

## **Seminář č. 5 z PVP: mezinárodněprávní argumentace**

### **Případ: Somálsko**

**Akademický rok 2005/06**

Situace: Somálsko je stát na Africkém výběžku. Obyvatelé mají společný jazyk a etnikum, společnost je postavena na klanovém základě. Po koloniální nadvládě Britů a Italů v roce 1960 získalo nezávislost. (Velká Británie spravovala sever a Itálie jižní části země. Koloniální vláda za sebou zanechala zcela odlišné politicko administrativní celky s rozdílnou politickou elitou).

V době nezávislosti se též nemálo sporů vynořilo mezi různými rodinnými a klanovými politickými skupinami. Výsledkem byl státní převrat v roce 1969, kdy se moci chopila armáda, jejím velitelem se stal generál Muhammad Siad Barre. Od té doby v Somálsku panovala diktatura a u moci byli pouze příslušníci tří velkých somálských klanů, přičemž určité klanové skupiny byly z politiky úplně vyloučeny. Nespokojenost ostatních klanů vzrůstala, jimi byly založeny ozbrojené skupiny, usilující o svržení Barreho diktatury. V roce 1978 byl učiněn neúspěšný pokus o vojenský převrat. Výsledkem byla poprava téměř všech zúčastněných důstojníků, kteří až na jednoho pocházeli ze stejného klanu – Majeerteen. Krvavé represe proti tomuto klanu zahrnovaly nejen vraždění a znásilňování, ale také otrávení vodních zdrojů a zabavení dobytka, který tvořil primární zdroj obživy. Kromě represí proti klanu Majeerteen se Muhammad Siad Barre dostal do sporu se severním klanem Isaaq, proti němuž zahájil stejně rozsáhlé represe, zahrnující masivní vojenský útok na města. Posledním třetím velkým klanem, který se dostal do konfliktu s režimem, byl významný klan Hawiye, jenž ovládal oblasti okolo metropole Mogadišo. Právě konflikt s tímto klanem byl fatální pro Berreho diktaturu, jejíž definitivní kolaps nastal v 1991.

V Somálsku následně vzniklo mocenské vakuum. Bezvládí v roce 1991 vedlo k úsilí mnohých klanů a s nimi spjatých politicko-vojenských skupin o získání rozhodujícího podílu na moci. Postupně se tak rozhořela občanská válka, která Somálsko rozdělila na klanové a mocenské državy.

Prvotním konfliktem byl nesoulad mezi dvěma stěžejními postavami hlavní povstalecké organizace, který přerostl v roce 1991 v ozbrojený konflikt mezi Alím Mahdíem Muhammadem a Muhammadem Farahem Aididem. V květnu 1991 bylo na severu Somálska oznámeno vytvoření tzv. Somalilandu (ve srovnání s ostatními částmi Somálska se Somaliland těšil určité „stabilitě“). Klanová válka vedla k rozpadu země a k nevídanému kolapsu státních struktur a služeb. K tomu Somálsko trpělo nebyvalými suchy, které měly za následek rozsáhlý hladomor.

Katastrofická humanitární situace donutila mezinárodní společenství jednat. Už na začátku roku 1992 OSN do Somálska poslala malou skupinu pozorovatelů, jejichž činnost nic nepřinesla. Následně Rada bezpečnosti OSN na konci roku 1992 jednomyslně schválila rezoluci 794, na jejímž základě byla do Somálska vyslána mírová mise UNITAF. Mezi její cíle patřilo zajištění humanitární pomoci, nastolení míru a pořádku a obnova centrální vlády v této zemi. V březnu 1993 Rada bezpečnosti rozšířila mandát mírové mise na základě hlavy VII Charty OSN (tedy v rámci mise mohly být používány všechny nezbytné prostředky pro zajištění cílů mise). UNITAF se přejmenovala na UNOSOM II a počet vojáků dosáhl 37.000 osob. Avšak přítomnost UNOSOM nevyhovovala vládnoucím velitelům různých klanů a tak docházelo ke střetům mezi jednotkami OSN. V listopadu 1993 bylo zabyto 24 pákistánských vojáků. OSN na to odpovědělo rezolucí 837 (1993), která dávala oprávnění vojákům mise dopadnout Muhammada Farah Aidida (jemuž byla kladena vina za smrt pákistánských vojáků). Při jednom z pokusů o dopadnutí Aidida v říjnu 1993 v bitvě na ulicích

Mogadiša ztratily jednotky amerických Rangers 19 osob (popsané ve filmu *Black Hawk Down*). Tato událost vedla v roce 1994 k rozhodnutí stáhnout americký vojenský personál, jejichž počet převyšoval vojáky jiné národnosti. V roce 1995 OSN rovněž stáhla ze Somálska zbývající vojenský personál. Tím bylo Somálsko ponecháno na pospas klanových vůdců a velitelů.

V roce 1998 vzniklo na severovýchodě Somálska další území nazývané Puntland, přičemž skupiny ovládající toto území si kladly nárok na dva regiony Somalilandu, což vedlo k územním sporům. Vedení Puntlandu ovšem oznámilo, že se nehodlá odtrhnout od Somálska, jak učinil Somaliland, ale je spíše jakýmsi předvojem budoucího federálního uspořádání země. V roce 1999 vznikla ovšem další entita, tzv. Jubaland (jihozápadní Somálsko). V rámci těchto státek existují i další teritoria, spravovaná a ovládaná různými klanovými seskupeními.

V současné době postrádá Somálsko funkční ústřední vládu. Nefunguje soudní systém ani obrana státu. Existují-li místní vlády, liší se region od regionu. *De facto* vláda je rozptýlena mezi vlády neuznaných entit (ačkoli je žádná vláda neuznala, udržují svoji stabilitu i díky britským, ruským, americkým a EU pomocným rozvojovým programům). V *Somalilandu*, který v roce 1991 vyhlásil svoji nezávislost, jako republika *Somaliland* byl prezidentem zvolen Mohamed Ibrahim Egal. Naproti tomu *Putland* v roce 1998 deklaroval svoji autonomii nikoliv ovšem nezávislost jako stát, a to až do okamžiku ustanovení federativního Somálska.

Po zprostředkování mnoha států se v roce 2000 uskutečnila smířčí konference, z níž vzešlo vytvoření přechodné národní vlády (Transitional National Government) s tříletým následně prodlouženým mandátem a cílem přivést jednotlivé soupeřící frakce k národnímu smíření. Také byl vytvořen přechodný parlament s 275 poslanci, který již v roce 2004 jako příštího prezidenta jednotného Somálska zvolil předchozího prezidenta *Putlandu* - Yusufa. Tato vláda i parlament sídlí v Nairobi.

Ač byla tato vláda uznána mezinárodně, stále se obává vrátit do hlavního města Mogadishu, protože není schopna kontrolovat ani toto město, natož celou zem. Tato vláda má své vyslance v několika zemích, převážně arabských (např. Saudská Arábie, Spojené Arabské Emiráty, Kuvajt, Egypt). Taktéž reprezentuje Somálsko v OSN, OAU, Arabské lize a jiných mezinárodních organizacích.

Tyto okolnosti nejen ve vztahu k Somálsku daly konkrétní obsah novým právním pojmům. V 90. letech minulého století se často mluvilo o tzv. „failed states“ a „collapsed states“. Tyto pojmy se mnohdy směřovaly, přestože rozdíl mezi nimi je podstatný.

„Failed states“ se charakterizují následujícími znaky: vláda ztrácí schopnost prosazovat zákon nad částí území, většinou státní vojenské jednotky bojují proti povstalcům (často s více skupinami), hranice nejsou kontrolované, vzrůstá kriminalita a vzniká syndrom beztrestnosti, kriminální skupiny začínají kontrolovat části území, kam policejní síly nemají žádný přístup, ekonomika a infrastruktura se značně oslabují, vzkvétá černý trh, kde vydělávají jen lidé spojení s ozbrojenými skupinami, velká část populace trpí podvýživou.

„Collapsed state“ lze označit jako extrémní verzi „failed state“. V takovém státě kromě výše zmíněných znaků, které se zde projevují ve větší intenzitě, neexistuje efektivní vláda, která by dokázala kontrolovat mezinárodně uznané území. Ozbrojené skupiny válčí mezi sebou a v podstatě je to stav války

všech proti všem. Stát je rozdělen mezi ozbrojené skupiny, které na kontrolovaném území vykonávají funkci vlády.

Za příklad „failed states“ je považován Afghánistán, Angola, Burundi, Kongo, Libérie, Sierra Lyone a Sudan. Jediným příkladem „collapsed state“ je Somálsko.



#### Otázky:

1. Znamená v případě Somálska ztráta efektivní vlády (nebo způsobilosti vstupovat do vztahů s jinými státy) zánik státu?
2. Charakterizujte způsob rozpadu Somálska?
3. Jaký právní status mají z pohledu mezinárodního práva Somaliland a Putland?
4. Jaký byl měl účinek uznání Somalilandu za stát mezinárodním společenstvím?
5. Určete mezinárodněprávní problémy související s „failed“ nebo „collapsed state“

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### Materiál ke studiu (čerpáno z Wikipedie – otevřená encyklopedie)

**Somaliland** is an unrecognized *de facto* state located in northwest Somalia in the Horn of Africa. In May 1991, Somaliland people declared an independent **Republic of Somaliland** that now includes six of the eighteen administrative regions of Somalia, roughly the region between Ethiopia, Djibouti, Gulf of Aden and Somalia, an area of about 137,600 square kilometres. The capital of Somaliland is Hargeisa.

Although not recognized by any government, this entity has maintained a stable existence, due in part to the dominance of a ruling clan. In September 2005, multiparty municipal, presidential, and parliamentary elections were held, and were won by the UDUB party. A team of observers from several countries monitored the polls and found them generally peaceful, free and fair, boosting Somaliland's bid for international recognition as a sovereign

**Puntland** is a region in northeastern Somalia, centered around Garowe (Nugaal region), whose leaders in 1998 declared it to be an autonomous state. The current government apparently sees the move as an attempt to reconstitute Somalia as a federative republic. Unlike neighbouring Somaliland, it does not seek outright independence from Somalia. The name is derived from the Land of Punt mentioned by ancient Egyptian sources, which is believed by some to have existed in what is now Somalia.

unrecognized *de facto* state Several geo-political entities in the world have no general international recognition<sup>1</sup>, but they are *de facto*<sup>2</sup> sovereign states. Most are subnational regions with an ethno-

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<sup>1</sup> **Diplomatic recognition**, in international politics, is an act or statement on the part of a state acknowledging some degree of legitimacy of another state or government, and, typically, expressing its intent to bring into force the legal consequences of recognition. Recognition can be accorded *de facto* or by act of law (*de jure*), or, alternatively, on an *ad hoc* basis.

Recognition of a government implies recognition of the state it governs, but not vice versa. Recognition of states *de facto*, rather than *de jure* is rare, and questions center around recognition of governments. *De jure* recognition is of course stronger, while *de facto* recognition is more tentative and more connected with effective control of the recognized state over its territory, as when the United Kingdom recognized the Soviet Union *de facto* in 1921, but *de jure* only in 1924. Another example is the state of Israel in 1948, whose government was immediately recognized *de facto* by the United States (and later Britain), and "one-upped" 3 days later by Soviet *de jure* recognition. Recognition is not necessary when a government changes in a normal, constitutional way, but is in the case of a coup d'etat or revolution, and can become particularly important for the permanence of the new government then. For instance, the Taliban government of Afghanistan was recognized by only three countries, while far more recognized the government of ousted President Burhanuddin Rabbani, and it lasted only from 1996 to 2001.

Recognition can be implied by other acts, like the visit of the head of state, or the signing of a bilateral treaty. If implicit recognition is possible, a state may feel the need to explicitly proclaim that its acts do not constitute diplomatic recognition, as when the United States commenced its dialogue with the Palestinian Liberation Organization in 1988.

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The doctrine of non-recognition of illegal or immoral factual situations (e.g. territorial gains achieved by the use of force) is called the Stimson Doctrine, and has become more important since the Second World War, especially in the United Nations as a method of ensuring compliance with international law, for instance in the case of Rhodesia in 1965. Withdrawal of recognition is an even more severe act of disapproval of another state than the breaking of diplomatic relations.

Another example is the United States non-recognition of the WWII annexation of the Baltic states by the Soviet Union. It continued to recognize the independence of these three states until surprisingly with the collapse of communism in the Soviet Union, these states once more came into being in fact, rather than just on paper.

<sup>2</sup> *De facto* is a Latin expression that means "in fact" or "in practice". It is commonly used in contrast to *de jure* (which means "by law") when referring to matters of law, governance, or technique (such as standards), that are found in the common experience as created or developed without or against a regulation. When discussing a legal situation, *de jure* designates what the law says, while *de facto* designates what happens in practice.

The term *de facto* may also be used when there is no relevant law or standard, but a common practice is well established, although

In politics, a ***de facto* leader** of a country or region is one who has assumed authority, regardless of whether by lawful, constitutional, or legitimate means; very frequently the term is reserved for those whose power is thought by some faction to be held by unlawful, unconstitutional, or otherwise illegitimate means, often by deposing a previous leader or undermining the rule of a current one. *De facto* leaders need not hold a constitutional office, and may exercise power in an informal manner. Their authority cannot be denied however, which forces their position as ruler to be recognized.

Not all dictators are *de facto* rulers. For example, Augusto Pinochet of Chile initially came to power as the chairman of a military junta, which briefly made him *de facto* leader of Chile, but then he later amended the nation's constitution and made himself President, making him the formal and legal ruler of Chile. Similarly, Saddam Hussein's formal rule of Iraq is often recorded as beginning in 1979, the year he assumed the President of Iraq. However, in practice his *de facto* rule of the nation began at an earlier date, as during his time as vice president he exercised a great deal of power at the expense of the elderly Ahmed Hassan al-Bakr.

Another example of a ***de facto* ruler** is someone who is not the actual ruler, but exerts great or total influence over the true ruler, which is quite common in monarchies. Some examples of these de-facto rulers are Empress Dowager Cixi of China (for son Tongzhi and nephew Guangxu Emperors), Prince Alexander Menshikov (for his former lover Empress Catherine I of Russia), Cardinal Richelieu of France (for Louis XIII), and Queen Marie Caroline of Naples and Sicily (for her husband King Ferdinand I of the Two Sicilies).

Some notable true *de facto* leaders have been Deng Xiaoping of the People's Republic of China and General Manuel Noriega of Panama. Both of these men exercised near-total control over their respective nations for many years, despite not having either legal constitutional office or the legal authority to exercise power. These individuals are today commonly recorded as the "leaders" of their respective nations; recording their legal, correct title would not give an accurate assessment of their power. Terms like strongman are often used to refer to defacto rulers of this sort.

The term ***de facto* head of state** is sometimes used to describe the governor general in a Commonwealth Realm, or one who rules in *lieu* of the legal (*de jure*, or juridical) head of state (e.g., British monarch).

The ***de facto* boundaries** of a country are defined by the area that its government is actually able to enforce its laws in, and to defend against encroachments by other countries that may also claim the same territory *de jure*; the line of control in Kashmir is an example of a *de facto* boundary. As well as cases of border disputes, *de facto* boundaries may also arise in relatively unpopulated areas when the border was never formally established, or when the agreed border was never surveyed and its exact position is unclear. The same concepts may also apply to a boundary between provinces or other subdivisions of a federal state.

Similarly, a nation with ***de facto* independence** is one that is not recognized by other nations or by international bodies, even though it has its own government that exercises absolute control over its claimed territory..

national identity of its own that have "broken off" (i.e. separated themselves) from their original parent state, and hence they are commonly referred to as "break-away" states. Some of these entities are in effect internally self-governing protectorates that enjoy military protection and informal diplomatic representation abroad through another state to prevent its forced reincorporation into its original state.

**Sovereignty** is the exclusive right to exercise supreme political (legislative, judicial and/or executive) authority over a geographic region, group of people or oneself.

The word is recorded in English since circa 1340 meaning 'pe-eminence', as rule since 1378; it derives from Anglo-French *sovereynetee*, from Old French *souverainete*, from *soverain* (Sovereign, itself from medieval Latin *superamus* which derives from classical Latin *superus* "superior" or "overness").

The source or origins of sovereignty (God or the people) must be distinguished from its exercise by branches of government. In democracies, sovereignty is held by the people, which may exercise it directly, as in a popular assembly, but it is usually exercised by the constitutional delegation to institutions constituting the legislative and/or the executive power in all representative democracies, including constitutional monarchies, or mixed, by intermittent use of the referendum. In another model, sovereignty is of an eternal origin, such as nature, or God, legitimating the divine right of kings in absolute monarchies or a theocracy.

A more formal distinction is whether the law is held to be sovereign, which constitutes a true state of law: the letter of the law (if constitutionally correct) is applicable and enforceable, even when against the political will of the nation, as long as not formally changed following the constitutional procedure. Strictly speaking, any deviation from this principle constitutes a revolution or a coup d'état, regardless of the intentions.

In constitutional and international law, the concept of sovereignty also pertains to a government possessing full control over its own affairs within a territorial or geographical area or limit, and in certain context to various organs (such as courts of law) possessing legal jurisdiction in their own chief, rather than by mandate or under supervision. Determining whether a specific entity is sovereign is not an exact science, but often a matter of diplomatic dispute.

*Basileus* is the Greek concept for "Sovereign", which designates whom detains the *auctoritas*, which is to be distinguished from simple *imperium*, detained by *archons* (or "magistrates").

Jean Bodin (1530-1596) is considered to be the modern initiator of the concept of sovereignty, with his 1576 treatise *Six Books on the Republic* which described the sovereign as a ruler beyond human law and subject only to the divine or natural law. He thus predefined the scope of the divine right of kings, stating that: "*Sovereignty is a Republic's absolute and perpetual power*". Sovereignty is absolute, thus indivisible, but not without any limits: it exercises itself only in the public sphere, not in the private sphere; it is perpetual, because it doesn't expire with its holder (as *auctoritas*). In other words, sovereignty is no one's property: by essence, it is inalienable.

These characters would decisively shape the concept of sovereignty, which we can find again in the social contract theories, for example, in Rousseau's (1712-1778) definition of popular sovereignty, which only differs on that the people is the legitimate sovereign. Likewise, it is inalienable - Rousseau condemned the distinction between the origin and the exercise of sovereignty, a distinction upon which constitutional monarchy or representative democracy are founded. Machiavelli, Hobbes, Locke and Montesquieu are also key figures of the unfolding of the concept of sovereignty.

Carl Schmitt (1888-1985) would then define sovereignty as "the power to decide the state of exception", in an attempt, argues Giorgio Agamben, to counter Walter Benjamin's theory of violence as radically disjointed of law. Georges Bataille's heterodox conception of sovereignty, which may be said an "anti-sovereignty", also inspired many thinkers, such as Jacques Derrida, Agamben or Jean-Luc Nancy.

### **Different views of sovereignties**

There exist vastly differing views on the moral bases of sovereignty. These views translate into various bases for legal systems:

- Partisans of the divine right of kings argue that the monarch is sovereign by divine right, and not by the agreement of the people. This, pushed to its conclusion, may translate into a system of absolute monarchy.
- Democracy is based on the concept of *popular sovereignty*. Representative democracies permit (against Rousseau's thought) a transfer of the exercise of sovereignty from the people to the parliament or the government. Parliamentary sovereignty refers to a representative democracy where the Parliament is, ultimately, the detenter of sovereignty, and not the executive power.
- Anarchists and some libertarians deny the sovereignty of states and governments. Anarchists often argued for a specific individual kind of sovereignty, maybe the Anarch as a sovereign individual. Salvador Dali, for instance, talked of "anarcho-monarchist"; Antonin Artaud of *Heliogabalus : Or, The Crowned Anarchist*; Max Stirner of *The Ego and its Own*; Georges Bataille of a kind of "antisoveryignty", as did Jacques Derrida put it. Therefore, anarchists join a classical conception of the individual as sovereign of himself, which forms the basis of consciousness. The unified consciousness is sovereignty over one's own body, as did Nietzsche demonstrated (see also Pierre Klossowski's book on *Nietzsche and the Vicious Circle*). See also *self-ownership and Sovereignty of the individual*.
- Some supporters of democratic globalization consider that nation-states should yield some of their power to a world government controlled by world citizens instead of being organized as now in an intergovernmental basis.

The key element of sovereignty in the legalistic sense is that of **exclusivity** of jurisdiction.

Specifically, when a decision is made by a sovereign entity, it cannot generally be overruled by a higher authority. Further, it is generally held that another legal element of sovereignty requires not only the legal right to exercise power, but the actual exercise of such power. ("No *de jure* sovereignty without *de facto* sovereignty.") In other words, neither claiming/being proclaimed Sovereign, *nor* merely exercising the power of a Sovereign is sufficient; sovereignty requires *both* elements.

### **Territorial sovereignty**

Following the Thirty Years' War, a European religious conflict that embroiled much of the continent, the Peace of Westphalia in 1648 established the notion of territorial sovereignty as a doctrine of noninterference in the affairs of other nations. The 1789 French Revolution shifted the possession of sovereignty from the sovereign ruler to the nation and its people.

### **Sovereignty in international law**

In international law, *sovereignty* is the exercise of power by a state. *De jure* sovereignty is the legal right to do so; *de facto* sovereignty is the ability in fact to do so (which becomes of special concern upon the failure of the usual expectation that *de jure* and *de facto* sovereignty exist at the place and

time of concern, and rest in the same organization). Foreign governments *recognize* the sovereignty of a state over a territory, or refuse to do so.

For instance, in theory, both the People's Republic of China and the Republic of China considered themselves sovereign governments over the whole territory of mainland China and Taiwan. Though some foreign governments recognize the Republic of China as the valid state, most now recognize the People's Republic of China. However, *de facto*, the People's Republic of China exercises sovereign power over mainland China, while the Republic of China exercises its effective administration over Taiwan. Since ambassadors are only exchanged between sovereign high parties, the countries recognizing the People's Republic often entertain *de facto* but not *de jure* diplomatic relationships with Taiwan by maintaining 'offices of representation', such as the American Institute in Taiwan, rather than embassies there

The legal criteria for statehood are not obvious. Often, the laws are surpassed by political circumstances. However, one of the documents often quoted on the matter is the Montevideo Convention from 1933, the first article of which states:

*The state as a person of international law should possess the following qualifications: (a) a permanent population; (b) a defined territory; (c) government; and (d) capacity to enter into relations with the other states.*

Also, in article 3 it very clearly states that statehood is *independent* of recognition by other states. This is the **declarative theory of statehood**. While the Montevideo is a regional American convention and has no legal effect outside the Americas, some have nonetheless seen it as an accurate statement of customary international law.




On the other hand, article 3 of the convention is attacked by the advocates of the **constitutive theory of statehood**, where a state exists only insofar as it is recognized by other states. Which theory is correct is a controversial issue in international law. An example in practice was the collapse of central government in Somalia in the early 1990s: the Montevideo convention would imply that the state of Somalia no longer existed, and the subsequently declared republic of Somaliland (comprising part of the so-called "former" Somalia) may meet the criteria for statehood. However the self-declared republic has not achieved recognition by other states. One explanation for this might be the very high value placed on territorial integrity within international law.((((---- a recognition of government government is not the same as recognition of the State. The international community never ceased to recognize Somalia. Instead, the international community chose to recognized two separate states (Somalia and Eritrea).

Article 1 of the convention is also attacked by those who claim that it fails to take into account the complicated situations of military occupation, territorial cession, and governments in exile. Richard W. Hartzell is a leading proponent of this view, and stresses that the four criteria of article 1 need to be expanded to nine.







## Partially recognized states with de facto control over their territory

United Nations member states that are only partially recognized by the totality of the other UN members are not listed here. (For example, 39 countries do not recognize Israel.)

-  The **Republic of China**, which controls only Taiwan and some other small islands since losing the Chinese Civil War in 1949, lost most of its diplomatic recognition and UN seat to the People's Republic of China in the 1970s and is currently officially recognized by only 25 states. It conducts *de facto* (all but in name) relations with most countries through institutions such as the Taipei Economic and Cultural Representative Offices. (*See political status of Taiwan*).
-  The **Turkish Republic of Northern Cyprus** was set up in northern Cyprus after the Turkish invasion of Cyprus in 1974 due to a Greek coup d'etat to unify the island with Greece. It was proclaimed the *Turkish Federated State of Cyprus* in 1975. This state later unilaterally declared independence under the current name in 1983. It is recognized only by Turkey. The Nakhichevan Autonomous Republic, an exclave of Azerbaijan passed a motion recognising the TRNC as a sovereign state. However, this position is not officially espoused by Azerbaijan as a whole.
-  **Nagorno-Karabakh** in Azerbaijan is (since 1991) a self-declared and more or less functioning independent state without international recognition. It is internationally recognized as being part of Azerbaijan, but has an ethnic-Armenian majority.



## Unrecognized states with de facto control over their territory

-  **Abkhazia** in Georgia is a self-declared and more or less functioning independent state with no international recognition from any other nation. It is situated between the Caucasus and the Black Sea, recognized as a part of northwestern Georgia. After occupation of independent Georgia by Bolshevik Russia in 1921 Abkhazia was briefly formally separated from Georgia and during the Soviet period Abkhazia was merged back with Georgia in 1931 as an autonomous republic within Soviet Georgia. The Abkhazian Soviets proclaimed independence from Georgia in 1992, and a short war ensued from 1992 through 1994. A June 1994 ceasefire has largely held, leaving Abkhazia outside the control of Georgia's government.
-  **Somaliland** (since 1991)<sup>1</sup>. Located in northwest Somalia. In May of 1991, northern clans declared an independent Republic of Somaliland that now includes five of the eighteen administrative regions of Somalia, corresponding to British Somaliland which is located between Ethiopia, Djibouti, Puntland and the Gulf of Aden.
-  **South Ossetia** in Georgia is a self-declared and more or less functioning independent state with no international recognition from any other nation. After occupation of independent Georgia by Bolshevik Russia in 1921 it became the South Ossetian Autonomous Oblast within Soviet Georgia. It proclaimed independence from Georgia in 1991, and a ceasefire was declared in 1992.
-  **Transnistria** is the part of Moldova east of the river Dniestr and (since 1990) a self-declared and more or less functioning independent state with no international recognition from any other nation. It has a majority Slavic population, as opposed to majority Romanian which Moldova has.


## Entities not claiming sovereignty with de facto control over their territory

- **Puntland** (since 1998)<sup>1</sup>. A region in northeastern Somalia, centered around Garowe (Nugaal region), whose leaders in 1998 declared it to be an autonomous state.
- **Southwestern Somalia** (since 2002)

## Partially recognized states largely under military occupation

-  **The State of Palestine** was declared in 1988 and recognized by a series of Arab and Muslim countries. (See also proposals for a Palestinian state, Palestinian territories, Gaza Strip, West Bank, and Israel all of which include articles about areas in the Palestine region.)
-  **Western Sahara** is a territory claimed and largely administered by Morocco since Spain abandoned the territory in 1976. The **Sahrawi Arab Democratic Republic** controls the remainder of Western Sahara; it was proclaimed by the Front Polisario in 1976 is recognized by 48 states, and a full member of the African Union. Sovereignty is unresolved and the United Nations is attempting to hold a referendum on the issue through the mission MINURSO. The UN-administered cease-fire has been in effect since September 1991. Western Sahara is on the United Nations list of Non-Self-Governing Territories.

## Internationally administered territory

-  **Kosovo** although not recognized as an independent entity has functioned under the UN administration independently of Serbia and Montenegro since 1999 (on the basis of Security Council resolution 1244). Legally it is a Serbian autonomous province.

## Historic unrecognized or partially recognized states with de facto control over their territory

### Europe

- **Banat Republic** (proclaimed in 1918). Now part of Romania, Serbia and Montenegro, and Hungary.
- **Baranya-Baja Republic** (proclaimed in 1921). Now part of Hungary and Croatia.
- **Carpatho-Ukraine** (1939). Now part of Ukraine.
- **Chechnya** (1996-1999). Now part of Russia. *See also Chechen Republic of Ichkeria.*
- **Independent State of Croatia** (1941-1945). Between 1945 and 1991, Croatia was a socialist republic within Yugoslavia. Since 1991, Croatia is an independent country.
- **Finnish Socialist Workers' Republic** (1918)
- **Gagauzia** (1990-1994). Now part of Moldova.
- **Herzeg-Bosnia** (1992-1994). Now part of Bosnia and Herzegovina.
- **Lajtabansag State** (1921). Now part of Austria.
- **Montenegro** (1941-1944). Now part of Serbia and Montenegro. A referendum on independence will be held on 21 May 2006.
- **Serbia** (1941-1944). Now part of Serbia and Montenegro.
- **Republic of Serbian Krajina** (1991-1995). Now part of Croatia.
- **Slovakia** (1939-1945). Between 1945 and 1993, Slovakia was part of Czechoslovakia. Since 1993, Slovakia is an independent country.
- **Republika Srpska** (1992-1995). Now part of Bosnia and Herzegovina.

- **State of Slovenes, Croats and Serbs** (1918). Now part of Slovenia, Croatia, Bosnia and Herzegovina and Serbia and Montenegro.
- **Republic of Užice** (1941). Now part of Serbia and Montenegro.
- **Western Bosnia** (1993-1995). Now part of Bosnia and Herzegovina.

## Asia

- **Ajaria** (1991-2005). Now reintegrated into Georgia.
- **Kachin State** is the northernmost state of Myanmar, controlled since 1962 by the Kachin Independence Organization but not diplomatically recognized by any country. In 1994, KIO and the Union of Myanmar agreed to formalize the status quo by creating the "Kachin State Special Region #1", officially still a part of the Union of Myanmar but *de facto* controlled by KIO.
- **Kurdish Autonomous Region** (1991-2003). A *de facto* independent state in Northern Iraq. Now part of Iraq.
- **Manchukuo** (1932-1945). Only six nations recognized this entity. Now part of the People's Republic of China.
- **Tuva** (1921-1944). Now part of Russia
- **Nakhichevan** (1990). Now part of Azerbaijan.
- **Talysh-Mugan Republic** (proclaimed in 1993). Now part of Azerbaijan.

## Africa

- **Anjouan** (1997-2002). Now part of Comoros.
- **Biafra** controlled territory in eastern Nigeria between the time of its secession in May 1967 until its final military collapse in January 1970. It was recognized by 12 nations.
- **Bophuthatswana** (1977-1994). Former Thisland formed and only recognized by South Africa, Transkei, Ciskei, and Venda. Now part of South Africa.
- **Ciskei** (1981-1994). Former Thisland formed and only recognized by South Africa, Bophuthatswana, Transkei, and Venda. Now part of South Africa.
- **Jubaland** (1998-2001). Now part of Southwestern Somalia.
- **Katanga** controlled the state of the same name within the former Belgian Congo after decolonisation, between 1960 and 1964.
- **Moheli** (1997-1998). Now part of Comoros.
- **Rhodesia**. British Colony that unilaterally declared independence in 1965. This action was not legally recognized by any other nation, nor the declaration of Rhodesia as a republic in 1970. This entity remained until 1979, when it became Zimbabwe-Rhodesia.
- **Transkei** (1976-1994). Former Thisland formed and only recognized by South Africa, Bophuthatswana, Ciskei, and Venda. Now part of South Africa.
- **Venda** (1979-1994). Former Thisland formed and only recognized by South Africa, Bophuthatswana, Ciskei, and Transkei. Now part of South Africa.
- **Zimbabwe-Rhodesia**. Formed in 1979 after negotiations between white minority government and moderate black leaders. Unrecognized until 1980 when it became the Republic of Zimbabwe.

## Americas

- **Independent State of Acre** (1899-1903). Now part of Brazil.
- **California Republic** (1846-1848). Now part of the United States of America.
- **Confederate States of America** (1861-1865). Originally formed on February 4, 1861 by seven Southern slave states (South Carolina, Mississippi, Florida, Alabama, Georgia, Texas, and Louisiana) after confirmation of the election of Abraham Lincoln as President of the United States. Jefferson Davis was selected as its first President the next day. After the

American Civil War began, the states of Virginia, Tennessee, Arkansas, and North Carolina joined. Recognized internationally only by Saxe-Coburg and Gotha, though recognized by some nations as a "belligerent power". Now part of the United States of America.

- **Kingdom of Hawaii** (Est. 1810). A unification of the smaller independent chiefdoms of O'ahu, Maui, Moloka'i, Lāna'i and the Big Island of Hawai'i. Now part of the United States of America.
- **Republic of Hawaii** (1894 - 1898). Now part of the United States of America.
- **Republic of Texas** (1836-1845). Five nations recognized this entity. Now part of the United States of America.
- **Vermont Republic** (1771-1791). Now part of the United States of America.
- **Piratini Republic** (1836 - 1845). Today's Rio Grande do Sul, part of Brazil.

## Oceania

- **Bougainville (Republic of North Solomons)** (1990-1997). Signed a peace deal with Papua New Guinea giving the island autonomy pending an independence referendum within a decade.
- **Rotuma** (1987-1988). This Polynesian-inhabited island which is administered by (Melanesian) Fiji declared its independence from Fiji by separatists after the military coups in Fiji in 1987. It did not have any substantive support.
- **New Caledonia (Kanaky)**. The Nouméa Accords of 1998 postponed a referendum on independence until after 2014.

## Historic unrecognized or partially recognized governments with de facto control over their territory

These regimes had control over the territory of a country for which most other states recognized a different government as being the legitimate government:

- **Islamic Emirate of Afghanistan** (1996-2001). Only three states recognized this entity while the Taliban controlled it. See: History of Afghanistan.
- **People's Republic of Kampuchea** (1979-1989). Set up by the Vietnamese after their invasion and rout of the Khmer Rouge in Cambodia. Only a few Soviet-Bloc nations recognized this entity, while the UN, China, and most other nations recognized the Khmer Rouge's Democratic Kampuchea government. Succeeded by the State of Cambodia, then the Kingdom of Cambodia.