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Playing in the sandbox: statebuilding in the space of non-recognition

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Abstract:

For unrecognized states in the international system, recognition of sovereign statehood is the ultimate goal. Not being ‘a state’ means being excluded from global networks. However, even in the most basic definitions and criteria for unrecognized states there is a period of relative autonomy due to non-recognition. It is a period when political actors can use isolation to establish the state’s narrative, identity, and structure. It is this period that provides the foundations for external interaction. It is in this period that the state is born. This article examines another side to the politics of recognition: the politics of non-recognition. Drawing on the contemporary examples of Somaliland and Kurdistan, this article assesses whether the benefits as well as the costs of non-recognition.

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Playing in the sandbox: statebuilding in the space of non-recognition

Recognition of sovereign statehood is the final obstacle facing those political entities in the international system that want to be states. Unrecognised states exist in a position seemingly outside of the international system whereby they exhibit all of the characteristics of statehood short of international recognition of sovereignty. For such entities, recognition is the ultimate goal. In these entities the 'state' exists long before legal standing is granted, and is widely seen as a precondition of recognition. Because of this, although the very act of granting recognition would impart a drastic change in the juridical legality and placement of the political entity under question, drastic empirical change is unlikely in what are already developed political systems. For unrecognised states, the existence of the 'state' is a necessity, therefore the quest for recognition, and existence within the space of non-recognition, carries powerful political agency within these political entities.

In this article we argue that the ambition to achieve international recognition creates a positive dynamic in the process of statebuilding in unrecognised states. From this we observe that whilst non-recognition brings its own problems, unrecognised states also benefit from this period. First, the quest for recognition is a spur to statebuilding within a territory and is also a narrative around which the population can unite to build a common political identity. Second, a period without international oversight can act as a stabilizing factor,¹ a space where state formation can take place without a rigid framework, allowing for structures that are amenable to the domestic community. We see this as a period when liberation movements can use isolation to establish the narrative, the identity, and the structure of the state, and to form the institutions of government and governance. It is this period that provides the foundations for external interaction, and it is in this period that the state comes into being for its population and the international community.. Based in understandings of statebuilding, this article examines a side to recognition that is often overlooked: the political space of non-recognition. The attempt here is not to squeeze all cases into a box or to homogenise political entities. However, similarities in the socio-political space of these entities² is too analytically significant to ignore. Whilst utilizing the examples of Somaliland and Kurdistan through the lens of statebuilding, this article considers the role of non-recognition in the development of society-state relations in the new 'states' in terms of flexibility of state, identity, and ultimately resilience.³

Recognition, Non-Recognition and Unrecognised States

The concept of recognition is one of the murky concepts in international relations. As Geis, et al, identify, a ‘ubiquity of issues’ relate to recognition. However, ‘*what* a certain actor seeks recognition of and from whom, how exactly recognition comes about (or fails to come about), and how it can be ‘measured’ is not self-evident’.⁴ This is especially pertinent for unrecognised states, where mechanisms and processes for recognition sovereign statehood are not clear, defined, or in some ways even existent. When discussing these political entities, though, what is clear is the ‘what’ and the ‘from whom’: the underlying commonality of recognition centres on recognition of sovereign statehood, or statehood that is legally recognised and is internally accepted. Thus, the factor of recognition, or, to be more precise, non-recognition, cannot be ignored.

As with any definitional task, defining unrecognised states is difficult not only because of ambiguity surrounding recognition, but also because of diversity of entities that can be classed as ‘unrecognised,’ although not all may be classed as ‘states’. Indeed, the line drawn between secessionist movements or disputed territories and unrecognised states is thin and sometimes wavering, depending on who is doing the labelling.⁵ However, for purposes of clarity of discussion, it is necessary to outline and define those entities under consideration as unrecognised states.

In many ways, unrecognised states are the flipside of what Jackson identifies as quasi-states: they are empirical states that are lacking in, and seeking, juridical statehood.⁶ In his early work on what he termed ‘de facto states’, Pegg defines these entities as:

entities which feature long-term, effective, and popularly-supported organized political leaderships that provide governmental services to a given population in a defined territorial area. They seek international recognition and view themselves as capable of meeting the obligations of sovereign statehood. They are, however, unable to secure widespread juridical recognition and therefore function outside the boundaries of international legitimacy.⁷

Caspersen and Stansfield expand on this, offering further criteria to identifying to define unrecognised states. First, these entities must have ‘de facto independence, including territorial control, and have managed to maintain this for at least two years’. Second, they

cannot have gained recognition of sovereign statehood, even if they have been recognized by individual states or blocs of states, meaning that they are not ‘full members of the international system of sovereign states’. Most unrecognised states have some form of partial or informal recognition in that an individual state or bloc of states interacts with it on a state-like level. However, without recognition of sovereignty by the community of states, they remain ‘non-states’. Finally, unrecognised states must have a clear desire to be fully independent from the state from which they are separating (parent state), meaning they are seeking full legal recognition of sovereign statehood.⁸ This final point highlights commonalities amongst the wide variety of entities considered to be unrecognised states: they are engaged in the complex socio-political process of statebuilding.⁹ Whilst the declaration of independence may be a means of stating of intent or an identification of an entity, it is not statebuilding. Indeed, whilst the statement of intent and statebuilding are connected, they are not the same thing; statebuilding is an ongoing and complex process that involves more than solely building the institutions of government. For some, such as Somaliland, this process takes place after the declaration of independence.¹⁰ For some such as Kurdistan, where the declaration of independence is implied or latent rather than overt, the process of statebuilding comes before the declaration of independence. For most, some elements of statebuilding, such as the creation of a separate identity, occur prior to and following the declaration of independence.

Interestingly, within these definitions *who* wants independence – the population or the political elite – is not clearly addressed, and as Pegg concedes, it is ‘extremely difficult to discern what a movement’s true goals really are.’¹¹ However, as will be examined in following sections, it can be assumed that the continued process of statebuilding demonstrates a significant degree of societal acceptance of the separate entity and its continuing existence as a territory seeking recognition. Indeed, the criterion for seeking recognition – and the lengthy process of doing so – distinguishes between those entities within states that are seeking a degree of autonomy and those that are seeking statehood. Within these definitions is the recognition that the process of statebuilding has begun, either prior to the declaration of independence or after it, and the process is a continuing one. These entities claim not only independence for a territory, but they claim independent statehood and are seeking for that to be recognised.¹² Unlike larger, externally-led statebuilding projects, those in unrecognised states are self-led and undertaken in an environment of relative isolation and from the international system of states. Indeed, as King notes, ‘the territorial

separatists of the early 1990s have become the statebuilders of the early 2000s', creating territorial areas whose empirical attributes are 'about as well developed as that of the recognized states of which they are still notionally a part.'¹³

Recognition is an ambiguous term.¹⁴ Some unrecognised states, such as South Ossetia (Russia), Nagorno Karabakh (Armenia), and Abkhazia (Russia), have strong patron states from whom they seek assistance and support, creating relationships that can be deemed partial or informal recognition. Others, such as Somaliland, do not, although this does not mean it does not also enjoy partial recognition, as Ethiopia and Djibouti have strong, yet informal, relationships with the territory. Kurdistan has been able to utilize the powers given to it by federalism in order to cultivate links with the international business community and strategic national investors, carving out an independent profile in trade by striking deals with neighbouring Turkey on energy and frequently visiting the World Economic Forum.¹⁵ Although it is seeking approval for its status from key international actors, in these interactions it is not able to act as an independent state. When discussing recognition, what is referred to here is what Caspersen and Stansfield allude to as full or sovereign recognition: international recognition of sovereign statehood rather than recognition of the existence of a political entity.¹⁶ However, vague and inconsistent legal and quantifiable standards and precedents surround how much recognition, and by whom, equates to the granting of sovereignty. There are no concrete or static rules as to how this recognition takes place, and indeed, as Caspersen notes, the rules of recognition have changed over time.¹⁷ However, in discussions it is generally noted that full recognition means acceptance by a 'critical mass' of states,¹⁸ or the opportunity to join international institutions, such as the UN or institutional legal frameworks, as a full state member.¹⁹

Lack of sovereign recognition brings significant detriments for the entities in question and their populations. Despite increasing international attention to many such as Kurdistan, Somaliland and Kosovo, the connotation of danger and deviance still remains attached to these 'breakaway' entities.²⁰ Because of their placement both within and outside the confines of a recognized state, many of these entities exist within the condition of unresolved conflict.²¹ Further, even if peaceful, not being 'a state' means being excluded from many systemic interactions. Unrecognised states are not subject to international legal frameworks, even if the governments abide by the conditions of them. There are business opportunities and security considerations for the government and the people, and for some little or no

access to passport services means a limit to travel. This is especially the case for those unrecognised states with no or contentious relationships with their parent state. Further, normative demands that dictate peaceful liberal democracies mean the ‘state’ cannot depend on strong-arm tactics and authoritarian rule, at least not in the long term.²² Because of this, unrecognised statehood demands a high level of domestic legitimacy and support.²³ If long-awaited and often long promised recognition does not come, less tangible factors such as nation-building, identity and cohesion can also suffer, thus creating the potential for a state-society disconnect and instability.²⁴ As Caspersen notes, unrecognised states ‘all find themselves in a position of limbo’, striving to maintain a state-like political entity without the benefits of a place within the international system of states.²⁵ Political pressures and demands from both outside and within are intense, yet in reality chances for recognition are remote.²⁶ This state of suspended animation places limitations and boundaries on the socio-political development and evolution of a state, its institutions, its practices, and its identity.

Recognition of sovereignty does not make a state ‘good,’ just as non-recognition does not make a state ‘bad’.²⁷ What recognition is is acceptance: it is acceptance into the club of statehood and all that goes with it. Recognition might legally bestow statehood upon a political entity, but it does not make ‘the state’. Despite this, in the study of unrecognised states there is the expected pre-condition of ‘stateness’. Even in the most basic definitions and criteria for an entity to be considered an unrecognised state there is a demand for state-like existence during a period of non-recognition. In their criteria, Caspersen and Stansfield stipulate what appears to be an arbitrary two years of existence as a state-like entity for the territory to be considered an unrecognised state.²⁸ Whilst analytically useful for the purposes of categorization, the time frame itself is less important than what it indicates; it is in this period that secessionist movements are separated from unrecognised states and that warlords or rebels turn into statebuilders.²⁹ These political entities may have their origins in war, violence, or oppression, but the building of the states has continued long after the war has stopped and separation declared. Indeed, this continued and sustained statebuilding is an indication of longevity rather than a moment of independence. Unrecognised states *must* exist as states prior to the legal granting of statehood. It is in the period between the declaration of intent and the granting of recognition – this space of non-recognition – that statebuilding takes place and the ‘state’, rather than the separate political entity, is made.

Statebuilding, statehood, and demands

States and state-like entities cannot function in isolation in today's increasingly interconnected world. Even those not in direct contact with international institutions, developmental organizations or the system of states are still subject to being externally influenced by normative standards and policy precedents. In the realm of statebuilding and political development, international norms of what it means to be an acceptable or successful state impact upon both external action and domestic policy within developing states and, in particular, unrecognised states. For the latter, conforming to acceptable standards of statehood is perceived to be vital to attracting and maximizing investment and developmental assistance that can only be obtained following recognition of sovereignty. For some, therefore, the style and functions of the state become a tool for economic and political survival.³⁰ Statebuilding is a process that defies clear start and stop points. It is a socio-political negotiation whereby the structures and practices of statehood are established in response to internal needs and external demands. In this process the state does not come into being overnight; its development can take place over decades.³¹ Declarations of independence for the unrecognised state does not end the process, with development continuing as states expand in scale and competence.

In statebuilding, the frameworks of good governance are seen as 'a "silver bullet" capable of assisting states in coping with the problems of our complex globalised world'.³² Rooted in the belief that liberal democracy is inevitable given the chance, the approach to externally-led statebuilding is one dominated by building institutions as the means through which to bring stability, security, development, peace, and provision.³³ It is highly political and may include some deference to local considerations, but the project itself best reflects external demands, agendas, and requirements – a checklist of sorts.³⁴ The expectation is that after a short period of time, a stable political entity will stay standing and will be handed over to local leaders, at which point local ownership and societal acceptance are supposed to take place.³⁵ However, when looking at unrecognised states, as Kolstø notes, the process of statebuilding is reversed: local ownership and domestic support precede and thus exist in tandem with the building of the state.³⁶ In the case of most, this statebuilding process starts with the declaration of independence and the stated intent to be separate from the parent state. In others, such as Kurdistan, the statebuilding process has been ongoing for decades with an implied and thus latent declaration of independence. However, the statebuilding process in an

ongoing socio-political process rather than a moment, and in unrecognised states, especially those in which a strong patron state does not exist, a different form of statebuilding can be seen – one that exhibits flexibility and latitude because of non-recognition. Recognition is the odd bedfellow of non-recognition, and in statebuilding in unrecognised states both are vital and powerful components of the process, the strategies, and the identities created. Non-recognition and the space around it provide for an alternative, and potentially more stable, form of statebuilding.

Conditionality, Flexibility, and the Space of Non-Recognition

Unrecognised states look and act like states that comply with the norms of acceptable statehood; doing so is internally perceived to increase the chances of recognition. Although claims for recognition vary from entity to entity and some have evolved over time,³⁷ generally unrecognised states play by the rules and posit themselves as ‘good’ states in order to ‘prove’ their statehood. As such, the outcome is pre-determined. However, because of their relative isolation, abiding by international norms does not define the socio-political processes taking place. The ongoing process of statebuilding in an unrecognised state is underpinned and dictated by the mutually constitutive relationship between the quest for recognition and the need for continued stability and existence as a ‘state’. In the language of acceptable liberal statehood, the expected outcomes for unrecognised states and those being rebuilt, developed, or strengthened through external intervention are the same. However, without direct involvement and intervention in the project and the process, statebuilding in unrecognised states takes place with a degree of latitude and flexibility in the process that is not available in interventionist projects in recognized states. This relative flexibility is possible because of, not in spite of, non-recognition.³⁸

Conditionality is a complex beast in both direct and indirect international intervention, especially in statebuilding. In interventionist statebuilding, external conditionality is dominant and dictatorial: conditionality is attached to the process as well as the outcome. In addition to the external demands of international actors and expectations, though, states are also subject to conditionality from within. Because of the goal of recognition, unrecognised states still operate within the normative frameworks of the international system – those frameworks dictating external expectations of what the state should be and how it should act – and are thus subject to a form of external conditionality in their statebuilding processes. However, their existence outside of the institutional frameworks means that external

conditionality is indirect and normative in nature – it becomes expectations rather than demands – allowing for flexibility in the process.³⁹ At the same time, stability and continuation of the process is dependent upon maintaining domestic support through both meeting as well as shaping internal demands and expectations of the state. Thus, with recognition of sovereignty as the end goal, in this form of statebuilding external expectations must balance with the internal. If we think of this form of statebuilding as overlapping spheres, the space where the external and internal conditionalities overlap is the space of non-recognition.

Tilly discussed state-making in terms of military and coercive power with the state being the ‘war machine’ necessary to maintain economic, and thus political, control over the territory. In this, the state is ‘made’ through force, and coercive power is the predominant power during the statebuilding process. Weber’s characterization of the state also emphasizes the monopolization of the use of force, indicating further primacy on coercive power as a primary source of political power.⁴⁰ There is much merit to placing importance on coercive control. The formation of the state, and then the survival of the state are made difficult when competing powers exist within the state. Coercive control and monopolization of force serve to protect the political power of the state apparatus. However, what is omitted from these characterizations is the social power of the state and the frameworks in which it exists. In unrecognised states, although coercive control is a vital component of the process of statebuilding,⁴¹ because of the complex dynamics taking place due to the quest to maintain separateness and to seek recognition, we must look beyond this in analyzing how the state is made. Statebuilding encompasses a struggle among actors over the socio-political power to govern and the distribution of that power. For modern statebuilding, this struggle takes place not only between domestic actors both inside and outside of the state, but also ‘between international preferences and local preferences’, dynamics that arguably demonstrate a marked difference from the era discussed by Tilly.⁴² In maintaining a technocratic and institutional approach focused on security, control, and external demands, externally-led statebuilding fails to recognize and accommodate these power struggles, thus creating obstacles for legitimizing the state and for sustaining stability. Domestically-led statebuilding projects are not immune from these struggles. In many ways they are more susceptible to them and the potential for fragility that they bring. However, this fragility is counter-balanced by the flexibility that non-recognition brings. The space of non-recognition allows unrecognised states to exhibit a degree of flexibility not seen in external projects; that, in

combination with other powerful factors such as the quest for recognition, allows for the potentially ‘ill-suited’ foreign model of statehood and practice not to be discounted but rather to be negotiated with local necessities, local institutions, and local mechanisms of governance. The necessary balance that must be reached between external expectations and internal necessities is possible because of non-intervention found within the space of non-recognition, and a balance that provides stability to the ongoing socio-political process of statebuilding. The flexibility that non-recognition allows, for example, can be seen in the political settlement in Somaliland. The incorporation of clan governance structures into central government sits outside of established practice for externally-led statebuilding projects. However, the utilization of clan governance served as a mechanism for stability and legitimization and was therefore central to statebuilding in Somaliland, including to the introduction of democracy and ‘modern’ governance.⁴³ The flexibility afforded in the establishment of its institutions and practices allowed Somaliland to respond to what was domestically necessary as a means through which to achieve what was externally preferred. Similarly, Kurdistan has projected a modern image of statehood internationally while utilizing the flexibility of an absence of sovereignty through the 1990s and quasi-independence after 2003 to develop models of governance that reflect local power structures. This incorporation of the local allowed Kurdistan to survive a civil war in the 1990s and the collapse of the Iraqi state after 2003. But large scale public demonstrations in Sulaymaniyah in 2011 and the electoral success in 2013 of political parties committed to reforming the current constitutional settlement should caution us from seeing flexibility as a “silver bullet.” Non-recognition provides flexibility in statebuilding but it does not preclude errors and mistakes being made, however, the local ownership of the process appears to allow for greater debate and alterations to the state settlement that is being constructed.

Non-recognition and identity

While non-recognition provides the possibility of flexibility within domestically-led statebuilding projects, it is not a panacea. Difficult questions remain, not least, why should the state exist? Successful states foster a sense of identity and attachment among their populations. The state is not only institutions; it is also what Buzan considers the idea of the state.⁴⁴ In this, the state is an abstract that reflects and embodies the political culture of a territory and its population. Physically, the state can be identified by its foundations of government, territory, and population, yet as Buzan notes, it is more a ‘metaphysical entity, an idea held in common by a group of people, than it is a physical organism’.⁴⁵ Similar to

Anderson's imagined communities,⁴⁶ this idea of the state binds together a population, cyclically determined by and determining the population's expectations of the political entity encompassing it. The basis of this attachment is not a definitive science and can be the result of multiple sources, whether linked to factors such as ethnicity, ideology, collective history, or cultural values. The resulting narrative, and identity, therefore, reflect the needs, desires, and expectations of the population: it is a process of nation-building taking place within the confines of the state. This then reflects back into domestic conditionality in the ongoing process of statebuilding, with successful states using their institutions to both reflect and also reinforce this identity. States that create stability and foster a shared identity among their people can be identified; however, the path toward this achievement is not uniform.

While unrecognised states seek recognition of sovereign statehood, the process towards this begins with building internal support for separation. As the quest for recognition continues, identity and narrative become both a benefit and a necessity stemming from the condition of non-recognition. In addition to a picture presented externally, an internal narrative also develops to suggest possible answers to the question, why should this state exist? The case for a separate state can begin through a shared and evolving history. This is the basis for Anderson's and Buzan's characterizations of ideational and imagined states. Writing about ethnic conflict, Brown also highlights the role of shared histories in shaping identity and separateness.⁴⁷ For many unrecognised states, at the core of creating or strengthening an identity is a belief that the new territory will be better at representing the interests of its population than the parent state. In both cases referred to here, the parent government is and has been dysfunctional or violent, and the people of the unrecognised state historically have struggled to be heard in government or excluded from power. In creating an identity initially based on victimhood and discrimination, the foundations of a separate nation – one that cannot rejoin with its parent state – are established. In the cases considered here the population's attachment to a new state is the result of a combination of factors, but in both it centres on ideas of separateness. For these cases, the narrative of the state and the identity it underpins serves to justify the existence of the entity and thus to legitimize the process of building a new state. As the statebuilding process continues and evolves, the narrative of the state and its identity also change and evolve to reflect the changing socio-political dynamics informing societal expectations of the state. For Somaliland, societal investment in the statebuilding process started with shared pain stemming from Siad Barre's brutal campaigns during the civil war. Today, though, it has evolved to center on the idea of 'this is necessary

to achieve what we want, and we're all in it together'.⁴⁸ The 'want' here is a separate state. There is an outward recognition in Somaliland that a peaceful and stable liberal democracy is a necessary condition for acceptance as a state and, especially, tangible benefits such as increased trade and travel that this will bring. Although expectations of democratic government are increasing in Somaliland, the underlying 'want' was not centred on style of governance but rather opportunity brought about by recognition of sovereign statehood. This is perhaps best epitomized by a market trader in Hargeisa who, when asked what he wanted the state to be, stated that it should provide him with a passport.⁴⁹ Underpinned by narratives about democracy and liberal statehood, the Somaliland identity involves a strong expectation of recognition. It is this expectation that facilitates societal investment in political action deemed necessary to fulfilling the goal. This does, however, create a paradoxical situation as part of the internal narrative has also been an acceptance of 'whatever is necessary'. Along with the promise of recognition was societal conditionality to ensure the state remained peaceful and stable, as that was portrayed as necessary for recognition. This allows for contradictions to the liberal democratic narrative, contradictions such as strong unchecked executive power, elimination or suppression of political competition, and delayed or disrupted democratic practices such as the 2010 extension of the presidential term, and, more recently, a twenty-two month postponement of another round of presidential elections.⁵⁰ The expectation of recognition creates, and almost demands, a situation in which the ends justify the means, even if the means to do reflect the principles or expectations of the end. The space of non-recognition allows for the flexibility in the statebuilding process that facilitates this. It is important to note, though, that as the process of statebuilding in Somaliland continues, and as the expectations for liberal democracy become demands, the 'anything necessary' principle is less tolerated and increasingly is becoming unacceptable to the Somaliland process.

The space of non-recognition relies on continued momentum of the project for recognition. The ruling body is supported because of its quest for recognition, but in turn it must reassure the populace that progress towards this goal is being made. Within this, identity, narratives, and nation-building become cornerstones of the statebuilding process. The identities that emerge for both Somaliland and Kurdistan are an implicit rejection of Somalia and Iraq; however, to build support for a new autonomy requires more than a rejection of Mogadishu or Baghdad. The identities that have emerged in both territories are the result of a myriad of factors, including shared histories that are invoked as a point of

cohesion. These identities have also emerged out of internal debates about how the state should be organized and an external projection to the international community of the values of the new 'state'. These processes are a form of non-ethnic nation-building that serves to not only unite the population but also to define them. These processes are central to sustaining statebuilding in the space of non-recognition.

Kurdistan demonstrates the evolution of narratives from a primordial nationalism to being the region that proved 'Iraqis could be democratic and peace loving, given half a chance'.⁵¹ As such the identity that is attached to the state here is upgraded from being a simple recitation of ethnic demands to a set of values that can spread beyond its original core community. The example of Kurdistan also highlights the role that a shared history and brutality play in developing identity and legitimacy. The dream of a nation-state for the Kurdish people gained significant leverage with the *Anfal* campaign, a campaign of genocide launched against Iraqi Kurds by Saddam Hussein in the late 1980s. This survival of brutality creates a strong narrative for separation, 'for people who have known genocide there is only one thing that will do: a nation state of their own'.⁵² Carefully retold and maintained, the historical narrative centred on these events reminds people of the suffering previous generations endured, thus creating a sense of security and protection under the new government. In Kurdistan, the memory of the *Anfal* is invoked through anniversaries, conferences, and public history. For Somaliland, the genocidal campaign is part of the 'story' of Somaliland told to outsiders, and a constant memory is maintained in public monuments in the major cities. Indeed, at the top of a Google images search for 'Hargeisa' are pictures of one of Barre's airplanes that was shot down over Hargeisa during the civil war; it is now a public monument. These maintained and reinforced memories are a constant reminder of the violence, the sacrifice, and the fight to be 'separate'.

It is possible to see historical narratives as purely a tool of political rhetoric – a story that is told to justify a policy that is already agreed – this underplays their ability to shape identity. The development of Kurdistan after self-government was bestowed on it in 1991 was not an unalloyed success as the region was plagued by political conflicts and corruption. Yet, as Iraq emerged from dictatorship Kurdistan appeared as the most free, prosperous, and peaceful region. Even though troubled, the period of isolation that followed 1991 had allowed for the development of a separate and sustainable identity,⁵³ an identity that is reflected in the relationship between state and society today. For Somaliland, too, the path to today has not

been easy, straightforward, or problem free, yet a sense of a separate Somaliland acts as a point of cohesion: even in the diaspora Somalilanders are quick to refer to themselves as such rather than as ‘Somali’, thus reinforcing the separateness and the existence of the political entity. In unrecognised states, the creation and evolution of identity in this way is a form of nation-building that through constant reiteration is a self-perpetuating but also evolutionary process. This identity of the state is not static, though. For Somaliland, the rhetorical link made between democracy and external expectations has changed societal expectations and demands of what the state is or must be. Invoking the ‘we’ve been disadvantaged, harmed, hard done by or screwed’ is a starting point, but the ‘this is who we are and what we want to be’ reinforces the link between society and the statebuilding process. Whilst a shared history is a strong starting point for statebuilding and acts as a point of stability and support necessary in a state of non-recognition, it alone is not enough to indefinitely sustain an unrecognised state. Historical narratives and justification for statehood that rely solely on victimhood and a desire for community security will only take the case for statehood so far.

Just as with any state, in unrecognised states the relationship between identity, the expectations that fosters, and the state must evolve. Unrecognised states contain an implicit narrative for different, often better, governance.⁵⁴ Both Kurdistan and Somaliland emerged as state entities at points in their parent state’s history when the center was weak, and both see the opportunities that self-government can bring. Narratives are not solely directed inward, however. External narratives reinforce justifications for recognition: good governance, compliance, and readiness to meet international norms. Although these can be very different from those portrayed inwards, because of quests for recognition, external narratives also become part of the overall narrative and identity of the unrecognised state. Thus, non-recognition results in the evolution of an identity that not only reflects a shared history but also envisions a shared future.

Local ownership, resilience, and strength

Unrecognised states are not completely excluded from the international system, although most interaction with them falls under the guise of interaction or engagement with the parent state. For example, the UN presence in Somaliland is a component of the wider UN mission to Somalia, and the UK Department for International Development offers security advice to the ‘regional’ government of Somaliland as a development mechanism aimed at stabilizing Somalia rather than recognition of a separate political entity.⁵⁵ Inter-state meetings held in

London in January 2015 regarding the international fight against ISIS controversially did not include representatives from the government of Kurdistan, despite its role in fighting the armed group.⁵⁶ Although political leadership may be recognized as political actors, hesitance, or even refusal to engage with unrecognised states as separate entities characterizes much of the international interaction,⁵⁷ as relations in this regard can be seen as de facto recognition. As Oeter has begun to unpack, there are a myriad of complex reasons for this.⁵⁸ Fear of setting a precedent, a desire to maintain the status of the international order, regional security considerations, deference to regional organizations or powerful actors, and aspirations for political rebuilding in parent states are just some of the considerations surrounding non-recognition. What is important to remember, though, is that unrecognised states predominantly emerge out of conflict or territorial breakup, and that their lasting existence proves that they have built institutional and ideational 'states' in conditions in which recognized states have failed to remain intact.⁵⁹ They tend to be long-standing stable entities, and in most instances, unrecognised states are more stable and peaceful than the states from which they emerged. They and their statebuilding processes are remarkably resilient; a resilience and strength that stems from the space of non-recognition. Indeed, stability in these entities exists not in spite of, but because of, their existence within the realm of non-recognition.

When external actors are dictating the empowerment of institutions, processes, and individuals, this excludes society and the processes of nation-building and state formation. In the literature analysing statebuilding, particularly in the more critical literature, this is often discussed in the language of legitimacy and is identified as the 'operational challenge' of local ownership.⁶⁰ Because of the liberal assumptions underpinning the practice, in externally-led statebuilding the state is being built according to plan. External legitimacy is a primary concern, and the assumption is that domestic legitimacy will follow. However, local ownership has been an elusive or distant desire, even though it is necessary for the success of these projects and is seen by many as the ultimate goal to be achieved.⁶¹ This is also an area of focus because it is a question that cannot be answered simply: at what point does a state belong to the population? When the process of creating a state is an internal process rather than an external imposition, though, strong local ownership is a necessity for sustained existence as the state must be accepted and supported from within. For statebuilding in unrecognised states, the space created by non-recognition allows for – indeed demands – the problem of legitimacy to be flipped.⁶²

Unrecognised states have adopted a unique form of state formation that can be viewed as survival strategies⁶³ characterized by statebuilding through self-reliance,⁶⁴ self-preservation, and self-maximization. This must be viewed in two parts. On one side is the external strategy, accommodating external structures and empirical demands in order to meet the expectations and preferences of external actors so as to best further the goals of recognition. As Caspersen notes, however, there is no single model of unrecognised state. The condition of non-recognition ‘does not fully determine the kind of entity that is likely to evolve’, and among unrecognised states there are variations not only in levels of recognition but also in outcomes in terms of governance style, levels of democratization, levels of monopolization of force, and levels of economic and political development.⁶⁵ This comparative hierarchical analysis of the empirical does nothing more than give an indication of how well the entity complies with external expectations of its target audiences, though. Stability in statebuilding is not entirely dependent on success at meeting these demands, although recognition might be. What is significant here is that unrecognised states comply with the normative rules of statehood expected by their target audience. If seeking recognition or support from a single patron state, either initially or primarily, an entity can be expected to reflect the expectations of that state. If seeking broad international recognition of sovereign statehood, most posit themselves as ‘good’ states and exhibit ‘acceptable’ liberal statehood. The two unrecognised states chosen here both exist within what are considered failed parent states and both lack patron states. For Somaliland, the primary audience is the international community, primarily the United States and Western Europe. Kurdistan also pitches to a global audience, but this is not limited to Western countries, and it includes states with interests in oil and gas development. However, many Eastern European unrecognised states exist within non-failed states and have a very strong patron in Russia. For this side of the survival strategies, non-recognition dictates that survival rests with the aspiration of recognition – both in terms of formal recognition of sovereign statehood and in informal recognition through support, assistance and engagement – and meeting the demands of those from whom recognition is sought.

As discussed earlier, the second side is meeting internal demands and expectations in order to maintain the domestic support and investment needed to sustain the process and the state. It is a simple equation, but one that is often overlooked: the widely held perception is that non-recognition is attached to the conditions of statehood, meaning that if the state goes

away, prospects for recognition also go away. Because of the lack of external support or minimal external support, the survival of the statebuilding processes in unrecognised states depends on societal investment and support.⁶⁶ As most external expectations discount the use of violence as a mechanism of compliance, this support is ultimately dependent upon providing what the population wants and expects of the state.⁶⁷ This domestically targeted component of the survival strategy involves the creation of an identity and a narrative – nation-building – but it also involves ensuring the population continues to support the ongoing process of socio-political change. Because of the flexibility granted by non-recognition, there is significant latitude in the exercising of sovereignty within unrecognised states, allowing for a deviation from the ‘blueprint’ model of statehood espoused in externally-led projects, and for a responsive, reciprocal, and evolving relationship between the institutions of state and society. The state must be invested in society in order for society to remain invested in the state, fostering local ownership and creating a lasting point of stability that is not often found in externally-led statebuilding projects.

While there are similarities in the detailed recognition strategies employed regardless of geographic region, as noted by Caspersen the outcomes vary because the identities, narratives, expectations, and demands of the entities vary, meaning the institutional components of the states reflect and respond to different conditions and demands.⁶⁸ It is here that non-recognition grants the space for latitude and flexibility in not only creating an identity and a nation but also in creating and establishing institutions and practices that both conform to the demands of external legitimacy and work to meet the demands of domestic legitimacy. Together, a duality of legitimacy is created: external legitimacy as an acceptable state, and internal legitimacy that is vital for sustaining the processes of statebuilding and ‘statehood’. Balancing external legitimacy with internal legitimacy is a prerequisite for unrecognised states, and the importance of popular trust and investment in the process of socio-political change that statebuilding brings is vital in creating lasting stability. In domestically-led statebuilding the process must be sustained from within, but at the same time the process and the leaders would not have the rhetorical power needed to build the state if it were not for the need to ‘comply to be recognized.’ Indeed, external recognition as a goal can maintain the domestic political and social cohesion needed to continue the existence of the state. External demands can, and must, come together with internal necessities as a mechanism of stability.

In many ways, unrecognised states conform to what Ghani and Lockhart have identified as the ‘way of the future’ in statebuilding: states that fulfil their obligations of the right of sovereignty both externally and internally. In this, strategies are ‘inherently about “coproduction” because internal and external actors have to agree on rules, a division of labour and a sequence of activities’.⁶⁹ In unrecognised states, though, the external actors are primarily normative, and local considerations are not a superficial inclusion, as within these entities there is a much greater pull on the necessity of domestic legitimacy. In projects characterized by direct engagement with the international community or external international actors, it is expected that the demands or desires of those external actors will be reflected in both the statebuilding project itself as well as in the resulting state.⁷⁰ Although indirect, those demands are also identifiable in unrecognised states. In the space of non-recognition, though, there is something else at play. Without the exercising of external sovereignty, and with the flexibility and the need to address and accommodate local concerns, demands, and political culture, statebuilding within the space of non-recognition is characterized by the state’s being propped up from within from the start rather than a supposed handing over at the end. Ironically, often the result more closely reflects the normative expectations of peaceful and stable statehood than those projects led from the outside. Arguably, statebuilding in the condition of non-recognition results in a more acceptable or desirable ‘state’ than statebuilding that takes places within recognized states.

Conclusions: Playing in the Sandbox

Not everything is ideal within the realm of non-recognition, and it would be remiss to leave that impression. Problems with existing as an unrecognised state are not uniform, just as the entities themselves are not uniform. Even to exclude all unrecognised states from all benefits of statehood is false, as some are included more than others. For example, because of its oil resources Kurdistan attracts significant amounts of foreign business and investment, despite the legal complexities that surround that. Because of the state of the Somalia government and Somaliland’s almost non-existent relationship with Mogadishu, Somalilanders have problems accessing passports and travel, whereas those within other unrecognised states do not have the same difficulty. However, one key concern across these entities is within the relationship between state and society. This relationship is mutually beneficial, yet it is also a potential point of fragility in the unrecognised state. The state depends on societal support, and society expects the state to return on its promises for recognition and the benefits of statehood. The criteria for an entity to be considered an unrecognised state involve a minimum period of

existence as a 'state', yet one of the great unknowns is how long that existence can, or will, continue. This is different for every entity, yet it is a complication of the period of non-recognition. A big question remains, then: what happens if the promise of recognition is not fulfilled?

This is not the only big question left lingering. With non-recognition playing such a vital role in propelling and stabilizing the statebuilding process and the resultant state, what happens if recognition *does* come? The quest for recognition provides strong motivations for maintaining stability and state-society cohesion, providing room to weather the storm and address obstacles, problems, or crises in a way that allows for a continuation of the state. Here, the space of recognition allows for political development and consolidation through an invocation of the common goal. However, if recognition is no longer a point of unification and a rallying cry, and if maintaining peace, stability, and a working political system is no longer necessary to achieve that end, what happens when that vital factor within statebuilding and the maintenance of stability is removed? In unrecognised states, recognition and the promise of that is a political tactic that both the government and the people can organize around. These tactics will undoubtedly have to change if recognition is granted. Because of the socio-political dynamics within the space of non-recognition, the future of any unrecognised state is uncertain if recognition is achieved.

Unrecognised states are certainly in a situation of limbo, but they are also in a precarious position in regards to what happens if recognition comes or if it does not. Existing in a state of non-recognition puts limitations on domestic politics; it creates a 'comfort zone' for the debates and practices of political and socio-political relationships, where the practices leading to the desired point of recognition are known and restrained. However, existing in a state of non-recognition also leaves these entities in the unknown. These dichotomous questions begin to point to the complexity of the politics of recognition and non-recognition, including within the realm of statebuilding. Recognition is simply a legal technicality in that it does not determine 'statehood'. However, it carries a tremendous amount of power and significantly determines interaction between political entities in the international system. Those determinations carry not only weighty political considerations and complications, but at the same time, and especially in the ongoing processes of statebuilding and political development, significant benefits. Ironically, some of these benefits exist solely within the space of non-recognition.

In the world of computer programming, engineers have developed areas within their systems that are known as ‘sandboxes’. The sandbox exists as an environment in which software can be tested before it is installed in live systems, allowing for variables to be tweaked and code to be rewritten without impacting on the ecosystem that surrounds it. The sandbox acts as not only a development platform but also a testing ground; some software projects will never see the light of day, while others will be released to become useful and sometimes vital additions to the computing environment. Sadly, no similar environment exists within politics. Changes take place in a real-time environment in which actions create reactions and the possibility of isolating events is limited. The last decades have seen a series of statebuilding trials that have attempted to rebuild and reorganize states. Unlike the computing ‘sandbox’, though, states cannot be cut off from their surrounding environment or the processes of politics.

However, the period of non-recognition can act as a type of sandbox. It provides the space and flexibility for states to develop institutions and nations, identities, and capabilities, before being surrounded by the complications and responsibilities of recognised statehood. It allows for the state to be the ‘war machine’ or do ‘whatever necessary’ in the early stages of statebuilding. It allows for a degree of agency over how the state is ultimately composed and functions, as well as when and where the state interacts with the international community. It allows the state to form and to develop. This agency should not be overstated, but isolation does force a degree of self-reliance before external engagement is undertaken, creating a possibility of a more resilient state emerging if recognition is granted.

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Notes

¹ Kolstø, ‘Sustainability and Future’.

² See Caspersen, *Unrecognised States*; Caspersen and Stansfield, *Unrecognised States*.

³ No two unrecognized states look exactly alike. The premise here is not to homogenize them in our generalizations. Our discussion centers on the space of non-recognition rather than specific entities, and within this there is a base assumption for a low level of recognition. The two case studies used here, Somaliland and Kurdistan, were chosen because they both exist within weak parent states and they both lack patron states. Because of this, they exist more in the realm of non-recognition than those unrecognized states with external patron support.

⁴ Geis, et al, “Gradual Processes”, 3.

- ⁵ See Caspersen and Stansfield, *Unrecognised States*; Geis, et al, “Gradual Processes”.
- ⁶ Jackson, “Quasi-States, Dual Regimes”; Jackson, *Quasi-States*.
- ⁷ Pegg, *International Society*, 4.
- ⁸ Caspersen and Stansfield, *Unrecognised States*, 3-4.
- ⁹ For a comprehensive list of unrecognised states, see Ibid, 4; Caspersen, *Unrecognised States*, 12.
- ¹⁰ In Somaliland territorial control (February 1991) came before the declaration of independence (May 1991). Although a separate identity had lingered since the 1960s, a clearly stated intent of independence did not come until after Somaliland was further excluded from the political processes in the south following the Somalia civil war. The liberation movement in Somaliland was aimed at liberating Somalia from Siad Barre rather than Somaliland from Somalia. Thus, much of the statebuilding process in Somaliland took place after the end of hostilities in Somalia and after the declaration of independence. See Bradbury, *Becoming Somaliland*; Lewis, *A Modern History*.
- ¹¹ Pegg, “From De Facto States”, 38.
- ¹² Richards, *Understanding Statebuilding*.
- ¹³ King, “Benefits of Ethnic War”, 525.
- ¹⁴ See Daase, et. al., *Recognition*.
- ¹⁵ Dombey, “Turkey agrees energy deal”; Stansfield, “The unravelling”, 259.
- ¹⁶ Caspersen and Stansfield, *Unrecognised States*.
- ¹⁷ Caspersen, *Unrecognised States*, 16-20.
- ¹⁸ Fawn and Mayall, “Recognition, Self-Determination and Secession”.
- ¹⁹ See also Krasner, *Sovereignty*; Pegg, *De Facto States*; Caspersen, *Unrecognised States*; Daase et. al., *Recognition*.
- ²⁰ See Kingston and Spears, *States-within-States*; Pegg and Berg, “Lost and Found”.
- ²¹ Lynch, *Engaging Eurasia’s Separatist States*.
- ²² For more on the use of coercive control within the state, see Caspersen, *Unrecognised States*, 76-79. See also Tilly, “War Making and State Making”.
- ²³ Caspersen, *Unrecognised States*; Richards, *Understanding Statebuilding*; Kolstø and Blakkisrud, “Secessionist Conflict”.
- ²⁴ Caspersen, *Unrecognised States*; Caspersen and Stansfield, *Unrecognised States*; Pegg, *De Facto States*.
- ²⁵ Caspersen, *Unrecognised States*, 50.
- ²⁶ Caspersen and Stansfield, *Unrecognised States*, 6
- ²⁷ See for example, Jackson, *Quasi-States*; Rotberg, *When States Fail*.
- ²⁸ Caspersen and Stansfield, *Unrecognised States*.
- ²⁹ Kolstø, “Sustainability and Future”.
- ³⁰ Richards, *Understanding Statebuilding*.
- ³¹ See Sisk, *Statebuilding*; Call and Wyeth, *Building States*.
- ³² Chandler, *International Statebuilding*, 1.
- ³³ Chesterman, et. al., *Making States Work*; Ghani and Lockhart, *Fixing Failed States*; Ghani, et. al., “Closing the Sovereignty Gap”.
- ³⁴ Richards, *Understanding Statebuilding*.
- ³⁵ Call, *Building States*.
- ³⁶ Kolstø, “Sustainability and Future”.
- ³⁷ For Somaliland, historic claims for recognition have ranged from legal territorial claims, human rights claims, and claims of worthiness. The legal territorial claims are based on Somaliland’s brief period of existence as an independent state in 1960. Human rights claims invoke abuses and what many Somalilanders deem genocidal acts carried out during the Somalia civil war. Today, Somaliland’s claims are based on the worthiness of its ‘statehood’. Somaliland posits itself as a stable democracy in a troubled, and strategic, area. The modern claims for Kurdish statehood can be traced back the late nineteenth and early twentieth century when ethnic nationalism emerged in the region. The borders of the Kurdistan discussed in this article relate to the Kurdish community in Iraq, or southern Kurdistan. The boundaries of the Kurdistan Regional Government (2003-2014) are closely tied to the areas controlled by Kurdish forces following the end of the Gulf War in 1991. The advance of the Islamic State of Iraq and the Levant (ISIL) in summer of 2014 challenged the western borders of Kurdistan but allowed for expansion to the south to take in the city of Kirkuk.
- ³⁸ Richards, “Road Less Travelled”; Richards, *Understanding Statebuilding*.
- ³⁹ The unrecognised states with a strong patron state external conditionality can be more direct, depending on the relationship. Even those that have more direct involvement from an external actor, though, or for those where the patron state is the primary target audience, expectations from that audience can still be considered a norm of normative conditionality.

- ⁴⁰ Tilly, “War Making and State Making”; Weber, *The Theory of*.
- ⁴¹ Caspersen, *Unrecognised States*, 76-79.
- ⁴² Woodward, “Statebuilding and Peace-Building”, 107.
- ⁴³ Richards, *Understanding Statebuilding*; Richards, “Road Less Travelled”; Renders, *Consider Somaliland*.
- ⁴⁴ Buzan, *People, States and Fear*.
- ⁴⁵ *Ibid.*, 38.
- ⁴⁶ Anderson, *Imagined Communities*.
- ⁴⁷ Brown, “Causes and Implications”, 98.
- ⁴⁸ SAPD/WSP, *Facilitating Somaliland’s*, 4
- ⁴⁹ Interview by author.
- ⁵⁰ Garowe Online, “UN Envoy”; See also Spears, “Reflections”.
- ⁵¹ Anderson and Stansfield, *Future of Iraq*, 162.
- ⁵² Ignatieff, *Blood and Belonging*, 151.
- ⁵³ In 1991, a de facto independent state for Iraqi Kurdistan began to take form. The state was a result of internal rebellion led by the two principal Kurdish parties, the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK), and was assisted by the establishment of UN ‘safe havens’ to protect the Kurdish people from the actions of Baghdad. The Iraqi Kurdistan that emerged in the period between 1991 and 2003 was beset by difficulties and division. A civil war between the KDP and the PUK resulted in a partition of the region from 1994 onward. However, despite these setbacks, by 2003 Iraqi Kurdistan enjoyed greater economic prosperity and political freedoms than the rest of Iraq.
- ⁵⁴ It must be noted that ‘better governance’ does not always mean liberal democracy. Rather, it means governance that is better for the people of the territory than governance under the parent state was.
- ⁵⁵ UK Stabilisation Unit, “Somalia Documents”.
- ⁵⁶ Mosendz, “Anti-ISIS Conference”.
- ⁵⁷ See Pegg and Berg, “Lost and Found”.
- ⁵⁸ Oeter, “Non-Recognition Policies”.
- ⁵⁹ Caspersen and Stansfield, *Unrecognised States*, 6.
- ⁶⁰ Paris and Sisk, *Dilemmas of Statebuilding*.
- ⁶¹ Donais, “Empowerment or Imposition”; Paris and Sisk, *Dilemmas of Statebuilding*.
- ⁶² Kolstø, “Sustainability and Future”; Kolstø and Blakkisrud, “Living with Non-Recognition”.
- ⁶³ Herbst, *States and Power*.
- ⁶⁴ Caspersen, *Unrecognised States*, 53.
- ⁶⁵ *Ibid.*, 50.
- ⁶⁶ Kolstø, “Sustainability and Future”; Caspersen, *Unrecognised States*; Johnson and Smaker, “State Building”.
- ⁶⁷ For analysis of these expectations and the state-society relationship in Abkhazia, see Baake, et. al., “Convincing State-Builders?”.
- ⁶⁸ Caspersen, *Unrecognised States*; King, “Benefits of Ethnic War”.
- ⁶⁹ Ghani and Lockhart, *Fixing Failed States*, 8.
- ⁷⁰ Call, *Building States*; Paris and Sisk, *Dilemmas of Statebuilding*; Sisk, *Statebuilding*.

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