympathy from existing Great Powers, they negotiate a "final status" settlement with their respective parent state. Negotiating statehood with the parent state entails meeting the latter's sometimes onerous conditions. This can involve core aspects of the internal sovereignty of contested states, such as limitations on territorial claims, the degree and nature of internal territorial decentralization and power-sharing, and the degree of their on-going dependence on the parent state.

Finally, the discussion undertaken in Chapter 3 coincides with the growing interest that has recently emerged within academic and policy circles with regards to contested states' engagement with their external world. Thomas De Waal (2018) believes that the outdated paradigm, which rests on the assumption that contested states are about to collapse, must be set aside, and instead suggests ways in which the international community can have "meaningful engagement" with these entities which continue to persist. Others, like Ker-Lindsay and Berg (2018), also point out that isolating these entities does not necessarily lead to their collapse or eventual (re)integration into their parent states. However, they also postulate that by interacting with these entities too extensively, the society of states *may* give the impression that the latter is accepting the former's *de facto* secession from an existing member of international society (Ker-Lindsay and Berg 2018). The tension between territorial integrity and self-determination that exists in the post-1945 international order often puts constraints on the international community's engagement with these entities (Caspersen 2018). However, there are ways in which such interaction is thought to be both appropriate and permissible – including when the interaction takes place between contested states and their respective parent states (Caspersen 2018). There are many ways in which the discussion in Chapter 3 can inform these emerging conversations on contested states' engagement with their external world. One worth highlighting is the attention that needs to be paid to the paradoxical situation in which contested states find themselves when seeking international recognition. Namely, to strengthen their international legitimacy contested states "tame" their claims to self-determination and put strains on their established empirical statehood.

Overall, with multifaceted approaches employed in each of these chapters, the thesis makes a set of methodological, theoretical, and empirical contributions in the study of contested states, which altogether carry several implications for the discipline of International Relations.

Methodologically, the thesis contributes by employing a formal approach to concept formation – unprecedented in the literature on these entities. It additionally employs a formal qualitative method, which enables us to carry out a qualitative comparative analysis of the entire universe of cases of contested states – permitting generalized explanations – while remaining sensitive to each case’s contexts and specificities. From the theoretical standpoint, the chapters in this thesis shed new light on what our expectations about the contested state’s behavior and interaction with its external environment can be; the heterogeneity of contexts which these entities navigate alongside other actors in the international system; and how the existing international normative environment shapes their domestic realms.

Notwithstanding the importance of power dynamics in global politics, the thesis speaks more closely to theoretical stances in International Relations that view the world as one constituted by a diversity of actors whose interaction and even fate is shaped by established norms and institutions of an international society of states. The widely held ideas, norms, and principles by the society of states seem to be a function of general stability that the international society aims to maintain, which means, at times, they can get “bent” in service of stability. The emergence of contested states represents a challenge to these widely held ideas, norms, and principles – and it could be said to the aimed stability. However, many of those contested states that manage to survive and persist seem to bring a sense of stability and “frozen peace” to areas of the world which they inhabit. Thus, when this thesis shows that the persistence of contested states cannot be understood without the enabling factor that the existing society of states plays in maintaining many of these entities as “sovereign anomalies,” it calls attention to the following observation. The international society or its members, at times, do “bend” their widely held rules and principles, which one may view as the international society’s “hypocrisy”. However, it does so for the very maintenance of the overall sense of stability which these rules and principles, seemingly, aim to maintain.

### **A short note on empirical material and empirical contributions**

The analysis which I make in different parts of the thesis is based on novel data, which I have gathered throughout the process of researching diverse aspects of contested states. While a reference to such data will be made in relevant parts of the thesis, making them available as part of this manuscript is impossible. Therefore, I introduce external links to the following two separate

online documents which readers may refer to, should they wish to consult further details of my empirical data and contributions:

- *Empirical-Procedural Applicability of the Contested State, 1945 – 2017*: This document consists of crucial empirical material of Chapter 1, which supports decisions made on and justifications for including some empirical categories in, while excluding others from, the concept of contested state. This material presents evidence on whether each analyzed empirical category meets the necessary dimensions and associated indicators to be considered a contested state. The evidence which is provided for the presence or absence of indicators and dimensions is based on the novel and previously untapped sources. These include, among others, archival press material, original UN documents, author's own measurements from mapping devices, such as Google Maps, encyclopedias, and regular reports published by specialized international organizations on conflict, human rights, democracy, press freedoms. Additional sources include rich secondary material, such as published academic books, historiographies, journal articles, as well as existing databases on wars, conflicts, separatist movements, non-state actors, and alike. All of the more than 500 sources used for this material are listed in the reference list at the end of this document. Link to the document: <https://bookdown.org/shpendole/empiricalpa/EmpiricalPA.html>
- *Codebook for the Dataset on Contested States in World Politics, 1945 – 2017*: This document makes a detailed description of the core empirical material used for my fsQCA analysis in Chapter 2. However, as it will become apparent to the readers of this document, the actual empirical material used in constructing a time-series dataset for the universe of thirty cases of contested states goes far beyond those that have been used for the analysis in Chapter 2. The dataset consists of over 150 indicators subdivided into contested states' and, at times, parent states' (i) lifecycle indicators; (ii) statehood indicators; (iii) indicators on their territorial characteristics; (iv) demographic indicators; (v) economic indicators; (vi) indicators on their military capabilities; (vii) conflict-related indicators; (viii) indicators capturing forms and types of external support they receive; (ix) indicators on the presence of international civilian and military missions; (x) international legitimacy indicators; (xi) indicators which relate to the attention that the international community has

paid to these entities; and (xii) some other uncategorized indicators. The vast empirical material has been secured through different techniques of data collection. These include, among others, original material from primary sources via webscraping, archival press material, original UN archival documents, existing datasets on conflict, secession, rebel movements, as well as other secondary sources, among others.

Link to the document: <https://bookdown.org/shpendole/kursani/Codebook.html>





# Chapter One

## **Reconsidering the Contested State in the post-1945 International Relations: *An Ontological Approach***

It has been more than twenty years since the phenomenon of the contested state has become an object of inquiry among political scientists and international relations scholars. These entities often do not appear on any of the world maps one observes today because, despite *de facto* satisfying many elements of statehood, they remain largely unrecognized by the existing society of states, failing thus to satisfy the contemporary (post-WWII) *de jure* elements of statehood. Cases that have traditionally featured in literature dealing with these entities include, among others, Somaliland, Taiwan, Kosovo, Northern Cyprus, and post-Soviet cases of Abkhazia, South Ossetia, Nagorno-Karabakh, and Transnistria. The recent turbulence in Eastern Europe and the Middle East has given way to the emergence of other cases such as the Donetsk and Lugansk Republics in Ukraine and, arguably, the Islamic State in parts of Syria and Iraq. The existence of contested states has triggered a rich research agenda on alternative forms of political authority, sovereignty, self-determination, state-and-nation building, international legitimacy, as well as wars between and within states (Pegg 1998; Kolstø 2006; Caspersen and Stansfield 2011; Florea 2017).

Traditional International Relations (IR) scholarship establishes thick lines between state and non-state actors, generating standardized lists through which these actors are systematically studied (Small and Singer 1982; Coggins 2011; Cunningham, Gleditsch, and Salehyan 2013; Correlates of War Project 2017).<sup>4</sup> Yet, the empirical manifestation of contested states often transcends the traditional boundaries between state and non-state actors. In most cases, these entities exist independently of, and function alongside traditional *de jure* recognized states and other non-state actors. This reality gives rise to a series of questions. How do we conceptualize the contested state; how do we theoretically understand its distinct interaction with the international system; and what socio-political subjects in the world does the concept empirically encompass?

There have been many attempts to tackle some of these questions. Indeed, there are more than a dozen concepts and over fifteen different labels used in relation to these entities (Toomla 2016). For instance, in addition to the term “*de facto* states” initially employed by Scott Pegg (1998), the phenomenon has subsequently been reconceptualized and referred to as “separatist states” (Lynch 2004), “states-within-states” (Kingston 2004), “contested states” (Geldenhuis 2009), “unrecognized states” (Caspersen 2012), among many others.<sup>5</sup> It is common among authors presently writing on the contested state to express dissent with the plethora of concepts and terms that have mushroomed about, ostensibly, the same phenomenon. This is more expressively echoed in Pegg’s recent article on the progress, problems, and prospects in the study of these entities, where he acknowledges that one of the problems plaguing the subfield has been a “comparatively large amount of ink spilled over the precise definition of these entities without that many improvements to justify this effort” (2017, n.p.). The present Chapter agrees with the dissent; yet, it remains of the view that notwithstanding the issue of over-conceptualization, or rather over-terminologization, the concept of contested state remains fundamentally under-theorized. Individual attempts to conceptualize these entities have produced collective inconsistencies in both the various meanings associated with the phenomenon, and with the empirical categories that they purport to capture. Moreover, these efforts have provided little guidance with regards to their

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<sup>4</sup> For a critique of some of these approaches and new criteria based on which state actors are drawn, see Gleditsch and Ward (1999)

<sup>5</sup> Some other terms that are used to refer to the phenomenon include: “pseudo states” (Kolossoff and O’Loughlin 1998), “state-like entities” (C. King 2001), “Nations-in-waiting” (Bahcheli, Bartmann, and Srebrnik 2004), “unrecognized quasi-states” (Kolstø 2006), “statelets” (Bakke 2011); “informal states” (Isachenko 2012), and a number of other terms.

theoretical implications and no clear theoretical propositions about the (possible) distinct ways in which the contested state interacts with its environment compared to other actors in IR.

The main purpose of this Chapter is to systematically conceptualize the contested state – drawing on the tools of concept building – and to identify the theoretical implications and utility of this concept for the study of this phenomenon in international relations. To justify the effort, I shall first offer a thorough assessment of the available approaches to the concept of contested state, by identifying conceptual inconsistencies and discord in the empirical categories that existing concepts purport to capture. The fact that there are many definitions of the phenomenon is not a fundamental problem *per se*. As such, my assessment moves beyond the standard critique of over-conceptualization and over-terminologization by isolating two core problems with current discussions on the concept of the contested state: under-theorization and the lack of a systematic procedure for applying the concept empirically.

Having identified these core issues, I move to my second task, which is to propose an alternative approach to conceptualizing the contested state. More specifically, I employ an ontological approach to argue that a constellation of four core conceptual dimensions constitute the contested state as *an independent non-UN member state, over which another state lays claim*. This approach improves our understanding of contested states by specifying (i) how the concept is to be constituted internally, and (ii) how the internal constitution of the concept might affect the contested state’s interaction with its external environment. In other words, the concept which I develop not only provides a separate analytical category that is distinct from other actors in the international system. It also shows how particular features of the contested state that I identify can be used to generate theoretical expectations about this entity’s distinct behavior when compared to other actors in the international system.

My third task is to draw out the theoretical utility and implications of my alternative approach to conceptualizing the contested state. One such implication is the need to adapt the traditional levels of analysis used in different explanatory frameworks in IR – most notably the state-and-system level approaches<sup>6</sup> – to include an additional “proximate environment” level of analysis. While often useful when tackling questions about a state’s behavior, the system-and-state

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<sup>6</sup> When analyzing causes of war, Waltz (1959) has introduced three levels of analysis: the individual, the state, and the system. Many writers in IR, however, commonly employ the dual state-and-system level approaches in their analysis of questions regarding state emergence, survival, and death (for examples, see Fazal 2007; Roeder 2007; Coggins 2011).

level approaches alone, I argue, may not fully capture the contested state's internal constitutive nature and how it interacts with its environment. As such, I argue that employing the "proximate environment" level, in addition to the already established levels of analysis, is necessary when building explanatory frameworks for contested states. Another implication that derives from the ontological approach is that, while my concept of the contested state presents a categorically distinct phenomenon *vis-à-vis* other phenomena in IR, it also calls for a non-essentialized view of the contested state's internal constitution. As such, my alternative approach points to the importance of heterogeneity in the study of contested states, much in the same way that the heterogeneity of the state itself has been discussed in sociological, political science, international law, and international relations debates (Migdal 1988; Mann 1988; P. B. Evans, Rueschemeyer, and Skocpol 1985; Krasner 2001; Hobson 2000; Crawford 2006).

The subsequent section introduces an explicit and transparent procedure for applying the concept of contested state to the empirical world. After the introduction of the procedure, the concept is applied to more than ninety candidate empirical categories – a process that suggests that only thirty of them fulfill the criteria of the concept of contested state. In so doing, I suggest that this explicit procedure for empirically identifying contested states should move the debate on from the inconsistent "guesswork" that has marked the existing literature. The Chapter concludes with a short *nota bene* on why I continue to use the label of "contested state" to refer to the phenomenon at the heart of this project. My decision is both pragmatic and semantic. I argue that so long as we remain conscious about the concept's constitutive nature and its implications for the theory and the study of the contested state, the diverging choices in the labels used by researchers, while still problematic, remains one of the least problematic aspects of examining and theorizing about contested states.

### **The concept(s) of contested state: an assessment**

No disagreement exists among scholars on whether the contested state holds the formal attributes of a modern state, broadly conceived of in Weberian terms, meaning that it must represent a human community (defined population), with a governing apparatus that both claims the monopoly of the legitimate use of violence (legitimate government), and maintains control within a given geographical space (defined territory) (M. Weber 2004, 32–34 [1919]). The divergence occurs when attempts are made to make sense of the *kind of* a state the contested state represents. It is

often the case that additional attributes are included in the Weberian conception of the state when attempting to delineate these entities from the state itself and other phenomena. For example, when using the term “*de facto* states” to delineate these entities from other actors, Pegg (1998) employs a maximalist approach. This means that he includes a series of attributes beyond the formal attributes of statehood, such as capabilities, motivations, and a minimum period the entity must survive to be considered a *de facto* state (Pegg 1998, 25–27). Nina Caspersen’s (2012, 11) concept of “unrecognized states” is slightly less maximalist, as it focuses on formal attributes of statehood, motivations, and duration of existence, but does not include the capabilities that these entities must possess to be considered unrecognized states. Other authors are even more minimalist in their understanding of the phenomenon at hand. Dov Lynch (2004, 16) includes only the formal attributes and the capabilities that these entities must possess to be included in the category of what he calls “separatist states.” Similarly, Paul Kingston (2004, 4) includes only the formal attributes and adds certain activities that an entity must perform to be considered what he labels as “states-within-states.” This overview, while certainly not exhaustive, points to the individual conceptual inconsistencies in assigning various attributes to the concept of contested state, and to the plethora of terms employed when referring to the phenomenon.

However, beyond the obvious issues of inconsistency and the plethora of terms used, the discussion of contested states in the existing literature suffers from two deeper problems. The first is the problem of under-theorization – namely, the lack of systematic discussion of how the concept is theoretically constituted and the theoretical implications of the different conceptual propositions that are offered. The second problem relates to the applicability of the concept to the empirical world. No explicit procedure has been followed so far when attempting to apply the concept(s) of contested state empirically. Before elaborating further on these two core problems, in Table 1.1, I offer a synthesis of the terms, attributes, and empirical referents captured by authors who have conceptually engaged with these entities, moving from the left (more maximalist) to the right (more minimalist) approaches.

Table 1.1 Synthesis of different concept(s) of the contested state<sup>7</sup>

Author: Term (label):	Pegg	Florea	Caspersen	Geldenhuis	Riegl	Lynch	Kingston
	<i>De facto</i> states <u>Formal attributes:</u> - Territory - Population - Government <u>Capability:</u> - Have popular support - Provide government services - Enter in to relations with other states <u>Motivation:</u> - Seek full constitutional independence - Seek recognition - Secessionism <u>Temporality</u> - At least two years in existence <u>Reaction from international society:</u> - Seen as illegitimate	<i>De facto</i> states <u>Formal attributes:</u> - Independence - Territory - Monopoly on use of violence - Government - Separatist - Lack recognition - Lack external sovereignty - Belong to a recognised state - Not a colonial possession <u>Motivation:</u> - Seek (some degree) of separation form parent <u>Temporality:</u> - At least 24 months in existence	Unrecognized states <u>Formal attributes:</u> - Independence - Territory (controlling at least 2/3 of its territory, and control over main city and key regions) - Recognition (by a patron, a few other states of no importance, or lacking it completely) <u>Motivation:</u> - Seek to build state institutions - Demonstrate legitimacy <u>Temporality:</u> - At least two years in existence	Contested states <u>Formal attributes:</u> - Territory - Population - Government <u>Capability:</u> - Enter in relations with other states <u>Motivation:</u> - Desire to enter into the standard array of relations with other states <u>Temporality:</u> - At least three years in existence	Internationally unrecognized entities <u>Formal attributes:</u> - Sovereign-state - Territory - Population - Lacking significant recognition <u>Capability:</u> - Demonstrate internal effectiveness <u>Temporality:</u> - Ambiguously defined	Separatist states <u>Formal attributes:</u> - Same as Pegg <u>Capability:</u> - Sovereignty over people - Constitutional independence	States-within-states <u>Formal attributes:</u> - Incipient entities (i.e. <i>de facto</i> states) - Political authority - Territorial control - De-territorialised activities <u>Activities:</u> - Engage in informal and predatory activities
<b>Meaning (defining attributes):</b>							
<b>Referent (cases):</b>	21	34	19	19	67	10	9

<sup>7</sup> Appendix A.1 includes the verbatim definitions provided by each of the authors.

I will begin with the theoretical implications of attributes constituting existing concepts of contested states. Little guidance has been provided concerning the theoretical relationship between necessary and sufficient attributes that ought to constitute the concept. In his seminal work on social science concepts, Gary Goertz emphasizes that “a good concept draws distinctions that are important in the behavior of the object,” which according to him is how the conceptualized object interacts, often in a causal way, with its environment (2006, 4). Let us take as an illustration some conceptual constitutive attributes proposed by several authors, such as (i) the motivation of contested states to seek international legitimacy; (ii) their motivation to separate from their respective parent states; or (iii) their motivation to build state institutions.

To what extent are such attributes necessary, and under what theoretical relationship are they sufficient to constitute the concept of contested state? Subsequently, what do such constitutive attributes tell us about how the contested state may distinctly interact with its environment when compared to other actors? The breakaway territories of Donetsk and Lugansk Republics that recently emerged from eastern Ukraine have not (yet) demonstrated the motivation to seek recognition, nor have they managed to show any significant improvement in building state institutions. Yet, empirically, they appear to have existed as separate entities for more than five years and seem to exhibit similar characteristics to other typical cases of contested states, such as Abkhazia, South Ossetia, Transnistria, Somaliland, and others. It becomes evident, therefore, that some of the proposed conceptual attributes are (potentially) neither necessary nor sufficient in internally constituting the concept of contested state.

Furthermore, the conceptual attributes offered in the literature are often laden with thresholds that appear either as too demanding or as too vague, to enable a systematic study of the contested state. More specifically, the inclusion of conceptual attributes such as the entities’ (i) capability to amass popular support; (ii) the capability to demonstrate legitimacy; (iii) or the capability to demonstrate internal effectiveness, could arguably be too demanding thresholds when conceiving of the phenomenon of contested state. Such thresholds risk inadvertently essentializing the internal structure of the contested state as an entity that must *a priori* be highly centralized, well organized, and well-functioning, but without much theoretical justification for setting this standard. The state itself has not been essentialized to the level that some of the above-mentioned conceptual attributes have risked essentializing the contested state. From the perspective of their internal structure, some states are relatively weak and failing, while others are strong and

sustainable. Much like with the state, there remain no conceptual or theoretical justifications why the contested states cannot be conceived of as being strong and well-functioning in some cases, while relatively weak in other cases – from the perspective of their internal constitutive structure.

Another related issue that remains underspecified and not entirely justified is the degree to which many of the assigned attributes need to be present when conceiving of the contested state. For instance, it has been rightly noted by many authors that these entities must have control over some portion of territory to be considered a contested state. But how much territory needs to be controlled? Caspersen makes some strides in addressing this problem by specifying that these entities must cover “at least two-thirds of the territory they claim, including the territory’s main city and key regions [emphasis in original]” (Caspersen 2012, 9). She inductively suggests that such a strict specification of territorial control would include cases like Somaliland, which *de facto* seceded from Somalia in the early 1990s but leave out cases like Aceh which *de facto* seceded from and remained out of Indonesia’s reach during the first half of the 2000s. Caspersen’s (2012, 9) justification for excluding Aceh is that it did not control two-thirds of the territory during the period when it controlled some portions of its claimed territory. However, no clear theoretical justification and implication for this decision, or discussion of how it would capture the distinct nature of the contested state, is provided. This is problematic, in part, because it is not theoretically obvious why an entity that controls less than two-thirds of its claimed territory would be analytically different from an entity that controls more than two-thirds of its territory. These entities may potentially represent different *qualities* of a contested state, but not necessarily a different phenomenon as an empirical category.

The tension that exists between attempts to over-conceptualize the contested state on the one hand, and the concept’s under-theorization on the other, has produced disagreement among authors when applying their conceptual solutions empirically. The empirical phenomena that the currently available concepts collectively cover are neither exclusive nor exhaustive from a classification point of view. To be exclusive, a phenomenon that a given concept captures cannot belong to more than one class; notably, there cannot be an overlap between classes or concepts (Lazarsfeld and Barton 1951; Mair 2008). To be exhaustive, on the other hand, no phenomenon that a concept captures can be left out of a class; in other words, concepts need to capture all the available phenomena according to the very attributes denoting the concept (Lazarsfeld and Barton 1951; Mair 2008).



The empirical categories that various concepts of contested states purport to cover remain highly inconsistent. They range between those that capture only nine empirical cases of contested states (i.e., Kingston 2004), to those that capture up to sixty-seven cases (i.e., Riegl 2013). My further investigation reveals that in total, there are more than eighty unique empirical categories of contested states collectively covered by current concepts. More easily observable cases of the phenomenon, such as Somaliland, Abkhazia, South Ossetia, Kosovo, Northern Cyprus, Taiwan, and Transnistria feature more widely in the literature and with higher degrees of consistency. However, other current and historical cases feature in the literature to a lesser extent and with lower degrees of consistency, namely Palestine, Western Sahara, Chechnya, Biafra, Bougainville, Tamil Elam, and others. These inconsistencies speak to the problem of exhaustiveness. But the problem of exclusiveness is very much prevalent as well, as some of the present concepts have captured empirical phenomena that (may) belong to other categories. For example, these include rebel groups (i.e., UNITA), secessionist groups (i.e., SPLA), autonomous regional governments (i.e., KRG), and even states (i.e., Montenegro). The twin problems of exhaustiveness and exclusiveness are symptomatic of a much larger issue, which is the lack of what I call here “empirical-procedural applicability” of the concept. By this, I mean that no explicit procedures have thus far been followed when applying a theoretical concept of contested states to the empirical world, in order to allow for internal and external validation.<sup>8</sup>

In sum, my assessment of the existing concepts of contested states acknowledges the critique that over-conceptualization, or rather over-terminologization, currently plagues the study of contested states. However, my assessment also suggests that, more fundamentally, the analysis of contested states has suffered from conceptual under-theorization and the lack of empirical-procedural applicability. The consequence of these two core shortcomings is that any systematic analysis of the phenomenon of contested states, comparative or otherwise, remains unfeasible. While comparisons play an important role in theory development, comparing political phenomena is impossible before we know whether “like” is being compared to “like” (Sartori 1970, 1939). Empirical and theoretical (causal) inferences about the dynamics and issues raised by the phenomenon of contested states remain insurmountable. As a result, a need for an alternative

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<sup>8</sup> Appendix 2 presents the full list of cases that each author has identified to belong to the phenomenon under study, which also shows the level of inconsistency for each of the unique cases of contested state suggested in the literature.

approach to considering the contested state emerges. Any alternative approach that attempts to reconsider the contested state should thus: (i) be more explicit in addressing the internal theoretical constitution of the concept of contested state; (ii) show how the internal constitution of the concept makes the contested state analytically distinct from other phenomena; and (iii) offer an explicit and systematic procedure through which the concept of contested state can be applied empirically to capture the phenomenon it purports to represent.

### **Reconsidering the contested state: the ontological approach**

In this section, I begin by identifying the “basic level” of the concept of contested state that will be proposed and theorized. According to the ontological approach, the “basic level” is the more abstract level of a concept, and it is what we use in theoretical propositions to explain, which in this case is the contested state itself (Goertz 2006, 27–39). What can be derived from the assessment in the previous section is that the “basic level” of the concept of contested state includes the State itself, preceded by dozens of adjectives such as *de facto*-, *contested*-, *unrecognized*-, *separatist*- and others. These all speak of *kind of* a state, but one which has thus far been challenging to capture conceptually. The ontological approach provides fruitful avenues for the task. According to Goertz (2006, 50–65), while there can be many features that may be associated with a concept, the ontological approach calls for attention only to features that are vital in constituting the distinct nature – the ontological underpinnings – of the phenomenon to be conceptualized.

In order to capture these ontological underpinnings, I identify the core constitutive dimensions of the “basic level” of the concept, which is akin to asking: what is the atomic structure of the concept of contested state? How we handle the concept’s atomic structure, namely the theoretical relationship between its core constitutive dimensions, can have significant theoretical and methodological consequences (Goertz 2006, 26–66). Theoretically, the atomic structure tells us how the concept is internally constituted, and by implication what our theoretical expectations can be for the entity’s distinct interaction with its environment compared to other actors that populate the same environment. From a methodological perspective, the atomic structure of the concept has explicit consequences for how we apply the concept empirically and thus determine what particular entities should fall within the category of contested state. In other words, to include or exclude particular core constitutive dimensions is to see a new internal “cause” in the concept’s

constitution, and a new “effect” in the concept’s interaction with its environment (Goertz 2009, 53–62). This is not to say that the concept’s interaction with its environment is affected only by its constitutive nature. How the concept is constituted, however, should be able to inform us about its distinctiveness not only as a matter of definition but also as a matter of the conceptualized entity’s interaction with its environment.

### **The constitution of the concept of contested state**

I identify the core constitutive dimensions of the “basic concept” of contested state through a constant dialogue between what the concept is constituted of *theoretically*, and what the concept captures *empirically*. The dialogue between these theoretical and the empirical aims does not happen in a vacuum. Following Donatella Della Porta’s and Michael Keating’s (2008, 30) maxim that concepts are “orientative” and can be improved during research, I utilize and adapt previous authors’ attempts to capture the nature of contested states. In what follows, I argue that the contested state can best be conceived of as *an independent non-UN member state over which another state lays claim*. This means that a particular constellation of the following four conceptual dimensions constitutes the internal structure of the contested state.

#### *First constitutive dimension: the state*

The first core constitutive dimension of the “basic level” of the concept of contested state is the state itself. The debate about how one should conceive of a state is an unfinished one and varies between and within debates in sociology (M. Weber 2004 [1919]; Migdal 1988; 2001; Mann 1988), political science (P. B. Evans, Rueschemeyer, and Skocpol 1985; Almond 1988; Krasner 2001), international relations (Russett 1972; Small and Singer 1982; Gleditsch and Ward 1999; Hobson 2000), and international law (Crawford 2006; Pavković and Radan 2007). My goal here is not to offer a new contribution to these debates on the state. Nonetheless, when conceiving of the dimensions of the state, in the context of the contested state, I employ the Weberian tradition (in functional terms) and the Montevideo criteria tradition (in characteristic terms) that have already been adopted among authors writing on the contested state (“Montevideo Convention” 1933). From these two traditions, it follows that for an entity to be considered a state it must exhibit the following four indicators: (i) a defined territory (ii) a permanent population, (iii) a government, and (iv) a capacity to enter into relations with other states. A close reading of the Weberian and Montevideo traditions would suggest that all these four indicators must be jointly present to fulfill

this constitutive dimension of the contested state, which means they are all necessary. The lack or the eventual loss of any one of these four indicators would mark the dimension of the state null, and thus of the contested state itself.

The degree to which the four indicators of the state ought to be present, I argue, is not an appropriate part of the discussion of the state, and thus of the contested state's internal constitution. After all, empirical statehood is a matter of degrees (Clapham 1998; Berg and Kuusk 2010). What should matter here is whether all the above-mentioned necessary indicators of the state are present, to whatever low or high degree. So long as they are present, the dimension of the state is present. This approach helps to avoid setting arbitrary thresholds for indicators of territory (i.e., specifying high or low control over some specific amounts of the territory), or for the indicator of government (i.e., specifying high or low levels of government effectiveness).

The justification for the above is both theoretical and empirical. As scholars have begun to argue, there is scarcely any sovereign entity that can be said to have solid forms of authority over a polity, even when we speak about the *de jure* recognized states in the modern world. Many modern states have had highly "liquid" and dispersed forms of authority over a polity (Chowdhury and Duvall 2014; Krisch 2017). This more liquid conception of the state and its authority has recently given rise to a research tradition that enquires into areas of limited statehood - areas where the state exhibits little authoritative capacity to penetrate parts of its territory (Krasner and Risse 2014). John Agnew has similarly called for a move beyond the conventional understanding of territoriality as being fixed under the "container" of state sovereignties and advocated more fluid conceptions of the territorial organization of states (Agnew 1994; see also Banai et al. 2014).

More recently, further theoretical arguments have been advanced against the setting of arbitrary thresholds on the territory or on other indicators constituting political authorities ruling over various sizes of territory. Douglas Lemke (2019) and Douglas Lemke and Charles Crabtree (2020) assert that setting minimum thresholds on the amount of territory an actor needs to control has no relevance for evaluating theories in IR. According to them, so long as an actor controls territory, as small as that territory may be, and tries to survive under conditions of anarchy is an equally relevant actor for analysis in IR as other territorial concentrated actors, such as sovereign states, contested states, rebel movements, and alike (Lemke 2019; Lemke and Crabtree 2020). After all, there is no minimum size set on the amount of territory that an entity can be recognized as a sovereign state either. James Crawford suggests that "although a State must possess some

territory, there appears to be no rule prescribing the minimum area of that territory” (2006, 46). Some examples include the Vatican City, Monaco, San Marino, Nauru and Tuvalu (Crawford 2006). These new directions in the literature, therefore, question the theoretical utility of requiring demanding thresholds when conceiving of the state, as one of the core constitutive dimensions of the contested state.

The state is necessary but, alone, remains an insufficient constitutive dimension of the contested state. Other core constitutive dimensions mark out its analytical distinctiveness when compared to other actors in the international system.

#### *Second constitutive dimension: non-UN membership*

Another core dimension that aids us in understanding the contested state’s conceptual and analytical distinctiveness is the refusal of the existing society of states to recognize and accept the entity as a legitimate sovereign member of the international community. This is not to suggest, as is common in the literature, that the lack of recognition by other states is the crucial prism through which to view contested states (Pegg 1998; Geldenhuys 2009; Caspersen 2012; Florea 2014). Empirically, we can observe *de jure* recognized modern states that lack recognitions but are not considered contested states. Some of these include Israel, the People’s Republic of China, Cyprus, Armenia, North Korea, and South Korea.<sup>9</sup> Despite lacking recognition from some existing members of the international society, these states are conceptually different from the contested state and often have theoretically different relevance as actors in IR. One may respond and say that such states still enjoy a sufficiently high level of international recognition to make them distinct from contested states, which usually maintain fewer or no recognitions at all. However, I maintain that more than the lack of some specific level of international recognition, what makes a contested state conceptually distinct, among other things, is its exclusion from equal membership in the post-1945 institutional setting of the “family of nations”<sup>10</sup> organized around the UN. The reasons for this are two-fold.

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<sup>9</sup> Armenia is not recognized by Pakistan since the Nagorno-Karabakh war, making Pakistan, thus, side with Azerbaijan. China is typically not recognized by those states that have recognized Taiwan, though some states like Kiribati, Nauru or Liberia, Vanuatu have stated that they want to recognize both. The Republic of Cyprus is not recognized by Turkey. Israel is not recognized by more than 30 UN member states, usually from the MENA countries, and from some in South America. North Korea is not recognized by Japan and South Korea. South Korea is not recognized by North Korea.

<sup>10</sup> I use “family of nations” as a common historical term used in the literature, where “nations” was meant to be synonymous with “states.”

First, it is widely acknowledged that the post-1945 norms of territorial integrity and non-interference in the internal matters of other states, enshrined in the UN Charter, have significantly reduced the likelihood of states being overtaken violently by other states in the international system (Tir et al. 1998; Zacher 2001; Fazal 2007). The contested state, by contrast, lacks the very “life insurance” that membership in the UN has provided for the *de jure* recognized state in the post-1945 international order (Pegg 1998). Lacking “life insurance” makes the contested state’s external environment particularly distinct from the environment within which *de jure* recognized states interact. For example, in contrast to *de jure* recognized states, non-UN membership makes contested states much more vulnerable to their external environment. They remain at constant risk of reintegration back into their parent states, which is something that the post-1945 international normative environment supports under the justification of the protection of territorial integrity of the existing UN member states. Thus, it is reasonable to expect that the lack of the prerogative of UN membership makes the contested state’s interaction with its external environment distinct from the existing *de jure* recognized states. Enjoying high levels of recognitions does not necessarily give the contested state the “life insurance” that UN membership would.

The second and related reason why I propose non-UN membership, and not the quantity or level of international recognition, to be a core constitutive dimension of the contested state is the logical and theoretical possibility for a contested state to enjoy higher levels of formal recognitions than a UN member state. Membership in the UN does not depend only on what the majority of the members of the society of states think about rightful membership, but also on the consensus among the five Great Powers that hold permanent seats in the UN Security Council. The General Assembly of the UN can vote on including new members only after the UN Security Council has decided whether or not to recommend an entity for membership (United Nations 2018). Given that Security Council decisions depend on one or more of its five permanent members’ veto power, it opens up the possibility that all UN member states could internationally recognize a candidate state except for one permanent member of the UN Security Council, and remain outside the UN. By remaining outside the UN, the entity will continue to interact with an environment that does not provide it with the “life insurance” that the UN membership does – an environment that is more familiar to contested states than to *de jure* recognized states.

Thus, to understand the emergence of the phenomenon of the contested state in the post-1945 international order, the constitutive dimension of statehood (the state) should be combined with the constitutive dimension of non-UN membership. The inclusion of this dimension helps to capture the internal constitutive nature of the contested state and its distinct external environment with which the entity interacts, more so than judgments over the level of international recognition. To be sure, the degree of international recognition that contested states enjoy is important, but this importance is a theoretical issue to be investigated external to the concept's constitutive structure, the implications of which I discuss more thoroughly in the following sections.

Identifying non-UN membership as a second core constitutive dimension of the contested state rules out all the 193 state entities that are members of the UN, and at the same time captures entities such as Abkhazia, Northern Cyprus, Taiwan, Kosovo, and a score of other state-like entities that fulfill the criteria of empirical statehood but are not UN members. However, while necessary, non-UN membership is still insufficient to delineate the contested state from entities that are not contested states. This is because being a state entity and a non-UN member would still capture cases like Switzerland until 2002, which is the year when Switzerland became a member of the UN. Other historical cases that these two constitutive dimensions would capture, which ontologically do not fit the concept of contested state, include Albania, Austria, Hungary, Portugal, Spain and other entities that were *de jure* recognized states immediately after the WWII but not members of the UN until 1955 (A. UNGA 1955). The problem raised by these cases justifies the inclusion of additional constitutive dimensions that would more closely mark out the distinct nature of the contested state.

*Third constitutive dimension: contestation by another state*

The third constitutive dimension that helps in distinguishing the contested state from other phenomena is the presence of contestation by another state. This dimension necessarily interacts with the dimensions of the state and non-UN membership to more satisfactorily capture the phenomenon of the contested state. By requiring this feature, we would rule out the earlier mentioned cases such as Switzerland, Albania, Italy, and other historical cases of state entities that were non-UN members. These latter cases would be excluded because there were no other existing states at the time that contested their existence as independent states. These entities lacked UN membership after WWII because their governments were not recognized by some permanent

members of the Security Council. In the case of Albania, UN records show that Albania's government, not its state, was unrecognized by the governments of the UK and that of the US (UNSC 1946). This is akin to the more recent cases of Syria and Venezuela, whose governments, not their states, lack recognition by several governments across the world. Thus, to understand the constitutive nature of the contested state, we should focus on the presence of another state that contests an entity's existence, and not situations where other states refuse to recognize the government of an existing state.

The dimension of statehood (the state), coupled with the dimensions of non-UN membership and contestation by another state is necessary, but not yet entirely sufficient to capture the distinct nature of contested states. This is because entities that arguably may satisfy these criteria include cases like the FARC in Colombia or UNITA in Angola, and similar other guerrilla and resistance groups that fight a state's central government. These cases have no intention of establishing a separate state. However, in their attempt to capture power within an existing state through an armed struggle, they become "trapped" into state-like entities. They control territories and populations, provide government services away from the metropole's capital, and often can be said to engage in "external" relations with other actors when procuring weapons or when establishing safe-havens in territories of other states (Salehyan 2007; Atzili 2007; Huang 2016). These entities are constantly challenged by the central governments of existing states and, at the same time, lack UN membership. Therefore, to rule out such cases, and to further specify the concept of the contested state, we need to include a fourth and final dimension as a core constitutive component.

*Fourth constitutive dimension: independence claim*

The fourth and the last constitutive dimension of the contested state is the independence claim. This means that a state-like entity, which is not a UN member, and whose existence is contested by another state must also claim to, and *de facto*, be independent from an existing state, namely from its parent state. This feature does not refer to an entity's subordinate relationship to or its dependence on other states, such as Abkhazia's and South Ossetia's dependence on Russia, Northern Cyprus's dependence on Turkey, or Kosovo's dependence on the US. These kinds of hierarchical relationships are common in IR among *de jure* recognized states and are thus not exclusively related to contested states. As David Lake (2003, 309–15) shows, hierarchy in



international politics is generally characterized by one polity's dependence on another for security, economic, or political reasons, and has been a prominent feature of relations among *de jure* recognized states. James Crawford asserts that independence is a fundamental element of statehood and involves the "separate existence of an entity within reasonably coherent frontiers; and is not being 'subject to the authority of any other state or group of states' [emphasis mine]" (2006, 66). In the context of the contested state, this needs to be understood only in relation to its parent state, since it is the parent state against which the contested state claims to be independent and attempts to maintain its *de facto* independence – sometimes at a price of "voluntary" hierarchical dependence on other states.<sup>11</sup>

How an entity claims to be independent varies in context and form. Caspersen (2012) and Florea (2014) argue that independent statehood can be observed only when an entity has declared independence or demonstrated clear aspirations for independence. By contrast, I propose two straightforward and mutually non-exclusive ways through which independence can be expressed, namely that it can be expressed (1) explicitly or (2) implicitly. The first suggests that an entity must either have explicitly declared its independence through, usually, a public proclamation in that entity's parliament, congress, or meeting. The second suggests that the entity's claim to independence is implied by its concerted efforts to be independent or separate from the jurisdiction of another state (i.e., through a legal act or article of their respective constitutions). In Alan James's words, "[s]overeignty may be seen as a moat, cutting the state off from constitutional subordination to other states and thus expressing the fact of its own constitutional independence" (quoted in Reus-Smit 1999, 158). The prime example of this is Taiwan, which did not explicitly declare its independence from mainland China; nonetheless, it implicitly indicates its independence in its Constitution and other state documents (Taiwan's Constitution 2017). Thus, the two indicators can be theoretically conceived of in terms of sufficiency; either the explicit *or* the implicit expression of independence is sufficient for the dimension of independence to be fulfilled.

So far, I have identified and discussed the four core constitutive dimensions, and their associated indicators, which mark out the contested state as *an independent non-UN member state over which another state lays claim*. However, this does not yet address the theoretical relationship that must exist between these dimensions that constitute the contested state. How do these

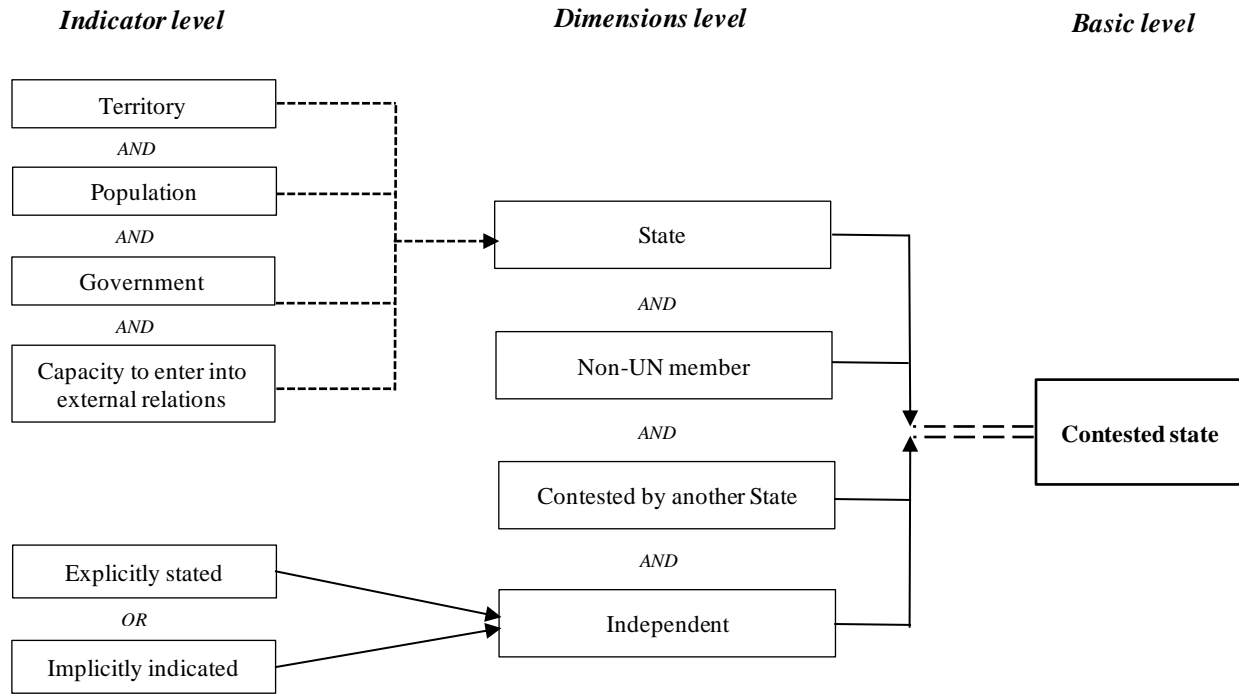
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<sup>11</sup> See also Krasner (1999) for a more detailed discussion on the aspect of how states "voluntarily" accept a more hierarchical relationship with, and dependence on, other states or organizations.

dimensions interact to constitute, or in Goertz's (2006, 62–65) words, to “cause” the contested state on a conceptual level? The ontological approach suggests that there are two possible ways in which these dimensions can theoretically interact in constituting the concept of contested state. One possibility is for the constitutive dimensions to be either singly or jointly necessary to constitute a phenomenon as a contested state sufficiently. This takes the form of *if, and only if*  $n$  dimensions are present and interact in a certain way, *then* we have the intended concept of contested state (see Goertz 2006). The other possibility is the one in which the constitutive dimensions are not necessary but can be sufficient to capture a phenomenon as a contested state. This takes the form of *if*  $m$  number of  $n$  possible dimensions are present and interact in a certain way, *then* we have the intended concept of contested state (see Goertz 2006). The discussion on the four core constitutive dimensions above would inevitably suggest that the first possibility of a theoretical relationship between the constitutive dimensions is much more suitable for conceiving of the “basic level” of the concept of contested state. This means that the presence of *all four* constitutive dimensions are necessary for an empirical phenomenon to be sufficiently qualified and identified as a contested state.

The ontological approach further suggests three possibilities when exploring the direction of the theoretical relationship between dimensions of concepts: (1) the concept causes a dimension; (2) the dimension causes a concept, and (3) there is a non-causal relationship between dimensions and concept (Goertz 2006, 62–65). In the context of the contested state, the second logic holds, whereby the constellation of all four necessary dimensions jointly interacts to “cause” the existence of the phenomenon of contested state. In other words, the four dimensions taken together represent the core constitutive nature of the contested state. I summarize and depict my alternative approach in Figure 1.1, while examples of how these dimensions interact to constitute the contested state will be outlined in the next section, which discusses the implications of my proposal.

Figure 1.1 The internal constitutive structure of the concept of contested state



Legend: Theoretical relationship and direction between dimensions causing the contested state:

- >----- Non-causal conjunction of necessary dimensions
- > Causal disjunction of necessary dimensions
- >----- Causal conjunction of necessary dimensions
- ====>==== Ontological
- AND The representation of the joint necessity
- OR The representation of the joint sufficiency

Before moving to the next section, which sets out the theoretical implications of my conceptualization of the contested state, it is necessary to specify the time period in which this concept holds. For the analytical purposes that drive this thesis, the concept of the contested state should be seen as relevant outside of the colonial context. The national liberation wars that took place in the (former) colonies, especially in the post-1945 environment, may well have given rise to various mutations of contested states. However, the emerging entities that resulted from these liberation wars during and after the decolonization process represent a different analytical phenomenon from the concept of contested state developed here. Colonial entities, while certainly under the authority of their European metropolises, were treated as colonies by the very metropolises

that ruled over them. Contested states, however, are not treated as overseas colonies, either practically or discursively by their parent states. For example, while it remained as an independent unrecognized state for more than a decade, the state contesting its independent existence was its colonial metropole, Britain. Western Sahara's existence is contested by Morocco, which does not consider Western Sahara as its colony, but as part of its sovereign state. Thus, I follow Florea's (2014, 791–92) suggestion of distinguishing contested states from the entities emerging out of colonial context.

### **Theoretical implications (and utility) of the ontological approach**

There are three main theoretical implications of my conception of the contested state as being constituted by four necessary and interacting dimensions. The first is the ability to more clearly distinguish these entities, as a separate analytical category, alongside other state and non-state actors in world politics. This suggests that if we were to exclude one or more constitutive dimensions when conceiving of the contested state, we would change both the internal constitutive nature of the concept, as well as the way it would interact with the external environment. In what follows, I illustrate this claim with two examples.

Eritrea is one case that can illustrate how changes in the contested state's constitutive dimensions change both the nature of the entity, giving way to the emergence of another kind of entity, and the ways it interacts with its external environment. Eritrea sufficiently acquired all the necessary dimensions of the contested state in 1977, when (i) Eritrea exhibited all of the required indicators of statehood; (ii) when it had stated its independence claims in the Eritrean People's Liberation Front's (EPLF) First Congress held in January of the same year; (iii) when at the same time it was contested by its parent Ethiopia; and (iv) when it did not enjoy the benefits of membership in the UN (Johnson and Johnson 1981; Markakis 1988; Adam 1994). Eritrea maintained all these constitutive features of the contested state up until 1991 when its parent state Ethiopia ceased to contest Eritrea's existence as a *de facto* independent state (United Nations 1993). Ethiopia changed its position on Eritrea only after it faced an internal change in government brought about by the revolution of the Ethiopian People's Revolutionary Democratic Front (EPRDF). The right of Eritrean people to determine Ethiopia formally recognized their political future in July 1991 in a Peace Conference held in Addis Ababa (United Nations 1993).

Conceptually, Eritrea can be conceived of as two different entities, each behaving and interacting differently, during two different periods. The first is Eritrea as a contested state between 1977 and 1991. This is a period during which the entity's constitutive nature was determined by all of the necessary dimensions of a contested state. During this period, Eritrea's external environment was primarily constructed by the constant and active contestation of its *de facto* independent existence as a state by its parent Ethiopia. Its environment was also constructed by the entity's lack of membership in the UN; which meant that it lacked the "life insurance" against potential occupation and reintegration back into Ethiopia. During the period of its existence as a contested state, Eritrea interacted with an environment that is characteristic of contested state's constitutive nature. Unable to rely on the benefits of territorial integrity and non-interference of internal matters that UN membership would have provided, Eritrea had to wage a constant defensive war against Ethiopia. The second is Eritrea as a fully-fledged state after 1991, a period during which another state no longer contested it; thus, changing Eritrea's external environment and its interaction with it. Freed from contestation by Ethiopia, Eritrea no longer needed to wage a defensive war against its parent. The loss of the dimension of contestation by another state also triggered a change in the dimension of non-UN membership: in 1993, less than two years after Ethiopia ceased to contest Eritrea's independent existence, the latter applied for UN membership and soon after was admitted as an equal and rightful member in the organization (UNGA A/RES/47/230 1993). Thus, we can understand Eritrea as two analytical categories, each with different behavioral characteristics, during two different periods, primarily driven from the differences in the entity's constitutive nature. First, Eritrea as a contested state when it embodied the contested state's necessary dimensions. Second, Eritrea as a state, when it lost one, and later more, of contested state's necessary dimensions.

The contested state's distinct constitutive nature and interaction with its environment can also be illustrated by utilizing the case of an entity that is not a contested state. The example of the Kurdish Regional Government (KRG) in Iraq is interesting for this purpose, as at times it appears in the literature as a contested state, but my conceptualization suggests that it is not, and as such does not interact with its environment as a contested state. After the US invasion of Iraq in 2003, the KRG obtained a high regional/territorial autonomy (Jüde 2017). However, despite enjoying qualities of statehood (the State), the KRG lacked two necessary dimensions to be considered a

contested state. Namely, it did not claim its independence from Iraq, and by derivation, it was not contested by what would otherwise have been its parent state.

As such, the KRG's constitutive nature could be thought of as being more like other highly autonomous regions within the existing states. These autonomous regions usually interact with an environment in which they usually struggle to maintain their existing autonomy or ask for greater autonomy within the existing *de jure* recognized states. Autonomous regions within existing states do not interact with an environment that contested states do, which is to fight for an independent existence in world politics – an environment primarily constructed out of contested states' constitutive nature. Even the KRG's November 2017 referendum on independence should not be mistaken as KRG having adopted one of the core constitutive features of a contested state – the independence claim. Only if the KRG would have moved to express either explicitly or implicitly its independence claims from Iraq and maintain a *de facto* independent state against Iraq's wish, would it have made KRG a contested state. This is because the dimension of claiming independence would have triggered events that the lack of it did not trigger, such as a likely contestation of its independent existence by Iraq, followed by KRG's possible defensive war against Iraq. Other events that could have been triggered should the KRG have emerged as a contested state, include possible moves by some states to recognize and others to reject the *de facto* secession of the KRG. It can be safely assumed, therefore, that lacking some of the necessary dimensions of a contested state, the KRG is not a contested state and, as such, interacts with its environment differently from the way a contested state interacts due to the latter's internal constitutive nature.<sup>12</sup>

The above examples illustrate how the ontological approach to conceptualizing contested states enables us not only to establish these entities as a distinct analytical category in world politics. It also enables us to understand how their distinct internal constitutive nature raises our attention to their possible distinct behavioral qualities from other phenomena in world politics. More specifically, the ontological approach enables us to explicitly distinguish between what the contested state is, and what it is not. In Table 1.2, I provide a summary of how the contested state is delineated from other actors in IR.

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<sup>12</sup> The Vatican has also raised interest among some observers on whether the entity belongs to the category proposed here. In short, the Vatican does not fulfil the criteria of being considered a contested state, as it lacks the dimension of being contested by another state.

The second implication of my ontological approach is that it calls for an additional level of analysis for building explanatory frameworks about the contested state in the international system. The system-and-state level approaches have been commonly employed when inquiring into questions of states' emergence, survival, or death (Fazal 2007; Roeder 2007; Coggins 2011). While useful when attempting to capture dynamics at the state- and- system- levels, these approaches alone may not fully capture the dynamics between the contested state and its parent state, and what these dynamics mean for the constitution of the contested state and the latter's interaction with its environment.

Table 1.2 What a contested state is and is not

		<i>Contested state is</i>	<i>Contested state is not</i>			
<b>Entities</b>			<i>De jure</i> recognized State	Non-UN member State	Rebel /guerrilla group	Secessionist movement
<b>Dimensions</b>	Contested state					
<i>State</i>	✓	✓	✓	✓	✓	⊗
<i>Non-UN member</i>	✓	⊗	✓	✓	⊗	⊗
<i>Contested by another State</i>	✓	⊗	⊗	✓	✓	✓
<i>Independence</i>	✓	✓	✓	✓	⊗	✓
<b>Examples</b>	<i>Abkhazia, South Ossetia, Northern Cyprus, Kosovo, Taiwan, Donetsk Republic, etc.</i>	<i>Germany, Peru, Uruguay, Russia, China, France, Ukraine, Denmark, etc.</i>	<i>Switzerland ('45 - '02), Albania ('45 -'55), Italy ('45 -'55), Hungary ('45 -'55), The Vatican, etc.</i>	<i>FARC, UNITA, FMNL, ELF, EPLF, KLA, etc</i>	<i>Mindanao, Assam, Kachin State, Dagestan, West Papua, Ogaden, etc.</i>	

✓ - when a dimension of the concept is present (when all present = contested state)

⊗ - when a dimension of the concept is absent (when one or more absent = other entities)

From the contested state's constitutive nature, it is evident that these entities operate in twin, and almost contradictory, realms. The contested state is situated between its *de facto* separateness from the parent state, on the one hand, and its *de jure* treatment as an integral part of the parent state by the international community, on the other. Viewed from the perspective of the contested state, the

contested state and its parent state represent just two separate state actors in the international system. Viewed from the perspective of the parent state, and most of the international community, however, the contested state is just a matter of the parent state's domestic jurisdiction – which must be respected according to the post-1945 international normative and legal environment. In other words, the parent state populates the structure of the international system, while the contested state belongs to the internal dynamics of the parent state. Therefore, in addition to understanding the contested state's interaction with the international system (system level), and its internal dynamics as a *de facto* separate entity (the state level), we also need to understand the interactive dynamics between and at the level of the contested state and its parent state. I use the term “proximate environment” to describe this level of analysis, and while only a preliminary recommendation, it may prove useful to consider as a separate level of analysis when developing explanatory frameworks for questions surrounding the contested state.

The third and final implication of my conceptualization of contested states is that it challenges a common tendency to essentialize, not the contested state as a separate category, but the quality of these entities. Some analysts argue that contested states are relatively effective and stable entities (Kolossoff and O'Loughlin 1998; C. King 2001), while others describe them as inherently weak and unsustainable (Lynch 2002; Kolstø 2006). My proposal, while providing for a categorically distinct phenomenon, circumvents this attempt to generalize about the internal structure of these entities as either effective or failing. By aligning my position with Sartori (1984), I offer a non-essentializing conceptualization of contested states that harmonizes the logic of “dichotomy” and “degreeism.” It does so by proposing that before we know the degrees or the quality of a contested state – its heterogeneity, we first must know whether we have a contested state at all, or not – its categorical distinction. Only after all the necessary dimensions of a contested state have been observed – thus confirming the existence of a category of actors conceived of as contested state – can we move to examine the heterogeneity in the quality of these actors. The utility of such an approach opens the way to studying and explaining the qualities of contested states independently from the concept's internal constitutive structure.

There is plenty of empirical evidence to support such an approach to the study of contested states. For instance, while Northern Cyprus controls all of its territory and population, and exhibits strong governance, Western Sahara controls only around fifteen percent of its territory, only some portion of its population, and has weaker governance structures, most of which operate out of



Algeria (Geldenhuis 2009, 190–200). The examples of Northern Cyprus and Western Sahara represent the opposites of the continuum of different qualities of empirical statehood of contested states. Other cases like Kosovo and Somaliland may be in between the two poles of this continuum. Eiki Berg suggests that “sovereignty comes about as a result of state interaction involving territorial practices that change over time” (2009, 223). In other words, territory can fluctuate both temporally and specially; in other words, territory is a variable (Kasfir 2017). Contested states can be weak or strong in their capacity or the authority they project, much like states can be. While we can observe weak contested states, some of them are comparatively stronger than some of the existing *de jure* recognized states. Despite lacking international legitimacy, Somaliland has been noted as one of the most effective entities in the horn of Africa, even when compared to its neighbors – the *de jure* recognized states like Somalia, Ethiopia, and Djibouti (Bradbury 2008).

This logic also holds when we turn to the effects of international recognition. Rather than asking whether a certain number of states must recognize an entity to be considered a contested state, my proposal suggests that the theoretical relevance of the level of recognition is more fruitful if we ask why it is that some contested states enjoy high and others low degrees of international recognition. Moreover, just as Bartelson (2013) has spoken of different – legal, political, and moral – forms of international recognition, contested states can similarly be thought of as enjoying not only various degrees but also various types of recognition. For instance, Taiwan may not be recognized by the majority of states in the world, but it still enjoys political and economic interaction with, and acceptance by, a vast number of UN member states (Pegg 1998; Geldenhuis 2009). In other words, the level and type of international recognition are relevant factors to be explained about the contested state, but not as its constitutive features.

A final aspect of “degreeism” that often marks discussions of contested states is temporality. Pegg (1998) and Caspersen (2012, 11) have suggested that an entity must exist for at least two years to be considered a contested state, while Geldenhuis (2009, 4) has settled for a minimum of three years. The argument behind these varying thresholds on temporality is that unless an entity exists for some extended period, it will not be able to build governance structures that are necessary for it to be considered a contested state. So, instead of empirically observing whether an entity possesses governance structures, current literature has employed the minimum temporality as a proxy to the existence of governance structures of contested states.

While initially this might have been a sensible strategy, it has also carried some empirical and theoretical shortcomings. Empirically, we can observe some cases, like South Moluccas, which (after having seceded from Indonesia in 1950) survived for less than a year; yet, it was capable of developing various governance structures such as an executive, a legislature, a police force, and even a foreign ministry (Huang 2016). Another case is Hyderabad, which remained out of India's reach for a year between 1947 and 1948. Hyderabad possessed well-established governance structures, its army, and was even able to issue its passports (Sherman 2014, 103). During the brief period of its existence, Hyderabad also showed a sophisticated and robust capacity to enter into relations with other states, as evidenced by its trade commissioners and diplomats dispatched in Europe, where they also sought the establishment of diplomatic relations with European states (Eagleton 1950; Copland 1993). Theoretically, as with other arguments that employ levels or degrees, I argue that temporality should be an aspect to be explained about the contested state, but not a constitutive feature of it. Thus, rather than asking for how long an entity must exist with its necessary constitutive dimension for it to be considered a contested state, we should ask why some contested states exist for shorter periods while others for longer, sometimes stretching over decades? Researchers may limit their scope by choosing to study and compare contested states that have survived for longer than a specified period, but this is (or *ought* to be) a methodological and theoretical matter which is outside contested state's constitutive nature.

My argument that the qualities of contested states should have theoretical significance external to the concept, and not for constituting it, opens the way to investigate the heterogeneity of contested states, much like the heterogeneity of the state itself has been debated over decades in various disciplines of social sciences. After all, low possession of such indicators as territory, governance, population, or duration may simply coincide with entities' weakness and "selecting based on some minimum threshold on these dimensions would curtail variation on this variable, reducing the desirability of the dataset for analyses of state making and state failure" (Lemke 2019, 213) Building from my ontological approach, we can move on to ask about, among other things, contested states' capacity to maintain liquid or solid forms of governance and varying degrees of territorial penetrative capacities, their levels of international legitimacy, or variation in their longevity.

## **Empirical-procedural applicability: contested states after 1945**

In this section, I attempt to apply my concept of contested states empirically. To do so, I propose an explicit procedure that is open to internal and external validation. First, I meet the standard of exhaustiveness, meaning that I attempt to apply the concept to as many possible empirical categories that the concept might capture. My search for these possible empirical categories is directed towards all unique cases that the literature on the phenomenon at hand proposes (see Appendix A.2). I additionally expand my inquiry by consulting the literature on secessionist movements (Griffiths 2015), non-state actors (Cunningham, Gleditsch, and Salehyan 2013), and rebel governance (Mampilly 2015; Huang 2016; Arjona, Kasfir, and Mampilly 2017), to look for other possible cases that might reasonably be suspected to meet the conditions for the phenomenon of the contested state. I also include general observations from media reporting to identify other possible cases that might have emerged more recently, such as the Donetsk and Lugansk Republics in Ukraine, the Islamic State in Syria and Iraq, Azawad in Mali, and alike. This process generates a list of more than ninety unique empirical categories as candidates for contested states.

Second, I meet the standard exclusiveness, by ensuring that out of all the empirical categories compiled during the first step, only those that meet the criteria of the proposed concept's internal structure - namely its constitutive dimensions - are identified as contested states. To do so, I construct "entry forms" that systematically and explicitly document, from over five hundred primary and secondary sources, how each candidate empirical category identified in the first step relates to my proposed concept and each of its dimensions.<sup>13</sup> For example, these "entry forms" show more explicitly the judgment that are made on whether an entity possesses a government or the capacity to enter into relations with other states, in light of my arguments that the presence of such indicators are a matter of degrees. To illustrate with a few examples, in the "entry forms" I have judged an entity to possess a government when an entity shows, at minimum, the ability to provide some very basic public services such as education, healthcare, security, and a more institutionalized form over its permanent population. At the same time, an entity is judged to possess the capacity to enter into relations with other states not by mere ability to (symbolically) establish a foreign ministry. It is judged to have such a capacity only if, at minimum, it was capable

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<sup>13</sup> This process with discussions and decisions on each tested empirical category is provided in the "Empirical-Procedural Applicability of the Concept of Contested State," which can be found at:

<https://bookdown.org/shpendole/empiricalpa/EmpiricalPA.html>

of engaging with other states in the form of entering into negotiations with another state or procuring weapons from other state actors or engaging in trade relations with other states.

Application of the proposed concept against these ninety candidates results in a total of thirty empirical cases of contested states that fulfill the necessary criteria of the concept. I provide my final list of these cases in Table 1.3 below, which also includes information on their parent states, their period of existence, and their status. In line with the premises set out earlier in this Chapter, the contested states listed in Table 1.3 are considered to have emerged when all four of the dimensions have been present, and not the mere date of the declaration of independence. Likewise, a contested state is considered to have ceased to exist only when it has lost one or more of its necessary dimensions or indicators, such as territorial control, capacity to govern, and other constitutive features of the concept. All the candidate empirical categories that do not meet the necessary criteria for being considered a contested state are included in Appendix A.3.

Table 1.3 The list of contested states in the post-1945 international order

	<b>Contested State</b>	<b>Parent state</b>	<b>Contestation period</b>	<b>Status</b>
1	Taiwan	China	1971 –	Surviving
2	Western Sahara	Morocco	1976 –	Surviving
3	Northern Cyprus	Cyprus	1983 –	Surviving
4	Transnistria	Moldova	1992 –	Surviving
5	Somaliland	Somalia	1991 –	Surviving
6	Nagorno Karabakh	Azerbaijan	1992 –	Surviving
7	South Ossetia	Georgia	1992 –	Surviving
8	Abkhazia	Georgia	1993 –	Surviving
9	Palestine	Israel	1995 –	Surviving
10	Kosovo	Serbia	2008 –	Surviving
11	Donetsk Republic	Ukraine	2014 –	Surviving
12	Lugansk Republic	Ukraine	2014 –	Surviving
13	Eritrea	Ethiopia	1977 – 1991	Survived, UN membership
14	Bangladesh	Pakistan	1971 – 1974	Survived, UN membership
15	Kurdish Republic of Mahabad	Iran	1945 – 1946	Violent reintegration
16	Hyderabad	India	1947 – 1948	Violent reintegration
17	South Moluccas	Indonesia	1950 – 1950	Violent reintegration
18	Katanga	D.R. Congo	1960 – 1963	Violent reintegration
19	South Kasai	D.R. Congo	1960 – 1962	Violent reintegration
20	Biafra	Nigeria	1967 – 1970	Violent reintegration
21	Tamil Eelam	Sri Lanka	1987 – 2009	Violent reintegration
22	Chechnya	Russia	1991 – 2000	Violent reintegration
23	Republika Sprska – Krajina	Croatia	1992 – 1995	Violent reintegration
24	Islamic State	Syria, Iraq	2014 – 2017	Violent reintegration
25	Rwenzururu Kingdom	Uganda	1963 – 1982	Peaceful reintegration
26	Bougainville	P. New Guinea	1990 – 2001	Peaceful reintegration
27	Croat Republic of Bosnia and Herzegovina	Bosnia	1992 – 1994	Peaceful reintegration
28	Republika Srpska	Bosnia	1992 – 1995	Peaceful reintegration
29	Anjouan	Comoros	1997 – 2001	Peaceful reintegration
30	Aceh	Indonesia	1999 – 2005	Peaceful reintegration

### **A short *nota bene*: the label of the “contested state”**

I began this Chapter by noting disagreements in the literature over how to refer to the phenomenon of contested states. This Chapter recognizes that how one labels the phenomenon under is important. Sartori (1984) and Adcock and Collier (2001, 536–37) suggest that close attention needs to be paid to whether or not the chosen label relates to the actual meaning of the concept according to its internal constitutive dimensions and the broader semantic field with which the concept is associated. However, given the plethora of terms that have already mushroomed in the literature, my intention is not to come up with yet another label, which would only add to the confusion and ambiguity. I, therefore, make no strong claims about the semantic or conceptual superiority of the label “contested state” that is used in this Thesis.

While my choice of the label “contested state” can be considered somewhat arbitrary, there are two factors favoring this particular term – one more pragmatic and the other theoretical. First, the label “contested state” is one that has already been introduced and used in the literature. Second, I believe that this label best captures the internal constitutive nature of the concept developed in this Chapter. The label suggests that these entities are first and foremost states, but states that are contested. They are states because they empirically manifest all of the necessary elements of statehood, but at the same time, are contested by one or more other States and remain outside the post-WWII “family of states” institutionalized and organized around the UN. I recognize that the term “*de facto* state” has so far found wider acceptance and usage in scholarship dealing with the phenomenon at hand. Be that as it may, my position with regards to the choice of the label remains as follows. So long as we are and remain conscious about the concept’s internal constitutive structure, and its implications for examining and theorizing about contested states, the diverging choices in the labels used by researchers, while still problematic, remains one of the least problematic aspects of the study of contested states.

## **Conclusion**

Calls to establish and understand the contested state as a separate analytical unit in international politics extend over two decades, from Pegg’s (1998) first monograph in 1998 to Floera’s (2017) reinvigorated call in 2017. It appears that the relative lack of attention on the part of traditional international relations scholars to the contested state might have to do more with the difficulty of delineating the phenomenon and less with its (possible) irrelevance for IR. This Chapter began by offering, to my knowledge, the first comprehensive assessment of the available approaches to conceptualizing the contested state. While acknowledging the issue of over-conceptualization, the assessment moved beyond this common critique and pointed at two more fundamental problems with current approaches. These are under-theorization of the concept, which hinders our understanding of the contested state’s constitutive nature as a separate analytical category, and the lack of an explicit procedure for applying the concept empirically.

My ontological approach not only provided improvements to the concept but also suggested additional ways in which the phenomenon of contested states can be understood as a separate analytical category in world politics. This alternative approach suggested that a constellation of four necessary dimensions constitute the internal nature of the contested state as *a*

*non-UN member state over which another state lays claim.* Several implications then emerged for how we might study and theorize about this phenomenon.

The first implication is the ability to more straightforwardly understand how the identified constitutive features of the contested state can be used to generate theoretical expectations about the entity's distinct qualities and behavior in the international system when compared to other actors. Thus far, contested states of the post-Soviet sphere have played a dominant role in generating a wealth of knowledge on the contemporary contested state. My hope remains that the proposed concept in this Chapter enables more systematic comparative analyses of contested states – including those historical cases that no longer exist, but which can teach us much about the notions of sovereignty, authority, territory, and recognition in the post-1945 international order. The second implication of my approach is the suggestion that we should introduce the “proximate environment” level of analysis to the already established state- and- system-level approaches in IR scholarship when tackling questions surrounding the contested state. The “proximate environment” level of analysis would capture some important dynamics between contested states and their parent states, which the state-and-system-level approaches might not satisfactorily capture. Albeit a preliminary suggestion, this implication opens up new avenues for future research and discussion. For example, the “proximate environment” could be further theorized in a standalone work, but it could also be employed as part of broader explanatory frameworks in future empirical research on contested states. The third and final implication of my ontological approach to conceptualizing the contested state is that it avoids essentializing the internal structure of the phenomenon. As a result, we can still view and study the contested state as a separate analytical category. But we can also consider it as a heterogeneous phenomenon – much like the heterogeneity of the state has been studied and debated in sociological, political science, international relations, and international law traditions.

Following the construction and the discussion on the concept of contested state and its theoretical implications, I applied the concept to the empirical world. My procedure identified thirty empirical categories of the contested state in the post-1945 international order. The analysis revealed that only two cases of contested states were able to acquire the post-1945 “certificate of statehood” through their eventual membership into the UN, namely Bangladesh and Eritrea. Fourteen cases of contested states continue to survive in their present form, while sixteen other

cases have already acquired their “death certificates,” either through violent or peaceful reincorporation into their parent states.

The empirical-procedural application of the concept here does not make a strict authoritative claim about the final list of entities that ought to be considered contested states. By all means, a more flexible assessment of each of the dimensions and indicators of the concept, or use of additional sources, may lead in future to the inclusion of some other possible cases or the exclusion of some of the existing ones. When arguing for their revised conception of independent states since the Congress of Vienna, Kristian S. Gleditsch and Michael D. Ward rightly noted that “all lists of independent states rely at least in part on subjective evaluations based on relatively fuzzy criteria” (1999, 399). The necessary dimensions of contested states are likewise “fuzzy” insofar as they ultimately still require the subjective evaluation of the researcher. However, the process suggested here opens the application of the proposed concept of contested states to internal and external validation and will thus hopefully sharpen future debates on these important entities in world politics.



## Chapter Two

### **The *Grotian*, *Hobbesian*, and *Bodinian* Pathways to Survival: *Contested States in the Post-1945 International Order***

Unlike in previous historical periods, when states died more frequently, the post-1945 international order brought a unique opportunity for states to survive (Fazal 2004; 2007). A near consensus exists among International Relations (IR) authors that this dramatic break in the experience and livelihood of states owes itself to the post-1945 principle of territorial integrity and non-interference in the internal matters of other states, and the changing practice of state recognition (Herbst 1989; Jackson 1990; Clapham 1996; Fazal 2007; Fabry 2010; Maass 2014; 2016). The former ensured state survival without state leaders necessarily having to rely on the ability to make war, while the latter ensured recognition from members of international society no matter how faulty or incapacitated states were internally (Jackson 1990; Pegg 1998; Spruyt 2000). Membership in the UN – the institutionalized form of the organization of the post-1945 society of states – provided states with a form of “life insurance” against the involuntarily overtake by external actors and against territorial separation by internal actors.

This salient turn in international relations, especially the convergence on the criteria used to determine who could enjoy the privileges of legitimate statehood, gave rise to two empirical anomalies. One is the appearance of what Robert Jackson (1990) called quasi-states - entities that

were given the privileges of UN membership, while at the same time failing to fulfill the basic criteria of empirical statehood.<sup>14</sup> Most of these cases have been found in sub-Saharan Africa, and albeit in a weak form, UN membership kept them alive in the international system (Jackson and Rosberg 1982; Jackson 1990; Clapham 1996; Sørensen 2001). The other anomaly is the rise of contested states – entities that enjoy empirical statehood, but which lack the privileges of UN membership and whose very existence remains contested by the existing society of states. These entities represent the empirical “flip side” of the quasi-state coin and are found in different parts of the world (see Pegg 1998).

The very post-1945 norms and principles that make it easy for contemporary sovereign states to survive simultaneously make it easy for contested states to die. Indeed, unlike modern-day sovereign states, the death rate among contested states has been high. More than half of the thirty contested states that emerged at some point after WWII have already perished.<sup>15</sup> The following examples illustrate: Aceh, which emerged in 1999, was overtaken by Indonesia in 2005; Bougainville, which emerged in 1990, was reintegrated back into Papua New Guinea in 2001; Biafra emerged in 1967, but was then taken back by Nigeria in 1970. The death of these entities is not a surprise, for many authors rightly suggest that they stand low chances of being recognized as legitimate states (Pegg 1998; Bartmann 2004; Blakkisrud and Kolstø 2012); and they are politically volatile entities which experience intense endogenous and exogenous pressures (Kolstø 2006; Caspersen and Stansfield 2011; Caspersen 2012). In sum, there are strong reasons to expect their future demise (Kolstø 2006).

But under what conditions do contested states survive? This question is warranted because while their death may not be a surprise, their survival is. Entities such as Abkhazia, South Ossetia, Somaliland, Northern Cyprus, Kosovo, Transnistria, and others have demonstrated a striking ability to survive, despite pressures that come from the constant contestation of their existence. Some, like Taiwan and Western Sahara, will soon have surpassed the longevity of sovereign states like the former Yugoslavia and the Soviet Union during their post-1945 lifespans. At the time of their emergence, contested states undermine the authority and sovereign claims of the

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<sup>14</sup> Empirical statehood refers to the capacity of entities to exercise effective authority over their territories and populations and the ability to provide security and defense to their polities against external attack (Jackson 1990; Clapham 1996; 1998).

<sup>15</sup> Taken from my original dataset on contested states after WWII. Detailed description of the dataset can be found in the “Codebook for the Dataset on Contested States in World Politics, 1945 – 2017,” which can be accessed through by following this link: <https://bookdown.org/shpendole/kursani/Codebook.html>.

internationally recognized states that try to exert control over them. As they continue to survive, they also pose a significant challenge to the international “rules of the game” devised after WWII – namely the ideas behind who has a right to independent statehood and principles behind the protection of existing states’ borders (see Clapham 1996). These ramifications add to the case for investigating the reasons why some contested states endure as anomalous features of world politics, and others do not.

The question of contested state survival has rarely been addressed explicitly. At present, we have a plethora of domestic and international, and often micro-level, implicit explanations that are aimed at a set of related questions. The various indirect indications of contested state survival are drawn primarily from case-and-area studies, a preferred research approach among authors writing on these entities. The explanatory factors for their survival hypothesized at the domestic level of analysis include the efforts that contested states put on nation-building (Kingston and Spears 2004; Kolstø 2006), as well as on state-building. Such efforts, it is argued, make it possible for basic public services to be provided, increasing, as a result, the domestic legitimacy of the *de facto* governing authorities of these entities (Bryden 2004; Bartmann 2004; Hassan 2015). Others suggest that in order to survive, these entities usually maintain high levels of militarization to balance against their respective parent states’ attempts to violently overtake them (Pegg 1998; Kolstø 2006; Caspersen 2012; Riegl 2013).

Additionally, among the surviving contested states, it has been observed that many can rely on significant economic resources in their territories, which provide them with the ability to finance and maintain their *de facto* separateness from the parent state under conditions of international isolation (Pegg 1998; Harvey and Stansfield 2011; Caspersen 2012). A low level of internal fragmentation has also been pointed out as one of the domestic-level factors that sustain the longevity of contested states. This relates to what has been referred to as the “Chechen syndrome,” whereby the consistent infighting among the warlords in the *de facto* independent Chechnya during the 1990s, has been attributed as one of the core factors of the entity’s demise (Caspersen 2012).

Explanations at the international level often focus on the existence of an external “patron” to provide a lifeline and external balancing capabilities to contested states as a key factor in these entities’ survival (Pegg 1998; Bartmann 2004; Kolstø 2006; Owtram 2011; Caspersen 2011; 2012). Alternative international-level explanations for contested state survival include the role that the

international community often plays in keeping these entities alive. For example, some analysts point to the impartiality of the international community in the conflict between contested states and their respective parent states, whereby the territorial *de facto* separateness of contested states is maintained by international troop deployments in the territory of contested states (Mulaj 2011; Kolstø and Paukovic 2014). Others focus on legal recognition, which some members of the international community grant to contested states, strengthening these entities' claims to independent statehood (Pegg 1998; Mihalkanin 2004; Premdas 2004; Toomla 2014). Another international-level factor seen as relevant to contested state survival is the parent state's weakness, whereby the latter is unable to take military action to regain control over its break-away regions (Kolstø 2006; Chorev 2011; Kolstø and Paukovic 2014). While these analyses may be useful in understanding the survival of specific cases of contested states in select areas, they do not enable us to draw generalized claims about the entire population of contested states that emerged after WWII. The plethora of hypotheses that are generated from the above analyses also make it difficult to draw more comprehensive conclusions about the survival of contested state.

Some might argue that the very heterogeneity of these entities makes the plethora of explanations necessary.<sup>16</sup> However, I argue that this does not have to be the case. We have one recent and important attempt by Florea (2017) to generalize contested state disappearance through a statistical analysis of the whole population of contested states. He provides a “credible commitment” account, widely employed in the civil war literature (ex: Fearon 1995; Powell 2006; Walter 2009), to argue that shifts in the balance of power within-and-between contested states and their parent states over time plays a key role in understanding how these entities disappear (Florea 2017). According to Florea (2017), this balance is determined by how four different factors, namely, (i) outside external military assistance that contested states receive, their (ii) state-building efforts, (iii) internal fragmentation, and (iv) the number of veto players inside the parent state, are aligned. Yet, this study remains limited in at least one important respect: we can only implicitly understand these entities' survival through its explicit explanation of their disappearance. This caveat is important, because as this Chapter shows in its subsequent sections, what explains one

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<sup>16</sup> From inordinate differences in their size and power (think about Taiwan on the one hand and Palestine or Western Sahara on the other), to differences in the periods in which they lived in (think about the Kurdish Republic of Mahabad in Iran immediately after WWII, or Biafra and Katanga in 1960s or Republika Sprska and Bougainville in 1990s), as well as their obvious regional and other context-specific aspects.

outcome (death or disappearance) may not necessarily and symmetrically explain another outcome (survival).

In sum, while these research approaches have made some strides in advancing our understanding of the survival of contested states, answers remain only partially satisfactory. The case-area-study research approaches remain important in emphasizing the possibility of causal complexity, which suggests that survival might be a result of multiple interacting conditions. But despite the plethora of hypotheses that are put forward, many remain untested in a broad set of cases. More importantly, they fall short in generating a much-needed generalized explanation. Florea's (2017) statistical approach meets the challenge of generalization but remains limited in addressing an important aspect inherent with these entities, which is their diversity, and the possible causal complexity that may explain contested states' survival. Also, given that there are only a few dozen cases of contested states that emerged after 1945, the "effect sizes" of factors analyzed by statistical analyses, at present, remain not very substantive to warrant a conclusive or a single overarching explanation.

This Chapter addresses these weaknesses in current explanatory efforts and contributes to the existing literature on contested states in five important ways. First, and following the discussion above, in my attempt to advance a generalized understanding for contested state survival, I reject the assumption that there is a single causal pathway to survival; instead, I assume the possibility of multiple and different pathways to survival. Second, instead of examining possible conditions of survival in isolation (what is known as the "net effects" of causes for the outcome), I examine the different conditions *in combination* through necessity and sufficiency analysis (what is known as the "causes of effects," or possible joint causes of outcomes).<sup>17</sup> Third, rather than assuming causal symmetry, explaining survival through death, or the other way around, I assume asymmetry in how causal conditions interact, whereby what explains survival may not necessarily explain death, and vice versa. To accommodate these assumptions, I employ a set-theoretic configurational analysis through fuzzy-set Qualitative Comparative Analysis (fsQCA). By applying fsQCA, I also introduce a model that allows me to analyze variation in the level of conditions for contested state survival more dynamically over the cases' lifespans, regardless of how long or short they may have survived. The Chapter, therefore, makes an additional methodological contribution by

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<sup>17</sup> For more on the distinction between the two see Goertz and Mahoney (2012)

introducing the notion of change over time in the process of calibrating conditions into sets. Finally, the Chapter makes an important empirical contribution by introducing an original time-series dataset of all contested states covering the period between 1945 to 2017, which also serves as the basis for generating aggregated, or macro-level, measurements of conditions that are used in the analysis.

The Chapter continues as follows. In the first section, I briefly discuss the existence of contested states, as my unit of analysis, and specify what their survival and death entails. I also explicitly define both the units under analysis and the outcome to be explained. The following section introduces my explanatory framework for contested state survival, where I lay out five conditions at three levels of analysis – namely, system, proximate environment, and state levels - which are expected to jointly facilitate these entities' survival. The three-level framework is motivated mainly by the nature of the entities under analysis, which, I argue, makes a case for drawing upon analytical frameworks employed in IR as well as in civil war literature. The third section presents my research design, which specifies my methodological approach, how I measure conditions for survival, as well as how I calibrate them into “conditions sets.” In the same section, I also highlight my methodological contribution by introducing a more dynamic way to capture changes that may take place in explanatory conditions over time – which I argue is crucial for explaining the survival of contested states.

The final section discusses the results of the QCA analysis. There are two particular findings worth highlighting. First, the analysis suggests that there are no necessary, single or joint conditions for contested states' survival. The results from the analysis of sufficiency, however, highlight some interesting explanatory patterns for survival. Although these entities all emerge and “live” in the same post-1945 international and normative order, those which survive seem to be able to do so in a heterogeneous context, whereby there are three different pathways to contested state survival. The first is, what I call, the *Grotian pathway* to survival, which captures those cases that survive as a result of a conjunction of conditions that create a supportive social environment in which entities can, to a large degree, interact and be accepted as independent actors. The second is what I call the *Hobbesian pathway* to survival, which covers those cases that survive within an unstable and troubled neighborhood, where parent states are typically involved in and preoccupied with concurrent and long-standing conflicts with other internal and external actors. The third, the *Bodinian pathway* to survival, captures those survival cases that, in addition to benefitting from a

helping hand from some outside actors, have developed centralized state structures and enjoy stable domestic environments in a general condition of peace. Collectively, the *Grotian*, *Hobbesian*, *Bodinian pathways* to survival sufficiently explain all but one of the cases of survival examined in this Chapter. Nonetheless, the *Bodinian pathway* to survival is the most prevalent one, as it explains over half of the cases of contested state survival, while the *Grotian* and *Hobbesian pathways* capture the remaining cases.

The second significant finding of the analysis is that while external support is not necessary for survival, as many authors would suggest, a contested state's external environment – particular conditions at the system-and-proximate environment-level, plays a crucial role in their survival. I found no case of a contested state which survived without having some favorable conditions at the system or proximate environment levels, whether in the form of sustained external support from neighbors or Great powers, sustained international legitimacy, or of sustained parent instability. At the same time, however, there exist several cases of contested states that survived, despite lacking favorable conditions at the state level of analysis.

### **State contestation, survival, and death in International Relations**

In my first Chapter, I defined a contested state as *a non-UN member state over which another state lays claims*. This section takes the further step of specifying what survival and death mean in the context of contested states – notions that remain ambiguous in the existing literature. When discussing the sustainability and the future of these entities, Kolstø (2006) does not explicitly tackle the issue of what is meant by *sustainability* or its logical opposite, *unsustainability*. Florea's (2017) analysis is much more elaborate in its definition of "disappearance," but at the same time raises issues with the different ways survival is understood. For instance, his "disappearance" of contested states takes three forms: (1) violent reintegration into the parent state; (2) peaceful reintegration into the parent state; and (3) upgrade of the contested state status to a fully-fledged, recognized sovereign state. Viewed from this conception, "disappearance" does not necessarily mean death because it also captures entities that survived by eventually upgrading their status to universally and legally recognized states. These cases include Bangladesh, which secured its membership in the UN in 1974 and Eritrea, which did likewise in 1993. However, while these cases "disappeared" from the list of cases of contested states, it can be argued that they also remained alive *as entities* – as fully-fledged states after their admission into the society of states.

They never went back under the authority of their parent states. Their survival simply took on a particular form: they were successful in upgrading their status to fully recognized legitimate states when each of them joined the UN, but they never died.

I suggest that survival can be better understood if we do not immediately focus on the contested states' various forms of survival or death. Forms of survival could include staying alive as contested states or upgrading their status to fully recognized states without resubmitting to the authority of the parent state. Forms of death could include death through a peaceful or a violent process of reintegration back under the authority of their respective parent states). Another form of death which is theoretically possible, but empirically not yet observed, may also include reintegration of the contested state into another state. Hypothetical examples include Nagorno-Karabakh's inclusion into Armenia or Kosovo's inclusion into Albania, or parts of it in Serbia. Regardless of their form, contested state survival or death can be understood much in the way we think about biological organisms: an entity either survives or dies; there can be nothing in between these two states of (non)being. This dichotomous approach to understanding the survival and death as the outcomes of my analysis is also much more in line with current IR literature on state survival and death (see Fazal 2004; 2007; Maass 2014). Fazal defines state death as the "formal loss of control over foreign policy to another state" (2007, 17).

Accordingly, and in the context of contested states, so long as the contested state remains outside the formal authority of its parent state, it belongs to the category of survival. More precisely, and building on the concept developed in Chapter 1, I define contested state survival as the maintenance of a minimum of two of the four necessary dimensions constituting the contested state, namely: (1) maintaining the state, and (4) maintaining independence from the parent state. The loss of any of these two dimensions constitutes contested state death. The loss of the other two dimensions, namely the (2) non-membership in the UN, or (3) contestation by another state, means that the entity was transformed from a contested state to a fully recognized legitimate state. Thus, the loss of one of the two aforementioned dimensions only marks the period until when these contested states are included in the analysis – as cases that survived. In Table 2.1, I present the list of contested states with two additional specifications in respective columns, which include the defined outcome for each contested state that needs to be explained, and, for reference purposes, the form that each of their respective outcomes takes.



*Table 2.1 Forms of contested state survival and death*

	<b>Contested states</b>	<b>Parent states</b>	<b>Period of existence</b>	<b>Outcome</b>	<b>Form</b>
1	Abkhazia	Georgia	1993 – present	Alive	Surviving
2	Donetsk Republic	Ukraine	2014 – present	Alive	Surviving
3	Kosovo	Serbia	2008 – present	Alive	Surviving
4	Lugansk Republic	Ukraine	2014 – present	Alive	Surviving
5	Nagorno-Karabakh	Azerbaijan	1992 – present	Alive	Surviving
6	Northern Cyprus	Cyprus	1983 – present	Alive	Surviving
7	Palestine	Israel	1995 – present	Alive	Surviving
8	Somaliland	Somalia	1991 – present	Alive	Surviving
9	South Ossetia	Georgia	1992 – present	Alive	Surviving
10	Taiwan	China	1971 – present	Alive	Surviving
11	Transnistria	Moldova	1992 – present	Alive	Surviving
12	Western Sahara	Morocco	1976 – present	Alive	Surviving
13	Bangladesh	Pakistan	1971 – 1974	Alive	Upgrade to statehood
14	Eritrea	Ethiopia	1977 – 1991	Alive	Upgrade to statehood
15	Aceh	Indonesia	1999 – 2005	Dead	Peaceful reintegration
16	Anjouan	Comoros	1997 – 2001	Dead	Peaceful reintegration
18	Bougainville	Papua New Guinea	1990 – 2001	Dead	Peaceful reintegration
20	Croat Republic of Herzeg Bosnia	Bosnia	1992 – 1994	Dead	Peaceful reintegration
25	Republika Srpska	Bosnia	1992 – 1995	Dead	Peaceful reintegration
27	Rwenzururu Kingdom	Uganda	1963 – 1982	Dead	Peaceful reintegration
17	Biafra	Nigeria	1967 – 1970	Dead	Violent reintegration
19	Chechnya	Russia	1991 – 2000	Dead	Violent reintegration
21	Hyderabad	India	1947 – 1948	Dead	Violent reintegration
22	Islamic State	Syria, Iraq	2014 – 2017	Dead	Violent reintegration
23	Katanga	D.R. Congo	1960 – 1963	Dead	Violent reintegration
24	Kurdish Republic of Mahabad	Iran	1945 – 1946	Dead	Violent reintegration
26	Republika Srpska - Krajina	Croatia	1992 – 1995	Dead	Violent reintegration
28	South Kasai	D.R. Congo	1960 – 1962	Dead	Violent reintegration
29	South Moluccas	Indonesia	1950 – 1950	Dead	Violent reintegration
30	Tamil Eelam	Sri Lanka	1987 – 2009	Dead	Violent reintegration

Note: For some possibly “questionable” cases of contested states such as the Rwenzururu Kingdom, the Islamic State, Western Sahara, or Bangladesh, I conduct analyses by dropping such cases, and there are no meaningful changes to my subsequent results whatsoever.

To illustrate with one example, Eritrea gained UN membership in 1993, but it ceased to exist as a contested state already in 1991, when its parent state, Ethiopia, ceased to contest its existence. Thus, Eritrea did not die; rather, it followed a pathway of survival by “graduating” to a UN member state and, as a result, it features in my analysis as a surviving case until 1991. Another hypothetical example would be if Kosovo, in the future, would gain full membership in the UN. Under such a scenario, Kosovo should be included in future analyses as a contested state until the period when it gains membership in the UN. As such, it would be misleading not to consider it as a surviving case. It would have surely disappeared from the list of contested states, but it would be wrong to

assume that it would have died. In summary, my list of the universe of cases of contested states for the present analysis includes fourteen cases of survival (those entities that have remained alive) and sixteen cases of death.

### **Pathways to contested state survival: a three-level analytical framework**

A focus on the system- and- state-level of analysis is common among those in IR who investigate state emergence, survival, and death (Fazal 2007; Roeder 2007; Coggins 2011), and incorporating these two levels into a framework which analyzes contested state survival is fruitful. This dual focus sheds light on contested states' alliances with outside actors to balance against parent states, (system level), as well as their state-making efforts, or the ability to balance against respective parent states (state level) (Bean 1973; Waltz 1979; Tilly 1992). At the same time, the system- and- state-level approaches alone do not capture the entire picture of contested states' lifecycle and behavior. As I suggested in Chapter 1, contested states operate in two, almost contradictory, realms: a realm of *de facto* separateness from their parent states, on the one hand, and the realm of *de jure* treatment as an integral part of their parent states by the international community, on the other. Viewed from the perspective of a contested state, the parent state represents an external actor in the international system, against which the contested state must protect itself to survive. Viewed from the perspective of the parent state, and most of the international community, the contested state is solely part of the parent state's domestic environment and jurisdiction – which must be respected.

To illustrate, consider a recent example when the current High Representative of the European Union (EU) for Foreign Affairs and Security Policy, Federica Mogherini, visited Belgrade in her attempt to facilitate the negotiations between Kosovo and Serbia. During the press conference, Mogherini referred to “two sides” in the negotiations, only to be interrupted by Serbia's Prime Minister, Ana Brnabic, who stressed that “there are no two sides here [...],” indicating that Serbia is the only state actor and that Kosovo is nothing but an integral part of Serbia in the negotiations (Ruptly 2018). Another example is the case of Nagorno-Karabakh and its parent state Azerbaijan. Various UN documents show that when Nagorno-Karabakh emerged as a contested state in the early 1990s, Azerbaijan constantly rejected the use of the term “Nagorno-Karabakh Republic” in official UN discourse for what Azerbaijan claimed to be an “administrative-territorial entity” inside Azerbaijan (United Nations 1993). These controversies

over terminology are present in the parent state's and international community's interaction with almost any contested state. As Thomas De Waal (2018) recently reported, while contested states attempt to normalize their status as *de facto* independent states, states that contest their status often attach such qualifiers as "so-called" or "quasi" when referring to these entities or suggest that they have a questionable status under international law.

Second, it has been rightly observed that contested states lie between the realms of rebellion and statecraft (Florea 2017). These realms are primarily defined by the mode of interaction that parent states have with contested states. In many cases, parent states decide to fight uncompromising wars in their attempts to reinstate their authority over their breakaway regions. This compels contested states to live "rebellious lifestyles," should the latter decide to respond violently against the parent states' violent attempts. Some illustrious cases which have had, or continue to have, such lifestyles include, among others, Aceh, Donetsk and Lugansk Republics, Eritrea, Tamil Eelam, Republika Srpska, and South Kasai. Neighboring states often become implicated in such conflicts. Their territories become safe havens where rebels find shelter or resupply themselves in their attempts to fend off the attacks from parent states (Salehyan 2007). Other contested states, such as Anjouan, Somaliland, Kosovo, Taiwan, Northern Cyprus, Abkhazia, have enjoyed periods of relative peace. Here, parent states' mode of interaction has been one of peaceful engagement. These parent states never have engaged violently with contested states, or they have attempted peaceful reincorporation of their breakaway territories – such is the case of Anjouan and others which died while living in peace for most of their lifespan.

It appears, therefore, that the common system- and state-level approaches in IR do not entirely capture the nature and impact of the blurry lines that exist between the state (the domestic) and the system (the international) in the context of contested states. The nature of the entities under analysis, and the realms in which they operate, suggest the need for a theoretical framework which brings into dialogue the IR literature, on the one hand, and civil war and rebel governance literature, on the other (Regan 2002; Salehyan, Gleditsch, and Cunningham 2011; Arjona, Kasfir, and Mampilly 2017; Sawyer, Cunningham, and Reed 2017). As such, when considering what combination of conditions explain various pathways to contested state survival, we must additionally examine conditions at a third and intermediate level of analysis: namely, the contested state's "proximate environment." This level of analysis highlights the importance of such aspects as the general health of the parent state, the parent state's mode of interaction with the contested

state, as well as the possible engagement of neighboring states in either supporting or hindering the contested state's prospects of survival.

Therefore, the fundamental premise motivating the theory of contested state survival adopted here is that conditions at three levels of analysis – state, proximate environment, and international system – interact in keeping these entities alive. In theory, there can be many conditions in all three levels of analysis that can facilitate contested state survival. However, the choice that I make on the conditions at these three levels of analysis to be included in my analysis of survival is based on the existing case study analyses; theoretical claims in IR, civil war, and rebel movements literatures on the issue of survival and sustainability; and the exploration of the data in my original dataset.

That being said, I expect the following five conditions to combine in several joint patterns as a means of explaining the survival of these entities. The first condition I include in my analysis is *sustained external support* which contested states receive either from Great Powers or their neighbors to survive (system-and-proximate-levels). The second condition is *sustained international legitimacy*, which involves some degree of international recognition that these entities receive in order to more easily interact with and maneuver in the wider international system (system-level). The third condition that I consider is *sustained state-making efforts* that these entities put in maintaining an acceptable degree of internal legitimacy through the provision of public services to their populace but also by preventing domestic fractionalization (state-level). The fourth condition that I expect to facilitate contested state survival is the *sustained parent state instability*. The last condition I include in my analysis is *sustained time in peace*. This condition suggests that if the parent state constantly applies military pressure to reincorporate the contested state, the latter has little chance (depending on the presence or absence of other conditions) to succeed in its survival.

Before continuing on to discuss each of these conditions in more detail, I shall address two related points very briefly concerning these five conditions. The first relates to my stated expectation that my five conditions may combine in several joint patterns, instead of a single pattern, to explain survival. I expect this to be the case because of the earlier mentioned heterogeneity of cases under analysis: from inordinate differences in their size and power to differences in the periods in which they lived, as well as their obvious regional and other context-specific aspects. Additionally, the expectation of conditions' joint effect on these entities survival

is based on existing discussions in the literature. For example, Jackson and Rosberg (1982) and Jackson (1990) would lead us to expect that sustained international legitimacy may ensure these entities survival even under the absence of state making efforts. Moreover, there are growing findings in the literature which suggest that these entities' ability to engage in state-making, i.e. their ability to provide basic public services which helps them maintain domestic legitimacy, depends largely on the support provided by an external actor – usually a “patron” state (Lynch 2004; Kolstø 2006; Caspersen 2012; Bakke et al. 2014). In addition for its role in these entities state-making and nation-building, external support is often used by these entities to demonstrate their viability to the rest of the world (Berg and Vits 2018). These studies would, therefore, lead us to expect the joint presence of sustained external support and sustained state-making efforts as one of the combination of conditions that may maintain these entities alive. Another possible combination of condition that can create a pattern of survival is the presence of external support, state/nation-building, as well as parent state instability (see Kolstø and Paukovic 2014)

The second point relates with my framing of conditions as being “sustained,” which gives an indication to my sensitivity to the temporal aspect of the presence or absence of these conditions during contested states' lifecycles. This aspect, which I shall discuss in more detail my research design section of this Chapter, relates to my empirical observation that these conditions may exist at one point during a contested state's lifecycle but not in another. Biafra, for example, received support from France during most of its lifetime. Still, such support was not sustainable, as France decided to halt its support to Biafra in the latter stages of Biafra's existence. Similar can be the case with other conditions. For example, in the context of contested states, international legitimacy can likewise be unsustainable – Kosovo has recently already seen some drop in its international recognition, and so did Taiwan and Western Sahara over their lifetime. So, I expect that my five conditions that I discuss next, to be meaningful in facilitating these entities' survival only if they sustain over time.

### **Sustained external support**

Given that contested states lack any guarantees for their territorial integrity, as well as their general inability (in most cases) to resist their parent states alone, it is reasonable to assume that receiving external support might be one of the conditions that facilitate these entities' survival. Various realist theoretical strands suggest that to survive, states engage in external balancing or band-

wagoning behavior by joining one or another alliance (see Waltz 1979; Walt 1987; Schweller 1994). Alliances are broadly defined as written agreements signed between two independent states that include provisions of mutual help in the event of military conflict (Singer and Small 1966; Leeds et al. 2002; E. Reiter and Gartner 2010). However, a contested state has very little agency when choosing between potential allies to balance against its adversary (the parent state). External support often stands ontologically before their choice, and many times even before their existence. Contested states, thus, do not have the luxury to “play one side [of superpower] off against the other,” as Maass (2014, 721) suggests when speaking about the survival of small states. This is because in many cases, actors providing external support to some contested states are often the same actors that have supported these entities prior to their emergence during their wars of secession (or liberation).<sup>18</sup>

The literature on contested states has already hypothesized external support to be an important factor in facilitating their survival. However, not much attention has been paid to the differences between the *kind of* support these entities receive – i.e., military, economic, political, or other kinds of support, and the *type* of support – namely, the type of actors providing support. Coggins (2011) shows that more than the *of* support, it is the *type* of actors providing external support to secessionist (liberationist) entities, that matters a great deal when they seek to attain (recognized) independent statehood. She argues that having “friends in high places” – referring to Great Powers – accounts for why some most entities are successful in emerging as states, and others not (Coggins 2011). This may be the case also for contested states. Evidence suggests that no contested state died while receiving support from a Great Power.<sup>19</sup> For instance, Biafra survived during the period when France provided external support, and it perished soon after French support to Biafra’s leader, Ojukwu, halted. Thus, in the case of Biafra, while Great Power support existed, it was not sustained. Examples of sustained Great Power support that helped to maintain these entities alive include Russia’s support to Transnistria, Abkhazia, South Ossetia, Donetsk, and Lugansk republics or US’s support to Taiwan and Kosovo.

In practice, however, many contested states do not enjoy the benefits of “friends in high places.” Yet, they may still receive valuable support from other types of actors. Idean Salehyan

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<sup>18</sup> For how insurgent groups, among which include many contested states during their wars of secession, receive external support see Salehyan, et al. (2011)

<sup>19</sup> I use Coggin’s definition for Great Powers, which include the Permanent Members of UN Security Council, namely, the US, the UK, France, China, and Russia. Japan and Germany are added to Great Power status after 1990.

(2007) suggests that rebel groups, as weak as they may be, survive mainly because they find sanctuary in neighboring states. Rebel groups often establish an external base in neighboring states to escape the legal jurisdiction of the parent state, thereby benefitting from the post-1945 norm of non-intervention, which restricts the parent state's right to enter the territory of its neighbor (Salehyan 2007). Many military and political wings of some contested states which have lived a rebellious lifestyle have found sanctuary in neighboring countries. For example, the Polisario Front has, since the emergence of Western Sahara as a contested state in 1976, established bases in neighboring Algeria. The same is the case with Sudan, which provided access to its territory to Eritreans, where they could regroup, resupply, and organize during the latter's war of secession from Ethiopia. However, it is important to note that neighbor support to contested states is also provided outside the context of war. Think of Northern Cyprus or Kosovo, which all receive various kinds of support from their neighbors, such as Turkey and Albania respectively.

Therefore, I expect that sustained external support from the Great Powers or neighboring states will play a significant role in facilitating the survival of contested states. Following my theoretical assumptions, I expect sustained external support to facilitate these entities' survival jointly with other conditions, which I continue to outline below.

### **Sustained international legitimacy**

Not all contested states can enjoy the benefits of receiving direct external support from Great Powers or neighbors to sustain their *de facto* independent existence. Not receiving external support makes them susceptible to the ever-present possibility of re-integration back under the authority of their respective parent states. Despite this threat, contested states can still enjoy varying degrees of international legitimacy, which they gain by accumulating substantive international recognition from existing UN member states.<sup>20</sup> For instance, Palestine is recognized by more than two-thirds of the existing UN member states, while Kosovo also enjoys slightly less, but still a substantive amount of recognition. Both of these cases have become members of several various regional and international organizations (G. UNGA 2012; Mission of the State of Palestine in the UN 2017). Enjoying widespread recognition, it seems, provides contested states with the opportunity to “socialize” regularly with some of the existing members of international society, but also to use

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<sup>20</sup> Substantive amount of recognition, when used in this thesis, refers to cases which have gained international recognition by over half (the majority) of the existing members of society of states, but have not gained full legitimacy by being members of the UN.

economic, political, and diplomatic resources of the organizations that they become part of (Caspersen 2012).

Sustaining high levels of international legitimacy may also impact how other non-recognizing states, and in particular the parent state, as a primary adversary, behave with these entities. Norms constitute rules which have a certain impact on altering the behavior of states (Hurd 2008), particularly with prohibitive norms that create “taboos” on certain actions (Tannenwald 1999). When contested states manage to become internationally more legitimate in the eyes of a substantial number of members of the international society of states, it becomes more difficult – and potentially prohibitive – for an existing UN member state, particularly the parent state, to use violence to re-integrate a particular contested state back under its control, or even to declare complete victory by subsuming the contested state. Applying this logic, the widespread international recognition of Palestine (and other historical aspects) prohibits Israel from simply declaring a total extinction of the state of Palestine – hence keeping the entity alive in the eyes of the international community, including in the eyes of Israel itself.

It is, therefore, reasonable to expect that sustaining a meaningful level of international legitimacy over time can facilitate contested states’ survival. Following Robert Jackson’s (1990) argument, it is even possible to expect that heightened levels of international legitimacy may facilitate survival even under the absence of such other conditions as the provision of external support or state-making efforts.

### **Sustained state-making efforts**

Not all contested states enjoy the level of international legitimacy that would provide them the room to “socialize” with other (legitimate) actors of the international society. Many of these entities remain with a very limited level of international legitimacy or no such legitimacy at all. Under such conditions, contested states often compensate for their perceived deficit in international recognition/legitimacy by engaging in state-making efforts. They build centralized institutions that provide some level of governance and public services, such as economic management, education, healthcare, and as a result, gain *internal* legitimacy from the population over which they govern (Kolstø 2006; Florea 2017). In other words, they come to possess, what is known in state-building literature, as “infrastructural” power, understood as the entity’s



administrative and bureaucratic capacity to implement policy and provide public services (Mann 1986; 1993; 2012; 2013; Fortin-Rittberger 2014).

However, infrastructural power grasps only one part of the state-making effort contested states engage in. Some of these entities also successfully manage to accumulate centralized authority over the monopoly on violence, maintaining domestic order through coercive capacity over spans of territory and population over which they lay claim – sustaining the “despotic” power of the state (Mann 1986; 1993; 2012; 2013; Fortin-Rittberger 2014). To illustrate with one example, Somaliland, a surviving contested state, despite having no external support and no international legitimacy has put significant efforts into developing forms of both “infrastructural” and “despotic” powers that has surpassed those even of its parent state Somalia (Bradbury 2008; Pegg and Kolstø 2015; Pegg and Berg 2016). The same could be said for Eritrean political leaders, who have increasingly built sustainable coercive capacities over the population and territory they came to rule over during their war of liberation. It is reasonable to expect, therefore, that sustained efforts at state-making, through the maintenance of meaningful levels of both infrastructural and despotic powers of the state, facilitates contested states' survival.

### **Sustained parent state instability**

Another condition that I expect to facilitate contested states' survival is the parent state's inability to either peacefully or violently reintegrate the contested state back under the former's authority. Florea (2017) has recently suggested that the divisions within the parent state over policy towards the contested state, can make it impossible for the parent state to engage with, and domestically agree on, the form of reincorporation of the contested state, giving the latter some breathing room to survive. While this proves to be significant in creating “commitment problems” for the parent state, it does not fully capture the factors that might contribute to the parent state's inability to re-assert control over the contested state. Even if there are no significant internal veto players to create commitment problems, the parent state may be too weak in its resources or military capabilities (think about Somalia or Moldova) to be able to reincorporate the contested state (Kolstø 2006).

But weakness in military capabilities or resources captures only one side of the parent state instability coin. A parent state may simply be too unstable domestically to be able to attempt to reintegrate the contested state. Parent state instability can also derive from its preoccupation with other concurrent internal or external conflicts, thereby giving enough breathing room for a

contested state to continue surviving. In his study of small state survival, David Vital (1971) provided a similar suggestion, arguing that small states may benefit from their adversaries' preoccupation with other wars. A parent state's engagement in other internal or external conflicts exposes a security weakness and diverts resources elsewhere, constraining its ability to absorb the contested state within (Salehyan 2007) effectively. Eritrea, for example, received some level of external support from its neighboring Sudan and engaged moderately in state-making efforts. Yet, Eritrea's survival appears to have also been facilitated by Ethiopia's preoccupation with several other conflicts that it had been fighting inside its borders (such as with Tygrians, Oromos, and Somali groups). From this discussion, it follows that it can be reasonably expected that the parent state's sustained instability can provide some leverage to contested states to continue surviving.

### **Sustained time in peace**

A general (inductive) observation from the empirical evidence on the cases of contested states would suggest that the amount of time these entities spend at war or in peace may also impact their prospects of survival. If the parent state is constantly applying military pressure to reincorporate the contested state, the latter has little chance (depending on the presence or absence of other conditions) to succeed. Previous research shows that sustained levels of violence between secessionist groups and their respective parent states have been associated with less success on the part of secessionist groups (Coggins 2011).

Two caveats need to be noted with the above proposition. First, one could argue that the suggestion that sustained time in peace increases contested state's prospects of survival may be tautological. This is not necessarily the case because, empirically, there are many contested states which failed to survive despite their sustained time in peace, just as there are cases of those which continue to survive despite their lack of sustained time in peace. In Table 2.2, I provide a summary of all cases of contested states according to their time in peace and their survival prospects. It shows that five of the fourteen cases of survival, constituting more than a third of them, have had more time in war than in peace, while six of the sixteen cases of death, also constituting more than

*Table 2.2 Contested states according to their time in peace and outcome*

<b>Time in peace (in %)</b>	<b>0</b>	<b>0 – 10</b>	<b>10-30</b>	<b>30-50</b>	<b>50-70</b>	<b>70-90</b>	<b>90+</b>	<b>Total</b>
Cases of survival	1	2	0	2	1	1	7	<b>14</b>
Cases of death	4	1	3	1	1	3	3	<b>16</b>

a third of them, have had more time in peace than in war. Therefore, while time in peace is no guarantee for survival, it may, in the presence of other conditions, explain the survival of some of these entities.

Second, this condition does not speak of the violent or peaceful forms of contested state death; rather, it speaks of the general condition of peace or war in the “life-course” of contested states. For instance, Hyderabad died violently, after India applied a short, four-day, violent action against Hyderabad. Yet, most of Hyderabad’s life was under a general condition of peace. Also, it could be said that Republika Srpska’s life as a contested state ended in peace after the signing of the Dayton Peace Accords between the warring parties at the end of 1995. However, for most of its lifetime, Republika Srpska was at war with its parent Bosnia, but the latter was never able to reintegrate the former through the use of violence. The condition of sustained time in peace could, therefore, play a role in keeping these entities alive, but this would depend on the presence or absence of the other conditions discussed above.

## **Research design**

Now that I have laid down my five conditions that I expect to combine in joint patterns to sufficiently explain the survival of contested states, in this section, I outline my overall approach to how I analyze these conditions. First, I discuss the way I employ fsQCA as a methodological approach but also as an analytical technique for conditions of survival and non-survival (death). Second, I briefly describe my data and the way I measure each of the five conditions. Third, and lastly, I describe the calibration procedure of my conditions into sets – a procedure which I employ in a novel way to capture whether, or the extent to which, these conditions have sustained over time during each of contested states’ lifecycles.

## **Method**

I conduct my comparative analysis of necessary and sufficient conditions for survival and, subsequently, non-survival (death) on all thirty cases of contested states in the post-1945 international order. To do so, I employ the set-theoretic approach of fsQCA, because this method accommodates three basic principles of causal complexity that underpin my assumptions about the survival of contested states: (1) that case-and-context specific factors are important in explaining the survival of contested states; which means, I expect there to be different pathways to survival

(*equifinality*); (2) that there are different combinations of conditions in conjunction sustaining survival (*conjunctural causation*); and (3) that the conditions may combine differently when capturing survival cases from those that die (*asymmetric causation*) (see Ragin 1987; Rihoux and Ragin 2009; Schneider and Wagemann 2012).

Several analytical steps are taken when employing fsQCA, both when engaging in the analysis and when interpreting the final results. First, the raw measurements of conditions are calibrated in set-membership scores, which range between 0 (fully out of a condition set) and 1 (fully in a condition set). The calibrated scores can take any value between 0 and 1, whereby the distance between values represents the difference in degrees of set membership, whereas the difference between scores below and above 0.5 (the crossover point) represents the difference in kind (quality) of membership of a condition in a set. For example, a contested state's calibrated membership score of 0.65 in the set of sustained state-making efforts indicates that the contested state is more in than out of the set of sustained state-making efforts, while a score of 0.35 suggests that the contested state is more out than in that set. Second, cases are arranged into truth table rows, which represent all logically possible combinations of conditions (their presence and absence) for the outcome.<sup>21</sup> This means that with my five conditions, there can be a total of thirty-two logically possible combinations of conditions that may explain the survival of contested states. These are only logical possibilities; empirically, not all of the thirty-two combinations of these conditions can necessarily be observed, because many cases can share the same combination of conditions and thus fall under the same truth table row. The combinations of conditions with no empirically observable cases are known as “logical remainders” and are handled through further analytical steps.

Given the inevitable “messiness” of social reality, it is difficult to find cases that have full membership in condition sets. Many cases of contested states may simply not have perfect membership in conditions or in a combination of conditions that could be definitively claimed to be necessary or sufficient for survival (or death). Thereupon, I seek to find combinations of conditions that could be credibly stated as necessary or sufficient for survival.<sup>22</sup> The credibility of

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<sup>21</sup> The total number of logically possible combination of conditions (truth table rows) is derived from the expression  $2^k$ , where  $k$  represents the number of conditions, and 2 represents the two states of the condition (its presence or absence) (Schneider and Wagemann 2012)

<sup>22</sup> For more details on QCA analytical steps see Ragin (1987; 2000); Rihoux and Ragin (2009); Schneider and Wagemann (2010; 2012).

necessity or sufficiency statements is measured through two “parameters of fit” known as the “consistency score”<sup>23</sup> and the “coverage score.”<sup>24</sup> The former tells us the degree to which a case deviates from a perfect membership in a set of a condition or a combination of conditions, while the latter tells the empirical importance of a condition or a combination of conditions that explains the outcome – the degree to which these conditions capture empirical cases under analysis (see Schneider and Wagemann 2012). In the following section, I briefly specify the data upon which I base my empirical analysis and describe how I measure my explanatory conditions, before moving on to calibrate them into sets.

### **Data and raw measurements of explanatory conditions**

Empirical evidence for this analysis is based on an original time-series dataset developed specifically for this thesis. The dataset includes dozens of indicators that I use to measure my conditions for all the 422 case-years of thirty contested states covering the period between 1945 and 2017. This means that during this period, on average, contested states’ lifespans stretched for slightly longer than fourteen years. My unit of analysis is the contested state and not its case-year. This means that I focus my analysis on contested states throughout the period of their existence, and not each of the years separately. As I will specify subsequently, the case-year of each contested state is utilized later during the calibration process, in order to capture changes that (may) take place in the degree to which conditions were present or absent during each of the contested state’s lifespan. I employ an empirical strategy that utilizes dozens of existing and original indicators that are included in the dataset to construct aggregated measurements of my five explanatory conditions.<sup>25</sup> These aggregated measurements of the conditions are then calibrated into sets of explanatory conditions that are used in my fsQCA configurational analysis. In the next few paragraphs, I briefly describe how I measure each of the explanatory conditions.<sup>26</sup>

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<sup>23</sup> The consistency score takes a value between 0 (not consistent at all) and 1 (fully consistent) with the necessity or sufficiency claim. The further away the consistency score is from 1, the less consistent the statement of necessity and/or sufficiency becomes.

<sup>24</sup> Coverage score takes a value between 0 (the necessity and/or sufficiency statement does not cover any case) or 1 (the necessity and/or sufficiency statement perfectly covers all the cases for the outcome which is explained).

<sup>25</sup> Detailed descriptions of all the indicators are outlined in my “Codebook for the Dataset on Contested States in World Politics, 1945 – 2017,” which can be accessed through the following external webpage: <https://bookdown.org/shpendole/kursani/Codebook.html>.

<sup>26</sup> Note that more in-depth explanatory notes on the theoretical relationship between the indicators and aggregation models for every raw measurement of each of the conditions is provided in Appendix B.1.

*External support (extsupport)* is a dichotomous measure that can take values of either 1 (received external support), or 0 (did not receive external support). External support takes the value of 1 if a contested state has received at least one of the following forms of external support by a Great Power: (a) troops; (ii) weapons; (iii) access to territory; (iv) finances; (v) other forms of support; or (vi) access to territory by a neighbor.<sup>27</sup> External support takes the value of 0 only when none of the above forms of external support have been present. For example, Biafra's external support score between 1967 and 1969 is 1, when a Great Power, like France, provided the entity with weapons, and in 1970 it is 0 when no such or any of the above mentioned forms of support was provided to Biafra. This makes the mean value of external support for Biafra 0.75. Whereas the mean value of external support for all contested states is 0.58.

*International legitimacy (intllegit)* is a continuous measure that can take any value between 1 (internationally fully legitimate) and 0 (internationally fully illegitimate). International legitimacy is measured as the ratio between the (i) number of recognitions a contested state has received by existing UN member states and (ii) the total population of UN member states at any given year. For instance, a value of 0.45 for international legitimacy means that a contested state has been recognized by forty-five percent of the total population of UN member states in a given year. No contested state has a score of 1 for their international legitimacy, because it would mean they are fully legitimate, hence not contested states. The maximum value of international legitimacy that my dataset records is 0.94 – a score held by Bangladesh in 1974, just at the time before it joined the UN to become a fully internationally legitimate state. The mean value for international legitimacy across all cases of contested states is 0.10, showing that, on average, contested states are recognized by only around ten percent of the existing population of UN member states during their lifetime.

*State-making efforts (statemaking)* is a continuous measure that can take any value between 8 (extremely high state-making efforts) and 0 (extremely low or no state-making efforts). This is an aggregated measure which arithmetically combines three core indicators of state-making, namely: (i) the level of institution-building of the state; (ii) the degree of the centrality of the state, i.e., the degree to which the government of a contested state has been centralized with no rival

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<sup>27</sup> Three alternative measurements of external support were also considered, but they provide no meaningful changes to the results. For the original measurement of external support used in the analysis see Appendix B.1.1.1. For details on alternative measurements of external support and their robustness see Appendix B.3.4.1.

factions making claims on behalf of the entity; and (iii) the level of the territorial reach of the state, i.e., the degree to which a contested state controlled its claimed territory.<sup>28</sup> For example, Tamil Eelam's score of state-making efforts between 1987 and 2005 is slightly lower than 3.5, which suggests that Tamil Eelam has put lower than moderate efforts in state-making during this period. Just before its death in 2009, the Tamil Eelam's state-making score is 0.08, which reflects the entity's inability to put any meaningful state-making efforts after its parent, Sri Lanka, was mounting continuous offensives over the entity several years prior to its death in 2009. The only contested state that has kept the maximum state-making effort score of 8 consistently throughout its lifecycle has been Taiwan, while the only case which has kept the state-making score below 1 consistently throughout its lifecycle has been Palestine. The mean value of state-making efforts score for all contested states is 4.62, meaning that, on average, contested states have put slightly more than moderate efforts in state-making.

*Parent state instability (parentinstabl)* is also a continuous measure that can take any value between 10 (extremely unstable parent) to 0 (extremely stable parent). This is an aggregated measure which combines two core dimensions of parent state instability, namely: (i) the parent state's preoccupation with other conflicts, and (ii) the parent state's level of weakness or incapacity to absorb the contested state, which is measured by looking at parent state's ability to mobilize military personnel.<sup>29</sup> For example in 1993, Abkhazia's and South Ossetia's parent, Georgia, registers a parent instability score of 6.6, which echoes Georgia's instability stemming from several internal conflicts that Georgia faced at the time and its overall weakness after it had recently gained independence from the Soviet Union. Between 2009 and 2017, Georgia registers a parent instability score of 2.8, which reflects increased stability in Georgia over time compared to the early 1990s. Some of the parent states that have been more on the spectrum of being stable include Israel, Cyprus, and to some extent Croatia. In contrast, the more unstable parent states have been Somalia, Ethiopia, and to some extent Ukraine. The mean value of parent state instability score for all contested states is 3.58, which suggests that, on average, the relevant parent states for the contested states in my dataset have tended to be more on the stable end of the spectrum.

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<sup>28</sup> Three alternative measurements of state-making efforts were also considered, but they provide no meaningful changes to the results. For the original measurement of state-making used in the analysis see Appendix B.1.2.1. For details on alternative measurements of external support see Appendix B.3.4.2.

<sup>29</sup> Three alternative measurements of parent state instability were also considered, but they provide no meaningful changes to the results. For the original measurement of parent state instability used in the analysis see Appendix 1.3.1. For details on alternative measurements of parent state instability see Appendix B.3.4.3.

Finally, *time in peace* (*tpeace*) is a continuous measure that can take any value between 1 (consistent period of peace) and 0 (consistent period of war). Time in peace is measured as the ratio between (i) the contested state's cumulative days in peace, and (ii) its cumulative days of existence.<sup>30</sup> For instance, a value of 0.80 means that a contested state has spent around eighty percent of its existence in a period of peace. Biafra's score for its time in peace in 1970, the year when it ceased to exist, is 0.05, meaning that by the time its life ended, Biafra had spent only 5 percent of its time in peace. This means that Biafra's parent, Nigeria, was constantly applying military pressure on the *de facto* independent authorities of Biafra. The mean value of time in peace for all contested states is 0.67, which means that, on average, contested states have spent more time in peace than at war. The next section moves to describes how each of the above-described measures of the explanatory conditions is calibrated into fuzzy-set membership scores.

### **Calibration procedure: accounting for change in the value of conditions over time**

It is common among QCA analysts to assume that conditions stay constant over time, which in fact may be the case (for examples see Basedau and Richter 2014; Emmenegger 2011). Under such an assumption, using the averaged raw measurements of conditions over a case's lifespan to calibrate conditions into sets is a reasonable strategy (Schneider and Wagemann 2012 ch: 10.3.2). However, such an approach to the study of contested state survival may produce sub-optimal, if not misleading, results. This is because as it could be already noticed from my previous section, the degree to which conditions are present changes over time across most cases' lifespans, regardless of how long or short these cases may have survived.

For illustration purposes, in Figure 2.1, I show the dynamics of change in the values for *external support* across a sample of three cases of contested states that survived and three others that died. If we examine Biafra and Katanga, which died approximately four years after they emerged, the level of their external support remained relatively high for most of their lifespan, only to drastically change (decrease) in their last year of existence. This is also the case with Bougainville, even if its death came less suddenly than it did for Biafra and Katanga after the latter two entities lost external support. Given that the sample cases of death that I show in Figure 2.1 have high levels of external support during most of their lifespan, their averaged value of external

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<sup>30</sup> One sensible alternative measurement of time in peace was also considered, but it provides no meaningful changes to the results. For the original measurement of time in peace used in the analysis see Appendix B.1.5.1. For details on alternative measurements of parent state instability see Appendix B.3.4.4.

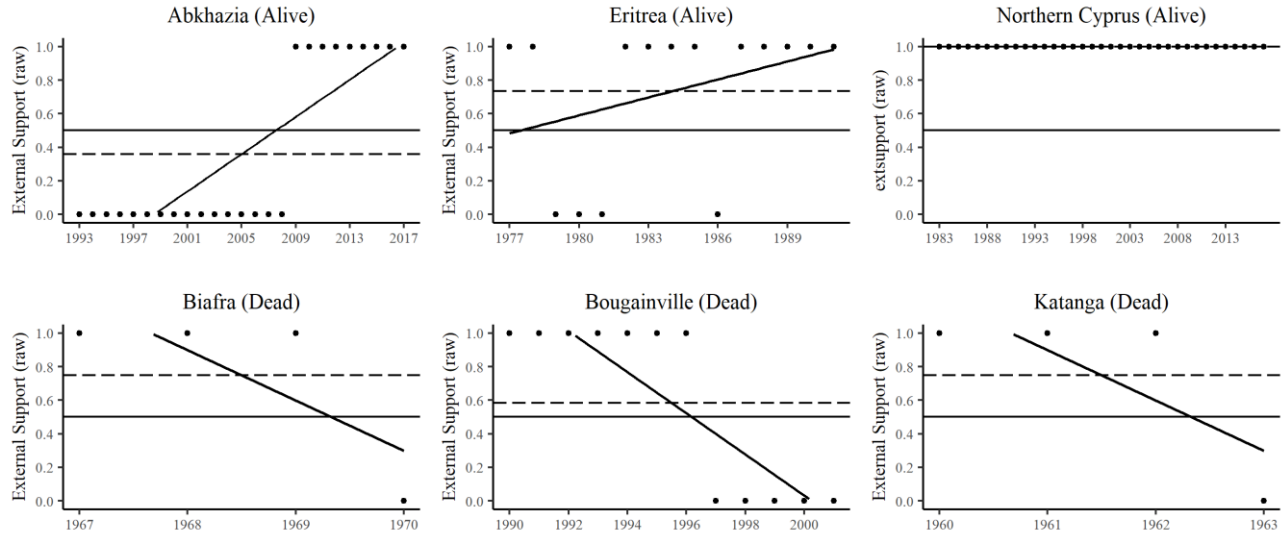


support is also high. The averaged value of external support over these cases' lifespan is even higher than the sample qualitative crossover point for set membership in the condition of high external support, assigned here for purposes of illustration. What can be noticed in these cases is that while, *on average*, these cases of contested states which died had high levels of external support during their lifespan, such external support was unsustainable. Alternatively, if we examine Eritrea, its averaged value of external support during the entity's lifetime is the same as that of Biafra and Katanga. However, the key difference is that this level of external support has been sustained over time in Eritrea's case. Likewise, Abkhazia has a lower averaged value of external support during its lifespan than the sample qualitative crossover point for set membership in the condition of high external support. Yet again, such external support in the case of Abkhazia has been sustainable, at least within the observation period captured by my analysis. This discussion already signals that when calibrating the values of conditions into sets, we must not ignore the way in which these conditions can dynamically change over time and must deliberately investigate whether a condition was sustained, or not, over a case's lifespan.<sup>31</sup> Therefore, analyzing contested states by taking only their *averaged* value of measured conditions throughout their lifespans as the basis of analysis, without looking whether these conditions sustained over time in each case, would produce misleading or, at best, sub-optimal results.

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<sup>31</sup> Caren and Panofsky (2005) introduce TQCA, which attempts to capture the order of events as they occur over time. Such a solution is not optimal, as I am not interested in capturing the order of events. As an alternative, Hino (2009) develops the approach of Time Differentiated QCA, in which he proposes to capture change over time through the calibration procedure. However, his solution is limited in that it focuses only on the increase or decrease of the raw value of conditions between two points in time, and it ignores the quality, or the meaning, of the increase or decrease over these two points in time. Some changes over time may be minimal, and may carry little meaning.

Figure 2.1 Dynamics of change in the raw value of external support over time



Notes:

- • • • • Raw measurement of external support for each case-year
- Sample qualitative crossover point for set membership score for sustained external support
- - - - - Averaged raw measurement of external support over entire period of existence of a contested state

Motivated by the discussion and empirical evidence presented in Figure 2.1, my comparative approach seeks to account for the dynamics of change in conditions over time by looking at whether or not any given condition has been *sustained* over time. Methodologically, I demonstrate sustainability over time by assigning the conditions' fuzzy-set membership scores through a two-step calibration procedure. The first step involves identifying the qualitative crossover points according to the meaning of the sets – i.e., what it means to be more in than out of a condition set. In other words, this step identifies what it means to be more in than out of high state-making efforts, or high parent instability, and so on. Having the measured value for a condition higher than the identified crossover point of the set means only that a contested state was more in than out of condition set in a given year. It does not immediately mean that the contested state remained in this condition set across its lifetime, because as we noted from Figure 2.1, the measured values of conditions can change – sometimes drastically. Table 2.3 presents the summary of the

measurements of each condition across the lifespan of all contested states and the decisions on crossover points for each condition.<sup>32</sup>

*Table 2.3 Assignment of qualitative crossover points for each condition (step 1)*

<b>Set label</b>	Abbr.	Raw measurement label	Min. of raw measurement	Mean of raw measurement	Max. of raw measurement	<b>Crossover point</b>
Sustained external support	ES	<i>extsupport</i>	0.00	0.58	1.00	<b>0.50</b>
Sustained state-making effort	STM	<i>statemaking</i>	0.08	4.62	8.00	<b>5.50</b>
Sustained parent instability	PIN	<i>parentinstabl</i>	1.20	3.58	8.10	<b>5.00</b>
Sustained international legitimacy	IL	<i>intlegit</i>	0.00	0.10	0.94	<b>0.20</b>
Sustained time in peace	TIP	<i>tpeace</i>	0.00	0.67	1.00	<b>0.60</b>

Note: the outcome is a crisp set with 1 indicating survival and 0 indicating death

To capture the extent to which a contested state was a member of a condition that *sustained* over the entity’s lifespan, I move to the second step of the calibration procedure, which involves assigning fuzzy-set membership scores to conditions according to their sustainability. The fuzzy-set membership scores for a *sustained* condition are assigned depending on how the measured values of each condition relate to the identified qualitative crossover points over three stages of contested states’ lifespan. These include (i) at the beginning of the contested state’s observed year, (ii) at the end of the contested state’s observed year, and (iii) over the contested state’s entire lifespan – averaged value of all contested state’s observed years. Given these three stages of a contested state’s lifespan, there can be eight possibilities of how a condition’s measured value may relate to the set’s qualitative crossover point, as shown in Table 2.4.<sup>33</sup>

<sup>32</sup> Two alternative crossover point, one higher and the other lower than the original, for each condition were considered, but results and the interpretation do not change in any meaningful way. For details on alternative calibrations see Appendix B.3.5.

<sup>33</sup> Alternative fuzzy-set scores for all the conditions were also considered, but they provide no meaningful changes to the results. For details on alternative fuzzy-set membership scores see the Appendix B.3.4.

Table 2.4 Calibration procedure of conditions into fuzzy-set membership scores (step 2)

Raw values of a condition in relation to the crossover point			Fuzzy set membership score	A contested state in a <i>sustained</i> condition, is...
...at the beginning of case's observed year	...over the case's entire lifespan	...at the end of case's observed year		
Above	Above	Above	<b>1.00</b>	<b>Fully in</b>
Below	Above	Above	<b>0.85</b>	<b>Almost fully in</b>
Above	Below	Above	<b>0.75</b>	<b>Mostly in</b>
Below	Below	Above	<b>0.65</b>	<b>More in than out</b>
Above	Above	Below	<b>0.35</b>	<b>More out than in</b>
Below	Above	Below	<b>0.25</b>	<b>Mostly out</b>
Above	Below	Below	<b>0.15</b>	<b>Almost fully out</b>
Below	Below	Below	<b>0.00</b>	<b>Fully out of</b>

To illustrate, Taiwan is assigned a set membership score of 1.00 for its *sustained* state-making efforts. This is because the measured value of Taiwan's state-making efforts was above 5.50 – the condition's qualitative crossover point – throughout its entire lifecycle (on average), but also at the beginning when it emerged in 1971, as well as at the end of the observed period for Taiwan in 2017. Western Sahara, on the other hand, is assigned a set membership score of 0.00 for its *sustained* state-making efforts, because, unlike Taiwan, the measured value of its state-making efforts was below 5.50 – the condition's crossover point during all three analyzed stages of its lifecycle. This was because Western Sahara was not successful enough in stretching its authority over vast amounts of territory or build institutions to provide sustainable public services to the populace. These are only two extreme examples of my procedure for assigning set membership scores – fully in and fully out of the *sustained* condition set, respectively. But contested state's membership in a *sustained* condition set can also take on more nuanced (fuzzy) values. Abkhazia, for example, has a set membership score of 0.85 for its *sustained* state-making efforts. This is because the raw value for Abkhazia's state-making efforts was above 5.50 throughout its entire lifecycle (on average), but also at the end of its observed period in 2017. However, its fuzzy set score of 0.85 (almost fully in) for *sustained* state-making efforts stems from the fact that Abkhazia was not engaged in significant state-making efforts in the early years after its emergence in 1993. Hence, the measured value of its state-making efforts was below 5.50 at the early stages of observation. These examples illustrate not only how cases are assigned fuzzy-set membership scores in a *sustained* condition. It, moreover, illustrates the fact that each fuzzy-set score enriches

our understanding about the degree to which the conditions that facilitate contested state survival have been sustained over time, which becomes useful for the interpretation of the findings.<sup>34</sup>

## **Analysis and discussion of findings**

In developing my explanation for contested state survival, I begin with the analysis of necessary conditions for such an outcome. My findings suggest that neither the presence of single or joint conditions is necessary for contested states to survive. For many authors, the persistence of contested states in the international system has been difficult to understand without a reference to the existence of an external “patron,” which provides these entities with some security guarantees (Kolstø 2006; Kolstø and Blakkisrud 2008; Blakkisrud and Kolstø 2012). In my analysis, having *sustained external support* (ES) has the highest consistency score (0.81) for necessity when compared to other conditions. ES’s coverage and relevance scores also show some initial plausibility for this condition to be interpreted as necessary for survival. However, despite being high, these scores already indicate there may be cases of contested states that have survived without the presence of ES.<sup>35</sup> As it happens, ES has been completely absent in two of fourteen survival cases, namely, in the case of Palestine and Somaliland. Neither of these two cases had sustained external support; yet, they have continued to survive for more than three decades since their emergence as contested states in the 1990s.

One might argue that the lack of an adequate consistency score, which would otherwise enable us to claim ES as a necessary condition, might have to do with the way I measure and conceptualize this condition. It could be argued, for example, that Syria’s support for Hamas or Egypt’s willingness to turn a blind eye to Hamas’s access to Egyptian territory may be considered as an existence of the condition of sustained external support for Palestine (Högbladh, Pettersson, and Themnér 2011; Hecht 2014). This would certainly increase ES’s consistency for necessity. However, given that we would still be left with the case of Somaliland – a contested state that has widely featured in the literature and which has continued to survive for decades without sustained

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<sup>34</sup> The detailed two-step calibration procedure, which includes the assignment of qualitative crossover points for each condition (step 1), and the fuzzy-set membership scores of each contested state (step 2), is provided in Appendix B. 1. More specifically, for the calibration of (*extsupport*) see Appendix B.1.1.2; for the calibration of (*statemaking*) see Appendix B.1.2.2; for the calibration of (*parentinstabl*) see Appendix 1.3.2; for the calibration of (*intlegit*) see Appendix B.1.4.2; and for the calibration of (*tpeace*) see Appendix B.1.5.2.

<sup>35</sup> We can be satisfied to state a condition as necessary if its consistency score is higher than 0.90 (Schneider and Wagemann 2012)

external support – raises questions about the degree to which ES can be treated as a necessary condition for survival. This finding is consistent with emerging evidence from recent literature which includes previously under-researched cases of contested states, which suggests that external support is not a necessary condition (see Dembinska and Campana 2017). Therefore, I remain reluctant to claim that having sustained external support is necessary for contested state survival. The results of the analysis of necessity are presented in Table 2.5.<sup>36</sup>

*Table 2.5 Analysis of necessary conditions for outcome: survival*

Conditions necessity	for	Necessity Consistency	Necessity Coverage	Necessity Relevance
ES		0.807	0.834	0.880
STM		0.596	0.679	0.818
PIN		0.296	0.532	0.859
IL		0.275	1.000	1.000
TIP		0.632	0.646	0.771
No ES		0.193	0.164	0.496
No STM		0.404	0.319	0.505
No PIN		0.704	0.444	0.387
No IL		0.725	0.388	0.194
No TIP		0.368	0.316	0.551

Next, I move to analyze the sufficient conditions for survival. This is done by constructing and then logically minimizing the truth table rows in which cases fall according to their membership in each condition set. A consistency threshold for truth table minimization needs to be set to find the configuration of conditions (a pattern) that can be credibly stated to be sufficient for survival. I use the consistency threshold of 0.80, which means that all truth table rows (combinations of conditions) with a consistency equal to or higher than 0.80 are considered as sufficient for survival.<sup>37</sup> From the initial glance at the truth table rows, which is presented in Appendix B.2.2, we can see that out of thirty-two logically possible combinations of conditions for survival, twelve

<sup>36</sup> I also have inquired whether a meaningful disjunction between a number of conditions in combination could be necessary for contested state survival. With the incl.cut of 0.9 and cov.cut of 0.7, the following disjunctions are shown to be necessary: ES+STM+IL and ES+PIN+IL. However, none of them could be theoretically interpreted as functional equivalents to meaningfully construct a condition of a higher-order of abstraction.

<sup>37</sup> The consistency threshold of 0.75 is a commonly suggested score for a combination of conditions to be credibly stated as sufficient (Ragin 2000; Schneider and Wagemann 2012). However, given my research context and the number of cases, I set a higher consistency threshold for my analysis. My results are robust for alternative consistency thresholds for sufficiency, namely 0.75 and 0.89. See Appendix B.3.1.

combinations are empirically observable, while the other twenty are logically possible but empirically unobservable (and thus can be considered “logical remainders”). Also, from the twelve empirically observable combinations, six pass the consistency threshold of 0.80. The other six empirically observable combinations are too inconsistent – in that they include cases with unsatisfactory membership in these combination of conditions for survival – to include them in the logical minimization process. For the logical minimization process of truth table rows, I set the directional expectations on four of the five conditions, namely on the sustained external support (ES), sustained parent state instability (PIN), sustained international legitimacy (IL), and sustained time in peace (TIP), while leaving the sustained state-making efforts (STM) with no directional expectation as a single condition.<sup>38</sup> With this, we can establish the intermediate “solution formula” with a configuration of conditions that are sufficient for survival, which is displayed in Table 2.6.<sup>39</sup>

As was to be expected, the analysis reveals both equifinality – the existence of different patterns or pathways to survival – and a conjunction of conditions that explain contested state survival. My theoretical model, which includes five conditions at three levels of analysis, yields three plausible patterns that sufficiently explain contested state survival.<sup>40</sup> Overall, with a

*Table 2.6 Intermediate solution formula for outcome: survival*

Sufficient patterns for survival	Pattern labels	Consistency	PRI	Raw Coverage	Unique Coverage
<b>Entire solution</b>		<b>0.93</b>	<b>0.93</b>	<b>0.79</b>	-
stm*IL	<i>Groïian</i>	1.00	1.00	0.15	0.13
ES*PIN	<i>Hobbesian</i>	0.90	0.90	0.24	0.21
ES*STM*TIP	<i>Bodinian</i>	0.92	0.92	0.44	0.40

Note 1: Capital letters indicate the presence of conditions, and small letters their absence.

Note 2: \* indicates logical AND

Note 3: PRI denotes the proportion reduction in inconsistency

Note 4: ES: sustained external support; IL: sustained international legitimacy; STM: sustained state-making efforts; PIN: sustained parent instability; TIP: sustained time in peace

<sup>38</sup> My decision to leave STM with no directional expectation is driven by theoretical observations in existing literature, in that, state-making efforts as a single conditions may not be sufficient for survival without it being present with other conditions.

<sup>39</sup> In Appendix B.2.3, I also present the conservative and parsimonious solution formulas. I use the intermediate solution formula for the interpretation because I set my own directional expectations which are both theoretically and empirically informed. My intermediate solution formula is the result of an enhanced standard analysis, which prevents any contradictory assumptions on logical reminders.

<sup>40</sup> Also in appendix B.2.4 and B.2.5 I present the truth table rows and the pathways to contested state death (non-survival) respectively. While there are also three pathways to death, conditions do not combine symmetrically to explain death. In other words, while conditions for death combine into three different patterns, they combine in a

consistency of 0.93, the three sufficient patterns have a powerful explanatory power for contested state survival. Moreover, these explanatory patterns cover thirteen out of fourteen survival cases, with a coverage score of 0.79.<sup>41</sup>

The first sufficient pattern, which I label the *Grotian pathway* to survival, consists of the conjunction of conditions which, broadly speaking, creates a supportive social environment in which contested states can interact with other members of the society of states. The second sufficient pattern, which I label the *Hobbesian pathway* to survival, includes a conjunction of conditions related to the contested states' threatening and the unstable proximate environment – something which they strategically navigate by receiving external support. The third sufficient pattern, which I label the *Bodinian pathway* to survival, includes a combination of conditions which includes contested states' sustained state-making efforts in a general condition of peace – something which they characteristically maintain by having an outside helping hand. The labels behind each of the three sufficient pathways to contested state survival should not be taken as representing the ideal-typical “traditions” of Grotius, Hobbes, and Bodin in International Relations theory. They are merely used to express some core constitutive components of each pathway and to capture, in a taxonomic manner, some inherent differences between these three pathways (depicted in Figure 2.2), which I elaborate on in the next section. My attempt is not, therefore to immerse into a detailed discussion of each of these “traditions” in IR. In Table 2.7, I present all the surviving contested states that are covered by each of these pathways.

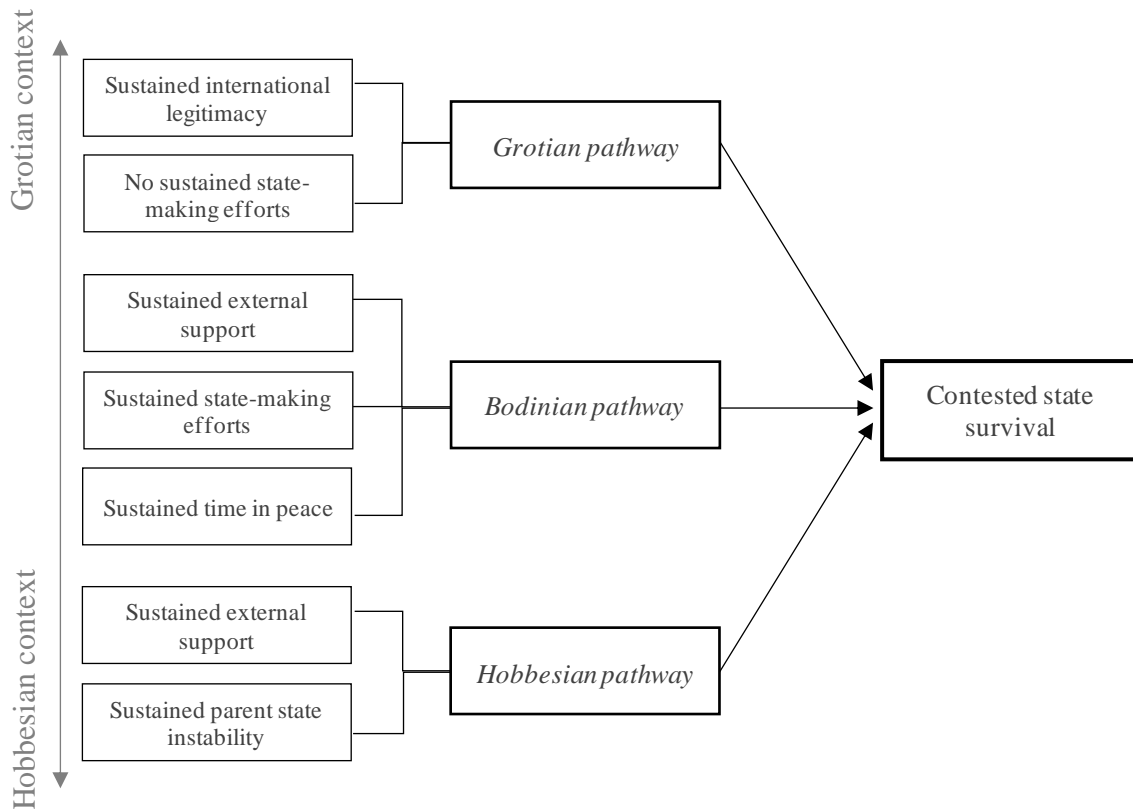
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non-symmetrical way when compared to the patters explaining survival. Given that my primary concern remains survival, I will not discuss details of the analysis of death.

<sup>41</sup> The only case that remains unexplained by my model is Somaliland.



Figure 2.2 Causal patterns of sufficient conditions for contested state survival



### The Grotian pathway to survival

Many IR authors have tied the Grotian “tradition” to a “solidarist” understanding of the international society (Bull 1977; Keene 2002; Jeffery 2006). Emphasis is placed upon, inter alia: the nature and intensity of interaction among actors in the international system; the social norms and institutions that regulate membership in international society and shape the behavior of key actors, and moderate conflict; and the degree of consensus that exists on the goals and values underpinning the society of states (Wight, Wright, and Porter 1991; Jeffery 2006). No contested state can be tied to the Grotian “tradition” in an ideal way, given their very contested nature among members of international society. By lacking full membership in the society of states as legitimate

and equal sovereigns, contested states cannot share common benefits of and commitments to the maintenance of the society and its institutions (see Kingsbury and Roberts 1992). However, viewed from this broadly framed perspective, the *Grotian pathway* to survival suggests that, (even) under conditions when contested states do not meaningfully engage in state-making efforts, it is their sustained international legitimacy that keeps them “floating” alive alongside other actors in the international system. In other words, it is the actions and attitudes of other actors in the broader society of states – rather than what a contested state does internally within its territory – that makes a meaningful difference in a contested state’s survival. Although it has the lowest coverage score (0.15) among the three sufficient pathways to survival, with a consistency score of 1.00, the *Grotian pathway* is fully sufficient in explaining the two survival cases which it covers; namely, Palestine and Western Sahara. Both of these cases are uniquely covered by the *Grotian pathway*, meaning that no other sufficient pathway adequately explains their survival.

The most typical of the two cases of survival covered by this pathway is Palestine, which has been able to adopt only a minimal level of the required elements of statehood (see Quigley 2010). Palestine increased its control over territory only marginally and has been unable to build state structures which would subsequently prevent the ever-increasing levels of factionalism inside the entity (As‘ad Ghanem 2010; Kabha 2014). Yet, ever since it emerged, Palestine has enjoyed high levels of international recognition and solidarity from a wide set of members of international society. This has enabled Palestine to gain access to various regional and international political and economic institutions, providing it with the necessary support to keep the two-state solution alive, and thus not to die by being subsumed into a single state. Its widespread international recognition and diplomatic engagement have also given Palestine a voice in the international community, which it uses to further its cause for gaining the status of a fully-legitimate state.

*Table 2.7 Surviving contested states covered by each pathway*

<i>Grotian pathway</i>	<i>Hobbesian pathway</i>	<i>Bodinian pathway</i>
<u>Palestine</u> ; Western Sahara	<u>Donetsk Republic</u> ; <u>Eritrea</u> ; <u>Lugansk Republic</u>	<u>Taiwan</u> ; <u>Transnistria</u> ; Bangladesh; Kosovo; Nagorno-Karabakh; Abkhazia; Northern Cyprus; South Ossetia

Note 1: Underlined text = most typical cases; Bold text = uniquely covered cases;

Note 2: There are no deviant cases consistency (dead contested states covered by the survival explanation)

Note 3: Deviant cases coverage (surviving contested states not covered by survival explanation) include: Somaliland

The *Grotian pathway* to survival coincides with theoretical arguments in IR that question the power of empirical statehood in determining state survival in the post-1945 international order, and in helping to secure international recognition (Fabry 2010; Clapham 1996). The present analysis confirms this to be the case also in the context of some contested states. The *Grotian pathway* to survival also echoes arguments that suggest that what counts for the survival of very weak states in the post-1945 international order is the international recognition granted to them by members of the existing international society (Jackson and Rosberg 1982; Fazal 2007; Fazal and Griffiths 2014). Thus, with their still limited but more substantive international legitimation, the cases of survival belonging to the *Grotian pathway* could easily fall under Jackson's (1990) notion of "quasi-states," or in the context of this research – "contested quasi-states."

### **The Hobbesian pathway to survival**

After having read Hobbes' *De Cive*, in 1643, Grotius decided to share his impressions of Hobbes with his brother: "I like what he says [in *De Cive*] in favor of kings, but [he] thinks that all men are naturally at war with one another, and has some other principles which differ from my own" (in Malcolm 2002a, 473–74). It is Hobbes' description of the state of nature characteristically captured in Grotius' letter to his brother, rather than his lesser-known prescriptions about the need to have a highly centralized state, that inspires my characterization of the second sufficient pattern for survival after Hobbes. The *Hobbesian pathway* to contested state survival, indeed, is characterized by a general threatening external environment in which contested states face their parent state's constant aggressive attempt to overtake them violently. However, what is interesting to note is that survival cases captured by the *Hobbesian pathway* seem to navigate their troubled neighborhood by not only receiving sustained outside support but most importantly, by benefiting from having deeply unstable parent states. In this pathway, parent state instability stems from its engagement in concurrent conflicts with various domestic and external actors, but also from the parent state's inability to mobilize enough military personnel to be able to fight these concurrent conflicts. It seems, therefore, that contested states strategically benefit from their troubled neighborhood which keeps their parents preoccupied with other conflicts and weak enough to disable them to absorb the contested state. The *Hobbesian pathway* to survival has a higher

coverage score (0.24) than the *Grotian* one, and with a consistency score of 0.90, it almost fully explains a quarter of the survival cases which it covers.

The typical and uniquely covered cases captured by the *Hobbesian pathway* include Eritrea, Donetsk Republic, and Lugansk Republic. For example, while Ethiopia engaged in violent conflict with Eritrea throughout the latter's entire lifecycle as a contested state, the former was also deeply unstable internally. Between 1977 and 1991, a period during which Eritrea existed as a contested state, its parent Ethiopia was engaged in roughly four concurrent internal and, sometimes, external conflicts in every single year (calculations from my dataset). In addition to its parent state instability, Eritrea benefited from sustained support from neighboring Sudan, where Eritrean warring factions were able to find shelter and resupply themselves as well as plan defense and attack strategies against Ethiopia. Likewise, both Donetsk and Lugansk republics, captured by this pathway to survival, benefited from a deeply unstable parent state - Ukraine. At the time of the emergence of these *de facto* independent entities, Ukraine saw violent civil unrest that erupted in Kiev and other parts of the country against the then Russian-leaning President Viktor Yanukovich. Ukraine did not manage to recuperate from the unrest quickly and the new government's attempts to violently overtake Donetsk and Lugansk republics were furthermore made difficult by Russian military aid to the rebels in the form of troops, weapons, logistics, among others.

Charles Beitz (1979) claims that Hobbes allowed for the possibility of alliances to be created in his state of nature but adds that, according to Hobbes, these alliances would only increase the chances of violence among the actors engaged (see also Malcolm 2002b). Not surprisingly, the cases that belong to the *Hobbesian pathway* - while maintaining external support from their neighbors (in case of Eritrea) or Great Powers (in the case of Donetsk and Lugansk Republics) - were in a constant state of war with their parents. However, the findings from this sufficient pathway to survival do not substantiate the Hobbesian claim about the relationship between the existence of alliances (external support) and the constant state of war that these contested states find themselves in.

What can be observed, however, is that the *Hobbesian pathway* to survival covers cases of contested states which have had more "rebellious lifestyles" than the majority of contested states. Despite this, the existence of external support, as well as the presence of deeply unstable parent states, have proved to be sufficient for these cases to survive. This resonates with more recent

arguments which suggest that rebel groups, despite being challenged violently by the central government, survive mainly due to neighborhoods populated by weak or troubled states (Salehyan 2007). This pathway also supports the existing observations in the literature that while the legitimate members of the post-1945 international society enjoy the benefits of “socializing” with each other, contested states live in a Hobbesian world in which, the risk of being overtaken by the parent remains immanent (Pegg 1998). Notwithstanding the apparent power of such an observation, it is important to note that the *Hobbesian pathway* to survival covers around a quarter of survival cases; thus, while important, the Hobbesian lens cannot be said to capture the general dynamics of contested state survival.

### **The Bodinian pathway to survival**

The third and the final pathway to survival sits somewhere in-between the *Grotian* and *Hobbesian pathways*. This is the only pathway that includes a configuration of conditions at all three levels of analysis, which have a joint effect in keeping contested states alive. As such, the third pathway suggests that in addition to having sustained external support (system level), surviving contested states also put extensive efforts into state-making over their lifetimes (state level), and enjoy the benefits of a general condition of peace in their immediate neighborhood (proximate environment level). It is the presence of the latter two conditions, differentiating this pathway from others, that motivates the labeling of this configuration of conditions as the *Bodinian pathway* to survival. Only the domination of the state’s “absolute” authority prevents the dangerous side effects of factions engaging in conflict, ensuring thus a peaceful habitat (Holmes 1988).

No surviving contested state, much like no other state entity, has ever achieved Bodin’s ideal prescription of the “unconditional obedience” of subjects to the authority of the sovereign state (Bodin 1955; see also Foisneau 2013). Nevertheless, compared to cases falling in the other pathways to survival, the *Bodinian pathway* captures cases that have built more efficient and centralized state and law-making structures and were able to maintain much less factionalized polities under the general condition of peace. Despite being the only pathway to survival to have the presence of state-level conditions as an explanatory element, we must not hasten to conclude that state-making efforts have less relevance for explaining contested state survival. This is because if we observe its coverage (0.44) and consistency (0.92) scores, the *Bodinian pathway* to

survival is almost fully sufficient in explaining half of the survival cases of contested states, being thus the most predominant pathway to survival.

Not surprisingly, the most typical and uniquely covered case that falls under the *Bodinian pathway* is Taiwan. In addition to having had sustained external support by a Great Power (the US), Taiwan has also maintained high levels of state-making efforts over time, while also maintaining the general condition of peace. Taiwan is a typical case here because compared to the other cases covered by the *Bodinian pathway*, it is the one that has maintained the highest set membership score in all three conditions constituting this pathway to survival. Other cases that the *Bodinian pathway* to survival explains include some of the most frequently featured cases in the literature on contested states, such as Abkhazia, Transnistria, Nagorno-Karabakh, as well as Northern Cyprus and Kosovo. While the condition of war predates the emergence of many of these contested states, cases covered by the *Bodinian pathway* have, nonetheless, existed for most of their life in a general condition of time in peace with their parent state. They have also engaged in sustained state-making efforts, by building a variety of state institutions to provide public services. They have also maintained a considerable level of centralization, whereby the rivaling factions inside these entities have been kept under check by the governing authorities in these contested states. Cases that have followed this trajectory of survival have also authoritatively expanded their state structures across vast amounts of territories over which they lay their claims.

Before concluding, one could reasonably expect the three pathways to contested state survival to embody a more dynamic coverage of cases. For example, it could be reasonably expected that should external support for Donetsk and Lugansk Republics continue further in the future, it could increase their state-making abilities, and perhaps their likelihood to live in a more peaceful environment. This would suggest a transfer from their present *Hobbesian pathway* to the *Bodinian* pathway of survival in the future, decreasing thus the coverage score of former, while increasing that of the latter.<sup>42</sup> This is a legitimate expectation, for it can be observed that many contested states have survived through a *Hobbesian* pathway at their outset – most notably the post-soviet contested states. The present analysis can neither confirm nor disprove such a

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<sup>42</sup> Note that while such a dynamic expectation on changes of the coverage score can be reasonably expected in the future, it does not eliminate the *Hobbesian* pathway to survival, or any other for that matter, as explanation(s). This is because such possible dynamic conception of the coverage of the three pathways means that one pathway (i.e. *Hobbesian*) may cover more cases at their initial stages, while another pathway (i.e. *Bodinian*) may capture cases at their latter stage of survival and endurance.

possibility. It does, however, open the possibility for future research, which would entail exploring such dynamics by conducting process tracing and studying in-depth cases belonging to the three pathways of survival.

## **Conclusions and implications**

This Chapter presented a general explanation for contested state survival by applying a comparative configurational analysis to the universe of cases that emerged in the post-1945 international order. The analysis was based on an original time-series dataset, which has been compiled for this study to offer original measures of the five conditions for contested state survival at three levels of analysis – state, proximate environment, and system levels. The methodological choice of conducting a configurational analysis through fsQCA was based on the assumption that the conditions that support the survival of contested states are likely to have differentiated joint effects in maintaining the existence of these entities. How did the approach applied in this Chapter and its findings advance the existing knowledge of contested state survival?

The analysis revealed heterogeneity of contexts in which the surviving contested states live, confirming that there is not a single explanatory claim that can be made about the survival of contested states. More specifically, the study found three different pathways through which contested states can survive. The first is the *Grotian pathway* to survival, which highlighted the role that a supportive international social environment plays in keeping some contested states alive, (even) under the condition when they do not put state-making efforts. The second is the *Hobbesian pathway*, which highlighted the joint effect of the conditions at system-and-proximate environment-levels have in sustaining some contested states. While there must be some sustained external support coming either from neighbors or Great Powers, or both, contested states must also have a troubled neighborhood where their parent states are deeply unstable. The third and most prevalent one is the *Bodinian pathway* to survival, which emphasized the presence of, among others, sustained state-making efforts under the general condition of peace. Thus, the study offered a powerful explanatory model, in terms of its consistency in explaining thirteen of all the fourteen cases of survival, lending support to initial assumptions made about causal complexity in understanding the survival of contested states.

Furthermore, these findings direct our attention to several implications for the study of contested states in the post-1945 international order, as well as for IR in general. First, while the

analysis has shown that having sustained external support is not necessary for survival, the interplay of conditions in contested states' external environment is crucial for these entities' continued existence. There is no pathway to survival, which does not include conditions at system- and-proximate environment-levels, but there are cases of surviving contested states that lack state-level conditions. For example, maintaining high levels of international legitimacy is a component of the *Grotian pathway*. Having unstable parents that are engaged in constant internal or external conflicts with a sustained helping hand from outside are necessary components of the *Hobbesian pathway* to survival. At the same time, sustained external support in conjunction with a sustained period of peace is, likewise, a necessary component of the *Bodinian pathway* to survival. Thus, what happens outside the contested state, namely in its immediate neighborhood and in the wider world, is crucial for its survival.

Another related implication of the study is that, while the norm of territorial integrity and non-interference in internal matters of existing states continues to be widely accepted, it remains questionable the extent to which the society of states has in effect strictly played by these post-1945 "rules of the game" when it comes to contested states. The three pathways to survival outlined here indicated that the world of the surviving contested states is much more "social" than generally assumed. External actors in the international system (be those closer to home among neighbors, or those occupying "high places" such as Great Powers) frequently offer direct external support or international legitimation to these entities. As such, by breaking the "rules of the game" with regards to the protection of territorial integrity of existing members of the society of states, external actors become a supportive outlet through which contested states can interact with at least some existing members of the society of states and their institutions. This confirms observations in literature which suggest that contested states, for the most part, are not isolated entities and that they have found ways to support their survival in the international system (Berg and Toomla 2009; Caspersen 2018; Ker-Lindsay 2018)

Moreover, the widely accepted bellicose arguments that "war makes states" (Bean 1973; Tilly 1990; B. D. Porter 2002), generally speaking, does not seem to apply to contested states, despite that similar assertions have been made in the context of contested states (C. King 2001; Blakkisrud and Kolstø 2011). As has been indicated earlier, all contested states emerge under the aegis of secessionist, and in some cases, non-secessionist, liberation wars. Two observations can be made from the results in this regard. First, contested states must win these initial wars against



the parent, and the war must end with the contested state maintaining its *de facto* independence from the parent state. Second, it is only the ensuing time in peace, together with some external support, that seems to enable contested states to engage in stronger state-making efforts and build effective state structures. They are able to gain domestic legitimacy mainly through the provision of sustainable public services to the populace. Perhaps, the inclusion in the analysis of the universe of cases, including the oft-understudied cases of contested states which perished, has led me to this conclusion. For example, Tamil Eelam was never able to spend a sustained time in peace throughout its more than two decades of existence as a contested state, and thus could not develop strong centralized and internally cohesive structures. War did not make Tamil Eelam a state. Furthermore, there were those contested states that have been able to build or adopt from previous structures ruling over them well-established state institutions but never managed to survive. Some of these cases include, Hyderabad, Republika Srpska, Biafra, among others. As such, the results of the analysis in this chapter lend more support to the recent “non-belligose” arguments about the requirements of state-making (Jüde 2017), captured most characteristically in my analysis by the *Bodinian pathway* to survival.

Unlike those who argue that we should expect contested states’ future demise, the overall observation of this research suggests that contested states, as an empirical phenomenon, are here to stay. While this study has shown that what happens outside these entities is crucial for their survival, there is no single such external condition that is necessary for their survival. In other words, their lives do not hinge on a single condition which can put the surviving contested states into a vulnerable position. For many contested states, conditions that maintain these entities alive seem to be more stable than is sometimes assumed. This gives rise to further research in this subfield. *Is there any relationship between contested states’ external environment and the varying degrees of their state making abilities?* In other words, in what ways do stable and/or unstable proximate environments, as well as the kind and type of external support offered to contested states, shape these entities’ internal cohesion?

Importantly, the most prevalent route to survival, the Bodinian pathway, raises further interesting issues concerning the anomalous status of contested states. Many of them seem to survive and thrive under a general condition of peace with their parent states. This suggests that the very “sovereign anomaly” which these entities represent also seems to bring a degree of stability in their respective regions – once they have endured the initial wars of secession (or

liberation) with their parents. Yet such a finding puts into question the very normative framework that underpins the post-WWII society of states operates – one which calls for the protection and restoration of parent states’ territorial integrity. Thus, the following question emerges: *could the stability that some contested states generate serve as a basis for normative judgments about which contested states deserve “unconditional” international recognition, and which do not?*

Lastly, the benefit of analyzing the universe of cases of contested states and the ensuing results from QCA, most prominently the results from the *Grotian pathway*, can raise some interesting questions about the relations between contested states’ domestic and international environments. This pathway captures the survival of relatively weak contested states from their state-making efforts and, evidently, also from their relative weakness in internal sovereignty. The *Grotian pathway* explains the survival of Palestine and Western Sahara, which echoes Jackson’s (1990) analysis of quasi-states among the population of recognized sovereign states. In the context of contested states the *Grotian pathway* to survival could indicate that there may be a paradoxical relationship between contested states’ international legitimacy and their internal sovereignty. Further exploring and stretching the analysis on how international legitimacy may impact these entities internal sovereignty is worthwhile pursuing. This remains the aim of the next substantive Chapter, which analyzes two cases from different pathways of survival, yet, the ones which exhibit higher levels of international legitimacy, namely Palestine and Kosovo.

## Chapter Three

### **Trading Internal Sovereignty for International Legitimacy: *The Paradox in Palestine's and Kosovo's Struggle for Recognition***

*When I declare independence first thing I want to do is run away from recognition  
(Ferizi, 2018)*

This is the first sentence of the Kosovar writer, Sokol Ferizi's recent poem entitled *Amor Fati*.<sup>43</sup> Notwithstanding its poetic value, the statement's attempt to decouple independence and recognition appears to challenge most of the established knowledge about these two concepts in international politics and international law literature – especially if we are to apply these notions to (independence and self-determination of) *peoples* and (recognition of) *states*. It is commonly argued in the literature that it is difficult to understand the recognition of states without the accompanying idea of self-determination of peoples and their struggle for independence. As Mikulas Fabry contends: “[s]tate recognition can be said to have [...] emerged over two centuries ago as a full-fledged practice *in response to* the idea of self-determination of peoples [emphasis

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<sup>43</sup> Published in “Lirindja,” a Kosovo based independent literary magazine

added]” (2010, 9). Furthermore, if the history of the struggles for self-determination of peoples over the past two centuries is any guide, then it would be difficult to find examples of entities that have successfully established *de facto* independent states, usually through wars of independence, that have “ran away” from the search for international recognition.<sup>44</sup> Yet, as I will argue in this Chapter, we can begin to comprehend the turn away from formal recognition once we allow for the possible burden that the struggle for recognition may bring to self-determining entities.

The academic debate on state recognition has, for some time, been centered around the traditional doctrinal differences between *declaratory* and *constitutive* theories of recognition, which diverge primarily on the role that recognition plays in the emergence of political communities as sovereign states. Numerous studies have provided in-depth analyses on the key distinctions between the two schools of thought (see Chen 1951; Grant 1999; Crawford 2006; Fabry 2010; Lauterpacht 2012). In short, those adhering to the *declaratory* view posit that legal recognition does not make a state; the act of conferring recognition to an entity merely acknowledges the already existing fact of an independent entity that has satisfied the empirical criteria of statehood.<sup>45</sup> Those adhering to the *constitutive* view, by contrast, hold that unless recognized, an entity does not meet the requirements of formal statehood, even when it has *de facto* met the empirical criteria of statehood. According to this second view, recognition plays an essential role in constituting an entity as a state by conferring upon it an equal sovereign status *vis-à-vis* other existing independent and sovereign states in the international system.

While the *declaratory* theory has dominated the debate in the past several decades, the emerging empirical studies on the practice of state recognition increasingly give credence to the *constitutive* theory when conceiving of the role that international practices of recognition plays in the emergence of entities as sovereign states (see Hillgruber 1998; Fabry 2010). The collective recognition that was granted to entities emerging from the decolonization process in the 1960s and 1970s – although many of these entities did not fulfill the basic criteria of empirical statehood – speaks to the pivotal role that formal recognition played in constituting colonial entities’ sovereign statehood (Jackson and Rosberg 1982; Jackson 1990; Fabry 2010). Similarly, the emergence of post-Soviet and post-Yugoslav republics as independent sovereign states has been largely

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<sup>44</sup> Stephen Krasner (1999) considers that only in very few cases did rulers consider giving up their entity’s international legal sovereignty, and this happened only when entities needed protection from external invasion.

<sup>45</sup> This is usually with reference to the 1933 Montevideo criteria of statehood. Before the Montevideo Convention was agreed to, the criteria were largely the same, but not as explicitly stated.

attributed to the decision of the existing society of states, first by key Western states, to grant recognition to these former federal republics. However, formal recognition to these entities has been granted without their fulfillment of the *de facto* empirical criteria of statehood (Müllerson 1996; Caplan 2005).<sup>46</sup> Lastly, even those authors who have more recently pointed out the importance of Great Powers in shaping the principles of self-determination and in supporting the birth of new states, albeit implicitly, give support to the *constitutive* doctrine (see Sterio 2013; Coggins 2014).

Apart from its *constitutive* role for entities' sovereign statehood, obtaining universal legal recognition is generally thought to come with many additional benefits when compared to previous periods.<sup>47</sup> One example – discussed earlier in this thesis – is the immediate security benefit, in the form of “life insurance,” that the institutionalized norm against territorial conquest enshrined in the UN Charter brought for members of the post-WWII society of states. In addition to security benefits, the post-WWII period has witnessed the rise of an economic system that provided new (or substantively recognized) states with significant benefits such as immediate access to international public goods (Mihalkanin 2004; Fazal and Griffiths 2014). For example, already by 1973, and before its full membership in the UN, international recognition of Bangladesh by a significant number of states enabled this entity to become a member of such organization as World Health Organization (WHO), International Monetary Fund (IMF), and Food and Agricultural Organization (FAO), all of which provided Bangladesh with substantive decision making power within these organization and access to their resources (United Nations 1975; 1976). Attaining full membership in or substantive amounts of recognition by the society of states after WWII also expanded entities' diplomatic and foreign policy options (Riegl 2013). For instance, when in November 2012 the Palestinians upgraded their international status to a “Non-Member Observer State” in the UN, they gained access to a “broad spectrum” of processes and institutions, most notably UN principal and subsidiary organs,<sup>48</sup> UN conferences, UN procedural issues and debates

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<sup>46</sup> While these are obvious examples of the post-WWII period, similar practices of state recognition have stretched over earlier periods.

<sup>47</sup> For discussions on membership benefits in pre-WWII society of states see Fazal and Griffiths (2014); Jelavich (1983); Lancaster (2007); Krasner (1999)

<sup>48</sup> These include, among others, UN General Assembly Boards, Commissions, Committees, Councils and Panels.

where they could continue pressing for the recognition of their cause and lobby for general political support (Berzak 2013, 95).<sup>49</sup>

Furthermore, by observing differences in the pre-and-post recognition domestic conditions of entities aspiring to statehood, some authors consider recognition for having had a direct impact in strengthening the internal functioning of entities. Concerning the post-Soviet republics, Müllerson (1996) asserts that the general condition of statehood contenders before their recognition was weak and unstable; their recognition usually occurred before these entities were able to consolidate their *de facto* independence and empirical statehood. In his words, “recognition of most newly born entities by the world community of states always contribute[d] to the strengthening of their legal and political status, not only externally but also internally [emphasis added]” (Müllerson 1996, 126).

The substantial benefits of recognized statehood in the post-WWII period seems to also, at least in part, explain the unprecedented increase in demands for independent statehood in this same period. Fazal and Griffiths (2014) show that the post-WWII attempts to gain independent statehood have seen a five-fold increase compared to similar demands that were made in the pre-WWII period.<sup>50</sup> They attribute this unparalleled increase in demand to the benefits that membership in the club of states is thought to have brought to the already-established members of international society (Fazal and Griffiths 2014), and go further to suggest that these benefits of recognized statehood “are on the rise” (2014, 101–2).

However, while many authors have paid significant attention to benefits that recognition has brought to emerging states in the post-WWII period, very little attention has been paid to the costs of recognition. In fact, Stephen Krasner (1999, see pp. 7, 182, 223) authoritatively claims not only that recognition has been a valuable resource for entities, but also that it has carried (almost) no costs. Fazal and Griffiths are more open-minded about the possibility that costs may be incurred through processes of recognition (2014, 102), but do not analyze this possibility in any depth.

The main aim of this Chapter is to revisit the benefits of recognition by focusing on its costs. There has been no shortage of studies which indicate that such costs in fact may be more

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<sup>49</sup> For a full range of benefits that “Non Member Observer State” status in the UN brings to entities see Mower (1966)

<sup>50</sup> Prior to 1945 there have been on average 11 active secessionist movements per year, compared to 51 after 1945 (Fazal and Griffiths 2014). In another study, Griffiths (2015) shows that the number of active secessionist movements demanding independent statehood after 2011 has already gone to 55.

prevalent than the general literature on state recognition and self-determination has acknowledged. The growing literature on contested states pays a great deal of attention to the dynamics between and entities external and domestic environments, and the varying effects they have on one another. Eiki Berg (2013) shows how degrees of internal legitimacy impacts an entity's institutional setting as well as the different types of relations that can emerge with the parent state or other entities (see also Berg 2012). Moreover, when examining the strategies that contested states pursue to increase their domestic and external legitimacy, Caspersen (2015) finds that these strategies may often be at odds with one another. At times, securing external legitimacy (support from outside) can improve contested states' internal legitimacy (popular support); however these two legitimization strategies can also run into conflict with one another. For example, she shows that support from outside can also lead to internal divisions in contested states, or even undermines their independence by increasing their dependence or reliance on an external patron (Caspersen 2015). Furthermore, in their in-depth study of Transnistria's state-and-nation building efforts, Blakkisrud and Kolstø (2011) show how the entity's efforts to secure engagement with the outside world has been conditioned, in many respect, by its dependence on the entity's parent state – Moldova.

Motivated by these observations, a systematic study of costs of recognition is warranted not only because of the relative discord between the general literature on state recognition, on the one hand, and the rich observations from the literature on contested states, but also because of the empirical reality that there remains a significant number of candidate entities seeking independent statehood – and with it the alleged benefits of recognition and eventual membership in the post-WWII society of states. Furthermore, understanding the costs of international recognitions would aid these entities, but also those among the scholarly community who provide normative claims in favor of these entities' recognition-seeking practices, in taking into account some of the implications of such an enterprise. This Chapter does not aim to make a normative claim in this respect. However, a critical analysis of some of the negative implications that the recognition-seeking process in the post-1945 international legal and normative order may have for contested states can shed some light on the options that are sought for resolving the “frozen” anomalous status of these entities.

This study identifies and analyses the costs of recognition-seeking practices for two contested states after WWII, Kosovo and Palestine. Among the universe of cases of contested states, the choice to focus on these cases is motivated by the fact that Kosovo and Palestine are

most prominent not only in actively seeking but also in achieving higher levels of international recognition than other contested states. No other contested state stands out as much as Kosovo and Palestine on the ability to amass recognition. Focusing on these two cases, therefore, allows to more clearly and explicitly isolate the *when* and *how* international recognition shapes entities' empirical statehood. While acknowledging the aforementioned benefits of recognition, the analysis presented here suggests that formal recognition by the members of international society (external sovereignty) does, or can, come with a price for entities' empirical statehood (internal sovereignty).<sup>51</sup> In other words, contested states are presented with a paradox: in their quest for recognition, they often sacrifice, to varying degrees, some important components of their empirical statehood.

Empirical statehood is not an unambiguous concept. Authors use Weber's notion of the state, discussed in earlier chapters, as a basis for capturing and analyzing various components that relate to empirical statehood. Jackson and Rosberg (1982) use empirical statehood to refer to the ability of a government to exercise authority within entities' defined territories. Others have further expanded to suggest that the ability to exercise authority within a defined territory also relates to the government's ability to defend its territory against external military attacks (Tansey 2011). Similarly, Schwarzenberger and Brown have characterized empirical statehood with an entity's ability to "rule supreme within a territory," that is, to not recognize any superior outside authority, and to exercise control over the population within, to a certain extent, settled frontiers (in Jackson 1990, 53). Essentially, empirical statehood encompasses such broad components as territory, authority, centrality, and independence. Such components of empirical statehood are a matter of degrees (see Berg and Kuusk 2010), for none of these components can be bounded to an entity in an ideal-typical sense. Nevertheless, it is these components that I use as broad referents of empirical statehood in which I will focus and discuss when analyzing how the process of attaining international recognitions shapes contested states' empirical statehood.

The Chapter is structured as follows. First, before presenting my empirical findings for Palestine and Kosovo, I introduce the notion of what I refer to as "negotiated statehood," which describes the constraining post-WWII international environment within which contested states navigate in their struggle for recognition. The post-WWII international legal and normative order

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<sup>51</sup> Hereinafter in the text, I use "empirical statehood" and "internal sovereignty" interchangeably



prescribes that any changes to territorial configuration of existing states are not recognized as illegitimate without the parent state's prior consent. Without prior parent state consent, the contemporary society of states, especially the major veto-holding powers in the UN Security Council, remain reluctant to accept unilateral changes to the territorial status quo – even in the case of Israel's territorial acquisitions over Palestine. As such, parent states hold unprecedented gatekeeping powers to either allow or prevent emerging statehood contenders from assuming an equal place in the society of states. "Negotiated statehood" suggests that in an attempt to gain consent from their respective parent states, and sympathy from existing Great Powers, contested states negotiate their so-called "final status" settlement with their respective parent state. But negotiating the "final status" with the parent state often entails meeting the latter's conditions, which can involve core aspects of the internal sovereignty of statehood contenders, such as limitations on territorial claims, the degree and nature of internal territorial decentralization and power-sharing, and the degree of on-going dependence on the parent state. In so doing, the discussion in this Chapter pushes the *constitutive* theory of recognition further by suggesting that recognition not only constitutes entities' sovereign statehood but also determines the level of their empirical statehood – often at varying costs for the latter.

In the subsequent sections, I employ the case of Palestine and Kosovo to discuss the implications that the process of "negotiated statehood" has for these entities' self-determination claims and empirical statehood as they seek international recognition. Comparing Palestine and Kosovo has been rare, perhaps because one may rightly argue that their claims to statehood are fundamentally different, with the former being considered as an unresolved colonial liberation case, and the latter being considered a secessionist case. However, as the ensuing discussion will show, despite these differences, there are some striking commonalities between the two cases, at least insofar as their struggle for recognition is concerned. First, both cases have engaged in the process of "negotiated statehood" with their parent states to resolve their "final status" in the hopes of attaining the status of a fully recognized sovereign state. Second, both cases have attracted widespread attention, sympathy, and recognition from many existing members of the society of states, for the most part, as a result of their readiness to "tame" their self-determination claims and empirical statehood in the process of "negotiated statehood." Finally, while Palestine and Kosovo compromised different aspects of their emerging or established empirical statehood, some aspects were common (albeit to varying degrees), such as territorial concessions (or the readiness to make

such concessions), agreements to internal territorial carve-ups or zonings, and acceptance of some form of dependence on the parent state.

### **The international environment of “negotiated statehood”**

Granting recognition to entities on conditional terms is not new. Ever since non-European territories began to establish their own politically independent entities and advance their claims to self-determination throughout the nineteenth century, the existing society of states devised conditions under which the latter would grant recognition to the former (Gong 1984; Philpott 2010). It can be safely said that for most of the past two centuries, recognition of the emerging independent entities and their membership within the existing society of states was not offered as a “blank check.”<sup>52</sup> However, as this section will attempt to show, the practice of conditional recognition has not been a constant. Construed so by the different ideas held by the society of states about who has the right to self-determination and independent statehood, the varying features of the pre-and-post WWII practices of conditional recognition have had decisive implications on particular aspects of the emerging entities’ internal sovereignty.

The practice of state recognition in the pre-WWII period was driven by the idea of the “negative right” of self-determination: the notion that there is not a positive right to secede, but also that the right to self-determination and independent statehood is not necessarily denied. (Fabry 2010). The application of the idea of the “negative right” to self-determination had at least one important implication for prospective state entities. It meant that no *a priori* right to secession was given to any entity, but once an entity had *de facto* seceded, by establishing independent empirical statehood from an existing (parent) state, the latter had little or no say in the future shape of the emerging *de facto* entity or the latter’s prospects for recognition. These prospects were defined mainly by existing Great Powers of the society of states that served as the only gatekeepers that outlined the criteria to be met for the emerging entities to gain recognition.

A brief survey of the pre-WWII practice of state recognition serves to illustrate how conditional recognition shaped emerging entities. When the struggles for self-determination against Spanish rule in Latin America intensified in the early nineteenth century, the major powers of that time, namely Britain and the US, conditioned recognition of emerging entities on the latter’s

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<sup>52</sup> Exempted from this rule were entities that emerged as a result of decolonization process after WWII.

ability to establish empirical statehood – defined at that time as an effective government that ruled over a certain territory independently from external actors (Fabry 2010).<sup>53</sup> Additional terms that state contenders had to meet before their recognition ranged from their pledge to, for example, end the slave-trade (the case of Brazil<sup>54</sup>); institute religious equality (the case of Greece<sup>55</sup>); and respect civil and political rights of all the peoples living in the respective territories under *de facto* control of these entities (the cases of Serbia, Bulgaria, Romania, and Montenegro<sup>56</sup>). This conditional approach to recognition was in line with what was considered by the major powers to be the achievement of a certain “standard of civilization” – thought to be a standard of good (“civilized”) conduct in the general interest of international society (Gong 1984; Keene 2002; Anghie 2005; Fabry 2010).

The general features of the nineteenth century practice of conditional recognition continued in the early aftermath of WWI. The establishment of *de facto* independent empirical statehood remained a crucial criterion for the granting of recognition (Grant 1999; Fabry 2010). What can be said about this period, however, is that conditions became more detailed and explicit (Chen 1951; Caplan 2005). For example, states that emerged after WWI faced stricter conditions on ensuring minority rights, than those before WWI.<sup>57</sup> Besides, the fulfillment of those conditions that fell under the “standard of civilization” became increasingly subject to foreign supervision – usually by the League of Nations (Spanu 2019; for other examples see Chen 1951).<sup>58</sup>

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<sup>53</sup> No mechanism existed at the time to evaluate whether an established government of a *de facto* state was representing the people under its control. However, the *fact* that such governing authorities were able to establish a *de facto* independent state by maintaining control over territory and people independent from the metropolitan center was considered enough to judge that there was no dissent among the people against the *de facto* authorities (Fabry 2010).

<sup>54</sup> Brazil was the only *de facto* Latin American state emerging during the early 19<sup>th</sup> century that was still practicing slave trade (Chen 1951; Fabry 2010)

<sup>55</sup> Greece was asked to “institute full religious equality” for non-Orthodox minorities “trapped” inside Greek controlled territories (Fabry 2010, 98; see also Chen 1951, 265)

<sup>56</sup> As the Ottoman Empire was losing its grip on parts of the Balkans, entities such as Serbia, Bulgaria, Romania, and Montenegro emerged as entities meeting *de facto* criteria of statehood. However, all these entities were asked to accept provisions respecting civil and political rights of all the peoples living in the respective territories in order to be granted recognition (Müllerson 1996; Caplan 2005). In the case of Romania, existing powers at the time such as Britain, France, and Germany withheld their recognition from Romania, until the entity changed its constitution to grant equal rights to all its inhabitants (Jelavich 1983; Fabry 2010; see also Chen 1951, 165).

<sup>57</sup> Such as Poland, Czechoslovakia, the Kingdom of Yugoslavia (initially as Kingdom of Serbs, Croats, and Slovenes) (Caplan 2005)

<sup>58</sup> Recognition of Iraq in the early 1930s, for example, was condition on a list of more than 12 listed conditions (see L. H. Evans 1932, 750)

In sum, the pre-WWII practice of conditional recognition was one in which the existing society states (by following the practices of the major powers of the time) served as the main gatekeeper for the entry of emerging (contested) state entities into the club of states. The parent states from which contested states seceded from had no gatekeeping role. Conditions were not a matter of negotiation, but a matter of commitment and, at times, implementation before recognition. These practices had a two-pronged effect on how the pre-WWII practice of conditional recognition shaped the emerging entities. First, the society of state's emphasis on meeting the criteria of empirical statehood before recognition meant that entities would enter the club of states with effective internal sovereignty. Second, the evolving and expanding conditions for achieving a certain "standard of civilization" also had an impact on entities' internal sovereignty, as they shaped certain aspects of their domestic statehood. However, whatever role the criteria of "standard of civilization" may have had on the domestic aspects of emerging entities, they largely were aimed at ensuring that emerging entities emulate the existing domestic and international practices of the "civilized" European states (see Gong 1984).

The ensuing period, which followed WWII, saw some continuity but also a significant change in the core features of the practice of conditional recognition, with crucial implications for contested states in their struggle for recognition. The features continuing from the previous period included the insistence of the society of states, particularly in the cases of post-Soviet-and-Yugoslav emerging independent republics, for the achievement of a certain "standard of civilization" (see Müllerson 1996; Caplan 2005). While the content of this standard significantly expanded and further evolved compared to the pre-WWII period, it could be said that the conditions reflected the society of state's more advanced understanding of what "civilized" meant during the 1990s when the Soviet Union<sup>59</sup> and Yugoslavia<sup>60</sup> dissolved. Human rights became increasingly emphasized as a new standard that had to be met (Donnelly 1998).

The main change in the post-WWII practice of recognition related to the prominence that the society of states gave to the protection of the territorial integrity of existing states. During this

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<sup>59</sup> For example, the European Community issued its 1991 Guidelines on the Recognition of New States in Eastern Europe and in the Soviet Union, where they demanded that the emerging states meet five detailed criteria, or at least pledge to do so (see I.L.M. 1992, 1486–87).

<sup>60</sup> For example, the European Community issued Guidelines for recognition of the post-Yugoslav Republics which were similar to those issued for the post-Soviet Republics. However, the Guidelines for Yugoslavia added a few more conditions which reflected on the overall hostile environment between former-Yugoslav republics (see I.L.M. 1992, 1485–86; Müllerson 1996; Caplan 2005).

period, state recognition was increasingly informed by the idea of a “positive right” to self-determination, which meant that a right to recognized statehood could be granted to a particular set of candidate entities, but also that such a right could be denied (Fabry 2010). In effect, this entailed granting “colonial countries and peoples” an *a priori* right to self-determination and independent statehood – a right which was eventually internationally legalized and institutionalized through the 1960 UNGA Resolution 1514 (UNGA A/RES/1514(XV) 1960). At the same time, unless qualified under the label of “colonial countries and peoples,” other entities were denied recognition - no matter how effective their independent empirical statehood was (Emerson 1968; Weller 2008a; Fabry 2010).<sup>61</sup>

The adoption and institutionalization of the “positive right” to self-determination after WWII carried several implications for how the practice of conditional recognition shaped and impacted contested states in their struggles for recognition. Unlike in the previous period, parent states took a more prominent gatekeeping role alongside the existing society of states<sup>62</sup> in decisions about who had the right to universally recognized statehood. This shift resulted, in general terms, in a conservative approach to any alteration of the territorial status quo. After WWII, in cases where a parent state opposed secession or recognition – even when a candidate entity was able to establish *de facto* empirical statehood – contested states failed to convince the society of states to grant them universal recognition and membership in the family of states (Crawford 2006; Sterio 2013). For example, while Nigeria was granted the right to independent statehood, regardless of whether it met the basic criteria of empirical statehood, Biafra’s secession from Nigeria was denied, regardless that the former had met the empirical criteria of statehood upon its unilateral declaration of independence from the latter. No matter how successful empirically, entities that attempted secessions from existing sovereign states, have not received universal recognition without the consent of the sovereign government (Fabry 2010).

As such, and unlike in the previous period, emerging contested states in the international system were put in a subordinate hierarchical position *vis-à-vis* their parent states (Ker-Lindsay

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<sup>61</sup> The denial came from a number of international legal instruments adopted by the post-WWII society of states, which gave prominence to the protection of territorial integrity of the existing states (or the emerging states that had the *right* to independence) from both, external invasion and internal fragmentation (see Article 2(4), UN Charter 1945; Par. 6, UNGA A/RES/1514(XV) 1960).

<sup>62</sup> Membership in the UN does not depend only on what the majority of the members of the international society of states think about rightful membership, but also on the consensus among the five Great Powers which hold permanent seats in the UN Security Council.

and Berg 2018). The long-term consequences of this change have been best captured by Caspersen, who infers that

if international engagement has to go through the parent state or be approved by it, it implies a hierarchical relationship, and could, therefore, be seen to undermine the entity's claim to independence. Such engagement may well be rejected by the *de facto* state, or cause significant internal resistance (2018, 381)

When unable to peacefully or violently reassert authority over their breakaway regions, parent states have continued to enjoy their gatekeeping privilege of being able to prevent the former from accumulating universal recognition and entry into the club of sovereign states. For example, commenting on the possibility of the independence of the Kurdish authorities from Iraq after the September 2017 referendum supporting independence, Iraqi Foreign Minister, Ibrahim Al Jaafari assuredly stated: “[i]t is easy to declare whatever you want, *but it is not easy to actualize it* [emphasis added]” (Aljazeera 2017). Al Jaafari was aware that the Iraqi Kurds’ claims to self-determination and recognized statehood could not materialize without Iraq’s consent.<sup>63</sup> This echoes Caspersen’s claim that contested states’ engagement with the outside world becomes conditional to their parent state’s demands, which can detract the substance of their statehood (Caspersen 2012).

Therefore, the post-WWII practice of conditional recognition has been one in which parent states have taken on a prominent role – alongside the veto-bearing members of the UN Security Council - as gatekeepers for the entry of the emerging (contested) states to the club of states. In short, the contested states’ commitment to the conditions of the society of states was no longer a sufficient condition for achieving recognized statehood.<sup>64</sup> Today, emerging contested states must also meet the terms imposed by their parent state, even if, as Ker-Lindsay (2018) has shown, some contested states – such as Kosovo - enjoy broad acceptance by the international community. As the subsequent case studies will show, however, this widespread international acknowledgment has entailed that contested states engage in the process of “negotiated statehood.” The following analysis, therefore, illustrates how the pathway to full membership in the club of

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<sup>63</sup> Even the oft-mentioned case of Bangladesh’s secession from Pakistan was not fully or legally recognized without Pakistan’s prior consent. While Bangladesh managed to accumulate a substantive number of recognitions without Pakistan’s consent, the former gained full membership in the UN only after Pakistan offered its recognition (New York Times 1973; Weinraub 1974). Also, in Bangladesh’s case, many others suggest, the total military defeat of Pakistan (Dos Santos 2007), and Bangladesh’s odd territorial configuration in relation to Pakistan; i.e., being more than a thousand kilometers detached exclave of Pakistan (Islam 1985)

<sup>64</sup> This is outside the decolonization context.

states is a paradoxical one. As contested states attempt to gain recognition through their respective parent states' "doorways," they end up either taming their initial self-determination claims or relinquishing some crucial elements of their already-established empirical statehood.

### **Palestine: "taming" self-determination ambitions for recognition**

The Palestinians' claim to self-determination has not followed a linear trajectory. This is largely because the context in which the Palestinian self-determination movement(s) has evolved, has been heavily influenced by the broader Arab-Israeli conflict since the adoption of the 1947 Partition Plan by the UN General Assembly (see UNSCOP A/367 1947; UNGA A/RES/181(II) 1947).<sup>65</sup> It has been rightly observed that for roughly two decades after the adoption of the 1947 Partition Plan, Palestinian claims to self-determination lacked an autonomous Palestinian identity in their demands for independent statehood (Harkabi 1979; Mohamad 1999; Smith 2017).<sup>66</sup> Instead, Palestine claims were nested in a larger pan-Arab "project." In public *communiqués* issued from various Palestinian liberation structures, most notably from Fatah (in the late-1950s) and later from the Palestinian Liberation Organization (PLO) (in the 1960s), reference to the liberation of Palestine was made, as Smith (2017, 570) notes, only "in the context of an appeal to the 'single Arab nation,' which reflected the pan-Arab currents of the time."<sup>67</sup>

Perhaps reflective of the aftermath of the 1967 Six-Day War in which Israel captured all Arab-held territories of the former Palestine Mandate, the PLO issued its 1968 Charter, which emphasized the need for an "armed struggle" as the "only way to liberate Palestine" (PLO 1968; see also Hilal 1993).<sup>68</sup> More importantly, however, the 1968 Charter articulates a more

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<sup>65</sup> The 1947 Partition Plan envisaged the establishment of two independent states, Israel for the Jewish population and Palestine for the Arab population of the land of the entire Palestine Mandate under British rule at the time (UNSCOP A/367 1947).

<sup>66</sup> Initially, these claims were driven mainly by the existing Arab states. For example, during the UN Committee on Palestine (UNCOP) workings in 1947, the demands for an independent Palestinian state over "whole of Palestine" was advanced by the Arab Higher Committee, an umbrella body representing five UN Member States, such as Egypt, Iraq, Syria, Lebanon, and Saudi Arabia, which at the same time demanded the "termination of the Mandate over Palestine and the declaration of its independence" (UNSCOP A/367 1947, 11).

<sup>67</sup> For example, with the establishment of the Palestinian Liberation Organization (PLO) a Charter (often referred to as Covenant) was issued in 1964, which begins by stating "[w]e, the Palestinian Arab people, who believe in its Arabism and in its right to regain its homeland, to realize its freedom and dignity [...]" (PLO 1964). Article 3 of the 1964 Charter further notes that the "Palestinian Arab people [...] is an inseparable part of the Arab Nation" (PLO 1964).

<sup>68</sup> Articles 7, 8, 10, 15, 21 of the 1968 Charter make similar references to "armed struggle" and "armed Revolution" (PLO 1968).

autonomous Palestinian identity in its claim for self-determination. While continuing to state the belief “in Arab unity,” Article 12 of the 1968 Charter called upon the Palestinians to “safeguard their Palestinian identity and develop their consciousness of that identity, and oppose any plan that may dissolve or impair it.” (see Article 12, PLO 1968).<sup>69</sup> At the same time, it was not until after the 1973 Yom Kippur War that the Palestinians further crystalized their autonomous identity in their self-determination struggle in their demands for an independent Palestinian statehood – that is, the Palestinians began to see their struggle independently of general Arab grievances (Smith 2017). This evolving aspect of the Palestinian claims for self-determination was underscored by PLO’s leader, Yasser Arafat, in his 1974 landmark speech at the UN, where he stated that the PLO aims “to establish an independent national State on all liberated Palestinian territory” (United Nations 1974).<sup>70</sup>

Despite the evolution in conceptions and articulations of the Palestinian identity, a single aspect that has remained constant is the claim to territory. Whether initially through the Arab High Committee after the 1947 Partition Plan, or the ensuing PLO Charters of 1964 and 1968, constant emphasis was placed on claiming the entire land of the Palestine Mandate – slightly more than half of which had been already given to Israel with the 1947 Partition Plan (see UNSCOP A/367 1947). For example, both the 1964 and 1968 Charters explicitly articulate claims to “Palestine, with its boundaries at the time of the British Mandate, [being] an indivisible territorial unit” (see Article 2, PLO 1964; Article 2, 1968). Article 19 of 1968 Charter further states that “the partition of Palestine in 1947 and the establishment of the state of Israel are entirely illegal [and] contrary to the will of the Palestinian people and to their natural right in their homeland [emphasis added]” (Article 12, PLO 1968).<sup>71</sup>

However, the challenge to Palestinian self-determination claims over the territory of the entire Palestine Mandate came not only from the Partition Plan, which was widely accepted by the society of states but from several other regional events that ensued. Such claims were further challenged by the ensuing UN Security Council resolutions 242 and 338, which were adopted as

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<sup>69</sup> Article 4 of the 1968 Charter makes similar references to “Palestinian identity” (PLO 1968).

<sup>70</sup> Arafat’s speech was enabled only after the October 1974 Rabat Summit, where the Arab League passed a resolution affirming “the right of the Palestinian people to self-determination;” their “to establish an independent national authority;” and recognizing PLO as “the sole legitimate representative of the Palestinian people [emphasis added]” (UNISPAL 1974; see also Smith 2017).

<sup>71</sup> The 1968 Charter further states that “Palestinian people, expressing themselves by the armed Palestinian revolution, reject all solutions which are substitutes for the total liberation of Palestine” (see Article 21, PLO 1968).



a result of the 1967 Six-Day War and the 1973 Yom Kippur War, respectively. Both of these resolutions recognized Israel's capture of additional territory that went beyond what the 1947 Partition Plan had envisaged for Israel (see UNSC S/RES/242 1967).<sup>72</sup> Despite the broad acceptance of these (new) territorial facts by the society of states, the PLO continued to adamantly reject the UNSC resolutions, which accepted Israel's additional territorial acquisitions. The PLO went as far as to refuse "categorically any negotiations on the basis of this Resolution [242] at any level of inter-Arab or international negotiations" (see Smith 2017, 647–48). Therefore, despite wide agreement by the society of states on the new territorial mapping of the former Palestine Mandate, where even the Arabs' control over the West Bank and Gaza had been lost in 1967, the Palestinians continued to keep their "ambitious" claims in their self-determination struggle over the entire territory of the former Palestine Mandate.

Another challenge to Palestinians' claims also came from some Arab countries who disapproved of PLO's use of violence in advancing their cause. Except for loosely held relations with a few members of the Arab League, the PLO has been largely ignored and isolated not only from Israel and the US but also from many other members of the Arab League.<sup>73</sup> In Israeli Government's eyes:

[t]he expulsion of the [PLO] from Lebanon, initially by the IDF and later by Syria, brought the PLO to one of the lowest points in its history; not only were PLO members dispersed throughout the Middle East, *but when Arafat wanted to convene the Palestine National Council, he had a difficult time finding an Arab country willing to host it* and, in the end, only Jordan agreed to do so. (US Embassy Tel Aviv 1985)

Additionally, the US formalized the PLO's marginalization with a 1975 ban on official engagement with the PLO and conditioned any engagement with, or recognition of, the PLO on the latter's commitment to accept the UNSC resolutions 242 (1967) and 338 (1973), among others (Ben-Ami 2006; Anziska 2018). By accepting these UNSC resolutions, however, the Palestinians would have had to water down their territorial claims as part of their self-determination struggle. Regardless, the PLO's position continued to be one committed to an ideology which had "no

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<sup>72</sup> The UNSC Resolution 338 called on all parties to cease fire "in the positions they now occupy [and for] the implementation of Security Council resolution 242" (UNSC S/RES/338 1973), which can be said to have only confirmed the society of states' or major powers' general agreement reached with UNSC Resolution 242.

<sup>73</sup> Palestinian resistance movements were kicked out by Jordan as early as in 1970 (see Azoulay and Ophir 2013). Subsequently, upon relocating in Lebanon, the PLO was kicked out by the newly created Lebanese authorities after the latter's invasion by Israel in 1982 (see Eisenberg 2009).

explicit indication of willingness to accept the concept of Israeli sovereignty,” and as such, any of the UNSC Resolutions confirming Israel’s territorial basis in the former Palestine Mandate (Kelman 1986, 18–19).<sup>74</sup>

Nevertheless, under such constrained regional and international conditions, which Seth Anziska (2018, 289) describes as a “blanket policy of exclusion,” it eventually became clear to the PLO that attaining recognition for any future Palestinian state that met its “maximalist” territorial claims covering the whole of the Palestine Mandate would be extremely difficult (Mohamad 1999).<sup>75</sup> Moreover, after the US’s decisive role as a mediator to the 1979 Peace Agreement between Egypt and Israel, key members of the PLO appeared to have understood that recognition of their claim to self-determination by the US could be likewise decisive in the resolution of their conflict with Israel, in other words, through the realization of a recognized and internationally legitimate Palestinian state (see Kriesberg 2000)

### **Time to tame the self-determination claims**

Understanding the importance of the US in their struggle for independent statehood, the PLO’s leader, Yasser Arafat, already began relaying messages to US President Carter that the PLO was ready to water down its territorial claims if the US would recognize and facilitate the creation of a Palestinian state (Anziska 2018, 60).<sup>76</sup> For example, his infamous 1985 agreement with King Hussein of Jordan, which envisaged a Palestinian state in confederation with Jordan, was seen by many as the PLO’s implicit abandonment of its 1968 Charter that called for a Palestinian statehood over the entire Palestine Mandate. Smith suggests that Arafat’s strategy to link the Palestinians’ fate to a confederal state with Jordan reflected the PLO’s urge to gain some acknowledgment from the US; the approach to Hussein was thus seen primarily “as a vehicle through which to gain U.S.

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<sup>74</sup> Even in 1983 PNC 16 session in Fes, Morocco “The PNC stresses adherence to independent Palestinian national decision-making, protecting it and resisting the pressures aimed against this independence, from whatever quarter they may come” (PNC 1983).

<sup>75</sup> This acknowledgement was likely also a response to the Egyptian position during the latter’s rapprochement with Israel. In his 1977 speech in the Knesset, Anwar Sadat envisaged “a peace agreement based on ending the Israeli occupation of the Arab territory occupied in 1967 [and] the realization of basic rights of Palestinian people and this people’s right to self-determination, including their right to setting up their own state” (Smith 2017, 737). The agreement further stated that the negotiations on the West Bank and Gaza should proceed in three stages: “In order to provide full autonomy to the inhabitants, under these arrangements the Israeli military government and its civilian administration will be withdrawn as soon as a self-governing authority has been freely elected by the inhabitants of these areas [emphasis added]” (Smith 2017, 746–47).

<sup>76</sup> Recognition from the US was important, because it was believed that this step could encourage Israel to do the same (see Anziska 2018, 261).

support” (Smith 2017, 754). Besides, a set of leaked US State Department cables suggests that the Israeli Government interpreted the Hussein-Arafat agreement as being one through which Arafat attempted to concede the Palestinian territorial claims by accepting Resolutions 242 (1967) and 338 (1973), but only under the condition that the US (and, therefore, Israel) recognize the Palestinians’ right to independent statehood (US Embassy Tel Aviv 1985).

However, neither the US nor Israel showed readiness to recognize Palestinian statehood even though the latter was ready to give up its territorial claims over the entire Palestine Mandate and recognize Israel on its pre-1967 frontiers. Both Washington and Tel Aviv insisted that making concessions on claims to territory by accepting Resolutions 242 (1967) and 338 (1973) were preconditions only for entering into negotiations with Israel to determine the “final status” of the Palestinians and their claims to statehood (Abunimah 2014; Anziska 2018). Soon after, and a few months after Jordan renounced the idea of a possible confederal state with Palestinians in a November 1988 meeting in Algiers, the Palestinian representatives issued their declaration of independence for the State of Palestine.

This declaration of independence reflected the Palestinians’ acknowledgment of constraining structural factors – namely, that their recognized statehood was conditional upon acceptance of the negotiated terms that Israel (and the US) would later put forward. In its political *communiqué* of the declaration of independence circulated in the UN, not only did the Palestinian leadership unilaterally and unconditionally affirm concessions to its original claims to territory, but they also went as far as to accept and suggest that their future independent state must be an outcome of a negotiated settlement with Israel and other participating parties (see PNC 1988, 6–7). In other words, and most importantly, by unconditionally accepting the UNSC resolutions, the Palestinian declaration of independence represented a unilateral “taming” of the original claims to territory, as well as the readiness of the Palestinians to negotiate further aspects of their statehood with their belligerent - Israel (see Abunimah 2014).

These modified claims by the Palestinians, and their unconditional acceptance of the Charter of the UN and [all] the resolutions adopted by it, lead many in the society of states to sympathize with Palestinian claims to self-determination and independent statehood. Azoulay and Ophir write that PLO’s reference to UNSC resolutions 242 (1967) and 338 (1973) in their 1988 political *communiqué* “helped it gain sweeping recognition, both [domestic] and international” (2013, 75). Many members of the society of states, including the Arab States and the Soviet Union,

moved swiftly to recognize Palestinian statehood according to the latter's watered-down territorial claims. Other scholars agree that "the PLO's acceptance of Resolutions 242 and 338 [...] would play an instrumental role and help the PLO achieve self-determination and statehood" (Barnidge, Jr. 2016, 98).

In addition to increased international recognition, the Palestinians' readiness to "tame" their self-determination claims did bring about some, albeit limited, success in acknowledging the PLO as a legitimate actor by those who had not done so before. For instance, while the unilateral concessions did not bring about full recognition from Israel or the US, they did ensure that the latter acknowledged and accepted the PLO (for the first time) as the legitimate representative of the Palestinian people. The US went as far as to help the PLO draft some of its subsequent statements which emphasized: "the democratic Palestinian state which [the PLO] seeks to establish in the West Bank and the Gaza Strip [emphasis added]" (Smith 2017, 778; see also Barnidge, Jr. 2016).<sup>77</sup>

Therefore, while the modified claims to self-determination did help the Palestinians achieve some level of international legitimacy, the refusal of Israel and US to grant them legal recognition meant that a universally recognized Palestinian state would come about only as a result of the process of "negotiated statehood" with their belligerent - Israel. The implications of these parameters, as the next section will show, is that the Palestinians would now negotiate down their already "tamed" political platform with Israel – which they had begun to do in Madrid starting in 1991.

### **Putting constraints on the emerging (empirical) statehood**

In 1991 the PLO went to the Madrid conference to negotiate with Israel a peaceful settlement, which for Palestinians meant formal recognition of their modified claims to self-determination and independent statehood.<sup>78</sup> As Anziska (2018, 268) suggests, the Palestinians rushed into the negotiations with the Israelis seeking "*recognition* and a return to the occupied territories, goals that were ultimately secured *in exchange for the very concessions that had been demanded by the Israelis* [emphasis added]." The concessions referred to by Anziska (2018) related not only to the

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<sup>77</sup> "U.S. recognition of the PLO in 1988, one of Reagan's final acts in office" (Anziska 2018, 5)

<sup>78</sup> This was the first time that both parties met face to face, but the Jordanians provided the umbrella for Palestinian participation (Smith 2017).

territorial configuration of a future Palestinian state but also to many other empirical aspects of statehood, including the way the Palestinians would govern themselves.

The negotiations culminated in several agreements, among which included the initial Declaration of Principles (DOP) in 1993 (referred to as Oslo I) and the Interim Agreement in 1995 (referred to as Oslo II).<sup>79</sup> With these and other agreements that were reached in between Oslo I and Oslo II, the Palestinians made some strides in their path to gaining some form of recognition from Israel. For example, the DoP states that both parties “agree that it is time to put an end to decades of confrontation and conflict, recognize their mutual legitimate and political rights [emphasis added]” (Declaration of Principles 1993, 4). This was the first instance in which Israel explicitly acknowledged PLO as representatives of the Palestinians in the negotiations, while not (yet) recognizing Palestine as a state as such. According to Abunimah, while the PLO recognized Israel’s right to exist as a state within the expanded pre-1967 borders, Israel offered no formal recognition to “any Palestinian rights whatsoever, only that Israel would talk to the PLO” (2014, 66).

Nevertheless, even such a limited form of recognition entailed a price for some crucial empirical aspects of the Palestinian state, which was now being negotiated with Israel. These aspects included limits to the nature and degree of control exercised by the Palestinians (acceptance of limitation in government authority, and limitations on territorial control) and the continuation of dependence on Israel. For example, in the process of negotiating their state with Israel, the Palestinians agreed to the exercise of effective authority only over some limited “spheres” such as “education and culture, health, social welfare, direct taxation, and tourism.” (Article 6, Par. 1 and 2 Declaration of Principles 1993). Additionally, this curtailed authority was to be extended only to limited territorial areas – initially restricted to the “Gaza Strip and Jericho Area” (Article 6, Par. 1 and 2 Declaration of Principles 1993).

And finally, with the 1993 DoP, the Palestinians acknowledged Israel’s demand that the structure of the Palestinian executive and legislative bodies be jointly determined with Israel (see Article 7, Par. 2 Declaration of Principles 1993), thereby ensuring continued dependence on Israel. The ensuing 1994 Agreement on the Gaza Strip and the Jericho Area, along with the subsequent

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<sup>79</sup> In these agreements, the aim of both parties was “among other things, *to establish a Palestinian Interim Self-Government Authority*, the elected Council (the “Council”), for the Palestinian people *in the West Bank and the Gaza Strip*, for a transitional period not exceeding five years, *leading to a permanent settlement based on Security Council resolutions 242 (1967) and 338 (1973)* [emphasis added]” (Smith 2017, 890)

1995 Interim Agreement, provided further details with regards to how the structure and composition of the Palestinian Authority ought to be defined (see Article 4, Par. 1 Cairo Agreement 1994). As part of their struggle to secure recognition from their parent state, the Palestinians even went as far as to inform the Israelis of the “names of the authorized Palestinians” who would assume the powers and responsibilities that would ultimately be transferred to the Palestinian people (Annex 4, Article 6(2), Par. 1, Declaration of Principles 1993).<sup>80</sup>

The dependence of the Palestinian authorities on Israel was furthermore ensured by the 1994 Cairo Agreement, which restricted Palestinians’ legislating powers. This agreement came to have supreme power over anything that the Palestinians would legislate as it stated that “[l]egislation promulgated by the Palestinian Authority shall be consistent with the provisions of this Agreement” (Article 7 Par. 2 Cairo Agreement 1994). The subsequent Erez Agreement of 1994 went further to provide Israel with veto power over any future Palestinian legislation, suggesting that “[l]egislation promulgated by the Palestinian Authority shall be communicated to Israel which may, within thirty (30) days, notify the Palestinian Authority that it opposes such legislation [...]” (Article 7, Par. 3 Erez Agreement 1994). The 1994 Erez Agreement was notable also for limiting Palestinians’ authority over finance and budgetary issues stating, for example, that when assigned to work on budgetary aspects of the government, the terms of employment for Palestinian employees’ were to “be agreed upon by the two sides” (Article 9, Par. 3 Erez Agreement 1994)

Security was another critical aspect of internal sovereignty which the Palestinians negotiated with Israel. The negotiated state of Palestine lacked both the responsibility and the means (in terms of military capability) to protect its future borders that were still to be decided in on-going negotiations. For example, the DoP states that the Palestinians “will establish a strong police force, while Israel will continue to carry the responsibility for defending against external threats” (Article 8 Declaration of Principles 1993).<sup>81</sup> The subsequent 1995 Interim Agreement, in

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<sup>80</sup> Another agreement, the 1994 Agreement on the Gaza Strip and the Jericho Area, also asked that any “[c]hanges in the membership of the Palestinian Authority will take effect upon an exchange of letters between the PLO and the Government of Israel (Article 4, Par. 3 Cairo Agreement 1994). Furthermore, despite the Palestinians’ claim to Jerusalem as their capital, the agreed upon DoP went as far as to specify where the Palestinian authorities’ headquarters was to be located – which was not in Jerusalem (see Annex 2, Par. 5 Declaration of Principles 1993).

<sup>81</sup> The subsequent 1994 Agreement on the Gaza Strip and the Jericho Area further specified that except for the limited powers of the Palestinian Police and the Israeli Army, “no other armed forces shall be established or operate in the Gaza Strip or the Jericho Area” (Article 9, Par. 2 Cairo Agreement 1994). The Cairo Agreement also provided further restrictions, stipulating that “no organization or individual in the Gaza Strip and the Jericho Area shall

addition to detailing the number of police stations for the Palestinian Authority in some towns and villages, also made the actions of Palestinian police subject to Israel's approval (Article 13, Par. 2(b[4]) Interim Agreement 1995).<sup>82</sup>

We can now summarize the key elements and effects of the Palestinian quest for international recognition had significant implications for its empirical statehood. First, by declaring their independence in 1988 with a set of reduced self-determination claims, the Palestinians succeeded in securing broad international sympathy and recognition from many members of the society of states. At the same time, however, they did not convince Israel and the US to do the same. Under such conditions, it became apparent to the Palestinians that a fully recognized independent Palestinian state could only emerge through a process of negotiation with their parent state. As a result, the Palestinians agreed to negotiate with Israel but insisted that “self-determination, meaning a [recognized] Palestinian state, be the outcome” (Smith 2017, 792).

It could be argued that by gaining some authority over some territory in the negotiations process, the Palestinians did manage to establish a degree of empirical statehood, as limited as it may have been. Many analysts consider the adoption of the 1995 Interim Agreement (Oslo II) and its enforcement, for example, as representing the moment when Palestinians met the minimum empirical criteria for statehood (see Quigley 2010). Klieman suggests that the Palestinians could have argued that they met the minimum criteria for sovereign statehood by having “full authority over most of the Gaza Strip, 3 percent of the West Bank outright, plus another 27 percent in which extensive influence and civil-administrative control were being exercised” (2000, 231). I agree with these claims regarding the Interim Agreement, and, as was suggested in my first chapter, I consider 1995 as the moment when Palestine emerged as a contested state.

Second, and relatedly, one could argue that the Palestinians agreed to restrictions on their empirical statehood only as a temporary measure. As the provisions of the 1995 Interim Agreement (Oslo II) suggest, the agreements were to be considered interim until the “final status” of Palestine was negotiated in a “final” agreement (see preamble in Interim Agreement 1995). For example, it

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manufacture, sell, acquire, possess, import or otherwise introduce into the Gaza Strip or the Jericho Area any firearms, ammunition, weapons, explosives, gunpowder or any related equipment, unless otherwise provided [...]

(Article 9, Par. 3 Cairo Agreement 1994).

<sup>82</sup> For example, it stated that “In Area B [...] Palestinian Police shall establish 25 police stations and posts” in some towns and villages (Article 13, Par 2(b[1]) Interim Agreement 1995). Subsequent paragraphs also ask the Palestinian authorities to inform Israel of the names of police officers, number plates of the police vehicles, serial numbers of weapons, and so on.

could be said that the initial agreement on a very limited area of territorial control was a temporary concession because it was envisaged that Israel would cede control over Gaza and West Bank to the Palestinian authorities in subsequent transitional phases (see Article 9, Interim Agreement 1995). It was hoped that the phased withdrawal of Israel from the West Bank and Gaza would eventually lead to the assertion of Palestinian authorities over a territory encompassing the entire landmass of the West Bank and Gaza as it was configured before 1967.

However, despite the temporary nature of some features of the agreements, many other aspects of limited empirical statehood were either established as unchangeable “political facts” or were left subject to future negotiations. For example, the agreed 1993 DoP between the Palestinians and Israel stated that, as a matter of principle, the former’s authority would “cover West Bank and Gaza Strip territory, except for issues that [would] be negotiated in the permanent status negotiations [emphasis added]” (Article 4 Declaration of Principles 1993). The DoP was explicit about the “except” part of the agreement, meaning that any future Palestinian state would be recognized as such by Israel, on the condition that the former negotiated with the latter over such issues as Jerusalem, settlements, security arrangements, and borders (Article 5 Declaration of Principles 1993). Furthermore, in the 1995 Interim Agreement, both parties agreed that the terms contained within the agreement “are an integral part of the whole peace process” (Preamble, Interim Agreement 1995).

This wording is important, as the fact that the agreements reached between parties were considered to be an “integral part of the whole peace process” tells us not only about the restrictive shape of the future Palestinian state, but also that the “political facts” created by these very agreements would be the basis of negotiations in the future. A dispute settlement process was set in motion, which was rooted in agreement by the parties to entrench themselves in ongoing bilateral negotiations (see Barnidge, Jr. 2016, 5). The Palestinians could continue to remain hopeful with what they saw as the temporary components of the agreements – most notably that their very limited territorial control (covering only up twenty-seven percent of West Bank and Gaza) could be eventually expanded with time to cover much larger areas as the agreements stipulated. However, Klieman rightly notes that

[t]he very *fact* that the West Bank has already been subdivided into transitory areas [or zones of limited control] itself attests to shifting lines of physical possession, political authority, and security control. These zones mark the start of repartition *and are themselves the beginning demarcations for territorial compromise* [emphasis added] (2000, 224).



Similarly, Smith (2017, 792) suggests that by engaging in the process of negotiating empirical aspects of statehood with Israel, and despite the transitory elements of the agreements, the Palestinians were already agreeing to further “tame” their claims to statehood by deciding to negotiate “the fate of the territories” (see also Abunimah 2014). Anziska (2018) also notes how “political facts” were being created on the ground, claiming that

the Palestinian achievement in gaining international recognition and opening a dialogue with the United States ultimately yielded a diplomatic agreement that did not resolve the core issues of contention. Diplomacy [read: negotiations] helped assure Israel’s expansion of settlements in the occupied territories, now extant for more than fifty years (Anziska 2018, 6–7).

Consequently, while unable to secure recognition from their parent state in exchange for further concessions made on core aspects of their empirical statehood the Palestinians faced a problem of a different nature – one relating to the future shape and size of their authority and land to be negotiated in the “final status” settlement (see Ju’beh 1999; Abunimah 2014). As Klieman argues, it was through this final agreement that the very character of the Palestinian shape would be determined – “its capacity for independent self-rule, chances for statehood, and economic viability, [including] its security component” (2000, 88).

In fact, after having established some empirical statehood with the Interim Agreement (Oslo II), it became evident that agreeing on the “final status” of a Palestinian state required further negotiations with Israel, which would entail additional concessions. To define the contours of a Palestinian state which Israel would recognize, the parties engaged in several rounds of discussions, leading to some “unofficial agreements” and detailing these further concessions (see Klieman 2000; Barnidge, Jr. 2016). For example, while it was agreed that Israel would accept the establishment of a Palestinian state, in return, the Palestinians have agreed to acknowledge that (i) “there is nothing sacred about the pre-1967 borders;” (ii) “Israel would not be forced [or] held to full withdrawal;” (iii) “the Palestinian state would be demilitarized;” and that (iv) the Palestinians would “pledge to make no further demands upon Israel” (Klieman 2000, 228–29).<sup>83</sup>

Finally, it is undoubtedly the case that the concessions made by the Palestinians against their original territorial claims in 1988, as well as those that followed during several rounds of negotiations and discussion throughout the 1990s, allowed the international legal personality of

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<sup>83</sup> Klieman (2000) acknowledges that parties interpreted these “unofficial agreements” differently, but there were no major differences on interpreting the substance of Palestinian concessions.

the Palestinian people to be “crystallized” (Barnidge, Jr. 2016, 5). However, at the same time, the Palestinians locked themselves into an unfinished and, what appears to be, an unending process of negotiations with and concessions to Israel in their struggle for formal recognition of their statehood. The Palestinians continued their quest for recognition throughout the 2000s and thus did not relinquish their imagination of what the integrity and sovereignty of a Palestinian state would look like. But as Azoulay and Ophir observe, such “political imagination is the only place where both the integrity of the Palestinian space and the congruity of civic and spatial separations hold true [emphasis added]” (2013, 101)<sup>84</sup>

### **Kosovo: compromising effective statehood for recognition**

We stand ready to assist your efforts to reach an agreement that balances the interests of  
both Kosovo and Serbia.  
*President of the United States, Donald Trump’s letter  
to Kosovo’s President Thaci (2018)*

...as Kosovo’s President I will be ready and willing to make compromises necessary to  
reach a [...] settlement that will encompass all outstanding issues, thereby ending the  
century-old conflict with Serbia.  
*President of Kosovo, Hashim Thaci’s letter of reply  
to US President Trump (2019)*

These are excerpts from the recent exchange of letters between US President, Donald Trump, and Kosovo’s President, Hashim Thaci, in the context of EU-facilitated negotiations between Thaci and Serbia’s President, Aleksandar Vucic, over possible “border corrections” to reach a “final settlement” over “normalization of relations” between the two parties. While the exact meaning of “border corrections” was never defined, it was understood from ensuing interpretation, that they entailed the option for Kosovo to cede parts of its Serb majority northern territory to Serbia, in exchange for recognition – or what the parties referred to as a “peace settlement.”<sup>85</sup> Enthusiastic

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<sup>84</sup> The agreements that the Palestinians reached with Israel in the process of negotiating the character and shape of their statehood also affected, and in some cases curtailed, Palestinian efforts to gain recognition. For example, whenever the Palestinians would unilaterally act to increase their international legitimation by seeking membership in various international organizations, Israel would respond by withholding Palestinian tax revenues, or slapping Palestinians with penalties (see Robert and Masters 2012; Hatuqa 2014).

<sup>85</sup> In engagements or negotiations between contested states and their respective parent states parties often tend to give different interpretations to what engagement, negotiations, or even “peace settlement” means (see Caspersen 2015; 2018; Ker-Lindsay 2018). Contested states, like Kosovo, interpret these as acknowledgement of their independence. Parent states, like Serbia, interpret these as a fact of their breakaway region’s dependence on them.

about the possibility of such a settlement, Trump jumped to encourage Kosovo's Thaci to reach an agreement with Serbia "that balances the interests of both" sides (Trump 2018). Excited by Trump's letter of support, Thaci replied stating that he was willing to "make *compromises necessary* [emphasis added]" and that he was looking forward to achieving a "permanent agreement" with Serbia, in which "both sides *recognize* each other [...and] Kosovo *joins the United Nations* as a member state"[emphasis added]" (Thaci 2019). Such a settlement has not yet materialized; nevertheless, it is indicative of how, similar to the case Palestine, territorial concessions can become the means through which contested states seek to satisfy their respective parent states to potentially secure recognition.<sup>86</sup>

The lingering possibility of territorial concessions in exchange for recognition is an interesting recent development in Kosovo's struggle to gain international legitimacy through recognition. However, this possibility also needs to be understood as part of the wider context of Kosovo's engagement with Serbia in its path to securing recognized statehood, for territorial concessions are only one of several aspects of internal sovereignty that contested state may (need to) compromise in their struggle for recognition.

The Military Technical Agreement<sup>87</sup> signed between Serbia<sup>88</sup> and the NATO-led International Security Force (KFOR) on 9 June 1999 in Kumanovo sealed Serbia's loss of control over Kosovo (see Article 2, Par. 1 and 2, NATO 1999). A day after, on 10 June 1999, the "Kumanovo Agreement" entered into force following the approval of UNSC Resolution 1244, which foresaw Serbia's removal of its state administrative and security structures from Kosovo and their replacement by an international civilian mission<sup>89</sup> (see UNSC S/RES/1244 1999). At the outset, the Kosovo Albanians received the agreements mentioned above and international legal provisions with great enthusiasm; however, none of these documents guaranteed internationally-recognized independence for Kosovo.

While the above agreements brought an end to Serbia's right to rule over Kosovo, they also confirmed Serbia's post-WWII privilege of being a gatekeeper in preventing a part of its territory (in this case Kosovo) from gaining independence or membership in the club states without the

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<sup>86</sup> For the recently floating ideas about Kosovo's territorial alterations in exchange for recognition see Gray and Heath (2018).

<sup>87</sup> Also known as the "Kumaovo Agreement"

<sup>88</sup> This refers to the Governments of the Federal Republic of Yugoslavia and the Republic of Serbia

<sup>89</sup> As United Nations Mission in Kosovo (UNMIK)

former's consent. This is because UNSC Resolution 1244 underscored the decision of the Great Powers holding permanent seats in the Security Council that "a political process designed to determine Kosovo's future status"<sup>90</sup> had to be facilitated in the future by the international community (UNSC S/RES/1244 1999, 4).<sup>91</sup> The decisions and resolutions adopted by the society of states were to prove consequential for Kosovo Albanians' ambitions for an independent (consolidated and recognized) state in subsequent years, for they were soon to find out that their claims to self-determination and independent statehood if they were to be universally recognized, could not materialize without Serbia's consent. This requirement of parent state consent meant that the candidate entity (Kosovo) had to enter into a process of "negotiated statehood" with Serbia.

Additionally, no member of the society of states at the time, including the political supporters of Kosovo, such as the US, was ready to recognize Kosovo as an independent state without securing Serbia's consent in a negotiated settlement (see Perritt 2010; Ker-Lindsay 2009). In 2005, as the international administration in Kosovo was marking half a decade of rule over the territory, the Contact Group<sup>92</sup> issued its Guiding Principles, which set out the common position that Kosovo's status would be negotiated between the two contending parties.<sup>93</sup> The Principles affirmed that a "negotiated solution" for Kosovo's status "should be an international priority," and called on Serbia and Kosovo (particularly the latter) "to refrain from unilateral steps" (Contact Group 2005, n.p.).

### **Compromising the internal sovereignty of a "state in the making"**

The process of negotiating Kosovo's status began in November 2005, when the UN Secretary-General, Kofi Annan, named the former Finnish President, Martti Ahtisaari, as the Special Envoy to facilitate talks between Kosovo and Serbia (United Nations 2005). It was clear from the beginning of these negotiations that, judging from the parties' initial positions, an agreed settlement would be difficult to achieve. Serbia's position in the negotiations was that Kosovo

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<sup>90</sup> Rambouillet accords envisaged that the final settlement for Kosovo be achieved "[t]here years after the entry into force of [the] Agreement" (Rambouillet Accords 1999 see Ch. 8, Art. 1, Par. 3)

<sup>91</sup> The UNSC Resolution 1244 protected Serbia's sovereignty and territorial integrity in the eyes of international society of states. In no less than three instances the Resolution reaffirms the commitment of existing states to the "sovereignty and territorial integrity" of Serbia (see UNSC S/RES/1244 1999).

<sup>92</sup> The Contact Group was an informal gathering of major powers concerned with developments in the Balkans, which included the US, the UK, France, Germany, Italy, and Russia.

<sup>93</sup> The Guiding Principles were issued in response to the October 2005 report on the situation in Kosovo presented by the Special Envoy of the UN Secretary-General, Kai Eide, which, inter alia, concluded that the time had come to commence a process which would determine Kosovo's final status (UNSC S/RES/1244 2005).

could have “more than autonomy and less than independence” under Serbia,<sup>94</sup> while Kosovo’s position was that it would accept “nothing less than independence” from Serbia (Judah 2008; Perritt 2010).

The Kosovo Albanians were fixated on achieving independent statehood within the existing (administrative) borders of Kosovo, yet reflected very little on the kind of state that would emerge within those borders should independence be achieved and recognized in the process of “negotiating statehood” with Serbia. Their insistence continued, although Serbia was giving informal signals of its possible readiness to consent to Kosovo’s independent statehood in exchange for some parts of Kosovo’s territory (see US Office Pristina 2007b; Ker-Lindsay 2009). While the Kosovo Albanians maintained the goal of independent statehood under Kosovo’s original territorial configuration, it appears that they were open to negotiating everything else inside that territory. To cite Tim Judah’s observation from his accounts of the Ahtisaari mediated negotiations process: “the [Kosovo] Albanians were willing to give the Serbs almost anything, so long as they agreed to independence” (Judah 2008, 111).

The Ahtisaari-mediated negotiation process focused predominantly on Kosovo’s internal arrangements, and how such arrangements could satisfy Serbia and thus achieve its consent to the emergence of an independent Kosovo. For example, all fifteen rounds of negotiations that were held during 2006 related to, at Serbia’s insistence, questions of internal governance, such as the decentralization of Kosovo’s authority over its territory and population, minority - and in particular Serb - participation in governance, and the creation of new territorial self-governing units and protective zones (Weller 2008b; see also UNOSEK 2020). As Marc Weller claims, [a]ll of these issues were, however, essentially internal to Kosovo. *Pristina accepted compromises in relation to them, in the expectation of independence in return [emphasis added]*” (Weller 2008b, 1240).

While it was becoming increasingly evident to the parties concerned that the negotiations would lead to a proposal for Kosovo to gain independence, it was also becoming clear that recognition of that independence would carry a price tag for Kosovo. For example, according to some of the reports from the US Office in Prishtina, cabled to Washington DC, Michale Schaefer, Political Director of Federal Foreign Office of Germany, had delivered “a difficult message” to

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<sup>94</sup> Serbia’s view was that Kosovo could be granted extensive autonomy on many issues, so long as Serbia retained powers on: “foreign policy, control of borders, monetary policy, customs policy, special customs inspections and control, [...] the protection of Serbian religious and cultural heritage” (US Embassy Belgrade 2006).

Serbian officials in Belgrade in early 2006 suggesting that Kosovo would be getting independence out of the negotiations process (US Office Pristina 2006a, n.p.). Remarkably, however, in Schaefer's view,

the Serbs needed to be perceived as getting something for Kosovo's independence. Although the Serbs would not accept independence de jure, *they would accept it de facto if they obtained compromises on roughly 8 of the 10 issues of concern to them* [emphasis added] (US Office Pristina 2006a, n.p.).

At the same time, the German official had been “equally tough” with the Kosovo Albanians, telling them that they needed to “earn independence” through some “gracious compromises” with the Serbs (US Office Pristina 2006a, n.p.). In response to this notion of “gracious compromise,” one of the key members of the Kosovo negotiating team, then opposition leader Hashim Thaci, told Schaefer that “the Kosovars were prepared to consider limited sovereignty” so long as independence is secured (US Office Pristina 2006a, n.p.).<sup>95</sup> Another cable emanating from the US Office in Prishtina at the time, suggests that American officials had been equally tough in persuading the Kosovo Albanians to be “generous” with making compromises. In a visit to Prishtina during the first half of 2006, the US Envoy for Kosovo status negotiations, Frank Wisner, delivered a message to Kosovo's President, Prime Minister, and the opposition leaders “individually and collectively” that they had to “perform better in Vienna in the new shuttle phase of discussions on decentralization” (US Office Pristina 2006b, n.p.). In offering assurances that the US Government was “committed to concluding the [negotiations] process this year [that is, in 2006],” which would deliver independence to Kosovo, Wisner called for the Kosovo leaders to show “enhanced flexibility and generosity in the talks” on matters concerning Kosovo's internal arrangements that would satisfy the Serbs (US Office Pristina 2006b, n.p.).

The issues related to Kosovo's internal arrangements, such as decentralization of authority, territorial carve-ups of new Serb majority self-governing units, and territorial protective zones for Serb religious heritage, may seem relatively unimportant – or even positive developments - at first sight. For instance, one could argue that achieving devolution of power from the center to self-governing units inside the state, or providing some form of territorial autonomy to minority communities, can facilitate conflict resolution (see Weller and Metzger 2008; Weller and Nobbs

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<sup>95</sup> It is also interesting to note how the Germans tried to convince Kosovo Albanians to accept compromises on internal sovereignty by using “the argument that Germany had limited sovereignty in the early post-war period and was [not] a full member of the UN for 25 years” (US Office Pristina 2006a, n.p.).

2012) or even improve the public functions of the state (see R. Reiter et al. 2010; Holtmann and Rademacher 2016). However, in the context of negotiations between Kosovo and Serbia, demands for compromises on the aspects mentioned above proved contentious, as some feared could lead Kosovo into a state of dysfunctionality. According to Deputy UN Envoy for the status talks, Albert Rohan, while decentralization

might not seem significant to the outside world, it would have a profound effect on the people of Kosovo. [...] Realising that any deal on eventual independence would have to include some degree of autonomy for the Kosovo Serbs, considerable pressure was now brought to bear on the Kosovo Albanians. (in Ker-Lindsay 2009, 33).

Similarly, concerning proposals for decentralization, which aimed at giving “Kosovo Serbs a measure of self-government in the municipalities where they constituted a majority,” Henry Perritt from Chicago-Kent College of Law who followed these negotiations closely, writes that it “was also true, however, that too much decentralization would make Kosovo ungovernable” (2010, 145–46). According to Perritt, previous attempts to decentralize power in Kosovo had often led to self-governing municipalities not being responsive to the center in Prishtina, thus weakening the ability of the state to project its authority throughout its territory (Perritt 2010, 146).<sup>96</sup> Having observed the decentralization of power in Kosovo from the same vantage point, Chad Rogers, of the US National Democratic Institute (NDI) Office in Prishtina, argued that the

international community had gotten it backwards by emphasizing decentralization. [...] the international community should have insisted on effective centralization of authority first – only then, once an effective, democratic government was established in Pristina, it might be possible to devolve power to municipalities (in Perritt 2010, 146).

Aware of the problems that over-decentralization created for Bosnia’s functionality, even Ahtisaari himself resisted proposing a solution that would decentralize and fragmentize Kosovo to the level that had occurred in Bosnia (see Perritt 2010, 125).<sup>97</sup>

Besides, a set of politically organized communities in Kosovo, such as the “Self-Determination Movement,” who ran under the slogan of “No negotiations, Self-determination!” criticized the Kosovo negotiating team’s approach to offering “decentralization, as a price for

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<sup>96</sup> “The goal was a structure that would leave 80 to 90 percent of Kosovo’s Serbs with majority control over the governments of municipalities where they lived” (Perritt 2010, 146)

<sup>97</sup> Ahtisaari “believed that the solution imposed in Bosnia looked fine on paper but was impracticable to execute on the ground. Under the 1995 Dayton Accords, Bosnia enjoyed sovereignty, but was split into two ‘entities,’ one – Republika Srpska – dominated by Bosnian Serbs, and the other controlled by an uneasy alliance of Bosnian Muslims and Croats.” (Perritt 2010, 125).

independence” (Lëvizja Vetëvendosje 2009, n.p.). In particular, they argued that the proposals for Kosovo’s would not necessarily bring decision-making powers to the citizen (Lëvizja Vetëvendosje 2009). According to these groups, the negotiated proposal for decentralization had effectively enabled Serbia to extend its authority and power over the self-governing Serb units in Kosovo – which had secured extensive autonomy, and connections with Serbia in the Ahtisaari mediated negotiation – thereby leaving parts and pockets of Kosovo’s territory under Serbia’s direct authority (Lëvizja Vetëvendosje 2007).<sup>98</sup>

Even key members of the Kosovo negotiating team were aware that independence was coming at a high price. Kosovo’s Prime Minister at the time, Bajram Kosumi, interpreted Serbia’s demands for creating additional Serb majority self-government units in Kosovo as an attempt to “partition [Kosovo] under the guise of decentralization” (Ker-Lindsay 2009, 30; see also Perritt 2010, 148). The US Office in Prishtina cables suggest that the Kosovo negotiators found Belgrade’s demands during negotiations as “strange,” believing that such demands would

leave 54 percent of Kosovo's territory (including most resource-rich areas) under Kosovo Serb control, and create ‘ethnic corridors’ to Serbia in much the same way late Serbian Prime Minister Djindjic had proposed three years ago. [Kosovo negotiators] alleged that Serbian President Kost[u]nica is aiming to create a Serb ‘entity’ in Kosovo using ethnically-based decentralization and broad [...] territorial carve outs as tools (US Office Pristina 2006b, n.p.)<sup>99</sup>

At the end of the negotiation process, Martti Ahtisaari forwarded a proposal which he believed would balance the position of both sides; on the one hand, providing independent statehood for Kosovo, while, on the other hand, incorporating much of Serbia’s demands on Kosovo’s internal reorganization as part of the independence package. In his March 2007 letter to the UN Secretary-General, Ahtisaari remarked that the “[s]ettlement proposal, upon which [...] independence will be based, builds upon the *positions of the parties* in the negotiating process and *offers compromises on many issues* to achieve a durable solution [emphasis added] (UNSC S/2007/168 2007, 5). The “compromises on many issues” included those to be borne by Kosovo, which included crucial

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<sup>98</sup> This critique was extended by the fact that during the negotiations process Serbia demanded close to four-fold increase in Serb self-governing units in Kosovo: from four, what they had been during the time of negotiations, to fourteen as part of a possible agreement (Perritt 2010).

<sup>99</sup> Perritt also presumes that Serbia was aiming to create a *de facto* Serb entity, “or a substrate within Kosovo akin to Republika Srpska in Bosnia, although the Serb delegation wanted to go beyond that model,” so that they create an entity in Kosovo that would take orders from Belgrade and not from Prishtina (Perritt 2010, 147). He further notes that Serbia was focused on territorial acquisition, and spoke about acreages that Kosovo Serbs would “own” (Perritt 2010, 147).



aspects of the emerging state's internal sovereignty, such as the decentralization of its power and authority,<sup>100</sup> its acceptance of internal territorial units and zonings,<sup>101</sup> as well as specific provisions restricting Kosovo's authority in some areas.<sup>102</sup> Another key element of internal sovereignty that Serbia has asked Kosovo to curb was the demilitarization of the letter (see US Embassy Belgrade 2006; Ker-Lindsay 2009). In response, Ahtisaari in his proposal restricted Kosovo's ability to have an army except for a force which would be "lightly armed;" "possess no heavy weapons;" with "no more than 2,500 active members and 800 reserve members" (Annex 8, Article 5, Ahtisaari Plan 2007).

Despite satisfying many of Serbia's initial demands on how to rearrange Kosovo's internal governance, Serbia did not accept the Ahtisaari proposal. For their part, the Kosovo Albanians accepted it as a "painful compromise," yet also viewed the proposal as "a limitation on full independence" (Ker-Lindsay 2009, 60; see also US UN Representation New York 2007). Their acceptance of elements which compromised Kosovo's empirical sovereignty, cannot be understood outside the context of their struggle for internationally recognized independent statehood. It had become clear to the Kosovo Albanian leadership that neither the US nor key EU member states – who were heavily invested in the process of "negotiated statehood" for Kosovo - would accept Kosovo's independence and recognition outside the framework of Ahtisaari's negotiated proposal (see Woehrel and Kim 2006).

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<sup>100</sup> The Ahtisaari proposal provided that "Kosovo shall be composed of municipalities, which shall enjoy *a high degree of local self-government* [emphasis added]" (Annex 1, Article 8, Par. 8.1, Ahtisaari Plan 2007). At the same time, the proposal went on to provide asymmetric competences to self-governing units inhabited by Serbs, obliging Kosovo to provide "enhanced municipal competences" to those units (Annex 3, Article 4, Ahtisaari Plan 2007). In addition to a wide list of "enhanced competences," the Ahtisaari proposal opened the way for the Serb self-governing units to cooperate with, have certain links to, and receive funding from the Serbian Government (Annex 3, Article 10 & 11, Ahtisaari Plan 2007).

<sup>101</sup> Responding to Serbia's demands to create additional Serb majority self-governing units, the Ahtisaari proposal included provisions that provided detailed plans and maps of the delineation of their boundaries (Annex 3, Article 12, Ahtisaari Plan 2007). Additionally, the Ahtisaari Proposal restricted Kosovo's authority to penetrate its entire territory, providing that Kosovo authorities could access the Serb Orthodox sites in Kosovo, "only with the consent from the [former]." The Serb Orthodox church in Kosovo, unlike other religious organizations, also gained immunities and privileges with regards to customs duties and taxes (Annex 5, Article 1, Par. 1.5.1 Ahtisaari Plan 2007).

<sup>102</sup> The Ahtisaari proposal included provisions which would prohibit any future Constitutional provisions without two-thirds double majority rule, meaning that for Constitutional changes two-thirds of the entire Parliament and two-thirds of the non-majority communities altogether would have to agree (Annex 1, Article 10, Ahtisaari Plan 2007). Furthermore, the proposal made Kosovo's statehood conditional to incorporating all the Ahtisaari provisions into Kosovo's Constitution (Article 15, Par. 15.1(c), Ahtisaari Plan 2007).

The acceptance by Kosovo Albanians of the limitations on their internal sovereignty did win them plaudits among some crucial western players, including the US (see US Office Pristina 2006b; Ker-Lindsay 2009, 36). Kosovo's President at the time, Fatmir Sejdiu, while decrying the limitations on Kosovar empirical statehood, insisted that any declaration of independence had to "be done [...] in close coordination with the U.S. and EU." (US Office Pristina 2007b)<sup>103</sup> Discussing the reasons why he had supported the Ahtisaari proposal, Kosovo's current President, Hashim Thaci, reasoned that

the Ahtisaari Plan was a painful compromise, which we accepted in exchange for the possibility that Russia does not use its veto in the Security Council. In fact, Russia vetoed the [Ahtisaari] Plan but the [compromise] Plan we accepted remained. We do not regret it, but in reality, we feel deceived (ABC News Albania 2019)

While the acceptance of the Ahtisaari proposal led some states to recognize Kosovo, including major powers in the West, such as the US, the UK, France, and Germany, among others, Serbia's refusal to accept the same proposal limited the degree to which the society of states at large welcomed this new candidate member. Without Serbia's consent, many states, including two UN Security Council veto players such as Russia and China, and five EU member states<sup>104</sup> refused to recognize Kosovo's independence (Weller 2008b; Judah 2008). Thus, by refusing to give consent to Kosovo's independence, Serbia continued to maintain its gatekeeping power by not only preventing Kosovo from entering the club of states<sup>105</sup> but also putting into question Kosovo's strategic goal of entering the EU.<sup>106</sup> Nevertheless, the Ahtisaari proposal was eventually incorporated, in its entirety, in Kosovo's new Constitution immediately after its declaration of independence in February 2008.

### **Trading established internal sovereignty for recognition**

After having declared its independence in 2008, Kosovo expected that in light of the "gracious compromises" it had made by accepting the Ahtisaari proposal, enough pressure would be

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<sup>103</sup> Some other political actors in Kosovo, including those in the opposition, went so far as to "thank Kosovo's friends for helping bring Kosovo into the family of the international community" and interpreted the painful compromise" as being "in Kosovo's best interests" (US Office Pristina 2007a).

<sup>104</sup> Cyprus, Greece, Romania, Slovakia, and Spain

<sup>105</sup> Russia's and China's consent (or non-refusal) in the UN Security Council is needed for an entity to enter the club of states

<sup>106</sup> The consent of all EU members states is needed for a state to cross through crucial milestones on its way to becoming a full member of the EU.

mounted on Serbia by key players in the West to bring about full recognition of Kosovo. However, contrary to these expectations, Serbia continued to prevent Kosovo's right to independent statehood with its ensuing diplomatic actions in the ICJ and the UN.<sup>107</sup> While it is beyond the purposes of this Chapter to discuss the particularities of Serbia's diplomatic efforts to limit recognition of Kosovo's statehood, it suffices to say that in September 2010, the UN General Assembly passed a resolution welcoming the "readiness of the European Union to facilitate a process of [yet another] dialogue between the parties; [...] to promote cooperation, achieve progress on the path to the European Union and improve the lives of the people" (UNGA A/RES/64/298 2010, 2). As such, Kosovo and Serbia were set to continue negotiating, now under the aegis of the EU.

In March 2011, the Kosovo Assembly passed a resolution approving the initiation of new negotiations with Serbia, stating that the talks would take place between "two independent and sovereign states, Kosovo and Serbia [on] practical [...] and technical issues without touching at any moment the Kosovo sovereignty, subjectivity, territorial integrity and internal constitutional arrangements of Kosovo [emphasis added]" (Kosovo Assembly No. 04-R-001 2011). In other words, key elements of the Ahtisaari proposal, which had been fully embedded as part of Kosovo's Constitution, became Kosovo's starting negotiation position.<sup>108</sup> Furthermore, in outlining the reasons and objectives for Kosovo's involvement in yet another negotiation process with Serbia, the Government of Kosovo stated that it remained convinced that at the end of the process, Kosovo would "be a dignified member of the family of peace-loving nations in the world" (Government of Kosovo 2011, 4). The Government's negotiating platform also emphasized that one key objective of the process was to assure "the world community of Kosovo's independence and sovereignty," which would "lead to an increase in the number of recognitions and Kosovo's eventual accession to the UN and other international organizations," as well as – ultimately – "recognition of Kosovo's independence by Serbia" (Government of Kosovo 2011, 8).<sup>109</sup>

The EU-facilitated negotiation process began with ambiguous aims, shrouded in such terms as a "dialogue to improve the lives of the people," "technical dialogue," and "dialogue on

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<sup>107</sup> See the September 2008 draft resolution submitted by Serbia in the UN General Assembly to ask the ICJ for an opinion on the accordence of Kosovo's declaration of independence with international law (UNGA A/63/L.2 2008)

<sup>108</sup> This is also explicitly stated in Kosovo's negotiations platform (see Government of Kosovo 2011, 6).

<sup>109</sup> The latter point is emphasized in many ensuing documents issued by the Government of Kosovo, such as its February 2012 report to the EU which asks Serbia to "recognize Kosova's subjectivity in this field" (Government of Kosovo 2012, 12).

normalization of relations.”<sup>110</sup> In essence, however, the new process was not very different from the previous Ahtisaari-mediated process of “negotiated statehood.” Certainly, resolving Kosovo’s status was not a stated aim; yet, as the process unfolded after March 2011, it became evident that the talks were aimed primarily at bringing Serbia to terms, either implicitly or explicitly, with Kosovo’s *de facto* independence so that EU membership prospects could remain tangible for both parties. But bringing Serbia to terms with offering some form of recognition of Kosovo’s independence meant that some of Serbia’s additional demands related to Kosovo’s domestic arrangement needed to be satisfied – something that would go beyond the “painful compromise” of the Ahtisaari proposal already embedded in Kosovo’s Constitution.

The EU facilitated process resulted in more than twenty initialed agreements between the parties. Here I will briefly discuss only a few of them to illustrate the costs which Kosovo incurred through this on-going process of “negotiated statehood.” The first example is the landmark First Agreement of Principles Governing the Normalization of Relations between Kosovo and Serbia (hereinafter the Brussels Agreement), which was signed in April 2013. As with the Ahtisaari mediated process, most of the key elements of the Brussels Agreement related directly to some form of further rearrangement of Kosovo’s empirical statehood (see EU 2013).<sup>111</sup> The agreement principally dealt with the creation of the Association of the Serb Majority Municipalities (ASMM), which was envisaged as a Serb “entity” in Kosovo with “[l]egal guarantees provided by [...] constitutional law” (Par. 2, EU 2013). The Brussels Agreement further stipulated that the ASMM shall have a “President, Vice President, Assembly, Council” (Par. 3, EU 2013). Accordingly, the ASMM would “have a representative role to the central authorities” (Par. 6, EU 2013).

While the Kosovo Parliament eventually ratified the Brussels Agreement into law (see Kosovo Assembly No. 04/L-199 2013), fierce opposition grew in Kosovo against it. Many political actors feared that the ASMM would effectively establish an autonomous mono-ethnic “entity” tantamount to the Republika Srpska in Bosnia, giving further leverage to Serbia on Kosovo’s domestic politics (see Marmullaku 2016; Koha.net 2017). The political instability which ensued in Kosovo due to the Brussels Agreement provisions on the ASMM led Kosovo’s President,

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<sup>110</sup> For analyses on EU’s ambiguous approach in these negotiations see Elmeled (2016); Gashi et.al. (2017); Troncotă (2018)

<sup>111</sup> A single point of the agreement, which would, to some extent, take Kosovo’s side demands into account was that “neither side will block, or encourage other to block, the other side’s progress in their respective EU paths” (see Par. 14, EU 2013).

Atifete Jahjaga, to refer the matter of the ASMM<sup>112</sup> to Kosovo’s Constitutional Court, to determine the compatibility of the provisions with Kosovo’s Constitution (see Constitutional Court of Kosovo 2015). One of the Amicus Curiae,<sup>113</sup> Kushtrim Istrefi, who Kosovo’s Constitutional Court had engaged in interpreting provisions of the agreement on ASMM, stated that the terms which refer to the ASMM as a “legal entity” of “distinct character” could imply “recognition of a distinct unit of self-government empowered to exercise public functions” (Constitutional Court of Kosovo 2015, 8). Interestingly, Istrefi also remarked that the provisions for creating the ASMM provide the latter with a special status which “resembles a form of confederation where territorial units cooperate on a horizontal level” (Constitutional Court of Kosovo 2015, 8).

Kosovo’s Constitutional Court eventually ruled that some of the agreed-upon provisions for the creation of ASMM were not in accordance with the Constitution (Constitutional Court of Kosovo 2015). While the Government of Kosovo maintained that the ASMM’s status could not be one of a separate “entity” with the executive powers which Serbia was demanding, the Government of Serbia insisted that the ASMM should have a special status (see Government of Serbia 2015). Nevertheless, despite the Kosovo Constitutional Court decision that the ASMM would challenge the provisions of the Constitution, some in Kosovo’s Government appear to have been ready to give in to the creation of the ASMM in exchange for recognition. For example, Kosovo’s Deputy Prime Minister at the time, and former Foreign Minister, Enver Hoxhaj, reacted to the agreement on ASMM, saying:

[g]iven that [ASMM] aims at advancing the Serb position in Kosovo, I think that its establishment, *de facto*, must happen in parallel with Kosovo’s membership in the UN, that is when Kosovo attains its full international recognition from the *juridical* perspective [emphasis mine] (Konushevci 2018).

Hoxhaj’s suggestion that Kosovo should make the creation of the ASMM conditional on receiving recognition resonates with the earlier quotations at the beginning of this section, where Kosovo’s President, Hashim Thaci, refers to the “compromises necessary” for “both sides” to recognize each other. To date, neither the creation of the ASMM nor territorial concessions have been made; however, neither did recognition from Serbia occur. It appears from the above discussion,

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<sup>112</sup> For ASMM’s General Principles / Main Elements, see EU (2015)

<sup>113</sup> *Amicus Curiae* in such cases refers to impartial advisors to a court of law

however, that concessions on these additional and crucial aspects of empirical statehood continue to loom large, so long as the prospects of recognition from Serbia exist.

Before concluding, two crucial remarks are worth highlighting from the above discussion. First, the analysis reveals that the struggle for recognition through the process of “negotiated statehood” began before any empirical statehood was present in both Palestine and Kosovo. While achieving independent statehood over a defined territory that either was imagined (in the case of Palestinians) or readily assumed (in the case of Kosovo) was a clear-cut ideal they wanted to achieve. Neither of them, however, had a precise idea of the shape or form of the internal sovereignty they wanted to attain. Even if there was any prior conception of internal sovereignty these entities wanted to achieve, we must be aware that an ideal form of centralized state authority over a fixed territory as is often descriptively imagined has and can never be achieved (C. Weber 1995). Nevertheless, implicit in the tensions created in the process of “negotiated statehood” remains that both the Palestinians and the Kosovo Albanians aimed at achieving stronger forms of empirical statehood than what came to materialize as a result of their struggle for recognition. The shape of the empirical sovereignty that Palestine or Kosovo would have had, had they gained universal recognition without having to go through the process of “negotiated statehood,” of course, remains unknown. However, I have attempted to show that the initial “taming” of their self-determination claims and the ensuing limitations in empirical sovereignty that they have attained were a product of rigid demands put on by their parent states that were inked in documents which were widely accepted also by the international society of states.

Second, drawing from the premise that sovereignty is neither fixed in time or space and, therefore, can change (Agnew 2005), one could assume that the limited form of internal sovereignty that Palestine and Kosovo have achieved may not be permanent. In other words, the strains put on the ability for Palestine and Kosovo to assert a more centralized form of sovereignty over their territory could be reversed. While in theory this can certainly be possible, empirically one can at least speculate that the form of empirical statehood that is achieved through the process of “negotiated statehood” may be more permanent than expected. In the case of Palestine I have attempted to show that the permanency of the shape of the Palestinian state is coded in the agreements reached with the parent state. In the case of Kosovo, it would be difficult to see a reversal on any terms of the Ahtisaari Plan, or the following agreements reached in the process of “negotiated statehood.” This is for several reasons. The process of “negotiated statehood” has been

mediated and supported by the wider international community, which at times implicitly and at other times explicitly conditioned their recognition on Kosovo's readiness to accept the limitations put forth during this process. Unless the wider international community, or those Great Powers that have supported such a process agree on terms of reversal, it is difficult to see how Kosovo can unilaterally reverse the limitation on its empirical statehood. Moreover, fear looms among Kosovo's political elite, that any reversal of the rights granted to the Serb minority, which eventually became the rights of Serbia over Kosovo, can invigorate secessionist demands by the northern Kosovo Serbs, putting this more strains on its territorial claims. Therefore, it appears that the empirical statehood reached during the process of "negotiated statehood" and coded in widely accepted documents, seems not only to be permanent, but also maximum a contested state can reach in terms of its empirical statehood.

## **Conclusion**

Universal recognitions bring many benefits to the state, an essential one being the "life insurance" that it provides no matter how strong or weak internally states are. However, contested states face a paradox. When searching to achieve and reap the benefits of international recognition, they curb their claims to self-determination and whatever level of empirical statehood they have managed to establish. For contested states, therefore, the search for international recognition has a price. Through my analysis of the recognition-seeking practices of two contested states, Palestine and Kosovo, I have argued that these entities limit their internal sovereignty in their plight to increase their international legitimacy and in their goals to achieve universal recognition ultimately. In both these cases of contested states, the persistent quest for recognition, and their general aspiration to assume a place as an equal member in the post-WWII club of states, initially appears to be understandable. After all, as Jackson once acknowledged, "[m]embership has its privileges" (1990, 196).

Since 1945, membership in the society of states has been offered to many entities at no cost, so long as these entities have met the criteria for an *a priori* right to self-determination and independent statehood – i.e., that they are colonial entities and peoples, or entities born out of the dissolution of existing states. But as entities with no *a priori* right to statehood, when seeking recognition and membership in the club of states, contested states navigate through a constrained

international environment which sets conditions for recognition. The post-WWII international order provides existing (parent) states with unprecedented gatekeeping privileges to prevent an entity emerging from their territory and securing universal recognition. As a result, contested states must secure consent from their parent state for their independence to be widely and legally acknowledged. Seeking consent from the parent state, however, involves a process of what I have called “negotiated statehood.” This process suggests that contested states must meet the conditions imposed, *not only* by the society of states but primarily by the parent state.

As my analysis of Palestine’s and Kosovo’s process of “negotiated statehood” has shown, in the hopes of gaining recognition from the parent state, contested states often conceded to onerous demands and conditions, such as relinquishing territory, decentralizing their power and authority, approving the creation of autonomous units within their territory, as well as maintaining some degree of dependence on the parent state. I have demonstrated that by submitting to many of the demands pressed by their respective parent states in the process of “negotiated statehood,” both Palestine and Kosovo did gain widespread sympathy and recognition of their claims to self-determination and independent statehood. Neither of them, however, has yet managed to secure the needed consent to emerge as legitimate sovereign states. By enjoying the unprecedented gatekeeping privileges provided by the post-1945 international legal and normative, parent states seem to have little motivation to lift the barricade for contested states to enter the “family of states.”

The implications of my analysis are two-pronged – at least insofar as contested states in the post-WWII period are concerned. First, the analysis challenges claims stemming from the *declaratory* theory of state recognition, which posit that recognition is about acknowledging the existing *fact* of a state (Manning 1972; James 1986; 1999). The practice of contested state recognition has not been about acknowledging the *fact* of an existing contested state. Instead, my findings suggest that the practice of contested state recognition has been about not only constituting an existing entity as a state but also about changing the empirical *fact* of a contested state. I have shown how the empirical attributes of statehood change, and often weaken when contested states engage in the process of “negotiated statehood” with their respective parent states in a struggle for recognition.

Second, and more broadly, my analysis calls for a reassessment of how the principle of self-determination is conceived and operationalized in contemporary international society. In navigating the post-WWII international environment through the process of “negotiated



statehood,” contested states who seek recognition have transformed the notion of a struggle for self-determination into a struggle for *joint*-determination. In short, the contested state and the parent state are implicated in a collective and contentious process of “negotiated statehood” – a process which suggests that contested states’ claims to self-determination are a matter of negotiation with the parent state, shaping the determination of the outcome into a *joint* enterprise between the two parties.

The Chapter necessarily raises a normative question: *what ought to be done about contested states’ quest for recognition?* This question takes us back to Sokol Ferizi’s poem, and the idea of decoupling independence from recognition. *Should Palestine and Kosovo have ceased their quest for recognition once they declared independence? And what would they have lost or gained in doing so?* While it is beyond the aim of this Chapter to engage with these questions, it appears, at least here, that there is not a single answer. It could be argued that extensive concessions made by the Palestinians before establishing any form of empirical statehood helped them to establish at least some form of authority over some territory, as weak, such authority, and as minimal such territory may have been. Nonetheless, it is difficult to say whether the Palestinians were aware of the price tag that would come as a result of the process of “negotiated statehood.” In the case of Kosovo, one may argue that, after having declared its independence and established some form of empirical statehood (as weak as Ahtisaari may have envisaged it), Kosovo’s continued engagement in the process of “negotiated statehood” to gain recognition remains debatable.

Finally, this Chapter could be said to be limited, at least in one important respect, which is that it has provided an account of contested states’ paradox between international recognitions and internal sovereignty, without including into the analysis contested states which have not engaged in recognition-seeking practices. While this is a legitimate concern, I suggest that including contested states which have not actively sought recognition is unnecessary for my account of the paradox. This is because by not engaging in recognition-seeking practices, it can be inferred that such contested states did not have to go through the cumbersome process of negotiating empirical statehood with their parent states; or that contested states did not have to turn their self-determination into *joint*-determination. Perhaps, one important question that invites further investigation is: *why is it that some contested states actively seek recognition while others do not?*



# Conclusion

Contested states continue to be part of contemporary international society alongside universally recognized sovereign states. While sharing the same international system, these two types of actors do not enjoy equal rights, and as such, their behavior, life-course, and even “lifestyles” remain dissimilar in many respects. In the post-1945 international order, the sovereign state enjoys the *a priori* right to be a member of the “family of nations.” At the same time, the contested state is *a priori* denied membership in this same family. As such, the current international system works in favor of maintaining the livelihood of its legally recognized members, no matter how weak or dysfunctional they may be as states. However, at the same time, the same system works against the livelihood of contested states, no matter how strong or functional they are as *de facto* independent entities. Despite this paradox, contested states continue to emerge, and many of them have continued to remain with us for well over four decades.

Contested states’ emergence and persistence has not been without controversy, however. These entities have challenged the post-1945 society of states’ long-held consensus: once admitted as a member into the “family of nations,” an entity’s territory and borders become sacred. The territories of recognized sovereign states have been protected not only from external invasion but also from internal fragmentation. Thus, it could be said that when they emerge, usually from within the territories of existing states, contested states challenge the existing consensus by opening a “wound” in existing states’ territories. Moreover, when they continue to persist, they additionally “rub salt into the open wounds” of these existing states.

With three standalone substantive chapters, this thesis has investigated some of the key aspects of contested states’ relationship with the existing society of states. More specifically, in Chapter 1, I have attempted to make sense of the existence of these entities alongside other actors in the international system. In Chapter 2, I have examined the conditions under which contested

states survive, while in Chapter 3, I have critically analyzed the implications of these entities' struggle to attain a universally recognized status in the post-1945 international legal and normative order. These chapters, singly and collectively, make a series of empirical and methodological contributions, with several theoretical implications not only for the study of contested states but also for the general discipline of IR.

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How do we conceptualize the contested state; how do we theoretically understand its distinct interaction with the international system; and what socio-political subjects in the world does the concept empirically encompass? These questions have been the principal concern of **Chapter 1**, where I have offered a concept which aids not only in establishing and understanding the existence of these entities more clearly as a separate analytical category in world politics. It also aids in understanding these entities' distinct behavior when compared to other actors populating the same international system. By employing a formal ontological approach in concept building, I have argued that the contested state's separate existence, as well as its distinct behavior from other phenomena, can be best understood by concentrating on its core internal structure, which is composed of four necessary dimensions: (i) the state; (ii) non-UN membership; (iii) contestation by another state; and (iv) independence claim. Viewed as inseparable, these dimensions constitute the essential nature of the contested state as *a non-UN member state over which another state lays claims*.

My attempt to conceptualize the contested state has not been the first. However, the approach adopted in Chapter 1 has not aimed at simply providing yet another definition, but also – more fundamentally – at specifying the theoretical and empirical implications for future analyses of the phenomenon. To summarize some of these implications, my ontological approach employed in this Chapter has shown and illustrated how by removing one of its constitutive dimensions or changing the proposed structure of the concept, another entity emerges. Another entity that emerged is not only different from the contested state but also can be expected to *behave* differently. Thus, the proposed concept sets the contested state apart from the sovereign state, the rebel group, the autonomous region within a sovereign state, and from other actors, in part by

specifying how the entity is likely to behave differently in the international system from these other actors.

Another implication that derived from my ontological approach is that, while it has presented a categorically distinct phenomenon, it has also called for a non-essentialized view of the contested state within the conceptual boundaries of the category of actors to which it belongs. We cannot define the contested state as an entity that simply lacks international recognition, or that is inherently strong or capable of maintaining control over its territory and population, such as Nagorno-Karabakh or Transnistria. Some contested states, in fact, have widespread recognition, such as Kosovo and Palestine, but what sets them apart from other actors is their formal exclusion from the post-1945 society of states. These entities can also be inherently weak in the empirical dimensions of statehood, such as Palestine and Western Sahara, but at least they do enjoy *some* degree of empirical statehood and internal sovereignty – as weak as they may be. Contested states, within the conceptual boundaries offered in this chapter, are heterogeneous in their form, and much as the heterogeneity of the state itself has been discussed in sociological, political science, international law, and international relations debates, so too can the heterogeneity of the contested state be a subject of academic inquiry.

Finally, the formal approach to conceptualizing the contested state has allowed me to take the additional and unprecedented step of applying the concept of the contested state to the empirical world. I have introduced an explicit and transparent procedure to do so. Chapter 1 applied my proposed concept to more than ninety empirical categories as potential candidates for inclusion in the population of contested states. This process suggested that only thirty of them fulfill the constitutive criteria of the concept of contested state. Of the thirty contested states that have emerged at some point after WWII in different parts of the world, more than half have already perished, while fourteen continue to stubbornly maintain their *de facto* independent existence. Overall, the discussion, implications, and the empirical application offered in this chapter can hopefully sharpen and expand future debates on the empirical manifestation of the contested state in world politics, by also including the understudied historical cases of the phenomenon that are no longer with us.

In **Chapter 2**, I investigated the conditions under which contested states survive in the post-WWII international system. The persistence of these entities in the contemporary period has often been viewed by researchers as puzzling, for it was suggested that these entities have little

chances to survive under the established normative and legal environment which protects existing states' borders. Here I presented a generalized explanation for why some contested states survive and by applying a comparative configurational analysis of the universe of cases that emerged in the post-1945 international order. The analysis was based on an original time-series dataset, compiled explicitly for this study, which offers original measures of the five hypothesized conditions for contested state survival at three levels of analysis – state, proximate environment, and system. The methodological choice of conducting a configurational analysis through fsQCA was based on the assumption that conditions that support the survival of contested states are expected to have differentiated joint effects in maintaining these entities alive.

Indeed, my analysis has revealed that surviving contested states live in a diverse set of contexts. More specifically, the study found three different pathways through which contested states can survive. The first is the *Grotian pathway* to survival, which has highlighted the role that a supportive social environment provided by the society of states can play in keeping some contested states alive, (even) in situations when they do not engage in extensive state-making efforts. The second is the *Hobbesian pathway*, which has highlighted the joint effect of conditions at system-and-proximate environment-levels have in sustaining some contested states. While there must be some sustained helping hand coming either from neighbors or Great Powers, or both, those contested states which survive tend to live in a troubled neighborhood where their parent states are deeply unstable and preoccupied with other internal or external conflicts. The third and most prevalent route to survival is the *Bodinian pathway*, which has emphasized the presence of, among other factors, sustained state-making efforts under the general condition of peace.

Several implications have emerged from these findings for how we should understand the livelihood of contested states in the post-1945 international order. First, receiving outside support, while important, is not a necessary condition for contested state survival. Still, what happens outside the territorial confines of contested states remains crucial for their survival. Conditions such as receiving sustained external support (from Great Powers or neighbors), sustaining high levels of international legitimacy, or having a troubled neighborhood in which parent states consistently remain unstable, either singly or jointly characterize the three pathways to contested state survival. These findings suggest that while the consensus on territorial and non-interference in internal matters of existing sovereign states continues to be widely accepted by the society of states, the implementation of this principle remains patchy at best, particularly concerning

situations featuring contested states. It is interesting that when existing states breach these principles, what unfolds is an outlet that the surviving contested states use to “socialize” with some members of the society of states. Such a pattern featured in the three pathways to survival, which my analysis has provided. External actors in the international system (be those closer to home among neighbors, or those occupying “high places” as Great Powers) play a supportive social role, by providing direct external support or international legitimation to these entities. The existing sovereign members of the “family of nations,” thus create an outlet for contested states to interact with other actors in international society and, perhaps, even justify their existence.

Second, conditions in contested states’ external environment, while important, do not sufficiently capture the entire picture of the survival of these entities. Contested states’ agency, namely the sustained efforts that the leaders of these entities put into state-making, must be taken into account. While sustained state-making efforts are a necessary component of only one of the three pathways to survival (*Bodinian pathway*), this does not diminish the importance of this condition. This is because the explanation provided by the *Bodinian pathway* captures almost half of the surviving cases of contested states. Another striking element that the *Bodinian pathway* to survival reveals is that almost half of surviving contested states seem to sustain and thrive under a general condition of peace with their parent states in calmer neighborhoods. After their initial wars of independence with their respective parent states, contested states’ ensuing persistence, regardless of how anomalous it is considered, has brought some level of peace and stability to their regions. Remarkably, the persistence of roughly half of contested states, while arguably a symbol of a breakdown in the society of states’ consensus on territorial integrity, seems to have achieved one of the core aims of the UN Charter: peace and stability.

More broadly, the features of the *Bodinian pathway* to survival seem to put the core prerogatives and aims of the post-1945 international order at odds with one another. On the one hand, reintegrating these contested states under the authority of their parent states would serve the consensus on protecting the territorial integrity of existing (parent) states. But doing so seems unlikely without war, thus upsetting peace and stability – the very aims of the Charter of the United Nations. The contradiction which the *Bodinian pathway* uncovers, highlights the following question I raised in the conclusion of my second Chapter: *could the stability that some contested states generate serve as a basis for normative judgments about which contested states deserve “unconditional” international recognition, and which do not?* This question is warranted in light

of what actions the current international order seems to prescribe for contested states when they engage in recognition-seeking practices under the existing rules – the central focus of the discussion in Chapter 3.

The main claim that **Chapter 3** has advanced is that when searching to achieve universal international recognition, contested states curb their claims to self-determination and often sacrifice core elements of the empirical statehood they have managed to establish. For contested states, the search for international recognition has a price. The quest for recognition, and the general aspiration to assume a place as equal members of the post-1945 “family of nations,” initially appears to be understandable. After all, there is virtually unanimity among authors writing on state recognition that universal recognition and membership in the post-1945 society of states has many benefits. A crucial one is that membership in the post-1945 society of states can buy entities a “life insurance.” However, through my analysis of the recognition-seeking practices of two contested states, Palestine and Kosovo, I have argued that these entities have limited their internal sovereignty in their plight to increase their international legitimacy and in their goals to ultimately achieve universal recognition.

I supported these claims by analyzing recognition-seeking practices of my case studies through the notion of “negotiated statehood,” which describes the constraining international environment within which contested states navigate in their struggle for recognition. The post-WWII international order provides existing (parent) states with unprecedented gatekeeping privileges to prevent an entity emerging from their territory and securing universal recognition. As a result, contested states must secure consent from their parent state for their independence to be widely and legally acknowledged. Yet securing that consent often requires contested states to negotiate some crucial elements of their empirical statehood to satisfy their parent states’ demands. The discussion in Chapter 3 has shown that in the hopes of gaining recognition from their respective parent states, Palestine and Kosovo conceded to onerous demands imposed by their parent states. Some of these concessions have included relinquishing territory, decentralizing their power and authority, approving the creation of autonomous units within their territory, as well as maintaining some degree of dependence on the parent state. By enjoying the unprecedented gatekeeping privileges provided by the current international legal and normative order, parent states seem to have little motivation to lift the barricade for contested states to enter the “family of nations.”



The implications of the discussion from Chapter 3 could be said to be two-pronged. First, the analysis has challenged claims stemming from the *declaratory* theory of state recognition, which posits that recognition is about acknowledging the existing fact of a state. The practice of contested state recognition, however, has not focused solely on the facts or the objective measures of empirical statehood. Instead, my findings have suggested that the practice of contested state recognition has been about not only constituting an existing entity as a state but also changing the empirical facts of a contested state. Second, and more broadly, in navigating the post-WWII international environment through the process of “negotiated statehood,” contested states that seek recognition have transformed the notion of a struggle for self-determination into a struggle for *joint*-determination. Through the contentious process of “negotiated statehood,” the future construction and the empirical character of the contested state becomes part of a joint enterprise between the contested state and its parent state.

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There have been some limitations to the analysis in this thesis. The first relates to its time-bound treatment of contested states. I approached the contested state strictly as a post-1945 phenomenon, while it has already been suggested that similar entities have existed before 1945 (see Fabry 2010; Pegg 1998). More might have been learned about these entities if I would have expanded the analysis further back in history. However, while acknowledging the existence of *similar* entities before 1945, they lived in a substantially different international order which would have made their conceptualization, and the analysis of survival and their struggle for recognition, difficult to include in my study. For instance, unlike the post-1945 society of states, earlier periods lacked the universally inclusive institutions, such as the UN, which more clearly identifies who is and who is not a member of the society of states. The League of Nations itself did not include some powerful members of the society of states, such as the US, while Russia and Germany only briefly occupied their spots throughout the League’s existence.

Besides, ideas and norms concerning who has a right to independent statehood were fundamentally different in the pre-and-post 1945 periods, thereby making the analysis of the recognition seeking practices of entities in these two periods less feasible. In fact, the majority of contested states in contemporary international society would have most likely been recognized

members of the society of states in earlier periods. This is because they would have fulfilled one of the basic criteria demanded for statehood at the time – possession of empirical statehood. What was a criterion for statehood before 1945, was dropped after 1945. Nonetheless, this concern should open the way to future systematic conceptual and empirical studies of contested states in the international orders preceding our current one.

The second concern that can be raised relates to my analysis of the survival of contested states in Chapter 2. One may object to the way that I treated my outcome of analysis dichotomously, i.e., either a contested state survives or dies, without attention to the nuances that can exist between these two “extreme” states of being. However, within the conceptual “constraints” of viewing the contested state as a heterogeneous actor, it is difficult to operationalize any states of being other than “alive” or “dead.” Can we say that a weak or ailing contested state is closer to death, while those that are stronger and healthier are further away from death? My answer is no, and the empirical reality of contested states supports my answer. A weak contested state is not necessarily closer to death, much like being a strong contested state is not a guarantee for survival. There are very weak contested states such as Palestine and Western Sahara, which have survived for over two and three decades, respectively. At the same time, we have had empirically strong contested states, such as Hyderabad or Biafra, which could not survive for longer than one and four years, respectively. As for the degrees of contested states’ empirical statehood, another question can be asked, following my conceptual remarks in Chapter 1, which is *why some contested states are empirically weaker or stronger than others?*

Another concern can be legitimately directed at the generalizability of my claims in Chapter 3, where I have suggested that to gain international legitimacy, contested states curb their internal sovereignty. For example, one could employ the successes of Bangladesh and Eritrea in attaining fully recognized sovereign statehood and membership in the post-1945 society of states, without necessarily having to curb key aspects of their internal sovereignty. Bangladesh can be said to be an outlier case, insofar as it exhibited a set of features that are not witnessed in relation to other contested states. This first is the territorial discontinuity that existed between the entity and its parent state, Pakistan; more than a thousand miles separated the two, with India sitting in between. Second, Bangladesh was the only subjugated region of a state whose population constituted the majority of the parent state of Pakistan. However, despite these factors, and Bangladesh’s success in attaining a high degree of recognition in the immediate aftermath of its

*de facto* independence, its membership in the UN occurred only after Pakistan decided to recognize its breakaway region. Eritrea presents a different and easier case to answer. Its universal recognition was ensured after aiding a revolutionary movement in its parent Ethiopia to come to power, which in return had promised Eritreans independence. As to the question of could other existing cases of contested states such as Abkhazia, Nagorno-Karabakh, Northern Cyprus, among others, restrain their claims to self-determination and empirical statehood if they were to actively seek recognition? Based on some premises I have outlined in Chapter 3, my answer would be yes. These claims and observations can invite further research into this particular aspect of contested state, but they also lead to another question, which is: *why is it that some contested states actively seek recognition while others not?*

To conclude, by employing multifaced approaches in the three standalone chapters, this thesis has shed some new light into the ways we can perceive the contested state and its behavior in the international system. Moreover, the empirical evidence and analysis in this thesis have shown how contested states navigate in an international environment which is constituted by the heterogeneity of contexts. With a critical analysis, I have also discussed the much-overlooked implications and tensions of these entities' struggle for self-determination and international recognition. Many of the insights generated by this thesis have been based on a comparative analysis of the universe of cases of contested states. Thus far, this has not been part of the orthodoxy of the existing literature on contested states where much of the knowledge has been generated by small-N case-and-area studies. The novel and unparalleled empirical material that I have gathered can, furthermore, invite researchers of this sub-discipline to continue making systematic comparative analyses of other less featured cases in the literature of contested states. As I have attempted to show, much can be learned from those contested states that are not with us anymore. Paying more attention to these overlooked entities can provide additional answers to questions regarding sovereignty, self-determination, recognition, and the relationship between territory, authority, and legitimacy in the contemporary period of post-1945 international order.



# Appendix A

## Chapter One

**Reconsidering the Contested State in the post-1945**

**International Relations:**

*An Ontological Approach*

## Appendix A.1 Summary of the verbatim definitions of contested state under analysis

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### Scott Pegg (1998) – “De facto State”

“A *de facto* state exists where there is an organized political leadership which has risen to power through some degree of indigenous capability; receives popular support; and has achieved sufficient capacity to provide governmental services to a given population in a specific territorial area, over which effective control is maintained for a significant period of time. The *de facto* state views itself as capable of entering into relations with other states and it seeks full constitutional independence and widespread international recognition as a sovereign state. It is, however, unable to achieve any degree of substantive recognition and therefore remains illegitimate in the eyes of international society” (Pegg 1998, 26)

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### Adrian Florea (2014) – “De facto states”

“Conceptually, *de facto* states are separatist entities that exercise a monopoly over the use of violence in a given territory but lack universal recognition. However, the organizational ecology of rebellion includes an array of actors (for example, guerrillas, terrorists, militias, warlords) that operate violence monopolies. Hence, it is necessary to clearly situate the *de facto* state in the larger universe of rebels that run monopolies of force. With that in mind, I define the *de facto* state as a polity that:

- belongs to (or is administered by) a recognized country, but is not a colonial possession
- seeks some degree of separation from that country and has declared independence (or has demonstrated aspirations for independence, for example, through a referendum or a “sovereignty declaration”)
- exerts military control over a territory or portions of territory inhabited by a permanent population
- is not sanctioned by the government
- performs at least basic governance functions (provision of social and political order)
- lacks international legal sovereignty,<sup>4</sup> and
- exists for at least 24 months.” (Florea 2014, 791–92).

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Caspersen (2012) – “**Unrecognized states**”

“An unrecognized state has achieved de facto independence, covering at least two-thirds of the territory to which it lays claim and including its main city and key regions

- Its leadership is seeking to build further state institutions and demonstrate its own legitimacy
- The entity has declared formal independence or demonstrated clear aspirations for independence, for example through an independence referendum, adoption of a separate currency or similar act that clearly signals separate statehood
- The entity has not gained international recognition or has, at the most, been recognized by its patron state and a few other states of no great importance
- It has existed for at least two years [emphasis in original]” (Caspersen 2012, 11).

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Geldenhuyts (2009) – “**contested states**”

Deon Geldenhuyts (2009) has more systematically engaged in conceptualizing these entities, which he refers to as *contested states*. He begins with the general agreements that exist on the notion of ‘state’, and starts with the 1933 Montevideo criteria of what constitutes a state or statehood, that is, they must have: (1) a permanent population, (2) a control over a territory, (3) a government, (4) capacity to enter in international relations, but he adds that they typically also “desire to enter into the standard array of relations (diplomatic, economic, cultural, and military) with fully fledged states” (Geldenhuyts 2009, 24). In moving further to conceptualize contested states, Geldenhuyts also identifies their varying degrees of recognition, which he categorizes in “titular recognition”, “partial recognition”, “paltry recognition”, “patron recognition”, “peer recognition”, and “zero recognition” to characterize their different international character (Geldenhuyts 2009, 25–26).

“To qualify for the designation ‘contested state’ – and hence inclusion in this study – the entity concerned must have been existing as a purportedly independent state for at least three years, desiring to be treated as a peer by confirmed states” (Geldenhuyts 2009, 4).

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Martin Riegl (2013) – “**Internationally Unrecognized States**”

Internationally unrecognized states are “entities seeking to gain sovereign-state status but lacking significant international recognition. Such entities must at the same time demonstrate a certain level of internal effectiveness (usually heterogeneous in time and space), which would enable them to control population and territory within the framework of jurisdiction they claim” (2013, 12)

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Dov Lynch (2004) – “**Separatist state**”

He uses Pegg’s definition and emphasized this “The de facto state claims both to be sovereign over its territory and people, and to be constitutionally independent of any other state” (Lynch 2004, 16)

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Paul Kingston (2004) – “**States-within-states**”

“This volume will continue the tradition in the social sciences of using Weberian criteria as an essential template for judging degrees of “stateness.” However, it will also recognize, as stressed by Migdal, that these criteria set a standard in much of the developing world that is rarely reached by many states, let alone by states-within-states. Hence, while some earlier studies of de facto states tended to adopt strict definitional criteria—excluding entities characterized by informal, predatory, and/or de-territorialized activities—our list of criteria in this volume is much more open-ended in recognition of the diverse manifestations of political authority and of its possible transformation over time. In short, our interest is more with “incipient” rather than full-blown political entities.”(Kingston 2004, 4)

“...the Weberian tradition of state theorizing, especially in its ideal-type form, has been widely applied as a benchmark for studies of state formation in the developing world” (Kingston 2004, 4).

He also engages constructively with Migdal’s issues between “image” and “practice” saying that “...our list of criteria in this volume is much more open-ended in recognition of the diverse manifestations of political authority and of its possible transformation over time” (Kingston 2004, 4)



**Appendix A.2 The list of present cases of contested states**

	<b>Contested States</b>	<b>Pegg'igg'</b>	<b>Florea</b>	<b>Caspersen</b>	<b>Geldenhuys</b>	<b>Riegl</b>	<b>Lynch</b>	<b>Kingston</b>	<b>Consistency (%)</b>
1	Somaliland	1*	1*	1*	1*	1*	1	1*	100
2	Abkhazia	1	1*	1*	1*	1*	1*		86
3	Northern Cyprus (TRNC)	1*	1*	1*	1*	1*	1		86
4	Taiwan (ROC)	1	1*	1*	1*	1*	1		86
5	Transnistria	1	1*	1*	1*	1*	1*		86
6	Chechnya	1	1*	1*	1*	1*	1		71
7	Eritrea	1*	1*	1*	1*	1*	1		71
8	Kosovo	1	1*	1*	1*	1*			71
9	Kurdistan	1	1*	1*	1*	1*		1*	71
10	Nagorno-Karabakh		1*	1*	1*	1*	1*		71
11	South Ossetia		1*	1*	1*	1*	1*		71
12	Biafra	1	1*		1	1*			57
13	Republika Srpska	1	1*	1*		1*			57
14	Republika Srpska - Krajina	1	1*	1*		1*			57
15	Tamil Eelam	1*	1*	1*		1*			57
16	Bougainville		1*	1*		1*			43
17	East Timor		1*	1*	1	1*			43
18	Gagauzia		1*	1*		1*			43
19	Karen State	1	1*			1*			43
20	Katanga		1*		1	1*			43
21	Palestine		1*	1*	1*	1*			43
22	Rhodesia	1	1*	1	1	1*			43
23	Western Sahara		1*	1*	1*	1*			43
24	Anjouan		1*		1*	1*		1*	29
25	Bangladesh				1	1*			29
26	Bophuthatswana			1	1	1*			29
27	Cabinda Republic		1*			1*			29
28	Cambodia (Kampuchea)	1				1*			29
29	Ciskei			1		1*			29

	<b>Contested States</b>	<b>Pegg<sup>i</sup></b>	<b>Florea</b>	<b>Caspersen</b>	<b>Geldenhuys</b>	<b>Riegl</b>	<b>Lynch</b>	<b>Kingston</b>	<b>Consistency (%)</b>
30	Kachin State		1*			1*			29
31	Mindanao Mulsim parts	1	1*						29
32	South Sudan	1	1*						29
33	Transkei			1	1	1*			29
34	Venda			1	1	1*			29
35	Aceh		1*						14
36	Ajaria		1*						14
37	Algeria					1*			14
38	Cambodia (Kampuchea - Vietnam)					1*			14
39	Casamance								14
40	China (PRC)					1*			14
41	Croat Republic of Herceg-Bosnia		1*			1*			14
42	East Mongolian Republic					1*			14
43	East Turkestan					1*			14
44	Eastern Slavonia		1*						14
45	Western Germany								14
46	FARClandia (FARC)					1*		1*	14
47	Gaza		1*						14
48	Eastern Germany					1*			14
49	Guinea-Bissau					1*			14
50	Hyderabad					1*			14
51	Indonesia					1*			14
52	Islamic Emirates of Afghanistan					1*			14
53	South Kasai					1*			14
54	North Korea					1*			14
55	South Korea					1*			14
56	Laos					1*			14
57	Lebanese cantons							1*	14
58	Lebanon					1*			14
59	Liberia			1					14
60	Lithuania					1*			14
61	Macedonia					1*			14
62	Moheli					1*			14

	<b>Contested States</b>	<b>Peggi</b>	<b>Florea</b>	<b>Caspersen</b>	<b>Geldenhuys</b>	<b>Riegl</b>	<b>Lynch</b>	<b>Kingston</b>	<b>Consistency (%)</b>
63	Moldova					1*			14
64	Montenegro			1*					14
65	Puntland		1*						14
66	Rhodesia Zimbabwe					1*			14
67	Rwenzururu Kiingdom		1*						14
68	Savimbiland (UNITA)						1		14
69	Shan State	1							14
70	Sierra Leone						1*		14
71	Sikkim					1*			14
72	Slovenia					1*			14
73	Sudan (SPLA)							1*	14
74	Sudan South Blue Nile							1*	14
75	Suvadives Republic					1*			14
76	Tanna (Tafea)					1*			14
77	Taylorland (S. Leone & Liberia)							1	14
78	Tibet					1*			14
79	North Vietnam					1*			14
80	South Vietnam					1*			14
81	Western Bosnia					1*			14
	<b>Total</b>	<b>21</b>	<b>34</b>	<b>19</b>	<b>19</b>	<b>67</b>	<b>10</b>	<b>9</b>	

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i j\* - refers to cases that are either explicitly listed or explicitly mentioned by authors as a case of contested state. 1 - refers to cases that are implicitly mentioned by authors as possible cases of contested state

**Appendix A.3 The list of empirical cases in the post-1945 international order not fulfilling the criteria of contested states**

	Empirical cases	The state			Non-UN member	Contested by another state	Independence	
		Territory	Population	Government			Capacity for external relations	Explicit
1	Ajaria	x	✓	x	x	✓	x	x
2	Asam	✓	✓	x	x	✓	✓	x
3	Azawad	✓	✓	x	x	✓	✓	x
4	Iranian Azerbaijan	✓	✓	✓	✓	✓	x	x
5	Cabinda	x	✓	x	x	✓	✓	x
6	Casamance	✓	✓	x	x	✓	✓	x
7	Crimea	✓	✓	x	x	✓	x	x
8	Dagestan	✓	✓	x	x	✓	x	x
9	East Timor	x	✓	x	x	✓	✓	x
10	Gagauzia	✓	✓	x	✓	✓	x	x
11	Garoland	x	✓	x	x	✓	x	x
12	Gaza	✓	✓	✓	✓	✓	x	x
13	Karen State	✓	✓	✓	x	✓	x	x
14	Karenni State	✓	✓	x	x	✓	x	x
15	Kokang	x	✓	x	x	✓	x	X
16	Kurdistan – Iraq (KRG)	✓	✓	✓	✓	✓	x	x
17	Kurdistan (Royava)	✓	✓	✓	✓	✓	x	x
18	Mindanao	x	✓	x	x	✓	✓	✓
19	Moheli	x	✓	x	x	✓	✓	x
20	Mon State	✓	✓	x	x	✓	x	x
21	Nagaland	x	✓	✓	x	✓	✓	x
22	Novorossiya	x	x	x	x	✓	x	x
23	Ogaden	✓	✓	x	x	✓	✓	x
24	Palaung	x	✓	x	x	✓	x	x
25	Puntland	✓	✓	✓	✓	✓	x	x
26	Sabah	x	✓	x	x	✓	x	x
27	Shan State	x	✓	x	x	✓	x	x
28	West Papua	✓	✓	x	x	✓	✓	✓
29	East Germany *	✓	✓	✓	✓	✓	x	x
30	West Germany *	✓	✓	✓	✓	✓	x	x
31	North Korea *	✓	✓	✓	✓	✓	x	x
32	South Korea *	✓	✓	✓	✓	✓	x	x

Empirical cases	The state			Capacity for external relations	Non-UN member	Contested by another state	Independence	
	Territory	Population	Government				Explicit	implicit
33 North Vietnam *	√	√	√	√	√	√	x	x
34 South Vietnam *	√	√	√	√	√	√	x	x
35 People's Republic of China *	√	√	√	√	√	√	x	x
36 Armenia †	0	0	0	0	√	0	√	√
37 Azerbaijan †	0	0	0	0	√	0	√	√
38 Estonia †	0	0	0	0	√	0	√	√
39 Belarus †	0	0	0	0	√	0	√	√
40 Georgia †	0	0	0	0	√	0	√	√
41 Kazakhstan †	0	0	0	0	√	0	√	√
42 Kyrgyzstan †	0	0	0	0	√	0	√	√
43 Latvia †	0	0	0	0	√	0	√	√
44 Lithuania †	0	0	0	0	√	0	√	√
45 Moldova †	0	0	0	0	√	0	√	√
46 Tajikistan †	0	0	0	0	√	0	√	√
47 Turkmenistan †	0	0	0	0	√	0	√	√
48 Ukraine †	0	0	0	0	√	0	√	√
49 Uzbekistan †	0	0	0	0	√	0	√	√
50 Slovenia †	0	0	0	0	√	0	√	√
51 Croatia †	0	0	0	0	√	0	√	√
52 Bosnia-Herzegovina †	0	0	0	0	√	0	√	√
53 Macedonia †	0	0	0	0	√	0	√	√
54 Montenegro †	0	0	0	0	√	0	√	√
55 Serbia †	0	0	0	0	√	0	√	√
56 East Turkestan – Uighurs †	√	√	√	√	√	√	x	x
57 Eastern Mongolia – Manchuria †	√	√	√	√	√	√	x	x
58 Tibet †	√	√	√	√	√	√	x	x
59 Anjouan II §	√	√	0	0	√	√	√	x
60 Kachin State §	√	√	√	√	√	√	0	x
61 Western Bosnia §	√	√	0	0	√	√	√	√

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\* Typical category for "divided nations", but not a contested state. With "divided nations" in the post-1945 order, there is neither implicit nor explicit independence claim from an existing State. They usually emerged out of military occupation or involvement by the victors of the WWII.

† An entity emerging from an already disintegrating State, i.e.: from the Soviet Union or Yugoslavia. They are listed here for a brief period in the beginning of the 1990s when it could be suspected that they may have fulfilled the criteria of a contested state. Identifying the indicators of the State, such as their territorial control, or government, or capacity to enter into relations with other states is difficult, because the disintegration process seemed to have blurred the authority over these polities until they finally achieved an independent status in the UN.

‡ Entities that emerged prior or during the WWII, whose existence leaped into post-1945 for a brief period. I do not consider cases which did not emerge after the WWII.

§ Cases for which there is not enough evidence to judge their status.





# Appendix B

## Chapter Two

### **The *Grotian*, *Hobbesian*, and *Bodinian* Pathways to Survival: *Contested States in the post-1945 International Order***

## **Appendix B.1 Description of explanatory conditions and their calibration into sets**

For each explanatory condition used in the analysis, this section first describes and explains the raw measurements of the conditions and the aggregation procedure, followed by the steps and decisions taken to calibrate them into condition sets.

### *B.1.1 Sustained external support (ES)*

#### *B.1.1.1 Aggregation of the raw measurement for external support (extsupport)*

There is no generally agreed-upon way on how to model the measurement for external support to contested states. Nevertheless, ample ideas in doing so can be utilized from the literature, which focuses on external support to non-state actors. The first specification that can be made is the type of actors providing external support. With one recent exception (see Sawyer, Cunningham, and Reed 2017), the overwhelming majority of authors analyzing external support to separatists, rebels, and insurgencies focus on state actors as suppliers of external support (Saideman 2001; Salehyan 2007; 2008; Schultz 2010; Coggins 2011; Carter 2012; Florea 2017). External support by non-state actors has not found much place in measurement models of external support.

Second, Salehyan (2007; 2008), and Coggins (2011), among others, already have provided substantial arguments in making a distinction among types of state actors providing external support. Salehyan (2008) suggests that the provision of safe havens by neighboring states to weak rebels fighting much stronger central governments has a strong impact on rebels' survival. Sometimes, when neighboring states are weak and unable to fully control their territories often open a favorable gap for rebels to seek shelter in neighboring states, where they reorganize and resupply to fight back their central governments (Salehyan 2008). When "rebels can transit neighboring states (either through the connivance of an allied government or because of its weakness), it becomes far harder to defeat them" (Byman et al. 2001, 86). Additionally, in their categorization of external support to rebels, Byman et al. (2001) put the provision of safe havens among the *critical* forms of external support together with the provision of direct military aid through troops or financial resources. This is because providing rebels with access to territory enables them to secure other forms of support. Many examples abound. Saideman (2001) considers the provision of safe havens to Katanga by the Federation of Rhodesia and Nyasaland (British Central Africa) as important as the Belgians' support to the Katangese. One form of support that the Federation of Rhodesia and Nyasaland provided to Katanga, which Belgium as a non-

neighboring state could not, is the ability for Katanga to move mercenaries through the Federation's territory back to Katanga. Also, "[s]mugglers ran arms and supplies across the border, including the fighter aircraft that attacked UN troops during the first two rounds of UN action. Katangan minerals were transported across Rhodesia for sale elsewhere, providing Tshombe with the hard currency necessary for the purchase of more arms, equipment, and mercenaries" (Saideman 2001, 46).

In addition to neighboring states, the provision of support by Great Powers has been central to Coggin's (2011) argument of why some secessionist movements not only survive but also manage to, in the end, get the international legitimation of their statehood. Great Power support to contested states matters because such actors occupy the "high places" in world politics, such as in UN Security Council (UNSC), IGOs, and other fora where decisions about and matters of peace and war are discussed (Coggins 2011). Great Powers hold veto powers for matters of peace and conflict, especially in the UNSC. IGOs also create "empirically identifiable social networks that help to define the conditions under which acts of aggression or cooperation can be rational strategies of action in international relations. It is our core contention that interstate military aggression is not simply a result of bargaining failure but is suppressed or encouraged by the relative positions states occupy in the larger network of IGOs, which promote common beliefs and alter the distribution of social power" (Hafner-Burton and Montgomery 2006, 4). According to Coggins (2011), the historical evidence suggests that should Great Powers provide support to secessionist movements, they are more likely to survive than to die. Thus, my next specification that I make is that I focus on the provision of external support by neighboring states (in the form of access to a territory), and by Great Powers (any kind of support) as an effective means to secure the survival of contested states.

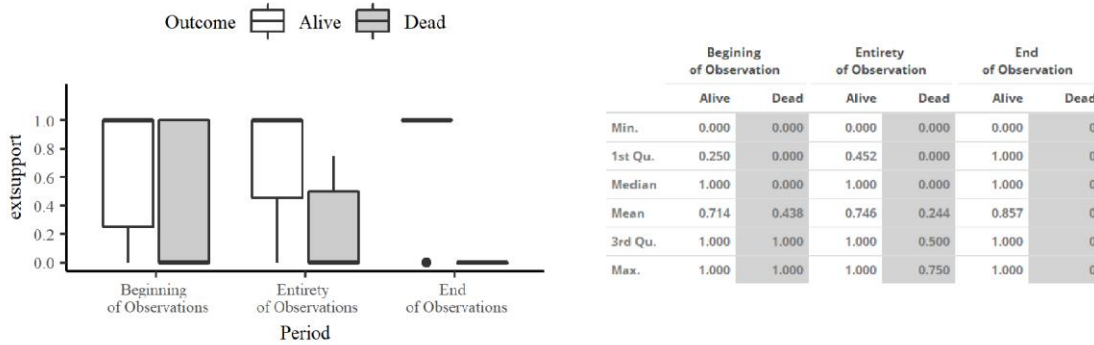
The third specification I make is with regards to the question that becomes evident: how to deal with different forms of external support and whether some forms of support, such as the provision of troops or weapons, should be weighed more than other forms of support, such as the provision of financial/economic support and other forms. Saideman (2001) weighs forms of external support based on *intensity* (between 0 - no external support at all, to 4 - highly intense forms of external support), as well as based on *breadth*, that is the number of countries providing external support. So do Byman et al. (2001) offer three categories of forms of external support based on whether they are *crucial*, *valuable*, or *minor* forms of external support. Yet, both give

indications that measuring the importance of different forms of external support is difficult. Byman et al. go on to critically suggest that “[m]easuring the impact of outside support is difficult, because its value is always relative”, and the impact of one or another form of support provided to rebels depends on the stage of conflict, what the rebels need and demand, as well as the impact that one form of support may have on another (2001, 104). For example, rebel groups that may possess enough weapons to fight the central government may be more in need of political support. Rebels that are at the initial stage of conflict may value troops and training more than they may value political support or weapons. Likewise, the provision of financial support may have an important impact on rebels, as they may divert these funds to obtain weapons by themselves, or it can be used for civilian needs and can make it unpredictable for central governments to judge the intensity of external support that rebels may be receiving (Sawyer, Cunningham, and Reed 2017). From this discussion, we can learn that receiving only one form of support may not necessarily have a lower impact on rebels’ success, as compared to those receiving more forms of external support. Receiving more forms of external support as opposed to only one form can be a reflection of the situation on the ground whereby rebels receiving fewer forms of external support may simply possess enough of, for example, material and logistical capabilities, weapons or troops, but may simply need just safe havens. Given the unsettled debate on the importance and impact of varying forms of external support on the livelihood of rebel groups and other non-state actors, I opt for the specification where each form of external support is weighed equally and measured equally regardless of the varying forms of support they may receive.

In sum, theoretical relevance of types of actors providing external support remains relevant, while there seems to be no strong theoretical argument for weighing external support differently. Therefore, my measurement of the external support score (*extsupport*) is based on the following criteria: only external support provided by neighboring states in the form of (i) *access to territory*, or any form of external support provided by Great Powers in the form of (i) *troops*, or (ii) *weapons*, or (iii) *access to territory*, or (iv) *economic/financial*, or (v) *other forms* are coded as 1, while the lack of any such provision is coded as 0. Note that such a dichotomous strategy is pursued by many authors measuring and analyzing external support to secessionist, rebel, and insurgent groups (see

Salehyan, Gleditsch, and Cunningham 2011; Salehyan 2007; Coggins 2011; and Sawyer, Cunningham, and Reed 2017). The (*extsupport*) is derived by the following expression:<sup>114</sup>

$$\text{extsupport} = \begin{cases} 1 & \text{if } \text{exaccessN}' = 1 \vee \text{extroopsGP}' = 1 \vee \text{exweaponsGP}' = 1 \vee \text{exaccessGP}' = 1 \vee \\ & \text{exfinanceGP}' = 1 \vee \text{exotherGP}' = 1 \\ 0 & \text{if } \text{exaccessN}' = 0 \wedge \text{extroopsGP}' = 0 \wedge \text{exweaponsGP}' = 0 \wedge \text{exaccessGP}' = 0 \wedge \\ & \text{exfinanceGP}' = 0 \wedge \text{exotherGP}' = 0 \end{cases}$$



### B.1.1.2 Calibration of (*extsupport*) into sustained external support over time set (ES)

#### Step 1: setting the cross-over point

Following the discussion on the raw measurement of external support, as well as the nature of the concept that the raw measurement of external support captures, the cross-over point is set to 0.5. This means that contested states with the raw measurement of external support above 0.5 for any point in their lifetime are more in than out of the set of having high external support, while those with the raw measurement below 0.5 are more out than in of the set of having high external support. The next step identifies if high external support sustained over time. Alternative cross-over points are also tested in the robustness section of this supplementary material.

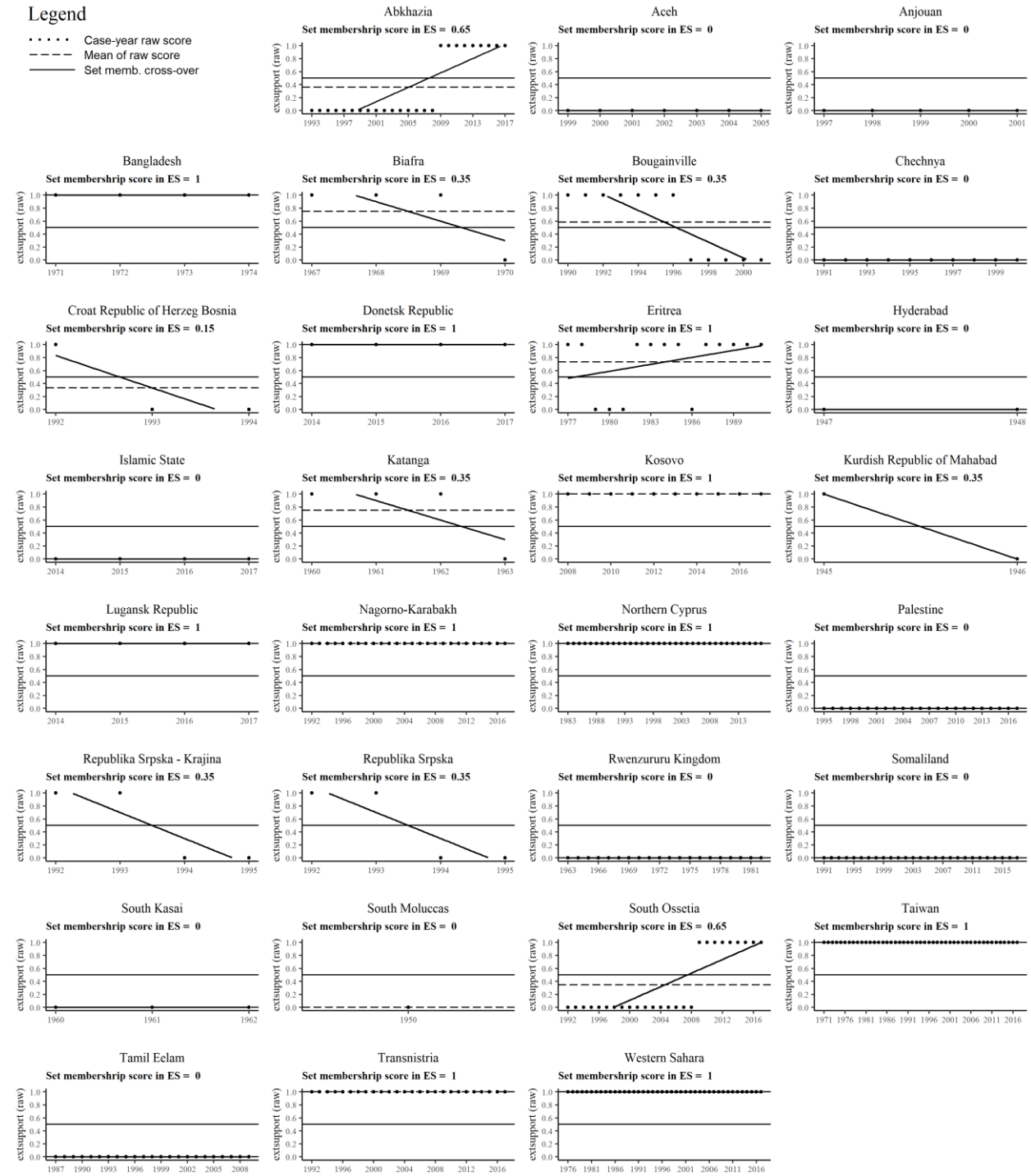
#### Step 2: setting the calibration thresholds for membership in the set ES

The calibration thresholds for membership in the set of sustained external support over time (ES) are set as follows:

<sup>114</sup> Note on the expression: (V) represents the logical operator OR; (Λ) represents the logical operator AND; and the prime symbol (') means that the original values of the indicators have been recorded to capture state sponsors only. This means that all 2 (state actors) and 3 (state and non-state actors) values are recoded as 1, and all 1 (non-state actors) values are recoded as 0, in order to capture state sponsors only

- 1.00** – *Fully in the set of sustained external support over time:* If the value of external support raw score at the beginning (+) and at the end (+) of the case's observation was above the qualitative cross-over point, and that, on average, the case has maintained the external support raw score above the cross-over point throughout its lifecycle (+).
- 0.85** – *Almost fully in the set of sustained external support over time:* If the value of external support raw score at the beginning of the case's observation was below (-), while at the end of the case's observation was above (+), the qualitative cross-over point. Additionally, the case has, on average, maintained the external support raw score above the cross-over point throughout its lifecycle (+).
- 0.75** – *Mostly in the set of sustained external support over time:* If the value of external support raw score at the beginning (+) and at the end (+) of the case's observation was above the qualitative cross-over point, but that, on average, the case has maintained the external support raw score below the cross-over point throughout its lifecycle (-).
- 0.65** – *More in than out of the set of sustained external support over time:* If the value of external support raw score at the beginning of the case's observation was below (-), while at the end of the case's observation was above (+), the qualitative cross-over point. Additionally, the case has, on average, maintained the external support raw score below the cross-over point throughout its lifecycle (-).
- 0.35** – *More out than in the set of sustained external support over time:* If the value of external support raw score at the beginning of the case's observation was above (+), while at the end of the case's observation was below (-), the qualitative cross-over point. Additionally, the case has, on average, maintained the external support raw score above the cross-over point throughout its lifecycle (+).
- 0.25** – *Mostly out of the set of sustained external support over time:* If the value of external support raw score at the beginning (-) and at the end (-) of the case's observation was below the qualitative cross-over point, but that, on average, the case has maintained the external support raw score above the cross-over point throughout its lifecycle (+).
- 0.15** – *Almost fully out of the set of sustained external support over time:* If the value of external support raw score at the beginning of the case's observation was above (+), while at the end of the case's observation was below (-), the qualitative cross-over point. Additionally, the case has, on average, maintained the external support raw score below the cross-over point throughout its lifecycle (-).
- 0.00** – *Fully out of the set of sustained external support over time:* If the value of external support raw score at the beginning (-) and at the end (-) of the case's observation was below the qualitative cross-over point, and that, on average, the case has maintained the external support raw score below the cross-over point throughout its lifecycle (-).

Alternative thresholds are also tested in the robustness section of this supplementary material. The two-step calibration procedure for each contested state's membership in ES is depicted below



## B.1.2 Sustained state-making efforts (STM)

### B.1.2.1 Aggregation of the raw measurement for state-making (*statemaking*)

The explanatory condition of state-making efforts aims to capture the degrees to which contested states have managed to develop state structures from the Weberian conception; meaning, their ability to build state institutions and achieve high degrees of monopoly of violence while managing to radiate their administrative and policy-making functions from centralized structures reaching outwardly to penetrate the territories they claim (see M. Weber 2004; Mann 1984). Michael Mann (1984) asserts that Weber's conception of the state includes the *institutional* element - the number and the kind of institutions that are in place, and the *functional* element - what states do with those institutions, such as implementing policy reaching out spans of territory while penetrating the society. In doing so, he specifies the definition of the state as: i) a *differentiated* set of institutions and personnel embodying; ii) *centrality* in the sense that political relations radiate outwards from a center to cover; iii) a *territorially-demarcated area*, over which it exercises; iv) a monopoly of *authoritative binding rule-making*, backed up by a monopoly of the means of physical violence (Mann 1984, 188). Mann's (1984) updated Weberian conception of the state opens the way to delineate two ways in which state strength and/or weakness can be conceived of. The first is through the state's *despotic power* - the ability of the state to remain autonomous from "civil-society" and take decisions without the need to negotiate with independent civil groups; the second, is the state's *infrastructural power* - the capacity of the state to penetrate the society and implement political and logistical decisions (Mann 1984). Thus, institutions, centrality, and territoriality remain key components of this conception

There are others who offer other ways to categorize and conceive of the dimensions of state strength and weakness. For example, adopting Theda Skocpol's (1985) notion of varieties of state capacities, Hanson and Sigman (2013) focus on three core dimensions of state power, which include: i) the state's *extractive capacity* - the state's ability to extract revenues; ii) the state's *coercive capacity* - the state's ability to assert its monopoly on use of violence over a demarcated territory; and iii) the state's *administrative capacity* - the ability of the state to implement policy and deliver goods and services. Desch (1996) speaks of the *scope*, which is the state's reach over territory and population to mobilize people or provide services to them, and the *cohesion*, which is the state's division or unity, namely the centrality of the state. Also, Grävingholt, Ziaja, and Kreibaum (2015)(2015) provide arguments for viewing state capacity from the perspective of three



dimensions, namely: i) state's *authority* - the ability to maintain the monopoly on violence and internal order; ii) *capacity* - the ability to provide public goods and services; and iii) *legitimacy* - the social acceptance of state's presence without the necessity to use violence. Despite divergences, central to many of the above assertions remains the state's institutions, centrality, and territoriality.

From this discussion, it becomes evident that an ideal way to measure state-making efforts is to include several indicators that would capture the presence of institutions in contested states; several other indicators that would capture the contested states' ability to assert the monopoly on the use of force; and several other indicators that would capture their administrative and policy implementing capacity. Given that data on contested state are limited and do not allow to fully capture the ideal measurement of state-making efforts, I utilize my original and existing data to attempt to capture three core components of state-making efforts: (i) the institution-building; (ii) the centrality; and (iii) the territoriality.

To capture the institutional dimension of the state I employ the (*dfsbuild*) indicator, which is an ordinal indicator with four values, between 1 (low state building efforts) to 4 (very high state building efforts).<sup>115</sup> To capture the dimension of centrality, I utilize (*factions\_4\_cat*) which, just like (*dfsbuild*), is an ordinal indicator with four values, between 1 (poor levels of centrality, meaning very high levels of factionalism) to 4 (high level of centrality, meaning very low levels of factionalism).<sup>116</sup> Factionalism is a legitimate indicator to capture the ability of contested state to assert monopoly of their rule and act autonomously from the "civil society", as it speaks of the level of rivalries that may exist in contested states challenging its claims. Both dimensions are given equal weights; thus, they both are ordinal indicators with four values each. To capture the dimension of territoriality, I employ (*areacontrols*), which is a continuous variable ranging between 0 and 1.<sup>117</sup> Values closer to 0 represent low territorial outreach of the contested state, while values closer to 1 represent high territorial outreach.

After identifying these indicators, one last question that remains to be addressed is what is the best theoretical relationship between the above indicators that would best capture state-making

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<sup>115</sup> Refer to the Codebook for more information on the description and the source of the indicator

<sup>116</sup> The (*factions\_4\_cat*) is a transformed (categorized) indicator of the original continuous indicator (*factions*). Refer to the Codebook for more information on the description, source, and the transformation rules of the original indicator, which are outlined in appropriate sections of the Codebook

<sup>117</sup> Refer to the Codebook for more information on the description and the source of the indicator

efforts. It should be noted that no agreement exists on whether these components of measuring state strength and/or weakness are to be viewed as analytically distinct. Mann (1984), Hanson and Sigman (2013), and Migdal (1988) see the dimensions of the state as analytically distinct, meaning that they could constitute separate components of the state which can also be measured separately. Others, like Hanson and Sigman (2013) hold the view that various dimensions of the state are analytically distinct, but that each dimension necessarily affects the other, giving room to include these dimensions in a single higher order conception of state-making efforts. Anderson (1987) conceives of the state as a cumulative variable of each of its dimensions, from “bureaucratic administration, military force, financial resources, territorial integrity, ideological legitimacy, and perhaps others” (1987, 14). In one recent analysis, Fortin-Rittberger (2014) found, for example, that despotic and infrastructural capacities of the state sometimes may be both, positively and negatively related, meaning that sometimes an increase in value of one dimension may increase the value of the other, while at other times this relationship can be inverse. From the perspective of my indicators, this would mean that there may be contested states that may have high institution building, but lack centrality or territorial outreach. In some other cases, contested states may enjoy high levels of each of these dimensions while others may enjoy low levels of each of these dimensions. Be as it may, the above discussion lead me to derive the (*statemaking*) by the following expression:<sup>118</sup>

$$\text{statemaking} = (\text{dfsbuild} + \text{factions\_4\_cat}) * \text{areacontrolcs}'$$

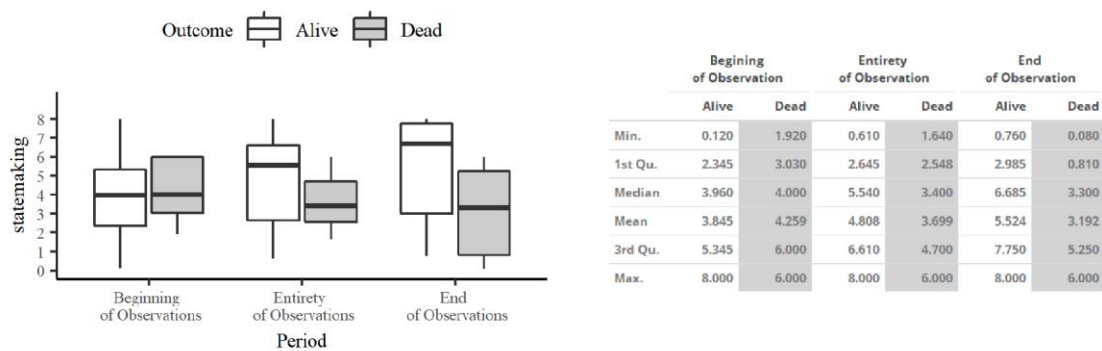
This aggregation captures the state-making efforts in a way that it includes the level of institution building that the contested states have developed, on the one hand, and the level of centrality they have managed to assert, on the other. Additionally, the above aggregations captures the contested states’ ability to extend these two dimensions over spans of territory, by multiplying the addition of institutionality and centrality with the percent of territory these entities control.

Note: while useful in capturing the institutional dimension of state-making efforts, (*dfsbuild*) falls short in capturing other core elements of state-making such as contested states’ *centrality* and *territorial* reach. Not including some indicators that can capture the *centrality* and

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<sup>118</sup> Note on the expression: the prime symbol (') in the (*areacontrolcs*) indicator means that any value above 1.00 (100 per cent of territorial control) has been recoded as 1.00. This is done because there are only a few case-years that stretch beyond 1.00, providing no useful analytical material for comparative purposes with other cases or case-years

*territoriality* as the literature on the state suggests, may lead to some anomalous ranking of contested states in their state-making efforts. For example, Palestine’s average (*dfsbuild*) score of 3 out of maximum 4, places it much closer to well developed entities such as Taiwan and Northern Cyprus, than the in-depth literature on Palestine’s stateness would suggest (Tschirgi 2004; Geldenhuys 2009; As’ad Ghanem 2017). Furthermore, the (*dfsbuild*) alone places contested states such as Somaliland and Transnistria, on average, far below Palestine and much lower than the bulk of literature suggests (Geldenhuys 2009; Blakkisrud and Kolstø 2011; Caspersen 2012; Pegg and Kolstø 2015).



### B.1.2.2 Calibration of (statemaking) into sustained state-making efforts over time set (STM)

#### Step 1: setting the cross-over point

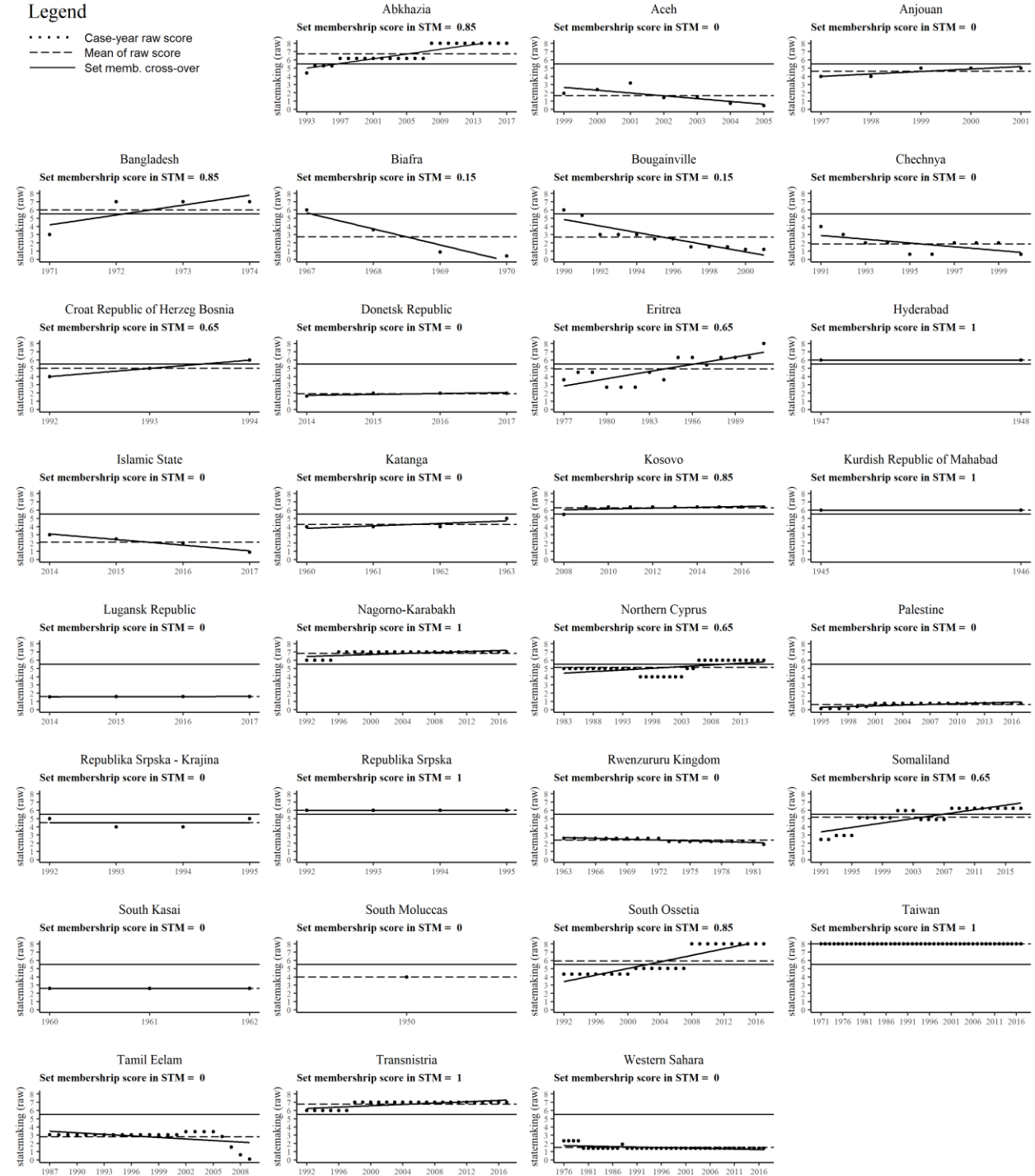
Following the discussion on the raw measurement of state-making, as well as the nature of the concept that the raw measurement of state-making captures, the cross-over point is set to 5.5. Accordingly, this means that a case belongs more in the set of having put high state-making efforts, if they maintain, altogether, higher levels of institutionalization and centralization, while at the same time reaching out considerable spans of territory. The set cross-over point, would allow the concept to capture, with some degrees of flexibility, cases when they may not have good institutionalized states, but maintain much higher centrality and territorial outreach. Overall, this conception allows for the contested state to slightly lag in one of the three dimensions of contested state, but compensate with their high levels on other dimensions. Alternative cross-over points are also tested in the robustness section of this supplementary material.

#### Step 2: setting the calibration thresholds for membership in the set STM

The calibration thresholds for membership in the set of *sustained state-making efforts over time* (*STM*) are set as follows:

- 1.00** – *Fully in the set of sustained state-making efforts over time*: If the value of state-making raw score at the beginning (+) and at the end (+) of the case's observation was above the qualitative cross-over point, and that, on average, the case has maintained the state-making raw score above the cross-over point throughout its lifecycle (+).
- 0.85** – *Almost fully in the set of sustained state-making efforts over time*: If the value of state-making raw score at the beginning of the case's observation was below (-), while at the end of the case's observation was above (+), the qualitative cross-over point. Additionally, the case has, on average, maintained the state-making raw score above the cross-over point throughout its lifecycle (+).
- 0.75** – *Mostly in the set of sustained state-making efforts over time*: If the value of state-making raw score at the beginning (+) and at the end (+) of the case's observation was above the qualitative cross-over point, but that, on average, the case has maintained the state-making raw score below the cross-over point throughout its lifecycle (-).
- 0.65** – *More in than out of the set of sustained state-making efforts over time*: If the value of state-making raw score at the beginning of the case's observation was below (-), while at the end of the case's observation was above (+), the qualitative cross-over point. Additionally, the case has, on average, maintained the state-making raw score below the cross-over point throughout its lifecycle (-).
- 0.35** – *More out than in the set of sustained state-making efforts over time*: If the value of state-making raw score at the beginning of the case's observation was above (+), while at the end of the case's observation was below (-), the qualitative cross-over point. Additionally, the case has, on average, maintained the state-making raw score above the cross-over point throughout its lifecycle (+).
- 0.25** – *Mostly out of the set of sustained state-making efforts over time*: If the value of state-making raw score at the beginning (-) and at the end (-) of the case's observation was below the qualitative cross-over point, but that, on average, the case has maintained the state-making raw score above the cross-over point throughout its lifecycle (+).
- 0.15** – *Almost fully out of the set of sustained state-making efforts over time*: If the value of state-making raw score at the beginning of the case's observation was above (+), while at the end of the case's observation was below (-), the qualitative cross-over point. Additionally, the case has, on average, maintained the state-making raw score below the cross-over point throughout its lifecycle (-).
- 0.00** – *Fully out of the set of sustained state-making efforts over time*: If the value of state-making raw score at the beginning (-) and at the end (-) of the case's observation was below the qualitative cross-over point, and that, on average, the case has maintained the state-making raw score below the cross-over point throughout its lifecycle (-).

Alternative thresholds are also tested in the robustness section of this supplementary material. The two-step calibration procedure for each contested state's membership in *STM* is depicted below



### *B.1.3 Sustained parent state instability (PIN)*

#### *B.1.3.1 Aggregation of the raw measurement for parent instability (parentinstabl)*

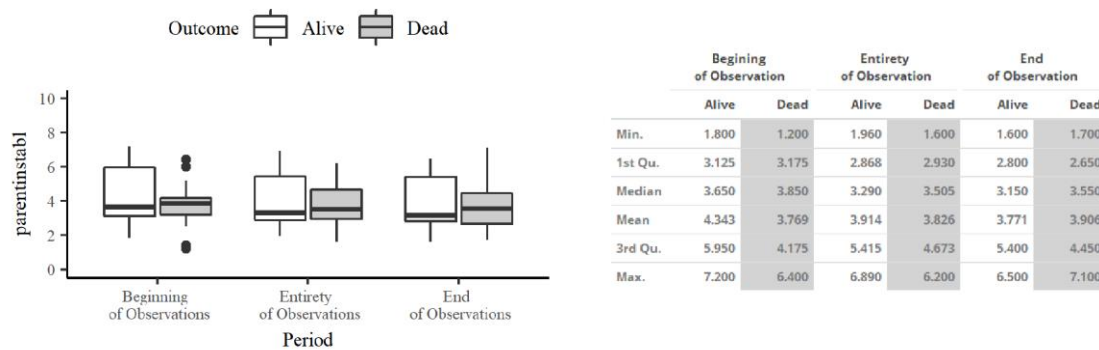
Parent state instability can be measured in several ways. One way to measure it is to look at whether or not the parent state has been in conflict with internal or external actors other than the contested state during the existence of the latter. When a state faces internal conflicts, such as civil wars, it makes them unable to effectively direct resources into curbing all the conflicts at the same time, including the one with the contested state. According to Salehyan (2007), when a state undergoes a civil war or other concurrent conflicts, its government is unable to have full control over the territory and it is a clear indication of institutional weakness. Likewise, the State Failure Task Force (SFTF) suggests that state failure consists of the existence of revolutionary wars, genocides and politicides, and adverse or disruptive regime transitions (for further analysis, see G. King and Zeng 2001) (for further analysis, see King and Zeng 2001). Another remote, and rather rudimentary, approach which has been applied in the study of conflicts, is to measure state weakness through the states' GDP per capita indices (see Salehyan 2007). While there is some merit to these approaches, I suggest that to capture parent states' instability, we need to theoretically relate both, the instability that may come due to internal and external conflicts, and their actual weakness or strength. This is because there may be parent/belligerent states, which may face internal or external conflicts with other actors, but, which, at the same time, may be strong in terms of their economic development, the ability to mobilize troops, or simply in terms of military spending - making them able to handle internal conflicts without necessarily facing instability. Think of Israel, which, despite conflicts with various parties in the Middle East, can be considered neither unstable, nor weak. At the same time, there can be cases which do not face neither internal nor external conflicts, but are still too weak to be able to absorb the contested state born out of them.

To account for such particularities, I construct a measurement which takes into account both (i) the possible internal or external conflicts in which the parent state may have engaged, and (ii) the actual strength and weakness of the parent state. To capture the first component, I use a continuous indicator (*confpdays\_r\_croot*) which registers parent states' intensity of conflicts with

actors other than the contested state during each observed year.<sup>119</sup> The (*confpdays\_r\_croot*) includes continuous values ranging between 0 (not involved in any conflict) to 5 (fully involved in conflict). To capture the second component, I use a continuous indicator (*troopspcap\_r\_croot*) which registers parent states' ability to mobilize troops.<sup>120</sup> The (*troopspcap\_r\_croot*) includes values ranging between 0 (very high mobilization capacity) to 5 (very low mobilization capacity).

To derive the explanatory variable of parent instability (*parentinstabl*), I arithmetically add (*confpdays\_r\_croot*) and (*troopspcap\_r\_croot*). This means that the closer to 0 the (*parentinstabl*) the more stable the parent state is. Further away from zero, the more unstable the parent state is. Thus, the (*parentinstabl*) is derived from the following expression:

$$\text{parentinstabl} = \text{confpdays\_r\_croot} + \text{troopspcap\_r\_croot}$$



### B.1.3.2 Calibration of (*parentinstabl*) into sustained parent instability over time set (PIN)

#### Step 1: setting the cross-over point

Following the discussion on the raw measurement of the parent state instability, as well as the nature of the concept that the raw measurement of the parent state instability captures, the cross-over point is set to 5.0. Accordingly, this means that a case belongs more in the set of having high parent state instability, if the *right* balance of instability is struck between parent state's engagement in conflicts and their general weakness or strength. The *right* balance here refers to such cases when, regardless if the parent state is somewhat strong, if they are engaged in extreme amount of concurrent conflicts, they are defined here as more unstable than stable. Only if the

<sup>119</sup> The (*confpdays\_r\_croot*) is a transformed (rescaled) indicator of the original continuous indicator (*confpdayswoCS*). Refer to the Codebook for more information on the description, sources, and the transformation rules of the original indicator, which are outlined in appropriate sections of the Codebook

<sup>120</sup> The (*troopspcap\_r\_croot*) is a transformed (rescaled) indicator of the original continuous indicator (*troopspcap*). Refer to the Codebook for more information on the description, sources, and the transformation rules of the original indicator, which are outlined in appropriate sections of the Codebook

parent is very strong and engaged in less than extreme amount of concurrent conflicts, would they belong more to being stable than unstable. Likewise, the *right* balance referred to above, means that to be more unstable than stable, the parent can be engaged in no conflicts, but they must be extremely weak to be considered as unstable. As a point of reference, one must note that Salehyan (2007), when measuring weakness of states, focus on more extreme side of the weakness, such as taking the bottom 10 percentile of GDP per capita of countries to be considered weak. Alternative cross-over points are also tested in the robustness section of this supplementary material.

*Step 2: setting the calibration thresholds for membership in the set PIN*

The calibration thresholds for membership in the set of *sustained parent instability over time (PIN)* are set as follows:

- 1.00** – *Fully in the set of sustained parent instability over time:* If the value of parent instability raw score at the beginning (+) and at the end (+) of the case's observation was above the qualitative cross-over point, and that, on average, the case has maintained the parent instability raw score above the cross-over point throughout its lifecycle (+).
- 0.85** – *Almost fully in the set of sustained parent instability over time:* If the value of parent instability raw score at the beginning of the case's observation was below (-), while at the end of the case's observation was above (+), the qualitative cross-over point. Additionally, the case has, on average, maintained the parent instability raw score above the cross-over point throughout its lifecycle (+).
- 0.75** – *Mostly in the set of sustained parent instability over time:* If the value of parent instability raw score at the beginning (+) and at the end (+) of the case's observation was above the qualitative cross-over point, but that, on average, the case has maintained the parent instability raw score below the cross-over point throughout its lifecycle (-).
- 0.65** – *More in than out of the set of sustained parent instability over time:* If the value of parent instability raw score at the beginning of the case's observation was below (-), while at the end of the case's observation was above (+), the qualitative cross-over point. Additionally, the case has, on average, maintained the parent instability raw score below the cross-over point throughout its lifecycle (-).
- 0.35** – *More out than in the set of sustained parent instability over time:* If the value of parent instability raw score at the beginning of the case's observation was above (+), while at the end of the case's observation was below (-), the qualitative cross-over point. Additionally, the case has, on average, maintained the parent instability raw score above the cross-over point throughout its lifecycle (+).
- 0.25** – *Mostly out of the set of sustained parent instability over time:* If the value of parent instability raw score at the beginning (-) and at the end (-) of the case's observation was below the qualitative cross-over point, but that, on average, the case



has maintained the parent instability raw score above the cross-over point throughout its lifecycle (+).

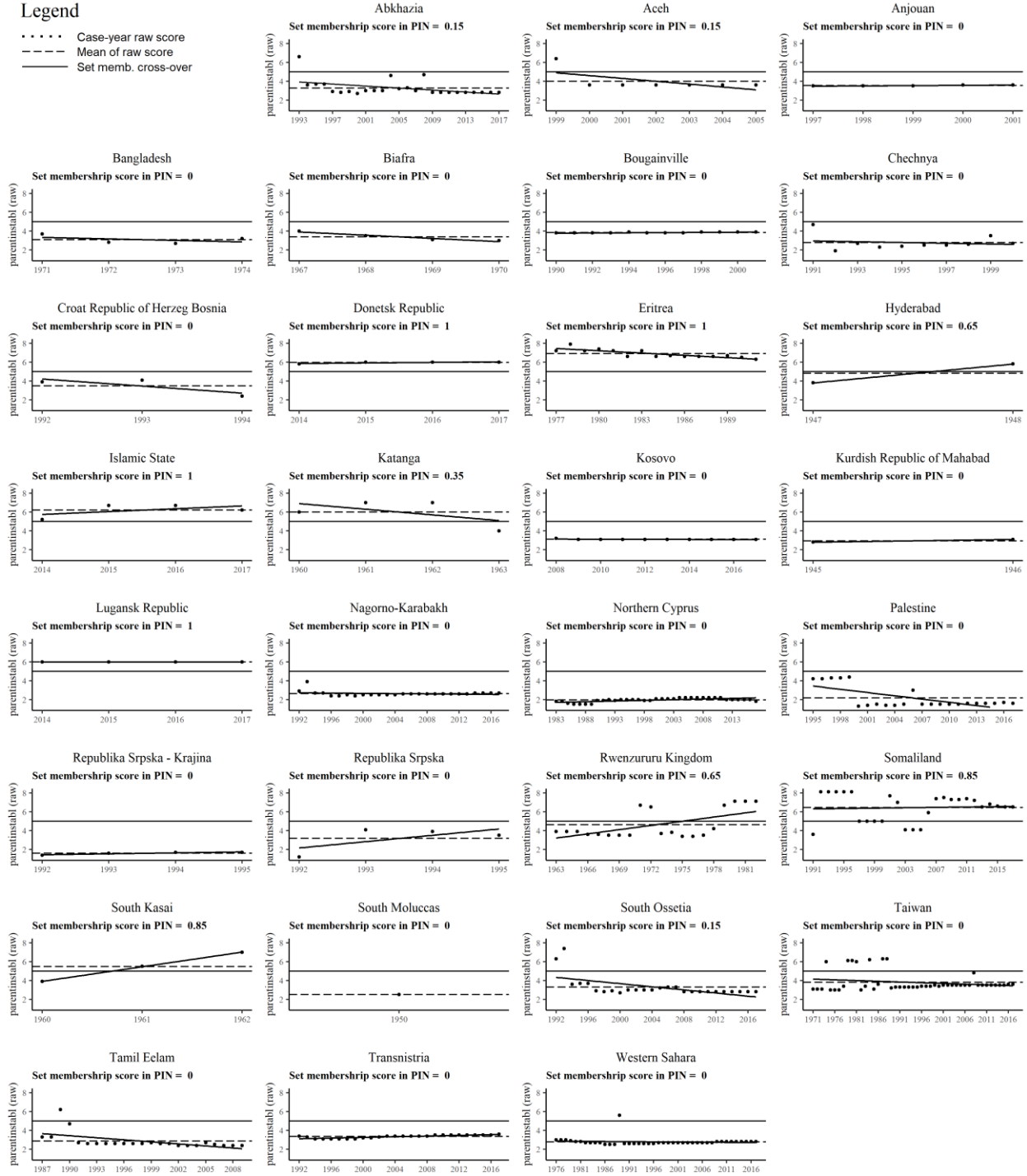
**0.15** – *Almost fully out of the set of sustained parent instability over time:* If the value of parent instability raw score at the beginning of the case's observation was above (+), while at the end of the case's observation was below (-), the qualitative cross-over point. Additionally, the case has, on average, maintained the parent instability raw score below the cross-over point throughout its lifecycle (-).

**0.00** – *Fully out of the set of sustained parent instability over time:* If the value of parent instability raw score at the beginning (-) and at the end (-) of the case's observation was below the qualitative cross-over point, and that, on average, the case has maintained the parent instability raw score below the cross-over point throughout its lifecycle (-).

Alternative thresholds are also tested in the robustness section of this supplementary material. The two-step calibration procedure for each contested state's membership in *PIN* is depicted below

### Legend

- Case-year raw score
- - - - - Mean of raw score
- Set memb. cross-over

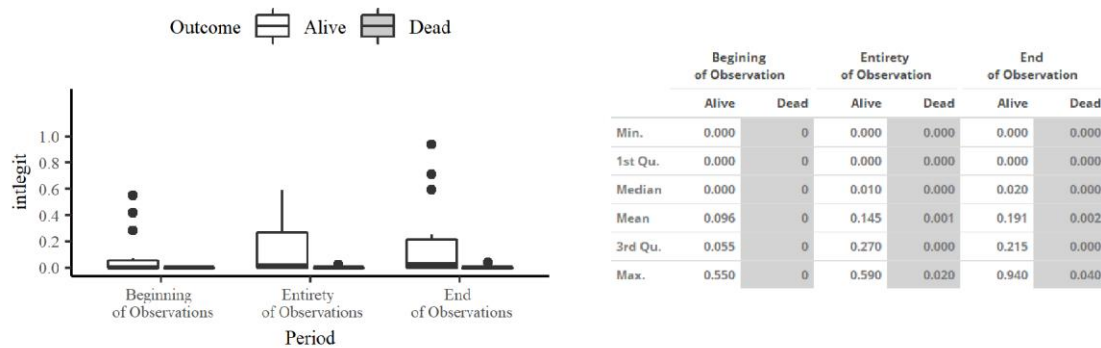


B.1.4 Sustained international legitimacy (IL)

B.1.4.1 Aggregation of the raw measurement for international legitimacy (*intlegit*)

The level of contested states’ international legitimacy is measured by the ratio of the number of legal recognitions these entities have accumulated (*recog*) against the total number of UN member states (*unmemtot*) in any given year.<sup>121</sup> Martin Wight defines international legitimacy as “the collective judgment of international society about rightful membership of the “family of nations;” how sovereignty may be transferred; how state succession should be regulated, when large states break up into smaller, or several states combine into one” (1972, 1). The aspect of collective judgement about entities’ rightful membership in the “family of nations” has been also specified elsewhere. Shane Mulligan suggests that international legitimacy is not a condition that might be perceived, but “a matter of conscious collective decision” (2006, 362). Contested state’s by their nature of existence as *de facto* separate entities lack the full collective recognition by the existing society of states. However, their legitimacy, as partial as it may be, can be measured by looking at the number of the existing members of the society of states (UN member states) that have individually granted these entities recognition as rightful members of the society of states. Thus, the (*intlegit*) is derived by the following expression:

$$\text{intlegit} = \frac{\text{recog}}{\text{unmemtot}}$$



B.1.4.2 Calibration of (*intlegit*) into sustained international legitimacy over time set (IL)

Step 1: setting the cross-over point

Following the discussion on international legitimacy raw score, as well as the nature of the concept that international legitimacy raw score captures, the cross-over point is set to 0.20. This means that

<sup>121</sup> Refer to the Codebook for more information on the description and sources of each of these two indicators

a case belongs more in the set of having more international legitimacy than not, if they maintain recognitions from 20 or more per cent of the existing “family of nations” at any given year. This decision is driven not by discussions on international legitimacy at large, as there is no such threshold in literature that defines high or low levels of international legitimacy, but based on contested states’ research context. These are the cases that usually, but not always, maintain very little international legitimacy, and in most cases no international legitimacy at all. Therefore, setting the threshold at 0.20 (recognized by 20 percent of the existing members of the society of states at any point in time), seems reasonable. Alternative cross-over points are also tested in the robustness section of this supplementary material.

*Step 2: setting the calibration thresholds for membership in the set PIN*

The calibration thresholds for membership in the set of *sustained international legitimacy over time (IL)* are set as follows:

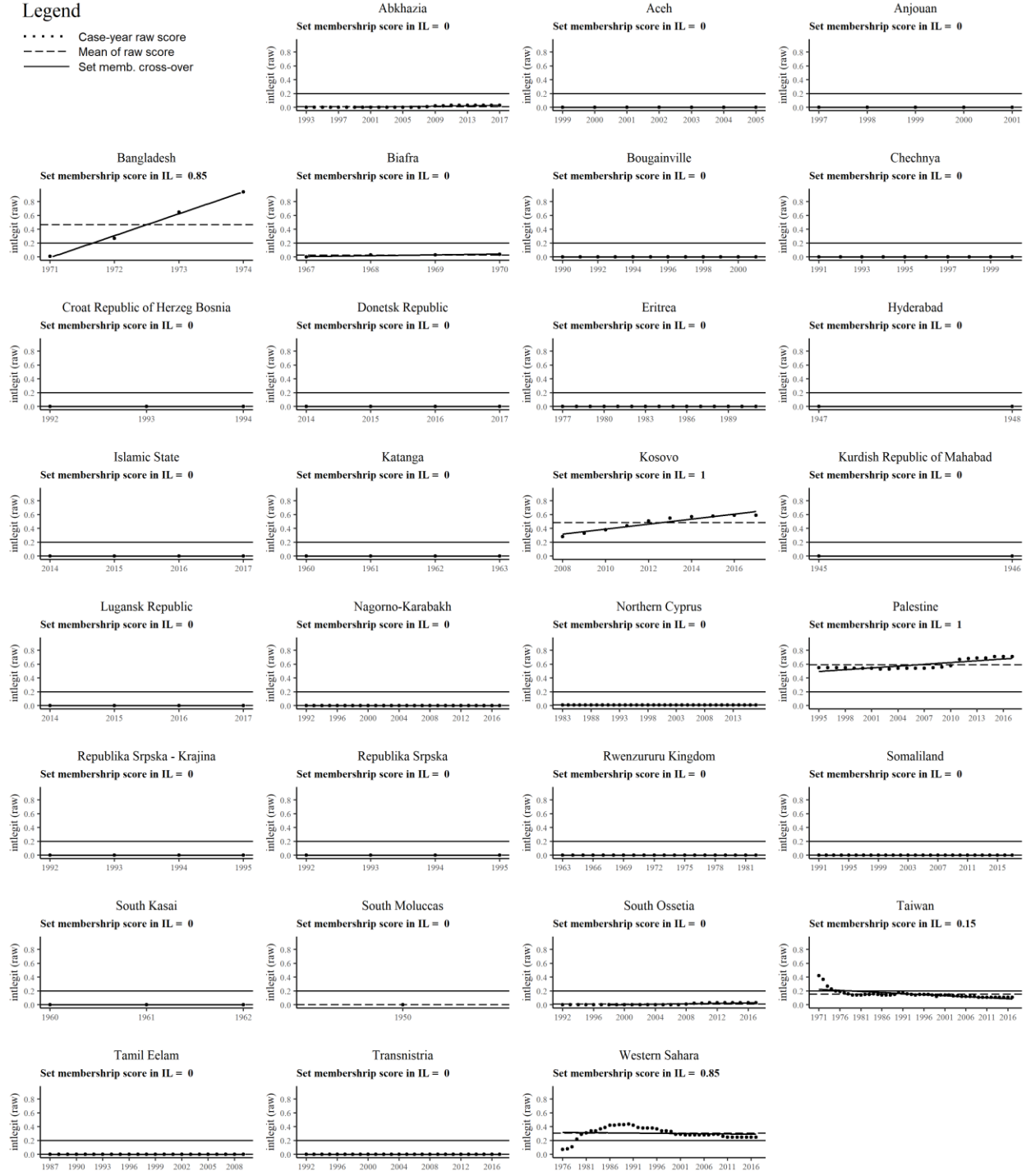
- 1.00** – *Fully in the set of sustained international legitimacy over time:* If the value of international legitimacy raw score at the beginning (+) and at the end (+) of the case’s observation was above the qualitative cross-over point, and that, on average, the case has maintained the international legitimacy raw score above the cross-over point throughout its lifecycle (+).
- 0.85** – *Almost fully in the set of sustained international legitimacy over time:* If the value of international legitimacy raw score at the beginning of the case’s observation was below (-), while at the end of the case’s observation was above (+), the qualitative cross-over point. Additionally, the case has, on average, maintained the international legitimacy raw score above the cross-over point throughout its lifecycle (+).
- 0.75** – *Mostly in the set of sustained international legitimacy over time:* If the value of international legitimacy raw score at the beginning (+) and at the end (+) of the case’s observation was above the qualitative cross-over point, but that, on average, the case has maintained the international legitimacy raw score below the cross-over point throughout its lifecycle (-).
- 0.65** – *More in than out of the set of sustained international legitimacy over time:* If the value of international legitimacy raw score at the beginning of the case’s observation was below (-), while at the end of the case’s observation was above (+), the qualitative cross-over point. Additionally, the case has, on average, maintained the international legitimacy raw score below the cross-over point throughout its lifecycle (-).
- 0.35** – *More out than in the set of sustained international legitimacy over time:* If the value of international legitimacy raw score at the beginning of the case’s observation was above (+), while at the end of the case’s observation was below (-), the qualitative cross-over point. Additionally, the case has, on average, maintained the

- international legitimacy raw score above the cross-over point throughout its lifecycle (+).
- 0.25** – *Mostly out of the set of sustained international legitimacy over time*: If the value of international legitimacy raw score at the beginning (-) and at the end (-) of the case's observation was below the qualitative cross-over point, but that, on average, the case has maintained the international legitimacy raw score above the cross-over point throughout its lifecycle (+).
- 0.15** – *Almost fully out of the set of sustained international legitimacy over time*: If the value of international legitimacy raw score at the beginning of the case's observation was above (+), while at the end of the case's observation was below (-), the qualitative cross-over point. Additionally, the case has, on average, maintained the international legitimacy raw score below the cross-over point throughout its lifecycle (-).
- 0.00** – *Fully out of the set of sustained international legitimacy over time*: If the value of international legitimacy raw score at the beginning (-) and at the end (-) of the case's observation was below the qualitative cross-over point, and that, on average, the case has maintained the international legitimacy raw score below the cross-over point throughout its lifecycle (-).

Alternative thresholds are also tested in the robustness section of this supplementary material. The two-step calibration procedure for each contested state's membership in *IL* is depicted below

**Legend**

- Case-year raw score
- - - - - Mean of raw score
- Set memb. cross-over

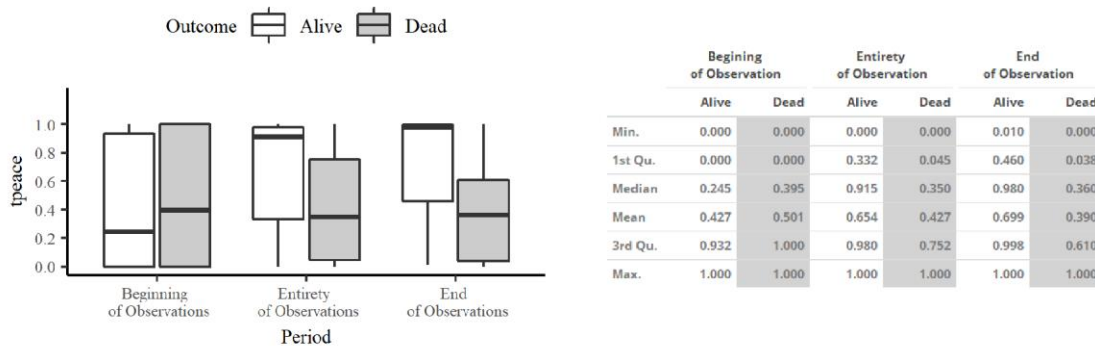


### B.1.5 Sustained time in peace (TIP)

#### B.1.5.1 Aggregation of the raw measurement for time in peace (*tpeace*)

The level of time in peace is measured by the reversed ratio of cumulative days the contested state has spent in war (*confcsdcum*) and their total days of existence (*dayscum*).<sup>122</sup> For example, if a contested state has spent 90 days in conflict with its parent during the entire calendar year, it means that it has spent 25 per cent of its time at war with the parent during a given year. Thus, its time in peace (reversed ration of the time in war) has been 75 percent of the time, or 0.75 ratio of cumulative days in peace. The (*tpeace*) is derived by the following expression:

$$tpeace = 1 - (\text{confcsdcum} / \text{dayscum})$$



#### B.1.5.2 Calibration of (*tpeace*) into sustained time in peace set (TIP)

##### Step 1: setting the cross-over point

Following the discussion on the raw measurement of the time in peace, as well as the nature of the concept that the raw measurement of the time in peace captures, the cross-over point is set to 0.60. This means that a case belongs more in than out of the set of having been in peace, if their raw measurement of time in peace has been 0.60 or higher. This means if they have been 60 or more percent of their cumulative time in peace throughout their lifecycle. Alternative cross-over points are also tested in the robustness section of this supplementary material.

##### Step 2: setting the calibration thresholds for membership in the set TIP

The calibration thresholds for membership in the set of *sustained time in peace over time (TIP)* are set as follows:

- 1.00** – *Fully in the set of sustained time in peace:* If the value of time in peace raw score at the beginning (+) and at the end (+) of the case's observation was above the

<sup>122</sup> Refer to the Codebook for more information on the description and sources of each of these two indicators

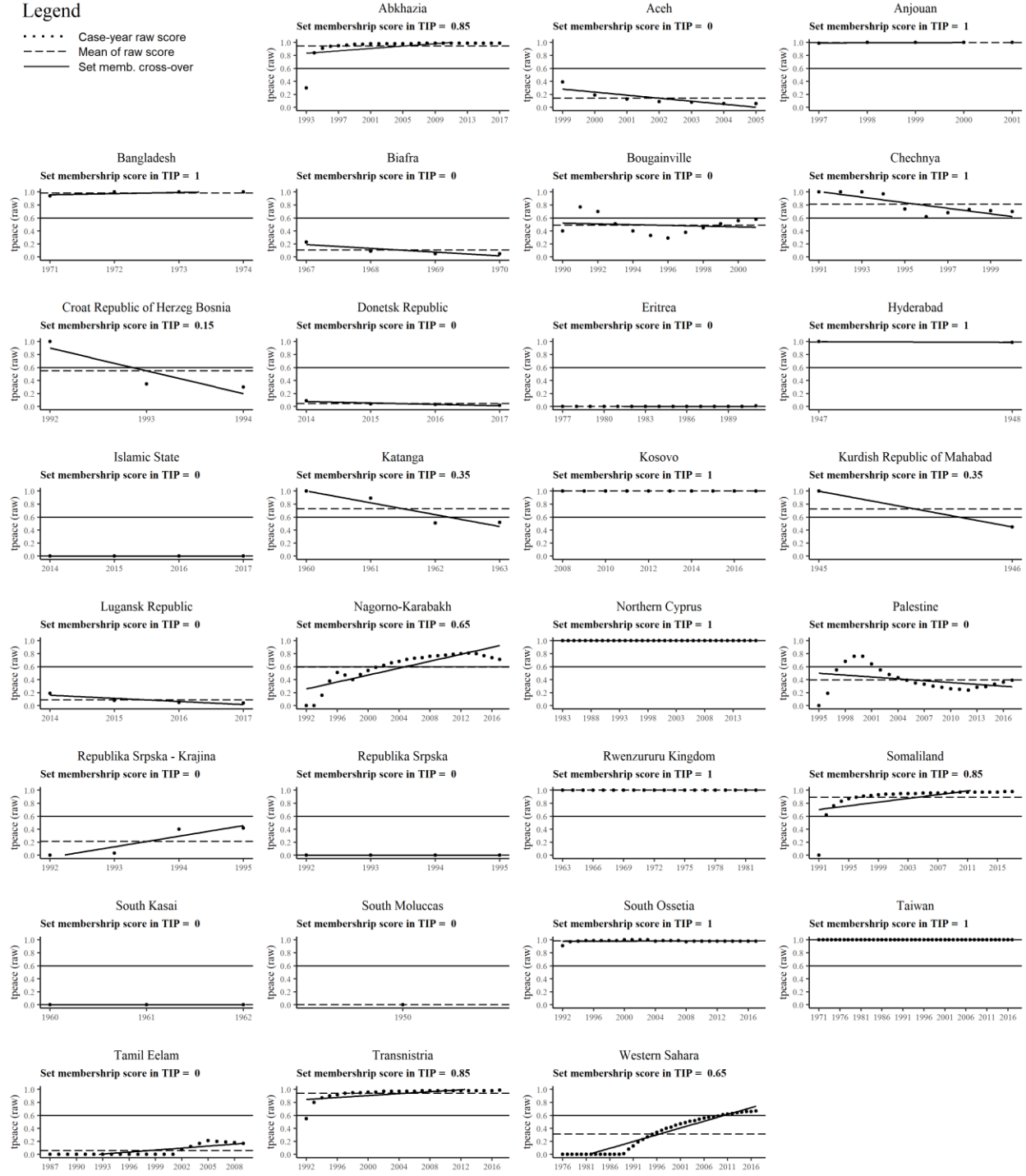
- qualitative cross-over point, and that, on average, the case has maintained the time in peace raw score above the cross-over point throughout its lifecycle (+).
- 0.85** – *Almost fully in the set of sustained time in peace*: If the value of time in peace raw score at the beginning of the case’s observation was below (-), while at the end of the case’s observation was above (+), the qualitative cross-over point. Additionally, the case has, on average, maintained the time in peace raw score above the cross-over point throughout its lifecycle (+).
- 0.75** – *Mostly in the set of sustained time in peace*: If the value of time in peace raw score at the beginning (+) and at the end (+) of the case’s observation was above the qualitative cross-over point, but that, on average, the case has maintained the time in peace raw score below the cross-over point throughout its lifecycle (-).
- 0.65** – *More in than out of the set of sustained time in peace*: If the value of time in peace raw score at the beginning of the case’s observation was below (-), while at the end of the case’s observation was above (+), the qualitative cross-over point. Additionally, the case has, on average, maintained the time in peace raw score below the cross-over point throughout its lifecycle (-).
- 0.35** – *More out than in the set of sustained time in peace*: If the value of time in peace raw score at the beginning of the case’s observation was above (+), while at the end of the case’s observation was below (-), the qualitative cross-over point. Additionally, the case has, on average, maintained the time in peace raw score above the cross-over point throughout its lifecycle (+).
- 0.25** – *Mostly out of the set of sustained time in peace*: If the value of time in peace raw score at the beginning (-) and at the end (-) of the case’s observation was below the qualitative cross-over point, but that, on average, the case has maintained the time in peace raw score above the cross-over point throughout its lifecycle (+).
- 0.15** – *Almost fully out of the set of sustained time in peace*: If the value of time in peace raw score at the beginning of the case’s observation was above (+), while at the end of the case’s observation was below (-), the qualitative cross-over point. Additionally, the case has, on average, maintained the time in peace raw score below the cross-over point throughout its lifecycle (-).
- 0.00** – *Fully out of the set of sustained time in peace*: If the value of time in peace raw score at the beginning (-) and at the end (-) of the case’s observation was below the qualitative cross-over point, and that, on average, the case has maintained the time in peace raw score below the cross-over point throughout its lifecycle (-).

Alternative thresholds are also tested in the robustness section of this supplementary material. The two-step calibration procedure for each contested state’s membership in *TIP* is depicted below.



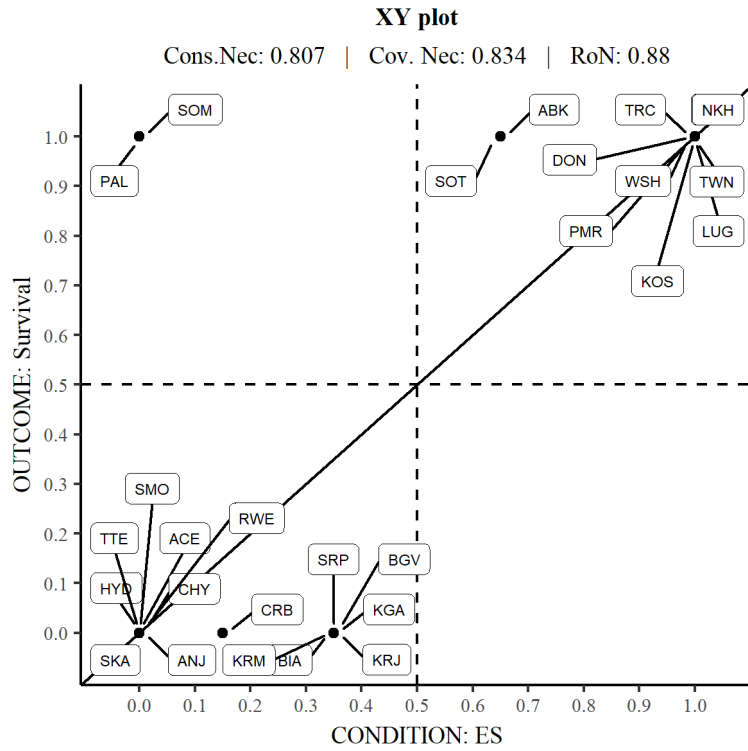
### Legend

- Case-year raw score
- - - - - Mean of raw score
- Set memb. cross-over



## Appendix B.2 Results

### B.2.1 Plot for ES's analysis for necessity



*B.2.2 Truth table row for analysis of sufficiency for survival*

Row	ES	STM	PIN	IL	TIP	Outcome	Nr. of cases	incl	PRI	Cases
28	1	1	0	1	1	1	2	1.000	1.000	Bangladesh; Kosovo
3	0	0	0	1	0	1	1	1.000	1.000	Palestine
20	1	0	0	1	1	1	1	1.000	1.000	Western Sahara
29	1	1	1	0	0	1	1	1.000	1.000	Eritrea
26	1	1	0	0	1	1	6	0.899	0.899	Abkhazia; Nagorno-Karabakh; Northern Cyprus; South Ossetia; Taiwan; Transnistria
21	1	0	1	0	0	1	2	0.877	0.877	Donetsk Republic; Lugansk Republic
14	0	1	1	0	1	0	2	0.594	0.594	Hyderabad; Somaliland
6	0	0	1	0	1	0	1	0.394	0.394	<u>Rwenzururu Kingdom</u>
2	0	0	0	0	1	0	2	0.136	0.136	Anjouan; Chechnya
9	0	1	0	0	0	0	3	0.118	0.118	Croat Republic of Herzeg Bosnia; Kurdish Republic of <u>Mahabad; Republika Srpska</u>
5	0	0	1	0	0	0	2	0.113	0.113	Islamic State; South Kasai
1	0	0	0	0	0	0	7	0.048	0.048	Aceh; Biafra; Bougainville; Katanga; <u>Republika Srpska - Krajina</u> ; South Moluccas; Tamil Eelam

Note: There are 20 logical remainders to this truth table (62.5% of truth table rows)

B.2.3 All the solution formulas for outcome: survival

Sufficient terms for survival	Consistency	PRI	Raw Coverage	Unique Coverage
<b>Conservative solution</b>	<b>0.93</b>	<b>0.93</b>	<b>0.78</b>	-
ES*STM*pin*TIP	0.92	0.92	0.44	0.30
ES*pin*IL*TIP	1.00	1.00	0.19	0.06
ES*PIN*il*tip	0.90	0.90	0.23	0.21
es*stm*pin*IL*tip	1.00	1.00	0.07	0.07
<b>Intermediate solution</b>	<b>0.93</b>	<b>0.93</b>	<b>0.79</b>	-
ES*PIN	0.90	0.90	0.24	0.21
stm*IL	1.00	1.00	0.15	0.13
ES*STM*TIP	0.92	0.92	0.44	0.40
<b>Parsimonious solution</b>	<b>0.85</b>	<b>0.85</b>	<b>0.85</b>	-
ES	0.83	0.83	0.81	0.60
IL	1.00	1.00	0.28	0.07

Note 1: Capital letters indicate the presence of conditions, and small letters their absence.

Note 2: \* indicates logical AND

Note 3: PRI denotes the proportion reduction in inconsistency

Condition labels: ES: sustained external support; IL: sustained international legitimacy; STM: sustained state-making efforts; PIN: sustained parent instability; TIP: sustained time in peace

B.2.4 Truth table row for analysis of sufficiency for death

Row	ES	STM	PIN	IL	TIP	Outcome	Nr. of cases	incl	PRI	Cases
1	0	0	0	0	0	1	7	0.952	0.952	Aceh; Biafra; Bougainville; Katanga; <del>Republika Srpska - Krajina</del> ; South Moluccas; Tamil Eelam
5	0	0	1	0	0	1	2	0.887	0.887	Islamic State; South Kasai
9	0	1	0	0	0	1	3	0.882	0.882	Croat Republic of Herzeg Bosnia; Kurdish Republic of Mahabad; <del>Republika Srpska</del>
2	0	0	0	0	1	1	2	0.864	0.864	Anjouan; Chechnya
6	0	0	1	0	1	0	1	0.606	0.606	<del>Rwenzururu Kingdom</del>
14	0	1	1	0	1	0	2	0.406	0.406	Hyderabad; Somaliland
21	1	0	1	0	0	0	2	0.123	0.123	Donetsk Republic; Lugansk Republic
26	1	1	0	0	1	0	6	0.101	0.101	Abkhazia; Nagorno-Karabakh; Northern Cyprus; South Ossetia; Taiwan; Transnistria
28	1	1	0	1	1	0	2	0.000	0.000	Bangladesh; Kosovo
3	0	0	0	1	0	0	1	0.000	0.000	Palestine
20	1	0	0	1	1	0	1	0.000	0.000	Western Sahara
29	1	1	1	0	0	0	1	0.000	0.000	Eritrea

Note: There are 20 logical remainders to this truth table (62.5% of truth table rows)

B.2.5 All the solution formulas for outcome: death

Sufficient terms for death	Consistency	PRI	Raw Coverage	Unique Coverage
<b>Conservative solution</b>	<b>0.96</b>	<b>0.96</b>	<b>0.76</b>	-
es*stm*pin*il	0.95	0.95	0.52	0.15
es*stm*il*tip	0.96	0.96	0.50	0.13
es*pin*il*tip	0.96	0.96	0.48	0.11
<b>Intermediate solution</b>	<b>0.96</b>	<b>0.96</b>	<b>0.76</b>	-
es*stm*pin*il	0.95	0.95	0.52	0.15
es*stm*il*tip	0.96	0.96	0.50	0.13
es*pin*il*tip	0.96	0.96	0.48	0.11
<b>Parsimonious solution</b>	<b>0.94</b>	<b>0.94</b>	<b>0.78</b>	-
es*pin*il	0.92	0.92	0.65	0.17
es*il*tip	0.97	0.97	0.61	0.13

Note 1: Capital letters indicate the presence of conditions, and small letters their absence.

Note 2: \* indicates logical AND

Note 3: PRI denotes the proportion reduction in inconsistency

Condition labels: ES: sustained external support; IL: sustained international legitimacy; STM: sustained state-making efforts; PIN: sustained parent instability; TIP: sustained time in peace

## Appendix B.3 Robustness tests

### B.3.1 Sensitivity test with alternative consistency thresholds

The original raw consistency threshold for the minimization of truth table rows used in the analysis was set at 0.80. I conduct sensitivity tests with two alternative consistency thresholds, namely 0.89 and 0.75. A quick examination of truth table rows immediately gives the indication that conducting the analysis with the 0.75 consistency threshold will not change the results in any way. This is because the next lowest consistent row from the originally set 0.80 consistency, has a consistency of 0.59. I do not conduct a sensitivity test with 0.59 consistency threshold for two reasons. First, a row with such a low consistency is already problematic, as it is too contradictory to claim it as sufficient. In fact, the row does contain a contradictory case, namely Hyderabad, which did not survive, alongside Somaliland which survived. Second, Schneider and Wagemann (2012) have already suggested that robustness tests should generally not be conducted with lower than 0.75 consistency thresholds.

The sensitivity test with 0.89 consistency threshold produces no substantively different results. Examining the results of the intermediate solution from this test, which are presented below, we note that the new solution formula preserves three sufficient terms that are in the original analysis.

Sufficient terms for survival	Consistency	PRI	Raw Coverage	Unique Coverage
<b>Intermediate solution</b>	<b>0.945</b>	<b>0.945</b>	<b>0.618</b>	-
stm*IL	1.000	1.000	0.154	0.132
ES*STM*PIN	1.000	1.000	0.068	0.046
ES*STM*TIP	0.925	0.925	0.439	0.396

Note 1: Capital letters indicate the presence of the conditions, and small letters the absence.

Note 2: \* indicates logical AND

Note 3: PRI denotes the proportion reduction in inconsistency

*Condition labels*: ES: Sustained external support over time; STM: Sustained state making efforts over time;

PIN: Sustained parent instability over time; IL: Sustained international legitimacy over time; and TIP:

Sustained time in peace over time.

Furthermore, just like it is to be expected when conducting the analysis with higher consistency threshold the overall consistency of the new solution formula is higher, while the coverage is

lower, but to the acceptable level. This is because the new solution still covers close to two-thirds of surviving cases of contested states. The only change that we notice in the overall solution formula is the addition of (*STM*) in the second sufficient term of the new solution formula. The (*STM*) was added because the higher consistency threshold has excluded Donetsk and Lugansk Republics, making, thus, (*STM*) relevant for this sufficient term. Nevertheless, this hardly changes the overall interpretation of the findings. Lastly, and relatedly, the slightly changed sufficient term is in subset relation with the original term.

Therefore, the original solution formula used in the analysis, as well as the interpretation deriving from it, is robust to higher (0.89) and to lower (0.75) alternative raw consistency thresholds for truth table minimization.

### *B.3.2 Sensitivity test with alternative coverage threshold*

The original coverage threshold for the minimization of truth table rows used in the original analysis was set to 1, meaning that any truth table row that sufficiently cover 1 or more cases is used during the logical minimization process. I conduct a sensitivity test by setting the coverage threshold to 2, which means that only those sufficient truth table rows containing 2 or more cases are used in the logical minimization process. This excludes all sufficient truth table rows covering 1 case. As the new results presented below from this test reveal, some changes occur when compared to the original results. I shall focus only on two components of the new results that may raise some questions with regards to their meaning in relation to the original analysis.

Sufficient terms for survival	Consistency	PRI	Raw Coverage	Unique Coverage
<b>Intermediate solution</b>	<b>0.909</b>	<b>0.909</b>	<b>0.607</b>	-
ES*stm*PIN	0.883	0.883	0.189	0.168
ES*STM*TIP	0.925	0.925	0.439	0.418

Note 1: Capital letters indicate the presence of the conditions, and small letters the absence.

Note 2: \* indicates logical AND

Note 3: PRI denotes the proportion reduction in inconsistency

*Condition labels:* ES: Sustained external support over time; STM: Sustained state making efforts over time;

PIN: Sustained parent instability over time; IL: Sustained international legitimacy over time; and TIP:

Sustained time in peace over time.



First, instead of three sufficient terms contained in the original analysis, the intermediate solution formula of the new analysis as per present sensitivity tests, contains two sufficient terms. While this presents a partial change to the original intermediate solution formula, the change itself is not as substantive as it may seem. We note that the sufficient term which is not presented in the new solution formula is the less meaningful one of the three, as it is the one with the lowest raw coverage. Furthermore, whatever the change, the new solution formula is in clear subset relation with the original one. This means that while we have less paths to survival to interpret with the results of present test, they do not contradict the original interpretation of the three sufficient paths contained in the original analysis. Second, we notice in the overall solution formula the addition of (*stm*) in the two preserved sufficient rows from the original analysis. The (*stm*) was added because the higher coverage threshold has excluded Eritrea from the very same path, making, thus, (*stm*) relevant for this sufficient term, which now covers Donetsk and Lugansk Republics instead. Nevertheless, this hardly changes the overall interpretation of the term, because such a slight change still makes the new sufficient term be in a subset relation to the original one. Despite these, both the consistency and the coverage of the new solution formula remains in acceptable level to trust the interpretation of the results. While the coverage naturally has gone down, given that we have increased the coverage threshold in this new analysis to begin with, the solution formula obtained still covers close to two-thirds of surviving contested states.

In sum, one would expect more meaningful changes to the results and interpretation of such a sensitivity test, than actually there appeared to be. This is because 50 per cent (3 out of 6) sufficient truth table rows cover a single case which were subsequently removed from the analysis in this test. Furthermore, there are strong empirical grounds to not set the coverage threshold to 2 when analyzing contested states, because we are dealing with a phenomenon that has a general population of mid-N size, and they are marked with great diversities in the periods they emerged, in their general size (population, economy, military), as well as the diverse periods they lived in the post-1945 international order. It is, therefore, expected that cases of contested states are spread across different truth table rows; thus, excluding truth table rows that contain even single cases would live some interesting and/or important cases out of the analysis. The goal being to have an explanation of contested state survival that covers as many cases that can be theoretically interpreted in a more parsimonious way, keeping the coverage threshold to 1 instead of 2 would

be more advisable. Despite these caveats, the sensitivity test with higher coverage threshold did not produce substantively different results when compared to the original analysis.

### *B.3.3 Sensitivity tests when dropping and (re)adding cases*

Reasonable doubts can be raised whether the entire population of cases, under the scope conditions so defined in the original analysis, actually belong to the category of contested states. For example, the inclusion of the Rwenzururu Kingdom, which except for in Florea's (2017) analysis has not featured widely in many other analyses concerning contested states, can reasonably be questioned. Similar can be the case with the inclusion of the Islamic State in the original analysis. Except for Geldenhuys (2017), who has recently made a case for considering the Islamic State as a contested state, no strong commitments have existed from other authors to consider it a contested state - perhaps because it is a recent case. Two other cases that have less frequently featured, and sometimes questioned for their inclusion, in the literature concerning the phenomenon of contested states are Western Sahara and arguably Bangladesh. Given these possible doubts, I conduct separate analyses by dropping each of the above mentioned four cases, of which two are the ones that have not survived (Rwenzururu Kingdom and the Islamic State), and two that have survived (Western Sahara and Bangladesh).

**Results when dropping Rwenzururu Kingdom:** Solution formulas for sufficiency remain identical to the original solution formula, including the consistency and coverage. This is to be expected, given that this is a case which did not survive. Additionally, the SUIN condition of ES+PIN+IL as a functional equivalent of *favorable external environment* remains the same. The exclusion of Rwenzururu Kingdom does not alter the analysis of the negation of the outcome in any meaningful way. All the sufficient terms remain as in the original analysis, while the consistency and coverage see marginal changes. Also, no assumptions are made in the analysis of the negation of the outcome which would contradict the assumptions made in the analysis of the outcome.

**Results when dropping Islamic State:** This is identical to the analysis when dropping Rwenzururu Kingdom. Solution formulas for sufficiency remain identical to the original solution formula, including the consistency and coverage. This is to be expected, given that this is a case which did not survive. Additionally, the SUIN condition of ES+PIN+IL as a functional equivalent of *favorable external environment* remains the same. The exclusion of Rwenzururu Kingdom does

not alter the analysis of the negation of the outcome in any meaningful way. All the sufficient terms remain as in the original analysis, while the consistency and coverage see marginal changes. Also, no assumptions are made in the analysis of the negation of the outcome which would contradict the assumptions made in the analysis of the outcome.

**Results when dropping Western Sahara:** Solution formulas for sufficiency remain very similar to the original analysis. In fact the intermediate solution formula is identical with marginal changes to the consistency and sufficiency scores. All the original sufficient terms remain intact. Additionally, the SUIN condition of ES+PIN+IL as a functional equivalent of *favorable external environment* is still captured, albeit with a marginal change in the coverage fit. The original coverage fit for the SUIN was 0.70, while the SUIN's coverage fit without Western Sahara is 0.69 - a marginal change which does not alter the interpretation. As for the analysis of the negation of the outcome provides identical results with the original analysis of the negation of the outcome. This is to be expected, given that this is a case which has survived. Also, no assumptions are made in the analysis of the negation of the outcome which would contradict the assumptions made in the analysis of the outcome.

**Results when dropping Bangladesh:** Solution formulas for sufficiency remain identical to the original analysis. All the original sufficient terms remain intact. Additionally, the SUIN condition of ES+PIN+IL as a functional equivalent of *favorable external environment* is still captured, albeit with a marginal change in the coverage fit. The original coverage fit for the SUIN was 0.70, while the SUIN's coverage fit without Western Sahara is 0.69 - a marginal change which does not alter the interpretation. As for the analysis of the negation of the outcome provides identical results with the original analysis of the negation of the outcome. This is to be expected, given that this is a case which has survived. Also, no assumptions are made in the analysis of the negation of the outcome which would contradict the assumptions made in the analysis of the outcome.

In sum, the original analysis remains robust to changes in the scope conditions in the population of cases covered. The alteration of analysis by dropping 4 different cases that legitimately raise concerns whether they actually should belong to the category of contested states, produces changes neither to the solution formulas, nor to the overall interpretation of the original results.

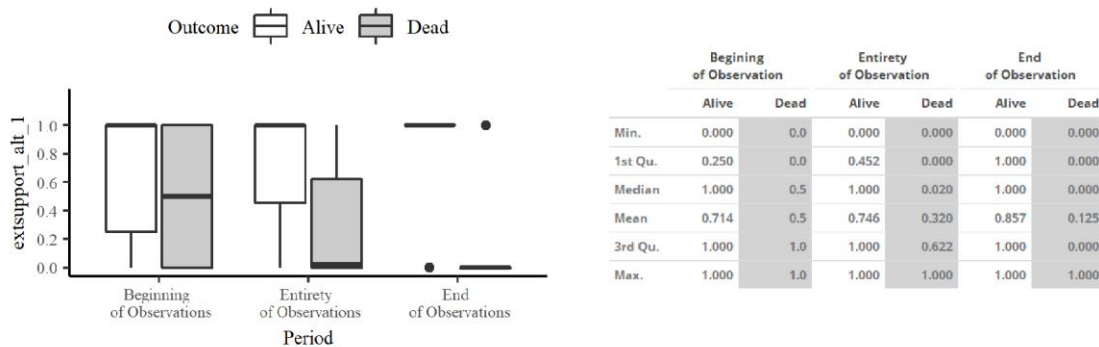
### B.3.4 Robustness with alternative measurements of raw conditions

#### B.3.4.1 Three alternative measurements of external support score (extsupport)

##### B.3.4.1.1 Alternative 1 (extsupport\_alt\_1)

There may be some doubts as to whether the original measurement model for external support used in the analysis is the right one. For example, one may raise question on the original measurement's specification of capturing *access to territory* as the only form of support provided by neighbors while capturing all other forms of external support by Great Powers. Why exclude other forms of support providing by neighbors? I offer and test an alternative which includes all forms of external support provided by neighbors that are also provided by Great Powers. Therefore, my alternative measurement of the explanatory condition of external support (*extsupport\_alt\_1*) is based on the following criteria: any form of external support such as (i) *troops*, (ii) *weapons*, (iii) *access to territory*, (iv) *economic/financial*, or (v) *other forms* provided by either neighbors or Great Powers are coded as 1, while the lack of any of such forms of external support is coded as 0. I keep the dichotomous strategy in this alternative measurement as such a strategy is widely pursued by many authors measuring and analyzing external support to secessionist, rebel, and insurgent groups (see Salehyan, Gleditsch, and Cunningham 2011; Salehyan 2007; Coggins 2011; and Sawyer, Cunningham, and Reed 2017). The (*extsupport\_alt\_1*) is derived by the following expression:<sup>123</sup>

$$\text{extsupport\_alt\_1} = \begin{cases} 1 & \text{if } \text{extroops}^N = 1 \vee \text{exweapons}^N = 1 \vee \text{exaccess}^N = 1 \vee \text{exfinance}^N = 1 \vee \text{exothe}^N = 1 \vee \\ & \text{extroops}^N = 0 \wedge \text{exweapons}^N = 0 \wedge \text{exaccess}^N = 0 \wedge \text{exfinance}^N = 0 \wedge \text{exothe}^N = 0 \wedge \\ & \text{extroops}^{GP} = 1 \vee \text{exweapons}^{GP} = 1 \vee \text{exaccess}^{GP} = 1 \vee \text{exfinance}^{GP} = 1 \vee \text{exothe}^{GP} = 1 \\ & \text{extroops}^{GP} = 0 \wedge \text{exweapons}^{GP} = 0 \wedge \text{exaccess}^{GP} = 0 \wedge \text{exfinance}^{GP} = 0 \wedge \text{exothe}^{GP} = 0 \end{cases}$$

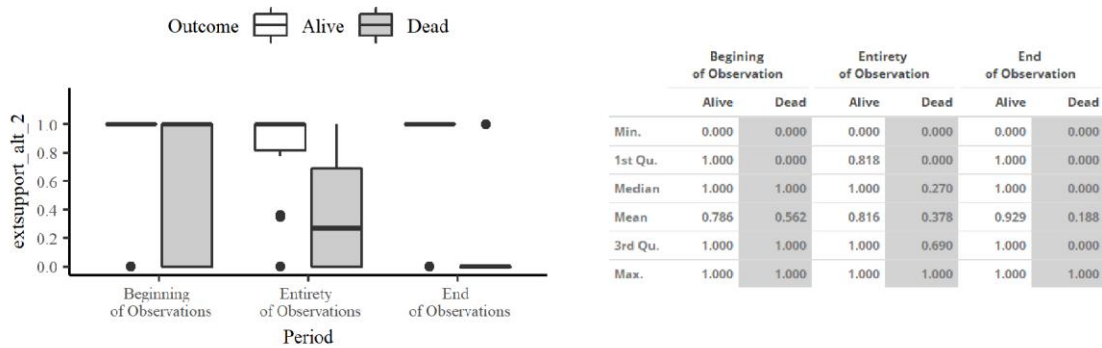


<sup>123</sup> Note on the expression: (V) represents the logical operator OR; (Λ) represents the logical operator AND; and the prime symbol (') means that the original values of the indicators have been recorded to capture state sponsors only. This means that all 2 (state actors) and 3 (state and non-state actors) values are recoded as 1, and all 1 (non-state actors) values are recoded as 0, in order to capture state sponsors only

### B.3.4.1.2 Alternative 2 (extsupport\_alt\_2)

Questions can be raised whether such theoretical relevance should be given to the type of actors providing external support (i.e., neighbors or Great Powers as the only actors specified). Why not focus on any state actor, without such a strict specification? I offer and test another alternative, which includes all state actors, regardless of whether or not they are neighbors or Great Powers. Thus, the other alternative measurement of the explanatory condition of external support (*extsupport\_alt\_2*) is based on the following criteria: any form of external support such as (i) *troops*, (ii) *weapons*, (iii) *access to territory*, (iv) *economic/financial*, or (v) *other forms* provided by any state actor is coded as 1, while the lack of any such forms of external support is coded as 0. I keep the dichotomous strategy in this alternative measurement as such a strategy is widely pursued by many authors measuring and analyzing external support to secessionist, rebel, and insurgent groups (see Salehyan, Gleditsch, and Cunningham 2011; Salehyan 2007; Coggins 2011; and Sawyer, Cunningham, and Reed 2017). The (*extsupport\_alt\_2*) is derived by the following expression:<sup>124</sup>

$$\text{extsupport\_alt\_2} = \begin{cases} 1 & \text{if } \text{extroops}' \vee \text{exweapons}' \vee \text{exaccess}' \vee \\ & \text{exfinance}' \vee \text{exother}' = 1 \\ 0 & \text{if } \text{extroops}' \wedge \text{exweapons}' \wedge \text{exaccess}' \wedge \\ & \text{exfinance}' \wedge \text{exother}' = 0 \end{cases}$$



### B.3.4.1.3 Alternative 3 (extsupport\_alt\_3)

The final alternative of measuring the explanatory condition of external support is constructed to respond to another possible doubt that may be raised with regards to theoretical (ir)relevance of

<sup>124</sup> Note on the expression: (V) represents the logical operator OR; (Λ) represents the logical operator AND; and the prime symbol (') means that the original values of the indicators have been recorded to capture state sponsors only. This means that all 2 (state actors) and 3 (state and non-state actors) values are recoded as 1, and all 1 (non-state actors) values are recoded as 0, in order to capture state sponsors only

weighing the intensity of external support. Despite the unsettled debate on the importance and impact of varying forms of external support on the livelihood of rebel groups, I opt for the option where each form of external support is weighed equally, yet the *intensity* - whether contested states receive only one or more forms of external support, remains theoretically important. Saideman (2001) weighs forms of external support differently based on *intensity* (between 0 - no external support at all and 4 - more intense form of external support) and *breadth* (based on the number of countries providing external support). So do Byman et al. (2001) provide three categories of forms of external support based on whether they are *crucial*, *valuable* or *minor* forms of external support. Yet, both give indications that measuring the importance of different forms of external support is difficult. Therefore, my third alternative of measuring external support is based on the premise that if, for example, a contested state receives only (i) *weapons*, the *intensity* of external support is coded as 1. If a contested state receives (i) *weapons*, (ii) *troops*, and (iii) *access to territory*, the *intensity* of external support is coded as 3. This is akin to what Florea (2017) pursues as a strategy to measure external support. Accordingly, my third alternative of external support measurement (*extsupport\_alt\_3*) is created based on the following conditions: (i) only external support provided by state actors is included; (ii) all possible forms of external support are weighed equally (*troops*, *weapons*, *access to territory*, *financial/economic*, and *other forms*); and (iii) all available forms of external support to contested states are added together to derive (*extsupport\_alt\_3*). The (*extsupport\_alt\_3*) is derived by the following expression:<sup>125</sup>

$$\text{extsupport\_alt\_3} = \text{extroops}' + \text{exweapons}' + \text{exaccess}' + \text{exfinance}' + \text{exother}'$$

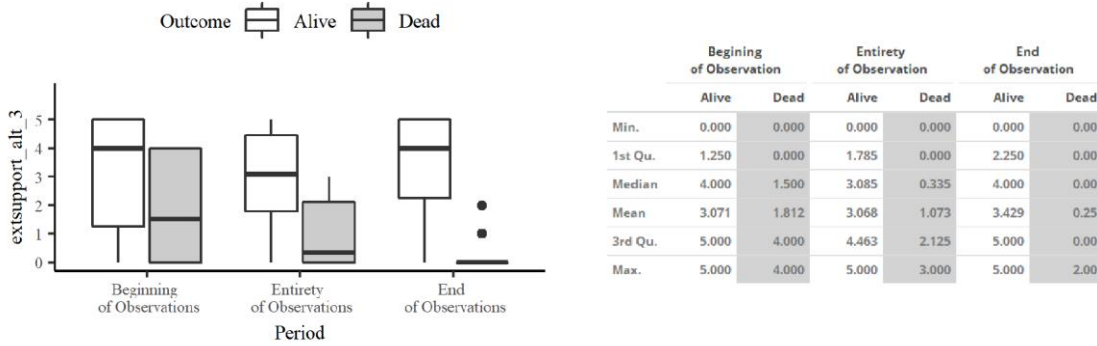
The (*extsupport\_alt\_3*) can take one of the following values:

- 0** – If there was no support provided to contested states by outside *state* actors.
- 1** – If the support provided to contested states by outside *state* actors was of low intensity.
- 2** – If the support provided to contested states by outside *state* actors was of moderate intensity.
- 3** – If the support provided to contested states by outside *state* actors was of high intensity.

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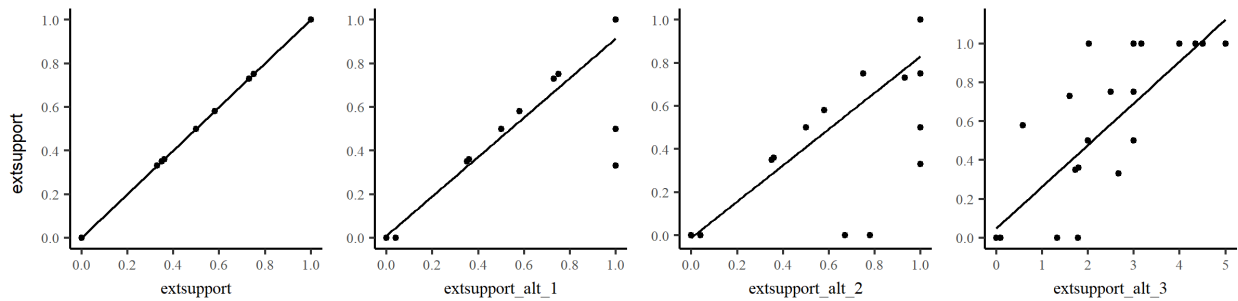
<sup>125</sup> Note on the expression: the prime symbol (') means that the original values of the indicators have been recorded to capture state sponsors only. This means that all 2 (state actors) and 3 (state and non-state actors) values are recoded as 1, and all 1 (non-state actors) values are recoded as 0, in order to capture state sponsors only

- 4 – If the support provided to contested states by outside *state* actors was of very high intensity.
- 5 – If the support provided to contested states by outside *state* actors was of extremely high intensity.



#### B 3.4.1.4 Original (extsupport) against the alternatives

Below are the scatter plots of the alternative measurement models of external support raw score against the original measurement used in the analysis. The plots include the mean values of case-years, and they depict differences in the distribution of the average external support measurement scales across different models.



#### B.3.4.1.5 Conclusions with (extsupport) alternatives

I will discuss reflections on my claims to necessity and the interpretation of intermediate solution formulas with these tests.

**Test with ES\_ALT\_1CON** This has the same calibration strategy with cross over set at 0.5. SUIN shows with slightly lower coverage fit, which is 0.65 instead of the original 0.70. The intermediate solution formula is identical, including its consistency and coverage

**Test with ES\_ALT\_2CON** This has the same calibration strategy with cross over set at 0.5. SUIN does not show neither with 0.65 nor with 0.70. But PIN+IL+TIP shows with 0.66 - it can be considered “favorable external environment.” PIN and IL are there therefore. In the

intermediate solution formula has a slightly higher consistency and slightly lower, but still acceptable, coverage score vesting the new solution formula with no meaningful different interpretation power. Furthermore, the three original sufficient terms are preserved in the new solution formula, with two slight changes. The (stm•IL) becomes (ES•stm•IL) while (ES•PIN) becomes (ES•STM•PIN). The addition of an INUS in each of these two sufficient paths, except for lowering the coverage score of each of these paths, present no meaningful changes to their interpretation. Furthermore, they stand in subset relation to the original sufficient paths, and therefore present no contradictions to the interpretation of the results. Nevertheless, the lower coverage that we get by testing with *ES\_ALT\_2CON* already signals that we should preserve the original conceptualization of ES.

**Test with ES\_ALT\_3CON** This follows the same calibration strategy, but with the cross over set at 2.5. This means that more than two forms of external support, out of total of five, is considered more in than out of the set of external support. SUIN shows with slightly higher coverage fit, which is 0.72 instead of the original 0.70. This presents no meaningful change to the interpretation. Only slight changes in consistency (slightly higher) and coverage (slightly lower). Three sufficient terms of the original analysis are preserved. There is one additional term that is added, namely (STM•PIN•tip) to the existing three, and while not in clear subset relation with the original solution formula, the new one obtained here presents no meaningful changes to the overall interpretation; this is because the new added sufficient term's coverage score is only marginal, compared to the original sufficient paths.

#### B.3.4.2 Three alternative measurements of state-making (statemaking)

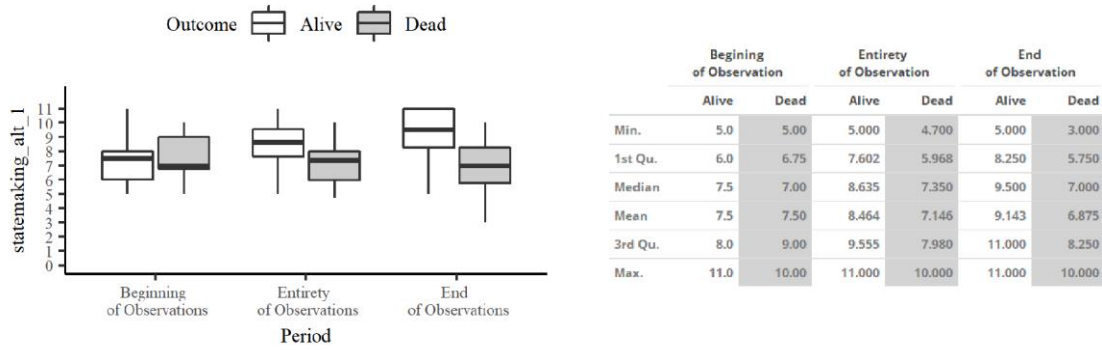
##### B.3.4.2.1 Alternative 1 (statemaking\_alt\_1)

Possible doubts may exist with the theoretical relationship of the three indicators included in the expression of the original measurement model for state-making raw score. One may legitimately question whether the multiplication of the additions of (*dfsbuild*) and (*factions\_4\_cat*) to capture the territorial reach of the institutional and centrality dimensions of the state is the right approach. To this end, I offer an alternative conceptualization where, instead of multiplication, I weight the dimension of territoriality equally with (*dfsbuild*) and (*factions\_4\_cat*) and use the arithmetic addition to add all three dimensions of state-making together. Thus, I add the ordinal 1 to 4 scaled (*dfsbuild*) indicator with the ordinal 4 to 1 scaled (*factions\_4\_cat*) and the ordinal 1 to 4 scaled



(*areacontrolcs\_4\_cat*) indicators to capture the alternative measurement model of state-making efforts. The (*statemaking\_alt\_1*) is derived from the following expression:

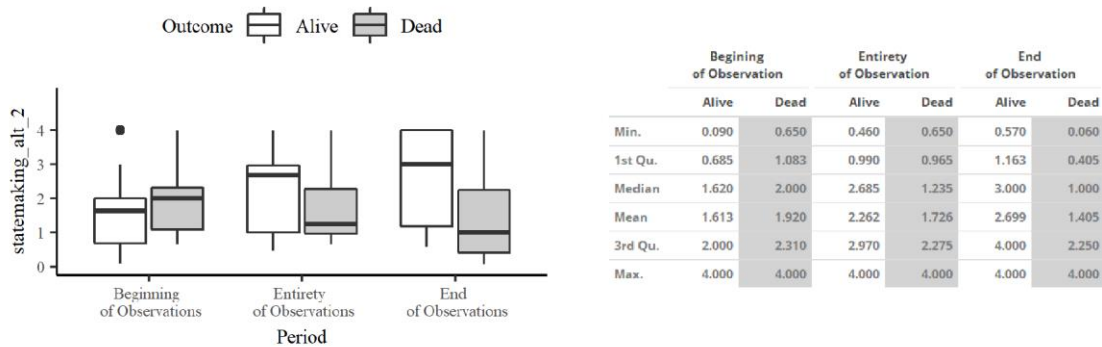
$$\text{statemaking\_alt\_1} = \text{dfsbuild} + \text{factions}_{4c} + \text{areacontrolcs}_{4c}$$



### B.3.4.2.2 Alternative 2 (*statemaking\_alt\_2*)

Another (simpler) alternative measurement of state-making efforts I offer is to multiply the (*dfsbuild*) with the per cent of territorial reach that contested states have. This is in case one would question the inclusion and subsequently the categorization of factions as representing the ability of contested state to centrally lay claim over the monopoly of power. In this case, the alternative measurement (*statemaking\_alt\_2*) is derived from the following expression:<sup>126</sup>

$$\text{statemaking\_alt\_2} = \text{dfsbuild} * \text{areacontrolcs}'$$



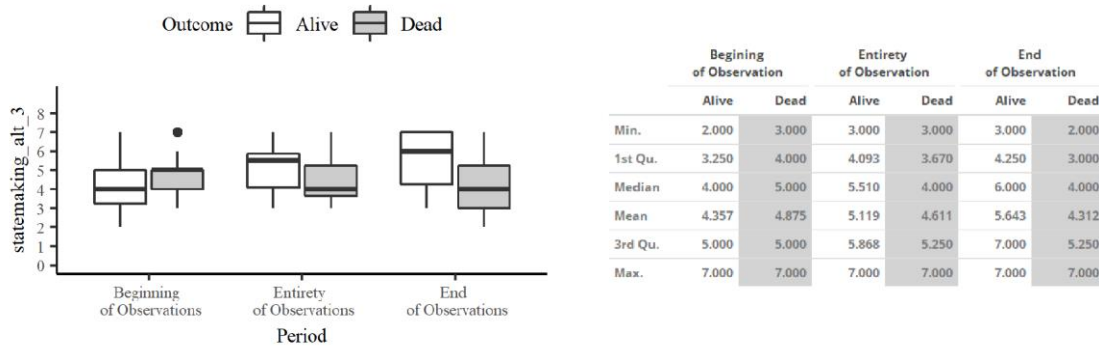
### B.3.4.2.3 Alternative 3 (*statemaking\_alt\_3*)

One may still question the arithmetic multiplication as a means to theoretically relate the (*dfsbuild*) and (*areacontrolcs*) in (*statemaking\_alt\_2*), in which case I offer another alternative which, instead

<sup>126</sup> Note on the expression: the prime symbol (') in the (*areacontrolcs*) indicator means that any value above 1.00 (100 per cent of territorial control) has been recoded as 1.00. This is done because there are only a few case-years that stretch beyond 1.00, providing no useful analytical material for comparative purposes other cases or case-years

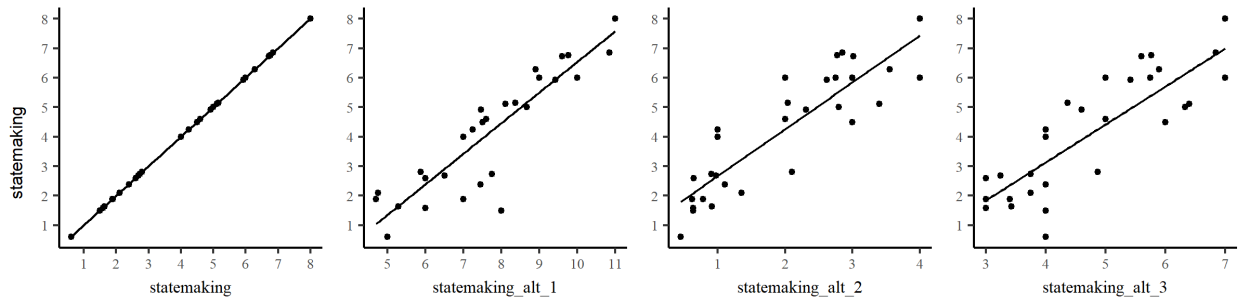
of using multiplication, it uses the arithmetic addition to add both. For this, I use the ordinal 1 to 4 scaled (*areacontrolcs\_4\_cat*) in order to equally weigh the two dimensions of state-making. Thus, the (*statemaking\_alt\_3*) is derived from the following expression:

$$\text{parentinstabl} = \text{confpdays\_r\_croot} + \text{troopspcap\_r\_croot}$$



#### B.3.4.2.4 Original (statemaking) against the alternatives

Below are the scatter plots of the alternative measurement models of state-making raw score against the original measurement used in the analysis. The plots include the mean values of case-years, and they depict differences in the distribution of the average state-making measurement scales across different models.



#### B.3.4.2.5 Conclusions with (statemaking) alternatives

I will discuss reflections on my claims to necessity and the interpretation of intermediate solution formulas with these tests.

**Test with STM\_ALT\_1CON:** This has the same calibration strategy with cross over set at 8.5, which attempts to capture the additive nature of the concept, suggesting that a reasonably good score in all three constitutive components should be considered more in than out of the set of state-making efforts. SUIN shows just like with the original 0.70. Also the intermediate solution formula is identical to the original, including its consistency and coverage scores.

**Test with STM\_ALT\_2CON:** This has the same calibration strategy with cross over set at 2.5, which attempts to capture the multiplicative nature of the concept, suggesting that a contested state should have high or very high institutional building and reasonably good territorial outreach to be considered more in that out of the set of state-making efforts. SUIN shows just like with the original 0.70. Also the intermediate solution formula is identical to the original, with a consistency and coverage score slightly higher than the original.

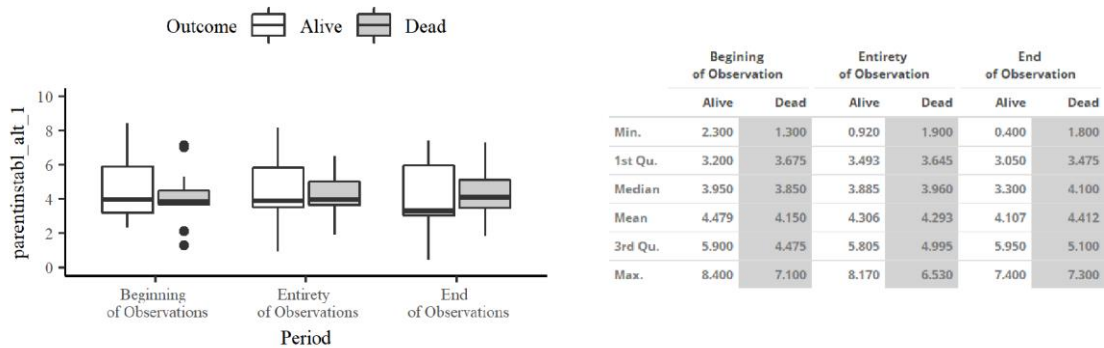
**Test with STM\_ALT\_3CON:** This has the same calibration strategy with cross over set at 2.5, which attempts to capture the multiplicative nature of the concept, suggesting that a contested state should have high or very high institutional building and reasonably good territorial outreach to be considered more in that out of the set of state-making efforts. SUIN shows just like with the original 0.70. Also the intermediate solution formula is identical to the original, with a consistency and coverage score slightly higher than the original.

### B.3.4.3 Three alternative measurements of parent instability (parentinstabl)

#### B.3.4.3.1 Alternative 1 (parentinstabl\_alt\_1)

An alternative to the original measurement model of the explanatory condition of parent state instability, is to add the intensity of conflict in which the parent state has been involved (*confpdays\_r\_croot*) with the parent state’s military expenditure per capita, instead of with its ability to mobilize troops (*troopspcap\_r\_croot*). Thus, my alternative to the original adds the (*confpdays\_r\_croot*) with the (*milexcap\_r\_croot*), a continuous indicator which includes values ranging between 0 (very high military expenditure per capita) to 5 (very low military expenditure per capita). The (*parentinstabl\_alt\_1*) is derived from the following expression:

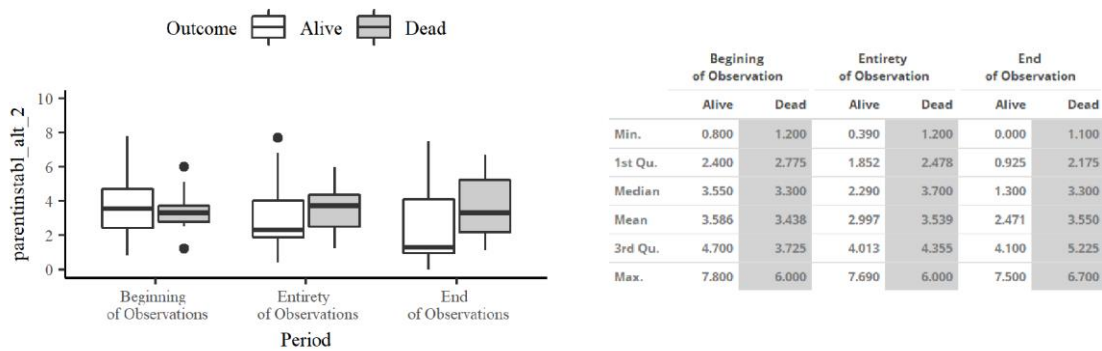
$$\text{parentinstabl\_alt\_1} = \text{confpdays\_r\_croot} + \text{milexcap\_r\_croot}$$



### B.3.4.3.2 Alternative 2 (parentinstabl\_alt\_2)

Another alternative that I provide is to add the intensity of conflict in which the parent state has been involved (*confpdays\_r\_croot*) with the parent state's GDP per capita instead. Thus, my second alternative measurement model for the parent state instability is to add the (*confpdays\_r\_croot*) with the (*cgdppc\_r\_croot*), a continuous indicator which includes values ranging between 0 (very high GDP per capita) to 5 (very low GDP per capita). The (*parentinstabl\_alt\_2*) is derived from the following expression:

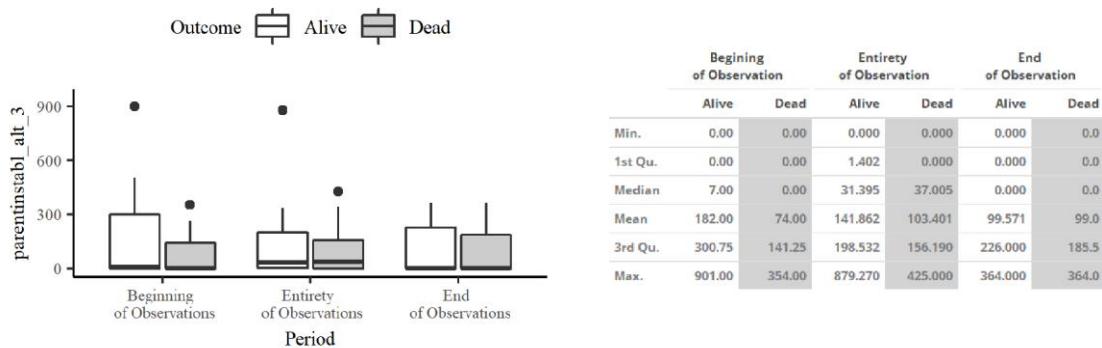
$$\text{parentinstabl\_alt\_2} = \text{confpdays\_r\_croot} + \text{cgdppc\_r\_croot}$$



### B.3.4.3.3 Alternative 3 (parentinstabl\_alt\_3)

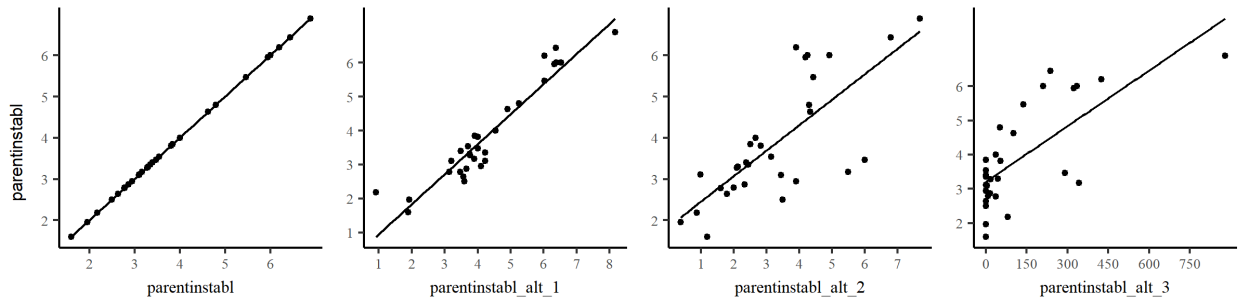
My last alternative I offer, is to simply keep the measurement of parent state instability with its number of days in conflict with internal and/or external actors, other than with the contested state. The (*parentinstabl\_alt\_3*) is derived from the following expression:

$$\text{parentinstabl\_alt\_3} = \text{confpdayswoCS}$$



### B.3.4.3.4 Original (parentinstabl) against the alternatives

Below are the scatter plots of the alternative measurement models of parent instability raw score against the original measurement used in the analysis. The plot includes the mean values of case-years, and they depict differences in the distribution of the average parent state instability measurement scales across different models.



#### B.3.4.3.5 Conclusions with (parentinstabl) alternatives

I will discuss reflections on my claims to necessity and the interpretation of intermediate solution formulas with these tests.

**Test with PIN\_ALT\_1CON:** This has the same calibration strategy and the same cross over set at 5. SUIN shows with a slight change in coverage score of 0.69, instead of 0.70 in the original. This presents no meaningful change. This alternative presents no changes to the results. In fact the intermediate solution formula is identical with the original, including its consistency and coverage scores.

**Test with PIN\_ALT\_2CON:** This has the same calibration strategy and the same cross over set at 5. SUIN shows with a slight change in coverage score of 0.69, instead of 0.70 in the original. This presents no meaningful change. The intermediate solution formula generated in preserves two original sufficient paths, but does not show one which is included in the original, namely the (ES•PIN). However, this alternative is in clear subset relation to the original intermediate solution formula, meaning that it does not contradict it. It merely has less explanatory power, as its lower coverage score shows - which stems from lacking the very sufficient path that the original solution formula covers. This is a motivation to keep the original conceptualization of the parent state instability used in the original analysis.

**Test with PIN\_ALT\_3CON:** This has the same calibration strategy, but the cross-over set at 145, meaning that they must be more than 40 per cent of time at war to be considered at war. SUIN shows identically like in the original analysis. The consistency and coverage are identical.

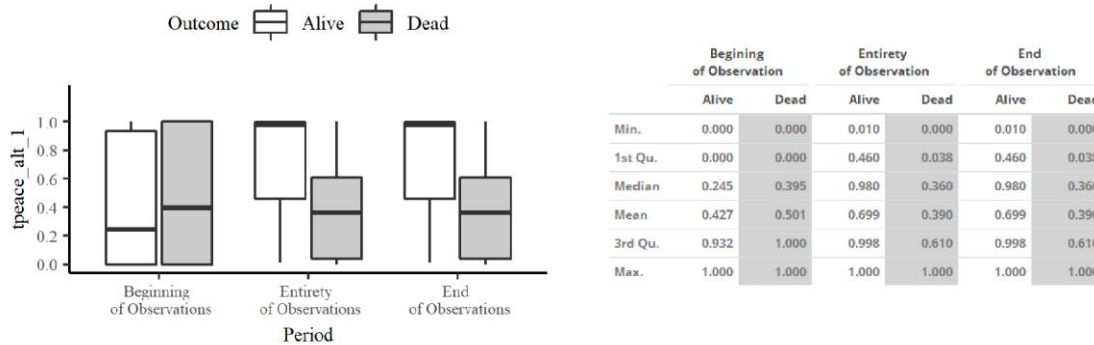
There is one change, which is there is one additional term that is added, namely (STM•PIN•TIP) to the existing three. Examining further we see the new one obtained here presents no meaningful changes to the overall interpretation; this is because the new added sufficient term's coverage score is only marginal, compared to the original sufficient paths. Thus removing the term from the solution formula presents no meaningful changes of the interpretation - there would be marginal changes to the overall consistency and coverage scores if we do so.

### B.3.4.4 One alternative measurements of time in peace (tpeace)

#### B.3.4.4.1 Alternative 1 (tpeace\_alt\_1)

The alternative to (*tpeace*) is a very similar indicator; however, when deriving the mean value of the time-series data, the mean of cumulative is replaced by the actual cumulative time in peace at the end of the case observation. The (*tpeace\_alt\_1*) is derived by the following expression:<sup>127</sup>

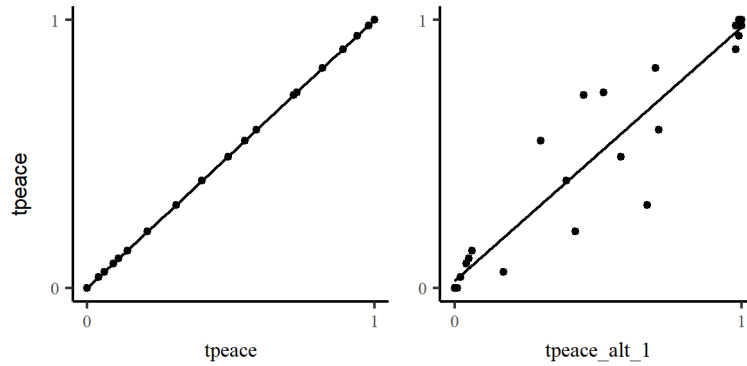
$$tpeace\_alt\_1 = 1 - (confcsdcum / dayscum)'$$



#### B.3.4.4.2 Original (tpeace) against the alternative

Below are the scatter plots of the alternative measurement models of time in peace raw scores against the original measurement used in the analysis. The plots include the mean values of case-years, and they depict differences in the distribution of the average time in peace measurement scales across different models.

<sup>127</sup> Note on the expression: the prime symbol (') means that when deriving the mean value of the time-series data for each case, the actual mean is not the mean value of the cumulative, but the actual cumulative time in peace at the end of the case observation.



#### B3.4.4.3 Conclusions with (tpeace) alternatives

I will discuss reflections on my claims to necessity and the interpretation of intermediate solution formulas with these tests.

**Test with TIP\_ALT\_1CON:** This has the same calibration strategy and the same cross over set at 0.60, meaning that a case must spend more than 60 per cent of cumulative time in peace (or less than 40 per cent at war) to be considered as being more in peace than not. SUIN is identical with the original. The new solution formula we obtain is identical to the original one, with slightly higher coverage and consistency scores.

#### B.3.4.5 Note on (possible) other alternative measurements for international legitimacy

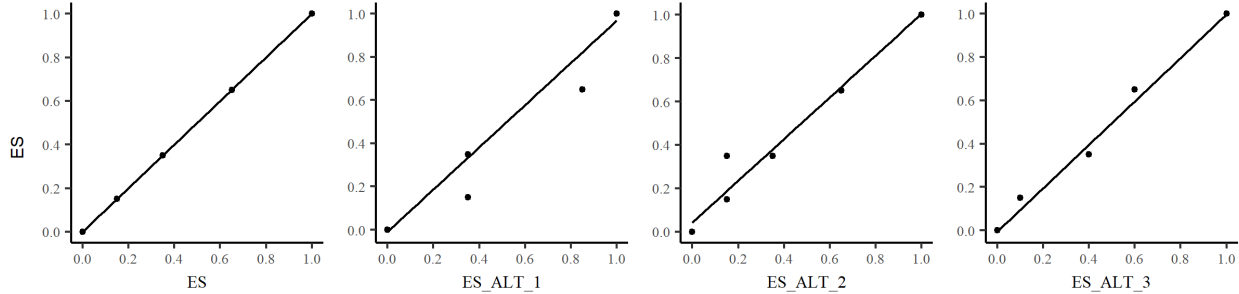
I provide no alternatives to the original measurement of the international legitimacy as the original score is straightforward and no strong legitimate alternatives can be provided. Alternative calibration procedures are offered for all explanatory conditions, including for international legitimacy, in the subsequent sections.

#### *B.3.5 Robustness with alternative calibrations of set conditions*

I conduct tests with three alternative calibration procedures for each condition separately. The first alternative always tests with lower qualitative cross-over point than the original. The second alternative always tests with higher qualitative cross-over point than the original. The third alternative always tests with other fuzzy set membership scores. Note that the first two alternative tests for each of the conditions are meant to stress test the decisions what it means to be more in or more out of the set, and thus are likely to lead to changes should the original cross-over points be sensitive. The third alternative test for each of the conditions is meant to stress test the decisions on what all sets capture in terms of my reference to change in time.

### B.3.5.1 Three alternative calibrations of (ES)

Below are the scatter plots of the alternative calibration procedures ( $ES\_ALT\_n$ ) against the original ( $ES$ ) used in the analysis.



The original cross-over point for ( $ES$ ) was set to 0.5. The first alternative ( $ES\_ALT\_1$ ) tests with the cross-over point set to 0.3. The second alternative ( $ES\_ALT\_2$ ) tests with a cross-over point set to 0.7. The third alternative ( $ES\_ALT\_3$ ) tests with different fuzzy set membership scores as depicted below:

	Fully in	Almost fully in	Mostly in	More in than out	More out than in	Mostly out	Almost fully out	Fully out
ES	1	0.85	0.75	0.65	0.35	0.25	0.15	0
ES_ALT_3	1	0.90	0.80	0.60	0.40	0.20	0.10	0

Here I comment on the results on intermediate solution formula (I shall not include the SUIN, although I outline it here)

**Test with ES\_ALT\_1:** SUIN does not appear. A similar one appears ES+IL with a very high coverage. No substantial change to the interpretation. The intermediate solution formula is identical, with slightly higher consistency and coverage score. No changes to the interpretation

**Test with ES\_ALT\_2:** SUIN is there with slightly higher coverage. The intermediate solution formula is identical, with slightly higher consistency score.

**Test with ES\_ALT\_3:** SUIN is there with slightly lower coverage, 0.69 instead of the original 0.70. The intermediate solution formula is identical, with slightly higher consistency score and slightly lower coverage score. None meaningful to change anything in the interpretation of the results.

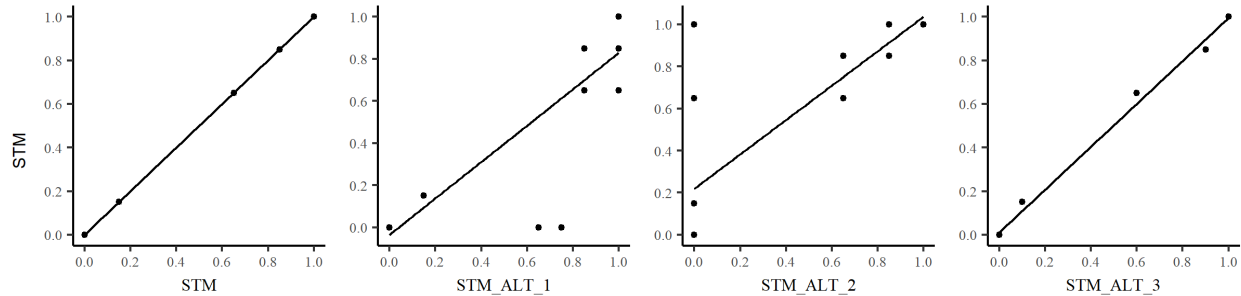
In sum, three alternative calibrations offer no meaningful changes to our interpretation of sufficiency for contested state survival. In fact, none of the three alternative calibration procedures of ( $ES$ ) changes the results, and thus the interpretation. It is safe with the original calibration, but



also with the alternatives offered here so far as the interpretation of sufficiency for survival is concerned.

### B.3.5.2 Three alternative calibrations of (STM)

Below are the scatter plots of the alternative calibration procedures ( $STM\_ALT\_n$ ) against the original ( $STM$ ) used in the analysis.



The original cross-over point for ( $STM$ ) was set to 5.5. The first alternative ( $STM\_ALT\_1$ ) tests with the cross-over point set to 4.9. The second alternative ( $STM\_ALT\_2$ ) tests with a cross-over point set to 6.1. The third alternative ( $STM\_ALT\_3$ ) tests with different fuzzy set membership scores as depicted below:

	Fully in	Almost fully in	Mostly in	More in than out	More out than in	Mostly out	Almost fully out	Fully out
STM	1	0.85	0.75	0.65	0.35	0.25	0.15	0
STM_ALT_3	1	0.90	0.80	0.60	0.40	0.20	0.10	0

Here I comment on the results on intermediate solution formula (I shall not include the SUIN, although I outline it here)

**Test with STM\_ALT\_1:** SUIN appears as in the original analysis. Slightly lower (very marginal change in) consistency and coverage scores. The intermediate solution is almost identical. It preserves the three sufficient terms, but we notice the addition of ( $stm$ ) to the original ( $ES \cdot PIN$ ). This provides no meaningful change to the overall interpretation of the results or of the very term to which ( $stm$ ) was added, as the new sufficient term stands in subset relation to the original one, and in no way contradicts the interpretation. Eritrea does not feature with Donetsk and Lugansk Republics, therefore the addition of ( $stm$ )

**Test with STM\_ALT\_2:** SUIN appears as in the original analysis. Slightly lower (very marginal change in) consistency and coverage scores. The intermediate solution is almost

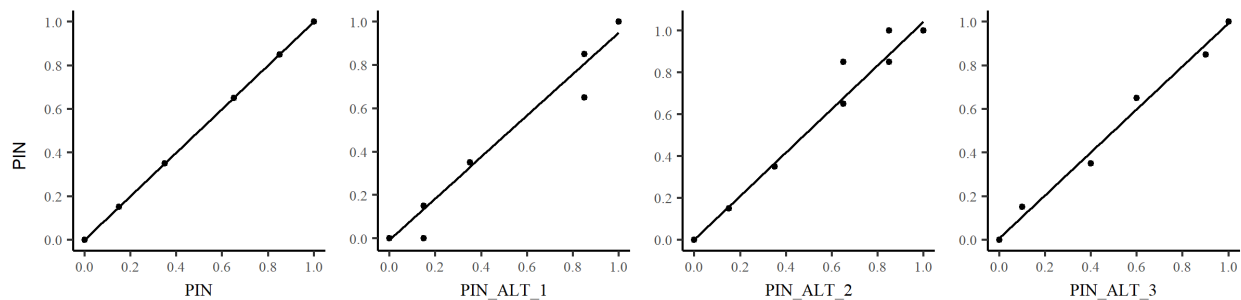
identical. There is one change, which is there is one additional term that is added, namely (STM•PIN•TIP) to the existing three. Examining further we see the new one obtained here presents no meaningful changes to the overall interpretation; this is because the new added sufficient term's coverage score is only marginal, compared to the original sufficient paths. Thus removing the term from the solution formula presents no meaningful changes to the interpretation - there would be marginal changes to the overall consistency and coverage scores if we do so.

**Test with STM\_ALT\_3:** SUIN appears as in the original analysis. Almost identical consistency and coverage. The intermediate solution formula are identical to the original.

In sum, three alternative calibrations offer no meaningful changes to our interpretation of sufficiency for contested state survival. In fact, none of the three alternative calibration procedures of (STM) changes the results, and thus the interpretation. It is safe with the original calibration, but also with the alternatives offered here so far as the interpretation of sufficiency for survival is concerned.

### B.3.5.3 Three alternative calibrations of (PIN)

Below are the scatter plots of the alternative calibration procedures (*PIN\_ALT\_n*) against the original (*PIN*) used in the analysis.



The original cross-over point for (*PIN*) was set to 5.0. The first alternative (*PIN\_ALT\_1*) tests with the cross-over point set to 4.5. The second alternative (*PIN\_ALT\_2*) tests with a cross-over point set to 5.5. The third alternative (*PIN\_ALT\_3*) tests with different fuzzy set membership scores as depicted below:

	Fully in	Almost fully in	Mostly in	More in than out	More out than in	Mostly out	Almost fully out	Fully out
PIN	1	0.85	0.75	0.65	0.35	0.25	0.15	0
PIN_ALT_3	1	0.90	0.80	0.60	0.40	0.20	0.10	0

Here I comment on the results on intermediate solution formula (I shall not include the SUIN, although I outline it here)

**Test with PIN\_ALT\_1:** SUIN appears with a slightly lower score of 0.68, instead of the original 0.70. Identical coverage and consistency of the solution formula. The solution formula preserves identical sufficient paths. Thus no change.

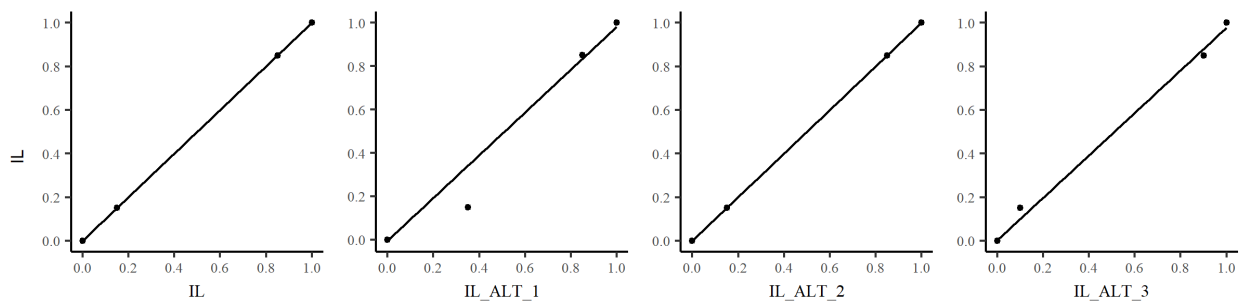
**Test with PIN\_ALT\_2:** SUIN appears as in the original analysis, with slightly higher coverage score. Identical coverage and consistency of the solution formula. The solution formula preserves identical sufficient paths. Thus no change.

**Test with PIN\_ALT\_3:** SUIN appears as in the original analysis. Identical coverage and consistency of the solution formula. The solution formula preserves identical sufficient paths. Thus no change. .

In sum, three alternative calibrations offer no meaningful changes to our interpretation of sufficiency for contested state survival. In fact, none of the three alternative calibration procedures of (*PIN*) changes the results, and thus the interpretation. It is safe with the original calibration, but also with the alternatives offered here so far as the interpretation of sufficiency for survival is concerned.

#### B.3.5.4 Three alternative calibrations of (*IL*)

Below are the scatter plots of the alternative calibration procedures (*IL\_ALT\_n*) against the original (*IL*) used in the analysis.



The original cross-over point for (*IL*) was set to 5.0. The first alternative (*IL\_ALT\_1*) tests with the cross-over point set to 4.5. The second alternative (*IL\_ALT\_2*) tests with a cross-over point set to 5.5. The third alternative (*IL\_ALT\_3*) tests with different fuzzy set membership scores as depicted below:

	Fully in	Almost fully in	Mostly in	More in than out	More out than in	Mostly out	Almost fully out	Fully out
IL	1	0.85	0.75	0.65	0.35	0.25	0.15	0
IL_ALT_3	1	0.90	0.80	0.60	0.40	0.20	0.10	0

Here I comment on the results on intermediate solution formula (I shall not include the SUIN, although I outline it here)

**Test with IL\_ALT\_1:** SUIN appears like in the original. Identical coverage and consistency of the solution formula. The solution formula preserves identical sufficient paths. Thus no change.

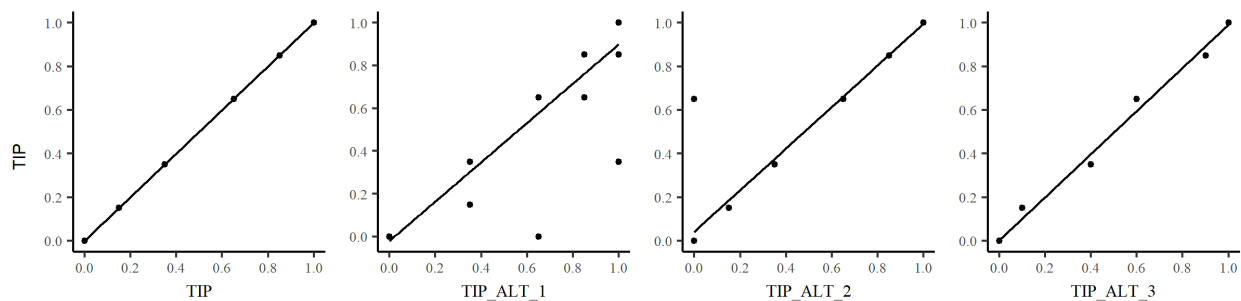
**Test with IL\_ALT\_2:** SUIN appears like in the original. Identical coverage and consistency of the solution formula. The solution formula preserves identical sufficient paths. Thus no change.

**Test with IL\_ALT\_3:** SUIN appears like in the original. Almost identical coverage and consistency of the solution formula. The solution formula preserves identical sufficient paths. Thus no change.

In sum, three alternative calibrations offer no meaningful changes to our interpretation of sufficiency for contested state survival. In fact, none of the three alternative calibration procedures of (*IL*) changes the results, and thus the interpretation. It is safe with the original calibration, but also with the alternatives offered here so far as the interpretation of sufficiency for survival is concerned.

### B.3.5.5 Three alternative calibrations of (TIP)

Below are the scatter plots of the alternative calibration procedures (*TIP\_ALT\_n*) against the original (*TIP*) used in the analysis.



The original cross-over point for (*TIP*) was set to 5.0. The first alternative (*TIP\_ALT\_1*) tests with the cross-over point set to 4.5. The second alternative (*TIP\_ALT\_2*) tests with a cross-over point set to 5.5. The third alternative (*TIP\_ALT\_3*) tests with different fuzzy set membership scores as depicted below:

	Fully in	Almost fully in	Mostly in	More in than out	More out than in	Mostly out	Almost fully out	Fully out
TIP	1	0.85	0.75	0.65	0.35	0.25	0.15	0
TIP_ALT_3	1	0.90	0.80	0.60	0.40	0.20	0.10	0

Here I comment on the results on intermediate solution formula (I shall not include the SUIN, although I outline it here)

**Test with TIP\_ALT\_1:** SUIN appears like in the original. Identical coverage and consistency of the solution formula. The solution formula preserves identical sufficient paths. Thus no change.

**Test with TIP\_ALT\_2:** SUIN appears like in the original. Identical coverage and consistency of the solution formula. The solution formula preserves identical sufficient paths. Thus no change.

**Test with TIP\_ALT\_3:** SUIN appears like in the original. Almost identical coverage and consistency of the solution formula. The solution formula preserves identical sufficient paths. Thus no change.

In sum, three alternative calibrations offer no meaningful changes to our interpretation of sufficiency for contested state survival. In fact, none of the three alternative calibration procedures of (*TIP*) changes the results, and thus the interpretation. It is safe with the original calibration, but also with the alternatives offered here so far as the interpretation of sufficiency for survival is concerned.



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