

# Incomplete Secession after Unresolved Conflicts

Political Order and Escalation in the Post-Soviet Space

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## Chapter 2

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### **Post-conflict political order**

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## 2 Post-conflict political order

### Conceptualising the exercise of authority under conditions of incomplete secession

#### Introduction

In the previous chapter this book has clarified the main debates regarding secession, recognition and the unrecognised states. This book highlights the inherent flaws of assessments of secessionist conflicts in the post-Soviet space through the lens of ‘frozen conflicts’ due to a number of reasons. Firstly, the terminology implies a static nature of conflict over time. Secondly, it is inappropriate to describe the post-conflict period in terms of a conflict that has ended once the ceasefire has been signed. Thirdly, the focus on conflict implies a research agenda centred on the issue of violence that eludes the way in which important political and economic aspects of the post-war environments have been dealt with. Fourthly, the frozen conflicts terminology does not imply much about the secessionist nature of these conflicts. The consequence of using this terminology has been research that treats all cases from the post-Soviet space as similar, eluding the possibility of comparing interactive processes between former combatants in the post-war environment. Whilst the literature on ‘frozen conflicts’ has evolved towards a better understanding of unrecognised states as subjects for research per se, the tendency to study them as disparate entities has in turn missed the most important aspects of the evolution in relations between de-facto states and their metropolitan counterparts. Hence, this book proposes an understanding of conditions of incomplete secession as more adequate in exploring the post-conflict environments of the post-Soviet space. This is because the conditions of incomplete secession allow for an understanding of the dynamism of the post-war environment, especially as the third condition clearly refers to the existence of a long-term dynamic relationship between metropolitan and de-facto state.

In this chapter, this relationship will be accounted for through the concept of political order under conditions of incomplete secession. A conceptual framework that will serve towards the core analysis of three empirical case studies will be proposed. This conceptual framework outlines an understanding of political order as based on two dimensions: The first dimension refers to three functional domains represented by security, governance and

politics whilst the second dimension refers to the changing level of intensity of antagonism from mutual accommodation to chronic stalemate and from chronic stalemate to acute confrontation.

### **The study of political order**

A rich body of academic scholarship has addressed the relationships between various governments and their challengers and made different uses of the concept of political order have been developed by political scientists (Fukuyama, 2011; Huntington and Fukuyama, 1996; Wissenburg, 2009), economists (North, Wallis and Weingast, 2009) and scholars concerned with peace and conflict (Barma, 2017; Mikulan Kildi and Cepoi, 2017; Richmond, 2016; Staniland, 2012; Sullivan, 2016; Thakur and Venugopal, 2018; Weigand, 2015). The objective guiding the conceptual rethinking within this book refers to the need for further understanding of continuity and change in conditions of incomplete secession in the post-Soviet space.

To outline the conceptual framework proposed by this book, the following section will engage with the various foundations and uses of the concept of political order. It seeks to introduce the concept of political order under conditions of incomplete secession to incorporate the interactions between metropolitan and de-facto states in the political, governance and security arenas. The purpose of the following sections is to explore various conceptualisation of 'political order' as well as the uses of this concept to describe different types of domestic ordered relationships between governments and their challengers. Working towards a definition of political order that can ensure the analysis of the role of elections in shaping the different levels of intensity in the interactions between metropolitan and de-facto states across functional domains – a task that will be carried out in the third part of this book – this chapter also takes into account the various methodological choices made by scholars towards understanding the concept of political order in conflict-torn spaces either as a dependent or independent variable.

### **Order, violence and the centrality of the state**

When addressing the relationship between violence and order, North, Wallis and Weingast (2009) emphasise the power of individuals in managing different forms of violent acts through personal interactions as well as the way in which institutions frame the rules by which violence is deterred. Thus, when looking at the way in which a society is organised to limit violence, the use of the concept of 'open access orders' relies on Weber's understanding that states possess a monopoly on the legitimate use of force. Furthermore, this concept serves for an understanding of how various aspects of the state contribute to the development of a logic for controlling violence. This particular logic points towards the importance of the political system, the

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role of the military and police forces as well as that of political parties in limiting violence – all three elements representing key parts of an institutional framework designed to enforce order by limiting the use of violence arising from different non-state actors (North, Wallis and Weingast, 2009).

As different concepts of order have been used in the literature to address the role of the state in managing the use of force, one should also consider the use of the concept of political order to describe other forms of authority than the top-down hierarchy of a state functioning alongside the Weberian monopoly of the legitimate use of force. As Weigand (2015) points out, there is an increased attention to the utility of the concept of order for an understanding of settings that fall outside this traditional view of statehood. Indeed, when using such a lens, ‘one usually looks at cities within a province, provinces within a state and states within the regional and global order. Thereby, particularly the role of the state is emphasised. This certainly makes sense as our world is organised in *de jure* states’ (Weigand, 2015, p. 5). When the state is nevertheless ravaged by conflict that comes with attempted secession, one has to acknowledge a different type of political order, one that is being built through interactions between the politics of secession and that of counter-secession. These aspects challenge the traditional view of statehood and question the validity of the state-centric and hierarchical lenses that dominate the understanding of political order.

Wissenburg (2009) distinguishes between the traditional model of top-down hierarchical political order, where the desire for unity and cooperation are normal and secession is an ambiguous phenomenon waiting to be explained. He stresses that: ‘On the pluralist view, oversimplifying this perspective as well, order is created bottom-up, voluntarily or involuntarily, by individuals and their (in)voluntary associations, in response to the perceived needs and interests of an order’s constituent parts’ (Wissenburg, 2009, p. 2).

The bottom-up approach talks about individuals merged in associations and shared interests building a unique kind of order. Wissenburg highlights the way in which what we now consider modern republics are actually built on historical provinces, thus pointing out to a challenge to the more traditional way of viewing political order as a top-down imposition (Wissenburg, 2009).

This concern with the modern state is also addressed in *Political order and Political Decay*, which looks at the way in which political order often becomes the subject of various processes of change that occur either as a result of revolution or reform (Huntington and Fukuyama, 1996). Such form of change is viewed as arising in the context of a multiplicity of ideas and actors that contend for authority. As Fukuyama (2011, pp. 152–153) argues in relation to this conceptualisation:

Political order emerges as a result of the achievement of some equilibrium among the contending forces within a society. But as time goes on, change occurs internally and externally: the actors who established the original equilibrium themselves evolve or disappear;

new actors appear; economic and social conditions shift; the society is invaded from the outside or faces new terms of trade or imported ideas. As a result, the preceding equilibrium no longer holds, and political decay results until the existing actors come up with a new set of rules and institutions to restore order.

Traditionally, debates related to the ideas and actors that represent the contenting forces within a given society have been carried out with regards to the state as one of the institutions contributing to the embodiment of political order alongside the rule of law and accountable government. Modern liberal democracy is thus often identified as combining these institutions and offering political order its legitimacy when they are viewed as being able to protect people's interests (Fukuyama, 2011).

### **Political order and war to peace transitions**

Whilst the concept of political order has often been used in relationship to the state, one should take into account that the occurrence of conflict and the existence of other forms of unrecognised authority as a result of different forms of conflict renders the focus on the state as an institution of political order as conceptually unfit for a comprehensive understanding of polities that do not correspond to the visions of states as homogenous spaces of authority such as conflict-torn spaces which do not exhibit a legitimate monopoly of the use of force (Weigand, 2015). To understand this situation, a different strand of research has accounted for a particular type of political order that focuses on interactions between multiple holders of authority in the absence of a top-down enforced monopoly on violence.

In the context of war to peace transitions – where ‘formal rules, policy structures, and norms – are the cornerstone of this political order’ (Barma, 2017, p. 44), understanding the role of the institutions that embody political order requires us to account for the fact that ‘these institutions are the legacies of the concrete political struggles of the past and, in turn, provide the contours of the political arena of the present – shaping the incentives facing individuals and organisations, guiding the patterns in which they interact, and constraining their political behaviour’ (Barma, 2017, p. 44).

This view assumes that political order in countries that have been ravaged by war is dynamic, characterised by intermediate levels in the ability of its leadership to control of violence, govern effectively and be democratic accountable. According to this conceptualisation: ‘a political order is thus an institutional arrangement itself rather than a set of governance outcomes that are inherently desirable and the modifying adjective is crucial in telling us what kind of order we are talking about’ (Barma, 2017, p. 44). Similar in its focus on the post-conflict context, a distinctive conceptualisation of political order – as a dependent variable – addresses the dynamics of political order in conflict torn spaces that acknowledges the existence of multiple

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authorities but also seeks to emphasise that legitimacy plays a key role in these dynamics as another source of authority enabling the exercise of social control besides force (Weigand, 2015).

This particular emphasis supports the view that ‘no government exclusively based on the means of violence has ever existed’ (Weigand, 2015, p. 14). Therefore, it is necessary to look beyond the exercise of authority in conflict torn spaces as a mere struggle between multiple actors to control the means of coercion, as indeed is suggested by the concept of wartime political orders discussed above. Consequently, Weigand (2015) highlights the distinction between two ideal-typical sources of authority that take the form of legitimacy consolidation and the ability to use force. This concept rests on the assumption ‘that both force and legitimacy may enable an authority to exercise social control, constituting two, not mutually exclusive but closely linked sources of authority’ (Weigand, 2015, p. 14).

Furthermore, the term ‘authority’ is used to describe social control in terms of both the relationship of obedience between a particular actor and the people whose lives it affects as well as the specific characteristics of the entity that exercises a structuring influence on the lives of these individuals. Weigand (2015) distinguishes between the two dimensions of social control – ‘the exercise of force’ and the ‘possession of legitimacy’ – thus bridging the gap between conceptual approaches that identify the source of obedience. These are found either in the ability of the entity to exercise violence and thus coercively exercise authority through the monopolisation of force or in the voluntarily entered relationship between the entity and the individuals over which it exercises control. This second dimension is therefore important to understand the benefits of accounting for legitimacy in the empirical analysis of the dynamic political order in conflict-torn spaces. As the author suggests, there are multiple considerations to be made when mapping legitimacy in this context. Firstly, the specific features of the entity exercising authority should be considered as they may be linked to the perception of legitimacy they convey among the governed population. These features include their ideological characteristics, the history and means of obtaining authority and the daily behaviour in relation to the population. Secondly, the analysis should specify whether legitimacy is to be explored either in terms of a perception of legitimacy among the population – bottom-up, justification of legitimacy from the authority perspective – top-down or both. Thirdly, when a bottom-up approach on analysing legitimacy perceptions is taken, distinctions should be made both between the perception of different groups as well as the different degrees of belief in such legitimacy (Weigand, 2015).

It should be noted that a concern for the legitimacy is shared across studies concerned with the concept of political order. Questions related to the legitimacy of actors involved in negotiating power and the exercise of authority in the context of incomplete secession are thus addressed by this book through a concern with the way in which electoral process in both

metropolitan and de-facto states might contribute to a parallel process of legitimisation that in turn leads to escalation. As it will be explored in the rest of the chapter and throughout this book, understanding the conflict-cooperation continuum between metropolitan and de-facto states in the aftermath of ceasefire is crucial.

Paul Staniland (2012) has sought to account for the particular types of ordered relations that emerge out of violent conflict between states and insurgents, fluctuating between different degrees of conflict and cooperation. Staniland makes a valuable contribution to research concerned with intrastate conflict dynamics in that he explores the variation in political orders according to the distribution of territorial control and the level of cooperation between states and insurgents in civil wars. Based on this variable he distinguishes between 'segmented distribution of control in which each side controls some territory, and situations with an over-lapping, fragmented distribution of control in which both sides have presence throughout the area under contestation' (Staniland, 2012, p. 247). Under such typologies, he explores the patterns of cooperation and conflict between armed contenders in the context of 'dual power' struggles that are fundamentally shaped by the political relationship between states and insurgents. Where the distribution of authority is segmented, the level of activity in state-insurgents cooperation can lead to orders characterised by shared sovereignty, spheres of influence or clashing monopolies. Where territorial control is fragmented, the ordering of authority distribution and exercise leads to collusion, tacit coexistence or guerrilla disorder. These subtypes of wartime political order can be observed in various cases of South Asian conflicts. For example, an indication of shared sovereignty can be observed in the minimisation of violence between Burmese authorities and insurgents on the basis of negotiated arrangements and in the absence of formal political settlements. At the other end of the spectrum, clashing monopolies are characteristic of the case of the Liberation Tigers of Tamil Eelam (LTTE) and the Sri Lankan state, representing two territorially segmented armed forces fighting across conventional battle lines in order to determine the limits of control and (Staniland, 2012).

This conceptual framework is useful for the current research for one important reason. Through its focus on particular types of actors that compete for authority it provides an example of how political order can be used to describe complex social interactions in the absence of the monopoly on violence being held by the state. This represents a similar situation to the one in which political order evolves towards separate political authority and territorial control between different entities, namely the central government and the unrecognised state. Nevertheless, one should also consider that Staniland uses the concept of 'wartime political orders' as an independent variable and argues that 'these wartime political orders in turn shape patterns of violence against civilians, governance and economics, and post-war politics' (Staniland, 2012, p. 243).

This chapter seeks to move beyond an understanding of processes of interaction between the government and other contenders to authority as being linked solely to the security arena and proposes an analysis of post-ceasefire rather than wartime political orders. The concept of political order under conditions of incomplete secession proposed by this book relies on a methodological understanding that interactions between metropolitan and de-facto states can be assessed as a dependent variable, namely a particular outcome that can be influenced by a variety of factors. However, one should consider the diversity of methodological choices arising from scholarly works dealing with the study of various cases of conflicts across the world through different conceptualisations of political order that have been discussed in this chapter. The aim of this section is to provide the basis for the conceptual contribution of this book, by refining and building on the existing understandings of political order. In this sense, this book takes into account that when the ‘no war-no peace’ (Ginty, 2006) conceptualisation is applied to the specific context of incomplete succession characteristic to the post-Soviet space, a key aspect that differentiates the type of political order being pursued by these competing actors is that it represents the product of two competing types of politics: That of secession and that of counter-secession (Muro, 2018). These types of politics as we shall see in this book present elements of continuity and change, following on from the past struggles of the secessionist wars of the 1990s, pointing out to the challenges of identifying a clear-cut ending to the struggle for independence in the post-Soviet space.

### **Post-conflict political order under conditions of incomplete secession**

The common aspect underpinning the conceptual approaches discussed above is represented by a departure from a state centric emphasis on the exercise of authority in conflict affected spaces, and the acknowledgment that specific forms of order can occur as a result of a contest for power between a multiplicity of actors that evolve out of the absence of a clear monopoly on the use of force. This underlining approach is based on a particular post-Weberian understanding of statehood, order and power, suggesting that the concept of political order can be beneficial for exploring the dynamics of competition between different claimants to authority, within conflict-affected spaces (Bourdieu, Wacquant and Farage, 1994; Schlichte, 2005). Whereas for Weber (1965) the state represents the sole guarantor of security and sovereignty, in situations of incomplete secession these aspects are constantly under challenge from different holders of power.

The present research builds upon this particular approach towards a better understanding of contexts of incomplete secession within which authority is constantly negotiated between multiple actors within metropolitan and de-facto states. Towards this end it engages with existing conceptualisations

discussed earlier in order to explore the process of interactive exercise of authority between these multiple actors that involve both the use of force and the accumulation and struggle for legitimacy by metropolitan and de-facto state alike. In the absence of war, the multi-level interactions between metropolitan and de-facto states can offer an insight into the relationship between the centres of power in the two entities that forms the basis of political order.

Coming back to the focus of inquiry of this book, in order to understand what the lack of political settlement in cases of incomplete secession means for an understanding of violence, power and order in the aftermath of secessionist war the concept of political order under conditions of incomplete secession proposed by this book relies on an understanding that interactions between metropolitan and de-facto states can be assessed as a particular outcome specific to post-conflict environments in which the transformation undergone by the de-facto states from rebel parties to functioning state-builders seeking international recognition has been influenced by a variety of factors. It is important to emphasise the benefits of conceptualising political order towards analysing these transformations in relation to the aftermath of conflict. In the context of incomplete secession, the various interactions between metropolitan and de-facto state have been geared towards traditional post-conflict objectives related primarily to the search for security and the stabilisation of governance structures and service provision (Berdal, 2009).

The most important issue in this context is constituted by the post-war aim of both entities to build a functioning political order, with the metropolitan state aiming for a type of constitutional deal that would guarantee its territorial integrity and the de-facto state striving for independence and recognition at the international level. Where the search for a constitutional arrangement is affected by the incompatible goals of primary parties seeking to defend their war gains, it is important to consider a series of aspects. This incompatibility in aims throughout the post-war period makes the process of escalation through different means a complex issue that affects not only security interactions between former warring parties but also their political and governance relations.

As it seeks to move away from the main focus of studying conflicts towards the comprehensive study of political order and power after secessionist war has ended, this understanding does not elude the role of violence in the aftermath of war. Indeed, an understanding of the changing level of intensity of antagonism acknowledges different levels of violence in the security arena that range from dispute to non-violent crisis, violent crisis and severe crisis. In this sense, the conceptual lens of this book seeks to contribute to studies of post-war violence that have pointed out that: 'The end of war very rarely, if ever, makes a definitive break with past patterns of violence' (Berdal and Suhrke, 2012). Furthermore, as it has been argued, post-war environments are replete with a certain culture of violence where the forms and targets of attacks suggest that violence is nether isolated

neither perpetrated by the ‘pockets of dead-enders’ un-reconciled with the new post-war order. Under such circumstances it was argued that there is a certain function in post-war violence as well as a way of understanding it as a coping strategy in the face of state weakness and the disintegration of state authority. It is indeed this specificity of the post-war environment in which the new rules of political order are articulated that makes what has been termed the ‘political economy of violence’ an important feature of post-war environments (Keen, 1998). The lens of this book is broader in its conceptual scope as the analysis will look at post-war violence but also at the wider antagonism between the parties. The conceptual framework discussed in this chapter provides more clarity to the study of authority exercise in the context of state contestation by moving away from the broader concern with secessionist wars to the study of power relationships in the absence of political settlement.

Thus, in distinguishing between various uses of the concept of order explored in this chapter and political order under incomplete secession, this book seeks to provide an analytical tool for moving away from violence-centric analysis to a study that seeks to place the focus on power relationships. A series of studies related to the three cases under discussion have looked at the dynamics of war resurgence, nevertheless eluding the possibility of understanding the complexity of power relationships for long periods of time between the early 1990s and the late 2000s (Wennmann, 2006; George, 2010). The conceptual framework thus corrects this existing gap and adds to the existing literature that has looked at the aftermath of conflict as replete with particular challenges and opportunities. Among such studies it is important to consider the contribution of research that has proposed theoretical arguments related to the transformation of rebel leaders into functioning state-builders. As Sindre (2019, p. 486) argues with regards to former rebel parties seeking self-determination:

Their emphasis on ethno-territorial identities as the basis for their struggle is a core feature of their ideology, suggesting reliance on exclusionary ideals and a restrictive interpretation of the ethnic community. However, as most conflicts over self-determination rarely end with the manifestation of new states, most former secessionist movements continue to mobilize as political parties in regional- or national-level politics or both after war has ended.

This leads to a better understanding of political order in the aftermath of secession attempts as it is based on the study of temporal and qualitative changes in the nature of security, governance and political interactions between metropolitan and de-facto states. In particular it takes into account one of the dominant themes that has emerged in the study of secessionist conflict in the post-Soviet space, namely democratisation and its relationship to conflict and sovereignty, aspects which will be discussed later in the book.

Furthermore, one should not neglect two additional themes that are helpful for qualifying the study of these processes specifically with regards to elections in metropolitan and de-facto states as causes of escalation that will be addressed in the empirical analysis of this book.

Thus, as this book is concerned with the factors that can explain escalation between different levels of intensity of antagonism in the political, governance and security arenas of post-conflict political order in these situations, this chapter proposes a nuanced understanding of this process with reference to the post-soviet space. As existing research has shown escalation represents a dynamic manifestation of conflict and negotiation represents a process of combining divergent agendas into a common acceptable position (Zartman and Faure, 2005). Studies related to peacebuilding in post-conflict societies have dealt extensively with the issue potential causes of escalation and the failure of conflict resolution initiatives.

A first set of arguments has been proposed with regard to the importance of *structural factors* such as the weakness of state structures, the security concerns of different groups within a country and the particular ethnic geography of a territory in providing the favourable terrain for conflict. William Zartman has argued that violence may occur under such conditions when the state can no longer manage societal demands (Zartman, 1995). Weak state institutions create a sense of heightened insecurity among groups and the potential for escalating security dilemmas once these groups start taking measures towards protecting themselves (Posen, 1993; Lischer, 1999). Furthermore, where the population is not ethnically homogenous, such inter-group cleavages may occur alongside ethnic lines thus further aggravating the domestic context (Sambanis, 2001; Fearon and Laitin, 2003). Similarly, when dealing with the relationship between democratisation and war Edward Mansfield and Jack Snyder highlight the fact that due to the slow pace of democratisation, regimes undergoing such transitions – as was indeed the case in both Moldova and Georgia – become more prone to aggressive behaviour against potential enemies. Such tendencies are the result of settings where: ‘democratic control over foreign policy is partial, where mass politics mixes in a volatile way with authoritarian elite politics, and where democratization suffers reversals’ (Mansfield and Snyder, 1995, p. 1).

Thus it has been argued the emergence and consolidation of influential ideologies such as ethnic nationalism creates the potential for increased inter-group competition by denying the rights and freedoms of a targeted ethnic group and increasing the volatility of political systems (Harff, 2003; Horowitz, 2001; Rothschild, 1981). As both the African and Balkan contexts show, once nationalist appeal was used in leadership struggles among elites, political competition increased the chance of escalation rather than encouraging stability. As this book will show a discussion of these arguments with reference to the post-Soviet space can illuminate both their explanatory value as well as their particular application in these specific contexts.

Indeed, if considering a final set of arguments emerging from the peace-building literature, the issue of spoilers in peace processes should be given further attention. Here a distinction should be made between arguments related to primary parties in the conflict acting as spoilers and external third parties preventing conflict resolution. With regards to the first set of arguments it has been argued that the issue of actor fragmentation is particularly important for the success or failure in peace negotiations. As Cunningham (2011) points out in some cases the greater the number of factions that are part of self-determination movements the greater are the chances for a bargain with the state. However, fragmentation can also have the opposite effect in that one group may be particularly inclined to negotiate peace whilst another one might be inclined to use violence. As this book will show such information about the political agendas of self-determination movements that emerges throughout electoral periods is particularly important for metropolitan states seeking changes in their counter-secessionist policies. This is particularly important if considering Stedman's argument that the emergence of spoilers depends on how radical the goals of the rebel groups are (Stedman, 1997). In the context of negotiations between metropolitan and de-facto states such aspects are particularly important as the politics of counter-secession is often a reaction to how radical the secessionist goals of these entities have become. As Driscoll (2015) argues with regards to the end of civil wars the post-Soviet space, fragmentation matters in that it gives governments the chance to co-opt rebel leaders selectively into peace negotiations, thus making civil war settlement a 'coalition formation game.' This book seeks to account for the micro-dynamics of such process in Moldova and Georgia in order to distinguish between periods of time in which parties to the conflict were closer to settling their incompatibilities as well as the reasons behind the policy changes that have led to escalation. In doing so it does not elude the fact that in all three unresolved conflicts, whilst escalation has been the direct result of actions undertaken by metropolitan and de-facto states, the role third parties acting as mediators but also external legitimisers has been important. These aspects will be discussed in more detail in the final part of this book.

### **The two dimensions of political order**

Taking into account the above arguments this book argues that both negotiation and escalation are thus useful for understanding the concept of political order. The present research strives to explore the dynamics of political order under conditions of incomplete secession. In this sense, it supports the view that the dynamics of political order should be analysed in terms of both the processes of negotiation and escalation that occur between metropolitan and de-facto state in the absence of renewed war. Negotiation and escalation are part of all three realms of political order: The arena of interactions between political elites, the governance arena that is responsible

for the consolidation of arrangements for service provision and the security arena that shapes the interaction between law-enforcement actors. Firstly, negotiation can be present in all three functional domains when the level of intensity in antagonism between metropolitan and de-facto states is mutual accommodation and it can gradually break down through subsequent decisions to pursue unilateral policies outside the negotiations frameworks. Secondly, whilst escalation primarily means an increase in the levels of violence, it is often accompanied by inflamed political actions as well as new measures to pursue alternative policies with regards to the governing of population that can ensure legitimacy gains for either of the parties.

Political order, as defined in this book is thus constituted through two different dimensions: The first one is represented by the three functional domains in which interactions towards the exercise of authority by metropolitan and de -facto states take place. These functional domains include the political, governance and security arenas. The second dimension provides an understanding of variation between the levels of intensity in the antagonism of interactions within each of these arenas. These levels of intensity can be understood on a cooperation to conflict continuum as taking the form of mutual accommodation, chronic stalemate and acute confrontation. Within each arena, the relationship between the two entities fluctuates according to different markers of change that can be identified as the following: In the political arena, the interactions for the exercise of authority shift from reciprocity to rivalry and hostility; in the governance arena, the built-up of institutions belonging to metropolitan and de-facto states render the relationship between the two entities as changing from certain degrees of collaboration to competition and confrontation; finally in the security arena, the level of intensity in the use of violence can produce different degrees of antagonism between the law-enforcement actors of the two sides, ranging from dispute to non-violent and violent crises and even severe crises.

Based on this conceptual framework that will be outlined in the remaining part of this chapter, this book argues that escalation affects all three functional domains of political order. Escalation is understood in this book as the process by which gradual changes between different levels of intensity of antagonism occur across the functional domains of political order. This book focuses on observing these gradual changes by considering different key events that have been part of strengthening the politics of secession and counter-secession that has led to escalation. Towards this end, observing the different shifts in interactions between political elites, governing institutions and security actors belonging to metropolitan and de-facto states requires an understanding of the how the different markers of change in the level of intensity of antagonism characterise the process of escalation across functional domains. Where this process has assumed an increase in the level of intensity of antagonism towards chronic stalemate analysis will focus on changes between political reciprocity to political rivalry, from collaborative

governance arrangements to competing ones and from low levels of violence such as disputes to increases towards non-violent and violent crises. Finally, where the process of escalation has involved an increase in level of intensity towards acute confrontation different observable changes will be explored to reveal new forms of interactions between metropolitan and de-facto states that include political hostility between elites, clashes between governance arrangements and the propensity for severe crises to dominate the relationship between law-enforcement actors between the sides. As these changes represent broad patterns in the process of escalation, the analysis in each case study will focus on the specific events that pertain to shifts in interactions between metropolitan and de-facto states in each functional domain. This will serve towards a better understanding of how the process of escalation occurred in each functional domain at various points in time.

### **The functional domains of political order**

To understand the first dimension of political order that takes the form of different functional domains, one should conceive of the complexity inherent in relationship between politics, governance and security. The three arenas discussed in this chapter sustain political order under conditions of incomplete secession as they provide various issues and channels of interaction between the metropolitan and de-facto states. Each of these arenas is important for a number of reasons: Firstly, they sustain a degree of continuity or change in the interactions between the parties. Secondly, they represent arenas where conflict and antagonism can be sustained and escalated. Thirdly, they represent integral parts of the negotiating frameworks that have been set up and modified over the past two decades through both domestic decisions and the various actions of international mediators and actors, an aspect that will be discussed in more detail in the final chapter of this book.

#### ***The political arena***

Under conditions of incomplete secession, the political arena is dominated by the actions of political leaders and legislatures belonging to both metropolitan and de-facto states. The main issue dominating this arena is constituted by actions related to status, with actors expressing different positions towards the end-goal of status for the de-facto state. Within the political arena, elites sustain parallel claims to statehood through various political statements or events such as referenda. In addition, one should note the declaratory powers of Parliaments that often seek to promote long-term engagement with the issues of independence and territorial integrity. Thus, whereas leaders of metropolitan and de-facto states are often responsible for the political talks regarding status, delivering changing approaches, Parliaments contribute to the consolidation of long-term policies towards the issue of secession and

counter-secession. Here leaders and political elites may express a particular claim to statehood or policy towards the opposing party. Political landscapes in countries divided by war can often be affected by the way in which past atrocities are viewed and evolve. In the case of incomplete secession, wartime aims have a clear form in the post-conflict stage, and the politics of secession and counter-secession (Muro, 2018) become an additional layer of the way in which elites seek to govern. As it will be shown in the next chapters, these types of politics can dominate political debate and contribute to bringing to power nationalist leaders that favour escalatory policies. Whereas the election of a new leadership can bring about an important degree of change in the nature of status talks, it is also important to analyse the way in which continuity in the type of interactions towards the provision of services also contributes to the consolidation of particular types of relations that range from cooperation to conflict. Thus, this research will assess the particular events which are considered to represent instances of change: For example, political decisions related to negotiation with the opposing party taken by the Presidents and Parliaments of metropolitan and de-facto states. In addition, whilst institutions belonging to both entities express parallel claims to authority through their actions in this arena, one can also notice a particular form of institutionalised political relations that is maintained through the formal mediation frameworks established in the aftermath of conflict. These often represents a channel of interaction between the leadership of the two entities, where the expression of incompatible aims shows changes in the level of antagonism between the parties that can range from political reciprocity to rivalry and hostility. These incompatible goals are territorial reintegration aimed by the metropolitan state and independence claims made by the de-facto state rather than any compromise solution.

### ***The governance arena***

Based on the above understanding of the political functional domain this book argues that de-facto states can strengthen the politics of secession by gradually challenging proposals for shared power. However, escalation occurs when the response from metropolitan states is equally radical through the strengthening of the politics of counter-secession. This is particularly important as cross-case comparisons indicate various patterns of behaviour both by central governments and de-facto states. Indeed, in the case of metropolitan states escalation was the result of a process of de-legitimisation of de-facto states that involved not only a change in political discourse, but also specific actions related to the provision of services for the population living in these entities.

Thus, whilst de-facto state have all tended to radicalise their positions at various points in time, seeking international recognition rather than federal solutions, the responses of the governments of Moldova and Georgia have differed significantly. As the leaders of de-facto states sought to increase their

popular legitimacy through independent referenda and elections between 2004 and 2006, the condemnations of the respective central governments took various forms. Whilst Moldovan leaders sought to reform the negotiation frameworks with Transnistria, proposing a step by step cooperation plan that left out political talks, in Georgia, the government was more keen to establish its own control and authority in the de-facto states. In the case of Abkhazia this involved organising parallel elections as well as appealing to the populations in the de-facto state to support parallel governance institutions established by the Georgian government. In South Ossetia whilst the response of the Georgian government was not equally radical in terms of the parallel authority structures, a continued effort by metropolitan state to curb the functioning of illicit cross-border economic activities suggests a tendency towards de-legitimisation of the de-facto leadership that was meant to decrease its ability to maintain territorial and social control.

Actions towards the revision of governing arrangements for the provision of services obtained as a result of official process of negotiation and the commitment to unilateral actions with the purpose of strengthening the ability to exercise authority through various institutional changes taken by the metropolitan and de-facto states are thus also means in the politics of secession and counter-secession that lead to process of escalation. These changes affect the governance arena of political order that is sustained by institutions in both metropolitan and de-facto states, where the governing bodies and civil service of each party are responsible for guaranteeing social control through the provision of services for the population. Whereas in the case of most divided communities we can talk of local governance and the sub-national arena, in the case of de-facto states, the pursuit of independence and re-integration with other states provides ways of reinterpretation of the sub-national level. Decisions are taken with the purpose of moving away from localised forms of institutionalisation and public service delivery often plays the role of solidifying a different form of identity. It is indeed the public service delivery that constitutes the core aspect of action within this arena, with actors from both sides striving to legislate towards issues affecting the population. In the governance arena, the service delivery in both entities is crucial in consolidating an interactive relationship between central government and de-facto states. Whereas the former seeks to consolidate its policies through the build-up of reintegration institutions that can reach out towards the population of the de-facto states with alternative policies, the latter is concerned with the consolidation of its executive institutions that can deliver extensive social control over a certain part of the territory.

### *The security arena*

Finally, the politics of secession and counter-secession take place in the security arena, where the antagonism between security forces belonging to metropolitan and de-facto states can vary, depending on the level of force

used to achieve territorial control. Indeed, in this arena the law enforcement actors of both sides deal with the maintenance of territorial control through the use of force. Security dominates post-conflict environments and what is specific about security under conditions of incomplete secession is that control over territory is often paramount for the creation and existence of de-facto states. The creation of de-facto borders and their maintenance play a crucial role in consolidating a parallel exercise of authority for longer periods of time. Alongside negotiating a political deal and providing services for their respective populations, the maintenance of security represents an additional goal of metropolitan and de-facto states. Security as an additional arena where authority is being exercised provides additional opportunities for interaction between the metropolitan and de-facto states and has been institutionalised in the aftermath of ceasefires. As mentioned above, escalatory dynamics can be observed in the three arenas of political order, shifting the nature of political interactions from reciprocity to rivalry and hostility or indeed witnessing the changing nature of governance arrangements from more collaborative types in the aftermath of war to clashing institutional layouts like in the cases of South Ossetia and Abkhazia. In this context the security arena should not be neglected as it has been gradually transformed in all three cases under discussion from a domain in which antagonism has taken the form of dispute to a violent arena in which crises has often dominated the interactions between metropolitan and de-facto states. As the second part of this book will illustrate, post-conflict political order in the Republic of Moldova and Georgia have undergone distinctive patterns of escalation. Whilst in Transnistria, evidence suggests the increase in the level of intensity in this functional domain has left the two parties engaged solely in violent crises as the highest form of antagonism; the other two cases illustrate a deeper change in the relationship between metropolitan and de-facto states with severe crises occurring in both South Ossetia and Abkhazia.

### **The levels of intensity of antagonism**

As explored above, the three functional domains of political order allow for an understanding of separate areas in which the exercise of authority under conditions of incomplete secession takes place. Whilst decision-making in each arena is undertaken by the leaders, institutions and security forces of both the metropolitan and de-facto states, being part of the politics of secession and counter secession, it should be noted that these policies are interconnected, part of an action-reaction process that produces escalation between different levels of intensity of antagonism that ranges from mutual accommodation to chronic stalemate and acute confrontation. This approach relies on the observation that:

the popular focus on acute conflict, or the violent peak in the trajectory of a conflict, risks overlooking the chronic nature of many contemporary

ethnonational and civil conflicts. These long-lasting conflicts are often deeply embedded within societal structures. They may experience occasional violent upsurges, but a more common backdrop is of inter-group hostility that does not escalate into direct violence.

Ginty, 2006, p. 59

Thus, one can look at the second dimension of political order in order to grasp the fact that change between different levels of intensity in the interactions between metropolitan and de-facto states affects all three arenas and presents fluctuation between mutual accommodation, chronic stalemate and acute confrontation. Defining these levels of intensity alongside a continuum between cooperation and conflict is useful for understanding the way in which changes in the intensity of antagonism within each arena contribute to the process of escalation.

### ***Mutual accommodation***

The first level of intensity of political order under conditions of incomplete secession is represented by mutual accommodation. In the political arena, mutual accommodation is manifested through a type of interaction by which metropolitan and de-facto states seek to resolve their incompatibility by taking part in status negotiations. When this level of intensity is present in the political arena the two parties can pursue their interests with regards to enduring incompatibilities through cooperation in conflict resolution. This usually takes the form of a constitutional agreement that gives increased powers to the de-facto state, usually under a federal or confederal agreement. With these negotiations in place, it is expected that the challenges to statehood sustained by the de-facto state are limited to the official channel of negotiations, with a view of maximising political gains. For example, in the case of Transnistria, the period between 1997 and 2003 has been guided by the existence of political agreements towards federalisation, with the Kozak Memorandum representing the primary proposal for conflict (Vahl *et al.*, 2004). With these negotiations in place, the actions of the de-facto state were limited to institutional build-up and no real political action was taken towards independence. The participation in status talks was regular and the possibility for resolution existed within the official negotiation framework. Following the failure of the Kozak Memorandum, Transnistria abandoned official negotiations and organised a referendum for independence.

When mutual accommodation is the level of intensity in antagonism between the parties, at a governance level, various mechanisms and negotiating frameworks are in place, with the purpose of guaranteeing cooperation between the parties seeking to consolidate service provision for their population. Throughout the same period, in the Moldovan-Transnistrian case, the parties agreed on establishing several arrangements towards the exercise of governance authority through shared responsibilities related to the

functioning of public education institutions in the security zone, facilitation of law enforcement, economic and monetary activities as well as regulation of customs activity, transport and communication between the two (Vahl *et al.*, 2004).

Indeed, mutual accommodation occurs when governance arrangements are negotiated as a result of political elites' willingness to pursue internal legitimacy through reciprocity and where overall agreement among political forces in both metropolitan and de-facto states guarantees the pursuit of moderate strategies towards the opposing party. The primary aim for each entity is to consolidate authority and legitimacy over political rule in its part of the state's territory

Finally, at this level of intensity a low level of violence is often the result of mediation frameworks that guarantee working relations between the law enforcement agencies of the sides that share information with regards to the security situation in the contested areas as a result of the efforts of international or regional peacekeeping missions. One example of how this particular level of intensity has affected the security domain of political order can be found in the interactions between Georgia and Abkhazia and Georgia and South Ossetia in the immediate aftermath of ceasefire. For example, as this book will show, in the case of Abkhazia, the UN Mission had established particular channels of cooperation with Abkhazia in terms of providing safety and subsistence to the inhabitants as well as facilitating smooth travel across the de-facto border. In South Ossetia, the creation of a Joint Control Commission – a peacekeeping mechanisms established in the immediate aftermath of the secessionist conflict- that organised the interactions between security actors also brought with it an initial period of stability. This meant that the level of the use of force between the sides was kept at minimum as the JCC dealt with the criminal violence present in the conflict zone. It is often the case as it will be shown in the case study analysis of the book that this particular level of intensity of antagonism can be observed in the security arena when interactions between metropolitan and de-facto states in this functional domain take the form of disputes.

### ***Chronic stalemate***

A different level of intensity is represented by chronic stalemate that manifests through the separate actions undertaken by political elites with regards to status in the political arena. At this level of intensity in antagonism the exercise of authority between the two parties is structured through the rivalry in the political arena, competitive institutional arrangements for service provision and antagonist interactions in the form of non-violent crises. Rivalry in the political arena refers to the separate actions undertaken by political elites with regards to status. Among the most important decisions one should look at referenda or elections initiated by de-facto states as well as the abandoning of official status proposals that often produce deadlocked

political negotiation over status for the secessionist territory. It is common that the political aims of the parties are strengthened by renewed commitments to their sovereignty and national identity that may produce a broader degree of internal political transformation and institutional change, often prolonging the conditions of incomplete secession. These changes bring about a broadening of the initial conflict to include a wide range of activities that affect the lives of people living in the border zone, also provoking increased public debate over the settlement issue. When parties experience this level of intensity in antagonism, this often leads to deadlocked political negotiation over status for the secessionist territory

This level of intensity also assumes that in order to exercise authority in the governance arena, alternative institutions for service provision can be created on the territory of the de-facto state. Finally, when chronic stalemate as a level of intensity can be observed as affecting the security arena, different types of actions are carried out in the politics of secession and counter-secession leading to both non-violent and violent crises. Tense relations between the parties can reach a turning-point from where the use of force may become more likely. One should therefore note the propensity of security architectures to be involved in violent crisis as a level of antagonism that takes the form of threats to resort to the use of force or the use of physical or military force sporadically. Unlike mutual accommodation, where bilateral relations are based on cooperation, chronic stalemate involves a gradual shift to competition between the two parties as they seek to consolidate their bargaining positions. Non-violent crises such as those provoked by economic sanctions may characterise the process of competition over arrangements for service provisions. Institutional design and legislation towards the provision of services seeks to consolidate the legitimacy and governance capacity of the parties and it is common that parties engage in siege, sanctions, maiming or territorial or resource appropriation. Whilst sanctions have been a tool used by metropolitan states, the other aspects are characteristic of the actions carried out by de-facto states as part of their politics of secession. In the case of Moldova and Transnistria this has involved appropriation of telecommunication infrastructure in the east by the de-facto state, the detention of Moldovan citizens in Transnistria as well as economic sanctions by the Moldovan government against the regime in Tiraspol. In the Georgian-South Ossetian chronic stalemate has involved mainly violent crisis related to the curbing of criminality in the regions and most often the curbing of illicit arrangements for service provision.

### *Acute confrontation*

Finally, acute confrontation represents an escalation of the intensity level characteristic of chronic stalemate and thus the security arena is affected by an increase in violence that can involve severe border clashes and ceasefire breaches understood as severe crises. In the governance arena, institutional

clashes take place as it was the case in South Ossetia with the consolidation of parallel administrative systems. Not least, in the political arena this particular level of intensity can render negotiations over status obsolete. The level of contention in the political arena increases from rivalry to hostility, as the political forces in both metropolitan and de-facto states abandon political talks in favour of de-legitimising the other side through unilateral status proposals and legislation. An increase in the level of intensity of antagonism to reach acute confrontation may be initiated by either side, but the chances of war are shaped by the consolidation of power relations in favour of one of the parties as well as the different legitimacy constraints and opportunities faced by the leaders of metropolitan and de-facto states. For example, the newly elected Georgia government after the 2004 elections benefited from increased popular legitimacy that sustained its actions against the de-facto state.

### **Escalation and the politics of secession and counter-secession**

It is this multifaceted approach to the study of political order that provides a better understanding of the two ways in which escalation occurs in the context of incomplete secession. Political order is characterised by the two different dimensions that fluctuate over time and in different contexts. On the one hand one should consider the way in which the first dimension is represented by three different functional domains in which the interactions between metropolitan and de-facto states take place. A multiplicity of actors belonging to the two entities contribute to the implementation of the politics of secession and counter-secession through various actions in the political, governance and security arenas. This dimension illuminates the way in which the exercise of authority under conditions of incomplete secession touches upon issues such as status proposals, the provision of essential services for the population as well as the maintenance of security.

Whilst these arenas exhibit markers of continuity in the study of political order as the politics of secession and counter-secession have evolved over time to affect these functional domains, the changing aspects that should be noted with regards to the relationship between the two entities are closely linked to the level of intensity in the antagonism sustained within each of these arenas. As both the metropolitan and de-facto state have come to develop their own institutions for the exercise of authority, the way in which secession and counter-secession have come to be implemented has involved a fluctuation between more accommodating policies to more confrontational types of actions.

The emphasis on escalation through the concept political order replaces the 'frozen conflict' terminology by shifting the focus from the analysis of conflict to that of these two different types of politics. As the rest of the book shows these represent the starting points for action towards the exercise of authority taken by de-facto states and metropolitan states respectively. Each

of the entities is thus left with developing a strategic type of politics that takes into account the political arena where elites negotiate status proposals, the governance arena where service provision by each entity is institutionalised and the security arena that assumes various levels in the use or non-use of force by security personnel involved in delivering territorial control. Both the politics of secession and the politics of counter-secession can be implemented through violent and non-violent means, thus pointing towards the way in which the actions of both metropolitan and de-facto states in each functional domain can contribute to an increase in the level of intensity of antagonism.

Among non-violent means in the politics of secession one can include the passing of legislation towards independence and the build-up of institutions to compete with the power of the metropolitan states as well as the organisation of independence referenda. In the politics of counter-secession the non-violent means include equally important legislation that regulates the existence of the de-facto state as well as the provision of governance arrangements alternative to those of the de-facto state that are meant to obtain territorial reintegration. Indeed, another method is represented by the strengthening of domestic institutions that seek to obtain reintegration. Finally, if considering the use of force with the purpose of reintegration in the case of counter-secessionist policies as well as the way in which violence is used to maintain or increase territorial control in the politics of secession, one has a clear picture of the way in which these two types of politics interact under conditions of incomplete secession across the three arenas of political order.

## **Conclusion**

This chapter has provided conceptual innovation through an original analytical framework for understanding post-conflict political order in contexts of incomplete secession, by specifically focusing on the original categories that describe the change in the level of intensity of antagonism between the metropolitan and de-facto states across functional domains. These levels of intensity can be understood on a cooperation to conflict continuum as taking the form of mutual accommodation, chronic stalemate and acute confrontation. Thus, the first level of intensity of political order under conditions of incomplete secession is represented by mutual accommodation. In the political arena, mutual accommodation manifests itself through a type of interaction by which metropolitan and de-facto states seek to resolve their incompatibility by taking part in status negotiations. When this level of intensity is present in the political arena the two parties can pursue their interests with regards to enduring incompatibilities through cooperation in conflict resolution. When mutual accommodation is the level of intensity in antagonism between the parties, at a governance level, various mechanisms and negotiating frameworks are in place, with the purpose of

guaranteeing cooperation between the parties seeking to consolidate service provision for their population, keeping the use of force in the security arena at a minimum. A different level of intensity is represented by chronic stalemate that manifests itself through the separate actions undertaken by political elites with regards to status in the political arena. Among the most important decisions one should look at this chapter considers referenda or elections initiated by de- facto states as well as the abandoning of official status proposals that often produce deadlocked political negotiation over status for the secessionist territory. This level of intensity also assumes that in order to exercise authority in the governance arena, alternative institutions for service provision can be created on the territory of the de-facto state. Furthermore, when chronic stalemate as a level of intensity can be observed as affecting the security arena, different types of actions are carried out in the politics of secession and counter-secession leading to both non-violent and violent crises. Finally, acute confrontation represents an escalation from the intensity level characteristic of chronic stalemate and thus the security arena is affected by an increase in violence that can involve severe border clashes and ceasefire breaches understood as severe crises. In the governance arena, institutional clashes take place with the consolidation of parallel administrative systems. Not least, in the political arena this level of intensity can render negotiations over status obsolete, making the political arena a functional domain in which increased antagonism between the sides represents one specific aspect of escalation in political order. In the context variation in the levels of intensity of antagonism in the political, governance and security arenas that constitutes the focus of the book – this chapter has discussed the process of escalation in post-conflict political order, inviting further inquiry into the potential causes behind these dynamics, an aspect that will be explored in more detail in the third part of this book.

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