Piotr L. Wilczyński[1]

INTERNATIONAL RECOGNITION AS A TOOL OF MILITARY CONFLICTS SOLUTION

Abstract:

Geographical factors play a critical role in determining how a civil war is fought and who will prevail. Nations fighting for independence, even if they win often don't gain independence because lack of international recognition of their state. Long-term intrastate wars often involve a period of geographical division within the state. An insurgent group may control a portion of the country for a period of years. This happens most often in cases of regional ethnic struggle, but can happen in ideological and religious wars as well. Formal partition has often been proposed by outside actors as a peaceful solution to an intra-state conflict. Kosovo and South Sudan might be best examples of that. This paper will study the outcomes that partitions might create as peace settlements. The concept of partition has never been normatively appealing, but has come to prominence in academic and policy oriented debates. The aim is to review this debate and find conclusions for problem shown in the title.

[1] Paedagogical University of Cracow, Poland.

An international recognition of state and nation

Partition signifies territorial division of the pre-war state. This process is not regional autonomy or federalism, but the creation of a new state. The concept of partition and further international recognition has never been normatively appealing, but has come to prominence in academic and policy oriented debates. The subject of partition, as Clive Christie noted (1992), has always had a bad name. Partition was significantly challenged in 2000 by a quantitative study by Nicolas Sambanis. This study effectively demonstrated that partition does not increase the probability of lasting peace. Subsequent studies have argued the opposite. Chaim Kaufmann has been one of the foremost scholars in this area, focusing on ethnic wars. His 1996 paper "Possible and Impossible Solutions to Ethnic Civil Wars" and its successor "When All Else Fails," published in 1998, are most often cited in any discussion of partition. These theoretical studies found that the best way to resolve ethnic conflicts is to separate the groups (Kaufmann 1996).

An area that seems to be inadequately addressed thus far in the academic debate on partition of states is qualitative case studies that seek to apply some of the theories generated and tested in large N

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quantitative studies to individual cases of partition. It is important to focus on the meaning of two words: nation and state. Problematic issue of nationality is common among English speakers for which nations is the same as state sometimes. Definitions can be different in non English-speaking countries however. Modern nation definition created by scholars which associate themselves with politics and international relations preferred using of institutionalism definition (Sturm 2007). It says that nation is an ethnic group with common language, culture and history, which has its own state, or had it in the past. Ethnographers has broader definition of nations (Simpson 2007). For them linguistic divisions create nations, not institutional. So what we call a nation? There is a need to divide institutional and ethnographic points of view. In any research both definitions shouldn't be mixed. For this paper an ethnographic approach will be further used. It is often to misunderstand a distinction between nationhood and citizenship (Kymlicka 2004; Smith 2013). Such an approach will allow the researcher to accept or reject the validity of some of these theories, and to suggest new hypotheses for further research.

There are some main theories about partition of both sides of conflict, which reflects western way of thinking. Kaufmann (1996) based his research on the data set created by Ted Gurr (1995) and published in his book *Minorities at Risk: A Global View of Ethnopolitical Conflicts*. Building on the idea of a security dilemma, Kaufmann comments very clearly in favor of permanent territorial

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separation of the conflict sides, ideally through the creation a new state. The only viable solution to this problem for Kaufmann is the separation of these warring groups into defensible enclaves, thus ameliorating the security dilemma. Kaufmann acknowledges the immense challenges that such a course poses, and states that partitions should only be effected where the nations in war are already separated. Partitions where the populations are not unmixed will actually increase violence!

In contrast to Kaufmann, and partly in response to his work, James Fearon strongly opposed partition in his paper "Separatist Wars, Partition, and World Order." Fearon suggested that partition in conflict would tend to give an incentive to other minority groups to begin a war for independence as well. Another argument against partition is that partition proposals may tend to increase the level of ethnic cleansing in a conflict (Fearon 2004).

Carter Johnson's 2008 paper "Partitioning to Peace," made a further step offering that there have to be empirical evidence for the success of partitions. This evidence should make easier which decision will end any analyzed conflict, partition or not. Johnson developed an index for measuring the level of ethnic homogeneity in a post conflict population. This Postpartition Ethnic Homogeneity Index (PEHI). Echoing Kaufmann's warning, Johnson stated that partitions should only be put in place to resolve conflicts where the nations have already separated, and that theory also was empirically arguemented.

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A different explanation for the desirability of partitions was put forward by Thomas Chapman and Philip Roeder (2007). Chapman and Roeder apply an institutional approach to the effects of partition, suggesting that domestic politics are likely to be more stable and peaceful following a *de jure* partition as opposed to any other peace settlement. *De jure* partitions mean a division made by international organization, such as court or UN. All other mentioned solutions didn't focus on who judges how division is made, usually sampling it as peace settlement effect.

Another conclusion can be found in a paper *The Relative Success of Partition in Resolving Longer Intrastate Wars* of Alexander Hudson and Veronica Kitchen (1998). They stated that partition and recognition of a new state, where there will be no further conflict later, is only likely to be successful following a military victory for the secessionist group.

On the other side, in a broader study of the causes of recurrent civil wars, Barbara Walter (2004) found that states that had been partitioned faced an increased likelihood of further wars. Walter's quantitative analysis found that partitioned states were more likely to face a new war, potentially unrelated to the war that ended in partition. This is a very different argument from those who argue that partition will only lead to an interstate war between the same conflict parties.

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Very similar is the most noted empirical analyze of the effects of partition, which have been conducted by Nicholas Sambanis and Jonah Schulhofer-Wohl. In perhaps the most significant quantitative study of partition, "Partition as a Solution to Ethnic War" (2000) Sambanis conducted a comprehensive series of statistical tests of the performance of partition settlements in the context of the broader universe of intrastate wars. This study found that partition did not prevent any war recurrence. Data used by these authors caused much critique. That is way they published a second study of the effects of partition in 2009 reiterating the findings of the first study. This article addressed many of the criticisms of the earlier work, and laid the groundwork for further research. Thus, there is significant difference of opinion among scholars who have examined the effects of partitions. Sambanis, Schulhofer-Wohl, and Walter all find that partition is not conducive to peace, while Johnson, and Chapman and Roeder find that partitions are in fact successful. So where is the truth? In many cases the difference is primarily attributable to the construction of the question and the definitions of the variables used.

The United Nations rule of nations self-determination

The self-determination idea is closely identified with Woodrow Wilson, who first used the term publicly in 1918, but it did not emerge as a principle of positive international law until the Soviet Union insisted on it at the 1945 San Francisco Conference on the United

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Nations. It did not appear in the League of Nations Covenant. It was common view before II World War that to concede to minorities, either of language or religion, or to any fractions of a population the right of withdrawing from the community to which they belong, because it is their wish or their good pleasure, would be to destroy order and stability within States and to inaugurate anarchy in international life. The United States delegation at the San Francisco Conference had misgivings about resuscitating the self-determination idea in binding treaty form. Nevertheless, the idea found its way into Articles 1 and 55 of the UN Charter as the principle of "equal rights and self-determination of peoples." However the drafters did not bother to define self-determination or to identify who the "peoples" were (Kirgis 1994).

The right of self-determination did not appear explicitly in the 1948 Universal Declaration of Human Rights, but it became the centerpiece of the General Assembly's 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples. It appears also in the 1966 UN Covenants on Human Rights. In fact, the self-determination principle in the UN era has a great many faces. The one that virtually everybody now agrees it has is freedom from colonial domination. For many years the majority of states in the UN General Assembly asserted that the expressed will of peoples to be free from colonial domination was the only face self-determination had (Emerson 1971).

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Under pressure from the West, the General Assembly in 1970 expanded the concept beyond anticolonialism in its Declaration on Principles of International Law concerning Friendly Relations. The declaration disclaimed any intent to authorize or encourage the dismemberment of states, but its disclaimer was tied to a concept of internal self-determination (Rosenstock 1971). This disclaimer referred only to a government representing the whole people. The disclaimer was reiterated in the Vienna Declaration emanating from the 1993 UN World Conference on Human Rights, with one significant change. The Vienna Declaration exempted only "a Government representing the whole people be-longing to the territory without distinction of any kind." General Assembly formulations suggests that from about 1970 on, there could be a right of "peoples"- still not well defined - to secede from an established state that does not have a fully representative form of government, or at least to secede from a state whose government excludes people of any race, creed or color from political representation when those people are the ones asserting the right and they have a claim to a defined territory.

In scholarly journals concerning self-determination, above mentioned evolution of UN approach to the problem, are not only ones. Here can be gathered all more or less controversial assumptions to this idea, and it is as follows:

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1) The established right to be free from colonial domination, with plenty of well-known examples in Africa, Asia and the Caribbean (Titanji 2009).

2) The converse of that-a right to remain dependent, if it represents the will of the dependent people who occupy a defined territory, as in the case of the Island of Mayotte in the Comoros, or Puerto Rico (McElroy, De Albuquerque 1995).

3) The right to dissolve a state, at least if done peacefully, and to form new states on the territory of the former one, as in the former Soviet Union and Czechoslovakia (Szomolanyi 1994). The breakup of the former Yugoslavia and later Serbia and Montenegro (Sekulic 1997).

4) The disputed right to secede, as in the case of Bangladesh and Eritrea (Brilmayer 1991).

5) The right of divided states to reunite, as in Germany (Frowein 1992).

6) The right of limited autonomy, short of secession, for groups defined territorially or by common ethnic, religious and linguistic bonds-as in autonomous areas within confederations (Siroky, Cuffe 2015).

7) Rights of minority groups within a larger political entity, as recognized in Article 27 of the Covenant on Civil and Political Rights and in the General Assembly's 1992 Declaration on the Rights of

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Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (Gilbert 2001).

8) The internal self-determination freedom to choose one's own form of government, or even more sharply, the right to a democratic form of government, as in Haiti (Kirgis 1994; Seymour 2007).

As many ethnic groups don't have theirs own states or autonomy statuses, because they have no will to create it, there are also many nations who have will and started their efforts to do so. Most of them tried diplomatic and peaceful ways, but there are known currently military conflicts as emerging threats to worlds stability. Both ways are mostly unsuccessful. It is not in the interest of current members of the UN to create a precedence of accepting secessions, especially by Security Council members which are federal states. It might be affecting them in the future.

Unrecognized states

The very first act of recognition was made towards revolting American colonies by revolutionary France in 1778. During 19th and 20th centuries it plays a crucial role in international relations as a political tool. There is three way how international community can treat new emerging state. First is when all members accept a new country, like post soviet republics. Second way is that international community members all refuse to establish diplomatic relations with a

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new state, like in case of Chechnya. Third way is when some countries accept a new state, and others don't recognize new entity as a state, like Taiwan, Western Sahara, Northern Cyprus (Kolstø 2006).

A term of unrecognized state is describing all political entities who call themselves a state, but no other state, who is a member of international community or majority of them, accept such entity as a state. There are many causes of lack of recognition. Some motives are political, some economic, but usually it is concluded that territory is part of another independent state like in case of Abkhazia (Kopeček, Hoch, Baar 2016).

The most renown example of unrecognizing is Israel thru first 30 years of its modern existence. Most of Muslim countries didn't officially recognize Israel and did it in 1989 on UN forum. When Jordan Kingdom withdraw its laws to western bank on this area Palestinian state was established, but it has recognition of about 100 states only. Arabian-Israeli conflict seems to by ongoing into the unlimited future.

Another spectacular case is that of Western Sahara. It was a colony of Spain until 1975. However cause its a large territory with minor population, Spain decided to divide its lands between Morocco and Mauritania. Before it happened insurgent militia appeared, called POLISARIO and proclaimed independence of Sahrawi Republic. Algeria was the first who recognized new state. Then, most of African states do the same. Mauritania recognized new state and withdraws its troops, but Morocco occupied almost whole territory and broke any

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diplomatic relations with those who recognized Sahrawis (Stephan, Mundy 2006).

One more example of complications due to lack of recognition is Taiwan, who is officially continuing an existence of pre-war Republic of China. Still it is recognized by around 25 states, mostly from Oceania and Latin America (Tung 2005). Same recognition problem is in Cyprus, where exists Turkish Republic of Northern Cyprus (Hadjipavlou 2007). Another example is Somaliland and Puntland lying on a territory claimed by fallen state of Somalia (Roethke 2006). Moldavia also has a disintegration problems with Transdnistria and Gagauzia (Herd 2004). Azerbaijan fight with partly recognized Republic of Nagorno Karabakh (Broers 2015). That is only examples, but it can be seen that it is more frequent problem than at first appeared, even in peaceful Europe (Wilczyński 2017).

Current ethnic conflicts

Currently ongoing conflicts are numerous and not always well-known. In 2017 and 2018 there are ethnic conflicts, with at least 1 casualty in:

- Afghanistan with clashes between Hazara and Pashtu peoples;

- Algeria with Kabyle population in eastern part of the country;

- Angola with Mayombe (Yombe) in Cabinda;

- Azerbaijan with Armenians in Nagorno Karabakh;

- Belgium with Arabs, mainly on street of Brussels;

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- Cameroon with Kanuri in Lake Chad area.

- Central African Republic with Gbaya in the west.

- Chad with Tama, Toubou and Zaghawa peoples in the north and east, and also with Kanuri near Lake Chad;

- DR Congo with Bakongo (Congo) near Matadi and Kinshasa (willing to restore Kingdom of Congo), with Baluba in Katanga and Kasai, with Chokwe and Phende near Tshikapa, with Hutu refugees and immigrants (Nyatura) near Rwandan border, with Hema, Lendu, Ndaka and Ngiti tribes in Ituri region, with Lega (or Rega) in South Kivu, with Nande, Nyanga and Komo in North Kivu, with Tabwa and Bembe on Lake Tanganyika coast, with Twa (Pigmy) mostly in eastern rainforests,

- Egypt with Coptic Egyptians in central cities, and in Sinai Peninsula with Bedawi population.

- Ethiopia with Amhara mainly near Nekemte, Meke and Dira Dawa locations, with Anuak near South Sudanese border, with Borana, Burji, Garreh and Guji in the south, with Murle in Omo Valley, with Nuer in extreme west, with Somalis in Ogaden and with Oromo in many different parts of the country, mainly in central and western parts.

- France with Arabs, mainly in Marseille and Paris;

- Germany with immigrants from many countries, mainly form Africa and Middle East, and skirmishes took place only in cities;

- India with Kashmiri nation in Kashmir, and with Nagas, Assamese, Bodo and Rajbanshi in the east;

- Iran with Kurds in the west;

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- Iraq with Kurds in the north;

- Kenya with Borana, Gabra and Samburu in the north, with Kalenjin, Pokoot and Sabaot in central western part of the country, with Orma and Pokomo in Tana Valley, and with Toposa and Turkana in the nortwest;

- Libya with Toubou people in the south-east;

- Mali with Touareg and Arabs of Azawad and also with Fulfulde Massina people in central regions around Mopti.

- Mexico with native ethnic groups in Acapulco, Chichuahua, Chiapas, Sinaloa, Veracruz and Jalisco provinces;

- Myanmar (Burma) with Arakanese fighters in the west; Kachin in the north; Karen and Shan in the east and Chinese in Kokang district;

- Niger with Kanuri population in south-east corner of the country.

- Nigeria with Agatu and Tiv in Benue Valley, with Berom, Irigwe and Tarok nations on Jos Plateau, with Bwatiye (Bacama) and Jukun in Adamawa Region, with Eggon in Nassarawa State, with Fulani in central states, with Hausa in the north, with Igbo in the south, with Kadara in Kaduna region, with Kanuri in the north-east, with Mambila near border with Cameroon, with numerous small Christian tribes in Atakad district, with numerous pagan cult tribes and nations of Niger Delta confederated in so called Deebam Confraternity, with nations and tribes gathered in Maphite Confraternity around Warri, with NDV (Niger Delta Vigilantes; also commonly referred to as Icelanders)

mainly Ijaw militant group active in Rivers and Bayelsa States, and with Youruba in the south-west.

- Pakistan with Balochi nation in Balochistan and North-Western Tribal Territories;

- Russia with Caucasus Emirate gathering Islamic nations from Dagestan, Chechnya and Ingushetia;

- Saudi Arabia with Yemeni Arabs near Yemen Border;

- South Sudan with Dinka in central and northern part of the coutry, with Jalwau tribe near Wau, with Nuer nation in central and eastern part of the country, with Mabaan and Uduk tribes in the north-east, with Mundari near Juba, and with Murle in the east.

- Sudan with Misseriya Arabs in non-arabic southern borderlands and Darfur, with Falata (West-African immigrants) in central and southern parts of Sudan, with Baggara Arabs and Hamar Arabs in south Darfur and Kordofan, with Kababish Arabs in North Kordofan, with Maaliyah tribe in East Darfur, with Masalit in south and west Darfur, with Dinka near South Sudanese border, with Abbala Arabs in North Darfur, with Ingessana (Gaam) in Blue Nile Valley, and with Zaghawa in West Darfur.

- Syria with Kurds in the north, and with other minority groups self-defense forces (Circassians, Turkoman, Arameans, Armenians and Assyrians);

- Thailand with Pattani near Malaysian border;

- Turkey with Kurds near Syrian and Iraqi border;

- Uganda with Bakonjo (Konjo) and Bamba (Amba) in Ruwenzori Massif (Ruwenzori Kingdom);

- Ukraine with Russians in Doneck and Lugansk separatists republics.

As so it can be seen, there is many countries with determination to forcibly gain an independence (UCDP 2018).

Three solutions and conclusions

There are three solutions of ending most of ethnic conflicts. They are proposed by scholars and experts cited in this paper. All of them aren't ideal, so they have their strong and weak sides, what influences a chances of success in peaceful resolutions. These solution and conclusions focused on a wide approval by international society of recognition as a tool to end long-lasting ethnic conflicts in case of creation de facto independent state.

First idea to make this tool effective is to use the United Nations as a political entity to recognize new states. New de facto functioning states shall have right to write a petition to the UN Secretary General, and then on the forum of UN such case would be discussed and voted. This is interesting but seems to be ineffective. Why member states would vote against interest other members and create new political animosities? This idea in an opinion of the author will not change lot from current international law situation, and thus will fail, especially when secession will target main powers like Russia.

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Second idea to introduce mass recognition of de facto states is to use a power and influence of major powers as a protectors of new statehoods. This solution will have to change current stance towards mass recognition in worlds politics before, and that is way it is not very likely. In authors opinion there is another problem as well. New recognized states would become a clients of great protecting powers. Such situation will not provide substantial change for freeing population. From dependence of previous state they will turn their eyes up to another foreigners.

Third idea is more unofficial. It creates an international law that forbids lack of recognition of the facto states which are able to uphold some basic elements of statehood, like security of foreigners, clear juridical system, fluent economy, and some years of de facto independence from previous occupant of its territory. However undertaking such law is very unlikely, and would change significantly an international political system.

What are an effects of such changes, which utilize recognition as a tool to end long-lasting ethnic conflicts? If the international society would introduce such changes, it seem to be more and more states in the world soon. Currently we have almost 7000 living languages, most of which are very small local groups, but still number of nations counts in thousands. Creation of new states would lead to so called balkanization of different parts of the globe, and anarchization of international relations as a consequence, what some

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scholars are sure of. Peaceful recognition of de facto states should end long-lasting ethnic conflicts, which are prevailing among war cases. Decrease in amount of ethnic conflicts doesn't actually affect total numbers. It may appear that ethnic violence will be replaced by religious, economic or ideological reasons for wars. Some scholars also guess that such change of political practice would change today peaceful subjugated nations into violent separatists, because such political game would be worthy for them. Anyway it is noticeable, that scholars community debates about a need of ending long-lasting conflicts. An announcement of end of history by Francis Fukuyama in 90's didn't cause decrease in amount of conflicts and casualties as well. The world is more and more violent place, as shows cited statistics. Most people concludes that freedom is worth fighting for if chances of success are calculated and significant. The rhetoric question is how profitable is fighting or even voting for freedom of other nations. One of the Polish generals Tadeusz Kościuszko introduced an ideology, that it is always worth to fight for freedom own as well of others.

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