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Recognition of states and colonialism in the twenty-first century: Western Sahara and Palestine in Sweden's recognition practice

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ABSTRACT

This article recalls the recognition–colonialism conjuncture to examine how prior normative rights to self-determination, independence and decolonisation influence current recognition practice, and asks how they compete with contingent factors. The interrogation of this interpretive process provides insights into how recognition of states operates. This reveals how state recognition in current colonial conflicts is qualified based on an assessment of contingent factors such as the international consensus and level of involvement. For this purpose, Sweden's recognition practice towards Palestine and Western Sahara present apposite empirical cases. This article argues that the practice of recognition is a hermeneutic and evolving process, which is contingent on the interpretation of different situational and political aspects. This has far-reaching implications for international recognition and order, as colonised/occupied peoples' prior normative right to self-determination and independence ends up being qualified, contested and adjudicated in connection with contingent political factors.

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Introduction

In October 2014, Sweden's politics of recognition captured international attention when it declared its intention to recognise Palestine. The attention was revived a year later because of brewing diplomatic frictions between Morocco and Sweden when the latter considered the recognition of Western Sahara (or the Sahrawi Arab Democratic Republic, SADR). This article examines the politics and practice of state recognition by examining Sweden's recognition of Palestine and non-recognition of Western Sahara. It does this by revisiting the colonialism–recognition conjuncture from the perspective of the present.

A survey of state recognition literature reveals two dominant themes. First, the belief that colonialism ended in the 1960s means that the scholarship on state recognition no longer lends itself to contemporary anti-colonial struggles for independence. It almost exclusively links recognition to secessionist politics and conflicts (Pavković and Radan 2007; Geldenhuys 2009; Paquin 2010; Ker-Lindsay 2012; Griffiths 2014a; Newman and Visoka 2018). As a result,

international recognition features no more as a factor in processes of decolonisation. Second, because state recognition is a decentralised practice and the exclusive prerogative of states, this scholarship tends to approach recognition from a realist perspective. In Palestine and Western Sahara, recognition as a framework for decolonisation remains a blind spot in the literature. Theoretical accounts that have evolved after the 'end' of colonialism and the spawning of secessionist conflicts seem to miss important normative, affective and international dimensions of the recognition practice. The disregard of current colonial conditions results in interpretive deficits. Against this background, this article stresses the continuity of international recognition as a problem of decolonisation, which is a necessary step towards a nuanced understanding of state recognition.

In revisiting colonial aspects of recognition, this article examines how prior normative rights to self-determination, independence and decolonisation influence current practices of state recognition, and asks how they compete with contingent factors – such as the degree of international consensus and involvement in the affairs of colonised entities. Methodologically, this article approaches state recognition as a practice. It takes insights from practice theory (Neumann 2002; Adler and Pouliot 2011) to argue that state recognition is a hermeneutic and evolving process that is contingent on interpretation of different situational and political aspects, routines and practices. Practice theory usually over-values routine and implicit or 'background knowledge' as constitutive elements of practice. But it does not sufficiently appreciate improvised, contingent and unintended elements that are inherent to practices. What appears as routine performances of established practices involve non-routine, contingent practices premised on situational improvisation, adjustment and interpretation that are coordinated with other actors and aspects (Barnes 2001). Applying this framework to state recognition demonstrates that although the legal and historical practices constitute the dominant ways of thinking about recognition, they do not override situational contingencies. The latter prompts a specific practice that seeks to tackle contextual, both material and discursive, conditions through interpretation, coordination, exclusion and accommodation. Situational interpretive processes (Gadamer 2004) weave general and specific practices together – in a way that renders them co-constitutive and co-dependent. Interrogating this interpretive process provides significant contributions that help explain how the practice of state recognition operates.

Although state recognition occurs against a general 'background knowledge' (eg international law and norms), its performance vis-à-vis contested states and territorial and colonial conflicts is ad hoc and requires coordination with situational factors. Routine is insufficient to determine the different possible policy directions. As Hansen suggests, in certain situations 'practices might not be routine' and may instead be 'specific' actions that are 'performed as if they are routines' that relate to, and rely on, general practices (Hansen 2011, 280–282). In such conditions, recognition becomes an acute political concern that necessitates interpretation and coordination of the diverse aspects that shape a potential outcome. When considered in a broader theoretical context, the contemporary recognition–colonialism conjunction constitutes a specific problem that cannot be explained by the general recognition practice. Considering recognition as a product of general and specific practices illustrates the imperative role that interpretation and coordination play in recognition politics. The following empirical analysis reveals that the recognition of Palestine and non-recognition of Western Sahara underline the significance that is attached to coordinating each decision with situational aspects and international consensus.

Rather than being something of the past, this article interrogates contemporary dynamics between the practice of state recognition and colonisation and situates this in the wider context of Sweden's recognition politics. Sweden was the first Western European and democratic country to invest serious political capital into the issue of state recognition towards Palestine and Western Sahara. Although Sweden is a small country, its political, economic and historical capital renders it an important norm-builder within the EU and international society. While recognition from great powers is important (Fabry 2010; Coggins 2014), the sheer number of recognising states can project compelling power that shapes the international consensus and influences third states' recognition politics. Palestine and Western Sahara are well-suited cases for this comparative investigation, not least because of the similarities of their double colonisation and struggle for self-determination. The complexity of the cases is especially useful from a theoretical point of view, as they illustrate the whole gamut of issues that undergirds recognition, which includes systematic and established norms as well as emerging and contingent factors. Unlike most colonial situations, Palestine and Western Sahara have been colonised twice: initially by Britain and Spain, respectively, and currently by non-European states that are territorially contiguous with them. This contextual difference further complicates politics of recognition, as the dynamics of the Israeli and Moroccan colonial practices are territorially and demographically entrenched.

The context of these cases is premised on a settler-colonial rationale of elimination and transfer of sovereignty from the native populations to the colonial polity. Since recognition links domestic and international aspects of sovereignty (Wight 1972), this systematic transfer of sovereignty presents an empirical dilemma for scholars and policymakers. The worlds of academia and policymaking have generally responded to this problem by approaching the two cases as problems of territorial conflicts and contested statehoods rather than decolonisation struggles. From a legal perspective, this colonial transfer of sovereignty has no bearing on the Palestinian and Saharawi right to self-determination and independence, as numerous United Nations (UN) resolutions confirmed. However, it has substantial impacts on recognition politics as a practical matter. Colonial enforcement of permanent conditions that prevent natives' sovereign rights often serves as a potent *de facto* counter-recognition strategy. The double and continued colonisation highlights the normative contestation of the norm of self-termination of colonised people in relation to new factors. In a transitional international order (Newman 2020), this contestation has far-reaching implications for the international system. In this framework, contingent international consensus, opinion and involvement become competing factors that weigh on colonised people's right to self-determination. All of this casts doubt on the inadmissibility of land acquisition by force and the self-determination of the colonised. Whereas in secession conflicts recognition is qualified along the various aspects of self-determination and territorial integrity (Fazal 2007; Griffiths 2014b, 2017), in current occupation and colonial conflicts recognition practice adjudicates between self-determination (assessment of rights) and contingent international factors such as the international consensus.

This article is divided into five sections. The first section provides a background to the practice of state recognition, and then situates the decolonisation–recognition conjunction and evolution of international legitimacy within the post-1945 international order. The second section provides a brief historical outline of the questions of Palestine and Western Sahara and locates the decolonisation–recognition conjunction in both cases. The third section examines the operation of recognition politics by exploring Sweden's decision to

withhold its recognition of Western Sahara. The following section interrogates the same practice in the Palestinian case. The final section provides a comparative reflection that explains the divergent outcomes of the Swedish recognition practice.

State recognition in the post-1945 order

Recognition, self-determination and decolonisation are major contingents in the evolution of the international order. Mutual recognition between states is a fundamental cornerstone of statehood, sovereignty and legitimacy (Wight 1972; Fabry 2010), peace and conflicts (Geldenhuis 2009; Ker-Lindsay 2012) and international society (Ringmar and Lindemann 2012). The pinnacle of decolonisation in the 1950s and 1960s not only revived the practice of state recognition, but also changed its tenets. In this period, self-determination evolved as a positive right and became the most significant factor in the recognition of (ex-)colonies' independence (Jackson 1993; Fabry 2010). This has transformed the shape of the international society as the number of its member states more than doubled in the first decade of decolonisation.

In the absence of authoritative international norms, admission of new members into the international society remains subject to the foreign policy of existing states. Meanwhile, states are required not to recognise situations that arise from illegal practices and policies (Lauterpacht 1947). Legal scholars pioneered the theorisation of state recognition based on its declarative and constitutive effects. Whereas the declarative doctrine considers statehood an empirical reality that exists independent of external recognition (James 2000), the latter features recognition as an essential condition of statehood (Wight 1972). Recognition literature cogently demonstrates recognition's constitutive effects. According to Coggins (2014, 12), '[e]xternal legitimacy is the ultimate arbiter of state emergence'. The discontinuation of the pre-1945 doctrine of recognition of *de facto* statehood means that sovereignty requires the collective recognition of existing states as a condition to be accepted into the club of states and enjoy its benefits (Fabry 2010; Coggins 2014; Fazal and Griffiths 2014).

Decolonisation diverted scholarly interest towards the recognition of ex-colonies. This occurred in the context of evolving international norms and atmosphere that were antithetical to (direct) colonial rule (Jackson 1993). However, after the dissolution of the Soviet Union and the former Republic of Yugoslavia, scholars devoted considerable attention to the study of secession and of contested states and their demands for recognition (Geldenhuis 2009; Dugard 2013; Ker-Lindsay 2015; Newman and Visoka 2018). Although still situated in the area of secession and contested statehood, a new line of research started to explore the strategies that parent states deploy to thwart recognition of breakaway entities (Ker-Lindsay 2012), the ways through which third states attempt to prevent implicit recognition, relationships of engagement without recognition between contested states and third states (Ker-Lindsay 2015; Berg and Pegg 2016) and, finally, the interaction between parent states and *de facto* states (Caspersen 2018).

Perhaps due to the decentralised nature of recognition, realist interpretations tend to dominate the scholarship. In particular, realist-inspired accounts of recognition consider great powers' positions and preferences to be decisive factors in recognition politics due to their ability to influence the positions of other states. Statehood could be earned only when great powers agreed to validate the emerging sovereignty (Fabry 2010; Coggins 2014). The post-1945 international system has rendered direct control unbeneficial for great powers,

which then preferred indirect control. This structural change facilitated the promotion and consolidation of self-determination, decolonisation and territorial integrity (Griffiths 2014a). In this system, recognition is conceived as the product of 'international politics and balance of interests and forces' (Horowitz 1985, 167), security calculations and other domestic concerns (Paquin 2010) and great power rivalry (Newman 2020). The norms of self-determination and territorial integrity are often applied in tandem as a balancing mechanism to ensure a 'semi-controlled' international system (Griffiths 2014b, 462). The norm of territorial integrity discouraged external conquest and secession while proffering internal autonomy to ethnic groups without fracturing the territorial sovereignty of the parent state (Fazal 2007; Fabry 2010). Besides great power politics, Griffiths (2014b, 2017) demonstrates that the emergence of new states is the outcome of the normative tension between territorial integrity and liberal norms that include self-determination, human and minority rights.

This expanding literature provides valuable contributions to better understand state recognition. However, the interpretation of recognition based on systematic factors (great power interests, the international system, 'background knowledge' and routines of recognition) is insufficient to explain recognition practice in current colonial situations in which such a normative tension is not found: because only self-determination holds in colonial situations. This also does not tell us why and how states utilise recognition despite great power preferences and rivalries. As will be demonstrated below, these systematic factors compete and coordinate with contingent factors that go beyond great power preferences and established norms and routines. Reducing recognition to systematic answers in persistent colonial situations is to miss other considerations that run the gamut of recognition as a performative practice. It is therefore instructive to revisit the colonialism–recognition conjunction.

Decolonisation–recognition conjunction and international legitimacy

Decolonisation has radically transformed the practice of recognition by shifting the focus from the empirics to the normative aspects of statehood (Geldenhuis 2009; Fabry 2010). In 1960, the UN General Assembly formally prioritised the self-determination and independence of colonised people over factual statehood criteria. Accordingly, unfulfilled statehood criteria in colonial situations 'should never serve as a pretext for delaying independence' (UNGA 1960, 1514(XV), para. 3). In essence, this emphasis on self-determination of subaltern populations reinvigorated the recognition practice by moving from 'assessing fact to evaluating right' (Fabry 2010, 148). The fallouts of decolonisation instituted a specific practice of recognition that excludes aspects of the general practice that require prior satisfaction of the main statehood criteria (defined territory, a permanent population, government, capacity to enter into relations with other states) as conditions for recognition.

State recognition brings international society and dominant politics and consensus into play. The international society is bound by common legal and moral codes (Bull 1977; Dunne 1998) that empower the collective judgement of members to project 'international legitimacy' over the transfer of sovereign rights and admit new states. This legitimacy stems from 'the law concerning the recognition of states' (Wight 1972, 158). Since the 1950s, the prevailing consensus within international society has been antithetical to colonial rule. As state recognition began to be coordinated with this consensus, recognition of ex-colonies became almost 'automatic' (Fabry 2010), a routine-like practice that made it possible for states to

recognise colonies' independence before achieving substantive territorial control (eg Guinea-Bissau, Comoros, Congo). However, the predominant assumption that decolonisation was accomplished resulted in the discontinuation of the special practice and a return to the general recognition practice that prizes statehood facts over rights. Although states are eager to ground their recognition policy in international law and formal statehood criteria, the interpretative process that coordinates and adjudicates situational empirical aspects with prevailing international politics and consensus continues to play a fundamental role in state recognition and may, as the following sections demonstrate, even override formal recognition criteria.

Colonialism and self-determination in Western Sahara and Palestine

The Sahrawi and Palestinian people have endured foreign rule for a long time despite their legal and normative right to self-determination and independence. Let us first consider the Sahrawi situation. In 1884, Spain colonised Western Sahara. This colonial rule started to face international challenges from anti-colonial norms and movements that emerged after World War II. Since 1963, Western Sahara has been on the UN's list of non-self-governing territories awaiting decolonisation (UNGA 2011). This classification served as a basis for the UN to order Spain to decolonise and organise a referendum to determine the form of the Sahrawi self-determination. Almost a decade later, in 1975, Spain scheduled this referendum. It was, however, derailed by the Moroccan demand for an advisory opinion from the International Court of Justice (ICJ), in the hope that this would elicit a ruling that would support its claim to Western Sahara. The ICJ reached the opposite opinion: it categorically rejected the existence of 'any legal tie of sovereignty' between Morocco and Western Sahara and affirmed the need to decolonise the latter (ICJ 1975, 56–57). In 1976, the Polisario Front declared the independence of the SADR and the launch of its government and struggle to end 'the colonialism of the neighbour "brothers"' (Polisario 1976, 1). A number of states recognised the SADR in response. The number of recognising states fluctuated and peaked at about 80 states, although half of them later withdrew their recognition.

Morocco refused the ICJ judgement and the desire of the Sahrawi people to be independent (UN 1977) on the grounds that Western Sahara forms a constituent part of its territories that was 're-integrated' into the kingdom (Morocco 2004, 2007). Under the guise of territorial integrity, Morocco has blocked the implementation of the cardinal right of self-determination, often by creating 'facts on the ground' that deflected and fractured international legality (Dawidowicz 2013). Soon after Spain withdrew from Western Sahara in 1976, Morocco militarily intervened and imposed its control over the majority of the territories. It also encouraged thousands of its citizens to settle in the conquered land as a means to alter its demographic character, which resulted in a Sahrawi exodus, mainly to Algeria. In 1991, the UN brokered a ceasefire between the Polisario and Morocco. This marked the beginning of a negotiation process to resolve the conflict and hold a referendum to determine the final status of Western Sahara. Although the ceasefire has generally persisted, the lack of political progress increased its fragility, as manifested during the 2020 Guerguerat crisis at the border junction of Mauritania–Morocco–Western Sahara.

Since the 1960s, the UN General Assembly and the Security Council have consistently asserted the Sahrawis' inalienable right to self-determination and the legitimacy of their anti-colonial struggle and recognised the Polisario Front as 'the representative of the people

of Western Sahara' (UNGA 1979, Resolution 34/37). In 2016, the European Court of Justice (ECJ) reconfirmed the colonial nature of the Western Sahara conflict (ECJ 2016). Nonetheless, international efforts to mediate between the parties have empirically ruled out independence as an option, and have instead advocated 'negotiations without preconditions' (UNSC 2006, 13). Over time the status quo has become more tolerable, if not acceptable, for the international community (Geldenhuis 2009; Dawidowicz 2013). Recent developments, such as the US recognition of Morocco's sovereignty over Western Sahara (The White House 2020) and the opening of new diplomatic missions in Western Sahara by several African and Arab countries, further fracture international consensus and efforts to resolve the conflict.

The conflict in Palestine is also a legacy of the colonial era. The Zionist movement is premised on the irredentist claim that Palestine was an empty land from which Jews were expelled around 70 AD, which has since waited to be redeemed. Hostility towards Jews and deep-seated anti-Semitism in Europe fuelled the Zionist desire to establish a Jewish homeland in Palestine. This project coincided with the European colonial expansion during the nineteenth century. In 1882, Zionist settlers started to arrive in Palestine. After the collapse of the Ottoman Empire, Britain conquered Palestine and committed itself to the Zionist project as expressed in the 1917 Balfour Declaration, despite the opposition of the Palestinian people (Schneer 2011; Pappé 2017), who have since struggled for independence and self-determination.

The first major international attempt to resolve the conflict was made in 1947. The UN General Assembly proposed to partition Palestine into Arab/Palestinian and Jewish states and to place Jerusalem under an international regime. This failed. In 1948, the State of Israel was established on 78% of historic Palestine after expelling more than half of its native population (Khalidi 2006; Pappé 2007).

In 1967, Israel conquered the rest of Palestine and occupied/colonised the West Bank (including East Jerusalem) and Gaza, which have since been known as the Occupied Palestinian Territories (OPT). UN Security Council Resolution 242 reaffirmed the 'inadmissibility of the acquisition of territory by war' and demanded Israel withdraw from the OPT. In 1974, UN General Assembly Resolution 3236 (XXIX) acknowledged the inalienable Palestinian right to self-determination (UNGA 1974) and recognised the Palestinian Liberation Organization (PLO) as the official representative of the Palestinian people. The growing political socialisation of the PLO from the mid-1970s onwards enabled it to shift its political agenda from the liberation of historical Palestine to independence and statehood in the OPT (Badarin 2016). Unlike Western Sahara, the drive to recognise Palestine gained renewed impetus since the 1988 Palestinian declaration of independence, resulting in Palestine being recognised as a UN non-member observer 'state' in 2012 (A/RES/67/19). Over 136 states and numerous international institutions currently recognise Palestine as a state.

Although Israel's rule of the OPT is formally considered an occupation, the world of academia started to embrace colonialism (or settler-colonialism) due to the limited utility of the concept of occupation to explain the conflict (Veracini 2006; Tilley 2012; Pappé 2013; Badarin 2015). The situation in Western Sahara also has discernable colonial features. Not only do Israel and Morocco exploit the natural resources of the colonised territories, but they also claim and practise sovereign rights and have consistently thwarted prospects of native sovereignty. Unlike the phenomenon of occupation, which is governed by international law as a temporary condition, Israel and Morocco envisage no end or limitation to their control. They appropriate the source of sovereignty, legality and legitimacy. Both

countries express irredentist claims and categorically dismiss the charge of colonialism or occupation. While Israel regards its control of entire Palestine as 'redemption', Morocco claims that decolonisation was already accomplished when Western Sahara was 'returned' to Morocco in 1976 (Morocco 2004, 3).

Rather than being conflicts of contested statehood, Sahrawis and Palestinians are embroiled in struggles against colonial domination, legitimacy and sovereignty that replaced former Spanish and British imperial rules. This brief background demonstrates the continuation of colonial conditions and the legal and normative rights to decolonisation, self-determination and independence. It also notes that the demands for independence and recognition that have been voiced in both cases have received remarkably unequal international support. The following sections proceed to examine contemporary dynamics of recognition and colonialism in Swedish politics towards Western Sahara and then Palestine.

The non-recognition of Western Sahara

In 2012, the recognition of Western Sahara was debated in Sweden. Opposition parties (the Social Democrats, Green Party, Left Party and Swedish Democrats) then urged the Center-Right Government (2006–2014) to recognise Western Sahara's independence. The Social Democrats, the largest political party in Sweden, were the main driving force promoting the debate and vowed to officially recognise Western Sahara if it were to build the next government (Ahlin 2012a). These four parties generally justified their position on legal and political grounds. They argued that statehood criteria (territory, population and a functioning government) are satisfied in the non-occupied area of Western Sahara from an international law perspective. Furthermore, as an occupied or colonised territory and population, the Saharawi people have a prior right to self-determination and independence. Meanwhile, the political justification accentuated the symbolic weight of recognition to pressure Morocco to be more forthcoming in the negotiations and agree to hold a free referendum on Western Sahara's future. It was suggested that recognition would give the Saharawi people hope and prevent them from resorting to armed struggle. It would also underline Sweden's opposition to Morocco's 'unlawful' control and 'Moroccanisation' of Western Sahara (Ahlin 2012a; Bodil et al. 2012; Larsson 2012; Palm et al. 2012; Kronlid et al. 2013; Vänsterpartiet 2013).

On 5 December 2012, a parliamentary vote recommended that the government recognise Western Sahara as a 'free and independent state' and encourage the EU and its member states to follow suit (Riksdag 2012a, 2012b). The government rejected this recommendation. To gain better insights into the politics of recognition that manifested in the parliamentary debates, it is necessary to examine why the Parliament (*Riksdag*)'s recommendation was overlooked. This background reveals the various aspects that influenced the 'change of mind' of the Social Democrats and Green Party after they took office in 2014.

Sweden's former foreign minister Carl Bildt (2013) explained his government's decision by, first, invoking the general Swedish recognition practice as a springboard to argue that 'small state politics' countenance the 'recognition of realities'. This makes recognition dependent on the prior *de facto* existence of the state. Second, he emphasised potential consequences of recognition in terms of political costs, and claimed that unilateral recognition of Western Sahara would undermine the UN efforts to resolve the conflict on the one hand, and would have negative implications for the Swedish interests and influence within the EU on the other. Besides offering this internally focused assessment, he stressed that

self-determination might not lead to independence. The undertone of this ambivalence relegates independence to the benefit of other arrangements that attempt to satisfy self-determination and territorial integrity, and by extension it diminishes the weight of the colonial context within recognition practice. The inherent normative tension between self-determination and territorial integrity in multi-ethnic states gave rise to new governance arrangements and political associations as a middle ground whereby an ethnic group might be accorded internal self-determination without fragmenting the parent state (Griffiths 2014b; Wright 1999). However, territorial integrity is extraneous to colonial situations, as colonial states have no sovereign rights over captured territories, and hence self-determination in the form of independence becomes a method of decolonisation.

To further contextualise this discussion, it is worth mentioning that the general Swedish recognition practice has incorporated the norm of decolonisation. In 1967, the Swedish government introduced two key principles to help decision makers navigate recognition politics. First, the 'universality' principle prescribes the recognition of existing states that satisfy the 'minimum' international law requirements for statehood. Second, and more important, the 'effectivity' principle sanctions the recognition of states that have deficient domestic control as a result of illegal situations such as foreign aggression, occupation and colonialism (Lindholm 1993; Bring, Mahmoudi, and Wrangé 2014). This reveals the arbitrary focus of the Swedish government on the first principle of the general praxis and exclusion of the effectivity principle. In excluding the latter principle and the prior right of the Sahrawi people to decolonisation, this denial of recognition is based on factors that are external (eg national interests, international politics) to the formal recognition praxis. Building on Hansen's (2011) distinction between specific and general practices, the process of excluding, selecting and assessing elements of the general recognition practice against contingent foreign policy rationale and international politics constitutes a specific practice that relies on and instantiates the general practice. The incoming government, too, embraced this logic.

After the power shift in October 2014, the new Social Democrat–Green Party coalition government (Red–Green) expressed an interest in playing prominent roles in international politics. It promoted the so-called 'active foreign policy' (Government of Sweden (GOS) 2014, 16; Wallström 2016a) in which, among other things, the recognition of Palestine and the promise to recognise Western Sahara have come to epitomise a progressive and independent foreign policy (Sjöstedt 2014; Bjereld 2016). Within the Social Democrats, Green Party, Left Party and Swedish Democrats,¹ Western Sahara's recognition was viewed as a logical step that should have followed the recognition of Palestine. However, from an early stage, the Red–Green Government gave strong indications that the recognition of Western Sahara was not on the agenda. Whereas the recognition of Palestine was a central subject in the government's Policy Declaration (October 2014) and Foreign Policy Declaration (February 2015), Western Sahara was completely absent (GOS 2014; MFA 2015). In March 2015, the prime minister Stefan Löfven (2015) admitted that his government had no intentions (*inte aktuellt*) of recognising Western Sahara. The government's policy towards Western Sahara was referred to in an internal assessment that was led by Fredrik Florén (2016), Sweden's former ambassador to Tunisia. In Swedish politics, such evaluations are often used to quietly demote controversial matters from the government's agenda (Bäck, Erlingsson, and Larsson 2015, 184).

The Florén Report, which was presented to the government in January 2016, provided the basis for Western Sahara's non-recognition. Its method relied on the invocation of a

special practice in the guise of the general practice, as discussed above. In particular, its main conclusion was that Sweden 'should not pre-empt [the UN] efforts by undertaking bilateral decisions' such as that of recognising Western Sahara (Florén 2016, 2). This was premised on two factors. One is the SDAR's lack of effective control over the majority of the territories (annexed by Morocco) and the absence of local government – given that the SDAR government maintains its seat in Algeria. The other factor stressed the lack of international consensus on Sahrawi independence and the outstanding question of how to satisfy their right to self-determination. This claim was corroborated by noting that only a small number of states (around 40) currently recognise Western Sahara.

The invocation of international consensus is a curious development. International consensus is linked to the practice of recognition, although it is an external element that transcends the principles of the general praxis. As noted earlier, recognition relies on interpretation, which is essentially a contingent practice that appeals to and interweaves different aspects of diplomacy, international law and politics, and other national concerns. The Florén Report and other official statements (Wallström 2016b) discerned that the lack of international consensus and support for the Sahrawi's demand for statehood were important factors that prevented recognition. This logic becomes even more transparent when Western Sahara and Palestine are compared. Florén (2016, 9–10) questioned the ability of Western Sahara's institutions to perform state functions in the absence of 'authentication' from the international community and institutions, which corroborated the state-like credentials of the Palestinian institutions (UN 2011). Furthermore, it argued that recognition frustrates the international efforts to resolve the conflict, including the UN process; by implication, non-recognition serves the international approach and facilitates Sweden's engagement in and 'full support to the UN process' (Florén 2016; MFA 2016; Wallström 2016b).

International politics and consensus are more influential than the general recognition praxis in the Swedish non-recognition narrative. Although formal statements and the policy assessment allude to this praxis and consider Western Sahara a question of decolonisation (Florén 2016; GOS 2019), there are significant omissions regarding the legal implications of colonialism and how it fares in the general praxis, especially when the effectivity principle is considered. To be sure, the Red–Green Government did not outright contest the proposition that 'international law does not hinder the recognition of Western Sahara' (Bring, Mahmoudi, and Wrangé 2015). Instead, the then foreign minister, Margot Wallström, argued that recognition is 'a question of interpretation' after all. The interpretive nature of recognition was emphasised as a vehicle for arguing that the applicability of international criteria is 'weaker' in Western Sahara than in Palestine because there is no international consensus on its independence (Wallström 2016b).

Another point that relates to international legitimacy is the degree of international economic involvement in each case. The Florén Report (Florén 2016, 9–10) underlined the international community's limited economic engagement in Western Sahara and noted the extensive Palestinian dependence on international aid. This comparison was exploited to insinuate weaker international ownership in the Western Sahara conflict than in Palestine. Besides international consensus, limited economic engagement is utilised to diminish international responsibility and elevate the Moroccan position on Western Sahara.

While the international society's collective judgement was prioritised over international law in the recognition practice, the opposite applies in other foreign policy contexts. A brief outline of Sweden's position on the EU–Morocco negotiations of the Fisheries Partnership

Agreement (FPA) illustrates this discrepancy well. In 2006, Sweden was the only country to vote against the FPA, on the grounds that Western Sahara's inclusion in its territorial scope violated international law. The same pattern was repeated in 2011 and then in February and November 2018. In essence, the Swedish opposition was premised on international law and the 2016 ECJ's judgement (GOS 2017, 2019). In March 2018, however, Sweden approved the European Commission's new proposal to authorise the opening of the FPA negotiations with Morocco, as it displayed an 'improvement from a legal perspective' and promised to ensure the participation of the concerned people in 'an adequate manner'. For Sweden, the new proposal meant that 'the consent of the Western Sahara people must be obtained' by 'consulting' the Polisario Front (Bucht 2018). In July 2018, Sweden underlined the FPA's legal shortcomings, specifically its failure to respect international law, the ECJ judgement and the importance of a genuine consultation process that would obtain the consent of the Sahrawi people (Council of the European Union (CEU) 2018a, 15).

Apart from the legally driven protests from Sweden, there was a consensus among the EU member states to back the FPA. The EU endorsed the new FPA agreement with Morocco in November 2018, without the explicit exclusion of the Western Sahara territories or the consent of the Polisario (CEU 2018b). Some argue that the EU's actions constitute an implied or 'creeping' recognition of Morocco's annexation of Western Sahara that violates the principle of non-recognition (Milano 2006; Dawidowicz 2013). A comparison of the application of legality and consensus in two terrains of foreign policy practices (recognition, trade) demonstrates the fluidity of routine and specific practices throughout the interpretative process where things are coordinated, ranked, prioritised or excluded. It makes sense to interpret Sweden's consistent reservations about the FPA as protests against the creeping recognition of an unlawful situation. Here, aspects of international legality and the principle of non-recognition trumped the international (or EU) consensus on trade matters. In contrast, Swedish policymakers attributed greater significance to the legitimacy that emanated from international agreement/consensus than to customary recognition standards when enacting recognition in Western Sahara and Palestine, as will be demonstrated in more detail below.

Coordinating the recognition of Palestine with the international consensus

Elsewhere (Badarin 2020), I examined Sweden's recognition of Palestine in detail. This section, however, focuses on the international dimension of the performative practice of recognition. The recognition of Palestine and Western Sahara emerged simultaneously in Swedish foreign policy debates. While the Swedish Parliament sanctioned the recognition of the latter in a decisive (albeit non-binding) vote, the recognition of Palestine was a moot subject and was not therefore put to a vote. While in opposition, the Red–Green bloc decided to promote the official recognition of Palestine through a governmental order (Löfven et al. 2012). In October 2014, this bloc (with the Left Party's support) recognised Palestine immediately after taking office. The official narrative grounded this decision in Swedish foreign policy while balancing and coordinating it with other objectives and actors. This narrative rested on the internationally dominant political discourse on Israel–Palestine, especially the two-state solution, negotiations and the peace process.

The interpretation that mediates over situational and international facets is a major concern here. Swedish policymakers insinuated linkages between the recognition of Palestine and the international legitimacy of the two-state solution that stipulates a Palestinian state.

In 2012, for example, representatives of the Red–Green bloc argued that recognition of the Palestinian statehood would purport ‘strong and clear signals that the international community is determined to achieve the two-state solution’ (Ahlin 2012b). Wallström (2014a) situated the decision to recognise Palestine within the international consensus. As she argued, Sweden is not alone but ‘in the company of more than 130 states’ that recognise Palestine, and hence it ‘foreruns the EU’. This suggests that consensus on the two-state solution provides strong evidence that the international community has de facto converged on the ‘state of Palestine as an end goal’ (Wallström 2014a). International legitimacy and consensus are used to underpin and encourage the recognition of Palestine.

Besides political debates, the concern with international consensus was reiterated in official political statements and declarations. The government’s first Policy Declaration, which formally announced its intention to recognise Palestine, associated recognition with the internationally accepted discourse – that is, premised on notions like the ‘two-state solution’, ‘negotiations’ and ‘mutual Israeli–Palestinian recognition and peaceful coexistence’ (GOS 2014, 16–17). Similarly, the Ministry for Foreign Affairs (MFA)’s official and final statement conveyed that recognition in the following judicious order:

According to the [Swedish] Government’s assessment, a recognition of the State of Palestine would *enhance* the conditions to invigorate the final status *negotiations* to reach an agreement that makes it possible for Israel and Palestine to live side by side in *peace and security*. The Government also considers that *international legal conditions for recognition of the State of Palestine are satisfied*. The Government decides [therefore] to recognize the State of Palestine. (Ministry of Foreign Affairs (MFA) 2014, emphasis added)

It is telling that this statement provides a careful conceptual hierarchy, of inclusions and exclusions. It begins by situating the decision in the dominant international approach to the Israel–Palestine conflict in some detail, while rendering the legal dimensions a secondary concern, however. Here, recognition and legality are instrumentally utilised to preserve the international consensus on the negotiation/peace process paradigm despite its clear failure. As the statement eliminates any reference to a distinctive territorial scope, it was necessary to further align recognition with that paradigm by demarcating the OPT as the territorial boundaries of ‘Palestine’ while rendering them contingent on negotiations. However, this territorial scope serves only as a ‘starting point’ for potential future negotiations to determine the final territorial shape of the Palestinian independence and self-determination. Hence, the so-called ‘land swap’ principle was infused in the recognition narrative (Wallström 2014b). This temporality orients the subject of recognition towards uncertain space, time scale and outcomes. Territorial and temporal elasticity is intended to accommodate unlawful colonial artefacts and allow Israel to annexe conquered territories, which in turn postulates an implied recognition of illegal settler-colonial achievements (eg Israeli settlements).

Dominant international consensus was also important on another level. The Palestinian Authority (PA) lacks effective control over the OPT, as the entirety of historical Palestine is under Israel’s sovereignty. Furthermore, the Oslo Accords, the formal legal framework of the PA–Israel relationship, grant Israel full and direct control over Jerusalem and ‘Area C’ – which accounts for over 60% of the West Bank. Since 2007, Gaza has been internally subject to Hamas’s administrative control and externally besieged by Israel and Egypt. This leaves the PA as a partial administrative and policing authority that operates in populated Palestinian towns (Badarin 2016; Pappé 2017). The fact that the Swedish assessment considered Palestine

to fulfil statehood criteria (MFA 2014, 2016) suggests that the PA's substantive lack of control was accorded less weight when adjudicated against other factors such as international law, consensus and politics.

Why recognise Palestine but not Western Sahara?

Some scholars refer to external factors such as great power politics and coercive diplomacy to explain state recognition. The realist account of state recognition emphasises the role of systematic factors (great powers' interests, international order and norms) in determining the admission of new states into the international society (Fazal 2007; Fabry 2010; Paquin 2010; Coggins 2014; Griffiths 2014a). This view runs the risks of overlooking other important 'affective' factors (Honneth 2012), such as international consensus and dominant discourses, during the formative process of recognition. Furthermore, it provides no consistent explanation of the divergent outcomes of the recognition practice in cases such as Palestine and Western Sahara, even though the US and EU, the most relevant powerful political actors in Swedish foreign policy, oppose recognition in both cases (Psaki 2014). It also underestimates the significance of the normative power that emerges from the sheer number of recognising states and its role in shaping recognition politics and processes. The power of the collective, rather than the size or economic and political might of individual states, shapes the international mood, legitimacy and consensus regarding recognition or non-recognition of the statehood of a particular entity.

Coercive diplomacy provides another competing explanation (Ker-Lindsay 2012). It is instructive to consider the Israeli and Moroccan tactics that sought to prevent the recognition of Palestine and Western Sahara, respectively. Israel's diplomatic retaliation (eg verbal denunciations and summoning and dressing down the Swedish ambassador) had no impact as the decision to recognise Palestine had already been taken. The situation was different in the case of Morocco. In October 2015, Morocco leveraged its diplomatic and economic tools to force Sweden to backtrack on its promise to recognise Western Sahara. This included threats to boycott Swedish companies and exports, protests and demonstrations, sending a Moroccan delegation to Stockholm and holding high-level diplomatic meetings. Morocco's foreign minister Salaheddine Mezouar (2015) expressed his country's sharp opposition to recognition, and denounced it as a 'strategic mistake'. Explicit or implicit counter-pressure was already being exerted by Morocco's allies such as Arab and European states (especially France), as Wallström (2016b) hinted. The timing was also significant. Diplomatic tensions between Sweden and Morocco came on the heels of a previous diplomatic crisis between Sweden and Saudi Arabia, the Gulf States and the Arab League in March 2015 (The Guardian 2015). This occurred when Sweden was seeking to advance its 'active foreign policy' by winning a seat on the UN Security Council for the period 2019–2018, which required the support of the Arab states.

In view of these events and a cost–benefit analysis, it is tempting to suggest that the recognition of Western Sahara was forfeited to prevent its negative political, diplomatic and economic fallouts on Sweden (Knutson 2019). At first sight, counter-diplomacy presents a compelling explanation. It is conceivable that international consensus may have a self-serving 'bandwagon' effect. The shelving of the Western Sahara question allows Sweden to avoid a costly diplomatic collision with Morocco and its allies, while the recognition of Palestine brings Sweden closer to the majority of states. However, a

close reading of the events suggests that this explanation is spurious. After all, Western Sahara was removed from the government's agenda even before any Moroccan retaliation.

This is not to exclude the clout of material interest, but rather to show the limits of its explanatory power and the significance of other dimensions to recognition practice. We have seen different outcomes, although variables like great power politics and the pure balance of interests are comparable in both cases. The size of Swedish export to Morocco is comparable with that to Israel (Statistics Sweden n.d.), and while significant, the two countries are relatively small trading partners. While Sweden could certainly foresee a potentially damaging diplomatic and economic retaliation from Morocco that would inhibit trade opportunities, this calculation displayed different effects in other situations of foreign policy decision-making, such as the recognition of Palestine and Sweden's consistent voting against the FPA.

A crucial difference between Palestine and Western Sahara is their extremely unequal symbolic power – in favour of the former. On the one hand, this makes the diplomatic and political stakes considerably higher in Palestine and, arguably, strong deterrents against its recognition. On the other hand, Palestine is an expedient case for practising normative power and norm-building precisely because of its powerful symbolism. The Swedish alignment with the international collective judgement provides a buffer that deflects these risks. Furthermore, the delayed decision regarding the recognition of Western Sahara allowed Swedish policymakers to ponder the insignificant symbolic and normative outcomes that their recognition of Palestine had generated. And this is another contingent factor in the interpretive process that revealed an apparent imbalance of material and normative objectives.

Palestine became a benchmark in the interpretive process and deliberations over the recognition of Western Sahara as a result of the decision-making deferral. Since the Swedish discourse extensively invoked the comparative aspect to justify its recognition practice towards Western Sahara and Palestine, it is instructive to ask why other principles leveraged the control deficit in the latter but not in the former case. As has been demonstrated in the previous sections, the international perspective and degree of support for recognition demands were critical factors in the recognition practice. Statehood criteria were considered 'weaker' in Western Sahara not because of legal shortcomings, but because international authentication, economic engagement and recognition are lacking. The control deficit was unmitigated even though, as the Swedish assessment notes, the Polisario controls 'about 15 percent' (Florén 2016, 10). The situation is opposed to the one in Palestine. Although the PA has no sovereign control over any part of the land, the international consensus, authentication and economic engagement were all key factors that weighed on this control deficiency. This suggests that empirics of rights were subordinated to prevailing international consensus and politics, which were ascribed a higher cash value than the prior and established rights of self-determination and decolonisation.

Conclusion

In examining the practice of state recognition in current colonial situations, this article emphasises the continuity of recognition as a problem of decolonisation and other forms of illegal territorial acquisitions. For this purpose, Sweden's practice of recognition towards

Palestine and Western Sahara provided apt empirical cases that accentuate the significant factors that are at play in recognition practices. By employing insights from practice theory, this article demonstrated the reliance of performances of state recognition on contingent interpretive processes (special practice) that draws on, but is not restricted to, systematic aspects of the general recognition practice. The analysis shows that Sweden's recognition practice was a product of the interpretative process that gave greater consideration to the international consensus on recognition demands and then elevated it over principles of the general practice. The close nexus between collective judgement and legitimacy suggests that the breadth of international recognition of a state/entity can be a crucial factor in recognition politics, as this shapes the way policymakers interpret and coordinate the general practice with other contingent considerations.

International positions towards Palestinian and Sahrawi independence were fundamental factors that predisposed Swedish decision makers to recognise Palestine but not Western Sahara. In both cases, the level of international support for independence is measured according to certain indicators, which include the total number of recognising states, membership in international institutions, international vetting and judgement regarding the abilities of the fledgling state to conduct state functions, and the degree of international involvement. There was a compelling reason for Sweden to recognise Palestine and align itself with the collective judgement of 'over 130 states', the UN and other international institutions. By contrast, there was not a comparable incentive for it to seek common cause with the meagre number of states that recognise Western Sahara. The comparative analysis reveals the subordination of prior rights to contingent international consensus and politics. Recognition on the basis of prior rights and the UN Declaration on the Granting of Independence to Colonial Countries and Peoples belongs to the era of decolonisation. Rather than being a general and routine practice that assesses rights, contemporary recognition of colonised/occupied entities is premised on contingent processes of interpretation. The normative power derived from the number of recognising states and international consensus is a significant force in this process. This shift may have far-reaching implications for international recognition and order, as established norms and prior rights of the colonised/occupied people to be independent are qualified, contested and adjudicated in connection with contingent factors.

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Note

1. The Swedish Democrats opposed the recognition of Palestine

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