Sovereignty is Dead, Long Live Sovereignty!

An opinion piece on Russia's invasion of Ukraine and its possible spill-over effect with regards to international recognition and sovereignty.

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In a shivery act of aggression, Russian President Vladimir Putin launched a military assault on Ukraine in the early hours of February 24th. President Putin announced what he defined as a 'special military operation' to demilitarise and 'denazify' Ukraine (International Crisis Group 2022). He has, since then, also hinted at the threat of nuclear strikes upon any external power that might come to Ukraine's aid.

Residents of Ukraine's capital, Kyiv, and cities across the country wake up to explosions every day as Russian bombs and missiles fall on military facilities and infrastructure. The bombardment, in fact, follows a months-long build-up of as many as 200,000 Russian troops on Ukraine's borders, to the north, west and south (BBC 2022). Ground forces that then entered Ukraine show that Russia has embarked upon not only an air campaign aimed at toppling Ukraine's elected government, but a full-scale invasion, echoing Russia's annexation of Crimea in 2014.

Yet, what is the Russian President's intention towards Ukraine? What does it say about the future of Ukrainian sovereignty- or, of any entity whose recognition is questioned by a great power?

Since 2014, Russian-backed rebel groups in the regions of Donetsk and Luhansk have been fighting against the Ukrainian army (Aljazeera 2022). These regions were now recognised by President Putin on February 21st as separate entities, just before the invasion started. Donetsk and Luhansk's claim for independence has been widely viewed both by the Ukrainian government and the West as a threat to Ukraine's territorial integrity. However, Russia's

support to these groups implies a rather different story and hints at a further complication with regards to sovereignty as an international norm.

'The end of the Cold War and the challenges of the post-Cold War era have highlighted the conceptual and practical contradictions between the 'the order of cluster' (sovereignty, non-intervention, and territorial integrity) and 'the justice cluster' (the rights of individuals and groups and self-determination) accepted as norms that have been implemented since the end of the Second World War' (MacFarlane & Sabanadze 2013, 610). Sovereignty and non-intervention have been challenged 'on the basis of human rights concerns; violations of the principle of territorial integrity by states claiming to be enforcing human rights norms; confusion over and competing claims about the substance of the principle of national self-determination; and the uneven recognition of secession' (MacFarlane & Sabanadze 2013, 610). Even now, it is not evident where we are on these questions, let alone what these concepts actually mean. However, the main problem emerges when such long-accepted norms are unclear or contradictory, and when the system is structurally susceptible. Under these circumstances, the likely outcome is unpredictability and instability in the system—such as the one we witness now. This constitutes a serious problem for international society with respect to *security*. Without consistent and, ideally, effective directory, "appropriate behaviour"—whatever it may be—from states cannot be identified, which provokes the justification of self-interested aggressive behaviour.

Russia's invasion of Ukraine is a clear example of such a contradiction, and its justification is entirely based on security. On December 17th, 2021, President Putin demanded that no former Soviet states, including Ukraine, be added to NATO—the Western alliance that Ukraine has long expressed a desire to join—and that NATO cease all military cooperation in Eastern Europe (Tétrault-Farber & Balmforth 2021). President Putin's demands, in a manner, resurrect the Cold War era ideological conflict between a communist Eastern Bloc and a capitalist West. Additionally, the possibility of Ukraine's engagement with NATO is perceived as a security threat on the doorstep of Russia.

While Russia's perception of an alleged NATO-Ukraine alliance can be attributed as a justifying factor for its aggressive behaviour—initially to protect Russia from its external enemies—more importantly, it serves President Putin's political and ideological interests in the region.

Yet, his interests revive more inclusionary questions with respect to sovereignty and recognition.

Russia's historical attitude towards Ukraine portrays a far more complicated issue with regards to the matters of *sovereignty* and *recognition*. For President Putin, Ukraine has always been part of a greater Russian empire – its borders' reaching from present-day Poland to the Russian Far East (Channell-Justice 2022). Denying Ukraine its territorial existence, not recognising its elected government, and referring to the country as part of Russia, has several regional and global consequences: One of them considers the 'territorial integrity' of (un)recognised entities, such as Kosovo and Taiwan.

The issue of recognition of states or governments has neither in theory nor in practice been resolved convincingly (Kelsen 1941). The term recognition has been discussed as entailing two distinct acts: a political act and legal one. While the legal act indicates applicability of international law, as this act brings the recognised community into legal existence in relation to recognising state, the political act of recognition brings no legal obligation and can appear as a justifying factor for any sort of action. In other words, a political act of recognition is based on the willingness of a recognising state. An entity can both be legally and politically recognised; but there is no clear or repetitive pattern in states' behaviours when it comes to the recognition, not it there a legal obligation to do so. The case of Ukraine falls under this political act as President Putin shows no willingness to recognise Ukraine as an independent state. Who can force him to recognise Ukraine's independence? Thus, it signifies a fundamental problem for the concept of security. Can we continue portraying the norm of sovereignty as a warden of security? It clearly demonstrates that it is the unrecognition that triggers the cycle of threat, insecurity, and instability over and over again. Then, when a great power like Russia declares the unrecognition of a smaller country like Ukraine, there is no legal obligation that may prevent hostility.

What does this say about the imaginable future of countries in a comparable position? Similar enmities have long existed, for instance, between Serbia and Kosovo, and China and Taiwan. Kosovo is not recognised by Serbia, nor is Taiwan by China. Furthermore, both Kosovo and Taiwan are not recognised by Russia, while both Serbia and China are Russian allies. *If a power like Russia can declare war upon a country that it says does not recognise, what would protect the territorial integrity of entities like Kosovo and Taiwan, whose territorial existence has*

historically been under scrutiny? In this respect, the matter of unrecognition may lead to a chain reaction and pose a far greater threat to already fragile international security and stability.

Then, the answer to the question of the imaginable future of these countries is indeed uncertainty. Yet, if there is anything certain, it is this reproduction of the dilemma between sovereignty and recognition. Therefore, instead of safeguarding the existing norms of sovereignty, we need to highlight its flaws and those flaws lead to further conflict rather than security. We may even need the old idea of sovereignty dead.

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