Secession, Statehood, and Recognition: Normative Bases for International Law

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Abstract

The paper argues that state recognition as is currently practiced is a barrier to the attainment of international peace and justice. The cases of South Sudan and Palestine, when compared, demonstrate that recognition is subject to strategic manipulation by powerful states, creating well-founded frustration and instability. In the absence of a comprehensive normative theory of recognition, this paper uses a justice-based theory of secession as a springboard to devise a system of recognition that is responsive to widely accepted normative principles. The result is an institutionalized system of recognition that confers statehood status to entities that are likely to uphold international standards of peace and justice in the exercise of their rights, powers and duties as members of the community of nations.

State recognition is one of the oldest practices in international relations, and one of the most vexed concepts in international law. Since the Middle Ages, political communities have interacted with each other as sovereign territorial states under an accepted system of rules (Brierly 1955, 2-7). Determining which entities are to be recognized as states subject to these rules has hence been a basic component of international relations. As such, it is one of the most commonly discussed topics in the international law literature.

With the recent secession of South Sudan and the even more recent resurgence of the Palestinian statehood controversy, the long-running discussion of state recognition is once again a pressing concern of foreign offices and topic of interest for international lawyers and political theorists. This paper will evaluate the current practice of state recognition from a largely normative standpoint, and will offer a proposal for reforming the system accordingly.

Section I introduces and compares the two case studies that motivate this discussion, South Sudan and Palestine. A brief commentary on the contradictions that
surface from this comparison follows. Section II examines the current practice of state recognition. After exposing the current system’s inadequacies, I argue for the establishment of a rule-governed, institutionalized practice of recognition designed to further the goals of the international legal system, namely international peace, stability and justice. Section III extrapolates a set of normative criteria from theories of legitimate secession to provide a foundation for an institutional model of state recognition. Since secession is the most common way of establishing new states, the expectation is that a sound theory of secession will inform a normative-based international legal practice of state recognition (Douglas 1994, 2). To this end, I outline three mainstream theories of secession and then endorse the Alan Patten hybrid approach, which grounds a moral right to secede on a state’s failure to respect basic human rights or to recognize the right of relevant sub-state cultural groups to exercise local self-determination. Section IV offers a proposal for incorporating these criteria for legitimate secession into an institutionalized system for collective state recognition. Finally, Section V revisits the cases of Sudan and Palestine, commenting on how this proposed model for recognition would settle each country’s bid for independence.

Two Case Studies

A) South Sudan

On July 9, 2011, South Sudan became the world’s newest state. Since the time of British colonialism, spanning from the late 19th century to the mid 20th century, the various ethnic groups that populated the country of Sudan enjoyed vastly unequal access to political power and economic resources. Notably, the British had established two separate administrations, a progressive and commercial one in the north and a rudimentary and rather dysfunctional one in the South (Grawert 2008, 37-8). The north’s monopoly over the country’s wealth persisted, and was indeed exacerbated, after Sudan’s declaration of independence from Britain in 1956 (Grawert 2008, 40). Emboldened by their superior economic status, the ‘Arabs’ in Khartoum sought to consolidate their ascendancy by imposing their Islamic culture and legal traditions on non-Arab and non-Muslim populations in the peripheral regions of the country.

Southern Sudan, largely possessing a distinctive non-Arab culture, mobilized an armed resistance, the Sudan People’s Liberation Army (SPLA), against the ‘Arab Center’s’ marginalization. This grass-roots militia and civilian-based movement fought for a unified, discrimination-free Sudan in a civil war that lasted 17 years, until the signing of the Addis Ababa agreement in 1972 granting limited autonomy to the south (Collins 2010, 110-11). After 10 years of relative peace, Islamist fundamentalism resurged in the north under the Nimeiri military dictatorship, and the

1 See Francis Deng’s note about ethnic identification in Sudan, *Sudan at the Brink*, 7-9. See also Collins, 8-9.
central government’s persistent violation of the autonomy agreement reached at Addis Ababa reignited the civil war. This time, however, the south did not demand an end to discrimination but, instead, fought for complete independence. The second civil war lasted until 2005, culminating in the Comprehensive Peace Agreement (CPA), which re-established the south’s autonomy until a referendum on independence could be held 11 years later. In January 2011, southern Sudan voted with a 99% majority to secede from the north, resulting in the definitive partitioning of country effective on July 9th of that same year, and the admission of South Sudan into the United Nations three days later.

B) Palestine

The Palestinian-Israeli conflict over the possession of Gaza, the West Bank and Jerusalem is well known and will not be recounted here in detail. However, the recent crescendo of calls for international recognition of a Palestinian state, and the bleak prospects for the realization of such hopes, renders this a salient case for comparison with South Sudan (“The Palestinian Authority” 2011). Some commentators are sympathetic to the Palestinians’ surge of impatience and decision to bring their statehood bid directly to the United Nations (Haas 2011), given the stalemate in negotiations with Israel and the continued expansion of Israeli settlements since the 1993 Oslo Peace Accords (Hartley 2004, 195). Meanwhile, supporters of the anti-statehood stance advanced by Israel and the US claim that the Oslo Accords, signed by Palestine, clearly define direct bilateral talks as the only legitimate path toward Palestinian statehood. As a permanent member of the Security Council, the US has thus vowed to veto any Palestinian bid for recognition at the UN. Despite the overwhelmingly unfavorable chances of formal recognition by the Security Council, a vote in UNESCO yielded 107 states in favor of Palestinian membership, with only 14 states opposed.

Comparing the international community’s prompt acceptance of South Sudan into the UN to the heated controversies surrounding Palestine's bid for statehood raises interesting questions. On the one hand, South Sudan is a region plagued with extreme infrastructural and economic underdevelopment, an unstable government, inadequate service delivery, an illiteracy rate of 48%, and exorbitant levels of child


3 “Admission to the United Nations as a full member state requires a recommendation from the 15-member Security Council, with a majority of nine votes and no veto from the five permanent members. Then the submission goes to the General Assembly, which must pass it by a two-thirds vote among the 193 members” (“The Palestinian Authority”).
malnutrition and infant mortality (Allen 2011). More than half of the population lives below the poverty line and violent strife among the various tribal groups, especially the dominant Dinka, Nuer and Shilluk, is pervasive (“Sudan” 2011). Indeed, far from securing peace, secession has intensified the animosities among South Sudan’s many ethnic populations and has thus increased instability within the region. Needless to say, the country lacks a tradition of democratic rule and avenues for political contestation are quite weak (“Politics” 2011).

On the other hand, international organizations such as the UN, UNESCO, the World Bank and the IMF have issued reports praising the recent strengthening of Palestinian institutions, noting that “in six areas where the UN is most engaged [governance, rule of law and human rights; livelihoods and productive sectors; education and culture; health; social protection; and infrastructure and water] governmental functions are now sufficient for a functioning government of a state” (UN report 2011).

In light of these assessments, it is natural to ask why South Sudan can be recognized as a state while Palestine cannot. Admittedly, South Sudan seceded from North Sudan with the latter’s consent (after nearly four decades of civil war), whereas Palestine has not reached such an agreement with Israel. This difference is far from trivial, and it raises the question of when an entity’s claim to independence and efforts to form its own state should be recognized as legitimate. The next section describes, in general terms, the current practice of state recognition and discusses some of its inadequacies.

Current Practice of Recognition

Recognition of statehood grants an entity international legal personality and binds it to comport itself according to the rules established by international law in its relations with other states and peoples. At the same time, it makes the entity eligible to enter into treaties and alliances with other states, as well as to participate in the development and enforcement of international law. Most importantly, recognition is an affirmation of an entity’s right to territorial sovereignty and integrity, and its right to exercise coercive jurisdiction within this territory (Brierly 1955).

The rights and powers attached to statehood make it desirable for political entities to attain such a status. At the same time, the expectation that each new state will abide by the rules of international law makes it desirable to include as many qualified political entities as possible, insofar as this will further the goals of peace and stability.

The Montevideo Convention of 1933 was a preliminary attempt to codify specific descriptive criteria for statehood: (1) a permanent population, (2) a defined territory, (3) a functioning government able to control the territory in question, and (4) the capacity to enter into relations with other states on its own account (Brierly 1955,
Together, these four requirements defined a state, and presumably any entity aspiring to independent statehood that met these criteria would automatically be regarded as a state under international law. This ‘declaratory approach’ is objective in the sense that whether or not an entity is considered a state depends on the empirical characteristics possessed by that entity. Furthermore, it is retrospective in that the international community is not actually granting the entity this status, but merely acknowledging what is already a fact (Chen 1951, 133).

Most scholars agree, however, that the present practice of recognition is not declaratory but constitutive (Menon 1994, 61). According to the ‘constitutive approach,’ an entity is considered a state to the extent that other states recognize it as such, since a new state cannot exercise rights and obligations against states that do not recognize it (Oppenheim 1928, 144). In general, the present practice of recognition follows the constitutive approach. Consider the case of Palestine. Applying the Montevideo criteria for statehood, it becomes clear that Palestine should be considered a state, as it has a permanent population concentrated in a defined territory, a functioning representative authority (the PLO), and has already entered into various agreements with other foreign entities. However, as was already noted, its statehood bid is bound to be frustrated unless Israel and the United States choose to alter their policy of non-recognition. Regardless of whether or not the United States and Israel are right in denying recognition, it is clear that recognition in this case is a matter of policy discretion from the part of states on both sides of the controversy. As this example shows, the practice of recognition is often an opportunity for powerful states to express their approval or disapproval of a political entity, and thus recognition ends up being a highly selective and strategic policy decision.

The debate between lawyers that regard recognition as a declaratory versus constitutive act is an old one, and the thorny legal support for each view will not be rehearsed here. There will be little further discussion of how recognition is in fact practiced, and instead the focus will be on asking how recognition ought to be practiced.

The Need for a Rule-Governed Collective Practice of Recognition

Neither the declaratory nor the constitutive theory of recognition is entirely satisfactory. On the one hand, the constitutive theory lends itself to strategic manipulation by powerful states that have a vested interest in recognizing or not recognizing a political entity. Furthermore, there are logical and practical difficulties in asserting that an entity is a state according to some members of the international community (i.e. those who confer recognition) and not a state according to the rest. In this case, the entity would be subject to international law according to some states but would exist in a legal vacuum according to others. These inadequacies of the constitutive

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4 For a thorough legal analysis, see Lauterpacht, H. Recognition in International Law.
approach signal a need to establish an objective and impartial procedure for state recognition.

On the other hand, the criteria established under the declaratory approach are too weak. Given that the new state is to be granted full sovereignty and international protection of its territorial integrity, the international community has reason not to welcome into the community of states entities that practice injustice, internally or externally. A state that repeatedly engages in aggressive war against other states or systematically commits human rights violations against other peoples should not be granted the sovereignty rights and legal powers that come with being a member of the international community, because these acts are antithetical to the core principles of the international legal system. Likewise, by conferring statehood status to entities that employ their coercive powers internally to oppress their populations, the international community would in effect be acting as an accomplice in injustice (Buchanan 1999, 58). In both cases, the international community would be undermining the commitments to peace and justice that underlie the bulk of international law, and therefore recognition does not make sense in these instances.

It is worthwhile to also mention a third approach to recognition proposed by Chris Naticchia. Naticchia advances a ‘pragmatic’ approach whereby the international community extends recognition only if such an act is expected to further peace and stability in the long run (Naticchia 2000). This approach is act-consequentialist in the sense that the only consideration it regards as relevant in the decision of whether or not to grant recognition is the maximization of overall peace and stability. In this calculation, the extent to which the entity in question conforms to international standards of justice is a relevant factor only insofar as this behavior tends to further long-term peace and stability.

As Buchanan correctly points out in his rejoinder to Naticchia, a rule-consequentialist approach whereby substantive rules are established is more likely to lead to peace and stability in the long-run than a case-by-case approach, which is not only prone to erroneous calculations but also bound to be politicized (Buchanan 1999, 262-3). Moreover, peace and stability cannot be pursued at any cost. Just like considerations of overall human welfare cannot trump individual rights in the

5 Admittedly, many states, recognized as such today, have historically engaged in practices of aggression and human rights violations. Among them are North Korea, Iran, China, and even the United States and many European countries. However, if these political entities were currently seeking statehood status, these considerations would count against their bid. Although it would not be advisable to revoke their statehood in light of these later actions, strong sanctions should be imposed against these states as a way to make them compensate for their injustices. An entity that is relatively young and already has a poor record of adhering to standards of justice, however, should prima facie not be recognized.
domestic sphere, considerations of peace and stability cannot override the commitment to securing the basic rights and freedoms of a population.

Thus, what is really needed is a normative, institutionalized practice of recognition. In this system, prospective states would be subjected to specific justice-based assessments and projections, the results of which would determine whether or not the entity in question ought to be collectively recognized. In order to provide some content to such justice-based criteria, the proposal will rely on a plausible and robust theory of secession. The analysis will begin with an outline of three mainstream accounts of legitimate secession: the nationalist theory, the plebiscitary theory, and the remedial-right-only theory. Then, an interpretation of Patten's hybrid version of legitimate secession will be advanced, which fine-tunes a rather significant ambiguity in his theory.

**Three Theories of Secession**

A) **The Nationalist (Ascriptivist) Theory**

Some secession theorists ground a group’s right to secede on the presence of a unifying set of characteristics that render the group culturally distinct. Margalit and Raz argue that culture is an integral element in individual identity. Given the profound importance for individuals of exercising this identity in their everyday lives without interference, groups that share such “encompassing” cultures should be allowed to enjoy self-government (Margalit and Raz 1990, 439-61). Walzer advances a similar argument, upholding the individual right to communal integrity, understood as the right of persons “to live as members of a historic community and to express their inherited culture through political forms worked out among themselves” (Walzer 1980, 211).

One practical objection to the nationalist theory is that there is no such thing as a homogenous nation-state in existence. All states today, even those that have a dominant religion or ethnic group, have minority cultural groups living within the territory. Even if it were possible to isolate a piece of land where all the inhabitants, without exception, shared the same culture, this homogeneity would not necessarily last longer than the lifetime of the current inhabitants, since it is always possible for future generations to abandon tradition and identify with a new culture. In practice, this would entail constantly altering borders, as different cultural groups concentrate in slightly different territories.

Furthermore, such states would be rather small, since it would be difficult to find large, culturally homogenous regions without having to displace the minorities residing there (which would certainly not be a permissible expedient). Smaller nations tend to be less economically self-sufficient and thus more economically and militarily vulnerable (Buchanan 2004, 386). Instead of seeking to construct homogenous nation-states, cultural groups might be better preserved by accom-
modating them in intra-state autonomy schemes (Hannum 1990).

**B) Plebiscitary (Democratic) Theory**

Proponents of the plebiscitary theory of secession argue that a people may democratically exercise their right to self-determination by voting to secede from the state they are currently a part of. According to this view, a state’s coercive authority can be legitimized only by the people’s consent, so that when a majority of the citizens wish to repudiate this authority they should be free to secede, as long as peace and stability are maintained and the protection of standard liberal rights ensured (Wellman 1995, 142-71).

Patten raises a compelling objection to the plebiscitary theory based on the principle of democracy itself. In essence, Patten argues that holding the plebiscite in the secessionist region amounts to an arbitrary choice to exclude the rest of the population in the state to vote on its preference for partition or unity. Indeed, depending on how the boundaries are drawn and the relevant unit of decision-making defined, the majority’s choice might be very different (Patten 2002, 575-80).

Even if one were to incorporate a nationalistic element and claim that the relevant constituency for settling secession controversies must be a defined cultural group, it is unlikely that the vote would ever be unanimous. Some people residing within the territory might prefer unity or may wish to establish their own autonomous region altogether. If the secessionist minority has the right to democratically repudiate the authority of the central state, why would the minorities within this unit be denied the opportunity to choose their preferred autonomy scheme? Proponents of the plebiscitary view cannot consistently uphold principles of liberal consent and freedom of association if they deny the rights of any minority to self-determination, including minorities within secessionist units in which plebiscites are conducted. Insisting that a referendum for secession be unanimous, however, is just as implausible as requiring that a state be culturally homogenous under the nationalist theory.

**C) Remedial-Right-Only Theory**

Buchanan rejects both the nationalist and plebiscitary views and advances a justice-based theory of secession. According to this view, secession by a population is permissible only when the state has committed grave and persistent human rights violations against the members of this population and when secession is a measure of last resort against such injustices. Other conditions under which secession is legitimate are when the state unjustly acquired the territory in question and when the state has abrogated already established intra-state autonomy arrangements (Buchanan 2004, 394).

Restricting secession to cases of severe injustices renders this theory comparably conservative, in the sense that it favors the status quo as long as minimal justice is not violated. Thus, Buchanan’s justice-based theory is appealing in the sense that it
is avoids the same slippery slope and instability concerns that plague the nationalist and plebiscitary views. Furthermore, it incentivizes states to satisfy basic justice requirements because it makes their territorial integrity contingent on their respect for human rights and existing autonomy agreements.

However, Buchanan’s theory might be considered too restrictive in the sense that it fails to allow self-determination for all peoples beyond bare respect for their basic human rights. Patten’s theory of secession is thus superior in that it grants an additional reason for secession, namely the ‘failure of recognition’ condition. According to this theory, when a state fails to provide proper constitutional arrangements that allow sub-state national groups to exercise self-government, the groups have a *prima facie* claim to secession. Patten resuscitates the nationalist view, affirming the importance for individuals of enjoying collective self-government as members of a national identity (Patten 2002, 569). He posits that when a state denies cultural minorities the chance to have a real impact on the democratic processes that control their everyday lives, namely by failing to institute proper forums for internal decision-making, the state deprives these minorities of the right to collective self-government (Patten 2002, 565-6). Indeed, even though Buchanan defines the lack of respect for *existing* intrastate autonomy arrangements as a legitimate reason for secession, he does not recognize a moral right to secede when the state fails to *establish* the autonomy scheme in the first place (Buchanan 2004, 394). To the extent that Patten recognizes the value for cultural groups of exercising a degree of local self-determination, his criteria for legitimate secession are more desirable than Buchanan’s minimalist requirements.

Certainly, not every cultural group will express a desire to exercise local self-determination. Territorially concentrated communities, such as Cuban immigrants in Miami, and territorially dispersed minorities, such as Jewish populations throughout the United States, may find that they can adequately work through the mainstream political system to voice their demands and concerns. Unless these groups develop a distinctive nationalist identity that is in danger of being stifled through political marginalization, there is no need to establish formal recognition of the culture. Patten’s requirement that there be “equal recognition” of all sub-state national identities is thus implausible (Patten 2002, 560). Instead of expecting the state to take the initiative of setting up units of self-government for all national minorities, it is incumbent on cultural groups to organize their own political blocks and make credible calls for their constitutional recognition. This provision is key since it ensures that local self-government is granted to those cultural communities that truly need it and are prepared to exercise it effectively. When these provisions are met, then the state should be compelled to recognize the entities appropriately.

The following section of the paper is devoted to developing an institutional framework for state recognition that corrects the flaws of current practice. The pro-
posed system uses the secession criteria developed by Buchanan and expanded on by Patten as its primary standards for evaluating claims to recognition. This model is to be regarded as an ideal institution for a quasi-ideal international legal order, and it is not expected that current officers of state will readily adopt it, considering the state of geopolitics today. However, it is a model that may gain gradual support through the work of civil society ‘norm entrepreneurs’ of the sort that Finnemore and Sikkink discuss, leading to incipient willingness from the part of powerful states to accept and ‘internalize’ it (Finnemore and Sikkink 1995, 895-900).

**Toward a New Institutional Model**

State recognition is currently a matter handled exclusively by the UN Security Council. In order for a political entity to be recognized as a state, a majority of members in the Council must vote in favor of recognition, without any of the permanent members vetoing this decision. As others have pointed out, the veto power as it presently works is morally arbitrary in that it distributes decision-making power inequitably. Furthermore, it prevents constructive deliberation by freezing discussions about recognition whenever it is clear that a permanent member will veto the decision (Keohane and Buchanan 2004, 36). Clearly, a more collaborative and fair system of recognition should replace the current procedure through the Security Council.

A basic requirement of any new model is that it aligns with and furthers the goals that already motivate international law, namely the attainment of global peace, stability and justice. An institutionalized practice of recognition should avoid disrupting peaceful relations and should maintain stability as far as is possible. At the same time, a sound practice of recognition should generate incentives that make it attractive for both the states recognizing and those being recognized to better adhere to principles of international justice. In short, an institutionalized practice of recognition should strike an appropriate balance between preserving peace and stability and fostering justice.

The institutional framework for recognition proposed here consists of three parts: (1) an ad hoc legislative body, (2) a network of independent information-gathering agencies, and (3) a permanent adjudicative body.

The ad hoc legislative body would be a coalition composed of representatives of those states with the most robust recent record of protecting human rights domest-
The body would be in charge of encoding into law the set of justice-based criteria to govern state recognition henceforth. These criteria would have to be consistent with Patten’s theory of legitimate secession in that they would consider the legitimate grievances of secessionist groups in terms of violations of minimal standards of justice as well as lack of constitutional recognition of sub-state cultural groups, and would weigh these grievances against the sovereignty claims of the existing state. The criteria would need to take into account the secessionists’ legitimate claim to the territory in question, the consequences for peace and justice of carrying out the secession, and the secessionist unit’s ability to sustain a viable state that promotes standard liberal rights and abides by international standards of justice. Additionally, the legislative body would establish rules for reforming these criteria and drafting amendments in the future.

The second branch would consist of a network of impartial, independent agencies in charge of evaluating the existing and projected human rights conditions on the ground. These monitoring agencies would include both inter-governmental UN organs, like the Human Rights Council and Universal Periodic Review, and reputed non-governmental organizations, such as Human Rights Watch and Freedom House. The information collected would be compared and compiled into a comprehensive report to be submitted to the adjudicative commission for consideration.

The adjudicative commission would be a permanent impartial body in charge of assessing claims to statehood and applying the criteria devised by the legislative body. It would be comprised of supranational bureaucrats operating above international politics. These leaders would be called on to adjudicate on matters of secession, applying the law in each case to decide whether or not a secessionist entity should be granted recognition.

**Recognition of South Sudan and Palestine under the New System**

In order to illustrate how this model would operate in practice, it will now be applied to the cases of South Sudan and Palestine to provide an account of how the newly implemented system would settle the status of each entity. First, after having declared independence from Sudan and Israel respectively, Southern Sudan and the neutral financial and military backing from the part of major powers. In order to ensure that the system is not corrupted, such funding would be collected on a periodic, e.g. bi-annual, rather than ad hoc basis.

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7 A partition that is expected to create opportunities for injustice should be avoided.

8 This is to prevent the impartial body from becoming swayed by power politics. The deliberations would be strictly off limits to politicians and heads of state.

9 Rather than following Buchanan’s rather confounding distinction between legitimate secession and legitimate statehood, it is better to equate the two since there is no point in legitimizing secession if the resulting entities will not be recognized as legitimate states. Instead, one should distinguish between a declaration of independence and a legitimate right to secede, i.e. to form a new state out of an old one.
Palestine would formally present their statehood bid to the adjudicative body. The commission would be given a maximum of one year to settle the issue, during which time the secessionist entity would be granted limited sovereignty powers, consisting of internal political and economic autonomy.\textsuperscript{10} However, the entity would not yet be able to participate as a voting member in international organizations, nor would it possess any of the international powers and responsibilities of full-fledged states.

Contrary to how events have unfolded, it is likely that the proposed system of recognition would have postponed granting South Sudan independence until ethnic strife in the region had significantly subsided. The previously cited uncertainties with regard to resource sharing between South Sudan and its northern neighbor, coupled with the proliferation of humanitarian crises in both countries, have raised serious concerns about the consequences for regional peace and stability of allowing the partition (Medani 2011). Certainly, the alternative of condemning the Southern Sudanese population to more years of oppression under Khartoum is unacceptable, so a more flexible solution should have been explored. For example, the adjudicative commission might have granted the region limited autonomy in a scheme monitored and enforced by effective transnational organs, while the country continued to prepare itself politically and economically for full independence.

In the case of Palestine, the new model would most likely push for establishing a one-state confederal scheme for a trial period of at least five years. It is important that Palestinian grievances be channeled through credible international organs and that the international community as a whole, rather than just the United States, be involved in negotiations between Israel and Palestine. A scheme of shared bi-nationalism, monitored by the UN and other multinational organizations, is the most sensible step forward, since forcing a partition at this point would leave neither side fully satisfied.

Admittedly, the solutions proposed for South Sudan and Palestine are tentative and subject to revision according to changes on the ground. The point of making these proposals is neither to oversimplify the complexities of these cases nor to underestimate the complications in thoroughly elaborating and implementing any policy decision. It is rather to put forward two conceivable outcomes of the institutional reforms just described. Whatever the actual verdict chosen by the impartial adjudicative body, the decision would be binding and effective immediately, i.e. the secessionist entity would be collectively recognized as a state, or not, by the community of nations.

\textsuperscript{10} In order to legally exercise such partial sovereignty powers, the entity in question would need to commit to abide by the adjudicative commission’s final decision, even if this means no recognition and a revocation of limited sovereignty.
Conclusion

State recognition as is currently practiced is a barrier to the attainment of international peace and justice. Recognition is subject to strategic manipulation by powerful states, creating well-founded frustration and instability. In the absence of a comprehensive normative theory of recognition, this paper uses a justice-based theory of secession as a springboard to devise a system of recognition that is responsive to widely accepted normative principles. The result is an institutionalized system of recognition that confers statehood status to entities that are likely to uphold international standards of peace and justice in the exercise of their rights, powers and duties as members of the community of nations.

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