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## Stateless Contenders and the Global Mythology

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"Recognition 'has been a plaything for political scientists who have taken delight in posing abstract problems of a theoretical nature'."<sup>1</sup>

This essay explores the dynamics of foreign support for contenders who struggle over state power. It focuses, for purposes of theory, on governments' employment of diplomatic recognition as a political mechanism to advance exiled aspirants to power. By examining the theory of recognition in international law as well as recognition practices in the political sphere — especially vis-a-vis exiled contenders — the article seeks to demonstrate the slippery nature of the concept of legitimacy in international relations and to question the usage of the term as an explanatory variable in world politics. As will be evident, the acts of granting, withholding, or withdrawing recognition from governments have little to do with the philosophical approval or rejection of particular claims to power, although they are always justified in such terms. Recognition is rather one among many political techniques exploited by governments to further their selfish domestic and international agendas. The value criteria by which conflicting claimants to power may be branded "legitimate" or "illegitimate," are constantly in flux, sampling from a large storehouse of principles which are rhetorically acknowledged by the international community as archetypes of legitimacy.

In order to demonstrate the elusive nature of legitimacy and recognition, a wider range of historical interactions between sovereign governments and governments-in-exile will be discussed. They include the European approach to the deposed Russian government in the early 1920s; the Allied powers' recognition of the dislodged governments-in-exile during the Second World War; the short lived recognition of the Spanish Republicans in the immediate postwar period; the Organization of African Unity's (OAU) recognition of anticolonial exiled liberation movements, and some recent cases of recognition of governments-in-exile whose future is not yet known, including those in

Afghanistan and Cambodia, and the Palestine Liberation Organization (PLO).

Part one provides a broad definition of governments-in-exile, and offers a preliminary classification of them in accordance with their respective claims to power. Part two examines the relations between governments-in-exile and sovereign governments while evaluating both international law theories of recognition and recognition practices. Part three discusses the shortcomings of legitimacy as an explanatory concept in international relations.

## **I. Definition and Classification**

Governments-in-exile can be defined as opposition groups which struggle from outside their home territory to overthrow and replace the regime in their independent or claimed home country. These groups refer to themselves as government-in-exile, national committees, provisional governments, national revolutionary councils, national liberation movements, and in other ways which reflect their claim to be the sole or at least the most viable alternative to the existing home regime. As such they vie for the support of their national constituencies at home and in the diaspora, and appeal for international assistance. There are other exile groups which, although similar in their ultimate goals and opposition strategy, do not fall under the above definition precisely because they do not make such total claims to power. These groups usually advocate a democratic change in their country and thus refrain from making claims to state power before elections have taken place. Examples of such groups include the Filipino exiled democratic opposition to Ferdinand Marcos<sup>2</sup>, the Korean exiled opposition to Chun Doo Hwan<sup>3</sup>, and the exiled anti-Fascist opposition to Mussolini.<sup>4</sup>

Exile contenders who make total claims to power can be generally classified into three major sub-groups in accordance with their respective goals and the grounds on which they justify their quest for national and international support.

The first consists of groups that strive to overthrow and replace their home country's native regime. They reject the claims made by the current home regime to represent the nation, but usually do not question the existence of the state or its boundaries. These exile contenders present themselves either as a) lawfully-elected, and therefore the legitimate sovereign power of their nation-state; or b) traditional, and therefore the legitimate representatives of their national community; or c) most authentic, thus the legitimate spokesmen of the national interest (making no reference to previous governmental posi-



tions).

The deposed Spanish Republican government-in-exile is a classic example of the lawfully elected type. Since the Republicans' defeat in the Spanish Civil War, up until Spain's first post-civil war democratic elections on July 7, 1977, officials of the exiled Republican government insisted on being acknowledged as the only legally mandated Spanish government. Similar claims have been made since 1939 by representatives of the dislodged Polish government-in-exile, still operating in London.<sup>5</sup> In general, deposed governments-in-exile try to prevent a complete break with the past, to maintain the old constitution unimpaired, and ensure a sense of institutional continuity. Beneath this facade, however, there are often considerable structural and constitutional changes designed to overcome problems of leadership succession while abroad. In the case of the Spanish Republicans, fierce rivalry while in exile between the last prime minister of the republic, Juan Negrin, and the minister of defense in Negrin's government, Idalecio Prieto, regarding the legal status of the last Republican government, delayed the establishment of a unified Spanish government-in-exile until 1945, and eroded the Republicans' prestige among the Western Powers during the initial postwar period.<sup>6</sup>

Traditional claims are usually made by deposed exiled monarchs, like the Bourbons, the Romanovs, the son of the deposed Shah of Iran (who in exile proclaimed himself as Shah Rıza II), and Prince Norodom Sihanouk's Royal Government of National Unity founded in China following Sihanouk's overthrow and the proclamation of the Khmer republic in 1970.

Groups which make claims for authentic representation are usually led by a charismatic exile leader who promises to transform the nation's life. Examples include de Gaulle's challenge to Vichy in the name of "the soul of France," as he put it in his famous broadcasts; Khomeini's anti-Shah exile campaign in the name of "Iran and Islam," and since 1981, Masood Rajavi's exiled Iranian Mujahedeen, fighting from Iraq (after they were forced out of France in 1986) to unseat Iran's Islamic regime on behalf of the "real revolutionary Iran."

Again, all the above-named groups engage in a struggle against an indigenous home regime for the right to represent the same nation-states. The vocabularies used by the various aspirants to justify their claim to power is usually reflected in their organizational makeup, in particular in the internal division between the innermost core of the leadership and the groups' prime loyalists.<sup>7</sup>

The second category of governments-in-exile includes

groups aspiring to statehood. They fight from outside their claimed national territory to gain independent political status inside an international order of sovereign states. These groups can be termed pre-state self-determination-oriented or decolonization-oriented governments-in-exile. Examples include the contending parties in the anticolonial struggle in Angola; the Basque government-in-exile seeking independence from Spanish rule; the Algerian government-in-exile, founded in Tunis in 1958 to replace the French colonial rule; the Palestine Liberation Organization (PLO), whose official title in the United Nations has been changed (following the November 1988 Palestine National Council's declaration of the establishment of an independent Palestinian state) from 'PLO' to the 'State of Palestine'; and finally, the Polisario Front, founded in 1973 as an alternative to Spanish rule in the Western Sahara, and which since 1976 has protested on behalf of the self-proclaimed Saharawi Arab Democratic Republic (SADR) against the annexation of the Western Sahara by Morocco. The Polisario's limited control over some of SADR's claimed territories, however, makes its status as a government-in-exile questionable.<sup>9</sup>

The third category of governments-in-exile is comprised of deposed governments that struggle from abroad against a foreign invader to regain political independence or territory lost in a war. The London based Allied governments-in-exile during the Second World War represent this sub-group best. They included the governments-in-exile of Czechoslovakia, Luxembourg, the Netherlands, Norway, Poland, Yugoslavia and Belgium.

It is possible that governments-in-exile will fall into more than one of the above categories at different times during their struggles. For example, when the invading countries endeavor to abolish the independence of the occupied nations and to incorporate their people as part of the conqueror's own national community, governments-in-exile of the occupied nation campaign to regain both political independence and self-determination. Such is the case of the 70 year-old Government of the Ukrainian National Republic in exile, which since the Ukrainian nation and soil were incorporated into the USSR in 1920, have claimed to represent "the last free will of a sovereign Ukrainian nation until such a time when a free and independent Ukrainian state is restituted on Ukrainian territory."<sup>10</sup> Likewise, the legations-in-exile of the Baltic states of Latvia, Lithuania and Estonia, continue to challenge the 1940 Soviet annexation of their independent countries. The U.S. and British governments (like many other western democracies) have never recognized the



1939 Molotov-von Ribbentrop pact, and continue to recognize and fund the Baltic legations as the legitimate representatives of their respective nations. Finally, under this category we can also include the Tibetan government-in-exile in India, which, since the Dalai Lama's flight from China in 1959, has been the driving force behind the ongoing Tibetan struggle to reverse the incorporation of Tibet into China.

Other cases of exile contenders which engage in overlapping struggles are de Gaulle's Free French, and the Polish government-in-exile. The Free French contested Vichy's authority in metropolitan France while fighting against German occupation. The deposed Polish government-in-exile, which fought during World the Second War for repossession of its authority from the Soviet and German invaders, has, since 1945, been claiming to be the sole voice of an "independent and democratic Poland." A student of the Polish-government-in-exile has noted that although it seems to have lost its *raison d'être* in the postwar period, its relentless fifty year campaign on behalf of Polish emigres supporting democratization "is in itself, a unique phenomenon in the history of political emigrations."<sup>11</sup> It will be interesting to see whether the London Poles continue to insist on maintaining their claims to exclusive legal-democratic status in the aftermath of the partially-free democratic elections in Poland in June 1989.

From the above classification we can deduce four distinct but related principles of justification invoked by governments-in-exile to support their bids for international recognition. These are: 1) the claim of a legal right to govern, which assumes the legitimacy is conferred only through democratic elections and is not attenuated with the loss of effective control; 2) the illegality of occupation, which assumes the sacredness of territorial integrity; 3) the right to self-determination; and 4) the right of a nation to be represented by its authentic spokesmen.

It is important to emphasize at the outset that the question of whether or not self-proclaimed governments-in-exile actually command the allegiance of the people they claim to represent is beyond the scope of these classifications; although the support of their alleged constituencies may be the most critical factor in determining the validity of their claims and the attitude of foreign patrons towards their struggles. It is possible, however, that an obscure organization with no national roots will decide to proclaim itself a government-in-exile (often as a challenge to other leading contenders).

## II. Foreign Support and the Political Nature of Recognition

The ultimate goal of all governments-in-exile is to gain or recapture political power. To that end they make great efforts to mobilize their fellow nationals, at home and abroad, and to obtain operational and diplomatic assistance from foreign sources whose support they consider instrumental to their success. Foreign operational support may include money, equipment, arms, or even direct intervention of a patron government to install the exiled contender in power. Diplomatic assistance varies from declarative and symbolic gestures by minor international actors to full recognition by sovereign governments. As indicated elsewhere, the degree of diplomatic support accorded governments-in-exile does not always reflect commitment by international patrons to subsequent operational needs. Limited diplomatic acknowledgement may be followed by massive operational assistance whereas full diplomatic recognition may not always be followed by effective rewards. In fact the level of diplomatic recognition and the degree of operational support for governments-in-exile are always contingent upon the patron government's position in international politics, its changing political/ideological objectives, and its calculated perception of the benefit of using the exiles as pawns in foreign rivalries.<sup>12</sup>

Although operational aid may be the most critical factor in helping governments-in-exile to achieve their ultimate desire - governmental power - the issue at the heart of most of their international campaigns is legitimacy; that is the international acknowledgement of the validity of their claims. Like ruling governments and other nonruling contenders, most exiled aspirants seek international approval to convince their national constituencies of the validity of their cause, and to discredit other rival aspirants as "illegitimate." As Inis Claude points out, "emperors (or would-be emperors) may be nude, but they do not like to be so, to think themselves so, or to be so regarded."<sup>13</sup> Governments-in-exile, therefore, ascribe vital importance to diplomatic recognition which they consider and present as an outward symbol of their revolutionary progress. However, exiled contenders may continue to adhere to their claims and persist in their political struggle even if their calls for recognition have not been heeded. Indeed, most self-proclaimed governments-in-exile must rest content with vague and tentative gestures by non-governmental actors, whose importance they tend to exaggerate in making up for the shortcomings of their peculiar "self-legitimizing" position.

In world politics governments cannot simultaneously accord full diplomatic recognition to more than one aspirant to



govern the same territorial entity, although two competing aspirants may claim sovereignty over the same territory or the right to represent a population ruled by another state. Hence to this day the Dalai Lama's government-in-exile in Dharmasala, India, challenges the Chinese claim that Tibet is an integral part of China, and maintains that it is the sole legitimate government of Tibet and its people.<sup>14</sup>

Recognition of one contender as the sole representative of a state automatically implies nonrecognition of competing claims to govern the same state's territory. Such is the case regardless of whether the recognized contender exercises or lacks effective control over the state territory. Thus, governments which today recognize the Palestine Liberation Organization as the official mouthpiece of the self-proclaimed Palestinian state (whose territory is now under Israeli control), will automatically reject Israel's claim for sovereignty over the same territories, though not necessarily the existence of the state of Israel itself. In cases of domestic national rivalry over the right to sole representation, foreign governments may also decide that none of the competing aspirants (in power or in opposition) is qualified to be granted recognition as the sole authority to rule without contesting the continued existence of the state itself. The patron government may therefore withhold recognition from all competing contenders until one of them satisfies its self-prescribed criteria for recognition. Governments which choose the route of withholding recognition from all rival claimants also tend to advocate keeping the target state's seat in international gatherings vacant. A recent case demonstrating such complexity is England's decision to withhold recognition from all contenders for power in Cambodia following the 1979 Vietnamese invasion. The British government, which initially voted with the majority of the United Nations member-states to prolong recognition of Pol Pot's dislodged government as the legal representative of Kampuchea, later changed its position and declared that, "there was no Government in Cambodia which it could recognize."<sup>15</sup> Britain thus derecognized Pol Pot, and at the same time denied recognition to the Vietnamese-backed government of Heng Samrin.

By and large, governments-in-exile are more likely to obtain full diplomatic recognition when their prospective international patrons are predisposed to deny recognition to the existing home regime. At least four broad and distinct (but related) rationales may be invoked by ruling governments to justify nonrecognition of toward other sovereign governments:<sup>16</sup>

1) They have come to power in an illegal manner, whether by extra-constitutional means in an already established state



(coup d'etat, civil war, etc.), or by unilaterally declaring themselves rulers of states whose territory and people are already acknowledged to be part of another nation-state. An example of the former instance is the early withholding of recognition from the newly established Bolshevik regime by the governments of France, Italy, and the United States. In the early 1920s the three governments continued to treat "diplomats or consuls sent by the tsarist or provisional governments of Russia as representatives of the Russian state."<sup>17</sup> The most notable example of the latter case is the Western allies' postwar refusal to recognize the government of East Germany which was declared a "non-entity" on the ground that it governed a territory and bore a name for which it had no legitimate claim.<sup>18</sup>

2) They are perceived as "puppets or stooges, merely part of other states' governmental structure."<sup>19</sup> The refusal of the majority of U.N. member-states to recognize the Vietnamese sponsored-government in Cambodia is again a good illustration of such a case. In general, the presence of an occupying force increases the likelihood that a native home regime - especially if it was installed by the occupier - will earn the reputation of a puppet. Such instances, however, do not automatically entail prolonged recognition of the deposed government at the expense of the home regime. As always, recognition practices are determined by the changing political goals of the recognizing government. This is best exemplified in the changing policies of India toward the rival contenders for power in Cambodia that accompanied the 1980 transition from the Janata administration to Gandhi's government. Janata's non-aligned foreign policy was manifested in India's decision to deny recognition to both Pol Pot and the Vietnamese-backed government of Heng Samrin. India thus objected to the seating of either delegation in the U.N. The coming to power of Indira Gandhi, in January 1980, produced a shift in India's policy. Although she was rhetorically committed to the policy of non-alignment, Gandhi leaned toward the Soviet Union (which she considered a more reliable friend of India than the U.S.); on July 7, 1980, she announced India's recognition of the Vietnamese-sponsored regime, an act which stirred broad international condemnation of India by the United States, China and most of all the members of the Association of Southeast Asian Nations (ASEAN), but which was welcomed by the Soviets.<sup>20</sup>

Even more illuminating is the fact that despite the Soviet invasion of Afghanistan, its client-governments of Babrak Karmal, and Najibulha, respectively, continued to occupy the Afghan U.N. seat. Kabul's uncontested status in the U.N. which

could be attributed, in the early period of the Soviet presence, to the absence of a viable opposition contender, surprisingly remained unchallenged even after the consolidation of the Mujahedeen U.S.-Pakistani sponsored seven-party exile alliance in Peshawar.<sup>21</sup>

3) They are labeled as representatives of states which are founded on alleged "original sin" especially in their domestic political composition. A classic example of this category is the almost unanimous refusal of U.N. state-members to recognize South Africa's apartheid government and its offspring independent homelands of Bophuthatswana, Transkei, Venda, and Ciskei.<sup>22</sup>

4) The home government's annexation of other independent states is deemed unacceptable and 'unlawful'. The occupied forces are denied recognition as governments of the occupied territories on the ground that "military occupation by itself does not confer title or extinguish a nation. Nor does a proclamation of annexation so long as the claims of the occupying Power are effectively challenged and remained unrecognized."<sup>23</sup> The refusal of Great Britain and the U.S. to recognize the Soviet annexation of the Baltic states is a case in point. The two countries still continue to provide the aging representatives of the Baltic states with diplomatic courtesies.

The denial of recognition of ruling governments on the basis of these principles opens the door for non-ruling contenders, including self-proclaimed governments-in-exile, who ask for recognition of their claims to be the sole and most genuine alternative to the home regime. The mere existence of such exiled contenders - even if they are operationally incapable of replacing the home regime - may become, in and of itself, an important factor in affecting the recognition posture of governments vis-a-vis the home regime; they may extend recognition to the exiled contender as part of their strategy to undermine the home regime. Non-ruling contenders who claim to represent sovereign states may be recognized only as *de jure* (and not as *de facto*) authorities, a distinction which implies that, from the standpoint of patron governments rulership does not sanctify a "legitimate" right.

### International Law and the Changing International Mythologies

International law has developed a body of principles and criteria for granting, withdrawing, or withholding recognition among governments which are also applicable to relations between sovereign governments and self-proclaimed governments-



in-exile. There are three major approaches in this literature. The "traditional approach" conditions recognition on the ability of the recognized government to exercise effective control over its territory by possessing the state's machinery; its propensity to fulfill international obligations; and the degree of support it receives from its claimed constituencies (without specifying a particular form of government). The "Estrada doctrine," named for the Mexican Foreign Minister Genaro Estrada, advocates the elimination of recognition from diplomatic practice. It maintains that only new states, not governments, should be recognized, and condemns the practice of granting, withdrawing, or withholding recognition for constituting foreign intervention in other states' domestic affairs. Finally, the "Tobar/Betancourt approach," links recognition to democratic practices. It promotes nonrecognition of governments that come to power through extra constitutional means until "a free election is held and new leaders elected." The concept is also known as "automatic nonrecognition."<sup>24</sup>

The various theories of recognition are mutually incompatible. Their notorious ambiguity and arbitrariness have earned the law of recognition the reputation of being "the most maligned and controversial branch of international law."<sup>25</sup> This situation reflects the inability or unwillingness of governments to establish clear and stable priorities among a number of principles of "legitimation" to all of which lip service is paid by the international community. These principles, which gain preeminence at different political conjunctions, promote, at least rhetorically, themes such as self-determination, democracy and popular consent, human rights, and nonintervention (or territorial integrity). The result, or perhaps the reason for the absence of unified criteria for affording recognition in international law theory is that all governments are free to adopt and interpret the doctrines of recognition in accordance with their policy objectives and ideologies. In practice, therefore, diplomatic recognition is no more than a political mechanism exploited by governments to advance or undermine conflicting claims to power in other states, in an attempt to enhance their own interests (domestic or foreign).<sup>26</sup> The exploitation of recognition of recognition in world politics is particularly pronounced in the case of governments-in-exiles, which are accorded or denied recognition as the foreign policy agendas of established governments dictate.

In the 19th century recognition was usually extended to new governments once they satisfied the seemingly objective criteria for effective control. In this century, especially since 1917, recognition is no longer automatically conferred on effec-

tive governments; it became imbued with ideological considerations.<sup>27</sup> In the early years of the 20th century, when legal-democratic principles became enshrined, governments in increasing numbers had begun linking their recognition policies to the political character of the target regime. The first institutionalization of democratic-legality as a principal guideline for recognition policies was the 1907 signing of the Central American Treaty of Peace and Amity. The republics of Guatemala, Costa Rica, El Salvador, Nicaragua and Honduras agreed, as a self-protective measure, to deny recognition of "any other Government which may come into power in any of the five Republics as a consequence of a coup d'etat, or of a revolution against the recognized Government, so long as the freely elected representatives of the people thereof, have not constitutionally reorganized the country."<sup>28</sup>

The legal-democratic criteria dominated recognition policies of many governments throughout the first half of this century. Between the 1920s and the 1940s recognized governments-in-exile were for the most part governments deposed by a native or a foreign regime. They were recognized as the legal and *de jure* sovereign power of their country, and were treated "as if they were still ruling the state even though their government has lost effective control."<sup>29</sup> Prolonged recognition of deposed exiled governments became a common practice especially during the Second World War. In London and Washington, D.C., exiled governments and officials of countries occupied by Germany were recognized as "the legal successor to the government which (they) replaced,"<sup>30</sup> a status which entitled them to full diplomatic immunity and privileges. The governments-in-exile were empowered by the Allied Powers, through the Maritime Courts Act of 1941, to have jurisdiction over their fellow nationals residing in the recognizing countries. This included the authority to maintain their own armies, to control their countries' assets abroad, and the right to try their own national for certain specified offenses (although they were forbidden "to retain or imprison ... any person ... or a national' of that country, ... and had to rely on British authorities and courts for enforcement of their statutes and decrees."<sup>31</sup>

Withholding recognition from an occupier or its native surrogate, while at the same time prolonging recognition of a deposed government, carried the message that effective control over the territory did not confer "legitimacy." But the message was not just symbolic. By treating the deposed governments as if they were still ruling their countries, the recognizing governments sought to keep their exiled institutions - and especially



their defeated armies - intact as a living challenge to the home regime, and to prepare them as designated rulers in the postwar period. The Allied powers, using the legal-democratic principle to justify their recognition of the deposed governments, were hesitant to grant similar recognition to Charles de Gaulle's Free French which had no legal status prior to its creation. As Krystyna Marek has noted, de Gaulle's claim to be the authentic representative of all Frenchmen was insufficient to justify the granting of full recognition, since "peoples are not a subject of international law and can therefore hardly be legally represented."<sup>32</sup> In fact, the United States, the Soviet Union, and even Britain recognized Petain's government, and continued to host Vichy's diplomatic officials until 1943.<sup>33</sup> The Free French's official status, reduced to that of a "national committee", did not, however, prevent the allies from bestowing on de Gaulle the same diplomatic privileges enjoyed by other recognized governments-in-exile, or, for that matter, from granting his liberation committee massive operational assistance.

Recognition, is not, as M.J. Peterson has noted, "irrevocable once given."<sup>34</sup> As McDougal and Reisman have pointed out, governments may elicit changing attitudes among other governments "akin to recognition and derecognition."<sup>35</sup> The tentative nature of recognition was manifested at the end of the Second World War when the Polish government-in-exile was abandoned by its Western allies. In 1943, when the great Soviet counter-offensive was already underway, Stalin broke off relations with the Polish government-in-exile. The British government, fearful of destroying the coalition with the Soviets, failed to stand by its Polish allies, and when the Red Army reached Poland Stalin was quick to execute his plan to install a government to his liking. Stalin thus created a "Polish National Council" consisting of Polish communists and nonentities and shortly before Yalta he recognized the group as the Provisional National Government of Poland. At Yalta, Churchill and Roosevelt yielded on the Polish question. They deserted the London Poles and eventually recognized the Lublin group as the future government of Poland.<sup>36</sup>

In the postwar period legal-democratic principles dominated international political rhetoric. Today, a nondemocratic regime, "feels compelled to shed its more authoritarian and totalitarian traits in order to establish a popular image of legitimate rule."<sup>37</sup> Furthermore, following the war the principle of territorial integrity suffered an erosion in favor of "cosmopolitan" morality.<sup>38</sup> By 1946 the United Nations — allegedly representing a democratic world order — had already emerged as the prime arbiter among legitimation principles used in granting global

approval and disapproval of conflicting claims to rule particular states. The world community, in its charters and law (such as the Declaration of Human Rights, and the genocide Treaty of 1948) has acknowledged individuals, not only governments, as legal entities in the eyes of international law, which means that the domestic legal order of every state has become a matter of concern for all mankind. Since the war, then, sovereignty is no longer hailed as being morally superior in its own right, and the U.N. may even advocate military action to put an end to a state's actions that it deems intolerable.<sup>39</sup>

The first and perhaps most dramatic postwar attempt by the international community to unseat an indigenous home government in the name of the legal-democratic principle was the General Assembly's labeling of Franco's fascist regime as a potential threat to world peace. On December 12, 1946, the U.N. adopted a resolution which barred Spain from membership in the international agencies of the United Nations until democracy was restored. The resolution also recommended a universal withdrawal recognition from Franco's government, and authorized the Security Council to determine "within a reasonable time . . . the adequate measures to be taken to remedy the situation." This unusual resolution, however, was of limited effect without the wholehearted support of the Western powers. By 1946 the Great Powers were already immersed in the Cold War and the British and U. S. governments preferred Franco's staunch anti-communism to the prospect of the return to power of the left-leaning Republican government-in-exile. The Western allies fell short of breaking relations with Franco, and even France, which ordered the closing of its border with Spain and made symbolic gestures toward the Giral Republican government in Paris, refrained from extending diplomatic recognition to the Spanish government-in-exile. By 1947 only a handful of European and Latin American governments granted diplomatic recognition to the Spanish government-in-exile<sup>40</sup> while the U.S. and Britain saved face by maintaining that despite the international community's obligation to democracy in Spain it was the Spaniards alone who could bring about a change of regime. As Louis Stein, a student of the exiled Republicans, has pointed out, despite the rhetoric of democracy "the idea of nonintervention had been of service to Franco. . . . The demands of the Cold War had made his anticommunism respectable. He had become the pillar of strength and virtue in the campaign against the Soviet Bloc (while) the Spanish Republicans had surely been betrayed by their friend."<sup>41</sup> By 1950 the U.S., Britain and France had already initiated an international campaign to remove the 1946



resolution, and called for the admission of Nationalist Spain to the United Nations. Spain finally became a full member of the U.N. in 1955, while the Spanish Republican government-in-exile rapidly lost the limited recognition it had previously enjoyed and "ceased to have meaning to anybody outside of the exile itself."<sup>42</sup>

The international conventions which promoted the use of outside intervention to terminate human rights violations were further developed in the U.N. anticolonial provisions. With the growing wave of national liberation in Third World countries, the idea of self-determination — itself an extension of the democratic concept — became preeminent in the international community's archetypes of legitimacy. The growing number of former colonies gaining independence and membership in the U.N. moved the organization to adopt the Decolonization Declaration (Dec. 14, 1960), which branded colonial rule inimical "to human rights and (the) pursuit of peace."<sup>43</sup> It also declared "that all peoples have the right to self-determination."<sup>44</sup> Res 2621 XXV of October 12, 1970 extended this provision to "reaffirm the inherent right of colonial peoples to struggle by all necessary means at their disposal against Colonial Powers which suppress their aspiration for freedom and independence."<sup>45</sup>

Since the early 1950s, therefore, most recognized governments-in-exile were no longer dispossessed governments trying to prolong a *de jure* international status, but rather aspiring exiled contenders seeking to transform their self-proclaimed *de jure* status into *de facto* control of a given target territory. The revolutionary Algerian government-in-exile (the Gouvernement Provisoire de la Republique Algerienne or GPRA), established in 1958 in Tunis, was among the first to invoke anticolonialism to challenge French sovereignty over Algeria. The GPRA claimed to represent the Algerian people and it was consequently recognized by the Arab States, China, and the countries of the Soviet bloc as the "legitimate" representative of Algeria. The Soviets refrained from granting recognition, fearing a possible severance of relations with de Gaulle's government.<sup>46</sup>

With the formation of the Organization of African Unity (OAU) in 1963, many self-proclaimed liberation movements sought and gained recognition by African governments whose countries had already gained independence. The OAU's special Liberation Committee provided a forum for the new aspirants, and its declared intention was to promote the most "legitimate" contenders from the newly self-proclaimed nation-states. The OAU's official criteria for recognition required the exiled contenders to demonstrate their effective struggle against the colonial powers and to manifest their ability to muster popular support

among their claimed constituencies at home. Although the OAU's recognition policies were declared to be free of ideological or political considerations, political motives and blocs dominated some of the most crucial decisions of the organization.<sup>47</sup>

The Angolan case is perhaps the most instructive example of the OAU's changing position in determining the most "legitimate" contender to replace Portuguese colonial rule. In Angola, Holden Roberto's self-proclaimed revolutionary exiled government, the Governo Revolucionario de Angola no Exile (GRAE) vied for OAU's recognition with Dr. Agostinho Neto's Movimento Popular de Liberacao de Angola (MPLA). The GRAE claimed to be "the only movement to represent the Angolan people," while Neto maintained that the MPLA had acquired the right to recognition as "the only one that was fighting the Portuguese troops."<sup>48</sup> Throughout the 1960s the OAU futilely sought to create unity between the two contenders. It first accorded recognition only to the GRAE, but the growing discontent among many OAU delegates with the GRAE's poor performance in the fight against the Portuguese, led to a reversal of this position. In 1969, the OAU Liberation Committee voted for the withdrawal of recognition of the GRAE, and after 1971 Holden Roberto's organization was referred to as a government-in-exile only by Zaire. Other OAU member-states recognized the MPLA.<sup>49</sup>

During the 1960s and again during the 1970s the OAU Liberation Committee often faced requests for recognition and operational aid from two or more political contenders aspiring to represent the same nation, and the organization soon became the supreme body in determining the "most legitimate" among them. However, since many of the OAU member-states - as well as the aspiring groups themselves - were recipients of either Chinese or Soviet aid, recognition quickly became intertwined with Sino-Soviet competition, and the OAU faced increasing internal divisions. In a few cases the OAU in an attempt to avoid alienating any of its patron powers, simultaneously recognized two rival claimants. In the case of Namibia and South Africa, the OAU recognized, respectively, both the Soviet-backed SWAPO and the African National Congress (ANC) as well as the Chinese sponsored South West Africa National Union (SWANU) and the Pan-Africanist Congress (PAC).<sup>50</sup>

The OAU's susceptibility to power politics in determining recognition policies was further manifested in the case of Western Sahara, which was annexed by Morocco and Mauritania after the termination of Spanish colonial rule. In 1976, the OAU announced its intention to admit to membership the Polisario Front as spokesmen of the self-proclaimed Saharawi Arab



Democratic Republic (SADR). However, threats to withdraw from the organization by King Hassan of Morocco and the President of Mauritania, Mouktar Ould Dada, delayed any formal decision.<sup>51</sup> It took eight years, during which the OAU experienced internal divisions and intense disruption over the subject of Western Sahara, until the majority of its member-states officially recognized the SADR. In 1984 Polisario's representatives were invited to take the SADR seat in the organization. Morocco immediately withdrew its membership while Mauritania succumbed to the pressure and recognized the new state-in-exile.<sup>52</sup>

The technique of recognizing a government-in-exile in an attempt to undermine the ruling regime is not limited to cases of self-determination or decolonization. It has also been exploited by governments seeking to undermine regimes backed by occupying countries, and, in fewer instances, to discredit native governments of independent states. Patron governments may therefore encourage exile groups to unite their forces (or at least to project a stronger image of unite) in order to make themselves worthy of eventual recognition as the most viable alternative to the home regime. During the Second World War, for example, the British Foreign Office was provoked by two notable anti-Fascist exile leaders, Luigi Sturzo and Carlo Sforza, to form and recognize an Italian government-in-exile — similar to the Free French — to counter Mussolini. The search for an exile leader who could unite the Italian forces, just as de Gaulle organized the French resistance, was soon suspended when British officials in Europe and the U.S. concluded that there was no such Italian figure capable of establishing a respectable government-in-exile.<sup>53</sup> Likewise, President Eisenhower, in the hope of overpowering Castro in an exile-led operation, urged Cuban exile groups in Miami to unite their forces and select a leader whom he could recognize as "the head of a government-in-exile."<sup>54</sup> Finally, the Sudanese government attempted in 1965 to undermine the neighboring government of Chad by proclaiming its intention to recognize the government-in-exile formed by Chadian refugees on its territory. However, discussions encouraged by the OAU led to settlement of the Sudan's differences with Chad and to a Sudanese promise to expel the refugees and stop aiding their organization.<sup>55</sup>

The most recent development which demonstrating the complexity of the use of recognition to undermine regimes installed by a foreign invader is the refusal of a majority of U.N. members to recognize the Vietnamese sponsored government of Cambodia, preferring instead to continue to recognize the exiled coalition government of Pol Pot. In 1979, when the Khmer Rouge

were defeated by the Vietnamese invasion, most of its cadres fled to Thailand. The Chinese government, facing the crushing of an ally by Soviet-backed Vietnam, and Thailand, fearing the presence of Vietnamese troops on its border, refused to accept Hanoi's victory. With the help of the Association of South East Asian Nations and other U.N. member-states, they extended recognition to the Khmer Rouge as Cambodia's legitimate government. The Thai and Chinese governments, also provided the Pol Pot forces with operational bases and military aid to resist the Vietnamese-backed government of Hun Sen. In the early 1980s the U.S. also considered Pol Pot a convenient instrument in the fight against Vietnam providing his forces with financial support and doing little to counter the Khmer Rouge's official status. Now, on the eve of the Vietnamese withdrawal (expected by Sept. 1989) many governments are alarmed by the prospects of Pol Pot returning to power, and are making efforts to encourage a new coalition (which will exclude the Khmer Rouge) between the Hun Sen government and Prince Norodon Sihanouk, the most prominent exile contender in Cambodia's recent history.<sup>56</sup>

The use of diplomatic recognition of exile aspirants as a weapon in undermining hostile indigenous governments of independent states was less frequent in the last decade. But this has not prevented governments that maintain full diplomatic relations with native home regimes from openly trying to undermine them by sponsoring their exiled opposition. For instance, throughout its war with Iran, the Iraqi government maintained full diplomatic relations with Teheran, while at the same time abetting the struggle of Khomeini's arch rivals, Masood Rajavi's Iranian exile Mujhaeden and sheltering its members. In July 1988, just a week before Khomeini's surprising acceptance of U.N. Resolution 598, calling for the ending of the war with Iraq, Rajavi made public his intention to set up, with the permission of the Iraqi president, Saddam Hussein, a government-in-exile "to administer 'liberated areas' of Iran en route to the takeover in Teheran." The cease fire on August 20, dealt a devastating blow to Rajavi's hopes, for the Iraqis were quick to compromise their erstwhile ally.<sup>57</sup> A similar case which demonstrates governments' resent reluctance to exploit diplomatic recognition of their exiled clients (as a political weapon in undermining rival regimes), is the United State's continued diplomatic relations with the Sandinista government in Nicaragua while simultaneously openly aiding the exiled Contras in their struggle to overthrow the regime in Managua. The newly apparent tendency to maintain diplomatic relations with enemy regimes may reflect a growing acknowledgement among governments that a nonrecognition



posture toward hostile governments or recognition of exiled contenders at their expense has proven to be ineffective or even counterproductive technique. A critic of the U.S. nonrecognition policy in Latin America, Africa and East Asia has observed that the real victim of the practice "has been the global diplomacy of the United States. When regular channels of official contact are choked off, protection of United States interests and achievement of United States objectives becomes much more difficult."<sup>58</sup>

Other examples of this strategy abound. Hence despite vast U.S. and Pakistani operational support of Afghan exile rebels in their struggle to overthrow the Soviet-backed government in Kabul, the two governments stopped short of breaking off official relations with the regime. Even after the proclamation of the Afghan coalition government-in-exile on February 23, 1989, (whose formation had long been encouraged by the U.S. and Pakistan) the self-proclaimed government-in-exile's call for international recognition and the right to fill the nation's seat in the United Nations remained unheeded. The State Department announced that the U.S. would withhold recognition until the government-in-exile obtained "control over territory, a functioning civil administration, broad popular support, and (the) ability to honor international obligations."<sup>59</sup> In a similar fashion, Pakistani Premier Benazir Bhutto excused her country's nonrecognition policy by proclaiming its commitment to the principle of nonintervention: "We have not recognized it because we would like respect paid to the Geneva accords."<sup>60</sup> Recent events in Panama, however, indicate that the U.S. government has not entirely dispensed with the use of recognition as a political tool in undermining opponent regimes. Thus in March 1988, the ousted exiled President of Panama, Eric Arturo Delvalle, was recognized by U.S. officials as the lawful president of Panama. In December 1988, Delvalle was received in the White House by President Reagan and by the President-elect Bush as part of the U.S. campaign to remove Gen. Manuel Antonio Noriega from power.<sup>61</sup> In May 1989, after Noriega violently stole the elections in Panama, the U.S. protested the fraudulent nullification of the vote taking the unusual step of granting official recognition to the opposition leader Guillermo Endara as Panama's president-elect.<sup>62</sup>

### **III. The Elusive Nature of International Legitimation**

We have thus seen that in world politics there is a large pool of broadly interpreted principles interchangeably invoked by governments to justify their recognition policies vis-a-vis rival contenders to power in other states. The ideas of territorial

integrity (or nonintervention), self-determination, human rights, legality and democracy can cancel each other out in instructing recognition policies. A government installed by foreign invaders may be labeled a puppet and may be denied recognition even though it has consequently consolidated power independently, while a deposed exiled contender may enjoy prolonged recognition despite its criminal human rights record and lack of popular support at home. Governments that grant diplomatic recognition and provide operational assistance to exiled contenders may maintain that the principle of nonintervention is inapplicable to what they consider colonial possessions, unconstitutional ways of acquiring power, or nondemocratic practices. Patron governments may even bestow recognition on a surrogate exile group which they themselves created and which they then declare to be authentic representatives of an alleged national constituency.

Since recognition practices are subsumed under tactical considerations dictated by the patron's immediate interest, they do not always match (at least in appearance) the overall position of a government toward the contestants in other states' power struggles. On the one hand, recognition does not entail any additional commitment by the patron government. Thus a government which officially rejects the legitimacy of ruling authorities and affords *de jure* recognition to its exiled opponents may at the same time have a strong connection with the unrecognized authorities in the form of litigation, trade and exchange of travelers. As Leon Lipson, a scholar of international law, has pointed out, the advantage of recognition *de facto* over recognition *de jure* lies in affording the opportunity for "gradation of treatment."<sup>63</sup> On the other hand, governments that provide massive military aid to assist exiled claimants to power may at the same time withhold diplomatic recognition from their clients. They may maintain full diplomatic relations with a rival home government in order to maintain close ties with domestic developments and to have easier access to intelligence channels which require stable diplomatic relations. Pakistan's policy towards the Afghan rebels self-proclaimed government-in-exile is an extreme illustration of political hypocrisy in which a sponsoring government exploited the idea of nonintervention to justify nonrecognition of its exiled clients. Pakistan has justified its military assistance to the Afghan exiles as a humanitarian relief effort, while referring to its exiled clients as "refugee organizations."

The attempt to translate the tentative nature of recognition in the political realm into the language of international law by invoking the distinction between *de jure* and *de facto* is unpopular among many international law students. One of them



has warned that those who are resorting to the usage of *de jure/de facto* to describe international relations are "committing atrocities of analysis."<sup>64</sup> Scholars and practitioners who have sought to free recognition from political and ideological considerations have long advocated the limitation of recognition only to states, based on the supposedly objective criterion of effective control. However, as Peterson, another international law student, has pointed out recognition of governments is here to stay, since "states are abstract entities capable of acting only through some human agent, and the government is that agent." Thus, she concluded, relations between states can never be free from "emotional reaction or political calculation."<sup>65</sup> Indeed, even recognition of a non-existing aspiring state, such as the newly self-proclaimed state of Palestine, implies recognition of the right of those who declare the state to exist - in this case the PLO - to also speak on its behalf, and thus, by extension, recognition of a government.<sup>66</sup>

The unstable nature of recognition is especially clear in the case of self-proclaimed governments-in-exile whose existence is by nature tenuous. Since they are usually treated by sovereign governments not as players but as playing cards, we must ask ourselves how recognition may advance the exiles' final goal. In general, the conflict over who has the right to govern a state is determined by the state's constituencies at home (and to a lesser degree in the diaspora community), as well as by foreign actors who strive to seat or unseat other states' governments in order to enhance their own political interests. They all throw their support behind a particular contestant whom they tend to declare the most "legitimate" aspirant. Whether governments-in-exile are fictional entities or serious contenders is a function of their ability to obtain the loyalty of their state's constituencies at the expense of other contenders for power (especially the home regime), and to mobilize foreign support for their ultimate goal. The success or failure of exiled contenders in mobilizing national support may affect their campaign in the international sphere and vice versa. On the one hand, foreign support is likely to decline over time as governments come to realize that the home regime is stable and not apt to be seriously affected by domestic resistance.<sup>67</sup> On the other hand, foreign support is likely to rise with the renewed popularity of the exiled contender at home. We must remember, however, that diplomatic recognition is only one among many factors, neither sufficient nor necessary, to determine the final outcome of the exiles' struggle.

Until the end of the Second World War, as long as there was no "authoritative" body to acknowledge and interpret ques-

tions of regimes' legitimacy, recognition practices reflected the patron government's self-prescribed ideological and political criteria. The consistent refusal of Mexico to acknowledge the legitimacy of Franco's regime, and Mexico's prolonged recognition of the Spanish Republican government-in-exile (in the face of domestic pressure to accept the Nationalist government in Madrid, and despite the changing international climate in favor of Franco),<sup>68</sup> may be regarded as one of the most genuine expressions of support for legal-democratic principles in this century.<sup>69</sup> The recognition of the deposed Russian governments in the early 1920s, however, had more to do with the European governments' ideological and political dislike to the Soviet authorities than with genuine endorsement of the legality of the deposed bodies.<sup>70</sup>

The postwar formation of the United Nations was intended to provide a global remedy for the subjugation of principles of legitimacy to political considerations. The U.N.'s ascribed role as "custodian of collective legitimacy"<sup>71</sup> aimed at providing universal approval followed by international assistance to "just" causes and global repudiation and resistance of "evil." However, the evidence of the last decades indicates that rather than upholding genuine philosophical criteria of international justice, the U.N. practice of recognition reflects the crude interests of its more powerful member-states. The U.N., it may be argued, institutionalized the practice of cloaking strategic interests with the banner of international morality. Because the U.N. was intended to be the representative of a world democratic order, it was endowed with the power to facilitate the claims to power of non-ruling aspirants whose cause it deems legitimate, and who therefore become authorized recipients of international aid as authentic representatives of their populations. Thus, recognized exile claimants, like SWAPO, ANC, PAC and the PLO, enjoy most of the diplomatic privileges accorded to sovereign governments and have access to the treasuries and armories of the U.N. donor countries. Unrecognized home regimes, on the other hand, are usually excluded from the work of international organizations, denied their benefits, and are often forced to conduct their international relations — diplomatic, economic, and cultural — "at a clandestine, non-governmental level."<sup>72</sup> In the case of Cambodia, the continuous recognition of the deposed DK exiled coalition government at the expense of the Hanoi-installed government of the Republic of Kampuchea (PRK) - has prevented the latter from drawing upon U.N. programs to strengthen its domestic political position.<sup>73</sup>

Recognition of exiled claimants in the U.N. has been



particularly important in cases where governments-in-exile granted the authority to monitor and direct the relief effort of a large diaspora community in refugee camps. In these cases the money allocated by the U.N. agencies for medical care, food, and shelter has often been exploited politically by exile contenders who run these camps. Hence, the fact that Pol Pot's exiled Coalition government of Democratic Kampuchea has its flag in the U.N. has authorized the Khmer Rouge to have total control over refugee camps in Thailand. Moreover, since the Thai government did not apply its own laws within the camps, their inhabitants have become totally dependent on the Khmer Rouge forces, and are retained through disinformation, propaganda sessions, fear and retribution.<sup>74</sup>

Recognition of an aspirant exile group may also have a critical effect in determining the balance of power within broad exile coalition. Due to their peculiar position, exiled governments are often beset with factionalism. Recognition and its side benefits may be a prime incentive on the part of the coalition members to preserve unity. The failure of the Giral government-in-exile to mobilize international recognition eroded the already fragile Spanish Republican unity and provoked some exiled Republican leaders to abandon the legal camp in an attempt to form a more viable coalition against Franco.<sup>75</sup> Prince Norodom Sihanouk, who had been criticized for allying himself with the Khmer Rouge in the exiled Cambodian coalition government, defended his decision as the only possible way to acquire international recognition:

"We would like to be separated from the Khmer Rouge. We would like to form a nationalist government without the Khmer Rouge. But how can we form a nationalist government outside the legal framework of Democratic Kampuchea because Democratic Kampuchea is the legal entity; it is still the full member of the U.N. If we don't accept the legality of Democratic Kampuchea, we cannot be recognized by the U.N. and if we are not recognized by the U.N., we might just protest against the Vietnamese in the streets, in front of the U.N. No, if we want to be helpful to Cambodia, we must have at our disposal the U.N. platform. We can speak out against the Vietnamese, and get legal and official support from the U.N."<sup>76</sup>

Finally, a critic of the U.S. policy of nonrecognition of the Afghan self-proclaimed government in exile has argued that "Withholding recognition inadvertently destabilizes the Mujahedeen coa-

lition. It encourages clashes between traditional rivals, fosters manipulative competition by factions, . . . and discourages defections from the Soviet puppet government in Kabul."<sup>77</sup>

One may argue that when patron governments fail to provide operational support above declarative acknowledgement, exiled contenders may fall victim to political rhetoric and may "acquire an illusion of importance which becomes self-fulfilling."<sup>78</sup> In the early 1970s a leading student of African politics who examined the position of SWAPO of Namibia remarked that, the U.N. recognition of the exile struggle created "false hopes and inhibited nationalist initiative, only finally to leave exile Namibians further from power and thus more frustrated and dependent than they had been before the United Nations assumed responsibility for their cause."<sup>79</sup> However, one must also remember that in world politics institutions are what they are largely because of what certain people think, feel and say about them. Hence, the recent pact concerning Namibia's independence and the expected withdrawal of South African forces may demonstrate - if and when the agreements are carried out - that the continuous presence of SWAPO in the U.N. has been the most valuable asset in SWAPO's ability to capture power inside Namibia.<sup>80</sup>

As some of the examples given above demonstrate there is no integral connection between the U.N. decision to confer recognition upon an aspirant, and the moral validity of the aspirant claim. As Inis Claude profoundly remarked, the critical question "is not what principle is acknowledged but who is accepted as the authoritative interpreter of the principle, or to put it in institutional term how the process of legitimation works."<sup>81</sup> Although U.N. decisions and declarations are presented in the name of the "world community," they represent no more than the will of interlocking blocs which provide the majority vote needed to control the interpretation and boundaries of fundamental principles of legitimacy. As Jeane J. Kirkpatrick has pointed out, in the U.N. "a continuing political struggle is waged to control the definition of key terms (and the) description of reality. What are human rights? Who is abused? What is aggression? Who is the aggressor and who is the victim? What is a national liberation movement - who is liberated, who is subjugated? When is a force legitimate, when is it illegitimate? All are 'decided' by majority vote."<sup>82</sup>

Thus despite the fact that the U.N. Charter prohibits the acquisition of territory and the annexation of people by means of force, a majority of governments has avoided challenging the annexation of Tibet by China, and have denied recognition to the



Dalai Lama's Tibetan government-in-exile even though it has enjoyed the overwhelming support of Tibetans in the diaspora and under Chinese occupation. At the same time, Pol Pot's criminal DK exiled government has been granted recognition as the authentic representative of the people of Cambodia, on whom it has been perpetrating genocide.

In conclusion, although the U.N. set out to replace power and ideological politics with universal moral principles, in its practice of recognition it has often succeeded only in obscuring the concept of legitimacy. If there is any hope of establishing a genuine and reliable set of principles of international justice, we must begin by separating the language of recognition from that of legitimacy.

### FOOTNOTES

<sup>1</sup>P.M. Brown, "The Legal Effects of Recognition," cited in John Dugard, *Recognition and the United Nations* (Cambridge: Grotius, 1987), 5.

<sup>2</sup>See Yossi Shain and Mark Thompson, "The Role of Exiles in Democratic Transitions: The Case of the Philippines," *Journal of Developing Societies* (forthcoming).

<sup>3</sup>See Lee Shin-Bom, "South Korea: Dissent from Abroad," *Third World Quarterly* 9 (January 1987): 130-47.

<sup>4</sup>See Charles F. Delzell, *Mussolini's Enemies: The Italian Anti-Fascist Resistance* (Princeton: Princeton University Press, 1961).

<sup>5</sup>See Alicja Iwanska, *Exiled Governments: Spanish and Polish* (Cambridge, Mass.: Schenkman Publishing Co., 1981).

<sup>6</sup>See Louis Stein, *Beyond Death and Exile: The Spanish Republicans in France, 1939-1955* (Cambridge, Mass.: Harvard University Press, 1979).

<sup>7</sup>In an earlier work, I have applied Max Weber's sociology of legitimacy to an analysis of the institutional frameworks accompanying these diverse claims. See Yossi Shain, *The Frontier of Loyalty: Political exiles in the Age of the Nation-State* (Middletown, Conn.: Wesleyan University Press, 1989), 27-38.

<sup>8</sup>See Yezid Sayigh, "Struggle Within, Struggle Without: The Transformation of the PLO Politics Since 1982," *International Affairs* 65 (Spring 1989): 268-71.

<sup>9</sup>See Claude Bontems, "The Government of the Saharawi Arab Democratic Republic," *Third World Quarterly* 9 (January 1987): 168-86.

<sup>10</sup>See *Marking the 60th Exile Anniversary of the Ukrainian National Government (1920-1980)*, A Special Publication of the

Ukrainian National Government in Exile, 1981.

<sup>11</sup>See George Kacewicz, *Great Britain, the Soviet Union and the Polish Government in Exile (1939-1945)*, (The Hague, The Netherlands: Martinus Nijhoff, 1979), 212-213.

<sup>12</sup>See Shain, *The Frontier of Loyalty*, Chapter 6.

<sup>13</sup>Inis L. Claude, Jr., "Collective Legitimation as a Political Function of the United Nations," *International Organizations* 20 (Summer 1966): 368.

<sup>14</sup>See Michael C. Van Walt van Praag, *The Status of Tibet: History, Right, and Prospects in International Law* (Boulder, Col.: Westview Press, 1987), 181-89.

<sup>15</sup>Tridib Chakraborti, *India and Kampuchea: A Phase in their Relations, 1978-1981* (Calcutta, India: Minerva, 1985), 111.

<sup>16</sup>See Alan James, *Sovereign Statehood: The Basis of International Society* (London: Allen & Unwin, 1986), 132-62.

<sup>17</sup>M.J. Peterson, "Political Use of Recognition: The Influence of the International System," *World Politics* 34 (April 1982): 333.

<sup>18</sup>James, *Sovereign Statehood*, 136.

<sup>19</sup>*Ibid.*, 133.

<sup>20</sup>See Chakraborti, *India and Kampuchea*, 52-128.

<sup>21</sup>See Barnett R. Rubin, "Afghanistan: Political Exiles in Search of a State," a paper presented at the annual meeting of the American Political Science Association, Atlanta, September, 1989.

<sup>22</sup>James, *Sovereign Statehood*, 145.

<sup>23</sup>Philip M Brown, "Sovereignty in Exile," *American Journal of International Law* 35 (1944): 667.

<sup>24</sup>See L. Thomas Galloway, *Recognizing Foreign Governments: The Practice of the United States* (Washington, D.C.: American Enterprise Institute for Public Policy Research, 1978), 5-12.

<sup>25</sup>Dugard, *Recognition and the United Nations*, 1.

<sup>26</sup>Galloway, *Recognizing Foreign Governments*, 6.

<sup>27</sup>M.J. Peterson, "Recognition of Governments Should Not Be Abolished," *American Journal of International Law* 77 (1983): 32, 37.

<sup>28</sup>Cited in *Ibid.*, 38.

<sup>29</sup>Peterons, "Political Use of Recognition," 332.

<sup>30</sup>Kacewicz, *Great Britain, the Soviet Union and the Polish Government in Exile*, 44.

<sup>31</sup>*Ibid.*, 46.

<sup>32</sup>Krystyna Marek, *Identity and Continuity of States in Public International Law* (Geneva: Librairie Droz, 1968), 312.



<sup>33</sup>See Bernard Ledwidge, *De Gaulle* (London: Weidenfeld & Nicolson, 1982), 78.

<sup>34</sup>Peterson, "Political Use of Recognition," 351.

<sup>35</sup>Myres McDougal and Michael Reisman, *International Law Essays: Supplement to International Law in Contemporary Perspective* (Mineola, N.Y.: Foundation Press, 1981), 532.

<sup>36</sup>See Adam B. Ulam, "Forty Years After Yalta," *New Republic*, February 11, 1985, 18-21.

<sup>37</sup>John H. Herz, "The Territorial State Revisited: Reflections on the Future of the Nation-State," in James N. Rosenau, ed., *International Politics and Foreign Policy: A Reader in Research and Theory* (New York: Free Press, 1969), 84.

<sup>38</sup>See Charles R. Beitz, "Bounded Morality: Justice and the State in World Politics," *International Organization* 33 (Summer 1979): 409.

<sup>39</sup>See Bert V.A. Roling, "The Legal Status of Rebels and Rebellion," *Journal of Peace Research* 13:2 (1976): 152.

<sup>40</sup>The recognizing governments were Guatemala, Mexico, Panama, Venezuela, Poland, and Yugoslavia. See Stein, *Beyond Death and Exile*, 286 n8.

<sup>41</sup>Stein, *Ibid.*, 211.

<sup>42</sup>Patricia W. Fagen, *Exiles and Citizens: Spanish Republicans in Mexico* (Austin: University of Texas Press, 1973), 117.

<sup>43</sup>Cited in Roling, "The Legal Status of Rebels and Rebellion," 252.

<sup>44</sup>*Ibid.*

<sup>45</sup>*Ibid.*, 253.

<sup>46</sup>See James, *Sovereign Statehood*, 90.

<sup>47</sup>See Malcolm Shaw, *Title of Territory in Africa: International Legal Issues*, (Oxford: Clarendon Press, 1986), 174.

<sup>48</sup>See C.O.C. Amate, *Inside the OAU: Pan Africanism in Practice* (New York: St. Martin's Press, 1986), 243-44.

<sup>49</sup>*Ibid.*, 248-50.

<sup>50</sup>See John A. Marcum, "The Exile Condition and Revolutionary Effectiveness: Southern African Liberation Movements," In Christian P. Potholm and Richard Dale, eds., *Southern African Perspective* (New York: The Free Press, 1972), 267-69.

<sup>51</sup>See Shaw, *Title to Territory in Africa*, 175.

<sup>52</sup>For the complete story see Amate, *Inside the OAU*, 317-58.

<sup>53</sup>See Fabrizio Bellini, "La documentata valutazione britannica su alcuni aspetti della cooperazione Sturzo/Sforza," *Sociologia* 17 (Settembre-Dicembre 1983): 55-68.

<sup>54</sup>See Hugh Thomas, *The Cuban Revolution* (New York: Harper & Row, 1977), 493.

<sup>55</sup>See Peterson, "Political Use of Recognition," 332.

<sup>56</sup>See *New York Times*, July 7, 1989.

<sup>57</sup>See Judith Vidal-Hall, and Safa Haeri, "The Mujahedin: Unwanted Guests in the House of Saddam," *South Magazine*, October 1988, 47-48.

<sup>58</sup>Charles Maechling, Jr., "America's Nonrecognition Policy Is a Nonstarter," *New York Times*, Editorial, December 31, 1982.

<sup>59</sup>*New York Times*, February 25, 1989.

<sup>60</sup>*New York Times*, April 23, 1989.

<sup>61</sup>*New York Times*, December 22, 1988.

<sup>62</sup>See *Time Magazine*, May 22, 40-43.

<sup>63</sup>Leon Lipson, "International Law," in Fred I. Greenstein and Nelson W. Polsby, eds., *Handbook of Political Science, Volume 8* (Reading, Mass.: Addison-Wesley Publishing Co., 1975), 426.

<sup>64</sup>Cited in Dugard, *Recognition and the United Nations*, 6n.

<sup>65</sup>Peterson, "Recognition of Governments Should Not Be Abolished," 48.

<sup>66</sup>On the OAU's position on the issue of recognizing the "State of Palestine" see *West Africa*, June 5-11, 1989.

<sup>67</sup>Naturally, native home regimes will always argue that exiled contenders are acting as a proxy of foreign governments and not as representatives of their people. Charges of national treason on the basis of relations with foreign governments are inapplicable to groups struggling for self-determination or against occupation.

<sup>68</sup>See Lois E. Smith, *Mexico and the Spanish Republicans* (Berkeley: University of California Press, 1955), 171-207.

<sup>69</sup>Mexico's postwar recognition of the Spanish Republicans can also arguably be attributed to domestic considerations, specifically its desire to avoid alienating the large and affluent Spanish refugee community at home.

<sup>70</sup>See Nadia Tongour, "Diplomacy in Exile: Russian Emigres in Paris, 1918-1925," Ph.D. diss., Stanford University, 1979, Introduction.

<sup>71</sup>Claude, "Collective Legitimation as a Political Function of the United Nations," 379.

<sup>72</sup>Dugard, *Recognition and the United Nations*, 123-24.

<sup>73</sup>See Laura Summers, "Vietnam's Kampuchea," *Third World Quarterly*, 10 (October 1988): 1643-50.

<sup>74</sup>See *New York Times Magazine*, March 5, 1989.

<sup>75</sup>Stein, *Beyond Death and Exile*, 212-15.

<sup>76</sup>Cited in Peter I. Rose, Norodom Sihanouk of Cambodia: The Once and Would-Be King," *Migration Today* 13:2 (1985): 13-



17.

<sup>77</sup>*New York Times*, Letter to the Editor, March 20, 1989.

<sup>78</sup>McDougal and Reisman, *International Law Essays*, 530.

<sup>79</sup>Marcum, "The Exile Condition and Revolutionary Effectiveness," 265.

<sup>80</sup>See *New York Times*, December 23, 1988.

<sup>81</sup>Claude, "Collective Legitimation as a Political Function of the United Nations," 367-68.

<sup>82</sup>Jeane J. Kirkpatrick, *Legitimacy and Force, Volume One: Political and Moral Dimensions* (New Brunswick, N.J.: Transaction, 1988), xvii.