

Making a State a State

COURTNEY BROOKS



SUKHUMI, Abkhazia—Angie loves traveling, dancing, and peach juice. She doesn't like boundaries. That's because this young human rights worker is from Abkhazia, a self-declared independent territory claimed by Georgia. The 26-year-old, who works for the organization World Without Violence, survived a war, and it has left her with some strong opinions. "I have this habit not to trust Georgians, except those I know long and well," she says. "There isn't a family in Abkhazia which doesn't have a victim from those days. This is terrible, and it's really hard to forget."

Tensions between Georgia and Abkhazia grew after the fall of the Soviet Union, with Georgia sending troops to the region in 1992, sparking a year-long war. Eventually Abkhaz forces drove out the Georgian troops, winning de facto independence in 1993. The violence left thousands dead and more than 200,000 people—mainly ethnic Georgians—displaced and homeless. A cease-fire was brokered a year later, and Abkhazia officially declared its independence in 1999. But in Abkhazia, which is only recognized as a sovereign country by five other nations, the battle for independence still rages.

Right now, there is no internationally recognized standard for what constitutes a nation. Certainly, membership in the United Nations, which requires a two-thirds

majority vote of the 193 members of the General Assembly, carries considerable weight. The structure of the United Nations invites deadlock, since the five permanent members of the Security Council—the United States, Britain, France, Russia, and China—have the right to veto any membership bid. But membership in UN component organizations may accrue to some states, conveying limited privileges of sovereignty. When Palestine was granted observer-state status at the United Nations, there was dancing in the streets in Gaza, though it is only one step along the road to full statehood.

Diplomatic recognition and an exchange of ambassadors on bilateral bases also yields considerable prestige and benefits, especially if this is undertaken by major powers. Abkhazia does not yet possess any such status—neither UN membership nor broad international recognition. A nation hardly becomes a nation by the simple act of self-proclamation. While the world is increasingly interconnected, many of the globe's most intractable conflicts remain mired in issues of statehood and territorial divisions.

A MATTER OF TIME

Angie, who declines to give her last name because her family works in the Abkhaz government, believes widespread recognition of Abkhazia is “only a matter of time,” adding, “despite the attitude of the Western countries, I think that sooner or later everyone will accept the new reality. It's worth it to wait.”

Still, Thomas de Waal, a senior associate in the Russia and Eurasia Program at the

Carnegie Endowment, doesn't see Abkhazia's disputed status being resolved any time soon. “From now on, the situation is unlikely to change,” he says, adding that the best Abkhazia could hope for is one or two more small states recognizing its sovereignty.

Meanwhile, on the other side of the globe, lies Vanuatu. The Pacific island nation, with a population of 250,000, has been struggling economically since its independence from French and British rule in 1980. More than two-thirds of the people of Vanuatu subsist on small-scale agriculture. Many others sustain themselves through fishing. Due to the effects of climate change on the low-lying island, Vanuatu's troubles are likely to intensify in the coming years. But this unassuming state has become a proxy in a power struggle between Russia and the United States over recognition of Abkhazia's independence and, by extension, the broader question of who has the right to declare a nation a nation.

In the last two years, Vanuatu has recognized, unrecognized, and then re-recognized Abkhazia's sovereignty. In the end, it turned out that the government had never actually recognized Abkhazia through official channels to begin with. The waffling is a result of both miscommunication and turf battles within Vanuatu's government and behind-the-scenes diplomatic battles over the issue.

The turmoil between Abkhazia and Vanuatu—two countries whose respective citizens know little of the other but are bound together through outside influence and cash—illustrates the need for a mechanism to normalize the process of

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international recognition of a state. Abkhazia, along with another de facto independent territory within Georgia's borders, South Ossetia, is a pro-Moscow separatist region. South Ossetia has enjoyed de facto independence since 1990, and Abkhazia since 1993. Russia became the first country to recognize the territories in May 2008, following a brief war with Georgia earlier that month.

Russia's recognition of the breakaway regions of Abkhazia and South Ossetia is

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part of a desire by the Kremlin to assert control over what it calls its "near abroad," vast territories that broke free with the disintegration of the Soviet Union. Having Abkhazia and South Ossetia remain under its sway, while retaining a veneer of indepen-

dence, is one route to achieving this end. And it is by no means the only region in the world where such forces are in play.

But Russia's tactics have not gone unnoticed. Not surprisingly, its recognition of Abkhazia and South Ossetia drew swift condemnation from the United States and the European Union, just as these two powers' recognition of Kosovo two years ago drew denunciations from the Kremlin. Both Western powers affirmed their support for Georgia's territorial integrity—a position they staunchly hold to this day. Unfortunately for Russia, states willing to recognize Abkhazia and South Ossetia have been hard to come by. Both territories are recognized only by Russia, Venezuela, Nicaragua, Nauru, and Tuvalu. Nauru and Tuvalu are Pacific island states even smaller than Vanuatu, each with fewer than 11,000 residents.

Russia's failure to win support from even close ally Belarus is seen as an embarrassment for Moscow's foreign policy. "It's been four years since the war and four years since Russia's recognition of their independence," says Lincoln Mitchell, a professor of international politics at Columbia University who visited Abkhazia for *World Policy Journal* in 2010. "They haven't gotten to 10 or 12 [countries to recognize them]; they're stalled at five or six, which is a low number, suggesting that really, it's only extreme outliers who are supporting this idea of independence for Abkhazia and South Ossetia."

But for Moscow, the consolation prize of the two territories' loyalty—as well as assured access to the Black Sea through Abkhazia—may be enough. De Waal notes that while Russia's neighbors resisted pressure to recognize the two territories in 2008, Moscow isn't too troubled by how things stand. "Since then, I see that Moscow is fairly happy with the status quo, and that the limited recognition of these two entities gives Moscow greater de facto control over Abkhazia and South Ossetia."

As for Vanuatu, the island nation has changed its stance on Abkhazia's independence several times. Its fractured politics are based on divided tribal and clan ties, resulting in an indecisiveness that has also provided a window into the pressure applied on the tiny island by powerful diplomatic forces.

In May 2011, Abkhazia announced that Vanuatu had agreed to recognize its sovereignty. But three days later, Vanuatu's ambassador to the United Nations, Donald Kalpokas, denied this. "I have asked my capital whether this is true, and they denied it emphatically," he told *The New York Times*. "We don't know who is responsible for declaring that this is true. As far as we are concerned, we are dealing with Georgia, not

Abkhazia. It is defamation for our country. This is disrespect.” That statement would come back to haunt the ambassador. A week later, Vanuatu’s foreign minister, Alfred Carlot, said on video that his government did, in fact, recognize Abkhazia as a sovereign nation. He chalked the confusion up to a miscommunication between his ministry and Vanuatu’s UN mission. But 11 months later, Kalpokas again said that his country did not recognize the independence of Abkhazia. “Well, we here don’t have any position on it—whether to recognize or not recognize Abkhazia,” Kalpokas told me in a telephone interview. “It’s somewhere [that] we don’t know.” Then, under further questioning, he hung up the phone.

Finally, the UN expert at Vanuatu’s Ministry of Foreign Affairs clarified the matter. Johnny George Koanapo said that Vanuatu had never officially recognized Abkhazia. That decision would have to be considered and approved by Parliament. In January, Koanapo affirmed there had been no change. Carlot’s office had acted unilaterally and illegally in declaring recognition the previous year.

Moreover, Georgia’s UN Ambassador Alexander Lomaia alleges that Russia engages in “checkbook diplomacy” when it comes to Abkhazia and South Ossetia. Moscow simply pays countries in exchange for their cooperation—and in some cases, for votes in their favor at the United Nations. “A huge delegation of Russian government representatives parachuted to the various gatherings of these [Pacific island] states, trying to court the governments, promising them financial and material resources,” Lomaia says, adding that of the Georgians displaced during the 1992-1993 war “three-fourths of those forced to flee were overwhelmingly in favor of the peaceful restoration of unity, and of the divided communities.” Which would mean

no Abkhazia, no South Ossetia, only a single greater Georgia.

Anton Uspensky, a spokesman at Russia’s UN mission, sidesteps the “checkbook diplomacy” allegation, but observes, “We are not conducting a special campaign among countries to have Abkhazia and South Ossetia recognized. However, we encourage everybody to accept the new geopolitical reality in the South Caucasus. Two independent states, Abkhazia and South Ossetia, exist there alongside Georgia.”

Vanuatu’s UN mission denies its country has received any financial benefit from Russia in exchange for its declared recognition of Abkhazia, and Lomaia acknowledges there is no proof that such an exchange took place. But it has been widely reported that Venezuela found itself \$2 billion richer from new military sales to Russia after recognizing Abkhazia and South Ossetia. Nicaragua also reportedly received a multi-million dollar aid package, while the Russian daily *Kommersant* reported Nauru received \$50 million.

PRESSURE FROM THE WEST

Meanwhile, the United States, the European Union, and China have stepped in to deter such diplomatic recognitions. Juris Gulbis, Abkhazia’s de facto ambassador to the Pacific and Caribbean, says Washington has “constantly interfered” with Abkhazia’s efforts to win international recognition. “There is great pressure on ... Vanuatu, Tuvalu, and Nauru to unrecognize Abkhazia,” Gulbis says. He claims Washington is “withholding aid” to the countries over the issue.

In Washington, a U.S. official, speaking on condition of anonymity, says, “Vanuatu has not formally recognized Abkhazia or South Ossetia, and we have no information of any plans for it to do so. We have made our position on Abkhazia and South

Ossetia clear and continue to raise this issue with Pacific island states as appropriate." American aid to the islands, he continues, is actually set to increase this May, through renegotiation of a treaty that provides aid to Pacific island nations in exchange for American access to the western and central Pacific Ocean's tuna reserves. In 2012, Vanuatu received \$9.4 million from one such five-year program.

Christopher Matthews, spokesman for the European Mission to the United Nations, says the European Union "respects

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and supports" the territorial integrity of Georgia, adding, "The EU reminds its partners and interlocutors of this position when appropriate." Indeed, the EU provides a five-year aid package of €23.2 million

to Vanuatu, aimed at supporting economic development and creating employment.

The Pacific island nation has some past experience in selling diplomatic ties to the highest bidder. In 2004, Vanuatu briefly suspended diplomatic relations with China and recognized Taiwan, after reportedly being offered \$30 million in aid from Taipei. A month later, Vanuatu switched back, severing relations with Taiwan and restoring them with Beijing after its head of state, who orchestrated the deal with Taipei, was removed from office. This is a common occurrence in Vanuatu, where the recently re-elected prime minister faced an unsuccessful no-confidence vote within two weeks of taking office.

DEFINING STATEHOOD

The legal definition of statehood, developed in 1933, is known as the Montevideo Con-

vention. In order to be considered a state, a territory must have a permanent population, a defined territory, a government, and the capacity to enter into relations with the other states. This definition of statehood, however, would include "nations" like Somaliland, Western Sahara, and Iraqi Kurdistan. Instead, at the United Nations and elsewhere, sovereignty is all about politics.

The United Nations has presided over the decolonization of many of the world's occupied territories. As countries won their independence from colonizing powers, an enormous wave of states, from Kenya in 1963 to Angola in 1976, joined the United Nations. The breakup of the Soviet Union caused another influx. In the early 1990s, Yugoslavia, Kazakhstan, Kyrgyzstan, Tajikistan, Slovenia, and Croatia, among many others, became independent and were accepted as member states of the General Assembly. From 1990 to 1994, 29 countries became UN member states, while between 1995 and 2013, there were only nine: Tonga, Kiribati, Nauru, the Federal Republic of Yugoslavia (now Serbia), Tuvalu, Switzerland, Timor-Leste, Montenegro, and, most recently, South Sudan.

Global boundaries have rarely been more rigid than they are today. This has left many of the world's long-running territorial conflicts in a seemingly endless standoff. The steps required to hold a vote for membership at the United Nations are daunting.

First, the entity must make an appeal to the Secretary-General of the United Nations. The 15-member Security Council then reviews the application. The Security Council votes on whether the bid should be considered by the General Assembly, a body that includes all 193 UN member states. For this final step to take place, nine of the 15 council

isolated in opposing it.” He adds, “It was important to them to recruit countries and show that it wasn’t an absolutely universal view at the UN apart from Israel and the U.S.” that Palestine should be admitted as a non-member observer state.

What exactly Palestine’s new status means isn’t clear. The move by a disputed entity is unprecedented at the United Nations, and each body—including the International Criminal Court—will have to determine separately whether to admit Palestine as a full member. But it is clear that the measure, and its widespread support, was a stinging rebuke to Israel and the United States.

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The UN admission process, which inevitably leads to stalemate, has driven some countries struggling with a territorial dispute to seek international recognition outside the chambers of the Security Council.

Kosovo, which seceded from Serbia in 2008, functions as a de facto state, even without official UN membership, having been recognized by more than 90 of the 193 UN members. Perhaps even more important than the numbers game, it is recognized by the United States and 22 of the European Union’s 27 members. Such recognition carries with it some significant benefits beyond diplomatic or political prestige—attracting Western companies who feel more comfortable doing business with a nation recognized by the United States and most of Europe.

Kosovo became a ward of the United Nations in 1999, after NATO went to war to stop a brutal Serbian counter-insurgency

under Belgrade’s totalitarian leader Slobodan Milosevic. Since its 2008 proclamation of independence, it has formed its own government with police, justice, customs, and foreign services, while unilaterally adopting the euro as its currency, though it is not a member of the European Monetary Union. And, together with Palestine, it raises the ticklish issue of just what constitutes a nation in today’s world. Ross stresses that the United Nations itself does not recognize states. “Only states make other states,” he says. “The key element to becoming a state is other states recognizing you as such.”

There is some hope for Kosovo becoming a full member of the United Nations. Russia, an ally of Serbia, which has historically opposed recognition of the government installed in the capital, Pristina, has sworn to block any bid for recognition in the Security Council. But the Serb government in Belgrade indicated in January that it might be open to trading UN membership for Kosovo in exchange for a “comprehensive settlement” with Pristina. Serbia is feeling the pressure to normalize relations with the Albanian-majority territory because it is negotiating EU membership for itself. EU foreign policy chief Catherine Ashton met with the Serbia’s and Kosovo’s presidents in early February in Brussels, in the highest-level meeting to take place since Kosovo’s secession. Indeed, the European Union has largely replaced the role of the United Nations in negotiating a resolution to the Kosovo conflict. A senior European diplomat speaking on background recently told reporters, “The Security Council returns to these issues from time to time, but the general expectation is that it is primarily the European Union and its mechanisms that can help bring stability to the region.”

Although the Kosovo government has said UN membership is its ultimate goal, it’s

debatable how much Pristina, which enjoys overwhelming recognition by and trade with Western countries, as well as a widely recognized passport, would actually benefit from being made a member state.

A HOMELAND TO DIE FOR

Unlike Kosovo, Abkhazia has only a sliver of a chance for internationally recognized independence. But that wouldn't stop Tengiz Agrba from defending his homeland. The 27-year-old entrepreneur claims that every family in the capital of Sukhumi is mourning loved ones from the last war with Georgia and that he would still answer a call to arms. "In general, I love all people and wish them well. But if I had the choice to live in peace with Georgia, or fight and die for the freedom and independence of Abkhazia, the answer would be obvious. Abkhazia must be independent. Even the thought that Abkhazia must be a part of Georgia is humiliating. It's better to die than accept this."

He also mistrusts any foreseeable pact. "There is no agreement in the world which would force Abkhazia to be part of Georgia, if there is even one Abkhazian left. We will fight for our homeland, knowing that we have nowhere to go from here. We don't have another home, and never have."

While Agrba is fiercely patriotic, willing to die for his freedom, Angie, the young human rights worker, has always thought of herself as a "cosmopolitan woman," and regrets that Abkhazia's status as a pariah nation on the international stage limits her ability to live as she pleases. She says that while she has a Russian passport, she has to travel to Moscow to apply for a visa to other European countries. "I've dreamed of having opportunities to travel around the world, to explore cultures and habits of other peoples," she says with some bitterness. "But I don't have this opportunity. I guess you know per-

fectly well who deprived me of these rights. But still, I have hope for people to change something, to change their attitude and accept that this is the new geopolitical reality—that Abkhazia isn't Georgia's anymore."

Whether Abkhazia, or for that matter Kosovo or Palestine, should be recognized as independent countries is not even the central issue. Residents of disputed territories, who simply want to live, prosper, and care for their families on the land they call home, should not have to be treated as diplomatic pawns between the world's superpowers.

A MECHANISM OF RECOGNITION

The five permanent members of the Security Council effectively run the United Nations. Without their support there can be no change to the veto process, which allows them to block the possibility of UN membership, and all the advantages membership would afford those living on disputed land.

In an ideal world, the permanent five would recognize that the Security Council's Cold War-installed power and veto structure is an unfair—and often selfish—way to grant or deny UN membership to states. With today's status quo, in one breath the United States can condemn Russia for blocking Kosovo's UN membership, and in the next swear to shut down any vote on Palestinian statehood.

Still, there happens to be an often misunderstood Security Council resolution called "Uniting for Peace," which was passed in 1950 during the Korean War to break a deadlock in the council. The resolution gave the General Assembly the power to overrule the Security Council in some instances, specifically if the council, "because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any

case where there appears to be a threat to the peace, breach of the peace, or act of aggression.” The issue of Palestine, for example, would seem to qualify under these criteria. But it hasn’t, because “Uniting for Peace” has only been invoked a handful of times since its passage, and never in the case of statehood.

Under the resolution, nine members of the Security Council may refer an issue to the General Assembly, and there is no veto allowed by any of the permanent members to prevent such a move. The problem with this resolution is that it only gives the General Assembly the ability to make “recommendations” for “collective action,” with no precedent for action as strong as calling for a General Assembly vote on statehood.

But if states are created by broad international recognition by other states, it makes no sense to allow UN membership to be blocked by one of the 193 UN member states. “Uniting for Peace” should be implemented, or a similar but stronger mechanism created, to break Security Council gridlock and allow a General Assembly vote where statehood is concerned, granting residents and governments of widely recognized territories the legitimacy they deserve, not to mention the benefits that accrue—the ability to apply for international treaties, having a seat and voice on international bodies, membership in the International Criminal Court, and protection for investors under international law, to name just a few. Entities recognized as sovereign by the vast majority of the world should have these rights that derive from UN membership without a veto from a self-interested superpower.

There should also be a place for national wannabes like Abkhazia to take their case if denied. Within the UN system it could function similarly to the UN’s Trusteeship Council, which was established to promote and supervise the decolonization of territories. The Trusteeship Council hasn’t been active since 1994, when Palau, its last “trust territory,” became independent. Resuscitating this or creating a comparable mechanism to promote the rights of those living in disputed territories would fit within the UN charter. Even without full UN membership, the citizens of these territories—who have often committed no mistake except being born there—deserve freedom and for their voice to be heard. Such a mechanism would allow states to participate in regional conferences and for their residents to travel, study, and work freely in our increasingly global world.

To explain why he’d die fighting for his homeland, Agrba quotes a poem written by a Russian soldier during the 19th century war between Russia and Turkey:

They ask about this land unbound, Where one breathes with all his lungs. I tell them, the air has the scent of liberty, And the people are sick with freedom.

Agrba and others who are “sick with freedom” need a new path to peacefully unbind their land. Without an alternative, too many like Agrba are left choosing between diplomatic stagnation at the United Nations or violence in the streets.

(With additional reporting from Irina Aliasvili in Tblisi and translation assistance from Ross Ufberg.) ●