

## INDEPENDENT STATES: A PERSPECTIVE FROM INTERNATIONAL RELATIONS

### *ESTADOS INDEPENDIENTES: UNA PERSPECTIVA DESDE RELACIONES INTERNACIONALES*

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#### RESUMEN<sup>2</sup>

El actor central en las relaciones internacionales es el Estado soberano independiente, según la naturaleza del sistema westfaliano; sin embargo, en la disciplina no se han desarrollado enfoques teóricos sobre el proceso de independencia. Se considera más un asunto del derecho internacional y de los intereses políticos de los actores estatales.

Por ello, se analiza en este trabajo, la cuestión de la independencia como un paso básico para que las entidades políticas accedan a la categoría de Estado, lo que sirve de fundamento para entender el papel del Estado independiente en el orden westfaliano. Al reconocer que hay cambios profundos en el sistema internacional, es necesario observar las variaciones en la concepción de independencia, sobre todo en relación con el principio de autodeterminación y el reconocimiento.

Esto tiene mayor relevancia a partir de la década de 1990, por los procesos de desintegración de algunos países, en particular, el caso de Kosovo; otra experiencia relevante es Taiwán. A lo anterior, se suma el debilitamiento del Estado, con la aparición de variantes que cuestionan la estatalidad y la existencia del actor estatal. Al final,

#### ABSTRACT

According to the nature of the Westphalian system, the independent state is the central actor in international relations. However, the discipline has not developed theoretical approaches regarding the independence process, which is considered more a concern of the international law and the political interests of state actors.

Then, in this article, the issue of independence is analyzed as a basic step for political entities to access statehood, becoming a basis for understanding the role of the independent state in the Westphalian order. It is necessary to observe the variations in the conception of independence, especially regarding self determination and recognition principle, acknowledging the existence of deep changes in the international system. This principle has had greater relevance since the 1990s due to the disintegration processes of some countries, particularly the case of Kosovo. Taiwan is also a relevant experience.

Another key point is the weakening process of the state, with the appearance of variants that question the status and existence of the state actor. At the end of this paper, a brief reference is made to the Latin and Central American

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se hace una breve referencia a la experiencia latinoamericana y centroamericana, que muestran particularidades desde el siglo XIX.

**Palabras clave:** autodeterminación; Estados; independencia; reconocimiento; responsabilidad de proteger; soberanía

experience, which shows particularities since the 19th century.

**Keywords:** states; independence; recognition; responsibility to protect; self-determination; sovereign

## Introduction

The Westphalian scheme is founded on sovereign states and, therefore, independent of any higher authority and free of subordination in the international system. However, in the discipline of International Relations (IR),<sup>3</sup> no theoretical perspective or approach can be conceived as a “theory of state independence”. For this reason, most IR textbooks do not mention the concept.<sup>4</sup>

This implies that the issue must be approached from the domestic and external points of view to refer to the independence process of communities aspiring to be recognized as full members of the system of states, identifying those elements that lead to the constitution of members and considering some norms of international law, but without entering strictly legal matters. Thus, the second purpose of this article is not a legal analysis of state independence, but rather an account of the conception of independence from the state perspective.

The above is mentioned because, in some cases, the question is paradoxical since it is needed to consider whether it is really an issue about independence or interdependence. This is because entities aspiring to be independent require others to achieve it. And although the key concept in Westphalian logic is sovereignty, it yields to the need for recognition and coexistence in a system of anarchy and membership in intergovernmental organizations, which force limitations on freedom of action and management. Sovereignty presupposes that the declaration of independence of a state generates the sovereign condition for this state that is, however, obliged, at the same time, to limit certain behaviors.

Another necessary consideration, especially on the occasion of the bicentennial of the Latin American states, particularly those of Central America, is the evolution of the notion of independence and how it is acquired. This is because

3 In this paper, I use what is customary in most cases, i.e., IR, to refer to International Relations –as a discipline– and i.r. in the case of international relations as a field of study and reality that constitutes the object of the discipline.

4 For example, in the book of concepts by T. Diez, I. Bode, and A. Da Costa (2011), no allusion is made to independence, nor in textbooks such as Baylis and Smith (2005), or Goldstein (2001), to cite just two of many. In the latter case, it is indicated that, in the international system, states will have complete independence and territorial integrity (Goldstein, 2001, p. 302).

there have been several stages in the incorporation of new members in the last two hundred years of the history of international relations.

The guiding question of the paper is posed in these terms: What is the fundamental point of independence, both from domestic and international perspectives, concretely manifested in the notion of *statehood*, which is related to *statebuilding*?

Despite the questions, it cannot be overlooked that the notion of state continues to be central to the i.r. of the 21<sup>st</sup> century. What is becoming increasingly difficult is to formulate a concept of the state that can be used to identify all state actors. And it should be noted that the thesis of the nation-state was added after the Treaties of Westphalia (1648).

The realist school adopted this notion as the essence of the international actor: a sovereign state constituted by an independent and autonomous nation. Yet, such a predominant conception has weaknesses because there are not many nation-states in the ethnic sense of the word tribe or *volk* in German (Loughlin, 2010, p. 200). What is relevant is that the state acquires a predominance in the international dynamics, allowing it to be considered “...the most fundamental unit of the international legal order, but it also sits at the apex of most of the paradoxes that distinguish, and thus frame, international law” (French, 2013, p. 1).<sup>5</sup>

Undoubtedly, this is related to statehood, considered, based on legal criteria, as an aspiration and, ultimately, with political and diplomatic considerations, which determine the recognition and acceptance of an entity as a state (see French, 2013, p. 3).

Therefore, when discussing this subject, some key concepts to consider are the following: Westphalian system, constitutive theory of statehood –based on the consideration of the state as a person, and declaratory theory of statehood (based on defined territory, permanent population, government, and capacity to establish relations with other state actors).

In an attempt to address the various aspects of the problem, the first section of this article will provide an approach to the phenomenon. The question of the state as a key actor in the Westphalian model will then be addressed. Subsequently, there is the question of the right to self-determination and recognition; this issue became more complex with the cases of Kosovo and Taiwan.

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5 All English direct quotations in this paper were taken from their respective sources referenced in the References section.

Then, in the fourth section, changes in the notion of independence are addressed, considering the doctrine of the responsibility to protect and the right to intervene. The extinction of states and loss of independence is discussed in the sixth section. Finally, the experience of Latin America and Central America is discussed in brief.

## Independence: An Approach

Independence processes have been closely linked, since the 19<sup>th</sup> century, to decolonization, which is presented as a revolt against the West. However, this is not a uniform phenomenon throughout the world, mainly because “anti-colonial nationalism” has specific manifestations in different communities.

In that sense, independence is related to the right to self-determination as an action contrary to the thesis of legal positivism and European paternalism in the case of peoples not prepared to govern themselves (Jackson, 2016, p. 20). This led to rethinking the balance of forces between the center and the periphery, which gave rise, according to Buzan and Lawson (2015, p. 204), to two ideas: i) colonial powers have obligations on the welfare of the population of the territories; and ii) growing nationalism understood as that if a people has the capacity for self-government, it has the right to govern itself.

In the processes of decolonization, both in the early nineteenth century and after World War II (WWII), the *statebuilding* and the transfer of negative sovereignty intervened (Jackson, 2016, p. 26).<sup>6</sup> And A. Basu (2012, p. 76) alludes to this as a situation of interdependence because, after the declaration, a relationship between the self and the other and a history of assimilation is established. Therefore, it is linked to education, culture, and tradition, as well as to domination.

This situation gave rise to patronage schemes or clientelist relationships between unequal actors, which is a characteristic of contemporary international politics; however, it is not new because, historically, superpowers have based their foreign policy on acquiring “client states” (Ricardo, 2021, p. 1).

The end of WWII ushered in a new wave of independence processes, this time as a result of decolonization in the face of the weakening of the colonial powers and a change in the rules of the international game but complemented by factors

<sup>6</sup> Understood as the result of a declaration of independence by a colonial territory that becomes committed to ties of military, economic, and cultural cooperation retained by the former metropole (Jackson, 2016, p. 28).

such as scientific, technological, economic, and military growth, together with material resources and power that intervene in statehood and its relations (Luns, 1964, p. 2). Independence is, therefore, understood as the step towards gaining sovereignty recognized by other states and becoming members of the international system. This does not mean, however, absolute freedom to engage in conduct contrary to international law.

In contrast, it implies a limited interaction in an anarchic order in which power relations predominate. Therefore, not every independent state has the same room for maneuver. The question is why, practically, every political community aspires to be independent –this element will be referred to in the following section.

## Independent State: The Key Player in the Westphalian Scheme

The Peace of Westphalia treaties (1648) marked the beginning of a new international order as “...a system in which states recognized each other precisely and only as states, beyond the [religious] faith of the various sovereigns” (Lingua, 2021).

These treaties made the state actor the key player in the international system, above any other agent occupying any position in the world scheme. Thus, from the seventeenth century onwards, the state was constituted as an omnipotent impersonal power, becoming an essential object of analysis in political thought. However, the modern theory of the state is a pending task to achieve an adequate characterization and conceptualization (Loughlin, 2010, p. 183). From IR’s perspective, this is the actor par excellence; the states are recognized as equals, although significant differences exist between them.

So, when thinking about independence, the definition of what a state is becomes basic. It is, even, an issue that has been of concern since ancient times. Therefore, P. Brown (1915) quotes Cicero, who defined the state as “a body of men united together for the purpose of promoting their mutual safety and advantage by their combined strength” (p. 313); and theoretically complemented as “a politically organised community enters of right into the family of states” and “the right to be treated as a state is independent of recognition...” (Brown, 1915, p. 313). In this sense, it consists of “...a set of institutions whose functions are social control and authoritarian decision-making and implementation processes” and seeks autonomy from other states (Gruhn, 2015, p. 353).

The state emerges in the framework of modernity and is linked to the ideas of collective claims of modern life, so it is related to dilemmas; some examples are the natural or the conventional, the emotional or the rational, the intimacy or the social distance (the individualism or the collectivity), then “...the state expresses the intrinsically relational character of individual and collective” (Loughlin, 2010, p. 202).

Thus, it results from a European creation of the 15th and 16th centuries, which occurs with the development of capitalism, science, and modern philosophy (Gruhn, 2015, p. 353). But it emerges as a sovereign and, therefore, isolated entity, possessing impermeable borders that separate political spheres –hence, “ontologically real borders”– with resources to diplomacy and war, which implies a reaffirmation of nationality as a basic identity to have relations with other communities (Fierke, 2017, pp. 169-170). But at the same time, interacting in a system that became truly global in the 20th century, with increasing interdependence.

Indeed, there are also epistemological aspects. Certain factions consider the state to be a fact; others point out that it is a legal construction, but divisions also exist between subjectivists and objectivists. For the former, it is an intersubjective issue when defining the criteria of statehood and the thesis that it is a phenomenon established in international law (Aspremont, 2014, p. 204). Whereas, from the ontological perspective, the issue is the precondition of the entity to be recognized as a state, which generates the doctrine of the three elements of the Montevideo Convention.

Thus, the idea of an “eternal political community” linked to the independent nation-state is the basis of the diplomatic system in the last two centuries; therefore, a discursive construction was generated around a “civilized world” and an “ideology of progress” that led to the fiction of a “perfect political community,” which responded to the “national right to self-determination” based on an “ideational structure” (Cornago, 2017, p. 328). In short, a complex social construction that has evolved in different ways and generates diverse state structures.

Now, it is needed to consider whether a political community possesses the essentials to operate as a state; so, it is required to consider the following: willingness of reciprocity, internal organization, territory, community of interests, and state personality (Brown, 1915, p. 321).

This led to the Montevideo Convention of 1933, in which a state requires a permanent population, determined territory, government, and capacity to establish diplomatic relations with other states (Art. 1). Consequently, its political

existence does not depend on the recognition of others; thus before such an act "...[it] 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 determine the jurisdiction and competence of its courts" (Art. 3).

This makes recognition constitute acceptance of the other and is an unconditional and irrevocable act (Art. 6). From the perspective of this convention, the point is that while recognition is not required for being a state, it is only that act of others that allows it to be considered a member of the system.

But it is also about the statehood mentioned above, which entail four features: i) the capacity to externalize its power and be recognized as a sovereign unit; ii) the capacity to institutionalize its authority that guarantees a monopoly over the means of coercion; iii) the capacity to differentiate its control through a particular and legitimate institutional framework; iv) the capacity to internalize a collective identity using symbols that reinforce the feeling of belonging and social solidarity. This is how a national state is created (Oszlak, 1983, p. 532).

So, no right to independence exists per se, that is, not every political community can demand independence as an inherent right; it requires meeting specific requirements: i) existence; ii) reasons of mutual convenience and usefulness to establish relationships with others; and iii) capacity for independence and autonomous existence (Brown, 195, p. 325).

Therefore, for a state to exist and be recognized as such in the international system, it must address two dimensions. Firstly, an external one in which the entity is independent of other actors and political societies, being sovereign and autonomous, in order to be part of the international system through recognition. And secondly, an internal one that is characterized by a government, a political system, a society that recognizes itself as such, a delimited territory, and material resources to meet the needs of the population and defense.

Consequently, in the opinion of R. Griffiths (2016, p. 3), the least problematic route to independence is the consent of the state, eliminating the veto to the separation of a region, as happened in the past with decolonization (today, few cases of colonial or overseas territories remain). But there is also a path of dissolution, as the case of Yugoslavia was interpreted, and a fourth one conceived as a "reparative right of nations to independence" resulting from the atrocities committed in a state, as is insinuated to have occurred in the case of Kosovo.

As I have mentioned, the sovereignty of a Westphalian nature is the determining factor in the independence of the state, for it is a representation of the autonomy of the public sphere, "...a symbol of the absolute authority of that sphere" (Loughlin, 2010, p. 186). And it maintains a close relationship with anarchy because they are actors independent of external authorities since the "Westphalian sovereignty" is absolute and indivisible. However, patronage relationships exist, and this means that "...sovereign states with small capabilities decide, 'voluntarily,' to subordinate themselves to the authority of a Great Power in exchange of resources critical to their social reproduction." (Ricardo, 2021, p. 3).

For C. Reus-Smit (2011), sovereignty and, therefore, independence, is a right that rests on intersubjective norms that defend the state, so that "...The political independence of the world's sovereign states does not rest merely on their varied material capacities to defend their political autonomy and territorial integrity" (p. 211).

The international legal position of states must, therefore, be considered, as determined by international conventions such as those on diplomatic relations (1961), consular relations (1963), and relations between states and international organizations (1975). In this regard, the core issue is as follows: what is the capacity of the international actor that assumes specific competences in the international system, which it considers it possesses and which are recognized to it?

In this regard, there are *sui generis* cases such as the Holy See, which is recognized as a state in some international organizations and maintains diplomatic relations with a significant number of states.<sup>75</sup> It is a particular case because the objective of the Holy See's diplomacy is essentially religious, focusing on a true peacemaker and not "workers of wars or at least workers of misunderstanding" (Lingua, 2021).

It is evident that states, in the Westphalian conception, are complex and diverse entities. However, as mentioned, it seems that all political communities aspire to be so.

7 In the case of the Holy See, it is necessary to differentiate between the state, the geographical part or country, i.e., Vatican City, and the institution, that is, the Catholic Church. This has a long historical excursus. In this regard, G. Lingua (2021) notes that since its beginnings "...the Church and well before the birth of its temporal power, that is, of a territorial state, the Pope sent his representatives to maintain constant contact with the different ecclesiastical realities geographically distant from Rome. The aim was to maintain Christian unity under the spiritual sovereignty and primacy of the Holy See".

## Self-Determination and Recognition: Two Key Principles

From the perspective of international law, a state may have the power to exist but not the right to, for “[they] exist as separate, autonomous entities susceptible of rights and obligations.” Although they cannot survive isolated, they require constant contact and are mutually dependent; they are theoretically free and independent (Brown, 1915, pp. 321-322).

For this reason, a paradox between independence and dependence, which is characteristic of the Westphalian model, was mentioned earlier. In this regard, Brown (1915) considers that “...the conception of states absolutely independent of each other, living as it were in a fictitious state of nature, is in antagonism with the conception of a community of nations submitting voluntarily to a common code of international law” (p. 324).

Thus, during decolonization, self-determination changed into the right to be free from colonial rule; still, in practice, it turned into something much more complex, as it turned out to be the path to becoming an independent state (Cornago, 2017, p. 331). In addition to colonialism, there are cases of secessionism, with secession becoming one of the multiple faces of the right to self-determination, generating a contradiction between two principles of international law: i) the right to self-determination; ii) respect for the territorial integrity of states. This leads to external self-determination in the case of anti-colonial secessionist movements and internal self-determination as the right to democratic self-government within a state (Cornago, 2017, pp. 332-333).

Furthermore, the set of rules regulating the recognition process goes through existential crisis; how to combine legal and political aspects after the disintegration of Yugoslavia and the consequent creation of new states has generated problems (Ryngaert & Sobrie, 2011, p. 467). However, the primary question is whether recognition is an essential condition of statehood or the confirmation of a pre-existing situation. It is the debate between the constitutive and declaratory schools. For the first school, the state exists only when it is recognized; therefore, recognition is the *conditio sine qua non* and is based on the *jus gentium voluntarium* which states that a state can only exist by the consensus of the other states.

It is then questioned that “...how many recognizing states are needed before an entity ‘transform’ into a state and whether the decision to recognize would be

based on facts, norms, geopolitical considerations or a combination of factors” (Ryngaert & Sobrie, 2011, p. 469).

The second school, the declaratory one, considers that “...statehood is fully determined by a set of factual conditions, being a permanent population, a fixed territory, a government and the ability to enter into relations with other states.” So, when a state possesses those criteria, then it is *erga omnes*; thus, recognition is a formality that acknowledges a factual situation and is “... a retroactive act that traces back to the moment at which the factual criteria were fulfilled and the entity became a state” (Ryngaert & Sobrie, 2011, p. 470). This is the prevailing theory today.

C. Ryngaert and S. Sobrie (2011) point out that a third way argues that recognition is neither constitutive nor declaratory, but rather a matter of effectiveness, “...with recognition as a political act that strengthens the international effectiveness of an entity.” This is “...both constitutive –since it creates stately relations between the recognizing and the recognized state– and declaratory –since it does not, by itself, bestow statehood on the entity.” This does not resolve the gap between the two main schools (p. 471).

The issue of self-determination and recognition, which since the end of the Cold War (CW) began to be questioned, acquired a new dimension with the cases of Kosovo, South Ossetia, and Abkhazia. In the first case, there was a unilateral declaration of independence, which led the International Court of Justice to issue an advisory opinion in 2010, generating a complex scenario, since in paragraph 56 of the opinion it stated, “...it is entirely possible for a particular act –such as a unilateral declaration of independence– not to be in violation of international law without necessarily constituting the exercise of a right conferred by it” and added, para. 80, “...the scope of the principle of territorial integrity is confined to the sphere of relations between States”. And it concluded, par. 122, that “...the adoption of the declaration of independence of 17 February 2008 did not violate general international law, Security Council resolution 1244 (1999) or the Constitutional Framework”. Therefore, it restates that “...the adoption of the declaration of independence had not violated any applicable rule of international law”<sup>8</sup>.

The issue with unilateral declarations is that they lead to a conflict with the principle of territorial integrity, which seeks to protect the original state. In this matter, it is needed to consider what is established by the UN General Assembly

8 International Court of Justice, Kosovo Advisory Opinion of July 22, 2010. <https://www.icj-cij.org/en/case/141>

Resolution 2625/XXV of 1970 on the Declaration of Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, which will be referred to below.

The document recognizes the self-determination of peoples; it also states that the territory of a colony is considered distinct from the territory of the state that administers it. However, the same text says that none of the principles are intended to "...dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent states conducting themselves in compliance with the principle of equal rights and self-determination of peoples..."

Thus, [J. Summers \(2013, p. 229\)](#) considers that the right to self-determination is frustratingly ambiguous since the subject, "the people," is not clearly defined and can be used in contradictory ways to divide the state, protect sovereignty, or encourage intervention.

Thus, the Kosovo case raises challenges to the right to self-determination, such as: Which peoples have this right? How does law translate into sovereignty and a category of state? How is the category of sovereign state recognized? When is humanitarian intervention legitimate? ([Economides, 2013, p. 823](#)).

This should be contextualized within the framework of the systemic changes following the end of the CW, which generated a "transformational phase," with expressions such as the Persian Gulf War, the state collapse of Somalia, genocide in Rwanda, and the violent disintegration of Yugoslavia, in addition to 9/11, the interventions in Iraq and Afghanistan, and the conflicts in the Democratic Republic of Congo, Sierra Leone, Sudan, Georgia, Libya, and Syria ([Economides, 2013, pp. 823-824](#)). This increased the complexities and heterogeneity of the independent states.

## **Changes in the Notion of Independence in the 21<sup>st</sup> Century**

After the end of the CW and the breakdown of the international order in the second half of the 20th century, not only a new systemic architecture emerged but also profound changes were introduced in the Westphalian scheme. Thus, multiple factors, such as legal regimes, power relations, and competing legitimacies at the local, national, regional, and international levels, have shaped or inhibited independence processes ([Fierke, 2017, p. 168](#)). This brought to the table questions such as this one: What does independence mean in practice? This

has ontological connotations that have not yet been clarified. In this sense, the international system today is clearly post-Westphalian.

And in such a situation, sovereignty constitutes a problem for the notion of independence. There are contradictions between them. Westphalian sovereignty is typical of the sixteenth century, while the notion of independence is located from the mid-twentieth century and is linked to popular or national sovereignty.

Even in the 19th century, under the conception of the Declaration of Independence of the United States (USA), the idea of popular sovereignty is based on the capacity of society to define its form of government independent of external influence; and in the international sphere, it is understood as a system recognizing the autonomous existence of the sovereign state. Under such an international architecture, states maintain relations under the principle of non-interference in domestic affairs and treat each other as equals (see [Fierke, 2017, p. 171](#)).

Then, the complex issue already mentioned is generated because it is about sovereignty, independence, nationality, territory (which implies borders with other state units), and ethnic or national identity. Thinking about this in Westphalian terms does not make much sense in the 21<sup>st</sup> century since there are different criteria for *statebuilding* and relations between state units.

It is a mix between modernity and postmodernity, conceived in terms of worldviews such as Eurocentric and Synocentric, together with entangled and multivectorial histories, which takes place in a scenario of global transformations, which originate a new systemic architecture and the reconceptualization of international relations ([Murillo, 2018 and 2020](#)).

Added to this are new hegemonic projects, such as the Chinese (Confucian in nature), which go beyond basic Westphalian notions and complement the changes brought about by the revolution in information and communication technologies and the dynamics of cyberspace.

Today, several ontological premises are in operation. On the one hand, the world continues to be a system divided into territorial spaces defined by increasingly porous borders, characterized by interactions of conflict and cooperation between clearly differentiated agencies (state units), based on the mechanistic notion of balance of power. On the other hand, allusion is made to identity, based on worldviews and civilizational conceptions, such as those promoted by New Delhi and Beijing, which integrate identity, ethnic, and philosophical elements that break with the Westphalian tradition, incorporating notions such

as global governance (in the case of China, allusion is made to *Tianxia* and Confucian theses) (Fierke, 2017, pp. 174-175).<sup>9</sup>

Such dynamics have created a scenario in which Hobbesian chaos persists because there is no coherent world society with universally accepted political institutions; there is no global political identity. But all the communities aspire to enter this scenario, hoping that it will change to a less chaotic scheme like the Grotian one.

The above leads M. Riegl and B. Dobos (2018, pp. 443-444) to consider that the basic principle of the Westphalian order of state-non-state has been challenged; this order corresponds to the geopolitical nature and the quality of statehood. The principle has been challenged because of entities that have appeared falling halfway in that binary model and resulting in a “de facto state,” even with entities labeled as illegal, pathological, and clandestine, which do not attain the territorial control of states. This favors secessionist attempts, such as Eritrea, East Timor, and South Sudan, or more complex cases such as Palestine and Western Sahara, as well as entities with de facto recognition and independence such as Taiwan, Kosovo, and Abkhazia.

The separation of Yugoslavia introduced significant variations and the emergence of new rules, including those of the European Commission on the recognition of the new republics, in particular, with the Badinter Commission, which addressed legal aspects such as sovereignty, recognition, right to self-determination, and state succession (Ryngaert & Sobrie, 2011, p. 475).

Taiwan is a particular case, as it maintains diplomatic relations with some 14 states and even, as the Republic of China, held a permanent seat on the Security Council. In addition, it has consular and commercial offices in many countries, including the United States and most European countries. In this sense, it has a higher statehood status than many members of the United Nations.

Therefore, the role of superpowers and great powers cannot be overlooked. That is why it is not the same for a group of small countries to recognize a state entity as independent as it is for a superpower to do so. This is important when it is recognized that China and Russia (which adhered to the Westphalian scheme

<sup>9</sup> On the Chinese notion of “all under heaven” or *Tianxia*, Zhao (2009, p. 9) suggests that it is a scheme of autonomous sub-states that coexist in a global state but contribute to universal agreements and a scheme of global institutions that ensure the world order. Therefore, the world is conceived as a physical one (land), a psychological one (people’s feelings), and an institutional one (world institution). So as Chinese philosophy understands it, nothing can be defined if relationships are not considered because things depend on their linkages (Zhao, 2009, p. 9).

under the flag of the USSR) use other ways to intervene, questioning Western values and acting bilaterally and diplomatically with the support of coercive resources.

Today's world is universal, multicultural, and multiregional, although with a predominance of sovereign states, coexisting with others in decline. It is very different from that of the 17th century, which was confined to Europe and dominated by the vision of Christendom. In the opinion of [C. Reus-Smit \(2011, p. 208\)](#), five waves of globalization were necessary for such a change: the Westphalian model, the independence of Latin America, the Versailles Treaty (1919), decolonization after 1945, and the collapse of the Soviet bloc. To these could be added the acceleration of globalization brought about by the 9/11 attacks and those that followed in Europe.

In IR, these waves are explained differently by diverse theories (an aspect that will not be discussed in depth in this article); whereas, [Reus-Smith \(2011, p. 208\)](#), favors the importance of popular struggles for the recognition of individual rights as the mechanism for the expansion of the international system, on the understanding that the independent state will continue to be the dominant actor.

## Extinction of the States: Loss of Independence?

Concepts about the decadence of the state increasingly appear, which make us think of an entity in crisis and even obsolete, mainly because the foundations are in the idea of the traditional European nation-state when today there are several state structures ([King & Le Galès, 2012, p. 109](#)). Consequently, multiple dichotomies exist, such as those between strong, weak, and failed entities in their different versions, as the systemic dynamics influences in different ways the states that appeared in the last decades and those in the 19th century ([King & Le Galès, 2012, p. 110](#)).

As a result, today, there are independent states confronted with structural and systemic violence scenarios and dismantled state structures. Also, great variety can be found in the indicators of statehood, resulting in a heterogeneous and diffuse figure, as well as its analysis.

Likewise, there is less and less consensus on the essential factors of a state. However, there tends to be a predominance of the Weberian tradition around the monopoly of violence and the concentration of coercive resources because of the administrative capacity to lead and govern a society, establish norms,

guarantee exchanges, manage taxes, organize economic development, and protect the citizenry (King & Le Galès, 2012, p. 116).

However, the existence of fragile states creates a problem for the idea of “sovereign and equal states.” For example, the G7 and OECD (Organization for Economic Cooperation and Development) promote the *International Dialogue on Peacebuilding and Statebuilding*.<sup>10</sup> But this contradicts the idea of Westphalian sovereignty and that of autonomous and independent states.

In practice, weak states were favored with that scheme because they participated in international spaces despite the lack of governmental capacity and, during the CW, the role of superpowers supported them; but this changed after the end of that period (Pospisil, 2017, p. 1419). Underlying these issues is how the right of self-determination and recognition was understood in the bipolar world.

In 2001, the “Responsibility to Protect” report, a product of the work of the International Commission on Intervention and State Sovereignty, redefined some principles of sovereignty. That is why sovereignty ceased to be “... a protection against outside interference, but a ‘shared responsibility’ that had to be constantly proven by behaviour compliant with the expectations of the dominant global powers.” Then, “humanitarian interventionism and international state-building thus led to a reworking of traditional understandings of sovereignty.” Whereby “Sovereignty itself became ‘shared’” (Pospisil, 2017, p. 1420).

It is evident that, since the 1990s, sovereignty has lost the status of a fixed attribute of the category of state to become a continuous and dependent attribute on perceptions and practices (Pospisil, 2017, p. 1421). The question is how far from the process of decline of the state will go without losing the meaning of considering it as the predominant actor.

## Latin America and Central America: Some Recommendations

In the 19th century, the new republics in Latin America emerged from pre-established internal jurisdictions, which constituted possessions under the administration of a viceroy or captain general, generating a period of internal

<sup>10</sup> It is a forum on political dialogue to address countries affected by conflict and fragility, supported by different groups, and linked to The New Deal for Engagement in Fragile States initiative; its origins are in the Paris Declaration on Aid Effectiveness (2005), and it was established in 2008.

convulsions and complex external relations, especially with the Spanish Crown and the European colonial powers.

However, viceroalties and captaincies did not manage to become state units, but rather fragmented, at the same time as they moved from the notion of *ius gentium* to the concept of *ius inter gentes* (Cornago, 2017, p. 343). Thus, a provincial diplomacy conducive to new states emerged. According to Gutiérrez (cited in Cornago, 2017), “The primary objective of this provincial or constitutive diplomacy was to remedy the dissolution of their wider unity and to re-establish the social ties that had been crushed with the deposition of the viceroyalty authorities” (p. 343). This phenomenon was exclusive to the Spanish colonial territories.

Central America was no exception; so, several attempts were made to establish a federal scheme or even adhere to Mexican initiatives. However, in the mid-19<sup>th</sup> century, they considered the main threat to their sovereignty to be their neighbors, rather than the European powers and the USA. Even so, a threat did come from Washington with colonialist and economic projects to establish enclaves such as the Chiriqui area (Harris, 2020, p. 2).

Thus, the Central American Isthmus was torn between nationalism and regionalism, to which was added anti-colonialist agitation in the face of Lincoln’s initiatives and British policies (Harris, 2020, p. 7). Nevertheless, each country had different positions since Costa Rica showed the possibility of accepting slave immigrants freed in the U.S. to repopulate the country’s southeastern part –territory in dispute with New Grenada (Harris, 2020, p. 8).

However, this did not mean that it accepted a colony on the Isthmus like the other Central American countries (Harris, 2020, p. 11). In summary, in the mid-19<sup>th</sup> century, the main threats to the sovereignty of Central American countries were the United States and Great Britain; both sought a foothold in the Isthmus for geographic, political, and economic purposes (Harris, 2020, p. 22).

In this way, it could be said that Latin America and Central America constituted an experience of specific state formation and statehood. This has not been appropriately contextualized in the international system, partly because of the region’s conceptions of what it means to be an independent state.

This characteristic leads to the reference to a “second independence,” which overcomes the unfinished causes of the first (Pinedo, 2010, p. 173). The question is whether it makes sense to think in those terms on the bicentennial, or it is rather a problem of *statebuilding* and *statehood*, instead of independence.

## Final Considerations

Independent states, characterized by Westphalian sovereignty, are the centerpiece of the international system, the actors par excellence and conceived as actors not subordinated to a higher authority, and recognize themselves as equals. At the same time, internally, they have the autonomy to decide on their political system and organization. They have a boundary that clearly separates the domestic and external spheres.

Despite this relevance to i.r., the truth is that there is no theory or approach in IR that explains the process by which a political entity declares itself independent and assumes the category of state to become a member of the system through recognition. Instead, it is generally considered a matter of international law or of each government's own interests and actions.

During the 19<sup>th</sup> century and the first half of the 20<sup>th</sup> century, most new states resulted from the process of decolonization, although with differences between those of the first of these centuries, which corresponded –to a large extent– to territories under the dominion of the Spanish Crown, and those that became independent after the end of WWII. By contrast, during the CW, the colonial territories were joined by some cases of secession but always under the tutelage of one of the superpowers.

The situation changed radically with the end of the bipolar post-war world order, especially with the disintegration of Yugoslavia and the Soviet bloc in the 1990s. This introduced variants in constructs and practices and, at the same time, generated problems in the conception of self-determination and recognition. An additional factor is the unilateral declaration of independence. Kosovo has been the main case in this matter.

However, the conception of independence does not lead to standardized criteria and remains essentially a political issue. The case of Taiwan is an example; it has a solid *statebuilding* process and a high degree of *statehood* but, by pressure from China, it is prevented from being recognized as a full member of the international system, as it was in the past. Thus, Taiwan is a *de facto*, not *de jure*, international and state actor.

The adoption of doctrines, such as the responsibility to protect and the right to intervene, questions the independence of sovereign states. The same is happening with the weakening of *statehood* in an increasing number of states. This

leads to question the validity of a notion of independence typical of the Westphalian scheme.

What is clear is that the concept of the independent Westphalian state has lost its validity in the 21<sup>st</sup> century. However, non-state political entities maintain their aspirations to be independent and integrate into the concert of states, regardless of the solidity of their construction and statehood. Therefore, it is necessary to understand the dynamics of i.r. at the present situation, to understand what and how the process of independence operates in a context very different from that of the previous two centuries.

## References

- Aspremont, J. (2014). *The International law of statehood: craftsman for the elucidation and regulation of birth and death in the international society*. Amsterdam Law School Legal Studies Research Paper 2014-37. <https://hdl.handle.net/11245/1.445404>
- Basu, A. (2012). Postcolonialism: Independence or Interdependence? *The IUP Journal of English Studies*, 7(3): 74-80. <http://ebookcentral.proquest.com>
- Baylis, J., & Smith, S. (2005). *The Globalization of World Politics. An introduction to international relations* (3<sup>rd</sup> edition). Oxford University Press.
- Brown, P. (1915). The Theory of the Independence and Equality of States. *The American Journal of International Law*, 9(2): 305-335. <https://www.jstor.org/stable/2187161>
- Buzan, B. & Lawson, G. (2015). *The Global Transformation. History, Modernity and the Making of International Relations*. Cambridge University Press.
- Cornago, N. (2017). Beyond self-determination: norms contestation, constituent diplomacies and the co-production of sovereignty. *Global Constitutionalism*, 6(2): 327-358. <https://doi.org/10.1017/S2045381717000132>
- Diez, T., Bode, I., & Da Costa, A. (2011). *Key Concepts in International Relations*. Sage Publications. EBSCO Publishing AN: 372452.
- Economides, S. (2013). Kosovo, Self-Determination and the International Order. *Europe-Asia Studies*, 65(5): 823-836. <http://dx.doi.org/10.1080/09668136.2013.802130>
- Fierke, K. (2017). Introduction: Independence, global entanglement, and the co-production of sovereignty. *Global Constitutionalism*, 6(2): 167-183. <https://doi.org/10.1017/S2045381717000089>

- French, D. (2013). Introduction. In D. French (Ed.), *Statehood and Self-Determination: Reconciling Tradition and Modernity in International Law* (pp. 1-20). Cambridge: Cambridge University Press. <https://doi.org/10.1017/CBO9781139248952.003>
- Goldstein, J. (2001). *International Relations* (4<sup>th</sup> edition). Longman.
- Griffiths, R. (2016). The State of Secession in International Politics. *E-International Relations*. <https://www.e-ir.info/2016/09/23/the-state-of-secession-in-international-politics/>
- Gruhn, I. (2015). State Formation, Theory of. In N. Smelser & P. Baltes (Eds.), *International Encyclopedia of the Social & Behavioral Science* (2 ed), vol. 23. Cambridge University Press. <http://dx.doi.org/10.1016/B978-0-08-097086-8.93132-5>
- Harris, M. (2020). *Struggle for Sovereignty: An African-American Colonization Attempt and Delicate Independence in Mid-Nineteenth Century Central America*. Graduate Theses, Dissertations and Problem Report. West Virginia University. <https://researchrepository.wvu.edu/etd/7600>
- Jackson, R. (2016). Independence by Right. In T. Young (Ed.), *Readings in the International Relations of Africa* (pp. 19-32). Indiana University Press. <http://ebookcentral.proquest.com>
- King, D., & Le Galès, P. (2012). State. In E. Amenta, K. Nash & A. Scott (Eds.), *The Wiley-Blackwell Companion to Political Sociology*, pp 107-119. <https://doi.org/10.1002/9781444355093.ch10>
- Lingua, G. (2021, June 10). *The juridical personality of the Holy See and its activity in the international community*. Apostolska Nuncijatura U RH. Retrieved June 12, 2021, from <https://ika.hkm.hr/apostolska-nuncijatura-u-rh/presentation-of-the-apostolic-nuncio-in-croatia-msgr-lingua-to-the-diplomatic-club/>
- Loughlin, M. (2010). *Foundations of Public Law*. Oxford University Press. <http://ebookcentral.proquest.com/>
- Luns, J. (1964). Independence or Interdependence. *International Affairs*, 40(1): 1-10. <https://www.jstor.org/stable/2609693>
- Murillo, C. (2018). *Reconceptualización de Relaciones Internacionales en un mundo transformado*. Escuela de Relaciones Internacionales, Universidad Nacional, Costa Rica.
- Murillo, C. (2020). Un siglo de Relaciones Internacionales: la necesidad de una reconceptualización en el marco del siglo XXI. *Revista de Relaciones Internacionales de la UNAM*. Núm. 138, septiembre-diciembre.

- Oszlak, O. (1983). Reflexiones sobre la formación del Estado y la construcción de la sociedad argentina. *Desarrollo Económico Revista de Ciencias Sociales*, 21(84): 531-548. <https://doi.org/10.2307/3466613>
- Pinedo, J. (2010). El concepto Segunda Independencia en la historia de las ideas en América Latina: una mirada desde el bicentenario. *Atenea*, 502: 151-177. <http://dx.doi.org/10.4067/S0718-04622010000200009>
- Pospisil, J. (2017). 'Unsharing' sovereignty: G7+ and the politics of international statebuilding. *International Affairs*, 93(6): 1417-1434. <https://doi.org/10.1093/ia/iix188>
- Reus-Smit, C. (2011). Struggles for Individual Rights and the Expansion of the International System. *International Organization*, 65(2): 207-242. <https://www.jstor.org/stable/23016811>
- Ricardo, R. (2021). Interstate Patronage and the Westphalian Narrative of International Politics. *Academia Letters*, Article 366. <https://doi.org/10.20935/AL366>
- Riegl, M., & Dobos, B. (2018). Power and Recognition: How (Super)Powers Decide the International Recognition Process. *Politics & Policy*, 46(3): 442-471. <https://doi.org/10.1111/polp.12257>
- Ryngaert, C., & Sobrie, S. (2011). Recognition of States: International Law or Realpolitik? The Practice of Recognition in the Wake of Kosovo, South Osetia, and Abkhazia. *Leiden Journal of International Law*, 24(2): 467-490. <https://doi.org/10.1017/S0922156511000100>
- Summers, J. (2013). The internal and external aspects of self-determination reconsidered. In D. French (Ed.), *Statehood and Self-Determination: Reconciling Tradition and Modernity in International Law* (pp. 229-249). Cambridge: Cambridge University Press. <https://doi.org/10.1017/CBO9781139248952.014>
- Zhao, T. (2009). A Political World Philosophy in terms of All-under-heaven (Tianxia). *Diogenes*, 221: 5-18. <https://doi.org/10.1177/039219210910214>