THE DILEMMA OF THE SEMISTATE

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The semistate is a territorial entity that has many of the features commonly associated with the modern state but remains unrecognized as a sovereign entity. As such, although these territories are featured prominently in today's vexing territorial conflicts, policymakers have but a scant knowledge of how they function on the margins of the state system and thus are ill-prepared to create effective conflict management policies.

The dangers of weak and failing states to international security have been well documented since the attacks of September 11, 2001 directed our attention toward the failed state of Afghanistan. The preoccupation among policymakers and academics alike with the stark bipolarity of "strong" and "weak" states has at times obscured the fact that the modern state comes in innumerable forms. The legal definition of a state is outlined in Article I of the 1933 Montevideo Convention on the Rights and Duties of States. The Article outlines four basic qualifications for a territory to be defined as a "state": 1, a permanent population; 2, defined territory; 3, a government; and 4, a capacity to enter into relations with other states. Yet, already in 1981, before it became fashionable to proclaim the fading of the state as the central actor in international relations, political theorist David Easton identified over 140 definitions for the term.[1]

The modern state came under increased scrutiny as the pace of globalization hastened at the end of the twentieth century. Indeed, as numerous and diverse as the definitions of "state" are, the seemingly infinite conceptions of "globalization" have nearly rendered the term meaningless. According to the U.S. Library of Congress's catalogue, in the 1990s about 500 books were published on globalization in the United States. Between 2000 and 2004, there were more than 4,000. Between the mid-1990s and 2003, the rate of increase in globalization-related titles more than doubled every 18 months.[2] James Rosenau, the octogenarian intellectual inspiration for much of the globalization literature, explains :

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The dynamics of globalization, taken together, contend that the new, post-Cold War arrangements have lessened the role of the state, that a central feature of the arrangements is a continuing disaggregation of authority in all parts of the world and all walks of life, and that consequently the salience of local phenomena has been heightened. Put differently, the global-local nexus underlies tensions between worldwide forces pressing for integration and those fostering fragmentation, an interaction that I have sought to capture in a label ('fragmegration') that combines the two forces.[3]

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The resultant legitimacy crisis of the state has accelerated the proliferation of alternative spheres of authority, whether in the international domain through intergovernmental institutions or in the sub-domestic sphere through fragmentation to more local collectivities. All this suggests that

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the role of the state as understood in international relations theory might be undergoing some revolutionary change. In his towering treatise on the nexus of law and strategy, *Shield of Achilles*, Philip Bobbitt suggests that once one sees "that there have been many forms of the modern state, one can appreciate that though the nation-state is in fact dying, the modern state is only undergoing one of its periodic transformations."[4]

In 1968, J.P. Nettl argued that one ought to conceive of "the state" as a conceptual variable as opposed to a generic unit of analysis.[5] Doing so would allow us to achieve "a more discriminating theory of the state, one that treats polities not as either states or nonstates but as merely more or less statelike — in other words, the question is not 'to be or not to be,' but to have more (of "stateness") or less of a certain political structure and concomitant logic of political behavior."[6]

For example, it is certainly the case that some states fall short of virtually all performance-based criteria of internal legitimacy yet retain their international recognition, or "juridical statehood," as equal sovereigns. Robert Jackson called these "quasi-states," but today these are referred to as failed states.[7] These entities hold onto their legal protections from intervention and interference but lack the capacity or will to provide the services and resources their citizens demand of them. The Failed States Index, compiled by the Fund for Peace in partnership with *Foreign Policy*, ranked Sudan, Iraq, Somalia, Zimbabwe, and Chad as the world's "most failing states" in 2007.[8]

Contrast this with those entities that can demonstrate the fulfillment of the four features of the previously mentioned Montevideo Convention but that lack the international personality of quasi-states. These are often called *de facto* states. Scott Pegg, one of the first scholars to examine the phenomena of the *de facto* state in comparative fashion explains that "the quasi-state is legitimate no matter how ineffective it is. Conversely, the *de facto* state is illegitimate no matter how effective it is."[9]

So what does one make of Somaliland, Nagorno-Karabakh, South Ossetia, Abkhazia, Transnistria, Chechnya, and Iraqi Kurdistan? None of these territorial entities, or many others unmentioned, possess a formal international personality. Yet by all accounts they maintain an effective capacity to provide for their inhabitants that eclipses that of many recognized states. All the more, these territories sit on some of the most active, strategic fault-lines in today's security environment. Unfortunately, there has been a dearth of any rigorous examination of these territories. How do they function in the absence of international recognition? What impact did the dynamics of conflict and political development under such conditions have on the nature of these entities? What is their resultant worldview and statecraft?

If we are to truly understand the role of these entities in the international system, the nature of instability that might originate from them, and perhaps their potential to help manage regional conflicts, we need to examine their politics

and strategies in the same manner as we would for "legitimate" states.

The first step is to recognize the limitations of existing terminologies. The prevailing attitude towards *de facto* states is that they are states in all but name. This is flawed in three major ways. First, the methods of governance, by necessity if not by design, in many of these mercurial state entities are radically different than in recognized states. This carries important implications for the functioning of the state, its political and economic development, and the nature of instability emanating from it. It also could help explain the disadvantages and potential benefits of non-recognition and why these anomalies remain in protracted states of ambiguity. Second, the definition is often too restrictive. For example, Pegg argues that the *de facto* state is unable to acquire any degree of "substantive recognition."[10] This can vary from recognition by a major power, the parent state from which the *de facto* territory seeks to secede, to recognition by neighboring countries, the United Nations General Assembly, and the like. This means that an entity like Iraqi Kurdistan does not fit in Pegg's framework, because of the international protection it received after the first Gulf War. Taiwan, however, does make the definition even though it enjoys formal and informal relations with dozens of states and regional, and international bodies. Third, the degree of international acceptance and engagement varies among unrecognized states and across time. The degree of legitimacy that ensues from such recognition is problematic because it is highly politicized. We see some of these entities — Abkhazia for example — as weak or failing, while Kosovo is understood in far more positive terms that call for engagement and support. The divergent attitudes cannot be explained by pragmatic variables alone.

The term *semistate* is as imperfect as all others. The entities are semi not only because they lack recognition, but also because their internal functioning, though in many senses akin to that of a recognized state, also diverges in important ways. Since one of the important questions is to examine whether the semistate is a transitional anomaly versus an evolutionary moment in sovereignty, avoiding the term *de facto* helps unshackle us from the restraints of what Rosenau called "conceptual jails," which might preclude us from recognizing the unique features of this particular sphere of authority.

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Beyond the definitional issue, it is important to unpack the "logic" of semistates. There has been important progress here that every policymaker should understand. One issue is the impressive longevity of the semistate. How and why does it persevere? Charles King contends that the persistence of the disputes that spawn breakaway semistates can be explained by the benefits that accrue to both parties from stalemate:

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It is a dark version of Pareto efficiency: the general welfare cannot be improved — by reaching a genuine peace accord allowing for real reintegration — without at the same time making key interest groups in both camps worse off. Even if a settlement is reached, it is unlikely to do more than recognize the basic logic and its attendant benefits.[11]
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Pål Kolstø argues that five factors contribute to the viability of unrecognized states in the absence of strong state structures.[12] First is the successful nation-building that these semistates have undertaken. This is premised on the common experience of conflict with the state from which they are trying to secede, the existence of a common enemy, and the relatively homogenous population that exists within the separatist entity. Second, semistates are militarized societies. The armed forces play a crucial role in deterring the parent state and, in turn, military leaders have become political and economic figures as well, often with a keen interest in maintaining their positions of privilege. Third, the parent state — be it Iraq, Somalia, or Georgia — is typically a weak state unable to retake the separatist state or to attract the breakaway population to return to its domain. Fourth, external patrons provide a vital lifeline for the semistate. Finally, the international community plays a vital role. For as long as it facilitates an ongoing and frequently stalled negotiation process between the breakaway region and the parent state, it is complicit in the prolonged existence of the semistate.

Thus, it becomes clear that any study of the semistate must focus on the external, internal, and mixed factors that sustain the ambiguity and their interaction. For example, the inability of semistates to develop self-sufficient economies — due often to a combination of post-conflict infrastructure damage, lack of a favorable investment climate in the context of an uncertain legal climate (what Pegg calls "the economic cost of non-recognition"), and the presence of a substantial illicit economy and its linkages with the ruling elite — substantially influences the leadership's statecraft.

The future of Iraq, Somalia, the Balkans, and other conflicted regions will require policymakers and academics alike to confront the realities of semistates. The dilemmas that need to be faced go far beyond the issues of recognition and the redrawing of state borders. Such solutions to the semistate problem might provide short-term stability, but they are also likely to sow the seeds of future conflict. Dismantling the complex web of interests that sustains the ambiguous status of semistates will require a much more sophisticated approach than any being widely discussed in policy circles today.

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