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Agreements on Normalisation and Statehood

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Abstract

This chapter explores the complex and multifaceted nature of agreements on normalisation and statehood, which play a critical role in resolving conflicts and modifying sovereign relations between states. It begins by examining how such agreements aim to create, restore, or maintain normal relations, addressing key issues like sovereignty, territorial integrity, and diplomatic recognition. The chapter categorises these agreements into two main groups: those that facilitate state creation through secession and those that focus on normalising diplomatic relations between existing states. It highlights the importance of these agreements in managing self-determination conflicts, which are often sensitive and intractable. The chapter also delves into the political and legal controversies that arise in such agreements, particularly their use of vague language and the challenges posed by differing legal interpretations. Finally, it examines the involvement of third-party mediators and the complex dynamics of enforcing and sustaining these agreements, given their significant political and legal implications.

Keywords: normalisation, statehood, secession, diplomatic relations, recognition

Short bio

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INTRODUCTION

The quest for normalisation is a core function of international politics, involving the creation, restoration, or maintenance of normal relations within and between states. However, normalcy and normalisation processes are subjective and lack a universal definition (Visoka and Lemay-Hébert 2022). In diplomacy, normalisation commonly refers to the stages of establishing or restoring friendly relations between states, often by resolving bilateral issues. It also encompasses the reintegration of states after conflict or misconduct in the international community, as well as restoring a state's perceived normal functioning nationally and internationally. This process involves legal, political, economic, and societal measures, ranging from informal discussions to formal agreements (Barston 2013). Normalisation also shapes state identities in international relations and, in peace and conflict studies, is seen as a normative peacebuilding goal, a metric of progress toward sustainable peace, or a mechanism facilitating post-conflict processes like reconciliation or governance (Caplan 2005). Normalisation is also used interchangeably with crisis management and stabilisation operations (Visoka and Lemay-Hébert 2022).

Agreements on normalisation and statehood represent one of the most important and consequential types of peace agreements in the international system. As Tanisha Fazal (2013: 696) illustrates, "wars ending in peace treaties see four more years of peace compared to wars ending without peace treaties." On the contrary, conflicts which end without a peace treaty have significant implications for the prospects of building sustainable peace. Such peace without a formal treaty prevents the restoration of normal relations between groups in conflict, delays the resolution of outstanding disputes, and risks relapsing into violent episodes of the conflict. However, agreements on normalisation and statehood are complex and controversial as they concern negotiating and settling critical issues, such as changes to sovereignty titles and territorial integrity, peaceful and violent secession, diplomatic recognition and statebuilding. Such agreements play an important part in what Jean d'Aspremont (2022: 29) calls "the law of statehood," which is defined as "a constellation of hybrid concepts outside which there is nothing left to think about the spatial organization of the world." In other words, they are concerned with performing statehood through peaceful and legal measures, namely through the international rule of law.

Agreements on normalisation and statehood try to prevent, manage, and resolve self-determination conflicts, which remain among the most sensitive and intractable conflicts in world politics. These agreements try to regulate a specific type of conflict, often between the central government and a specific ethnic or territorial group that seeks greater autonomy or independent statehood (Visoka, Doyle and Newman 2020). While there is a broad range of variants and sub-variants, agreements on normalisation and statehood can be categorised into

two broad groups. The first category of agreements concerns various settlements aimed at preventing, facilitating, or recognising state creation. This category of agreements concerns the wavering of internal and external sovereignty for peace, stability, and ending violent conflicts. For the central government or former base state, these agreements bring peace and close the cycle of internal instability and conflict, thus overcoming blockages for prosperity. For the fledgling state, agreements on normalisation and statehood can open the path for consensual secession and thus provide a secured pathway to collective recognition and admission to the UN, which is an important determinant of successful statehood. For the wider international community, these agreements are important as they preserve the existing international order and norms of sovereignty, where orderly secession is considered the only acceptable pathway to territorial changes in world politics. The second category of agreements concerns recognising other states as equals and pursuing normal diplomatic relations based on international principles and norms. Such agreements benefit international peace, and the rules-based international order centred on state sovereignty and territorial integrity. They are the crucial category of agreements determining inter-state peace and the global order. These agreements promote normative sameness and universal sovereignty as both an entitlement and obligation for each recognised state in international law.

However, agreements on normalisation and statehood are not uniform and vary from one case to another. Since these agreements touch upon the most sensitive features of world politics, namely questions of sovereignty and statehood, they are filled with political and legal controversies and prone to failure and counter-effects. The use of vague language and constructive ambiguity, while sometimes necessary to reach an agreement, can lead to conflicting interpretations and hinder long-term conflict resolution. Furthermore, the involvement of various state and non-state actors, along with the differing legal standings of these entities, complicates the binding nature and enforcement of such agreements. Ultimately, while normalisation and statehood agreements aim to bring peace and stability, their success depends on many factors, and they often face significant obstacles that can undermine their effectiveness and sustainability. They often lay the foundations for second-order conflicts and disagreements and thus can end up as conflict-inducing agreements. Agreements on normalisation and statehood serve as legal acts which create legal facts and thus produce wide political and legal effects. As such, agreements on normalisation and statehood are deeply politicised processes and documents with far-reaching human, legal, and global consequences. Primarily because alternating borders and creating new states are not natural processes; instead, they are complex political developments often requiring violent conflict and the use of force to advance or prevent the struggles for self-determination.

This chapter provides an overview of the politics and legal characteristics of agreements on normalisation and statehood. In the first section, the chapter examines agreements related to normalisation and statehood, encompassing various diplomatic and political arrangements to manage and modify sovereign statehood. These include agreements that prevent, facilitate, or recognise secession, thereby addressing the re-arrangement of state boundaries and creating new states. Additionally, this section examines agreements focused on upholding and restoring sovereign statehood, which involve establishing or re-establishing diplomatic relations and recognising independent statehood. In the second section, the chapter examines the political and legal controversies surrounding the agreements on normalisation and statehood. In the final

section, the chapter looks at the involvement of third parties in mediating and enforcing agreements on normalisation and statehood.

VARIETIES OF NORMALISATION AND STATEHOOD AGREEMENTS

Self-determination conflicts are incredibly complex and multifaceted. The resolution of such conflicts is often complicated by the many actors involved, their competing interests, and their differing interpretations of the situation. As such, these conflicts usually remain stalemated, with no clear winners and losers and no clear path to a sustainable solution. Self-determination disputes are varied and encompass a range of different types and claims. For instance, indigenous groups in states dominated by settler communities or other ethnic groups may demand greater recognition of their equality as constituent groups of the states or access to land and retention of traditional order (Cayul 2022: 2). In other instances, minority, religious, or other distinct groups within a federal or unitary state may seek functional or territorial autonomy or power-sharing. There are instances that due to historical unilateral change of borders or violent state creation, certain ethnic groups have been denied external self-determination and have attempted to or succeeded in creating a new independent state. There are also instances when an existing independent state seeks unification with another state for historical or geopolitical reasons.

Normalisation and statehood agreements encompass various forms of treaties and accords designed to manage and recognise changes in sovereign statehood. As Knop (2015: 95) maintains, "although there is no generally accepted legal definition of statehood, the best-known formulation is found in the 1933 Montevideo Convention on Rights and Duties of States: defined territory, permanent population, government and capacity to enter into relations with other states." However, regardless of whether an aspirant state fulfils the Montevideo criteria, its creation and self-determination outside the decolonisation process or without the consent of the host state remains problematic (Summers 2013). This is partly a function of hierarchical privilege given to territorial integrity and state sovereignty over self-determination and free association of people (Weller 2009). Since there are no fixed norms and rules on self-determination in world politics, the meaning of normalisation and international response in self-determination conflicts is closely linked to the phase of the conflict and the relative strength of the central government and the self-determination group. In instances and conflict phases when the central government is in charge and demonstrates strengths, authority, and ability to control secessionist groups, peace and normalisation are associated with retaining or restoring stability and suppressing self-determination claims through political and military means. However, the meaning of normalisation tends to change or shift almost entirely when the self-determination group demonstrates the strength and ability to achieve their political goals and consolidate their distinct state identity, territory, and foreign relations. Under these conditions peace is associated with normalisation of relations between both parties as well as associated with the consolidation and stabilisation of the fledgling state. Those who were once labelled as peace spoilers are treated as statesmen. It is the effective authority over a territory and population which determines the meaning of peace and the prospects for realisation of the right to self-determination.

The normalisation discourse has been part of several peace agreements in the past two decades. Interestingly, normalisation is used for those protracted and latent conflicts to resolve questions of self-government, sovereignty, territoriality, and political rights. The 'Good Friday Agreement' has several provisions on 'security normalisation', which were related to the demilitarisation of Northern Ireland and the reduction of British troops (see Connolly and Doyle 2015). The 'Framework Agreement on the Bangsamor**o**' considers that "…normalization is vital to the peace process. It is through normalization that communities can return to conditions where they can achieve their desired quality of life, which includes the pursuit of sustainable livelihood and political participation within a peaceful deliberative society" (Framework Agreement on the Bangsamoro 2012: 11). The same agreement holds that "[t]he aim of normalisation is to ensure human security in the Bangsamoro. Normalisation helps build a society that is committed to basic human rights, where individuals are free from fear of violence or crime and where long-held transitions and values continue to be honored" (Framework Agreement on the Bangsamoro 2012: 11). Similarly, the 'Agreement for the Normalisation and Pacification of the Basque Country' signed in 1998 considered the end of violence and self-government as 'necessary condition for achieving definitive normalisation and pacification'. In 2013, under the auspices of EU facilitation, Kosovo and Serbia initialled 'The First Agreement of Principles Governing the Normalisation of Relations,' which has regulated the withdrawal of Serbia's interference in Kosovo and withdrawal of impediments to Kosovo's regional and European integration in exchange of broad autonomy for the local Serb community and resolution of outstanding bilateral issues (Visoka 2017). Thus, the discourse on normalisation has emerged as an important lens to explain diplomatic relations between states and a broad range of interventions consisting of peace-making, peacekeeping, stabilisation missions, peacebuilding, resilience-building, and post-intervention control systems.

While there is more than one way to conceptualise agreements on normalisation and statehood, in this chapter, these agreements will be categorised into two groups based on their substance and purpose. The first category concerns intra-state re-arrangement of sovereignty and statehood, which is linked with the prospects of preventing or enabling secession. Thus, they can be categorised into two sub-groups: 1) preventing secession and 2) facilitating and recognising secession. The second category concerns inter-state re-instating sovereignty and statehood, which is linked with restoring diplomatic relations and upholding sovereign equality under international law. Thus, they can be categorised into two sub-groups: 1) establishing and restoring diplomatic relations and 2) recognising independent statehood. In short, agreements on normalisation and statehood are hybrid and play a crucial role in constructing the law of statehood. They tend to temporarily reconcile opposing principles at the core of the international order, namely self-determination and territorial integrity (d'Aspremont 2022: 37).

Agreements for Re-arranging Statehood

Agreements for re-arranging sovereign statehood represent a major sub-category of peace agreements which aim to prevent, manage, and resolve civil wars and self-determination conflicts. Agreements for rearranging sovereign statehood aim to expand and pluralise the forms of self-determination. Christine Bell (2008: 224) refers to these arrangements as the law

of hybrid self-determination, which entails "providing a legal basis for representative democracy, participative democracy, and innovative institutional and cross border arrangements aimed at protecting minority groups". In particular, they play a significant role in preventing, facilitating, and recognising secession.

a) Preventing secession agreements. Self-determination conflicts usually start through conventional politics, namely seeking internal or external self-determination through political institutions, public advocacy, civil society and interest groups, and democratic and. electoral processes. Claims for self-determination arise when the central authorities reject the accommodation of the rights and demands of minority groups, in other words, when the claims for self-determination through conventional political channels are ignored, rejected, or suppressed through peaceful or coercive methods. The restricted interpretation of the right to self-determination and privileging of sovereignty and territorial integrity has allowed governments to consider self-determination movements unconstitutional and treat their leaders as criminals or terrorists under domestic jurisdiction who have left them unprotected under international law (Weller 2021: 406). For example, Nigeria has used force to suppress Biafra's struggle for self-determination, Congo has launched a military campaign against Katanga, the Russian Federation has brutally suppressed the Chechnya movement for independence, and Sri Lankan violent crackdown on Tamil Tigers, Cameron against the English-speaking region, and Myanmar against Rohingya people. While a significant number of self-determination disputes remain as political conflicts, a number of them tend to escalate into militancy, violence, and armed conflict with either low-level or high-level hostilities, such as mass protests, boycotts, local rebellions, and organised armed resistance.

Peace-making in self-determination conflicts most often involves preserving territorial integrity and the existing state borders but rearranging the constitutional order to accommodate secessionist groups or entities. In other words, permitting various degrees of internal, identity-based, or geographical self-determination short of creating a new independent state. Efforts for preventing secession are also supported by international legal opinions, such as the Opinion 2 of the Arbitration Commission on Yugoslavia, which stipulated that "the right to self-determination must not involve changes to existing frontiers at the time of independence (*uti possidetis juris*) except where the States concerned agree otherwise". There is a broad range of efforts for resolving conflicts by applying the principle of internal self-determination through territorial or functional autonomy as a method to avoid secession. The goal is to enable self-determination without undermining territorial integrity. There is a predisposition to find solutions, which involve devolution of power and rearranging internal boundaries to respond to the cleavages as long as the internationally recognised borders of the central government remain intact. As Marc Weller (2021: 400), shows "this may involve enhanced local governance, autonomy or even full symmetrical or asymmetrical federalisation in exchange for relinquishing claims to secession". Such power-sharing arrangements can be permanent or temporal, pending the resolution or determination of a self-determination dispute. In the context of secessionist disputes, Eiki Berg and Raul Toomla (2009) consider territorial autonomy and power-sharing as a compromise solution for the normalisation of the relations of de facto states with the host state and the rest of the world when failing to receive international recognition. In this context, normalisation is seen as dispute resolution not by returning to the previous normalcy but by gaining a new mode of normalisation, which does

not entail separate statehood. Yet, such arrangements often end up "accommodating, and sometimes even appeasing, aggressor regimes" (Williams 2021: 126).

Agreements for preventing secession often fall into the category of framework agreements, which lay out the broad agenda and principles for the cessation of hostilities and the decentralisation of the government. They also address the issue of ethnic representation and the use of ethnic language and symbols in the public sector. Agreements to prevent secession emphasise normalising relations between the central government and the secessionist group or region. For example, in 1998, the Spanish Government signed an agreement with the representatives and political parties of the Autonomous Community of the Basque Country on the normalisation and pacification of the Basque Country. The goal of this agreement was to condemn terrorism as a method of politics and secession and to prevent the territory's independence by upholding self-government as prescribed by the Statue of Gernika of 1979. They also tend to change the constitutional composition and character of the state to accommodate ethnic diversity and power-sharing demands. But they tend to preserve the territorial integrity of the state and thus prevent secession. The 2001 Ohrid Agreement affirms Macedonia's sovereignty, territorial integrity, and unitary state, rejecting territorial solutions to ethnic issues.

b) Facilitating and recognising secession agreements. Often, agreements for preventing secession through territorial and functional autonomy produce durable peace, such as in the case of the Aceh region of Indonesia or Bangsamoro in the Philippines. They are often a by-product of an enabling environment where parties in conflict see the benefits of a settlement and the undesired costs of prolonged conflict (see Sticher and Vuković 2021). However, conflict escalation arises when self-determination groups are dissatisfied with internal forms of self-determination – such as federalism, local government, confederacy, and self-government – and demand external self-determination and state creation. As Bell (2008: 106) notes, "the symbolic redefinition of the state does not remain symbolic. The very articulation of state redefinition has a performative power. In articulating a new relationship between people and state, the nature of the state is changed." Agreements for facilitating and recognising secession are transitory in nature and aim to normalise the relations between groups in conflict while creating the conditions for democratic self-determination and potentially for an orderly and peaceful secession.

Secession is defined as the "process by which a particular group seeks to separate itself from the State to which it belongs, and to create a new State" (Crawford 1998: 85). Such a process is encouraged to take place "through constitutional processes without external interference" (Crawford 1998: 113). In such instances, peace agreements envisaging the possibility of secession can take place as part of conflict prevention and de-escalation measures or in response to a civil war which has undermined internal and regional stability. However, most often, in non-democratic states, agreements for facilitating secession occur after previous failed efforts to prevent state creation or accommodate minority rights (see Griffiths 2021: 151). They also occur where the attempted unilateral secession and declaration of independence failed to gain international recognition. For example, in November 1975, Falintil unilaterally declared independence in East Timor, which did not receive any supportive response from the international community, but in return, it marked the full appropriation of the country by the Indonesian forces. Similarly, in 1991, Kosovo declared itself an independent and equal unit

within the former Yugoslavia, but apart from the kin state of Albania, it failed to receive international recognition (Crawford 1998: 110).

Agreements facilitating external self-determination or secession are an important category of transitional agreements, which seek to regulate and normalise the relations between parties in conflict for an interim period, which requires resorting to normalcy and preparing the conditions for determining the future status of the state. For example, a major feature of the 2005 Comprehensive Peace Agreement between Sudan and the Sudan People's Liberation Movement/Army (SPLM/A) is the right to self-determination for the people of South Sudan. The agreement lays out the conditions for the independence referendum, which are the implementation of the provisions of the interim period, namely to "refrain from any form of unilateral revocation or abrogation of the Peace Agreement" for a period of six years before an internationally monitored referendum takes place. Agreements facilitating secession fall within the category of consensual and constitutional secession, where the central government "waives its claim to territorial integrity" (Vidmar, Raible, and McGibbon 2022: 3). The Bougainville Peace Agreement of 2001 focused on granting this region autonomy, normalising the security situation, and promising an advisory and non-binding referendum. However, this category of agreements facilitating secession tends to be centred on fulfilling certain conditions before holding a binding or non-binding referendum. In the framework of UN Resolution 1244 (1999), Kosovo was also asked by the UN to meet a number of democratic governance standards before opening the talks for determining the territory's future political status (Visoka 2018).

These conditions notwithstanding, these peace agreements are highly in favour of the secessionist groups as it ensures that their quest for statehood will not face internal contestation and most importantly they will be granted collective recognition and fast-track admission to the UN. Self-rule referendums pose risks to a state by legitimizing the movement's cause through demonstrated local support, potentially increasing both internal and external backing, including from foreign governments (see Goers, Cunningham, and Balcells 2024). While circumstances leading to such an agreement for an independence referendum may be deemed as illegal, violent, and rooted in counter-peace, once there is an agreement for holding an independence referendum, then the entire pathway to statehood and recognition changes. State creation through the central government's consent is crucial for the viability and subsequent international recognition of the aspirant state. As Vidmar, Raible, and McGibbon (2022: 8) note, "it seems binding referendums are more of an exceptional feature used in an internationalised peace process rather than a standard in constitutional democracies." The likelihood of success is grim for independence referendums that take place without the central government's consent, as we have seen in the case of the Kurdish Region Government. Even in democracies, such as Spain or Canada, secession via referendums without the permission of the central government would not only be illegal and thus subject to domestic sanctioning, but the secessionist regions are unlikely to secure diplomatic recognition. As Crawford (1998: 116) notes, "even in cases where there is a strong and continued call for independence, it is a matter for the government of the State concerned to consider how to respond".

Depending on the outcomes of self-rule and independence referendums, there are instances that the separating entity proceeds with preparations for declaring independence and creating an independent state, or there can be a transitional period or imposition of additional obstacles for actualising the independent statehood. James Crawford (1998: 86) notes that

"[a]lthough usually declaratory in form, a unilateral declaration of independence is not a self-executing act. The independence of a State is established by the process of the extension of effective control over territory and its recognition by other States, especially the State on whose territory the secession is occurring". In instances where there is the dissolution of a federation or a state union, then the process of post-referendum or post-independence is governed by the laws of state succession (Zimmermann 2006). The experience of the violent dissolution of Yugoslavia has contributed to the development of the law of succession, which deals with the areas that the succeeding and continuing states need to regulate to pursue a normal relationship as new neighbours. In essence, succession treaties hold that both the continuing and separating states carry on the international treaty obligations separately but do not continue membership in international organizations. As Andrew Zimmermann (2006: 220) maintains, "a seceding State must apply for membership in those organisations, even if its respective predecessor State has been, or continues to be, a member". In 2003, Serbia and Montenegro agreed on principles allowing Montenegro to pursue independence via a referendum, regulated by a specific law. Following Montenegro's successful 2006 referendum, Serbia recognised its independence and retained membership in international organizations, while Montenegro had to reapply for admission.

Agreements on Normalising Relations and Mutual Recognition

The second group of agreements concerns legal treaties and arrangements for normalising and restoring diplomatic relations and exerting diplomatic recognition to other states.

a) Agreements for establishing or restoring diplomatic relations. One of the common inter-state conflicts involves intervention in internal affairs and breaching sovereignty and territorial integrity. Such conflicts can range from diplomatic disputes and ideological competition to violent confrontations and wars. Pretexts for such conflicts often include legacies of colonialism, territorial disputes, minority rights, and geopolitical and economic interests. At its core, war is associated with the end of normal intercourse between states and the persistence of abnormal relations, whereas normalisation is associated with the termination of hostile relations and restoration of diplomatic relations. Agreements for normalising and restoring diplomatic relations centred on mutual recognition and respect for state sovereignty and territorial integrity, as well as sovereign equality and non-intervention in internal affairs.

In support of these foundational principles, states are expected to cultivate peaceful and friendly relations and recognise one another's statehood. These principles are, in theory, applied equally to all sovereign states regardless of their size, military strength, or geographical location. As James Crawford and Martti Koskenniemi (2015: 8-9) note, "Statehood once achieved, international law regards each state as sovereign, in the sense that it is presumed to have full authority to act both internally and at the international level". So, interstate relations without formalised and established diplomatic relations tend to be "more complex and tortuous, and perhaps less efficient than it is when states are in diplomatic relations" (Berridge and Lloyd 2012: 116). In essence, having normal diplomatic relations entails "the situation enjoyed by two states that can communicate with each other unhampered by any formal obstacles" (Berridge and Lloyd 2012: 114). Normalisation agreements aim to restore and improve the bilateral relations between states. In other words, they aspire to "return to a pre-existing state

of relative stability" (Aulas 1983: 221) or build a new and forward-looking relationship, which is motivated by other countries' normalisation pathways. They are also stability-seeking in nature and seek to contain and, when possible, resolve inter-state conflicts. These agreements aim to uphold the norms and principles of the international system, such as mutual recognition between states, peaceful resolution of disputes, sovereignty and territorial sovereignty, and human rights. In other words, the systemic end goal of normalisation agreements is the conduct of normal relationships between states.

The first sub-category of these agreements concerns the normalisation of relations between states that may have been implicated in a violent conflict or diplomatic dispute. One of the most common yet unappreciated types of normalisation and statehood agreements concerns establishing or restoring diplomatic relations. The agreement on establishing diplomatic relations often occurs among the already recognised and UN member states, but also between the UN member states and newly established states with partial international recognition. Through the instrument of a Joint Communiqué, states pledge to cultivate friendly relations based on the principles of mutual respect for sovereignty, territorial integrity, non-aggression, non-interference in each other's internal affairs, and peaceful co-existence. They also pledge to establish diplomatic relations at the ambassadorial level and conduct relations based on international diplomatic customs and conventions. For example, in 1966, Indonesia and Malaysia signed an agreement to normalise the bilateral relationship centred on establishing diplomatic relations and exchanging diplomatic representation.

These agreements reiterate the UN principles of respect for national sovereignty, territorial integrity, non-use of force against each other, peaceful resolution of conflicts, and noninterference in the internal affairs of states. A cluster of agreements for restoring and upholding sovereign statehood focuses on border demarcation. These agreements can be stand-alone or part of a framework agreement for normalisation of relations. They seek to resolve territorial disputes by demarking state borders through bilateral commissions or adjudication by a third party or mechanism. In particular, upholding territorial integrity is seen as crucial for inter-state relations because it "underlines the territorial aspect of statehood and the importance of the physical integrity of borders" (Summers 2022: 43). Another key feature of agreements for normalising inter-state relations is the pledge among the contractual parties for avoiding intervention and interference in internal affairs, including avoiding aggression and other hostile and hybrid forms of warfare. In 2002, the Democratic Republic of the Congo and Uganda signed an agreement to withdraw Ugandan troops, normalise relations, and restore full diplomatic ties. The agreement emphasised respecting sovereignty and territorial integrity and resolving future disputes through dialogue and peaceful means.

As part of this first sub-group of agreements on statehood are also agreements for reestablishing or restoring diplomatic relations. Such agreements take place as part of the process of normalisation of relations following a violent or diplomatic dispute, which resulted in suspending or breaching of diplomatic relations. The re-establishment of diplomatic relations involves mutual recognition of incumbent governments and the conversion of discontinued diplomatic missions into fully functional embassies. The example of the re-establishment of diplomatic relations between the U.S. and Cuba in 2015 highlights the importance of such agreements for paving the way for overcoming differences and normalising relations, which are seen as "a long, complex process that will require continued interaction

and dialogue between our two governments, based on mutual respect" (U.S. Department of State 2015; see also Hershber and LeoGrande 2016). The agreement between Gulf countries and Qatar for restoring diplomatic relations emphasised that such a decision "stems from the mutual desire to develop bilateral relations and … in respect of the principles of the equality between states, national sovereignty and independence, territorial integrity, and good neighbourliness" (MFA of Qatar 2023). The restoring of full diplomatic ties between Israel and Türkiye in 2022 entailed upgrading "the level of the relations between the two countries to that of full diplomatic ties and to return ambassadors and consuls general from the two countries" (MFA of Israel 2022).

b) Agreements for recognising independent statehood. The second sub-category of agreements concerning the normalisation of relations between states is centred on mutual recognition as a precondition for peace and stability. There can be no normal relations without mutual and reciprocal recognition between states and societies (Ringmar 2014). Eileen Denza (2016: 19) notes that "the right to conduct diplomatic relations is now generally regarded as flowing from recognition as a sovereign State". Martha J. Peterson (1997: 1) considers recognition as "the acknowledgement of the existence of an entity or situation indicating that the full legal consequences of that existence will be respected". Agreements on mutual recognition often take the shape of joint communiqués on establishing diplomatic relations centred on mutual recognition, establishment of diplomatic relations, and respect of international statehood norms and rules (see Visoka, Doyle, and Newman 2020). Such agreements are seen as crucial to remove any doubt that the newly established states (with or without the consent of the base state) are recognised as independent and sovereign states. In this context, written and publicly available agreements on recognising independent statehood are significant documents that help the fledgling state constitute its independent standing on the international stage and strengthen sovereignty within the claimed territory and population. As James Crawford (2008: 206) maintains, "the political act of recognition on the part of States is a precondition of the existence of legal rights". In this regard, diplomatic recognition plays a central role in the "conventional conferral of state legitimacy and functioning of the inter-state system" (McConnell, Moreau and Dittmer, 2012: 804).

The agreements for recognising independent statehood can be divided into two sub-categories, namely those which concern mutual recognition between former adversaries and between estranged peoples and states without previous history of disputes or diplomatic relations. The 1978 Camp David Accords established peace between Israel and Egypt, focusing on normalising relations through full recognition, diplomatic and economic ties, and mutual legal protections. This normalisation was based on "exchanging peace and security for territory acquired during the war" (Aulas 1983: 221). In 2020, as part of the Abraham Accords, Israel and Bahrain signed a declaration to establish peace, cooperation, and full diplomatic relations, emphasising sovereignty, coexistence, and security. The agreement also committed to advancing a culture of peace and resolving the Israeli-Palestinian conflict. There is also a strand of agreements in which former members of a state union or federation proceed with mutual recognition as part of the state dissolution or dismemberment. For instance, the 1965 Separation Agreement recognized Singapore as an independent and sovereign state separate from Malaysia. Similarly, the 1996 Agreement between Yugoslavia and Croatia affirmed mutual

respect for sovereignty and territorial integrity while acknowledging Yugoslavia's state continuity, which consisted of Serbia and Montenegro.

Last, but not least important are agreements for granting dual recognition of state entities with contested territorial claims or switching recognition from one state to another. For example, a significant number of countries that recognised Kosovo's independence continue to recognise Serbia too, and vice versa, Serbia did not discontinue diplomatic relations with the over 100 states that have recognised Kosovo (see Visoka 2024). Another example is the U.S. recognition of People's Republic of China, which took place through a diplomatic process, where the first significant milestone was the 1972 Joint Communiqué of the United States of America and the People's Republic of China, commonly known as the Shanghai Communiqué, which both the United States and the People's Republic of China committed to pursuing a normalisation in relations. The 1979 Joint Communique noted that "The United States of America recognizes the Government of the People's Republic of China as the sole legal Government of China". It also submitted that "the Government of the United States of America acknowledges the Chinese position that there is but one China and Taiwan is part of China", and that "the United States of America will notify Taiwan that it is terminating diplomatic relations".

THE LEGAL AND POLITICAL CONTROVERSIES OF NORMALISATION AND STATEHOOD AGREEMENTS

First and foremost, reaching agreements on normalisation and statehood is a very hard and lengthy process. The intrastate and interstate normalisation process can involve numerous rounds of dialogue and micro-agreements (sector-specific conclusions and arrangements). In certain cases, it can result in agreements, whereas in other instances, it can drag on for decades and involve non-binding commitments and loose political commitments driven by internal fear and external pressure. The challenge of drafting peace agreements involves balancing immediate implementation needs with long-term goals by creating obligations that maintain ceasefires while allowing for future constitutional development (see Bell 2008: 174). However, it is sufficient to note that since these agreements touch upon sensitive matters, such as sovereignty, statehood, and a state's political system, they are prone to multiple international, regional, and domestic blockages, stalemates, and reversals (see Pogodda, Richmond, and Visoka 2023). Thus, often the success is measured not by the implementation and broader impact of such agreements but just by reaching such agreements. The success of agreements on normalisation and statehood depends on many factors and varies from one case to another. Thus, it is hard to prescribe a formula for what makes such agreements work or not.

Agreements on normalisation and statehood serve as frameworks for resolving broad political issues and often use brief, ambiguous language, allowing for contradictory interpretations during implementation. While these agreements typically share features with international treaties, they often take alternative forms, such as letters, peace plans, joint statements, or resolutions, raising questions about their enforceability and legal status (Bell 2008). Constructive ambiguity is commonly employed to bridge disagreements and establish foundational values, but leveraging it effectively for conflict transformation remains a

challenge. More precise agreements are generally more likely to ensure implementation and compliance. The vagueness of language leaves room for contradictory and conflictual interpretation and implementation of agreements, which can stagnate efforts for sustainable conflict resolution (see Visoka 2016). For example, the Dayton Peace Accords were shaped and designed in such a precise way to end the war without much consideration that the complex power-sharing process with strong international supervisory powers would later become a blockage to creating a functional system that is capable of Bosnia and Herzegovina joining the EU. In the Kosovo case, the creative ambiguity of UN Security Council Resolution 1244 (1999), which both withdrew and continued to recognise Serbia's sovereignty and territorial integrity over Kosovo, became a critical nodal point which has since undermined efforts for reaching an agreement on normalisation and statehood between Serbia and Kosovo (see Visoka 2018). In other instances, creative ambiguity and vagueness can be exploited by parties for counter-peace measures. For example, in Myanmar, the peace between the central government controlled by the military and the regional fractions has predominantly remained at the ceasefire level, which has proven unstable due to dissatisfaction with the implementation of such agreements and the resolution of socio-economic and ethnic issues at the local level (Ruzza 2019). Similarly, in Sri Lanka the national government used a ceasefire agreement with Tamil Tigers to launch a brutal attack and impose peace through military victory.

In other instances, agreements on normalisation and statehood risk ignoring important underlying factors and causes of conflict, which can lead to unintended effects. The 2005 Comprehensive Peace Agreement (CPA) managed to temporarily resolve the conflict between the Sudanese government and the Sudan People's Liberation Movement/Army (SPLM/A) and opened the path for creating South Sudan as an independent state through a referendum. Yet, such an arrangement and the peace-making efforts overlooked other conflicts, such as those in Darfur or central Sudan, as well as other political grievances (Srinivasan 2021). The 2005 CPA overlooked local ethnic and political dynamics within South Sudan, which resurfaced after independence when a fierce competition for power and resources became prevalent. It proposed a constitutional arrangement which downplayed the ethnic diversity and competition for power and resources among the dominant groups in South Sudan. Within such a framework, statebuilding and peacebuilding activities were not adequately designed to fit the local context and the complex socio-political landscape in South Sudan (Martell 2018). The 2005 CPA further consolidated authoritarianism within Sudan, and the SPLM/A was set to dominate post-independence South Sudan.

Agreements on normalisation and statehood may involve state and non-state actors, such as political and military leaders of secessionist movements, armed opposition groups, or minority groups and indigenous peoples (Bell 2006: 380-383). The composition of actors with ambiguous international legal personality and powers can undermine the negotiation process, complicate the legally binding character of agreements, and impact the implementation and enforcement process. Especially in instances when the agreements on normalisation seek to prevent or delay secession, the dialogue process, as well as the concluded agreements, are posed by the questions of whether such engagement constitutes an implied recognition of the secessionist movement by the base state and how such a process is used for seeking recognition by third countries. According to the Vienna Convention on the Law of Treaties, a "treaty" means 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" (UN 1969). In particular, secession prevention agreements are double-edged as they are interpreted by the signatory parties differently. While the central government uses such agreements as anti-secession arrangements centred on the normalisation of relations that may involve expanded autonomy for secessionist groups, secessionist groups may perceive such agreements as part of the strategy for eventual state creation and processual recognition. Thus, as they try to build confidence and trust among parties, they risk sowing the seeds of long-term distrust and confrontation and entrenching abnormal relations. As Vidmar and Raible (2022: 20) note, "the creation and alteration of legal status in international law is an extra-legal decision with legal consequences."

An illustrative example is Serbia's refusal to accept or sign any internationally sponsored peace settlements with Kosovo in all three major peace-making initiatives (Rambouillet 1999, Vienna 2007, and Brussels 2013). In particular, Serbia has refused to sign and ratify the 2013 First Agreement of Principles Governing the Normalization of Relations and the 2023 Agreement on the Path to Normalisation between Kosovo and Serbia. Both agreements, in essence, are about the acceptance and consolidation of Kosovo's sovereignty in exchange for functional and territorial autonomy for local Serbs. Since Serbia doesn't recognise Kosovo, it has tried to interpret the 2013 Agreement as an internal agreement signed by one state party and another subject, in this case, Kosovo, over which Serbia continues to have territorial and constitutional claims (see Visoka and Doyle 2016). On the other hand, Kosovo has ratified the 2013 agreement and considers it an international legally binding agreement. Serbia feared that signing and ratifying this agreement could imply being bound by an international agreement with another sovereign state it does not recognise. In relation to the 2023 agreement, Serbia went as far as to send a formal letter to the EU noting that this "document does not represent a legally binding treaty under international law", and that the 2023 agreement "is deemed acceptable solely within a context that does not pertain to the de facto and de jure recognition of Kosovo" (Government of Serbia 2023).

Kosovo has viewed the agreements with Serbia as de facto recognition of its independence, though signing bilateral treaties does not inherently imply mutual recognition. Mutual non-recognition also does not negate the legal validity of treaties, and diplomatic or consular relations are not prerequisites for their conclusion. The absence of Serbian National Assembly ratification of the 2013 Agreement does not diminish its status as an international agreement. According to international law, the agreement retains full legal effect because it was initialled by Serbia's Prime Minister, who holds the authority to conclude such treaties under the Vienna Convention on the Law of Treaties. This case highlights the complexity and contentious nature of normalisation and statehood agreements. They often embody legal ambiguities and differing interpretations, making their implementation challenging.

While in normal circumstances, the establishment of diplomatic relations and normalization of inter-state relations should be a welcome development in world politics, such moves can reshuffle regional and global geopolitical interests. For example, the United States' normalisation of relations with the People's Republic of China (PRC) undermined the Soviet Union and impacted the security affairs in Southeast Asia during the Cold War (Fardella 2009). Fast forward, the PRC's establishment of diplomatic relations with several Latin American states resulted in the derecognition of Taiwan and the shifting of regional dynamics, which the

United States interpreted as hostile acts (see Visoka 2024). Division, confrontation, and strife between states serve the interests of global and regional powers that exploit abnormal relations among states to sustain their dominance. Russian Federation has for decades benefited from the hostile relationship between Azerbaijan and Armenia, which has offered it the upper hand in terms of serving as an arms and energy supplier, regional peacemaker, safeguarding geopolitics interests by stationing its armed troops disguised as peacekeepers, and preventing alliance-shifts. The normalisation of relations between Pakistan and India and between China and India was perceived and seen as directed against the Russian Federation (Singh 1983). As Singh (1983: 21) notes, "China's normalization diplomacy towards the Soviet Union is primarily aimed at seeking concessions from Washington on the issue of arms sales to Taiwan and related matters. Similarly, its normalization diplomacy with India aims at obtaining concessions from Moscow on Kampuchea, Afghanistan and reduced Soviet forces on its borders". Recently, the normalization of Israel's relationship with Saudi Arabia and other Arab countries as part of the Abrahamic Accords is intended to counter Iran's regional ambitions. The Hamas attack on Israel in October 2023 is seen as an escalatory measure to reverse Israel's normalisation of relations with Arab countries at the expense of ignoring Palestine's quest for liberation and sovereign statehood.

INTERNATIONAL MEDIATION AND ENFORCEMENT OF NORMALISATION AND STATEHOOD AGREEMENTS

Most self-determination conflicts aren't permanently settled. They either remain in a phase of low-intensity political and military hostilities or in a post-violence phase of ceasefire or interim agreements, which involves a combination of power-sharing, regional autonomy, or other transitional arrangements involving international organisations. Resolving normalisation and statehood conflicts requires the involvement of multiple formal and informal mediators, which can improve but also hinder the prospects for effective conflict resolution (see Vuković 2016: 3-4). What determines the success of normalisation and statehood agreements is hard to generalise, but in essence, it involves the consent of the central government, internal cohesion within the self-determination-seeking entity, and constructive involvement from regional and global powers, including international organisations like the UN.

International organisations aim to promote peace and avoid conflict, but the framework for resolving self-determination disputes is often ambiguous and can prolong conflicts. The UN, in particular, tends to avoid solutions that disrupt existing state structures, prioritising state sovereignty and territorial integrity. This reluctance to consider secession a viable option stems from concerns about undermining the international order. International peace-making efforts can serve a double function in self-determination conflicts. On the one hand, by trying to prevent and settle the conflict through peaceful dialogue or an arrangement for power-sharing or autonomy, they can limit the changes for external self-determination and thus cut short aspirations for secession and state creation. On the other hand, international peace-making can help internationalise the conflict and set up transitory arrangements, which can form the basis for special status, statebuilding and enhance the chances for international recognition. As a result of this dilemma, the UN peace architecture is predisposed to avoid disruption of existing

state structures and borders as much as possible (Schneckener 2008: 467). In other words, peace-making by nature operates within the contours of state sovereignty and territorial integrity, and all the solutions should come within such realm. As Paul Williams (2021: 126), shows, international mediators "are reluctant to consider a path for external self-determination as they fear that allowing too many instances of self-determination would facilitate secessionist movements in their own states, or undermine the Westphalian international order". This emanates from a profound incompatibility between self-determination claims and peace-making efforts. Consequently, most UN-led international interventions and conflict mediation measures do not consider secession as a part of the peace-making toolkit as they are beholden to maintain rather than reform the system as far as possible. Stabilising the status-quo is generally seen as a more sustainable measure as opposed to re-negotiating the status quo with the host state or providing full diplomatic recognition.

Agreements on normalisation and statehood are predominantly mediated and enforced by third parties through a diplomatic intervention and peace-making process. As Bell (2008: 173) notes, "[i]n their ideal form peace agreements attempt to incorporate internationalized treaty-like commitments with a high degree of third party enforcement at the start-stage, while enabling a transition to domestic constitutional commitments, implemented through normalized politics and normalized public law processes." However, the role of third-party mediators, such as the UN, in self-determination conflicts is limited by the lack of clear and principled stance on the right of peoples to self-determination and the restrictive character of self-determination doctrine. The UN and other international actors are constrained to mediate self-determination conflicts due to the geopolitical divisions and ideological tensions, power politics, vested interests of international actors and host states, as well as weak mediation and negotiation capacities. Even when the UN succeeds in establishing a framework for mediation, it often favours the status quo or postpones the resolution of self-determination disputes. In some instances, as in the case of Kosovo, the UN's involvement has been used by the great powers to impose their own solution to the self-determination disputes. In other cases, such as the Nagorno-Karabakh conflict, international powers have failed to get any of their proposals accepted by one or more of the disputing parties, and thus the conflict has been left to military victory.

However, whenever the UN has been able to play a role in mediating self-determination conflicts, the political will and support of the great powers, especially the UN Security Council's permanent members and the host government, has been essential for the UN to succeed in its peace-making efforts. The international peace architecture is suited to mediate those self-determination disputes where there is a plan for transitional arrangements or a referendum for self-determination. The UN can be supportive and productive in promoting and facilitating the democratic self-determination process in cases where the central government does not object. The backing, support, and preferably consensus among the UN Security Council permanent members is crucial for making normalisation and statehood agreements work. Without such support from these influential states, there is a risk that even if the independence referendum results are in favour of secession, they may not result in state creation and normalisation of relations, as the case of Bougainville illustrates (see Peake 2022). In instances where there is no contestation among great powers and the central government, for various reasons, doesn't object to the self-determination process, then the role of the UN can

be rather supportive and productive in promoting and facilitating the democratic self-determination process (Coggins 2011). Such has been the role of the UN in facilitating the transition to independent statehood in Namibia, Timor-Leste (Martin 2001), South Sudan, and most recently in Bougainville.

In self-determination cases caught between autonomy and full independence, such as in Kosovo, the UN often ends up postponing the resolution of such conflicts. The UN Security Council Resolution 1244 (1999) mandated the UN Interim Administration Mission (UNMIK) to facilitate a political process designed to determine Kosovo's future status, but it retained a vague commitment to the territorial integrity of the Federal Republic of Yugoslavia (FRY), which influenced the post-war statebuilding and peacebuilding process (Weller 2009). In other instances, such as the UN Mission for the Referendum in Western Sahara (MINURSO), the UN involvement has had a reserve effect. MINURSO is often criticised for sustaining the status quo and supporting Moroccan occupation by delaying the decades-long quest for settling the future of the territory while still creating the impression that necessary efforts are in place for conflict resolution (Darbouche and Zoubir 2008). Under the pressure of the UN Security Council (mainly France and the U.S.), it has ended up legitimising a Moroccan occupation which was once deemed illegal under intranational law on the grounds that only a just, lasting and mutually acceptable political solution would provide for the self-determination of the people of Western Sahara.

CONCLUSION

Agreements on normalisation and statehood are pivotal in addressing the intricate and often intractable conflicts surrounding self-determination and border changes. These agreements aim to manage and resolve disputes between central governments and groups seeking greater autonomy or independence, navigating a complex landscape where changes to territorial integrity and state structures are at stake. The multifaceted nature of these agreements reflects the delicate balance required to address sovereignty, statehood, and international recognition, often amid significant political and legal controversies. While they play a crucial role in advancing peace and stability, their effectiveness is influenced by various factors, including the clarity of their terms, the political will of the involved parties, and the broader international context. As these agreements seek to reconcile conflicting interests and reconfigure state structures, they underscore the profound and often contentious nature of statehood and territorial changes. Ultimately, while agreements on normalisation and statehood are essential in shaping the international order and fostering peace, their success is contingent upon careful negotiation, robust implementation, and the ability to effectively address emerging disputes and auxiliary challenges.

As noted in this chapter, self-determination conflicts are deeply intricate and influenced by many actors, interests, and interpretations, often leading to prolonged stalemates without clear resolutions. The evolving nature of normalisation and statehood agreements demonstrates the "no one-size-fits-all" approach to resolving these disputes. Each variant of agreements corresponds to the lifecycle of the struggle for political autonomy and independent statehood (Sambanis and Siroky 2023: 149). Whether aimed at preventing or facilitating secession or

restoring diplomatic relations between states, these agreements underscore the fluid and context-dependent nature of peace and statehood in the international arena. Ultimately, the effectiveness of these agreements hinges on the balance of power and the capacity of parties to assert authority and achieve their political objectives, shaping the prospects for long-term stability and the realisation of self-determination rights.

The first groups of agreements examined in this chapter, which focused on re-arranging sovereign statehood, are pivotal in managing and resolving self-determination conflicts by preventing or facilitating secession. These agreements seek to balance the aspirations of minority groups for self-determination with the principles of territorial integrity and sovereignty. While efforts to prevent secession often focus on internal self-determination through power-sharing and autonomy within the existing state, facilitating secession becomes necessary when such measures fail, or conflict's escalation demands a new state. However, the effectiveness of these agreements largely depends on the consent of the central government and the adherence to international legal standards, which play a critical role in the legitimacy and recognition of new states. Ultimately, these agreements reflect the complex interplay between maintaining state unity and accommodating the diverse needs of self-determination movements in a way that promotes peace and stability. The second group of agreements examined in this chapter, which focus on normalising and restoring diplomatic relations and granting diplomatic recognition, plays a crucial role in maintaining international peace and stability. These agreements are foundational for re-establishing formal interactions between states, especially after conflicts or disputes that disrupt normal relations. Whether through restoring diplomatic ties after conflicts or recognising new states, these agreements underscore the importance of dialogue and mutual respect in the international system, ultimately contributing to a more stable and orderly world.

However, as examined in this chapter, agreements on normalisation and statehood are fraught with legal and political complexities, often marked by negotiation, implementation, and interpretation challenges. These agreements, which aim to resolve deep-seated conflicts and establish diplomatic relations, frequently involve vague language and creative ambiguity to accommodate differing perspectives. This vagueness can lead to conflicting interpretations, hindering sustainable conflict resolution and sometimes exacerbating tensions. Additionally, the involvement of state and non-state actors with varying levels of legal recognition further complicates these processes. The geopolitical implications of such agreements can also reshape regional and global power dynamics, as seen in historical and contemporary examples. Ultimately, while these agreements are crucial for conflict resolution and international relations, their success is contingent on careful drafting, clear commitments, and the willingness of all parties to engage in genuine dialogue and cooperation. Such commitments are not self-enforced and often require continuous nurturing and involvement of third parties to maintain peace and normalcy.

The mediation and enforcement of normalisation and statehood agreements in self-determination conflicts are inherently complex and challenging (see Mac Ginty 2024). The international community, particularly organisations like the UN and the EU, plays a crucial role in these processes, but their effectiveness is often constrained by the need to uphold state sovereignty and territorial integrity. This focus on maintaining the status quo, rather than supporting potential secession or state creation, reflects a deep-seated tension between the

principles of self-determination and the preservation of the international order. As a result, international interventions frequently prioritise stability over transformative change, leading to prolonged or unresolved conflicts. The success of any mediation effort is heavily reliant on the political will and consensus of powerful international actors, especially the UN Security Council's permanent members. While the UN has occasionally facilitated successful transitions to independence, as seen in cases like Namibia and Timor-Leste, its approach often leaves conflicts like Kosovo in limbo.

Despite their case-specific nuances and dynamics, agreements on normalisation and statehood are fundamentally about preserving the existing state-centric system by either accommodating grievances within the existing state, permitting the creation of new states that resemble the existing states, or normalising the relations among existing recognised states around the same norms and principles. In other words, agreements on normalisation and statehood seek to discipline and promote a universal model of statehood. Such a model is predicated on hybrid and conciliatory models that permit innovations within the existing state-centric world order. Moving forward, a more flexible and principled approach that balances the aspirations for self-determination with the need for international stability may be necessary to resolve these enduring conflicts more effectively, but it is still predicated on temporary conflict reduction rather than permanent conflict eradication.

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