

GOV S-1740: INTERNATIONAL LAW

SECTION 4 DISCUSSION QUESTIONS: SOVEREIGNTY AND (NON-)RECOGNITION IN THE CRIMEA

1. What are the four elements of statehood outlined in the 1933 Montevideo Convention? Do they provide clear guidelines for when states should be recognized? What may be some problems with their application in practice? Why or why not? Can you think of a state that does not fulfill these requirements, yet is still recognized as a state? Can you think of an entity that does fulfill these requirements and is not recognized as a state?
2. Consider Jackson's argument concerning quasi-states. What explains why sovereignty was uniformly granted during the decolonization period without consideration of the empirical criteria for statehood? How do you think state recognition is actually decided upon? What role, if any, does international law play in these decisions? How do you think various IR theories help to explain the existence of quasi-states?
3. Should there be a way to revoke the statehood of failed states? Would it make more sense to make Somalia a UN Mandate or some other arrangement, rather than maintain the fiction that it is a functioning sovereign state?
4. Why do states and/or governments (and note there is a difference) care if they are officially recognized? What are the tangible and intangible benefits of such recognition? How do you think *withdrawal* of recognition impacts a state and/or government?
5. In terms of recognition of secession, what are the tangible and intangible benefits of recognition of an entity's secession from a state? Compare the cases of Northern Cyprus, Kosovo and the Crimea in this respect. What are the similarities and differences across these three cases? In the case of Crimea, do you think that widespread official recognition of secession will be required for its survival and effective functioning? Why or why not?
6. Why might states decide to refuse to recognize an act of secession, declaration of independence, a state and/or government? Is non-recognition an *effective* tool to influence other states/governments? Is non-recognition a *legitimate* tool to influence other states/governments? After Kosovo's declaration of independence, what explains why the U.S. and/or the international community decided to recognize it as a state? What explains why these same states refused to recognize the Crimea's referendum on secession? Try to think of arguments (legal and political) that would explain these decisions. What role, if any, does or should the UN General Assembly Resolution and the ICJ's Advisory Opinion on Kosovo play in the decision to grant recognition?
7. Consider the effectiveness and legitimacy of (non-)recognition in other present and historical situations, such as the Palestinian Authority, the Palestinian Liberation Organization, Taiwan, Northern Cyprus, the Former Republic of Yugoslavia, the Iraqi Transitional Government, or Kurdistan. Should these various entities be granted recognition by the international community? Try to think of arguments (legal and political) that would support either side.