

**State-Seeking Nations: Critical Success Factors,
Including Moderate UN Security Council Reform**

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MODERATE UNITED NATIONS SECURITY COUNCIL REFORM**

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2013

STATEMENT OF AUTHENTICITY

The work presented in this thesis is, to the best of my knowledge and belief, original except as acknowledged in the text. I hereby declare that I have not submitted this material, either in full or in part, for a degree at this or any other institution.

David Jones

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ACRONYMS AND ABBREVIATIONS

AMISOM	AU mission in Somalia
AU	African Union
EU	European Union
IDP	Internally Displaced Person
MINURSO	United Nations Mission for the Referendum in Western Sahara
P5	Five Permanent Members of the UNSC
PNA	Palestinian National Authority
PRC	People's Republic of China (Taiwan)
ROC	Republic of China (Mainland China)
SNPC	Somalia National Peace Conference
SRSG	Special Representative of the Secretary-General
SSN	State-Seeking Nation
UK	United Kingdom of Great Britain and Northern Ireland
UN	United Nations
UNCTSOM	United Nations Country Team in Somalia
UNITAF	Unified Task Force Coalition in Somalia
UNOMIG	United Nations Observer Mission in Georgia
UNMIK	United Nations Interim Administration Mission in Kosovo
UNOSOM I/II	United Nations Operation in Somalia (1992-93), (1993-95)
UNSC	United Nations Security Council (15 Members)
UNSCOP	United Nations Special Committee on Palestine
UNTC	United Nations Trustee Council

ABSTRACT

David Jones: State-Seeking Nations: Critical Success Factors,
Including Moderate UN Security Council Reform
(Under the direction of Msgr. Dennis Mahon)

Violence. Ethnic strife. Border wars. These are often the precursors of a region seeking sovereign state independence. But how is this independence gained? This thesis proposes realistic critical success factors of state-seeking nations (breakaway regions) in gaining full statehood. It also includes ramifications to the state-seeking nations with moderate UNSC (P5) reform. This argument proposes that without these critical successful factors, success for a state-seeking nation gaining full statehood is highly unlikely.

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I. CHAPTER 1 -- INTRODUCTION

Frequently forgotten but sometimes championed, often in conflict areas with ethnic strife, 37 active armed conflicts are listed in the world (United Nations, 2012). Many of these areas include in their conflict the desire to secede from their current governing state. But the deemed right for self-determination is not a right but a granting by the controlling state and an acceptance of the international community, especially those in the same geographic region. The principle of self-determination is prominently embodied in Article I of the Charter of the United Nations (United Nations, 1945). Previously it was explicitly embraced by US President Woodrow Wilson, Stalin, and Churchill (Anaya, 2000), and became a guiding principle for the reconstruction of Europe following World War I (UNPO, 2008).

Topic/Thesis Question:

What factors are crucial to a nation achieving full statehood? Would moderate reform of the United Nations Security Council (UNSC) materially change the ability of a state-seeking nation (SSN) to achieve full statehood? One final (related) follow-up question is: Would moderate reform of the UNSC or re-activation of the UN Trusteeship Council have any realistic positive impact on a state-seeking nation's success?

Purpose Statement:

This topic is important because the main areas seeking independence tend also to be conflict areas (CITE?). Being better able to recognize the critical components for SSN success can more quickly promote a peaceful (or at least a less violent) resolution for the affected parties. The additional topic of moderate UNSC reform tied to this topic has relevance because the SSN must in the end pass the seemingly-impossible hurdle of UNSC acceptance.

Why the need for a state-seeking nation to be recognized? Without full recognition, states are generally unwilling to get involved. It places the states in a situation of difficult relations of the state attempting to claim sovereignty over the state-seeking nation, and indirectly with the UNSC member(s) potentially blocking it. Organizations like the IMF cannot easily loan to the government, conventional tourists are highly averse to visit, and residents of the SSN cannot travel outside their region since other states do not accept their travel documents.

Instrumentation:

This paper will give a review of the literature and background into the relevant issues and will list components and critical factors for a nation gaining full statehood, looking at examples of SSNs, including reasons why they may have not succeeded. It will then list the implications of moderate UNSC reform on those SSNs. Finally, it will summarize the findings, ramifications, and recommendations.

Background:

Since the creation of the idea (social construct) of sovereignty (Biersteker & Weber, 1996), the creation of Nation was created as “a community of like-minded citizens, motivated by common ideals and remembering a common past to which individual loyalty should be primarily directed, was a concept the French Revolution sharply outlined, if it did not originate” (Betts, 2011). The French National Assembly said, “The source of all sovereignty is essentially in the nation” (French National Assembly, 1791). Since this disseminated creation, groups have sought to exclude themselves from their current governmental boundaries in a quest to create their own. These are State-Seeking Nations (SSN).

General Definition of Terms:

To ensure consistency throughout the study, several key terms are defined:

Armed Conflict: A contested incompatibility that concerns government and/or territory where the use of armed force between two parties, of which at least one is the government of a state, results in at least 25 battle-related deaths (Themnér & Wallensteen, 2012)

Continuation: The replacement of one state by another in the responsibility for the international relations of the state in conformity with international law (GoSS, 2009).

State Autonomy- Autonomy is preliminary defined as the capacity of a government to perform alternative and varied political actions which are undetermined by internal minorities as well as foreign powers. For such capacity to count as positive for democracy, moreover, it must be controlled by the people and yield effects within the boundaries of the state in question (Agné, 2011).

Continuing State: A state that maintains the identity of the predecessor state in the event of continuation (GoSS, 2009).

Date of the succession of States: The date upon which the successor State replaced the predecessor State in the responsibility for the international relations of the territory to which the succession of States relates (United Nations, 1999).

***De facto*, sovereignty:** whether control in fact exists; both practical control and jurisdiction over a territory, such that the de facto sovereign's laws and legal system govern the territory (Colangelo, 2009).

De jure, or legal, formal sovereignty: “formal” or “technical” sovereignty in the sense of formal recognition of sovereignty by the government vis-à-vis other governments, and is a political question immune from judicial inquiry (Colangelo, 2009).

Dissolution: The event in which a state dissolves into a number of successor states, none of which are considered the continuing state (GoSS, 2009).

Full powers: In relation to a notification of succession or any other notification under the present Convention a document emanating from the competent authority of a State designating a person or persons to represent the State for communicating the notification of succession or, as the case may be, the notification (United Nations, 1978).

Institution Building: With the assistance of the international community, the new state creates institutions that are able to take on responsibility as the state transitions to self-rule (GoSS, 2009).

International Organization: International organizations are entities established by formal political agreements between their members that have the status of international treaties; their existence is recognized by law in their member countries; they are not treated as resident institutional units of the countries in which they are located (United Nations, 2013).

Moderate UN Reform: Requiring the UNSC P5 to have a minimum of 2 votes against a resolution in order for a veto to be effective.

Newly Independent State: a successor State the territory of which immediately before the date of the succession of States was a dependent territory for the international relations of which the predecessor State was responsible (United Nations, 1978).

Notification of succession: In relation to a multilateral treaty any notification, however phrased or named, made by a successor State expressing its consent to be considered as bound by the treaty (United Nations, 1978).

Other State party: In relation to a successor State any party, other than the predecessor State, to a treaty in force at the date of a succession of States in respect of the territory to which that succession of States relates (United Nations, 1978).

Party: A State which has consented to be bound by the treaty and for which the treaty is in force (United Nations, 1978).

Practical sovereignty: practical control over a territory and is not a political question, but is instead fully the subject of judicial inquiry (Colangelo, 2009).

Predecessor State: The state previously consisting of the breakaway and continuing states or the successor states (GoSS, 2009).

Ratification, Acceptance and Approval: In each case the international act so named whereby a State establishes on the international plane its consent to be bound by a treaty (United Nations, 1978).

Successor State (succession of States): Any state emerging from a continuation or dissolution (GoSS, 2009).

Shared sovereignty: Where an international institution shares sovereignty with the state (GoSS, 2009). An example would be Kosovo with the UN high representative (Krasner, Fall 2004).

Third State: Any State other than the predecessor State or the successor State (United Nations, 1999).

Treaty: An international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments, and whatever its particular designation (United Nations, 1978).

Paper-Specific Definitions

Political Will – “Political will is about the mobilization of political support to firstly, generate solutions and, secondly, sustain solution implementation.” It is “a demonstrated willingness or motivation to expend resources”. (Nadin, 2013). Craig Charney, a political scientist and specialist in public opinion studies suggests that political will = opinion + intensity + salience. Opinion begins with the simple fact of having one. On many issues, people have opinions, but they’re not very strongly held. Intensity is how strongly those opinions are held. Salience is the degree of importance for that topic: fickleness (Charney, May 2009).

Internal Political Will: In this document this is the components of Political Will, specific to a politically-internal framework, demonstrated by the citizens’ desire for a specific goal.

External Political Will: In this document this is the components of Political Will pointing it outward, demonstrated by the leadership of the nation seeking statehood. It is exemplified in their ability to gain international recognition from other states in their quest for self-determination

Autonomy: A state-seeking nation must be relatively free of the influence of other unwelcome states, and/or be under the care/assistance of an organization like the UN, NATO, The European Union (EU), or the African Union (AU).

State: According to international law (Montevideo, 1933), an entity with:

1. A permanent population
2. Living on a defined territory
3. Controlled by a government
4. Capable of conducting international relations with other states

Statehood: The political existence of the state is independent of recognition by the other states. Even before recognition the state has the right to defend its integrity and independence, to provide for its conservation and prosperity, and consequently to organize itself as it sees fit, to legislate upon its interests, administer its services, and to define the jurisdiction and competence of its courts. The exercise of these rights has no other limitation than the exercise of the rights of other states according to international law (Montevideo, 1933). State sovereignty is sometimes viewed synonymously with independence; however, sovereignty can be transferred as a legal right whereas independence cannot (Talmin, 1998). For the sake of this paper, statehood is defined as possessing internal and external will, autonomy (as exhibiting sovereignty), and has been accepted into the full UNGA as confirmation of meeting that body's requirements and acceptance by the majority of the UNSC, followed by a vote with a two-thirds majority (129 member states of the 193) in the UNGA. This criterion is based on the realistic recognition that a modern state is one which strives for membership into the UN as an affirmative public sign of "having arrived."

Limitations/Scope:

For the sake of this paper only current SSN examples, including the recent success of South Sudan, are considered relevant. This selection of these SSN examples is not exhaustive. They were chosen based on an availability of material and all having a relatively lengthy quest for statehood.

This paper does not deal in depth with the issues of contested legitimacy, scope of conflicts (inter or intra state), P5 veto apathy or vote purchasing as Erik Voeten discusses (Voeten, Delegation and the nature of Security Council authority, 2008).

This paper considers UNSC P5 procedural veto reform to likely be a (long-term) possibility rather than an absolute impossibility. One school of thought proposes that the P5 are so entrenched in their need for a single-veto option that discussion of P5 reform is a lost cause. Those in the entrenchment camp point to the creation in 1993 of the Open-ended Working Group on UNSC Reform and its inability after 20 years to exhibit substantial change. “Essentially, the idea of Security Council reform is nice in principle, but in practice, it does not work” (Toro, 2008).

II. CHAPTER 2 – HISTORY AND LITERATURE REVIEW

Sovereignty and State-Seeking Nations:

The subjects of nation and national identity, independence, self-determination, sovereignty, statehood, and states' rights are relevant and intertwined. Benedict Anderson's idea of the nation is as an imagined community since it is quite logistically impossible for each member be able to interact with all of the other members (Andersen L., 2007). For Karl Schmidt, political concepts, even modern concepts, as sovereignty are still of a theological origin. They then take the concepts as the sovereignty of a divine being model that is un-sharable, indivisible, and un-sayable. Every state, insofar as it is sovereign, is a rogue state. As soon as states enter into the international stage with other relationships to other states, and they lose a small piece of their indivisible sovereignty (Naas, 2009).

In an unknown foreshadowing of the creation of the League of Nations and the UN, "Immanuel Kant in his essay, 'Perpetual Peace' (1795), wrote of the establishment of a state of peace founded, in part, on "a federation of free states," which Kant also referred to as "a league of nations", "a compact among nations" and "a league of peace (*foedus pacificum*)." Kant also articulated the need for a constitution that mutually ensured the security of nations under law" (Nadin, 2013).

Stalin's work "The Nation" has been a cornerstone attempting to define what "nation" means (Hutchinson & Smith, 1994) (Stalin, 1954). Leopoldo Lovelace Jr., Buchheit, and Grant articulated sources of sovereignty, sovereignty issues and the rights and duties of states (Lovelace, 2000) (Buchheit, 1978) (Grant, 1999). The Montevideo Convention of 1933 was an attempt to concisely tie down a definition of a state (Montevideo, 1933).

South Sudan's statehood roadmap proposal to the people is an exceptional document which explained their lengthy divisional process, assuming a positive referendum result in favor of the state of Sudan splitting (GoSS, 2009). It was crafted with the help of writers who understood the challenges of statehood and the necessary components for success.

The "One China" dilemma by Peter Chow discusses the Taiwan/China issue, legality, and the assertion of Taiwanese independence, along with the windows of opportunity that in Chow's opinion, Taiwan has not used to forward its claim to independence (Chow, 2008). Walter Clarke and Robert Gosende questioned if a state as Somalia has the ability to reconstitute itself (Clarke & Gosende, 2003). The report created by the NYC Bar Association discussed Moldova and the criteria for justifying secession (NYC Bar Assc., 2006) can be used as a reference for internationally-recognized criteria for other state-seeking nations.

Hans Agné investigates ways to operationalize Autonomy and the difficulties in trying to define it. He concentrates on primarily democratic institution measurements and criteria. He also points out that certain researchers consider globalization a threat to the autonomy of states (Agné, 2011).

I/R Theories:

Based on William Thomas Worster, the debate over the definition of statehood is dominated by two well-known competing theories: the *declaratory* and the *constitutive* theories. "The *constitutive* theory provides that a state is only a state upon the political act of recognition by other states. Peter Malanczuk observes, the standard for the constitutive theory is the capacity to enter into foreign relations, not the actuality of this fact (Fältsjö, 2010), (Malanczuk, 1997).

The *declaratory* theory, on the other hand, opines that recognition is merely acknowledgement of the existing statehood status, and that the act of recognition does not confer status. Rather, statehood is acquired by satisfaction of objective criteria. Although many authors state that one or the other theory is confirmed by practice, the record does not bear this statement out; neither of these two theories satisfactorily describes the state of the law on the matter. Furthermore, on examination, the two theories can be broken down into aspects that inherently contradict each other or dissolve into each other. The theories in essence present two fundamentally different and irreconcilable views of international law. Because they describe the status of a state, the most significant legal actor in international law, the tensions between the two perspectives result in crucial differences in the creation, acquisition, and realization of rights and obligations under international law, not merely in the interpretation and settlement of rights” (Worster, 2009).

“Instead of using the declarative approach, members of the international community may choose to establish (formally or informally) a process to determine criteria for a specific entity’s statehood, review the entity’s ability to meet that criteria, and then recommend recognition or further steps to be taken for recognition. This approach is “earned sovereignty.” Under the process of earned sovereignty, there are usually three core elements that make up the framework for the transition process to recognized statehood” (GoSS, 2009):

1. Shared sovereignty—an international institution shares sovereignty with the state (normally a UN mission).

2. **Institution Building**—with the assistance of the international community, the new state creates institutions that are able to take on responsibility as the state transitions to self-rule.

These include structural reform as well as capacity building.

3. **Eventual determination of final status**—this could take the form of a referendum or a negotiated date, acceptance to the UNGA on a case-by-case basis, criteria for statehood.

Generally, the criteria for states to obtain recognition through earned sovereignty have included:

1. Encouraging democratic principles
 2. Accepting international obligations
 3. Participating in diplomacy and cooperation
 4. Respecting international law
 5. Upholding human rights
 6. Protecting the rights of minorities
 7. Committing to nuclear non-proliferation
 8. Respecting the sovereignty and borders of other states
4. Final decisions on a specific entity's statehood will generally be based on the entity's history, its current political stability, and how much more development the entity will require before it can be self-supporting (GoSS, 2009).

The most commonly accepted definition of (declarative) state sovereignty is territorial sovereignty, but for the sake of this paper, that is not sufficient. It requires also passing the UNSC and gaining acceptance to the UNGA (United Nations, 2012).

Related Studies:

South Sudan is an excellent example of success for a SSN. Although still plagued with ethnic strife and related issues which predate the seeking of independence, the process itself to statehood is noteworthy. Also, the study focusing on the Moldavian region of Transnistria by The Association of the Bar of the City of New York, the first independent analysis of the legal issues involved in the Transnistrian crisis is noteworthy as they worked to create and follow a criteria by which a region has the basis to claim sovereignty (NYC Bar Assc., 2006).

UNSC Reform:

UNSC Reform has been discussed since the creation of the exclusivity of the P5 and has increased in intensity as other states gain in international stature. The UN risks being deemed irrelevant (lacking in legitimacy) to the international community if it cannot eventually reconcile this very thorny issue (Luck, 2006). Cronin and Hurd make the point that the simple act within the UNGA or UNSC of discussion is in fact an act of engagement and thus an affirmation of legitimacy – both of the UN and of the specific issue, with effectiveness being the confirmation of legitimacy: “The scope and depth of the Security Council’s authority expands and contracts proportionately with the degree of legitimacy that the membership grants it” (Cronin & Hurd, 2008).

The United Nations extends in writing the right of self-determination to all peoples, most recently with Declaration on the Rights of Indigenous Peoples, adopted by the UN in 2007

(United Nations, 2008). However, it neither defines what is to be understood by the word 'peoples', nor does it lay down rules as to how this right is to be exercised; a right which so far has been successfully invoked by colonial peoples only (Pellet, 1992). Rather than a right to autonomy—or even a specific set of characteristics that define this term—international law in the last century has focused on the elucidation of the norm of self-determination (NYC Bar Assc., 2006).

The norm of self-determination is not a general right of secession. It is the right of a people to decide on their culture, language, and government. It has evolved into the concepts of “internal self-determination,” the protection of minority rights within a state, and “external self-determination,” secession from a state. While self-determination is an internationally recognized principle, secession is considered a domestic issue that each state must assess itself. Self-determination must at least show that:

1. The secessionists are a “people;”
2. The state from which they are seceding seriously violates their human rights; and
3. There are no other effective remedies under either domestic law or international law with the possible exception of (1) (NYC Bar Assc., 2006).

Advocacy:

Advocacy requires having a strong advocate of the statehood-seeking nation. In order for the SSN to jump the hurdle of UNSC approval, an advocate must realistically be present and active. In order for the UNSC to discuss the topic, it must either be brought up to the UNSC by any UNSC member, the UNGA, or at the recommendation of the UN Secretary General

(Secretariat). But if the state-seeking nation does not have an advocate, it is highly likely to fit within the realm of not mattering and thus not being addressed, leaving the SSN in limbo.

The UN Membership Process:

Membership in the Organization, in accordance with the Charter of the United Nations, “is open to all peace-loving States that accept the obligations contained in the United Nations Charter and, in the judgment of the Organization, are able to carry out these obligations”. States are admitted to membership in the UN by decision of the UNGA upon the recommendation of the UNSC (United Nations, 2012).

The recognition of a new State or Government is an act that only other States and Governments may grant or withhold. It generally implies readiness to assume diplomatic relations. The UN is neither a State nor a Government, and therefore does not possess any authority to recognize either a State or a Government. As an organization of independent States, it may admit a new State to its membership or accept the credentials of the representatives of a new Government.

Membership in the Organization, in accordance with the Charter of the UN, is open to all peace-loving States which accept the obligations contained in the UN Charter and, in the judgment of the Organization, are able to carry out these obligations. States are admitted to membership in the UN by decision of the UNGA upon the recommendation of the UNSC. The procedure is briefly as follows (United Nations, 2012):

- 1) The State submits an application to the Secretary-General and a letter formally stating that it accepts the obligations under the Charter.

- 2) The UNSC considers the application. Any recommendation for admission must receive the affirmative votes of 9 of the 15 members of the UNSC, provided that none of its P5 members — China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America — have voted against the application.
- 3) If the UNSC recommends admission, the recommendation is presented to the UNGA for consideration. A two-thirds majority vote is necessary in the UNGA for admission of a new State.
- 4) Membership becomes effective the date the resolution for admission is adopted.

The UN "committee on new members" is the UNGA framework for admitting new states where any application for UN membership is considered by the UNSC, which decides whether or not to recommend admission to the 193-member UNGA, which then has to adopt a resolution for the admission of a Member State (United Nations, 2011):

Based on rule 134 any State which desires to become a Member of the UN shall submit an application to the Secretary-General. Such application shall contain a declaration, made in a formal instrument, that the State in question accepts the obligations contained in the Charter (United Nations, 1947).

Based on rule 135 the Secretary-General shall, for information, send a copy of the application to the UNGA, or to the Members of the UN if the Assembly is not in session (United Nations, 1947). Additionally, based on rule 135 of the rules of procedure of the UNGA and rule 59 of the provisional rules of procedure of the UNSC, the Secretary-General has the ability to propose an application of admission to membership in the UN (United Nations, 2011).

Based on rule 136 if the UNSC recommends the applicant State for membership, the UNGA shall consider whether the applicant is a peace-loving State and is able and willing to carry out the obligations contained in the Charter and shall decide, by a two-thirds majority of the members present and voting, upon its application for membership (United Nations, 1947).

Based on rule 137 if the UNSC does not recommend the applicant State for membership or postpones the consideration of the application, the UNGA may, after full consideration of the special report of the UNSC, send the application back to the UNSC, together with a full record of the discussion in the Assembly, for further consideration and recommendation or report (United Nations, 1947).

Based on rule 138 the Secretary-General shall inform the applicant State of the decision of the UNGA. If the application is approved, membership shall become effective on the date on which the UNGA takes its decision on the application (United Nations, 1947).

Finally, the UNSC, based in Chapter VII of the UN Charter only requires one veto from any of the P5 to fail in its application (Matheson, 2006): USA, UK, France, China, or Russia. For success it is absolutely crucial that an opposing UNSC P5 not veto the application. This is the primary hindrance for SSN's to gain final recognition from the UN.

With more than six and a half decades after its creation, The UNSC remains one of the main forums for the coordination of leading power interests in the world community, with strong potential influence on the state of the world (Nikitin, 2012). The UNSC is the only body at the UN that can extend "full member" status to a SSN (Crawford, 2011).

Since the end of the Cold War, neither France nor the UK have vetoed any resolution (except one) brought to the UNSC. In theoretical terms, if either of these states felt strongly

enough to veto the proposed resolution they could. In real terms from a veto perspective, only 3 members (US, Russia, and China) of the P5 are a risk to a SSN being denied membership due to a veto. The power of these remaining P3 should not be underestimated, but it changes the number of variables in terms of a hypothetical ramifications of if a SSN membership resolution were brought a UNSC vote.

The UN Trusteeship Council:

The UN Trusteeship Council (UNTC) suspended operation on 1 November 1994 having been deemed to have fulfilled its mandate. In setting up an International Trusteeship System, the UN Charter established the UNTC as one of the primary organs of the UN and assigned to it the task of supervising the administration of Trust Territories placed under the Trusteeship System (Decolonization) (United Nations, 2013). The aims of the Trusteeship System have been deemed “fulfilled” to such an extent that all Trust Territories for which it was given responsibility have attained self-government or independence, either as separate States or by joining neighboring independent countries (United Nations, 2013).

The UNTC is composed of the P5 (United Nations, 2013). The UNTC has an agenda to help territories that would progress on a pathway to self-sufficiency and sovereignty. Major goals of the system were to promote the advancement of the inhabitants of Trust Territories and their progressive development towards self-government or independence (United Nations, 2013). The UN continues to maintain a list of “Non-Self-Governing Territories”. Currently it uses the UNSC Committee on the Admission of New Members which was used most recently by Palestine (United Nations, 2011).

State-Seeking Nation Profiles/Case Study Examples:

Kosovo:

Historically, Kosovo was an autonomous province of Serbia within the Socialist Federal Republic of Yugoslavia, until the abolition of its autonomous status in 1989 (Orakhelashvili, 2008). Stemming from the ethnic turmoil and the breakup of Socialist Federal Republic of Yugoslavia (Yugoslavia), Slovenia and Croatia were the first to declare independence from Yugoslavia. The breakup included the successfully-self-declared (and internationally recognized) nations of *Serbia* (2006), *Montenegro* (2006), *Bosnia-Herzegovina* (Bosnia) (1992), *Slovenia* (1991), *Croatia* (1991), and *Macedonia* (1993). An independence referendum was held in the Autonomous Province of Kosovo and Metohija where the Assembly of Kosovo declared the Republic of Kosova a sovereign and independent state on 22 September 1991 (Müller, 2010). 2008 saw the second unilateral declaration of Kosovo from Serbia for independence (Fältsjö, 2010).

The Assembly of Kosovo, under temporary administration of the UNMIK, unilaterally declared independence as the "Republic of Kosovo" on 17 February 2008 (BBC News, 2008). Serbia, claiming the Kosovo territory, disagreed. The UNSC under Resolution 1244 (1999) placed Kosovo under a transitional administration, the UNMIK, pending a determination of Kosovo's future status (CIA, 2013). With a population 1.8 Million, Kosovo remains under an international support framework of "earned sovereignty" (Williams, 2003).

Palestine:

Following World War I, the Allied powers (France, UK, and Russia) allocated the area to the British Mandate of Palestine. After World War II, the UN passed a resolution to establish two

states within the Mandate, and designated a territory including what is now known as the West Bank as part of the proposed Arab state (CIA, 2013). Following the 1948 Arab-Israeli War the area was captured by Transjordan (later renamed Jordan). Jordan annexed the West Bank in 1950. In June 1967, Israel captured Gaza, the West Bank and East Jerusalem during the Six-Day War (CIA, 2013). The Palestinian Occupied Territories were created from the 1967 war. The UN Special Committee on Palestine (UNSCOP) was set up in 1947 to deal with the “Palestine Question” (UNSCOP, 1947).

In 1993 Oslo peace accords were held under which the Palestinian Authority (PNA) was created (BBC News, 2012). “The PNA functions as an agency of the PLO, which represents Palestinians at international bodies. It is led by a directly-elected president, who appoints a prime minister and government which must have the support of the elected Legislative Council. Its civilian and security writ runs in urban areas (Area A) under the Oslo Accords, with civilian but not security control over rural areas (Area B)” (BBC Monitoring, 2013). “The Palestinian population of around ten or eleven million people is divided between historic Palestine and a diaspora, mainly in neighboring Arab countries” (BBC Monitoring, 2013).

Taiwan (ROC):

At a current population of 23 million, the ROC in Taiwan was set up from the ousted leadership and Nationalists who escaped from the Chinese Communist Party forces who founded the People's Republic of China (PRC) (CIA, 2013). On that territory in 1949 they relocated the government to the island of Taiwan with two million of their supporters (BBC Monitoring, 2012). The PRC (mainland China) claims sovereignty over Taiwan, and threatens military action if they claim full independence. Commercial and cultural state relations with Taiwan are

therefore maintained through an unofficial instrumentality, the Taipei Economic and Cultural Representative Office.

The PRC refuses to have diplomatic relations with any state that decides to recognize the ROC, and PRC requires all nations with which it has a diplomatic accord to affirm a state recognition of PRC's claim to Taiwan. For example, in 1999 Macedonia decided to recognize Taiwan and subsequently lost the normally-standard UNSC renewal of their UN Mission due to an unexpected PRC veto (BBC News, 1999).

Abkhazia:

With a population of 215,000 (Berry, 2009), the self-declared autonomous region in northwest Georgia, although not officially, is primarily controlled by its Northern neighbor and UNSC permanent member, Russia (Beaulieu, 2008). Abkhazia declared independence in 1999 (BBC Monitoring, 2013), and most recently with the help of Russia, reaffirmed in 2008. On August 7th, 2008, Georgia attempted to militarily reassert control over South Ossetia, one of its separatist republics, provoking a massive Russian invasion and Georgia's rapid defeat in both areas. Russia used the opportunity provided by the Georgian provocation to consolidate its hold over Georgia's two breakaway regions, ultimately recognizing both of them as "legitimate, sovereign states", and thus increasing Russian power and influence in the region (Beaulieu, 2008). Russia, as part of the ceasefire agreement right after the 2008 conflict, agreed to move back to the pre-conflict borders but has not done so, much to the chagrin of the international community (European Parliament Committee on Foreign Affairs, 11 January 2010). UNOMIG was created in August of 1993 (Conciliation Resources, 1999) to verify compliance with the ceasefire agreement between the Government of Georgia and the Abkhaz authorities in Georgia.

UNOMIG came to an end on June 2009 due to a “lack of consensus among Security Council members” on mandate extension (United Nations, 2009); that is, Russia exercised its P5 veto to deny the renewal of UNOMIG. The borders between Abkhazia and Georgia remain inaccessible to residents on either side (ICRC, 2011).

After the 1992-1993 war with Georgia, Abkhazia was in an economic blockade from the CIS countries until 2000 (Republic of Abkhazia, 2013). Subsequent to the 2008 conflict, Russia offered passports to any Abkhazia or Ossetia resident, effectively undermining its own proclamation of Abkhazian independence as it indirectly asserted Russian control. Russia chose to do this as retaliation for the ongoing Georgian blockade of Abkhazia, and to allow the Abkhaz residents movement outside of their own territory (Beaulieu, 2008).

Over the years, the perceptions of Georgia and Abkhazia regarding the causes and actors involved in the conflict have determined all the agendas in the peace process. The conflict is multidimensional, including political, geopolitical, and ethno-political elements: Georgians believe that the Abkhaz are really Georgians and thus refuse the idea of interethnic incompatibility (the mixed Georgian-Abkhaz marriages before the 1992 war stands as evidence in favor of this interpretation). The Abkhaz instead consider themselves to be a different nation. Because of the lack of communication and ensuing misunderstandings between these two communities, Georgians failed to appreciate Abkhaz fears about losing their identity. The Abkhaz instead failed to understand the real importance that Abkhazia had for Georgian statehood (Mikhelidze, 2012).

Abkhazia sits in a geographically strategic position for Russia, which would easily explain why Russia is also doing capacity building in Abkhazia. The Russian “peacekeepers” in

Abkhazia appear more like an occupying force, especially after the South Ossetia conflict in 2008. This might suggest that the true intentions of Russia are not exactly for full Abkhazian independence. For Abkhazia, independence is their aspiration but they have the veiled acknowledgement that dependence on Russia is potentially a threat to their identity (Cohen, 2012).

Somaliland:

Somaliland, located in the failed state of Somalia with 3-3.5 million inhabitants (Somaliland Diplomatic Mission in Sweden, 2011), has existed as an independent state for over twenty years. It is challenged by having three overlapping and conflicting legal systems (United Nations TV, 2006).

The Federal Republic of Somalia (Somalia), currently a population of 10 million (CIA, 2013), continually listed at the top of Foreign Policy's Failed State Index, has experienced civil war since 1991 (Fund for Peace, 2012). In early 1991, Somalia entered into civil war and subsequent famine. In reaction to the continued violence and the humanitarian disaster, the US organized a military coalition. This Unified Task Force coalition (UNITAF) entered Somalia in December 1992 and was successful in restoring order. In May 1993, due to the Black Hawk Down event, most of the US troops withdrew and UNITAF was replaced by the UN Operation in Somalia II (UNOSOM II) (United Nations, 2013). The UN withdrew in March 1995 (AMISOM, 2013).

Ethiopia was the principal backer of the Somali National Movement, the group that "liberated" Somaliland (Dagne, 2009). To the East of Somaliland, Puntland became an autonomous state within the Somalia federal structure in 1998 (UNDP, 2012).

With the abandonment of the US and subsequently the UN, Somalia, including Somaliland, was left on its own. No member of the P5 (or international organization) wanted to deal with the real and political (both at home and in Somalia) ramifications of re-opening the failures of the Black Hawk Down fiasco and subsequent Somalia political collapse (U.K. Parliament, 2004). With such a long duration of chaos and failed state status, every major physical infrastructure in Somalia is compromised and requires rebuilding. But as the international community currently works to rebuild Somalia it will be harder for Somaliland to convince them that it deserves to be separate.

On 24 January 2012, following major advances in security in Mogadishu, the Office of the SRSG formally moved back to Mogadishu after the 17-year absence (UNPOS, 2013). With the coordinated and unilateral actions (both military and development-centered), the primary aim had been to limit extremism (Al-Shabaab) and bring Somalia into the realm of “functional.” Subsequently, especially in the last two years, with the coordination of the US, UN, EU, and AU, Somalia has turned around its completely non-functional government to resemble a situation resembling a somewhat, functional state with an interim constitution with support from its neighbors and the international development community. However organizations such as Doctors Without Borders has recently completely pulled out because of very high security concerns stemming from radical groups which include within Somaliland (National Public Radio, 2013).

Western Sahara:

Morocco and the Polisario Front (Frente Polisario) was formally constituted on May 10, 1973 with the intention of forcing an end to Spanish rule. On 26 February 1976, Spain

unilaterally transferred rule of the territory to Morocco (United Nations Secretariat); however the fight continued.

A settlement plan, as approved by the UNSC, provided for a transitional period for the preparation of a referendum in which the people of Western Sahara would choose between independence and integration with Morocco. The Special Representative of the Secretary-General was to have sole and exclusive responsibility over matters relating to the referendum and was to be assisted in his tasks by an integrated group of civilian, military and civilian police personnel, to be known as the United Nations Mission for the Referendum in Western Sahara (MINURSO, 1991).

In 1990, the General Assembly reaffirmed that the question of Western Sahara was a question of decolonization which remained to be completed by the people of Western Sahara (United Nations News Centre, 2011). Western Sahara is the only SSN from those discussed in this paper that is inscribed by the UN under non-self-governing territories (United Nations, 2012).

With the administration of the UN, attempts were made to try to establish a referendum for independence in 1992 and 1997 but disagreement was over who was eligible to vote (many refugees live in neighboring states). French and American support for the Moroccan government in effect blocked the UNSC from providing the necessary diplomatic pressure to force Morocco to allow the promised referendum to take place for the ½ million inhabitants (CIA, 2013) (Zunes, 2012). Just recently, Morocco again told the UN it is ready to resolve the Western Sahara dispute on autonomy basis (United Nations News Centre, 2011).

III. CHAPTER 3 – METHODOLOGY

Research Question:

What factors are crucial to a nation achieving full statehood? Would moderate reform of the UN materially change the ability of a state-seeking nation to achieve full statehood?

Critical success factors (CSF): After conducting research, the factors that seem to be the most critical for SSN success are:

- Internal political will
- External political will
- Autonomy
- Advocacy of at least one UNSC permanent member or group
- Refusal to veto the UNGA membership application resolution from any one of the other UNSC P5

Instrumentation:

1. The means of measuring internal public will is measured using the results of a publicly administered, outside-observer affirmed referendum on independence and statehood.
2. The means of measuring external public will is with the results of diplomatic recognition from other UNGA states, but not recognitions from other SSNs which are in the same pseudo or non-recognition international status.
3. Autonomy is considered a required but not a deciding component for success.

4. The measure of the UNSC membership application resolution veto for this paper is either real or threatened (implicitly or explicitly). This is based on recorded discussions in the UNSC meetings and P5 diplomatic signaling in favor or against a resolution.

Procedures:

The procedures required research into the number of current UN member state diplomatic recognitions. Next, it required research into state independence referendums (if any) and the certified results. It then required research on P5 positions in a UNSC veto threat, including alliances with the P5 members. Finally, recognizing the history of the UK and France not using their veto since the end of the cold war, it required looking at the ramifications of a P3 veto scenario.

Data Analysis:

The data analysis deals with the results pertaining to the final question of possible moderate P5 veto reform and the simple ramifications to SSNs on requiring 2 votes against a resolution (versus the current single vote requirement) in order for a veto to be accepted. The second part deals with the **wersw**rsfsdfsdfs.

Limitations of the Study:

One challenge in investigating a 2-vote requirement to veto is the inherent political fluidity of voting by UNGA States jumping on board a popular SSN recognition because of its popularity- especially if they do not have a vested effort either way on the issue. Many options for UNSC reform have been proposed which include enlarging the UNSC from the current 15 voting members (P5 + 10) to 25-27 voting members. What appears paramount is dealing with the single veto may end with a substantially different result. However, looking at the P5/P3 veto

scenarios is useful as a means of judging the ramifications in favor or against the SSNs resolution in their quest for statehood.

Regarding Autonomy, the main issue with SSNs is that they generally lack many institutions commonly present in a fully-functioning democracy. Operationalizing Political Autonomy based on a position where the government exhibits relatively unbiased behavior toward a given policy is therefore not applicable to a SSN that is mainly autocratic in structure but still autonomous; some of these institutions are simply not democratic (e.g. tribal) but are still autonomous. Therefore within the scope of the paper Autonomy is simply deemed to be present by general consensus. As mentioned above, it is where the SSN is able to control the borders and is not under the unwilling military control of another state.

IV. CHAPTER 4 -- PRESENTATION & ANALYSIS OF DATA

Overview:

Recently (2013) under the current leadership of US Secretary of State Kerry a large push (political will) from the US has been to resolve some of these ongoing, festering conflicts in hopes of creating more long-term peace and stability. These and other thorny SSNs have been unwanted or simply not worth the trouble of the P5. Below is an analysis of each SSN, which considers the ramifications, drawn from their current political status:

State-Seeking Nation Analysis:

Kosovo:

Advocated by the US, Kosovo continues to seek full statehood, to the chagrin of Serbia and its ally and UNSC permanent member, Russia. Kosovo has accorded much diplomatic recognition but still has not passed the hurdle of the UNSC. Serbia, with the help of its big-power ally Russia, has vowed to block Kosovo from getting a UNGA seat. But just recently in April 2013 Kosovo and Serbia reached a landmark agreement to normalize their relations. Under the EU-brokered deal, both sides agree not to block each other's efforts to seek EU membership (BBC Monitoring, 2013). In a recent statement by the Russian ambassador to Belgrade, his country could change position against independence of Kosovo if Serbia were to request it (OSPI-rq, 2013).

China, which commonly votes with Russia, also views Kosovo in much of the same light as it views Taiwan, so it is likely that Kosovo will remain in limbo even with a two-vote veto requirement unless Russia can be convinced to relinquish their stance: "China expresses its deep

concern about Kosovo's unilateral declaration of independence," said the Foreign Ministry spokesman Liu Jianchao (Reynolds, 2008).

Palestine:

The "Palestine Issue" has most recently exhibited seeking UN recognition as a means of pressuring Israel to deal with the 1967 land accord agreed to and resolution of issues stemming from the 6-day war (Davidson, 2001). Domestic disunity between the two groups (Fatah in the West Bank and Hamas in Gaza) has been a critical factor standing in the way of Palestine's quest for statehood (Gopin, 2011), (Crawford, 2011).

Currently Fatah controls the West Bank, and Hamas controls the Gaza Strip. But the territories still have yet to administer a referendum. On November 30, 2012 the UNGA voted overwhelmingly to recognize Palestine as a non-member observer state. One commonly held view is that Palestine wants UNGA admission primarily to take Israel to the International Court of Justice based on human rights abuses (BBC News, 2012).

Palestine's "Observer" status in the United Nations allows Palestine's representative to speak in the UNGA but not vote. Essentially, the Palestinians have a choice of taking their membership bid to the UNGA and have so far gained as much status as available without it going to the UNSC where currently the US would veto it (United Nations, 2011). Two permanent Security Council members, Russia and China, have already vowed support to the Palestinians, while Britain and France have not yet announced their decision with a promised American veto (Russia Today, 2011). With a change to a two-vote veto requirement, Palestine may well succeed in its application.

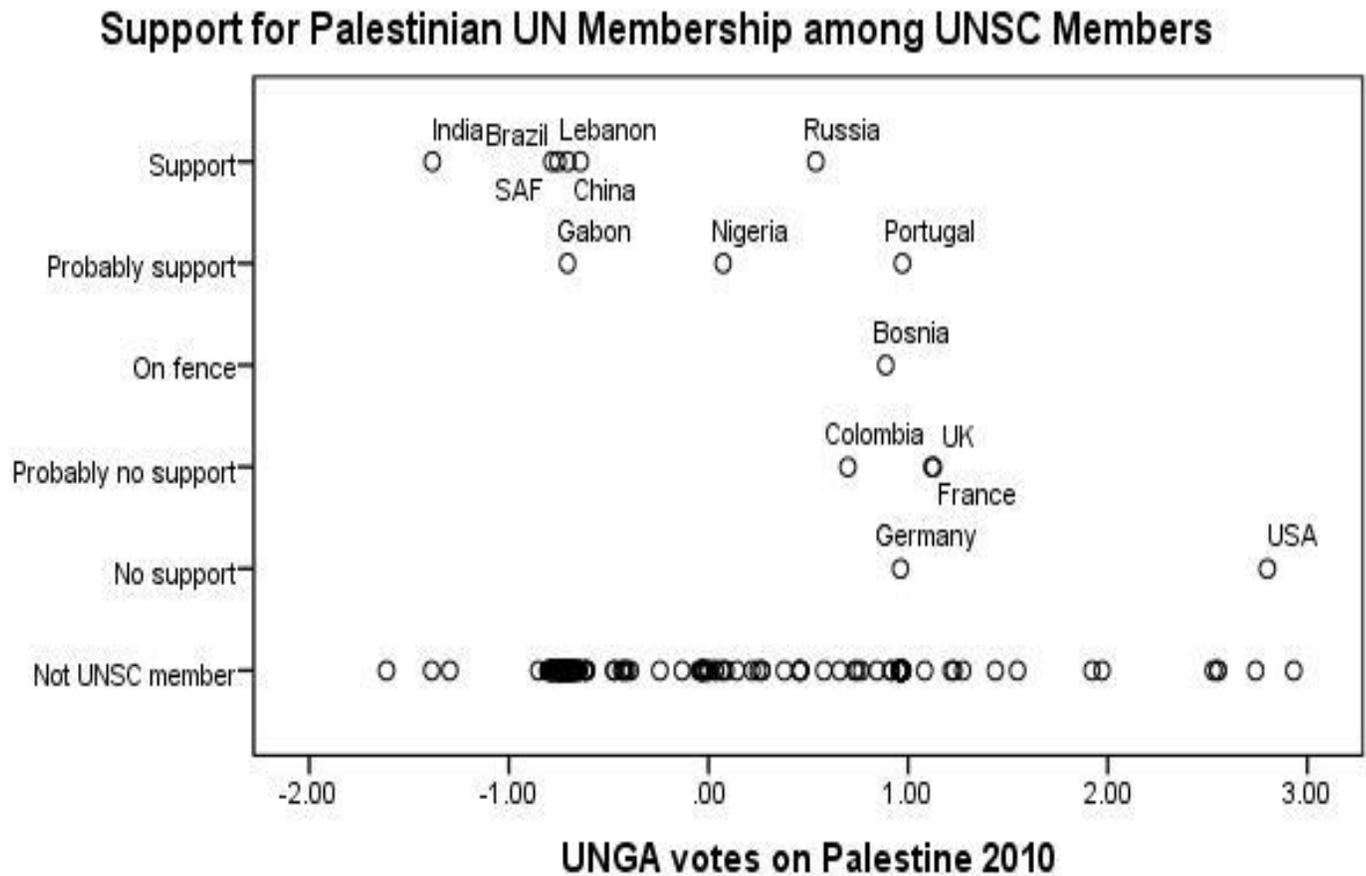


Figure 1 - Support for Palestinian UN Membership among UNSC Members. Adapted from "Projecting The UN Security Council Vote on Palestine" by Erik Voeten, 23 September 2011, *The Monkey Cage*, Copyright 2011 by Erik Voeten. Reprinted with permission.

The above (Figure 1) graphically depicts the 2010 positions of the full UNSC with regard to Palestine membership in the UNGA. Note the US as "No support" and China and Russia as strong "Support" and UK and France in the more ambiguous middle position.

Abkhazia:

The post South Ossetia conflict behavior on Russia's part would suggest it is more interested in using the regions for its own goals (e.g. destabilization/pressure on Georgia, a surrogate war with the USA) rather than real advocacy (Trier, 2010). Although South Ossetia has held a (disputed) referendum, Abkhazia has not done so. Although Russia claims advocacy for

Abkhazia in the UNSC, it is highly possible that the advocacy may be feigned. Abkhazia was ignored for a long time by the international community. The 200,000 IDPs and the UNSC Russian veto to block an extension of the UN observer mission's mandate in Georgia and Abkhazia make the challenge of a vote/referendum much more difficult (Trier, 2010).

The US, an ally of NATO-seeking Georgia, has blocked any action of Abkhazia to achieve any international recognition – inside or outside of the UN, deeming it a domestic issue. Abkhazia has four diplomatic accords, all from states unfriendly to the USA. The republic of Nauru, a country known for its willingness to cater to the highest developmental aid donor (Berry, 2009) cannot seem to decide if it has (or not) recognized Abkhazia.

In March of 2012 Abkhazia held government elections. But the immediate statement from the US State Department was swift: “The United States does not recognize the legitimacy of the so-called “parliamentary elections” held in Georgia’s Abkhazia region on March 1 (OSCE, 2012). Regarding Abkhazia, the case to “support the existence of a qualified right of secession in international law” and the criteria of a qualified right of secession was not satisfied and “thus explains the general rejection by the international community” (Raic, 2002).

Somaliland:

For all practical purposes, Somaliland is everything except full recognition (AFROL News, 2007). They have obtained advocacy through the African Union (Cornish, 2006) which may eventually pave the way for recognition of the UN and are seeking observer status in the UNGA. They claim *de facto* recognition and *de jure* recognition. What they have now is *de facto* recognition (Arieff, 2008).

The difficulty for Somaliland is that it has no real P5 advocate. Much of the hindrance for Somaliland is not the West, but its own neighbors -- including the AU—which does not want to give recognition for fear of other African areas pursuing the same path of self-determinism and sovereignty. Their demand for independence was supported in a referendum by more than 88 per cent (U.K. Parliament, 2004). With a change to a two-vote P5 veto requirement, Somaliland would at least be less hindered, but it would not secure them their desire.

Western Sahara:

With 51 diplomatic accords, The Sahrawi Arab Democratic Republic is on their way, with one just arriving recently from Sweden; but they do not control all of the claimed territory. The main dissenters on the UNSC are the US and France, both allies to Morocco. French and American support for the Moroccan government blocked the UN Security Council from providing the necessary diplomatic pressure to force Morocco to allow the promised referendum to take place (Zunes, 2012). With a change to a two-vote veto requirement, Western Sahara may stay in limbo until they can gain more international support (external political will).

Until recently, Western Sahara lacked an advocate. But the US has shifted from being less allied with Morocco, and more committed to a resolution for Western Sahara. If, with the help of the US, Western Sahara can finally administer a referendum and convince the other members of the P5 not to veto their membership application (as France has threatened), they will not remain in limbo. Russia affirmed their agreement to Western Sahara's right to self-determination (Sahara Press Service, 2012). China also recognizes the same right (People's Republic of China, 2004).

Taiwan:

Primarily because of the PRC's stipulation that to do trade with the PRC Taiwan cannot be recognized as sovereign, only 23 states have official diplomatic relations with the Republic of China (Taiwan). With a change to a two-vote veto requirement (and assuming no military involvement from the PRC), Taiwan may well succeed in its referendum and UNGA application.

The most recent Taiwan leadership has been less militant toward PRC, easing tensions. Taiwan has not initiated a referendum on statehood lest it ignite tensions with China.

UN Trusteeship Council:

One additional means as a long-term strategy for any of the SSN's could be to re-activate the UNTC to be fully functional and placing SSNs under its care would be beneficial to the SSNs in that the primary aim of the Council is to relieve itself of this responsibility as soon as reasonably possible - eventual statehood resolution. The UNTC basically has a fully-successful record of enabling a region to gain self-sufficiency and sovereignty so the state-seeking nation would have a long-term successful prognosis. With a SSN under the responsibility of the UNTC, the opportunity of SSNs to gain the full sovereignty they seek is far more realistic. At least the SSNs that the P5 are apathetic about could be hopeful.

The difficulty with this proposition is that the P5 control the Trusteeship Council, so if they were to re-activate it, it would still be the P5 deciding which SSNs should be allowed in. Since this paper discusses only moderate procedural reform, that of the UNSC being the P5 veto being expanded to require 2 vetoes, the "activation question" is an extension of the broader UNSC reform issue.

Analysis:

Regarding a political referendum, since elections in a post-conflict setting are dramatically different from those in normal circumstances, their main aim is to signal the end of a conflict. Referendums are controversial and difficult to organize and can create a subsequent new conflict. But great store is placed in them by IOs and domestic actors (Taylor, 2002).

What the data gathered from the success factors shows (Appendix A and B) is that if any of the critical success factors are missing, failure (or at least a state of continued limbo) is highly likely:

- If internal or external political will is missing, the state-seeking nation will likely fail in its quest. It is imperative that the citizens and leadership of the nation seeking statehood both have this true desire, wherewithal, and action to become a state -- not just discuss it.
- If it lacks autonomy, it will collapse or be eventually taken over by a neighboring state.
- Advocacy by a superpower (P5) or IO is one factor absolutely critical to achieving full statehood and paramount is not being denied access to UNGA membership by that single UNSC veto.

The last column in Appendix A and Appendix B shows with a change to a two-vote veto requirement, what the possible outcome may be. The difference between Appendixes A and B is of those UNSC P5 members that have veto power (P5) and the ones that realistically use it (P3). Russia, China and the US are unabashed in their willingness to threaten and use the veto. But, as

mentioned earlier, UK and France have not exercised a veto—except once—since the end of the cold war. Therefore both of the two scenarios of P5 and P3 are considered.

V. CHAPTER 5 -- SUMMARY & CONCLUSIONS

Summary of Study:

This paper:

1. Created a framework criterion of understanding where a SSN is located on the spectrum of sovereignty.
2. Showed SSN examples in their quest for full statehood and their status.
3. Considered possible ramifications of moderate UNSC reform for those SSNs.
4. Discussed briefly the reactivation of the UN Trustee Council as an alternate path to statehood.

Contributions to the Field:

This paper gives a place for future investigation into these critical success factors and the continuing importance of UNSC procedural and expansion reform. It supplies a framework which could be used to research other relevant factors in a SSN gaining statehood.

Recommendations for Future Research:

Developing a full, exhaustive internationally-recognized framework for a SSN, suggesting concrete, measurable, relevant criteria would be very useful in helping recognize the further steps needed to accomplish when initially and continuing to seek statehood.

The issue of “what sovereignty is” continues to become greyer than black and white. A more encompassing criteria may be helpful in differentiating which SSNs deserve to be

recognized as a valid claim toward self-determination. Additional research might be considered in the areas of UNSC permanent membership reform and the dramatic effects it would have on SSN's.

Finally, with the increasing domination and power of multi-national corporations (MNCs) which traverse traditional state borders, it may be a worthy investigation on the impact of SSN's. It may give way to a more porous condition of statehood which may well be inconsequential in the end as this new paradigm of sovereignty rears its head.

Conclusions:

This paper reviewed material examining the general theoretical issues for statehood and looked at the underlying definitions helping to properly frame the issues. Although not casually conclusive, this paper discussed nations seeking statehood and shows what may be the factors for their failure or success.

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APPENDIX 1

Updated 8-Oct-13			<u>Appendix A</u>					
	Criteria							
	DIPL	Referendum					Likely	Likely
	recognition	results	Advocacy -	UNSC-veto?	Autonomy	Success?	Success?	
SSN	(# Success)	(% in favor)	P5	(Yes, No)	(Y, N)	No Reform	Reform	
Kosovo	108	87.01%	USA, UK, FR	2 (RU, China)	Yes	No	No	
Palestine	105	None found	FR	1 (US)	No	No	Yes	
Taiwan	23	None found	USA	1 (China)	Yes	No	Yes	
Abkhazia	5 to 6	None found	RU	1 (USA)	No	No	Yes	
Somaliland	0	97.10%	None	No P5 threat	Yes	No	No	
Western Sahara	51	None found	US (2013)	1 (FR)	No	No	Yes	

APPENDIX 2

Updated 8-Oct-13									Appendix B	
Criteria										
	DIPL recognition	Referendum results	Advocacy -	UNSC-veto?	Autonomy	Likely	Likely			
SSN	(# Success)	(% in favor)	P3	(Yes, No)	(Yes, No)	Success?	Success?	No Reform	Reform	
Kosovo	108	87.01%	USA, UK, FR	2 (RU, China)	Yes	No	No	No	No	
Palestine	105	None found	FR	1 (US)	No	No	No	No	Yes	
Taiwan	23	None found	USA	1 (China)	Yes	No	No	No	No	
Abkhazia	5 to 6	None found	RU	1 (USA)	No	No	No	No	Yes	
Somaliland	0	97.10%	None	No P5 veto threat	Yes	No	No	No	No	
Western Sahara	51	None found	US (2013)	1 (FR)	No	No	No	No	Yes	