

# An Inflection Point or Business as Usual? Secessionism as State Contestation in Ukraine

MARC SANJAUME-CALVET 

Universitat Pompeu Fabra, Spain

AND

LESLEY-ANN DANIELS 

University of Oslo, Norway

Institut Barcelona d'Estudis Internacionals, Spain

Does the Russian war in Ukraine presage a change in the rules of the game for secessionisms around the globe? In this article, we explore how the Russian war in Ukraine and the contested international order from which it emerges can affect state contestation and secessionist movements through changing opportunities in the international order. International recognition plays a crucial role in state creation. The Great Powers of a given historical moment have the capacity to raise sovereignty expectations since having “friends in high places” has been essential to obtaining statehood, alongside de facto control of the territory. However, the liberal international order in place since 1945 has given way to a more contested landscape that opens new opportunities for different recognition patterns, which change how secessionists evaluate their optimal strategy for state contestation. The effects have already been notable in conflicts such as Transnistria, South Ossetia, Abkhazia, Kosovo, and many other territorial disputes, even “frozen conflicts” over the globe, from Western Sahara to Taiwan. We explore how Russia has created and exploited secessionist claims in eastern Ukraine to justify military aims in the Russian war in Ukraine. Based on a detailed review of the evolution of these claims, we draw different scenarios on the potential effects of a changing world order on state contestation. Our research suggests that the theoretical understanding of secession and secessionists’ optimal strategies need to be reviewed, taking into account the changing contested international order.

La guerre de la Russie contre l'Ukraine annonce-t-elle un changement des règles du jeu en matière de sécessionnisme dans le monde ? Dans cet article, nous examinons les effets de la guerre russe en Ukraine et de l'ordre international contesté qui l'a fait naître sur la contestation étatique et les mouvements de sécession au vu de l'évolution des possibilités au sein de l'ordre international. La reconnaissance internationale joue un rôle essentiel dans la création d'un État. Les grandes puissances à un moment donné de l'histoire sont en mesure de rehausser les attentes de souveraineté, puisque le fait d'avoir « des amis haut placés » s'avère crucial pour l'obtention du statut d'État, ainsi que le contrôle territorial de facto. Néanmoins, l'ordre libéral international en place depuis 1945 a fait naître un paysage plus contesté, où apparaissent de nouvelles possibilités de schémas de reconnaissance différents. Par conséquent, les sécessionnistes évaluent différemment le caractère optimal d'une stratégie de contestation étatique. Les effets se sont déjà fait ressentir dans certains conflits—Transnistrie, Ossétie du Sud-Alanie, Abkhazie, Kosovo—and nombre d'autres conflits territoriaux, même dans les « conflits gelés » du monde entier, du Sahara occidental à Taïwan. Nous analysons la manière dont la Russie a créé et exploité les revendications sécessionnistes en Ukraine de l'Est pour justifier ses objectifs militaires dans la guerre contre ce pays. En nous fondant sur un examen détaillé de l'évolution de ces revendications, nous ébauchons différents scénarios concernant les effets potentiels d'un changement d'ordre mondial sur la contestation étatique. Notre travail de recherche suggère que la compréhension théorique de la sécession et des stratégies optimales de sécessionnistes doit être revue en prenant en compte les changements de l'ordre international contesté.

¿Supone la guerra rusa en Ucrania un presagio con relación a un cambio en las reglas del juego para los secesionismos en todo el mundo? En este artículo estudiamos cómo la guerra rusa en Ucrania, así como el controvertido orden internacional del que esta emerge, pueden afectar a la impugnación por parte del Estado y a los movimientos secesionistas mediante oportunidades cambiantes en el orden internacional. El reconocimiento internacional juega un papel crucial en la creación del Estado. Las grandes potencias de un determinado momento histórico tienen la capacidad de crear expectativas en materia de soberanía, ya que el hecho de tener “amigos en las altas esferas” ha resultado esencial para obtener la estatalidad y el control de facto del territorio. Sin embargo, el orden internacional liberal vigente desde 1945 ha dado paso a un panorama más disputado, que abre nuevas oportunidades para diferentes patrones de reconocimiento, los cuales cambian la forma en que los secesionistas evalúan su estrategia óptima para la disputa estatal. Los efectos de esto ya han sido notables en conflictos como Transnistria, Osetia del Sur, Abjasia o Kosovo, y en muchas otras disputas territoriales, incluyendo “conflictos congelados” en todo el mundo, desde el Sáhara Occidental hasta Taiwán. Estudiamos de qué manera Rusia ha creado y explotado sus reivindicaciones secesionistas en el este de Ucrania con el fin de justificar objetivos militares en el marco de la guerra rusa en Ucrania. Partimos de una revisión detallada de la evolución de estas afirmaciones con el fin de esbozar diferentes escenarios sobre los efectos potenciales que ejerce un orden mundial cambiante sobre la impugnación estatal. Nuestra investigación sugiere que, tanto la comprensión teórica de la secesión como las estrategias óptimas de los secesionistas, deben ser revisadas teniendo en cuenta el cambiante orden internacional en disputa.

## Introduction

Three days before launching a large-scale military operation into Ukrainian territory in February 2022, the Russian President Vladimir Putin justified his planned military attack in an address to the Russian nation: “I consider it necessary to take a long overdue decision and to immediately recognize the independence and sovereignty of the Donetsk People’s Republic (DPR) and the Luhansk People’s Republic (LPR).”<sup>1</sup> In a copy of Putin’s strategy eight years earlier in Crimea, the military operation was presented as a protective “remedial aggression” move over the ethnic Russian population against Kyiv. However, this time Putin continued his assault, and the military hostilities over the Donbass territories and other parts of eastern Ukraine turned into a large-scale armed conflict that is still an ongoing war involving Russia and the authorities of the two unrecognized republics (DPR and LPR), supported by Belarus, against Ukraine.

Does Russia’s war in Ukraine presage a change in the rules of the game for secessionisms around the globe? Could Russia’s exploitation of secessionist and irredentist arguments change how secession can present itself within the contested international order, and what effects might Russia’s actions have? The literature on secessionism has consistently shown how international institutions—as “rules of the sovereignty game” (Griffiths 2016)—shape secessionist movements’ strategies and counter-secessionist policies in almost all conflicts (Coggins 2014; Cunningham 2014; Griffiths 2016). International recognition plays a crucial role in state creation, which hands a potentially decisive influence to the Great Powers of a given historical moment (Coggins 2011). The 1945 rules regarding access to the UN gave a prominent position to the five permanent members of the Security Council as gatekeepers of the international state system. Moreover, the UN Charter and subsequent UN resolutions allowed for state formation under certain conditions. The postwar world order shaped the global map during the decolonization process and the dissolution of the USSR and Yugoslavia. Achieving internationally recognized statehood equates to overcoming the permanent members’ veto power (Griffiths and Muro 2020).

In its turn, statehood is extremely dependent on international norms and patterns of behavior vis-à-vis potential sovereignty challenges. The change from the liberal international order in place since 1945 to a more contested landscape has altered the opportunities for secession. In this context, we look at Russia’s use of secessionist claims in the war in Ukraine. We explore whether the dynamics in Ukraine signal a shift in the patterns of contestation around secessionism and the potential reverberations of this conflict on other secessionist disputes, an impact mediated by its disruption of the international patterns of recognition (Coggins 2011, 2014; Ker-Lindsay 2012; Cunningham 2014).

The Russian war in Ukraine might be a watershed moment in a transforming (postliberal) international order. The case analysis provided in this article not only gives salience to the potential transformations within the field of state contestation but also to the ramifications of these events for the international order itself. We present the dynamics described in the article as a potential confirmation of a historical change in recognition patterns among Great Powers, a shift first anticipated in Kosovo and later confirmed in the cases of Ukrainian territories annexed by Putin’s government. Our contribution is twofold since we

simultaneously address the specific effects on secessionism and state contestation of the Russian war in Ukraine, but at the same time we analyze its implications in the wider context of the international order.

The article proceeds as follows: First, we address the importance of international institutions and recognition to explain the behavior of secessionists and counter-secessionists. Second, we add some contextual information on the Russian war in Ukraine to trace the use of secessionist justifications. Third, we discuss the implications of the impact of the war on international norms and, especially, on recognition and examine possible impacts on secessionist conflicts in the future.

Our main findings are presented at three levels of analysis: norms, principles, and international order. We observe that a careful analysis of the events of the Russian war in Ukraine in relation to state contestation shows how international norms on self-determination are more and more distanced from *realpolitik*. Moreover, the principle of self-determination is paradoxically eroded by its own enunciation as a remedial principle. Finally, we contend that the fragmentation trends and state contestation dynamics might increase in the coming years, with destabilizing effects for the contested international order. These findings are a useful guide for future analysis on the prospects of secessionist conflicts around the world.

## Literature and Theory

The literature on secessionism and state contestation has experienced a boom during the last few years (Sanjaume-Calvet 2020; Requejo and Sanjaume-Calvet 2021; Vidmar, McGibbon, and Raible 2022; Griffiths, Pavković, and Radan 2023; Abat i Ninet 2023). In this section, we focus on three crucial aspects of secessionism and state contestation to analyze the potential impact of the Russian war in Ukraine on these phenomena: the strategic dimension of contestation, the role of recognition, and different types of secessionism. Therefore, this section draws on secondary literature to sketch out the common features of secessionism in the post-1945 period. In the next section, we will then assess how much the Russian war in Ukraine signals a potential sea change in the dynamics of secessionism.

### *The Strategic Dimension of Contestation*

The creation of a new state, in the absence of *terra nullius*, is only possible by the fragmentation of an existing political entity.<sup>2</sup> The secession of a particular territory and its population from an existing state has a number of specific implications when compared with other potential nonexclusive causes of state emergence, such as dissolution (USSR) or partition (Czechoslovakia).

Pavković and Radan define secession as “the creation of a new state by the withdrawal of a territory and its population where that territory was previously part of an existing state” (2013, 5). This definition, although it contains the basic elements of a secession, can be further qualified in at least three aspects. First, the seceding population and territory are normally a smaller portion (a minority) vis-à-vis the host state and in a geographically peripheral position. Cases such as Flanders, representing roughly half of the Belgian

<sup>1</sup>See <http://en.kremlin.ru/events/president/transcripts/67828>.

<sup>2</sup>The causes of state fragmentation are multiple and reach beyond the scope of this article; see Tilly (1975), Horowitz (2000), Jackson (2013), Coggins (2014), and Griffiths (2016) for further discussion.

territory and population, are a rarity, and in case of success, would rather represent an example of partition of the country. Second, the withdrawal of territory is normally (almost universally) opposed by the host state. In fact, some authors define secession as a process against the will of the state authorities (Crawford 2006, 375). Third, (part of) the population of the seceding territory normally shares a distinct identity, either ethnic, linguistic, or religious, that fuels the secession movement; nationalism and distinctiveness are the leading forces behind secessionist movements (Moore 1998; Sorens 2012; Sambanis, German, and Schädel 2018).

All these characteristics make secession, and state contestation in general, a very complex process and dependent on more than one variable. For the moment, in this subsection, we refer to secessionism and secessionist conflict as a form of state contestation within an existing state. Nonetheless, things become more complex when we introduce the role of a third actor into the equation. Rather than a domestic process or a two-player process (seceding unit and host state), almost universally any secession dispute involves at least two intertwined arenas, domestic and international, with multiple actors in each one. Horowitz affirms that “whether a secessionist movement succeeds is determined by the balance of forces and interests that extend beyond the state” (1985, 230). This observation is crucial to understanding the importance of recognition in state contestation and the choice of strategies by the seceding party.

Achieving statehood is the result of a combination of two complementary factors that can occur at different points in time: *effectiveness* over the territory by the seceding authorities and international *recognition*. In order to achieve independence, secessionist movements often not only need to exercise de facto sovereignty over the territory but also have “friends in high places” (Coggins 2011), assuring them of acceptance from the international community.<sup>3</sup> In this context, a first strategy is the use of unilateral referendums as a strategic device to show the legitimacy of the sovereignty demand (Kelle and Sienknecht 2020; Sanjaume-Calvet 2021). In fact, during the break-up of Yugoslavia from 1991 to 1993, the Arbitration Commission of the Peace Conference on Yugoslavia (Badinter Commission) recommended the use of referendums, together with the principle of *uti possedetis iuris*, as a sine qua non condition to internationally recognize the former Yugoslavian republics (Pellet 1992; Kohen 2006).

The interplay between effectiveness and recognition does not occur in a vacuum, nor does it follow a clear legal path. A second strategy is to convince the domestic and international audience of the justification for their actions (see also Kartsonaki, this Special Forum). As Crawford has stated, “secession is neither legal nor illegal in international law, but a legally neutral act, the consequences of which are regulated internationally” (2006, 390). The post-1945 international order is based on people’s right to self-determination (Article 1.2 of the UN Charter) and outlaws the use of force by one state against another (Article 2.4). Therefore, seceding authorities refer to justifications based on individual rights, democracy and the concept of self-determination. In this, they are often stymied at the domestic level. Beyond cases of decolonization, in international law secession is only permissible either with the host state’s consent or a wide range of international recognition (ideally both). Political willingness is nonexistent from the part of the host state authorities in most of the cases. Seceding authorities also face constitutional firewalls since most constitutions forbid, in one way

<sup>3</sup>For this reason, contenders to the state often have active foreign diplomacy campaigns. See, for example, Huang (2016).

or another, the dismemberment of the national territory, and liberal democracies are not an exception (Weill 2018; Sanjaume-Calvet 2022).

A further category of postcolonial successful secessions are those permitted in international law due to extreme cases of human rights violations or military occupation (Crawford 2006; Kohen 2006). A third strategy is therefore to appeal to both the domestic and international audience, on one level, by trying to persuade their host state to allow them to secede and, on the other level, by circumventing the rejection from central authorities through international pressure and the legitimacy of their demands.<sup>4</sup> These demands are generally formulated from a remedialist perspective, claiming that secession is existential to escape genocide or human rights violations. The independence process in East Timor is a case in point, and remedial secession was also used to justify Kosovo’s separation from Serbia. In such a strategy, seceding authorities denounce grievances to gain some traction from the international audience, despite their doubtful practical effectiveness (Buchanan 1997; Kartsonaki 2020). The bar is high, since the ultimate goal, an application for UN membership, has to be supported by 60 percent of the Security Council before being approved by the General Assembly (by at least two-thirds), but most importantly, it can be vetoed by any of the Security Council five permanent members (Griffiths 2021, 3).

As we discuss in section “Unilateral Secessionisms and Irredentism,” secessionism is generally distinguished from a sibling concept, irredentism. The latter is normally described as a transfer of sovereignty of a certain portion of territory to another state rather than a form of state creation. As we will argue, secessionism can easily be transformed into a potential case of irredentism. This transformation, which might present different characteristics depending on the context, is crucial to understanding the involvement of third parties, as neighboring states, in a territorial conflict. The intervention of neighboring states is normally related to ethnic kinship, geopolitical interests related to state contestation, and imperialistic behaviors, as in the case of Russia in Ukraine. When this phenomenon is fostered by a Great Power, such as Russia, it has deep implications for the stability and continuity of the international order.

The case addressed in this article reminds us that UN membership is not always the goal in secessionist conflicts. The strategies mentioned in this section and the interaction between effectiveness and recognition remain the defining elements, even if the final objective may not be exactly an internationally recognized state. Nonetheless, the potential irredentist transformation of some conflicts makes them more prone to modifying the international order and the patterns of state contestation. A key element is recognition, as we will see in the following subsection. Recognition patterns have to be analyzed in order to understand how these conflicts work and potentially erode existing international order patterns involving Great Powers.

### How Does Recognition Work?

All in all, in this “sovereignty game” (Griffiths 2021) that implies contesting the host state at domestic and international arenas, recognition is a crucial factor for achieving statehood and/or destabilizing neighboring countries through irredentist claims (Krasner 1999; Sterio 2015). But how does recognition work? What are the patterns explaining

<sup>4</sup>This strategy has parallels with the transnational advocacy networks discussed by Keck and Sikkink (1999).

recognition in secessionist and irredentist disputes? Coggins (2011, 2014) has consistently argued in favor of abandoning domestic explanations of statehood in institutionalist and international law perspectives, which “assert that states embody the fundamental qualities prescribed by Montevideo. Because laws reflect shared sets of norms and practices, governments generally obey them. Consequently, the Montevideo criteria should accurately characterize new states” (2011, 447). Instead, she conceives the international system of states as a “social organization” (Coggins 2011, 448).<sup>5</sup> Similarly, Griffiths refers to the states’ attitude toward international system membership over the aspirant regions as “club-like” behavior (2021, 3), and Siroky et al. (2021) adopt a similar approach by testing the role of competition among Great Powers in unilateral secession recognition. That is precisely the link between a domestic dispute and its potential to change international patterns by understanding the dynamics with a focus on the big picture of states as “social organization” rather than the domestic conflict.

The reasons and explanations of recognition patterns correspond to the inherently social nature of the international community. States have several reasons to control the proliferation of other states, since states are self-interested actors ultimately protecting their own benefits (and survival) (Waltz 1979; Krasner 1999; Caspersen 2013). The UN mandates the territorial integrity of its members, and since 1945, UN member states have consistently acted in cases of decolonization and consensual secessions, recognizing all the states that have emerged under these two circumstances (Pavković 2019, 162). However, UN member states have been less consistent in recognizing states resulting from unilateral processes. The literature points to a number of characteristics that govern the states’ behavior toward recognition.

First, states prefer status quo and stability in the absence of agreement on recognition in a particular case. There is a general presumption in favor of the status quo that directly stems from the potential problems associated with border changes. States are aware of the privileges of their status (being a state) and therefore do not aim to unnecessarily increase the existent number of states, as this would reduce their share of influence in the UN and other international organizations. Furthermore, precedents of secession can encourage potential border changes that can give rise to new challenges from other states or even from within their own state. Therefore, states are generally very conservative. As the former UN Secretary-General Boutros Boutros-Ghali stated in the UN Agenda for Peace, “The United Nations has not closed its door. Yet if every ethnic, religious or linguistic group claimed statehood, there would be no limit to fragmentation, and peace, security and economic well-being for all would become ever more difficult to achieve” (Boutros-Ghali 1992, 18).

Second, states do not act alone when it comes to recognition; they often coordinate and follow the pattern of the Great Powers (Coggins 2011, 451). In fact, the role of the

Great Powers is crucial to understand the patterns of recognition among states, even though this prerogative remains a sovereign decision of each state. The common concern for stability often leads states to coordinate when it comes to recognition, although this might not happen in a horizontal coordination scheme. Contested states with numerous international recognitions but without UN membership, such as Palestine (UN permanent observer), Western Sahara, or Kosovo, share the characteristic of being recognized by at least one Great Power. In fact, Kosovo is a recent example of this coordination behavior and a reminder that coordination can be partial. Kosovo is a state that emerged from a nonconsensual process, has not been recognized by its former parent state (Serbia), and is still not able to achieve UN membership—Russia and China would vote against it—but has been recognized by most of the UN members (101) and, notably, was first recognized by the United States, France, and the United Kingdom (Caspersen 2015). By contrast, Taiwan has around thirteen international recognitions but without any Great Power among them—the United States recognized the country until 1979 but then switched its policy, disincentivizing potential further recognitions from other states.

Finally, even though states have very strong reasons to refrain from recognizing aspirant members of the international community—outside the colonial or consensual secessions—they might have motivations for recognition under certain circumstances. A glimpse into their actual behavior shows that states often do recognize aspirants based on their own interests. Security plays a crucial role in explaining recognitions. From an external perspective, states might consider the recognition of other states to destabilize their enemies, which reflects the argument that states delegate actors outside their territory to undermine their rivals (Salehyan, Gleditsch, and Cunningham 2011; Byman 2013). In the same way, states with strong internal secessionist movements are less sympathetic to create precedents of unilateral secessions in order to not encourage internal secessionisms, and may use stronger repression policies against secessionists to protect their reputation (Walter 2006). It is not a surprise that, among the EU member states, Spain, Slovakia, Cyprus, Romania, and Greece, which each face domestic territorial challenges, are the only five states that do not recognize Kosovo. Other factors that can influence states’ behavior regarding their decision to recognize are related to the hierarchy mentioned above and competition among Great Powers (see Price, this Special Forum). In their study on Kosovo, Siroky et al. (2021) found that military and economic ties (arms sales and investments) between the United States and Russia were good predictors of recognition (or nonrecognition).

#### *Unilateral Secessionisms and Irredentism*

Recognition plays a crucial role in secessionisms, as we have shown, and irredentist claims are frequently central to the dynamics of secessionism. The Russian war in Ukraine has its point of departure in these dynamics in the eastern part of the country, which started in the region of Crimea in 2014, as we argue in the next subsection. Pavković (2019) makes sense of their relationship by defining a variety of unilateral secessions, those without the consent of the parent state (as opposed to consensual secessions), and relating them to external recognition as a tool to grant security or promote division in third states borders, among which two broad types can be summarized:

<sup>5</sup>By “Montevideo,” Coggins refers to the “Montevideo Convention on the Rights and Duties of States,” an international treaty that dates back to 1933 in the context of the International Conference of American States. The Montevideo Convention codified the declaratory theory of statehood, setting the criteria of legitimate statehood as customary international law. The first article of the treaty states that a state as a person in international law should possess: (i) a permanent population, (ii) a defined territory, (iii) government, and (iv) the capacity to enter into relations with the other states. See <https://www.jus.uio.no/english/services/library/treaties/01/02/rights-duties-states.xml>.

1. *Unilateral secessions with external support*: Secessions created through military intervention, such as the cases of Bangladesh (1971), Northern Cyprus (1974), Kosovo (1999), and South Ossetia (2008). In all these four states, a process of unilateral secession culminated with direct military help from a third actor (India, Turkey, US, and Russia, respectively), although only Bangladesh succeeded in entering the UN.
2. *Unilateral secessions carried out by secessionists alone*: Unilateral secessions without direct external military intervention, such as the cases of Biafra (1967), Chechnya (1991), Nagorno-Karabakh/Artsakh (1992), and Tamil Eelam (1990). In these cases, none of them has obtained relevant international recognition. However, in other cases, such as Norway (1905), Ireland (1919), or Eritrea (1961), unilateral secessions have later been transformed through peaceful or violent means into consensual secessions. Unilateral secessions can also end in state dissolution rather than a consensual process, as in the cases of Slovenia (1991) and Croatia (1991).

These categories could be complemented by the role of irredentism in fostering ethnic kinship beyond state borders and even openly challenging existing borders for security and identitarian reasons. Irredentism is normally conceptualized as a different phenomenon from secessionism, since it normally means a “claim to transfer” territory from one state to another as, for example, when the territories that formerly belonged to the Austro-Hungarian empire in Switzerland are called “Italia irredenta” (Pavković and Radan 2013, 9). However, Woodwell (2022) highlights that irredentism can be closer to secessionism than often thought. In some cases, irredentism implies simply a state taking territory from another state, such as Hitler’s annexation of the Sudetenland, while in other, more numerous cases, there is a procedure named “stealth-irredentism,” which is “longer-term, dynamic efforts by homeland countries to support secession in a territory with the (often vague) goal of annexing a region under more favorable international circumstances if independence of the region can be achieved” (Woodwell 2022, 419). Irredentism introduces a third actor, the irredentist state, which may have its own interests and motivations for promoting the transfer of territory.

### The Use of Secessionism in the Russian War in Ukraine

Secession has played an important role in the justification of the Russian war in Ukraine since its recent origins in 2014 with the irredentism and annexation of Crimea by Russia, presented as a secessionist claim by the Crimeans (Català 2015; Roznai and Suteu 2015). To understand the nature of the dispute and the Russian opportunistic use (and shaping) of these claims, it is necessary to trace back the recent development of the war and the creation and exploitation of secessionist and irredentist movements in eastern Ukraine.<sup>6</sup> Moreover, to grasp the potential consequences of the conflict, it is also important to analyze the precise evolution of these territorial tensions, as well as how Putin has been using them both in his discourse and realpolitik.

We argue that by understanding the conflict through the lens of secessionist and irredentist dynamics, related to

<sup>6</sup>We highlight that the norms of self-determination are deep-rooted in Ukraine, since it was the Ukrainian delegation at the 1918 Brest-Litovsk conference who were some of the first to formulate this principle to justify the independence of their country facing the Bolshevik forces (Chernev 2011).

recognition patterns, we can reconstruct its implications for state contestation and international order trends. Our analysis of the war focuses on the events related to secessionist claims and the subsequent annexation of Ukrainian territories by Russian military forces. By seeing these events through the literature summarized in the previous sections, we can discuss later to what extent this war might result in a more global change in the liberal interventionist order, Great Power coordination, and the international erosion of the self-determination principle.

### Secessionism and Irredentism from Crimea to Donbass

Besides historical explanations, the ongoing military conflict between Russia and Ukraine began with an irredentist move by Russia in 2014 when, in the context of a deep political turmoil after the Euromaidan protests (Shveda and Park 2016) that ousted the pro-Russian government of the president Viktor Yanukovych, military forces from the Russian government—so-called “little green men” because of their lack of official identification—took control of the Crimean peninsula (Roznai and Suteu 2015). Following military occupation, the Russian forces installed a pro-Russian government in the region that organized a unilateral referendum on March 16, 2014, on joining Crimea to the Russian Federation (Tierney 2015; Vidmar 2015), and claimed a large majority of votes in agreement. The following day, the Parliament of Crimea asked the Russian Federation to be admitted as a republic. President Putin issued a decree that recognized Crimea as an independent state, and on March 18, the leaderships of Crimea and Russia signed a treaty whereby Crimea was annexed into the Russian Federation. Putin justified the Russian actions in Crimea from a remedialist perspective, claiming that the new regime in Ukraine was “nationalists, neo-Nazis, Russophobes and anti-Semites” who had used “terror, murder [and] pogroms,” besides introducing “a scandalous law on the revision of the language policy, which directly violated the rights of the national minority,” though there was no evidence of threats against them (France 24 2014).

Irredentist claims are not only domestic but also international, but international recognition for the change of borders was not forthcoming. The UN Security Council condemned it by thirteen votes to one, with China voting against it, but the draft resolution, sponsored by forty-two countries, was vetoed by Russia. The General Assembly declared the referendum illegal and reaffirmed Ukraine’s borders in Resolution 68/262 by 100 votes to 11 against,<sup>7</sup> with 58 abstentions. In many cases, states referred to their domestic parallels with self-determination as justification for their vote. For example, Argentina abstained and drew comparisons with the sovereignty dispute in the Malvinas Islands. By contrast, the unrecognized states of Abkhazia, Nagorno-Karabakh, South Ossetia, and Transnistria drew on arguments relevant to themselves, referring to the right of a territory to decide its fate, and all supported the referendum.

A few months later, in a copycat move, the self-proclaimed administrations of the Donetsk and Luhansk Republics in eastern Ukraine carried out referendums on May 11, 2014, in many towns under their control. However, in this case, the regional authorities did not ask for annexation but for popular support for sovereignty. They followed the strategy of unilateral referendums to indicate levels of support that would justify their right to separation. The reported

<sup>7</sup>Armenia, Belarus, Bolivia, Cuba, Nicaragua, North Korea, Russia, Sudan, Syria, Venezuela, and Zimbabwe voted against.

results in favor of independence were followed by two simultaneous declarations of independence, while a counter-referendum was held by Ukrainian-controlled forces in the province of Dnipropetrovsk (west of Donetsk). As before, international support was not granted, and these referendums and the status of the regions were not recognized by the international community. Interestingly, while the Russian government acknowledged the results of the referendums, it did not recognize the regions, and only South Ossetia, the break-away de facto state in Georgia, recognized the newly proclaimed republics. The existence of the Donetsk and Luhansk Republics, initially aiming to confederate between them, rapidly evolved into a low-intensity frozen conflict with separatist forces supported covertly by Russian troops. For almost eight years, the Republics remained as de facto entities, a situation that was certified by the February 12, 2015 Minsk II agreements sponsored by France and Germany that meant a more durable ceasefire and promised decentralization to the secessionist leaders in exchange for the regions' reintegration into Ukraine.

The situation totally changed in February 2022, when Russia decided to launch a large-scale military operation to invade Ukraine. Again, it is not the aim of this article to cover the whole development of the conflict in Ukraine, but rather to focus on its relationship with secessionism and recognition. The Russian invasion had profound implications for the territorial dispute that had been more or less "frozen" since the independence proclamations in 2014. The fate of these territories evolved in different phases. First, the Russian justification of its invasion in eastern Ukraine was based on the territorial dispute and its historical meaning in the relationship between Ukraine and Russia (since Lenin and the 1918 Brest-Litovsk conference). Putin justified the military invasion in his February 21, 2022, speech as a special operation aiming to protect the ethnic Russian population, attempting to validate the irredentist move with arguments about rights. He referred to the Donbass in the following terms, to present the operation as a just cause: "[these people] are fighting for their elementary right to live on their own land, to speak their own language, and to preserve their culture and traditions."<sup>8</sup> Second, in the same speech, Putin announced the recognition of the two de facto republics of Donetsk and Luhansk, which he had not done after the unilateral declarations of independence eight years previously. After the recognition by Russia, Abkhazia, the de facto state in Georgia, gave recognition on February, 25 2022, and Syria and North Korea followed some months later. On February 24, 2022, Russia invaded Ukraine.

The military campaign was not the rapid victory that Russia seems to have anticipated. The initial target was to occupy Kyiv and take control of Ukraine. Instead, Russian troops were pushed back, and a militarized standoff was reached in the autumn of 2022. In the absence of military success, in September 2022, Putin turned to political measures and the exploitation of secessionist referendums. Despite not having full control over the territories of Donetsk and Luhansk, the Russian authorities organized two annexation referendums in these regions, thus exploiting the justification of the concept of self-determination and the strategy of using a referendum to indicate popular levels of support. The questions were similar in both cases: "Do you approve of the Donetsk/Luhansk People's Republic being incorporated into the Russian Federation with subject rights of the Russian Federation?" The referendums were criti-

cized for many procedural irregularities, including high levels of militarization. The reported results of the vote showed a majority result for annexation, and these referendums were then replicated in the regions of Kherson and Zaporizhzhia. In the following days, Putin annexed the four regions to the Russian Federation.

As before, there was no international recognition. The UN Security Council declared the referendums and the annexation illegal. Here, we see the importance of the Great Powers, since Russia used its membership in the Security Council to veto this resolution. The UN General Assembly condemned in the ES/11-04 Resolution both the referendums and the annexation, stating "the unlawful actions of the Russian Federation with regard to the illegal so-called referendums held from 23 to 27 September 2022 in parts of the Donetsk, Kherson, Luhansk and Zaporizhzhia regions of Ukraine that, in part, are or have been under the temporary military control of the Russian Federation, and the subsequent attempted illegal annexation of these regions, have no validity under international law and do not form the basis for any alteration of the status of these regions of Ukraine."<sup>9</sup> The resolution was passed by 143 countries voting for, 5 against, and 35 abstaining.<sup>10</sup> The current situation of war makes the fate of these territories unpredictable, but Russian authorities have repeatedly referred to their plans to hold other annexation referendums in occupied territories in Ukraine.

### *A Change in the Russian Strategy?*

The role of secessionism in the Russian strategy has substantially evolved from the Crimean conflict to the current situation (see also Grzybowski, this Special Forum). In fact, zooming out, an analysis of the use of recognition and unilateral secessionism in the Russian "nearby territories" allows for a better understanding of these changes.

The irredentist narrative has long dominated Russian narratives, and references to "historical Russia" have been a commonplace since the fall of the USSR, even though the real geographical boundaries remain unclear (Girvin 2023). Rotaru (2022) argues that there is a common narrative used by Russian authorities in the Georgian war (2008), the annexation of Crimea (2014), and the Donbass region (2022). When compared to 1990s conflicts, the "new" discourse incorporates humanitarian and historical "(in)justice" to ethnic Russian narratives to justify military operations to both domestic and international audiences (Rotaru 2022, 94). Nonetheless, the modus operandi has somehow evolved. What in Georgia (2008) and other contexts was military and logistic support for de facto secessionism has evolved in Ukraine into a more sophisticated approach. While in Crimea the territory was declared sovereign and annexed, in the Donbass region de facto secessionism, sponsored from Moscow, preceded the large-scale military operation of annexation. In some sense, the "new" strategy uses secessionism as a previous step of annexation and is closer to the 1956 and 1968 Soviet invasions (Rotaru 2022, 99).

In the legitimization discourse of Russian actions, the role of the responsibility to protect (ethnic Russians) and the principle of self-determination appear more and more frequently in the post-2008 scenario. In fact, the Kosovo secession precedent is repeatedly cited by Putin. The Georgian invasion was already presented as a "peacekeeping" operation aiming to protect the ethnic Russian population from

<sup>8</sup>See <http://en.kremlin.ru/events/president/news/67828>.

<sup>9</sup>See <https://digitallibrary.un.org/record/3990673?ln=en>.

<sup>10</sup>Belarus, Nicaragua, North Korea, Russia, and Syria voted against.

Tbilisi, and the recognition of Abkhazia and South Ossetia's independence was already supported by the Kosovo precedent (Rotaru and Troncotă 2017, 4). In Crimea, Putin even pushed further the comparison with Kosovo by stating that "while Prishtina declared its independence by parliamentary decision alone, in Crimea, people held a referendum and 'its results were simply stunning'" (Rotaru and Troncotă 2017, 8). Again, in the recent large-scale invasion in Ukraine, while violating Ukrainian territorial integrity and statehood, the former Russian president Medvedev justified the recognition of Donetsk and Luhansk Republics: "Let's put it mildly: our country doesn't care about the G7's non-recognition of the new borders [of Ukraine]; what matters is the true will of the people living there. Do not forget the Kosovo precedent, our Western friends, (...)."<sup>11</sup>

### Discussion: Potential Implications and Scenarios

Is the Russian war in Ukraine an inflection point or business as usual? How will these events shape the role of recognition in self-determination conflicts? Since this is still an ongoing conflict at the time of writing, our intuitions can only be preliminary and subject to revision as the conflict evolves. We focus on the external dimension of the conflict, although the development of the war can also be framed as the latest chapter of Russo-Ukrainian historical relations (Kordan 2022; Szpak 2023). From an international relations perspective, the Russian invasion of Ukraine represents both a continuity and a novelty. It is a continuity in the sense of the current situation being a new proof of the expansionist-nationalist strategy of Russian authorities since the 2008 Georgian war, and a novelty meaning an explicit challenge to the international liberal order (Özsu 2015; Mulligan 2022). Some global implications have already been discussed in the literature section and relate to the different understandings of the liberal order to reflect on its nature (Ikenberry 2012) and the war as a threat to the "collective West."<sup>12</sup> We speculate that the conflict might affect recognition patterns and self-determination conflicts in several ways.

First, as has been observed since the Crimean case, the Russian invasion in Ukraine exploits the evolution of the formal international liberal system rules into a *liberal interventionist order* based on individual rights, humanitarianism, choice, and democratic justifications (Özsu 2015, 439). This view popularizes the use of self-determination and unilateral independence referendums, much more frequent in the last decades (Sanjaume-Calvet 2021), as a sort of plebiscitarian means for controlling new territory. Krisch already anticipated this possibility after the Crimean referendum in 2014:

The more formal classical rules have come under pressure by arguments from democracy (recognizing the continued relevance of a democratic government in exile), from rights (of individuals threatened by a crisis, calling for protection and intervention) and from liberal conceptions of political choice (the right to secede as an exercise of self-determination). As these rules become more elastic, they provide openings for abuse, and they more easily provide cover for the interventionist practices of powerful countries. Softening limitations on force, albeit for the sake of important values, always risks putting us on a slippery slope, and

it might make the constraining effect of international law in this area—weak as it is in the first place—only weaker. (Krisch 2014)

Second, a long-term effect, first initiated by the intervention and partial recognition of Kosovo, might be a more profound divide in the patterns of *Great Powers coordination* when recognizing (or ignoring) de facto states. The trends described in the first section of coordination dynamics when it comes to recognition could exacerbate partial recognitions and the proliferation of de facto states without UN membership. This could lead to a more fragmented and less structured "liberal interventionist order" in which nonrecognized and partially-recognized political units gain control over territories with the protection of one Great Power.

Third, the *erosion of the concept of self-determination*, used in a cynical way and as a strategic and offensive device rather than as a solution to territorial disputes, can have implications in the future. On the one hand, in the lines advanced by Krisch (2014) in the Crimean context, this can mean a proliferation of the use of democratic principles and a more "liberal" understanding of self-determination demands, with all the potential destabilization of these uses. On the other hand, the constant invocation of the "Kosovo precedent" might reinforce the "strategic game" described in the first section. Both third states and secessionists can take advantage of the precedents of unilateral secession and disrespect for the territorial integrity of Ukraine as potential de facto or militarized solutions to their conflicts. The "de facto playbook" defined by the latest Russian moves could be replicated in the post-Soviet space to reinforce the Russian influence in ethnic Russian territories such as Transnistria (Moldova) or even in the Baltic Republics.<sup>13</sup> These potential actions have motivated demands for a more coherent approach to de facto authorities by the UN and a monitoring of these cases instead of the current case-by-case treatment.<sup>14</sup>

Fourth, the inconsistent and/or cynical use of *remedialism* to justify secession has also meant a confirmation of the weakness and political nature of remedial self-determination in practice (Vidmar 2010; Kartsonaki 2020; Sanjaume-Calvet 2020; Azizi and Karami 2022). For example, the comparison between the repeated Russian support for Syrian repression of the Kurdish minority and its policies of Arabization contrasts with the justification of the Ukrainian invasion as supporting a remedial secession of the Russian ethnic minority on the grounds of their repression from Kyiv.<sup>15</sup> In fact, determining remedial secessionism cannot be done from a position of complete objectivity; because of geopolitical rivalry, we are likely to see less consensus around what counts as an illegitimate case of remedial secession.

Finally, we can reflect on the actors' perspectives on the consequences of the current geopolitical situation. What might the consequences of the Russian war in Ukraine be for different actors? For aspiring secessionists, the path to independence is likely rockier, as secessionist claims have been debased. Unilateral referendums are more likely to be seen as a political tool, and results are more likely to be questioned. In this context, processes will become more important, and it may be that secessionists put more effort into

<sup>11</sup>See <https://tass.com/world/1451025>.

<sup>12</sup>See <https://www.nato.int/docu/review/articles/2022/07/07/the-consequences-of-russias-invasion-of-ukraine-for-international-security-nato-and-beyond/index.html>.

<sup>13</sup>See <https://www.ponarseasia.org/the-changing-de-facto-state-playbook-from-opportunism-to-strategic-calculation/>.

<sup>14</sup>See <https://theglobalobservatory.org/2023/01/does-the-un-need-a-more-coherent-approach-toward-de-facto-authorities/>.

<sup>15</sup>See <https://opiniojuris.org/2022/04/25/the-violations-of-sovereignty-and-the-right-to-self-determination-in-rojava-and-ukraine/>.

building support for recognition prior to taking any steps toward secession, with the prime goal of a consensual referendum from the parent state. The recent developments in some Western secessionisms, as in Scotland and Catalonia, suggest that the current international norm is a reinforcement of host-state consent to secession as a requirement for any application of the self-determination principle and a stronger constitutional-legalistic approach to the right to hold an independence referendum.<sup>16</sup> Regarding the Great Powers, the postliberal order gives rise to an opportunity space for contested states, making recognition more important. It is likely that alliances of recognition will fluctuate and fracture. State entities are likely to be seen as more rigid and nonnegotiable to prevent cascading copycat attempts to redraw borders.

## Conclusions

The cynical use by Russia of secessionism within regions of Ukraine to move forward with its plans for annexation has changed the context for secessionism. Existing secessionist movements and de facto states will likely have a harder time asserting credibility, while for future claims there will be an increased assumption that Great Power patrons are a proactive and not simply reactive force and are driven by their own interests, with the result that internal justifications will be attributed less weight.

This is a potential confirmation of a historical shift in state contestation and in recognition patterns among the Great Powers in a postliberal international order. The first instances of this novel trend were signaled by the Kosovo case more than a decade ago. Since then, the distance between the principles contained in international norms (UN Charter, Resolution 1514, Resolution 2625) and states' recognition practices has been evolving into a more diverse set of constituencies of legitimacy (see Price, this Special Forum) from which alternative normativity is constructed.

In a nutshell, the gap between norms and the realpolitik of recognition and the tensions between different interpretations of the principle of self-determination had always been observable in contested cases such as East Pakistan (now Bangladesh) (1971), Biafra (1967), or Katanga (1960). However, in the current international scenario, the gap is now widened and reinforced by a proactive production of narratives that legitimize actions out of the scope of international law. The erosion of the self-determination principle is paradoxically fueled by remedial, liberal, democratic, and humanitarian arguments simultaneously, hand-in-hand with violations of the principles of territorial integrity and nonintervention, often defined by ethnic territorial demarcations. The "age of secession" (Griffiths 2016) might be accelerated in the future, but instead of creating new UN member states, could foster the emergence of more contested entities, borders, and contested international norms.

## Acknowledgments

The authors thank Lucas Knotter and Megan Price for helpful comments.

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<sup>16</sup>While Spain has taken a very restrictive approach to Catalan demands of self-determination since the beginning of the movement (López and Sanjaume-Calvet 2020), the UK Supreme Court recently judged unconstitutional any attempt to hold a nonconsensual referendum in Scotland. See <https://www.supremecourt.uk/cases/uksc-2022-0098.html>.

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