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A PARADOX OF INTERNATIONAL (NON)RECOGNITION: THE RELATIONSHIP BETWEEN DE FACTO STATES AND PATRON STATES

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Abstract

International system has been witnessing some geopolitical mobilization after the second half of 20. century. These mobilities resulted in several conflicts which demand secession from their parent state. The conflicts which are caused by secessionist movements usually end with unilaterally secessions and these entities establish their own state without consent of parent state. After decolonization era, these secessionist movements are regarded as illegal by international community because they are not as part of decolonization movements. So these entities remain as unrecognized, in other words, de facto states. The violation of territorial integrity principle and threat to international peace and stability are main reasons that these states are regarded as illegal. But de facto states can't achieve their statehood without a support from external sources. While external sources, in other words patron states support de facto states from several aspects, they also have a control on these entities. De facto states which are not recognized by international community also experience isolation politics. These isolationism make de facto state dependent on patron state's support. But these dependences take de facto states away from international recognition. So in this study, it is aimed to analyze the relationship between de facto states and patron states and how this relationship evolves around a vicious circle.

Key Words: De Facto States, Patron States, Recognition, International Society

1.De Facto States as a Concept: Its Definitions and Characteristics

Before examining relationship between de facto states and patron states, firstly we need to answer the question of what is de facto state? Actually de facto states are anomaly in the Westphalian system of states. (Kopecek, Hoch and Baar, 2016:86) Because they have a problematic of recognition in international law. There is not a consensus between thinkers in the international system about how unrecognized states or units will be defined. Because of lacking a certain definition, de facto states can also be called as non recognized states, contested states, para states, phantom states etc. (Riegl and Dobos, 2017: 13). Scott Pegg has defined de facto states as:

“ A de facto state exists where there is an organized 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 states 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, 1997: 37)

Ersun Kurtuluş, on the other hand, defines these “ unrecognized entities” as : .. they have a legal status that is uncertain, an international standing that is indefinite, a legal existence that is often relative and a security situation that is at times precarious. (Kurtuluş, 2005: 105)

In the modern international system, there are two kind of states: sovereign and non sovereign. Sovereign states can also be called as recognized states. But what is the criteria of statehood according to international law? Here, Montevideo Convention states that a legal state which will be exist in international system as de jure must have following criterias:

- a) A defined territory,
- b) Permanent population,
- c) Government
- d) Capacity to enter into relations with other states. (Crawford, 1977: 111)

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The states that meet these criterias are sovereign states which place in the international system as de jure states. These states have not only defined territory and permanent population but also a government which can provide basic services to their people. However, because of these states have legal character in the international system, they have also the capacity to enter into relations with other states. But in the other side, de facto states are usually called as weak states or failed states because these entities' government don't have the capacity to provide basic services to their people on their own. De facto entities' statehood are achieved with several conflict with their parent states. And these entities usually have their independence after secessionist movements. After all of these circumstances, most of time de facto states don't have a settled and systemic infrastructure and their economic structure usually have a fragile and weak character.

Kolsto has defined de facto states (he used the term "quasi-states") as entities that have three criterias:

- Its leadership must be in control of (most of) the territory it lays claim to,
- It must have sought but not achieved international recognition as an independent state.
- Lastly, they have to persist in the state of non-recognition for more than two years. (Kolsto, 2006: 725-26).

Caspersen also defined some criterias for de facto states. As well as Kolsto's second and third criterias, she added two more. These criterias are:

- The entity has achieved de facto independence and
- Its leadership is seeking to build further state institutions and demonstrate its own legitimacy. (Caspersen, 2012: 6)

As well as Kolsto and Caspersen's definitions on de facto states, Scott Pegg stated some chahracterisitcs that de facto states have commonly:

- First, the historical narrative of most de facto states highlights them as being on the victorious side of the civil war that resulted in their establishment.
- Second, even decades later, the sustained lack of international recognition renders that military victory precarious and existentially insecure.
- Third, for some de facto states, their creation entailed significant ethnic homogenization through forcible population displacement.
- Fourth, most de facto states depend significantly on support and assistance from an external patron state that often intervenes in their internal affairs.
- Finally, as places striving for acceptance into the exclusive club of sovereign states, de facto states are open to international normative pressure to behave in certain ways. (Pegg, 2017: 4)

So it is obvious that de facto states that have been seen after decolonization era, mostly have same characteristics. They achieve their independence through several conflicts with parent states and they have this victory with the support of a patron state. These circumstances make them remain as de facto state in the international system.

2.De Facto States In the International Arena: Recognition Problem

After the 21. century's second half, international system has been witnessing some recognition problems. These recognition problems actually stem from secessionist movements. The existence of de facto states is a part of larger research focus approximately since the end of 1900s. (Riegl and Dobos, 2017: 2). Unrecognized states have their origins in self-determination conflicts and are denied recognition because they are seen to violate the principle of territorial integrity. (Caspersen 2012: 6). Although in the Resolution of 2625, United Nations has dedicated to some communities the right to self determination, it has stated that the territorial integrities of states in the international system come before. In this context United Nations has imposed to the states the duty of ban on the threat or use of force against the territorial integrity or political independence of any state. So United Nations has given the right to self determination to some people. This right is limited only to the people who live under colonial rule. In the resolution 1514 (XV) of 14 December 1960 which was adopted by United

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Nation General Assembly named Declaration on the Granting of Independence to Colonial Countries and Peoples, it is clearly stated:

“All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.” (UN 1960: <http://www.un.org/en/decolonization/declaration.shtml>)

As it is understood from the name of the resolution, United Nations has given the right to self determination to people who live under the governance of colonial countries. So de facto states in the international system are mostly not decolonized people but has won their de facto independence after several conflicts with their parent states. By establishing their own state as a result of secessionist movements, they also violates their parent states' territorial integrity. So this situation makes an important problem in international system. Because de facto states not only create a recognition problem but also pose a threat to international peace and security.

How is the reaction of international system to these de facto entities which pose a serious threat to their territorial integrity? International society which consists of sovereign states has usually chosen to respond to the existing de facto states in three ways: they actively oppose de facto entities by implementing embargoes and sanctions, generally ignoring them and having no dealing with them, coming to some sort of limited acceptance and acknowledgment of their presence. (Pegg, 1998: 228)

Isolation of de facto states from international system has some consequences: De facto states are unable to obtain loans from international credit institutions; they are barred from membership of international organizations, international laws and regulations do not apply on their territories – which tend to discourage foreign investors-, international markets are also closed to them their inhabitants are unable to travel unless they can obtain etc. (Caspersen 2012: 42) Actually states may use recognition as a threat in international system. Because of the strength of the idea of territorial integrity of states, they used the weapon of recognition against de facto states. By non-recognition of these states, they aim to prevent any other attempt.

Basically, the EU has parallel position with existing states in international system regarding de facto states. There are four EU policy towards de facto states:

- active isolation (embargo and or support for parent re-integration);
- passive isolation (no engagement);
- engagement without recognition;
- recognition. (Debski, Wisniewski, Lorenz vd. 2017:8)

When looking at the policy of the EU, it is possible to see that policies towards de facto states are mostly consist of isolation politics. So states in the international system and EU's stances to de facto states are similar. The mostly preferred option by the EU is engagement without recognition. But in practise, the EU's position exist between engagement without recognition and passive isolation. On the other side, active isolation and recognition are extreme situations which their applying would be dangerous in terms of region's stabilization (Debski, Wisniewski, Lorenz et al. 2017:8).

3.De Facto States And Patron States Relationship

De facto states have a recognized problem in the international system because of gaining their de facto statehood through secessionist movements. This situation causes to isolation of de facto states in the international system. Because of this isolationist politics, de facto states can't sustain their statehood without an external sources. These external sources are usually called as patron states. There are some exceptional situations in international arena, a patron state's support is inevitable for de facto states' survival.

Patron state in general terms means an internationally recognized country that offers political, diplomatic, economic, and/or military support to the de facto states. (Debski, Wisniewski, Lorenz et al. 2017: 3) While these external sources had an advantage on de facto states' surviving, they cause to some problems also. These forms of external support come at a price, but they are essential for the survival of the unrecognized states. (Caspersen, 2012: 51). De facto states which have already a negative response from international system have additional damage because of this dependence.

Patron state's help to de facto state often seen as financial or military. Because de facto state can't form democratic state institutions and independent economic structure, they mostly need to financial support. For their territorial integrity, they also need financial support of their patron state.

Patron states support de facto states for some reasons:

- 1) As an efficient mechanism for imposing costs on the home state (e.g. as Russia does to Georgia via South Ossetia and Abkhazia)
- 2) Ethnic solidarity with the secessionists (e.g. Turkey's support of the Turkish Republic of Northern Cyprus);
- 3) Hope of eventual annexation of the disputed territory (e.g. Armenia's support of Nagorno Karabakh). (Graham and Horne, 2012: 10)

Table 1: Patron States

De Facto State	Parent	Patron	Recognised by	Freedom House Ranking
Abkhazia	Georgia	Russia	Russia, Nikaragua, Venezuela, Nauru	Partly free
Nagorno-Karabakh	Azerbaijan	Armenia	-	Partly free
South Ossetia	Georgia	Russia	Russia, Nikaragua, Venezuela, Nauru	Not free
Transnistria	Moldova	Russia	-	Not free

Source: Sławomir Dębski . Bartosz Wiśniewski . Wojciech Lorenz vd. " EU Policy Options towards Post-Soviet De Facto States", The Polish Institute of International Affairs, Policy Paper, No. 6 (159), October 2017

When we look at the post Soviet de facto states, it is possible to say that all entities have a patron state support. And it is approved by the Ranking House that none of them are free. Patron states have a direct impact on de facto states in return all of these support. One of the most important example of this situation is Russia's effect on Abkhazia. During presidential elections in Abkhazia, Russia's favoured candidate' defeat and Russia has implemented an economic embargo on Abkhazia. Accordingly, patron state has cut off Abkhazia's lifeline, until a power-sharing deal was reached between two candidates. (Caspersen, 2009: 52). On the other side, military support was provided by Russia in the case of South Ossetia and Transnistria; Armenia in the case of Nagorno-Karabakh; Turkey in the case of Northern Cyprus, Serbia in the case of Republika Srpska Krajina and Republika Srpska. (Caspersen, 2012: 55) William Zartman has also said about this dependence as: " states need some emergency pump-priming to get the machine started." (Zartman, 1995: 272). This expression means that de facto states which lack international recognition need some patron states' vital support to survive their de facto statehood. A de facto state actually is not a choice for investors and de facto states don't have any other choice but external dependence. They can't have a part of any economic agreement with other states in international system because of lacking legal character. It is not possible to demonstrate their statehood and to establish democratic and efficient state institutions in the circumstances of de facto state' establishment, de facto states' dependence on patron state directly rises. Unrecognized states which can't have any support from international society automatically tend to rely on an external support. Although the support of patron state provide some help and maintaining of de facto statehood of unrecognized states, on the other side it cause lacking of international recognition and being alone in the international arena. So patron state and de facto state relation contain a vicious circle which means that the more de facto state dependence on patron state, the more they go away from international recognition.

Blakkisrud and Kolsto had also defined de facto states as "states on the dole". While making this description, they give Abkhazia example. Because Abkhazia de facto state is not capable of provide basic services, they rely on Russia's support. While this relationship make Abkhazia's situation difficult in the international arena, Abkhaz side is glad for this external support. Abkhaz Foreign Minister accepted de facto state's dependence on an external support and he makes an

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explanation which confirm that Abkhazia is a Russian protectorate. (Blakkisrud and Kolsto, 2008: 494).

According to Fairbanks, unrecognized entities are the weakest of the weak states. He also pointed at Srpska Krajina, Republika Bosna, Kosovo, Trans-Dniestra, Abkhazia, South Ossetia, Nagorno-Karabakh, Chechnya and etc. These entities are often cut off from diplomatic relations, Western aid, human rights monitoring, travel, telephone, banking, and many other parts of global market. (Fairbanks, 2002: 141). Being isolated from international society, and de jure statehood's rights in a sense forces de facto states to be dependent on a patron state. But being relied on a patron state may have a potential danger: if these de facto entities decided to disconnect with their patron state and turns to international system, they could lose their de facto independence altogether (Caspersen, 2009:56). After all of these considerations, it would not be wrong if we say; being dependent on a patron state contain some contradiction: the more de facto states dependent on a patron state, the more their de facto statehood get harmed.

De facto states' recognition issue may have a threat tools between their patron state and the other states. A patron states which have important geopolitical goals on the de facto state's territory, may disturb the other powers of international system. These powers' way to react to patron states is usually non recognizing de facto entities. Most of de facto states as a result of incomplete and contested state-formation in the intermediate zones of great power rivalry, thus depending on patron states and their power leverage. (Berg&Toomla, 2009: 27)

Why de facto states are isolated from international system? At this point, we again turn to patron state involvement. Most of de facto states achieved their de facto statehood through secessionist movements. Because de facto states can't win independence struggle against thier parent state without an external support, their patron states' involvement would become inevitable. Such third party involvement is usually seen as an obstacle to a negotiated solution. (Caspersen, 2017: 16). This situation make an impression in international arena that de facto states are not able to manage statehood process on their own. So that international isolation is implemented by international community to these de facto entities to respond to third party involvement.

Armenia's effect on Nagorno Karabakh is another example on de facto states and patron states relationship. Armenia provides a huge support for Nagorno- Karabakh especially in economical area. So that Nagorno Karabakh uses Armenian currency, their citizens have Armenian passports and so on. Armenia also provides the main markes products from Nagorno Karabakh and constitutes its only link with the outside world. So in the areas of culture, economy and defence, Nagorno- Karabakh and Armenia wouldn't be thought as separate entities (Caspersen, 2012: 56). Moreover, every year Armenia provides an 'interstate loan' to Karabakh that covers 75-80 per cent of its need (Lynch, 2002: 847). Republika Srpska Krajina and Republika Srpska in Bosnia also have seceded from their parent state Croatia and Bosnia – respectively- thanks to military support from Yugoslav army and Serbian authorities. (Kolsto, 2006: 733)

Actually de facto states' non recognition by the other states in the international system suits patron states' interests. Because in many cases, it is only the military support of the patron states that prevents immediate reconquest by their parent state, and only the economic support from the patron that prevens economic collapse. So as long as non recognition persists, the patron's influence on de facto state is maximized. (Graham&Horne 2012: 12). As long as de facto state' unrecognized status remain, its patron state would have better opportunity to pursue their policy in that region.

Why is it so important to have economic and military support for a de facto state? For a newly formed entity, economic and military structure are the basic statehood stage. Without military power, it is not possible to maintain their territorial integrity for de facto states. And it is also likely that their parent states would take an action to take these territory back. Economic structure, on the other side, have a vital importance also. For an entity which lack recognition and confront an isolation from international system, it is not possible to have foreign investors in that region and only way to stay strong economically for them is to depend on a patron state. So patron states' prior choices to support de facto states are the areas of military and economic.

While being dependent on a patron state, de facto states don't give up the aim of achieving international recognition. Actually de facto states have two main goals: maintain their de facto independence and try to gain international recognition. (Caspersen, 2009: 48). But there is a paradox at this point. In order to achieve international recognition, de facto states must have to complete statehood processes such as democratic institutions and economic structure's improvement. But in the conditions that these states have make dependent them on their patron state. So as long as de facto states remain as de facto entity, they go away from international recognition.

Conclusion

It seems that secessionist movements and ethnic groups' demand for independence will continue to be a problem for the states in the international system. As long as there are several states which have some interest in certain regions, de facto states will have a patron state's support. Because de facto states couldn't complete its statehood process successfully, their basic structures –especially in military and economic areas- become weak and they rely on a patron states' support. Patron states give the support what de facto states need but this dependence put these entities in a position negatively in the eyes of international community. International community's reaction to de facto states is to ignore and non recognize them. This isolation make de facto states much closer their patron states. So the more isolation against de facto state, the more dependence on a patron state. De facto states' dependence on a patron states gives the impression to the other states that they can't manage statehood process on their own. So although de facto states aim to prove their statehood and thus seek international recognition as a de jure state, their relations with patron states prevent them to achieve these aims. It is hard to handle for de facto states without a patron state. It is possible to conclude that the more de facto states depend on patron state, the more they go away from international recognition.

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