Symposium ‘The politics of international recognition’

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Recognition plays a multifaceted role in international theory. In rarely communicating literatures, the term is invoked to explain creation of new states and international structures; policy choices by state and non-state actors; and normative justifiability, or lack thereof, of foreign and international politics. The purpose of this symposium is to open new possibilities for imagining and studying recognition in international politics by drawing together different strands of research in this area. More specifically, the forum brings new attention to controversies on the creation of states, which has traditionally been a preserve for discussion in International Law, by invoking social theories of recognition that have developed as part of International Relations more recently. It is suggested that broadening imagination across legal and social approaches to recognition provides the resources needed for theories with this object to be of maximal relevance to political practice.

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The politics of international recognition: symposium introduction

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International recognition takes place most visibly when an existing government announces that another political entity has become a sovereign state. For the entity that is internationally recognized, few things are politically more consequential than receiving recognition in this sense. Suddenly the holders of government office, and the people they represent, are treated on par with the main actors of world politics. The psychological satisfaction of being seen as a state equal to others is accompanied by a string of material effects, such as legal protection against foreign aggressors, financial and technical support from international institutions, enhanced control over natural resources, authorization to print money and to sell it abroad, and much more.

If nothing else, these consequences of international recognition, or perceptions thereof, are real enough to motivate political struggle, as illustrated by disputed territories and political entities around the world. Whether Palestine and Taiwan should be internationally recognized is disagreed over among existing governments. Whether Kurdistan and West Sahara are entitled to states of their own engages individuals, NGOs, and political parties beyond their territories. Whether rebels who rise against an authoritarian regime, as recently in Libya and Syria, should be recognized internationally as the state’s legitimate government continues to divide the international community. In other cases, the politics of recognition is predominantly consensual, as in the coordinated and close to instantaneous international recognitions of South Sudan in 2011, or in the universal and ongoing withholding of international recognition of relatively stable and well-functioning Somaliland. But whether conflictual or consensual, the fundamental political issue remains: What political entities should be internationally recognized, and on what grounds?

In the theoretical literature, this question has most often been associated with an old controversy over the creation of states in the discipline of International Law (IL). The central dispute here has been whether new states are created (and should be recognized internationally) because they fulfill substantive criteria of statehood stipulated in international law, as assumed by the declaratory theory of recognition; or whether old states call new states into being by their own choice to recognize them as such internationally, as assumed by the constitutive theory of recognition (e.g. Oppenheim 1905; Kelsen 1941; Brown 1942; Lauterpacht 1944; Grant 1999; Crawford 2006; Fabry 2010). In the last 10 years, however, recognition has taken on a new significance academic International Political Sociology (IPS). The concept in this literature has been used to explain actor identities, the change and continuity of international social structures, the emotional needs of, and policy decisions by, international actors (e.g. Ringmar 1996; Wendt 2003; Greenhill 2008; Lebow 2008;
Lindemann 2010; Murray 2010; Lindemann and Ringmar 2011; Wolf 2011). So far, however, the discussions of recognition within IL and IPS respectively have generally overlooked each other, and very little cross-fertilization has taken place (for an exception, see Ringmar 1995). The aim of this forum is to remedy this deficiency by bringing the two discussions together, for critical and constructive purposes.

It is argued in this introduction to the forum that both legal and social studies of recognition have reason to engage the debates of each other. Conceptions of recognition applied and studied in IL are too narrow to capture much of what is normatively and explanatorily relevant in current practices of international recognition. In light of this, the broader conceptions of recognition used in IPS provide alternatives worth considering. Conceptions of recognition in IPS, on the other hand, are in some cases too empirically fluid to assist in judging political controversies of what political entities should be recognized, and sometimes too unspecified also to allow testing causal propositions implied by the theory. To improve IPS in these regards, the more narrow conceptions of recognition theorized in IL provide interesting starting point. In short, there are potential theoretical gains for both IL and IPS in a joint research endeavor on international recognition.

Broadening theoretical imagination across IL and IPS is a promising strategy in particular for increasing the sensitivity and relevance of recognition theory to political practice. Specifically, theories useful for assessing political controversies on international recognition like those mentioned above need to identify the acts of recognition (as done most definitely in IL), the expected effects of recognition (as done most comprehensively in IPS), and the values of being recognized by others (as requiring normative inquiries pursued also in international ethics, e.g. Buchanan 2004; Naticchia 2005). Once a coherent body of propositions covering those issues is no longer absent, or no longer scattered across separate literatures, controversial political decisions on international recognition can be better and more critically informed than they are today. This forum, which apart from an introduction and two main articles includes five commentators with very diverse research backgrounds, offers a beginning toward achieving this aim.

The following discussion will spell out some details of the above critique of existing recognition theory as well as its implied motivation for the lineup of this symposium. I begin by IL and extend the discussion to IPS before situating the two main articles in this context.

**IL**

Inquiries into the meaning and effects of recognition in IL are often presented as a debate between proponents of the declaratory and constitutive theories
of recognition. Turning to just any standard handbook in the field (such as Oxford’s *A Dictionary of Law* or Cambridge’s *Handbook of International Law*), the reader will be presented with the theoretical alternatives of viewing international recognition either as a *declaration* that a particular state already exists, or as the *constituting* of a new state that did not exist prior to its international recognition.

Understood as declaration, international recognition does not have any substantive effects (e.g. Brown 1942; Grant 1999; Crawford 2006). A state is a state regardless of recognition, and should be treated and held responsible as such, according to the declaratory doctrine. The emergence as well as the recognition of new states gains legitimacy by reflecting criteria on statehood stipulated in international law, for example effective government of fixed territory and stable population with capacity to enter into relationships with other states (Crawford 2006, 28).

Understood as a constitutive act, by contrast, international recognition is the very procedure through which a state comes into being in international law (e.g. Oppenheim 1905; Kelsen 1941; Lauterpacht 1944). If there is no international recognition, there is no international state, according to the constitutive theory. The rights and duties of states apply only to those political entities that have been internationally recognized. Decisions on international recognition are then legitimate only by reference to individual states’ self-chosen ‘international policy’ (Oppenheim 1904, 111), which may but need not reflect their application of international law to a particular case.

What motivates this symposium in relation to IL is that the terms of this debate have from theoretical and normative perspectives not appeared particularly fruitful, and that available alternatives are worth exploring. The basic problem of IL is *not* that lawyers have so far failed to agree on which theory is preferable to the other, or failed to agree that both theories can and should be combined as they stand now. The problem, instead, is that setting up an inquiry into international recognition as a debate between these alternatives offers an unjustifiably narrow perspective on the nature of recognition in international politics – unjustifiable because, among other things, these alternatives obscure or misrepresent important ways in which recognition can be provided and withheld internationally. Hence it is the debate in IL as a whole, rather than a single theoretical position, that invites critique and that needs to be reinterpreted or transcended.

Both main articles in the symposium contribute to making this critical argument in detail. In the first article, Jens Bartelson situates the IL debate on recognition in wider discussions of political and moral recognition, and examines how well different theories account for general problems of
international relations, in particular power asymmetries and particularistic identities. By observing how legal conceptions of recognition depend on, and have implications for, distinct other conceptions of recognition, he contributes critically to IL as well as to other fields of research. In the second article, Eva Erman reconstructs the difference between declaratory and constitutive standpoints so as to largely parallel the disciplinary boundary between IL (declaratory theory) and IPS (constitutive theory). This analytical move leads her to explain why elements in reconstructed variants of both theories and from both disciplines must necessarily be combined in a successful theory of international recognition. Below I will make some further critical comments against the too narrow conceptions of recognition used in IL as this discipline stands now, for the purpose of explaining later in this introduction the fruitfulness of bringing IL and IPS closer to each other.

Both the declaratory and the constitutive theories ultimately limit themselves to explaining the relationship between the act of international recognition and the creation of states (e.g. Crawford 2006, 27). The constitutive theory claims that international recognition is at the very least a necessary condition for statehood while the declaratory theory denies the general validity of this. For the purpose of capturing what is really at stake in the politics of international recognition, however, this preoccupation with state creation is too limited. As indicated by the burgeoning literature in IPS, international recognition has a number of other consequences, of importance to politics as well as to law. Listing purposes and/or effects insufficiently reflected in the traditional IL debate, international recognition can be used for instance to show solidarity with a particular group of people and their human rights (as perhaps in the European recognitions of Bosnia-Herzegovina); to weaken a parent state from which a yet unfixed political entity wants to secede (as perhaps in the Russian recognition of South Ossetia); to expand the international power of the recognizing states themselves and their coordinating international organization (as perhaps in all EU recognitions in former Yugoslavia); to support majority preferences on statehood within small rather than large territories (as perhaps in the globally coordinated recognition of South Sudan).

These are possible purposes and/or effects of recognition with particular relevance in cases when international recognition is provided to political entities ahead of their consolidation as sovereign states. Equally important and unaccounted for in the IL debate are cases of withholding international recognition after the consolidation of a political entity as a sovereign state. Illustrating the latter category, withholding international recognition can be used, not only to indicate the perceived non-existence...
of a particular state as allowed in declaratory and constitutive legal theories, but also for instance to offend representatives of the other state; to complicate its international relations; to support the enemies of the other state; to manifest that the other state is unjustly founded; or simply to reciprocate the other state’s refusal to internationally recognize one’s own political entity. Like motives are no doubt real in the politics of international recognition; it is not by some curious political error or misunderstanding of international law that for instance North Korea is not recognized by South Korea and Japan, or that Israel remains unrecognized by a number of Arab states. Those are decided policies of withholding international recognition of sovereign states, the political and legal effects of which merit attention.

The hypotheses and examples listed above suggest that both the constitutive and the declaratory theories of recognition go insufficiently deep. The creation of states in international law may be unrelated to international recognition (contra the constitutive theory) and to political entities’ fulfillment of substantive legal criteria (contra the declaratory theory) while both international recognition and state creation may be explained by underlying political motives like those listed. To account for these theoretical possibilities, IL should in the first place drop the presupposition of its traditional debate that international recognition is either about creating states in international law or about creating nothing legally relevant at all (while still possibly interesting from political perspectives, Kelsen 1941). More specifically, it should explain the role of international recognition both at the moment when a political entity takes whatever step that will make it a state in some specific sense and during the whole of the political process through which prospective objects of international recognition build up or lose their status as states – a process which different providers of international recognition will divide differently into times of the objects being or not being states.

Such theory, once developed, would have advantages as seen from perspectives of both political and legal study. For the study of politics, it is an advantage that the adapted theory would account more completely for existing disagreements over international recognition. It is only if our concepts allow us to theorize effects of international recognition equally across cases of which existing states disagree about their statehood that we can capture the politics of recognition in the full sense of the word. As a consequence of widening concepts, empirical study should cover for instance international recognition among generally non-recognized states, as between Transnistria and Nagorno-Karabakh (Caspersen and Stansfield 2011) and effects of recognition by only a part of the international community. Normatively, the same conceptual shift would go some way to address a weakness in existing recognition theory as seen by Bartelson
below, namely that it ignores and even justifies exclusion of actors whose particular identity does not fit with the theory.

For the study of law more specifically, a conceptual widening of the objects, motives, and effects of international recognition would facilitate formulating alternative hypotheses about legal effects and actor motivations. With too narrow conceptions of what is relevant to study, there are too few possibilities to assess the strengths of one’s own hypotheses. Logically, the existence of a state in international law may be unrelated both to its prior international recognition and to its fulfillment of some legally specified criteria. For the sake of argument, we might assume that the legal existence as well as the international recognition of the state is best explained by military decisions by powerful states, or by the existence of some general problems of international politics to which all actors must adapt their behavior (cf. Krasner below). As long as state creation in international law remains central to IL, conceptual resources needed to formulate and evaluate such and other rival explanations to both the declaratory and the constitutive theories of recognition will be analytically useful.

The two main articles of the forum both illustrate how this strengthening of analytical resources useful for IL can happen by drawing on IPS and wider sources. As noted above, Bartelson suggests that legal recognition occurs and produces its effect on statehood, not in isolation of other international practices, but in dynamic interactions with political and moral kinds of international recognition. Hence, issues other than legal recognition should be accounted for to explain the emergence even of legal statehood, according to his analysis. Erman, more focused on what legal recognition actually explains, clarifies how recognitive practice, seen as a generic function in language, both constitutes and declares states. Hence, legal recognition indeed has effects independently of other matters while so far they have been insufficiently specified in theory, according to her analysis.

More generally, to account for alternative explanations of statehood and recognition, IL has much to gain from distinctions and wider conceptions of recognition debated in IPS.

**IPS**

The concept of recognition covers a wider range of phenomena as used in IPS in comparison to IL. The acts of recognition theorized in IL are relatively precise, as when a member of government states in public that it welcomes a new state in the international community, while in IPS the concept has broader contours (e.g. Ringmar 1996; Lebow 2008; Lindemann 2010). Acts of potential recognition then include, in addition to official utterances of the sort privileged in IL, choices of language and style in
diplomatic communication; respect for national codes of conduct regarding for instance dressing at official visits; attention to national memorial days and monuments of international partners; invitations to international meetings and organizations.

However, whether these or any other actions necessarily count as acts of recognition in all contexts is a question typically not asked, and in any case not categorically answered, in IPS. Instead, the method is to identify acts of recognition by proxy of the effects that they are assumed to produce, often though not always on the basis of socio-psychological theories on recognition as a condition for self-esteem or love (Honneth 1995). The following general definition of recognition used by Lindemann (2010, 9), taken from Wolf (2008), is a case in point: ‘[i]f there is a rough equivalence between our asserted self-image and how we are treated; meaning that if others treat us according to what we consider ourselves to be, our self-image is recognized’. On this ground, the issue of what actions should count as acts of recognition is bracketed while it is concluded ex post that recognition has taken place in case the person thinks or feels that he, she or they have been treated in accordance with preferred self-images, whatever that treatment is, according to this definition.

This empirical openness of the social act of recognition is at once a reason why IPS contributes helpful insights for IL on what recognition may actually entail and a difficulty for citizens or scholars who want to use the theory for guidance of political practice. Only when recognition is defined so that users of this concept can know which acts will count as recognition ex ante does it become politically meaningful to scrutinize alternative policies of recognition in light of the normative value attributed to recognition. A first stream of useful influence from IL to IPS consists therefore in demonstrating the possibility of defining recognition in general but also empirically stable terms, in order to allow reflection on alternative acts of recognition in light of different interests and normative convictions before those actions have actually been performed and yielded their alleged effects. IL, not IPS, is the primary resource for identifying empirical acts of recognition, such as government declarations of recognition; granting of diplomatic status to foreign envoys; entering into treaties or negotiations open only for states; votings on statehood and recognition in the UN, etc.1

In a similar vein, IL has the potential of furthering explanatory theory in IPS. A central positive research agenda is whether non-recognition

1 It may be noted that insights drawn from socio-psychology can be retained also as recognition is identified as a distinct act. Whether socio-psychological theories best explain how and why acts of recognition yield their effects, such as emotions and/or actions taken by the addressees of those acts, remain to be investigated.
leads to war and recognition to peace (e.g. Ringmar 1996; Lebow 2010; Lindemann 2010, 2011). Non-recognition creates an emotional impulse in the non-recognized subject to establish his or her identity more firmly in social interactions with the non-recognizers, if necessary by military means (Lindemann 2010, 28). To this research, IL offers new empirical questions with theoretical implications. Are political entities that lack universal recognition as states, for example Hamas or Somaliland, generally more war-prone than comparable entities, which in fact enjoy such recognition (cf. Lindemann, 58)? Does international recognition of a new government in an existing state, as with the international recognitions of the Libyan Transitional National Council as the legitimate government of Libya in the midst of civil war, make the recognized actor less conducive to fight, in general or against the recognizing states? What are the consequences of engaging quasi-legal conceptions of recognition, as when the rebel leaders in the Syrian National Council were recently recognized by some states as a ‘legitimate representative’ but not as the ‘government’ of Syria (Sayigh 2012)?

More critically, the conception in IL of recognition as a distinct act appears useful, ultimately necessary, for testing causal background assumptions in IPS. To the extent that acts of recognition are identified ex post of observed or assumed feelings of being recognized, the acts of recognition (or misrecognition) will be revealed empirically by examining the history and context of recognized (or misrecognized) subjects (cf. Lindemann 2010). Such inquiries, however, do not allow testing whether the so identified acts of recognition in fact have their alleged effects, in the first step on feelings of being recognized and in a second step on action, for example peace. Testing of causal relationships presupposes that the hypothesized explanatory factor (in this case an act of recognition) is looked for not only in units of analysis where the hypothesized effect has already been observed or assumed (in this case a feeling of being recognized). The testing of such causal relationship, between acts and subjective senses of recognition, instead requires that the acts of recognition are defined (as generally in IL) objectively enough to allow identifying acts of recognition independently of subjective senses of recognition and, by extension, to allow observing empirical cases across which hypothesized acts of recognition vary while the hypothesized effects remain to be examined. Otherwise IPS will never learn whether feelings of recognition originate, as assumed, in social interaction with adversaries, rather than somewhere else, for example in exclusively psychological processes within the subjects. This of course is not to say that the acts of recognition useful for IPS must be the very same acts as have been theorised in IL for long. IL offers something more general, namely an example of analytical practice
where recognition is indeed defined as a distinct act (not as a feeling of having been recognized) while being used for causal explanation.2

Bringing IL and IPS closer to each other may benefit understanding not only of central issues in both fields, such as the definition and effect of recognition, but also questions that have been largely omitted from earlier research in both camps. One generally ignored question is: Who should interpret our normative criteria for international recognition and decide on them in particular cases? The question of course has direct implications for what acts of recognition will have legal and political purchase and is theoretically significant also because different recognizers bring different audiences and accordingly different implied motivations for recognition (see Kessler and Herborth, 62). In any case, we know empirically that international recognition can be provided also by actors who are themselves not widely recognized states (Taiwan, Kosovo, etc.), and logically we can infer the same possibility also for entities which do not at all aim to become states, like multinational companies, religious organizations, international courts, indigenous groups, labor unions, and private individuals. The ability of states to function internationally as states surely depends on their being recognized also by this latter kind of actors. In failed states, non-state actors typically absorb functions otherwise pursued by the state. The question of who should decide on international recognition ought therefore to be freed from the assumption in the constitutive theory of international recognition, namely that only the acts of existing states count as international recognition.

Again, such a conceptual relaxation would facilitate grasping the political nature of international recognition. Who should decide on international recognition is an essentially political question in part because many scholars think it is impossible to answer definitely even in theory. Recognition is the procedure through which legitimate subjects in international law are declared or constituted. Hence, the question of who should decide on international recognition cannot itself be settled by any procedures of international law, since these procedures are all premised on particular views on who the legitimate subjects are. This is an instance of a general paradox of legitimate procedures, according to which procedures used for justifying outcomes are not justifiable on their own standards of legitimacy, since in the first instance no procedures are outcomes of themselves.3 In any case, the

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2 On the need to specify acts of recognition in IPS (see also Wolf 2011, 106, fn).
3 In democratic theory views differ on whether the paradox of legitimate procedures implies that particular constitutional limitations should be placed on politics (Whelan 1983), or that ongoing contestation about who should decide is inherent in legitimate politics (Nasström 2007), and whether the paradox could be resolved in theory (Agné 2010). For the paradox of founding in law, see Loughlin and Walker (2008).
politics of international recognition may in practice privilege the authority of, for example, humanity as a whole (cf. Bartelson 2008; Agné 2010); individuals who in historically unique moments happen to be part of capable political institutions, whether national or international (cf. Elster 1984, 93–4); or some person or people who at any time is strong enough to act independently of all internal and external norms, that is entities demonstrating sovereignty in practice (cf. Schmitt [1922] 1985, 29–35). In view of the diversity of such real alternatives of how international recognition can be decided, exploring the social as well as legal complications of each alternative, ultimately for the purpose of deciding which alternative is preferable to the others, ought to be a prime task for combined efforts of IL and IPS.

Conclusion

Recognition theories in IL and IPS are sometimes unsatisfactory standing by themselves, but strong candidates for producing a synergetic combination, in particular in view of the aim that international theory should be of maximal normative and explanatory relevance to political practice (for more on this aim of theory, see Fabry, Mikulas 2013). Both the critiques and the suggestions reflected in this argument are extended in the following two main contributions of the symposium.

In the first article, Bartelson provides an overview of interconnections and ontological presuppositions of alternative ways in which recognition has been theorized in the international relations literature, broadly defined. He argues that recognition in legal as well as political and moral senses is unable to overcome particularistic identities and asymmetrical power relations among international actors, and that there is accordingly little reason to believe that acts of mutual recognition will make international relations more peaceful. Specifically, he rejects two founding assumptions of the Hegelian paradigm on recognition: first, that the mechanisms of recognition will contribute to changing the international system from a state of war into a moral community of mankind; second that international recognition produces greater inclusion of human beings in world politics. Normative theory should observe that recognition sustains rather than overcomes conflict in international politics.

In the second article, Erman sees recent contributions on recognition to IPS broadly as reflective of the constitutive theory as traditionally debated in IL. Thus situated, she argues that the declaratory and constitutive theories of recognition fail to make sense of the allegedly deep-cutting difference between them. We cannot chose in this context, according to Erman, between understanding recognition as premised either on facts
about ‘internal’ conditions such as a defined territory, a permanent population, and so on, or on facts about ‘external’ conditions such as the actions of the international community. Having established the reason for thinking about recognition as both declaring and constituting internal and external political conditions, she suggests that the primary property that needs to be recognized when we are concerned with statehood is not collective identity, as stressed by proponents of the constitutive theory in IPS, but collective self-determination. Rather than applying a socio-psychological notion of recognition, she argues that a plausible theory on recognition should address legal-political cognitive practices that play both declaratory and constitutive functions for statehood.

Both proposals for how to think about recognition in international relations transcend the boundary between IL and IPS. At the same time they yield implications for real politics. Where legal recognition is part of international efforts to overcome conflict, as recently in Libya and Syria, Bartelson issues a clear warning: the politics of recognition, of whatever kind, has an inbuilt tendency of escalating or perpetuating conflicts, a tendency that will not always be tempered by responsible political actors or ordinary people. At a time when we are nonetheless faced by real demands for recognition, despite warnings against such politics, Erman offers a first piece of important advice: decide on those issues while ignoring neither internal nor external relations of the actor who demands recognition, and trust no politician or theorist justifying recognition decisions while accounting for one of those dimensions only.

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A superficial glance at the current usages of the concept of recognition within academic international relations conveys the impression that this concept has become to this discipline what a Swiss army knife is to a boy scout. During the past years, several books and articles have appeared in which key international practices and institutions are explained with reference to different mechanisms of recognition. Fabry (2010) offers an account of how new states are admitted to international society by virtue of being recognized by other states, while Reus-Smit (2011) has argued that the struggle for recognition of individual rights played an important role in the development and expansion of the international system. Both Lebow (2010) and Lindemann (2010) maintain that the struggle for recognition has been a major cause of international conflict. By contrast, Honneth (2011) and Wolf (2011) argue that mutual recognition between states is necessary to push international relations in a more peaceful direction.

This renewed interest echoes broader concerns with recognition within social and political theory. When this concept found its way back into social theory after decades of relative neglect, it was welcomed as an alternative to materialistic and rationalistic accounts of social order, and has since been used to explain how agents and their identities are constituted through interaction (Pizzorno 1986, 1991). Largely simultaneously, political