

## *The Foreign Policy of Counter Secession: Preventing the Recognition of Contested States*

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In this book, James Ker-Lindsay describes how states seek to prevent the recognition of regions that are trying to secede unilaterally from the states in question. He focuses on three countries: Cyprus, Serbia and Georgia; and four secessionist regions: the Turkish Republic of Northern Cyprus,<sup>1</sup> Kosovo, Abkhazia and South Ossetia. In each case, the region has established *de facto* control over its territory, but wants *de jure* recognition. As Ker-Lindsay notes, the relevance of this subject matter extends far beyond the covered cases. There are several states that are faced with very similar situations, including Azerbaijan, Moldova and Somalia. There are many other states that face popular secessionist movements, including Spain, Canada, the United Kingdom, and India, and there are yet other states that are nationally heterogeneous and may come to face secessionist movements in the future. It is hardly an exaggeration to say that the issue of counter-recognition is of relevance to a significant proportion of the world's states. It is also relevant, of course, for the secessionist regions in question, or any would-be secessionist region. As will become clear to anyone who reads this book, non-recognition matters profoundly. Without it, 'contested states' are unable to trade (legally) with the outside world; unable to establish transportation links; unable to take part in international sporting competitions; and unable to do a good deal more.

It is somewhat surprising, given the importance of the subject matter, that Ker-Lindsay's book is the first to show in detail how states work to prevent the recognition of breakaway regions. There is a large literature, written by international lawyers, on how statehood is acquired. There is also a significant political science literature on secession, and a growing political philosophy literature on the right to secession ('just cause' and 'choice' theories of secession). But hitherto no-one has examined the myriad of ways in which states seek to ensure that their breakaway regions do not get recognised within the international system.

Ker-Lindsay's account is rich, and ranges from tactics that are interesting and meaningful to some that will seem to many readers to be trivial, or even ridiculous. In the former category is the

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1 Although the northern part of the island is referred to as the Turkish Republic of Northern Cyprus (TRNC) in this book review, it is acknowledged that the TRNC is not recognised by any country except Turkey. The TRNC is treated in the review as it is treated in Ker-Lindsay's book, as a secessionist region or entity rather than a (recognised) state.

insistence by the Republic of Cyprus, currently controlled by Greek Cypriots, that it is faced with an issue of 'invasion and occupation' rather than a campaign for 'self-determination' by Turkish Cypriots, and far less an attempt to escape historic oppression. This matters profoundly because 'invasion and occupation' suggests two important conclusions: first, that the secessionist entity was created by a clear breach of international law, and should therefore be opposed by all states; second, that the entity in question is a 'puppet' state that does not control its own territory, a criterion that is sometimes used to define statehood. The trivial tactics include the insistence on putting all references to secessionist entities or their officers in inverted commas, or prefacing them with 'so-called' (e.g. the 'so-called foreign minister'). Ker-Lindsay also provides an interesting and unusual example of a state engaging in what was a massive error: Serbia asking the ICJ to rule on whether Kosovo's declaration of independence was illegal, rather than asking it to rule on whether Kosovo could become independent from Serbia. The former allowed the ICJ to sit on the fence by stating that the 'declaration' was legal, without having to pronounce on the substantive issue regarding whether regions can secede – an issue that would have been much more difficult to answer in the affirmative.

Ker-Lindsay makes clear that states enjoy an enormous structural advantage over regionalist movements attempting to secede unilaterally. Other states and, if I may, 'so-called' *international* organisations (in fact they are based on 'states', some of which are pluri-national) are understandably not inclined to support unilateral secession. This is because they see unilateral secession as a threat to international stability and possibly as posing a threat to their own territorial integrity or to that of their allies. Bilateral secession, by contrast, poses no such risks, and can be accepted unproblematically, as we saw in 2011 with the secession, and universal recognition, of South Sudan. This structural advantage explains why there have been very few, if any, successful cases of unilateral secession. Ker-Lindsay explains that even Bangladesh, arguably the only case since 1900, was given a seat in the United Nations only after Pakistan recognised it. Somaliland has failed to achieve recognition from anyone, in spite of the fact that it is reasonably stable, while Somalia is a failed state that has had no functioning central government for more than a decade. Kosovo is the only other arguable exception, but it remains unrecognised by many states and is still not in the UN. The only factor that can significantly offset the structural bias in favour of states, in Ker-Lindsay's account, is the support of a great power, with the United States clearly the most important. It is the United States' support for Kosovo which explains its relative success *vis-à-vis* the other regions covered, although Kosovo's success is still only partial. Great powers, however, tend to be as conservative with respect to recognition as other states, with China being particularly cautious. Some powers, meanwhile, appear hypocritical: Russia backs the territorial integrity of Serbia, but not Georgia or Ukraine, while the United States takes the opposite position.

The strength of the international bias against recognition is such that it begs a key question: why do states bother expending considerable resources on counter-recognition policies when there is very little chance of recognition occurring? The answer, Ker-Lindsay explains, is that

'recognition' is not dichotomous (a secessionist region is recognised or it isn't), but involves an extensive continuum. At one end there is formal recognition as an independent state, but there are many steps before this, some of them minute, that can lead to 'legitimation and acknowledgement'. Secessionist regions and the states from which they are seeking to extricate themselves are usually aware that formal recognition is out of the question. Instead the secessionist regions aspire to a degree of interaction with the rest of the global community that, while falling short of statehood, delivers virtually all of the practical benefits associated with statehood, including trading and sporting links etc. This is sometimes called 'Taiwan status', with Taiwan an entity that prospers in worldwide trade and takes part in the Olympic Games etc., but is not a recognised state. It is 'Taiwanization', rather than formal recognition, that constitutes the real danger for most states with secessionist regions (p. 175). In addition, one must recognise that even formal recognition of statehood is not itself a dichotomous matter, as a region can be recognised by one state (e.g. the Turkish Republic of Northern Cyprus by Turkey); by a sufficient number of states to be entitled to membership of the UN (the gold standard); or by all states in the UN (Israel is in the middle but not the last category). This means that states with secessionist regions have to be wary of any state, or any additional state, recognising their secessionist region, which requires a considerable diplomatic outlay and means the state in question can never relax its guard.

Another reason why states put so much energy into counter-recognition policies, Ker-Lindsay explains, is that they are less concerned about formal recognition than with keeping military options open for re-capturing the territory (Georgia prior to 2008), or with securing re-integration on better terms in negotiations. On the latter score, the state will want to limit 'legitimization and acknowledgement', while the secessionist region will want to maximise them, as this strengthens their respective hands at the negotiating table. The Greek Cypriots, to use one example, can expect to get more territory, more property, and perhaps even a better deal on Turkey's intervention rights under the Treaty of Guarantee, if there is little or no legitimisation or acknowledgement of the TRNC. The Turkish Cypriots can aspire to more of a confederal status the more recognition they can win. In a few exceptional cases, if the secessionist entity looks set to win, the state can hope through its counter-recognition policies to secure better terms for protecting its interests in the about to become independent entity. This is the course that Serbia looks to be currently set on, with respect to protecting Serbs within Kosovo, and the Serbian religious sites.

Ker-Lindsay has written a very strong text. He could have done a little more to bring out the comparative dimension of his subject: e.g. why have some states, or secessionist regions done better or worse than others? Even on this point, the answers can be found in his book, but they are not brought together as an orthodox comparativist might have done. One point that emerges throughout the book, for example, is that Cyprus is the 'Rolls-Royce' of counter-secessionist states, while Serbia looks like a 'loser' by comparison, with Georgia located somewhere in between. But why is this? It can hardly be because of size, or vast diplomatic resources. It can also not be because

Cyprus has more experience than the rest, although it does. Cyprus, after all, has been successful in countering recognition from the very start: in 1983, on the TRNC's UDI, the UN Security Council expressly prohibited other states from recognising it. The answer appears to lie instead in the fact that the international community has accepted that the TRNC is a result of 'invasion and occupation' and not, as the Turkish Cypriots or Ankara would have it, an exercise in self-determination or a case of 'just cause' secession. Also, though perhaps less important, the 1960 Cyprus constitution expressly prohibited secession or partition. The Yugoslav and Soviet constitutions, by contrast, acknowledged rights to self-determination and secession respectively, and while Kosovo and Abkhazia and South Ossetia were not full members of their respective federations, they, particularly Kosovo, have derived indirect benefits from this constitutional permissiveness. This, in turn, explains why Greek Cypriot negotiators want to prevent anything in the constitution of a united Cyprus that might facilitate the future recognition of a Turkish Cypriot state.

An important and related issue that is not touched on in the book is why some states are more interested in countering secession than others. Ker-Lindsay acknowledges not just that Sudan let South Sudan go – perhaps not difficult to understand, as it happened after massive and protracted violence – but that the UK and Canada do not seem as interested as Cyprus and other states in preventing secession. No explanation is given. The UK is liberal on secession primarily because it is a union-state: Scotland and Northern Ireland have always been treated differently, and the loss of either or both would pose no serious problem for England, which pre-existed the UK as a separate state with stable borders and a strong national identity. Canada is not quite as liberal as the UK (because there is no historic identity or region in Canada outside Quebec), but it is a democratic and liberal federation with an independent judiciary. It was the judiciary that decided that the federal government would have to negotiate the terms of secession if any province clearly wanted it.

In places, the book reads like a handbook for states that want to prevent secession, and it will certainly make essential reading for the policymakers of such states (and their counterparts in the contested states). This does not mean that Ker-Lindsay wants to promote counter-recognition policies at the expense of seeking agreement. On the contrary, he points out that if the real goal of states is to set the terms for re-integration, they should be more cognisant of the damage that counter-recognition policies can have on prospects for reconciliation or reunification. This part of the book is brief, but it is meaningful.

Ker-Lindsay's book is original, demonstrates a deep knowledge of the subject matter, is ultra-accessible, and is possible to read from cover to cover. It makes a solid, eminently worthwhile, contribution to the broad literature on secession.

JOHN MCGARRY