

UNIVERZA V LJUBLJANI
FAKULTETA ZA DRUŽBENE VEDE

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Foreign policy of de facto states in the post-Soviet region

Zunanja politika de facto držav v post-sovjetski regiji

Magistrsko delo

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Foreign policy of *de facto* states in the post-Soviet region

The USSR dissolution in early 1990s along with the provoked internal decolonization has dramatically changed the regional political map and greatly affected the regional politics. Some of those newly emerged nation-states, though disposing definite attributes of statehood, are still short of the international recognition. This thesis discloses the way the breakaway entities of the post-Soviet area exercise the role of a State without the explicit recognition on behalf of the International Community. Particularly, the thesis shows the different foreign policy instruments implemented by the four *de facto* states cases of the post-Soviet region to enable sustainability of their statehood and improve their position in the international arena, given that they share a paramount foreign policy goal of recognition and a great dependence on Russia. In order to answer the research question the second chapter provides an overview of the theoretical and legal framework of the state-like entities, including the criteria for statehood and guidelines for recognition of a state. Each case study has a short excursus to the history of conflict between the breakaway republic and its paternal state – Nagorno Karabakh and Azerbaijan, Abkhazia and Georgia, South Ossetia and Georgia, and Transnistria and Moldova. Offered in the third chapter, the historical overview enables better comprehension of the circumstances in which the four *de facto* states' have declared their independence from the paternal state. The final chapter examines the elements of statehood proposed by the Montevideo Convention of 1933 of each case study, making a specific emphasis on the 'capacity to enter into relations with other states'. Applying a comparative method, the study provides a synthesis of foreign policy instruments implemented by the given *de facto* states.

Key words: De facto state, post-Soviet region, foreign policy.

Zunanja politika *de facto* držav v post-sovjetski regiji

Razpad Sovjetske zveze v zgodnjih 90-ih letih 20. stoletja je skupaj z izzvano notranjo dekolonizacijo dramatično spremenil regionalni politični zemljevid in močno vplival na regionalno politiko. Nekatere izmed novo nastalih nacionalnih držav navkljub razpolaganju z jasno določenimi lastnostmi državnosti še vedno ne uživajo mednarodnega priznanja. Magistrsko delo razkriva pot, po kateri odcepljene entitete post-sovjetskega območja izvajajo vlogo države brez izrecnega priznavanja s strani mednarodne skupnosti. Ta raziskava se osredotoča na različna sredstva zunanje politike, uporabljena v primerih štirih *de facto* držav post-sovjetske regije za omogočanje trajnosti njihove državnosti in izboljšanje njihovega položaja v mednarodni skupnosti, glede na to, da si delijo mednarodno priznanje kot bistveni cilj zunanje politike in pa veliko odvisnost od Rusije. Da bi odgovorila na raziskovalno vprašanje, v drugem poglavju ponudim pregled teoretičnega in pravnega okvirja državam podobnih entitet, vključno s kriteriji državnosti in smernicami za mednarodno priznanje države. Vsaka od študij primera vključuje kratek pregled zgodovine konflikta med odcepljeno republiko in matično državo, in sicer med Gorskim Karabakhom in Azerbajdžanom, Abhazijo in Gruzijo, Južno Osetijo in Gruzijo, ter Transnistrijo in Moldavijo. V tretjem poglavju ponujeni zgodovinski pregled omogoča razumevanje okoliščin, v katerih so študije primerov štirih *de facto* držav razglasile neodvisnost od matičnih držav. V osrednjem empiričnem poglavju pa pregledam elemente državnosti, ki jih ponuja Konvencija iz Montevidea iz leta 1933 za vsako študijo primera s posebnim poudarkom na kriteriju državnosti 'spodobnost vstopanja v odnose z drugimi državami'. Z uporabo primerjalne metode, na koncu ponudim sintezo sredstev zunanje politike, uporabljenih s strani obravnavanih *de facto* držav, za izboljšanje njihovega položaja v mednarodni areni.

Ključne besede: De facto države, post-Sovjetska regija, zunanja politika.

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ACRONYMS AND ABBREVIATIONS

AAK Assembly of Armenians of Karabakh

AzSSR Soviet Socialist Republic of Azerbaijan

ASSR Armenian Soviet Socialist Republic

CSCE Commission on Security and Cooperation in Europe

CSTO Collective Security Treaty Organization

CIS Commonwealth of Independent States

CISPKF Commonwealth of Independent States Peacekeeping Force

DRA Democratic Republic of Azerbaijan

ECHR European Court of Human Rights

ENP European Neighbourhood Policy

EUMM European Union Monitoring Mission in Georgia

EU European Union

EUBAM European Union Border Assistance Mission to Moldova and Ukraine

GSSR Georgian Soviet Socialist Republic

ICJ International Court of Justice

ICRC International Committee of Red Cross and Red Crescent

IL International law

IR International relations

IO International organization

JCC Joint Control Committee

JPKF Joint Peacekeeping Forces

MASSR Moldovan Autonomous Soviet Socialist Republic

MFA Ministry of Foreign Affairs

MG Minsk Group

MSSR Moldovan Soviet Socialist Republic

NATO North Atlantic Treaty Organization

NKAO Nagorno-Karabakh Autonomous Oblast

NKR Nagorno-Karabakh Republic

OGRF Operational group of Russian forces

OSCE Organization for Security and Cooperation in Europe

PACE Parliamentary Assembly of the Council of Europe

PMR Pridnestrovian Moldavian Republic

RA Republic of Armenia

RF Russian Federation

RSFSR Russian Soviet Federative Socialist Republic

RSO Republic of South Ossetia

UN United Nations

UNDP United Nations Development Programme

UNHCR United Nations High Commissioner for Refugees

UNOMIG United Nations Observer Mission in Georgia

USAID U.S. Agency for International Development

USSR United Soviet Socialist Republics

1 INTRODUCTION

The political map of the world is a constantly developing living organism, which is hard to keep from alternations. The states' borders gradually change as some territories lose sufficient control of state government and pursuing secessionist rhetoric strive to proclaim new authorities and declare independence. Thus, we observe how new states are emerging as a consequence of complex reasons, changing the outlook of the political map, though not always ending up with international recognition and adequate sovereignty of a new entity.

The phenomenon of self-proclaimed states emerged at the turn of the XX century. Appearing most vividly during the three waves of decolonization (Huntington 1996), the process of national self-determination acquired momentum for further development by the collapse of the bipolar system of international relations. Since the early 1990s, new states have been proclaimed predominantly in the area of the former communist bloc, due to dissolution of the multinational states, namely Yugoslavia and the Soviet Union. By the demise on the background of the rise of national identity and secessionist movements were activated latent ethnic, religious and transborder conflicts, which stayed frozen for several decades. All the states of the region have undergone the process of a so-called "dual" transition: of both political and economic regimes (Smith 1999, 5). This created additional favorable conditions for the loss of governmental control over the territories issued by compactly settled national minorities in different former Soviet republics. With regard to the post-Soviet region factual secessions took place in Georgia by the Republics of Abkhazia and South Ossetia, in Moldova by Transnistria, in Azerbaijan by the Nagorno-Karabakh Republic, and recently in Ukraine by both the People's Republic of Lugansk and the People's Republic of Donetsk. Besides, there are dozens of self-proclaimed entities and uncontrolled territories all over the globe, including insurgent positions in Chad, insurgent positions of Central African Republic, areas controlled by Lord's Resistance Army (Ughanda), Ogaden (Ethiopia), Preševo valley, North Kosovo, northwest Macedonia, Turkish Republic of Northern Cyprus, Southern Lebanon, Triangle of Death and other insurgent areas in Iraq, Islamic Emirate of Waziristan (Pakistan), Pushtuniland (Taliban), Congolese stateless zone, free areas of Nepal, territory under Lybian opposition control (Sebencov and Kolosov 2012), and the area in the Middle East (Syria, Iraq) controlled by the Islamic State (BBC 2015).

In the frames of the given paper entities emerged as a result of secession in the post-Soviet region would be called *de facto* states (Pegg 1998, 1). In accordance with the chosen category of states, all of the above-mentioned *de facto* states' cases will be researched in this thesis

except for the People's Republic of Lugansk and the People's Republic of Donetsk, for the reason that they haven't existed for a significant period of time yet (both declaring their independence on the results of referendums on May the 12th 2014) (RBC 2014) and emerged in different historical period, that is under different conditions. In contrast with the four chosen cases, where secessionism and national self-determination trends exploded in late 1980s - early 1990s, separatist movements in the so-called Ukrainian "Novorossia" rose due to the issue of geopolitical choice of Ukraine and the violent power shift in early 2014 (RIA Novosti 2015b).¹

These *de facto* states with the unilaterally declared independence need the international recognition since otherwise they will find themselves deprived of the legal personality and in a political and economic isolation. That is why their general foreign policy objective is to ensure the recognition by other states and international institutions, if not a formal, than at least an informal one. One of the conventional foreign policy definitions describes international recognition as a

multilayered process, associated with official contacts with foreign countries, including: decision-making, models of bargaining and rational choice strategies; objectives and means, internal environment or domestic sources of foreign policy, foreign policy apparatus of agencies, relations, hierarchies, communications within, the nature of domestic politics; psychological factors' perceptions, and, misperceptions, ideologies, psychology of individuals and groups, images of other countries; external environment (also called middle range theories), i.e., geopolitics, technology, geography, development 'lateral expansion', agent structure debate (Kubalkova 2001, 16).²

In our case by foreign policy we mean the complex of actions on behalf of the *de facto* states aimed to create and sustain external ties with other actors of international relations and to engage in world politics and economics. All these actions at the same time are directed to develop the process of international recognition; thereby »they [the *de facto* states] start by acting like real countries, then hope to become them« (Foreign Policy 2009).

The Post-Soviet era left a legacy of close ties between the former Center and the peripheral republics, which gained independence in early 1990s (Millar and Wolchik 1997). More concretely, the special role in the post-Soviet region belongs to Russia (Smith 1999, 66). The infrastructural and military capacities of the former Soviet republics as well as new entities created on their territories are still highly dependent on interests of a regional power. The former USSR region, regarded by Russia as the "Near Abroad", is of a high priority in its FP,

¹ The official announcement of its pro-European orientation and successive annexation of the Crimea by Russia in March 2014 (Radio Free Europe, Radio Liberty 2014) set unrest in its Eastern borders and caused confrontation between the Ukrainian military and south-eastern rebel armies.

² Author's punctuation was adjusted to the paper for the ends of better perception.

since 25 million Russian compatriots stayed there after the collapse of the communist regime. So, claiming itself 'especially responsible' for its nationals, Russia aims to maintain influence and control as well as economic and military security in the region (Helsi 2007, 249), or on the "boundaries of the Russian nation" (Smith 1999, 68). This policy is the environment of pan-Slavinism idea, which also manifests itself in the last Concept of the Foreign Policy of the Russian Federation (2013),³ where cooperation with the Commonwealth of Independent States (comprising 11 of 15 member-states as post-Soviet republics) has been bestowed the highest priority (Chapter IV, Article 42).

In Article 51 of the abovementioned Concept entitled "Regional Priorities" Russia takes responsibility for »assistance to the formation of the Republic of Abkhazia and the Republic of South Ossetia as modern democratic states, strengthening of their international positions, ensuring sustainable security and their social and economic recovery remains among Russia's priorities«. Besides, in Article 49 it aims to

maintain its active role in the political and diplomatic conflict settlement in the CIS space; it will participate, in particular, in the settlement of the Transdnistria problem on the basis of respect for the sovereignty, territorial integrity and neutral status of the Republic of Moldova while providing a special status for Transdnistria,⁴ contributing to the settlement of the Nagorno Karabakh conflict in collaboration with other OSCE Minsk Group Co-Chairs, building on the principles contained in the joint statements made by the Presidents of Russia, the USA, and France in 2009-2011.

Finally, all three *de facto* states (unlike Nagorno Karabakh, which is still depending on the Russian military presence in Armenia (Popescu 2013, 2)) host Russian peacekeepers and look primarily to Russia to support their independence (Kobrinakaya 2008).

Obviously, the small *de facto* states of the region face an asymmetric interdependence in the existing subsystem of post-Soviet Eurasia. By this, the external patron may significantly influence both domestic and foreign policy of the given *de facto* states. As neorealists and structural realists assume, the external factors and international situation are more influential than domestic determinants when it comes to weak or small states' foreign policy-making (Elman 1995). That means that the external determinants are decisive in foreign policy formulation and decision-making of small states putting the internal domestic political, economic and social reality aside (Ibid.). As to the Nagorno-Karabakh Republic, Abkhazia, South Ossetia and Transnistria, all of them suit the categories of small and weak states, therefore the assumption should be applicable for these four cases. Thus, Abkhazia, South

³ Concept of the Foreign Policy of the Russian Federation, approved by the President of the Russian Federation on February 12, 2013.

⁴ Law No. 173 of 22 July 2005 on the special legal status of the localities on the left bank of the Dniester (Transnistria) adopted by the Parliament of the Republic Moldova.

Ossetia and Transnistria show a direct reliance on the Russian Federation as their patron state, while Nagorno-Karabakh demonstrates an indirect but still significant reliance on this country. This is for the reason that its statehood is maintained to a great extent by the efforts of Armenian government and military, which in their turn are sustained through Armenian-Russian cooperation. Finally, we observe the similar situation of reliance like in most of unrecognized entities, e.g. Kosovo on Albania or the Turkish Republic of Northern Cyprus on Turkey.

The Problem:

The *de facto* states constituted in the post-Soviet area are subject to the respective legacy of the influence of former core on both their domestic and foreign policies. Basically external international environment (firstly, the absence of recognition, and, secondly, Russia's geopolitical association to the region) overrides internal factors, as element of influence on the foreign policy implementation in Transnistria, Nagorno-Karabakh, Abkhazia and South Ossetia. Most of the entities have to rely almost comprehensively on their patron states, (Caspersen and Gareth 2011, 82), which affects the external and internal sovereignty of the unrecognized state, but at the same time by cooperating with the external patron states may create new external ties and make their voice be heard in the international arena by implementing diverse foreign policy instruments.

The main goal is to find out the way *de facto* states behave as actors of international relations without recognition on behalf of International Community.

The main question of the thesis will be "Given that the *de facto* states of the post-Soviet region share a paramount foreign policy goal of recognition and a great dependence on Russia, what different foreign policy instruments do they implement to enable sustainability of their statehood and improve their position in the international arena?"

Methodology and main theoretical perspective:

The principal methods will be critical within-case and cross-case comparative analyses of the empirical data on cultural, scientific, economic, military etc. cooperation of each specific *de facto* state with other actors of international relations, and information on their diplomatic (or paradiplomatic⁵ (Grydehøj 2014)) representation and agenda, which is available on the official webpages of governments, ministries of foreign affairs and other public and private establishments. Following a general foreign policy analysis, a comparative analysis of four

⁵ Grydehøj defines paradiplomacy as »a political entity's extra-jurisdictional activity targeting foreign political entities«, where »Extra-jurisdictional activity is activity exceeding a political entity's *de jure* jurisdictional capacity, representing a *de facto* expansion of the entity's powers«. The political entity is understood as a unit of government or subnational unit (2014, 12).

cases of *de facto* states in post-Soviet area will be carried out aiming to point out general foreign policy behaviour patterns and peculiarities. More precisely, each case study will undergo a within-case foreign policy analysis, followed by a cross-country comparative analysis. The foreign policy analysis will be conducted on the basis of the foreign policy strategies, official and analytic reports, debates, governments' actions and official representatives' speeches. Being a Russian and Armenian native speaker and fluent in French, I will be able to represent some of original sources (unavailable in other languages), thereby adding a micro-methodological asset to the thesis (Calvert 1986, 11).

Within the research a wide range of primary sources (such as ratified bilateral and international agreements, national and international laws, the Constitutions of *de facto* states, official national resolutions, speeches, interviews, published correspondences of officials, official economic and socio-political data, and data provided by international organizations and agencies etc.) and secondary sources will be used (among which historical and biographical monographs, scientific articles etc.).

CHAPTER 2: PHENOMENON OF *DE FACTO* STATES

This chapter aims to enlighten the issue of nature of a state in general and of a *de facto* state in particular. With this ends the notion of 'state' and a wide range of state-like entities' types will be defined and categorized. The main criteria for, as well as the main obstacles on the way to, statehood and recognition will be presented.

2.1 Distinction between states and state-like entities

This chapter aims to outline difference between various state-like entities and discover the way the concept of states has been developed in International law and throughout history of theory of International relations.

2.1.1 Criteria for statehood within International law

In order to perceive the difference between States and state-like entities it is essential to understand what a state and statehood are, according to International Law. A 'State' in general sense can be defined as »a sovereign and independent entity capable of entering into relations with other states /.../ and enjoying international legal personality«⁶ (Martin 1994, 380–381) or as a »politically organized community under a sovereign government« (Curzon 1995, 362). Otherwise it can be interpreted as »(T)he political system of a body of people who are politically organized; the system of rules by which jurisdiction and authority are exercised over such a body of people« (Garner 1999, 1415). Yet, there is no universal definition of State codified in International Law. As the result of a heated dispute on the definition of State and Nation arisen during the Preparation of the Draft Declaration on Rights and Duties of States in late 1940s, the International Law Commission concluded in the commentaries to the Declaration that »no useful purpose would be served by an effort to define the term State... (ILC Rep. 1949 a/925, 9)«. However, there have been codified criteria for statehood, designed to guide new entities on their way to status of a legitimate State. These criteria can be regarded as prerequisites for obtaining an international legal personality by a state, making it a subject of International law. The traditional four criteria for statehood have been outlined in the Montevideo Convention on Rights and Duties of States of 1933, signed by the USA and other American states during the VII Pan-American Conference. It establishes that »state as a person of international law should possess the following qualifications: a) a permanent

⁶ Herewith she also mentions the Montevideo Convention's criteria for statehood.

population; b) a defined territory; c) government; and d) capacity to enter into relations with the other states« (Art. 3).⁷

1. **Permanent population.** Population is necessary for the statehood, though no particular minimal number is required. Nevertheless, it should represent an enough amount of citizens in order to at least ensure the work of all public organizations. What is also important is that a certain population is static. Nomadic people, leaving their settlements could deprive their state from its 'physical basis', but not when there is enough static and compactly settled population within the given territory. Thus, e.g. migration flows are not undermining statehood if there is still a significant number of permanent inhabitants in a state. Each state defines its 'permanent population', i. e. criteria for nationality, in accordance with its municipal law (Crawford 2007, 52).

2. **Defined territory.** The territory includes the following geographical dimensions separated from the other entities by borderlines: air space above the land projected to the centre of the earth, the land itself and in case of exit to the sea, 12 miles of territorial sea from the coast.⁸ The delimitation of boundaries is of high importance. However, as James Crawford supposes, it does not require precise frontier demarcation (2007, 46)⁹. Therewith, there is neither a rule on a minimum area of territory (but reasonably, it is more difficult for a small fragmented territory to gain independence), nor on its contiguity (the territory can be subject to changes over time) (Crawford 2007, 47). What is essential is that the government effectively carries out control over the territory (Malanczuk 1997, 76). This assumption is proven by the Judgment of 20 February 1969 by the International Court of Justice regarding the North Sea Continental Shelf case.¹⁰ The other prominent case applicable for this statement is Israel, which gained recognition despite the border disputes and frontier uncertainty.¹¹

3. **Government and central control.** The mere existence of government is not sufficient if it does not effectuate control of population over the territory, so these two notions of 'government' and 'central control' go inseparable as a single element of statehood. An effective

⁷ Montevideo Convention signed on December 26, 1933 in Montevideo, Uruguay, in force since December 26, 1933.

⁸ Convention on the Territorial Sea and Contiguous Zone, signed on April 29, 1958 in Geneva, in force since September 10, 1964. It prescribes that "The contiguous zone may not extend beyond twelve miles from the baseline from which the breadth of the territorial sea is measured» (Article 24 (2)).

⁹ Herewith he rationalizes this point of view by citing other legal experts, namely, Franck, Hoffman, Mendelson, Verhoeven, Orlow and Schachter.

¹⁰ The appurtenance of a given area, considered as an entity, in no way governs the precise determination of its boundaries, any more than uncertainty as to boundaries can affect territorial rights. There is for instance no rule that the land frontiers of a state must be fully delimited and defined, and often in various places and for long periods they are not (ICJ 1969).

¹¹ With regard to the demarcation irrelevancy, Malcolm Shaw offers the example of Albania, which was recognized by many states regardless the border disputes (2008, 199).

government is a key to independent authority with regard to other states and, thus, can be considered as central criterion for claiming statehood, while others simply depend on it (Crawford 2007, 55–56). Remarkably, the international law practice shows that the 'effective government' serves as a criterion for statehood and recognition not only in case of its actual existence, but also in a form of entitlement to exercise that authority.¹²

What is an 'effective government'? Firstly, it should exclude the authority over the given territory and its people by other entities. Secondly, the control should include maintenance of law and order and the establishment of fundamental institutions. Thirdly, the requirement of effectiveness varies from case to case, and can be applied more or less strictly according to a specific situation. It will be more strictly applied, e.g. in cases when the statehood is opposed under the title of International Law, when the government claiming authority does not have a consent of the previous sovereign and does not exercise a certain degree of control, and, finally, in case of creation of a new State (Crawford 2007, 59).

There are two aspects of the governmental control, an internal one and an external one. The internal control presupposes »the capacity to establish and maintain a legal order in the sense of constitutional autonomy« (Malanczuk 1997, 77),¹³ while the external one implies »the ability to act autonomously at the international level without being legally dependent on other states within international legal order« (Ibid.).¹⁴ The International Law stays indifferent to states' concepts of domestic rule (Malanczuk 1997, 79), since the form of government is only determined by domestic constitutional law. So, be it a theocracy or a democracy on the basis of the internal political structure, it has no international legal effect, therefore. Finally, it should be marked that there is a distinction between the recognition of state and recognition of government. Usually, the latter also implies the former, while the former can be accorded without the latter (Malanczuk 1997, 82).

4. The capacity to enter into relations with another states. This means the legal capacity of independently forming legal relations with other states (with the antecedent ability of independent law-making) (Rousseau 1958, 53). According to the Article 1 of the Montevideo Convention, this capacity is independent of international recognition. The Article 3 suggests that even without recognition a state is entitled to the same rights of defending its integrity

¹² See the case of 'premature independence' gained by the Democratic Republic of Congo in 1960 while not even being prepared for the independence (Kanza in Crawford 2007, 56).

¹³ Here it coincides with the central control, and can be paralleled with internal sovereignty.

¹⁴ The external refers to the forth criterion given down below, and can be paralleled with external sovereignty.

and independence as other states do,¹⁵ while the Article 6 says that »the recognition of a state merely signifies that the state which recognizes it accepts the personality of the other with all the rights and duties determined by international law: Recognition is unconditional and irrevocable«. This makes the fourth element's relevance questionable. Therefore this capacity may be regarded either as a consequence of statehood or its criterion. While some international lawyers believe that full legal rights can be gained after the recognition by other states regarded as an additional criterion, others see recognition as an evidence of fulfilment of the previous three criteria, stating that it does not serve as a precondition for statehood (Malanczuk 1997, 80).¹⁶

One shall note, that some states question the postulates of the given Convention, which for last 80 years have frequently proved to be inconsistent in conditions of real international real politics. The drawback of this Convention relies in the fact that it has had juridical vigour within a particular region, because it was signed in the framework of the Seventh International Conference of American States by the USA, Peru, and Brazil. Nevertheless, it made a significant step up towards codification of state's prerequisites and process of its recognition in international law.

The practise shows that apart from those four criteria, there are factors such as »prospects of durability, determination to become a state, legality of formation, respect for human rights, the recognition by other states and a variety of arbitrary political considerations« (Bučar 1997, 78). In addition to this, some international lawyers name other indicators of statehood like independence and sovereignty, which go in parallel with the abovementioned third and fourth criteria, and are sometimes used as synonyms.

The two main elements of independence are "the separate existence of an entity within reasonably coherent frontiers" and not being "subject to the authority of any other State or group of States" (Crawford 2007, 66). James Crawford distinguishes two types of independence: a *formal*, officially declared by the constitution and involving the powers to be vested in the separate authorities of a given State, and a *real*, with actual governmental powers enough for the entity to be qualified as a State. He also believes that independence can be described both as right of State or as a criterion for statehood (a 'point of departure') (Crawford 2007, 63–72).

¹⁵ »The political existence of the State is independent of recognition by the other States. Even before the State has the right to defend its integrity and independence, to provide for its conservation and prosperity, and consequently to organize itself as it sees fit, to legislate upon its interests, administer its services, and to define the jurisdiction and competence of its courts. The exercise of these rights has no other limitation than the exercise of the rights of other States according to international law« (Montevideo Convention, Article 3).

¹⁶ See subchapter 2.2.2.

Sovereignty in general can be defined as freedom of state from external control (Curzon 1995, 358). From the international law perspective, State's sovereignty refers to its juridical independence and ability to enter into treaties that promote its interests whatever they are internally defined (Krasner 2001, 1). International Law speaks of sovereignty in sense of a legal incident (or a consequence of statehood), while in the political discourse it has a sense of "plenary authority with respect to internal and external affairs" (Crawford 2007, 89) (a criterion of statehood). Usually sovereignty is divided into internal and external dimensions, where internal sovereignty means "The power that rulers exercise over their own subjects" and external sovereignty refers to "The power of dealing on a nation's behalf with other national governments" (Garner 1999, 1402). Therefore, the internal sovereignty of a state is the real central control over territory with citizens subject to internal jurisdiction, whereas the external sovereignty is the internationally recognized right of a state to exercise internal control without interference in its domestic and foreign affairs.

The international theory has traditionally referred to sovereignty as an inseparable notion, claiming the lack of external sovereignty to undermine the internal one and *vice versa* (likewise the absence of independence undermines the supremacy of authority) (Caspersen 2012). Moreover, according to the classical view, sovereignty does not have gradation – the state either exercises a supreme authority on its territory or not. The modern view, though, is quite different and rebukes the simplified approach to a multifaceted and complex issue of statehood and sovereignty. For example, Krasner divides sovereignty into four aspects, which not necessarily go together: interdependence sovereignty, domestic sovereignty, international legal sovereignty, and Westphalian sovereignty.¹⁷ Advocates of the modern approach propose degrees of sovereignty, denying its indivisible and absolute nature (Ibid.).

Once a state satisfies the above listed criteria and, *a fortiori*, achieves recognition it becomes a legal person. But what is a legal personality of a state, and what does a state get with it? A legal person is a subject of law, so when a state obtains legal personality it becomes a subject of international law, vested with rights and bound with duties. Sovereign States were declared to be equal international legal persons under international law as far back as 1648 by the Peace of Westphalia (Gross 1948). It is worth noting that there exists difference between a state as international legal person and any other international legal persons like international

¹⁷ Interdependence sovereignty is interpreted as government's ability to regulate movement of goods, capital, people and ideas across its borders; domestic sovereignty refers to state's structure of authority and its effective control; International legal sovereignty claims to indicate a juridically independent entity recognized by other states; Westphalian sovereignty is absence of authoritative external influence on domestic authority of a state (Krasner 2001, 2).

organization. States are declared to enjoy *full* international legal personality, meaning that other international legal persons possess less international rights and duties (Raič 2002, 23).

Significant documents primarily concerned with rights and duties of states should be pointed out. First of all, the above considered Montevideo Convention, the criteria of which shall remain as a State's inalienable attributes after it acquires legal personality. Secondly, it is the Draft Declaration on Rights and Duties of States drawn up by the International Law Commission in 1949, which lists four rights and ten duties of states.¹⁸ This Declaration was subsequently noted but never adopted by the General Assembly of the United Nations. Thirdly, the Charter of Economic Rights and Duties¹⁹ clarifies the procedure for concluding bilateral trade agreements, managing foreign investments etc., which are essential for state's survival in international economics. Finally, the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States²⁰ also mentions certain rights and duties of States, which pretty much echo those suggested by the Draft Declaration on Rights and Duties of States.

2.1.2 Scientific approaches to definition of state and categories of entities

Abstracting from the International Law, one should mark an existence of various definitions of State and state-like entities in theory of International Relations and political theory, and also disclose the difference between those categories. Debates on the nature of a state had arisen way back in the époque of first polises. A great number of eminent philosophers, ideologists, sociologists and politicians tried to cover this topic, including Aristotle, Plato, Cicero, Niccolo Machiavelli, Hugo Grotius, Georg Wilhelm Feidrich Hegel, Talcott Parsons, Thomas Hobbes, John Locke, Jean-Jacques Rousseau, Jean Bodin, Henry More, Immanuel Kant, Nikolay Karamzin, Alexander Radishev, Mikhail Speransky, Georgy Chicherin and others. Aristotle in his treatise Politics affirms that every state is »a sort of partnership /.../ formed with a view to some good /.../ (and which) aims at the most supreme of all goods; and this are the partnership entitled the state, the political association« (Aristotle 1998). So, he basically equalled a state to a society. As statehoods have developed the political thought has also advanced. The Classical Greek concept of an ideal state (e.g. with a philosopher as its head (Plato 1996)) is in marked contrast with the ideas of the Renaissance.

¹⁸ Draft Declaration on Rights and Duties of States with commentaries, adopted by the UN International Law Commission reproduced into annex to General Assembly resolution 375 (IV) on December 6, 1949. See Annex I.

¹⁹ The Charter of Economic Rights and Duties was adopted by the UN General Assembly on 12 December 1974.

²⁰ UN Resolution 2625, Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in Accordance with the Charter of the United Nations. Adopted on October 24, 1970 by the General Assembly at 1883rd plenary meeting.

At the turn of the 15th century the term State was understood as a »form of social and political organization of individual human beings and aggregates of human beings«, more precisely, as "territorially defined institutions of authority" (Raič, 2002, 20–21). Niccolò Machiavelli defined State as »a political condition presupposing hierarchical relations of supremacy and submission« (Machiavelli in Piterskaya 2008, 31). In the 17th century the state was defined in territorial terms as a sovereign entity occupying a definite area surrounded with inviolate boundaries, disposing population with a certain national identity and having specific governing institutions (Knutsen 1997, 90–91). Step by step scholars have arrived to the definition in terms of law. Thus, Jean Bodin explained State as »a command over households and whatever is at their common disposal, carried out by the sovereign authority in conformity with the law« (Bodin in Piterskaya 2008, 33), while, according to Immanuel Kant, it was »a union of people subject to law« (Kant in Piterskaya 2008, 61). Since then State had been defined from domestic law perspective. After the establishment of first regional and universal intergovernmental organizations and rapid globalization of the 20th century, the interpretation has broadened by including state's position and role in global arena. All in all, nowadays the term 'State' still lacks a precise universally acknowledged definition, yet its concept is being gradually elaborated by the International Law documents.²¹

Today we witness that fully recognized states with international legal personality coexist and interact with states with "alternative forms of sovereign statehood ("stateness")"²² (or with a doubtful "stateness"). They include so-called *unrecognized* (if regarded from perspective of its external sovereignty) or *self-proclaimed* (regarded from perspective of its internal sovereignty) states. The unrecognized state has the following special features (Caspersen 2012, 54):

/.../ a de facto independence, covering at least two-thirds of the territory to which it lays claim and including its main city and key regions; its leadership is seeking to build further state institutions and demonstrate its own legitimacy; declared formal independence or demonstrated clear aspirations for independence, for example through an independence referendum, adoption of a separate currency or similar act that clearly signals separate statehood; the entity has not gained international recognition or has, at the most, been recognized by its patron state and a few other states of no great importance; it has existed for at least two year.

²¹ See subchapter 2.1.1.

²² 'Stateness' as a neologism was introduced to the political science by J. P. Nettle in 1968. From Ilyin's perspective, it is the paramount criterion for recognition. Where 'statehood' is reflecting an acknowledged status of an entity as a state and its pertinence to the community of states, while "stateness" reflects consistency and ability to behave like a state (Ilyin 2011).

Unrecognized states can be subdivided into totally unrecognized and partly recognized, where totally unrecognized are not recognized by any state and partly recognized are recognized by at least one state (e.g. patron state).

Self-proclaimed states are geopolitical formations possessing attributes of states (territory, population, domestic system of public authority and actual sovereignty), but lacking the beforehand consent of the former paternal country on declaration of independence. Illegitimate unilateral self-proclamation leaves those states without full or partial diplomatic recognition from international community (Osipova 2011). As to Ilyin (2011, 15), when an unrecognized or a self-proclaimed state meets the criteria of statehood and is able to interact with other states without diplomatic recognition, it passes into a *de facto* state. Scott Pegg (1998, 1) defines them as

an organized political leadership which has risen to power through some degree of indigenous capability, has popular support, has the capacity to provide services to a given population in a specific territorial area, over which effective control is maintained for a significant period of time.

Under the term '*de facto*' state, the dictionary of law offers three meanings: »1. actual; existing in fact; having effect even though not formally or legally recognized 2. Illegitimate but in effect« (Garner 1999, 427). As to Sergei Markedonov, *de facto* state is a »state in its authentic meaning, yet with one single exception – its sovereignty is not recognized by the International Community and its separate representatives« (Markedonov 2006). Another quite similar definition is given by Sebencov and Kolosov, claiming that a *de facto* state is »a territory subject to full control carried out by a new authority. It exercises all state functions for production and distribution of goods, yet its sovereignty is not recognized by the majority of states« (Sebencov and Kolosov 2012, 38). They claim it to have a great support from population, a fairly firm economic basis, a stable territory and to have existed for decades. They also suggest a classification of *de facto* states by recognition factor on recognized by only one (Turkish Republic of Northern Cyprus), several (Abkhazia, South Ossetia) or many United Nations members (Kosovo, Republic of China) and by unrecognized states (Somaliland, Artsakh, Transnistria). Judging from the very term of *de facto* state, it is reasonable to suggest that such an entity has attributes of states by definition.

As to sovereignty of the unrecognized or *de facto* states, it has two main peculiarities. Firstly, an 'internally legitimized' actual domestic sovereignty (with main attributes of statehood). Secondly, there is no 'external legitimation' of the sovereignty (Cuciev 2006). The concept of territorial sovereignty as a competence of state is also relevant here. The state

territory and its appurtenances (airspace above and subsoil beneath), the government and population within its frontiers, "comprise the physical and social manifestations of international legal person, the state" (Brownlie 2008, 105).

It is important to emphasize that a mere acquisition of territory is not analogous to the territorial sovereignty; sovereignty appears with the supreme authority, which controls internal and external affairs of a state (Crawford 2007, 48). It is the effective control over territory by central government that ensures sovereignty. Usually the new entities emerge, where there is a lack of such control. Thus, among other entities with a questionable status one should include 'uncontrollable territories'. Sebencov and Kolosov define them as parts of a state's territory, over which a central authority is unable or unwilling to retain coercive control and engage in establishment and distribution of political amenities (2012). They predominantly exist in relatively young decolonized states, where the population lacks well-developed national identity, and suffers from the artificiality of the frontiers. Such territories may also occur on the cross-confessional and cross-civilization fault lines due to heated inter- and intra-confessional quarrels.

States lacking effective control over a part of their territory were coined 'failed' as "utterly incapable of sustaining itself as a member of the international community" (Helman and Ratner 2010). There even existed a 'failed states index', recently substituted by a new concept and index of 'fragile states' (Fund for Peace 2016). In other words 'failed states' are recognized states with 'problematic sovereignty'.²³ These failed and fragile states indexes include researches on the UN member-states and refer to a number of them as unsuccessful in fulfilling their responsibilities towards their nationals. This leads to a thought that failed states lacking basic criteria for statehood (take Somalia, for example) can enjoy the UN membership, while unrecognized entities with all criteria fulfilled may still have a doubtful status under International Law and stay on the margins of the international system deprived from membership. The failed state enjoys external sovereignty without a full internal one, while *de facto* or unrecognized states manage to survive without the external sovereignty and with claims of internal sovereignty (Caspersen 2012). This paradox appearing in the international politics proves the unresponsiveness of international law in matters concerning the procedure of creation and recognition of states.

Quasi-state is another term frequently used to reflect a questionable sovereignty, stateness and a lack of control over state's own territory. It represents a territory under a rebel military

²³ Terms introduced by Stefan Krasner.

control and where insurgent authorities partly fulfil functions of a state with a medium control level (Sebencov and Kolosov 2012, 40).

It is evident that be it a *quasi*-state, an uncontrolled territory, a self-proclaimed state, an unrecognized state or a *de facto* state, they all emerge in the aftermath of the loss of control over the part of a territory by the paternal state's authority. Such territory, seeking separation and recognition, gradually acquires attributes of state (or at least makes efforts with these ends). One may also notice that the terms 'unrecognized state', 'self-proclaimed' and *de facto* states represent the same phenomenon. The reason why it has been introduced under different terms is that it has been assessed from different perspectives. As to uncontrollable territories, they do not usually legally declare their independence and are controlled by rebellious military or paramilitary groups. For this reason this phenomenon does not include term 'state' in its title. Yet the uncontrollable territory, which by its emergence transforms the paternal state into a 'fragile', 'failed' or *quasi*-state, may be an initial stage on the way to independent statehood.

2.2 Challenges on the way to international recognition

There are some aspects complicating recognition process of a new state by International Community. This subchapter aims to problematize the incomplementarity of some International law principles and the gap between prescribed criteria and actual stimulus for recognition (unrecognition) policy. Furthermore, it aims to see if there exists a well-established universal recognition procedure.

2.2.1 Contradictions between principles of International Law

The research on the legitimacy of new political-territorial entities requires elucidating the issue of correlation between principle of territorial integrity and right of self-determination in International Law. It is a generally held opinion that it comprises certain contradictions (Laghmani 1996).

First and foremost, it would be reasonable to disclose the legal bases of the abovementioned principles. The principle of the territorial integrity of states is well established and has been evoked three times in primary legal sources of International Law since the end of the World War I. It was the League of Nations' Covenant to introduce the notion of territorial integrity in its Article 10 saying: »The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing

political independence of all Members of the League»²⁴. The Article 2(4) of the United Nations' Charter²⁵ inspired by the Covenant, states: »All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations«. Article 2(7) of the same document also refers to the principle of territorial integrity declaring: »Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter«. Other UN documents have a reference to that primary implementation of the term (e.g. A/RES/25/2625 (1970))²⁶. The Helsinki Final Act²⁷, stating in 1 (a) IV, that »The participating States will respect the territorial integrity of each of the participating States«, has reinforced the principle of territorial integrity. Here the territorial integrity is complemented with the principle of the inviolability of the frontiers. However, there is not such a thing like an absolute territorial integrity or inviolability of frontiers, because Chapter 1 (a) III of the document declares that »frontiers can be changed, in accordance with international law, by peaceful means and by agreement«. Thus, we still have room for political map's changes.

The right of self-determination of peoples has had a specific path of evolution. Initially it appeared as a philosophical idea in the end of the 18th century becoming a nutriment for both the American Revolution of 1776 and the French Revolution of 1789. By the end of the World War I, the idea has developed into a political concept and became a base for the Mandate system as a bridge between colonial and post-colonial regimes, implying the right to self-determination of peoples under the fifth of President Wilson's Fourteen Points (President Woodrow Wilson's Fourteen Points 1918). The right of self-determination as an inalienable principle of the International Law has a shorter history since it was firstly codified after the World War II. Firstly mentioned in Atlantic Charter in 1941, then evolving by passing through the Washington (1942) and Moscow Declarations (1943) it was finally proclaimed as

²⁴ The Covenant of the League of Nations, signed on June 28, 1919 at Paris Peace Conference, in force since January 10, 1920.

²⁵ Charter of the United Nations, signed on June 26, 1945 in San Francisco, in force since October 24, 1945.

²⁶ »The principle that States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the purposes of the United Nation«; (Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among States in Accordance with the Charter of the United Nations, Preamble); d. The territorial integrity and political independence of the State are inviolable; (In The principle of sovereign equality of States); Every State shall refrain from any action aimed at the partial or total disruption of the national unity and territorial integrity of any other State or country. (In The principle of equal rights and self-determination of peoples).

²⁷ Conference on Security and Co-operation in Europe Final Act, adopted on August 1, 1975 in Helsinki at the Conference on Security and Cooperation in Europe

a fundamental principle of International Law in the UN Charter, which declared it as one of the major purposes of the organization.²⁸ The given right was also included in the Universal Declaration of Human Rights in 1948 (Art. XV).²⁹ This principle has further developed within UN institutions. Firstly, through the GA Resolution 1514 (XV) of the 1960 called the Declaration on the Granting of Independence to Colonial Countries and Peoples according to which »All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development«.³⁰ Secondly, the Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among States in Accordance with the Charter of the United Nations stated as follows:

By virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, all peoples have the right freely to determine, without external interference their political status and pursue their economic, social and cultural development, and every State has the duty to respect this right in accordance with the provisions of the Charter.³¹

The Annex to the abovementioned Declaration on Principles of International Law reiterates the prohibition of use of force in pursue for self-determination and lists the modes of the principle's implementation by a people, particularly, »The establishment of a sovereign and independent State, the free association or integration with an independent State or the emergence into any other political status freely determined by a people (para.4)«.³² At the same time it highlights that none of the principles may be exercised at expense of sovereignty and territorial integrity of other states. Its paragraph 7 notes as follows:

Nothing in the foregoing paragraphs shall be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples as described above and thus possessed of a government representing the whole people belonging to the territory without distinction as to race, creed or colour.³³

In addition to this, the right to self-determination was reiterated in the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social

²⁸ To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace (UN Charter, Chapter 1 Article 1 (2)).

²⁹ Universal Declaration on Human Rights. 1948. Accepted as a resolution of the UN GA on December 10, 1948 in Paris.

³⁰ Declaration on the Granting of Independence to Colonial Countries and Peoples of 14 December 1960.

³¹ UN GA Resolution A/RES/25/2625. 1970. Annex. The principle of equal rights and self-determination of peoples, para. 1. Adopted on October 24, 1970.

³² UN GA Resolution A/RES/25/2625. 1970. Annex. The principle of equal rights and self-determination of peoples. Adopted on October 24, 1970.

³³ Ibid. para. 7.

and Cultural Rights, both signed in 1966 and in force since 1976 (Article 1).³⁴ Another document employing the right to self-determination is the Vienna Declaration and Programme of Action, which declares that »All peoples have the right of self-determination. By virtue of that right they freely determine their political status, and freely pursue their economic, social and cultural development« (Article 1(2)).³⁵ Finally, in the Summary on the *Case concerning East Timor* the RSD was positioned as »one of the essential principles of contemporary international law«. ³⁶ With regard to the connection between the principle of territorial integrity and the right of self-determination the UN GA Resolution 2625 declares that "the above principles are interrelated and each principle should be construed in the context of the other principles", and that all together they "constitute basic principles of international law."³⁷ However, for political reasons some states prioritize selective principles, thus creating a misbalance between them.³⁸

2.2.2 Procedure and elements of international recognition of states

Once a new entity acquires qualifications for statehood it begins seeking recognition by other states in order to defend its interests in international arena. »By the act of recognition the existing states react on the emergence of new states – subjects of international law – and on the governmental shift in the existing state« (Feldman in Mammadov 2011, 69–70). The broad meaning of recognition in international law is an »Official action by a country acknowledging, expressly or by implication, *de jure* or *de facto*, the legality of the existence of a government, a country, or a situation such as a change of territorial sovereignty« (Garner 1999). More specifically, recognition or non-recognition is understood as »an indication of willingness or unwillingness on the part of the recognizing government to establish or maintain official, but not necessarily intimate, relations with the government in question« and as manifestation of its »opinion on the legal status of the government in question«, i.e. whether it does or doesn't exist *as such* (Talmon 1998, 23). The reasons why recognition is

³⁴ International Covenant on Civil and Political Rights, signed on December 16, 1966 by UN GA in New York, in force since March 23, 1976. International Covenant on Economic, Social and Cultural Rights, signed on December 16, 1966 by UN GA in New York, in force since March 23, 1976.

³⁵ Vienna Declaration and Programme of Action. 1993. Adopted by the World Conference on Human Rights in Vienna on June 25, 1993.

³⁶ Among the rest of IL documents reiterating the RSD are: Human Rights Committee, general Comment No. 12, The Right to Self-Determination of Peoples (Art.1), March 13, 1984; Committee on the Elimination of Racial Discrimination, General recommendation No. 21.; International Court of Justice, Advisory Opinion of 9 July 2004, Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory; Communication 75/91, Katangese people's progress v. Zaire (2000), African Commission on Human and People's Rights etc. As to the *internal context*, the Supreme Court of Canada, reference re Secession of Quebec 1998 can be named (Brownlie 1995).

³⁷ UN GA Resolution 2625 (XXV), 1970, Annex, General part. Adopted on October 24, 1970.

³⁸ See chapter 3.

such a complex issue is the combination of international law, municipal law and politics in its essence (Malenczuk 1997, 82). The general trend today in this respect is deviation from traditional approach, loss of balance between international law and real politics. After the dissolution of Yugoslavia and the USSR the issue of recognition has been dealing with prevailing inconsistency and politicization, of which Kosovo, South Ossetia and Abkhazia cases are ample evidences (Ryngaert and Sobrie 2011, 469). It is worth noting, that until today the institute of recognition has not been properly codified (Mammadov 2012, 69), leaving room for various approaches to the procedure.

The complexity also exists in the theoretical approaches to recognition of states that are represented by two mainstream schools. The constitutive theory presupposes that a state does not exist in context of International Law unless it is recognized by other states with legal personality, in other words it supposes recognition to be a mandatory precondition (*conditio sine qua non*) to statehood. This approach coincides with the mentioned Article 6 of the Montevideo Convention.³⁹ The advantage of this approach is that it preconditions official emergence of a state as an international legal person with recognition. However, it is undermined by the fact that it does not indicate how many states should recognize an entity and on what particular basis. Can an entity become a state only being recognized by a part of the international community? If yes, then to which extent? These questions stay open. It is a bit idealistic theory, which rarely coincides with reality.⁴⁰

The declaratory theory supposes that the existence of a state as a subject of International Law has nothing to do with its recognition, and regards recognition as a confirmation of the actual statehood. That is, if there are all indicators for state's actual existence, than recognition by others is unnecessary. It is well testified in the Article 3 of the Montevideo Convention⁴¹. This approach, backed by a substantial state practice (Brownlie 2008, 87), is more common today and is justified by the fact that states have agreed to treat the entities with elements of statehood as equals.⁴² Nevertheless, this approach has certain flaws. Firstly, it doesn't cover

³⁹ Art. 6. Montevideo Convention, 1933.

⁴⁰ An example of the constitutive (premature) recognition is the case of Belgian Congo – later Zaire and the Democratic Republic of Congo – that was acknowledged as a state and received the UN membership shortly after the rushed independence of 1960, before an effective government was established (Crawford 2007, 57).

⁴¹ »The political existence of the state is independent of recognition by the other states. Even before recognition the state has the right to defend its integrity and independence, to provide for its conservation and prosperity, and consequently to organize itself as it sees fit, to legislate upon its interests, administer its services, and to define the jurisdiction and competence of its courts. The exercise of these rights has no other limitation than the exercise of the rights of other states according to international law« (Art. 3. Montevideo Convention, 1933).

⁴² The following passage testifies that consent: "An entity not recognized as a State but meeting the requirements for recognition has the rights of a State under international law in relation to a non-recognizing State". (Restatement of the Law, Second. Foreign Relations Law of the United States 1965, 107).

how the statehood was created. Secondly, it does not explain how entities gain the international legal personality without recognition. That means, that without recognition there will be simply an entity fulfilling the statehood criteria, but lacking the title of a State and legal personality. Herewith recognition has nothing to do with a factual statehood.

The medial approach, which combines arguments of both schools (Shaw 2003, 369), was advocated by a prominent international law scientist and practitioner, Charles de Visscher, who invested great effort to reconcile law and politics, and to restore balance in the ambiguous nature of recognition.⁴³ He considers that »recognition is in principle declaratory but in practice it is constitutive« (Visscher in Bučar 1997, 77). This approach is especially applicable to small states (Bučar 1997, 77).

Another aspect of recognition is the distinction between *de jure* and *de facto* recognition, which refers to the government (legal – *de jure*, or illegal – *de facto*) and do not describe the act to recognition (Malanczuk 1997, 88). It is conventional for example among Russian scholars to offer the opposite understanding of this typology. Namely, they suppose that *de facto* means an implied recognition, and *de jure* means an official or diplomatic recognition. With regard to the second interpretation, *de facto* recognition is usually realized via bilateral agreements in trade, economy, culture, education and tourism, while *de jure* recognition is performed via an official decree on recognition signed by a recognizing state, establishment of diplomatic relations and, finally, by exchanging diplomatic missions. The nuance here lies in the fact that without the recognition of the sovereignty of a State its government can only get *de facto* recognition. At the same time, by a *de jure* recognition of the government States can manifest recognition of the sovereignty. Besides, *de jure* recognition States may interchangeably implement notions 'official', 'formal', 'political', 'full' and '[full] diplomatic' recognition (Talmon 1998, 108–109). It shall be mentioned that some scholars add to the typology the *ad hoc* recognition, meaning an incidental interim recognition for short-term goals, used when states avoid formal recognition, but need to accommodate in order to solve a grave mutually concerning political issue (Veliaminov 2007).

A prominent Russian political scientist Ilyin offers the following gradation of state recognition:

- a universal and comprehensive recognition by all actors of the international system;
- a practical recognition (including the UN membership, recognition by a series of states and absence of explicit non-recognition on the part of other states);

⁴³ His work *Théories et réalités en droit international public* was dedicated to the very problem of collision between reality and artificial elements in doctrinal constructions in this matter (Merle 1955; Verhoeven 2000).

- a partial recognition (including actual entering into relations with a series of states, which may informally use its political resources and public goods for practical deals);
- a minimal recognition (meaning an advocacy of at least one state for the existence of the entity) (2008, 9).

There is a fine line between criteria for statehood and criteria for recognition. The substantial difference lies in the goals of gaining recognition and those of gaining statehood.

Apart from political criteria like sovereignty, ability for law making and an autonomous political will Nikolayev (2011, 6–7) points out other factors influencing recognition like

inability of coexistence (of a group of people within a particular state), ethnic composition of the state, historical conditions and historic title (to a territory), expression of the will of the people and the ability to bear liability for decisions made, high level of control over the territory of unrecognized state (higher than one of the mother country over the same territory), the level of democracy, stability in existing foreign relations, level of people's support, presence of genocide and/or ethnic cleansings and other flagrant violations of human rights (namely, rights of minorities), presence of peace-making troops under a respective UN resolution, oppression of the people over an issued territory by the central government, exhausted capacities for the internal self-determination (within the mother country), legality of the self-determination process.

Among other criteria that he offers are permanence or duration of an entity, willingness and ability to observe international law (ability to prevent an anarchy), a certain degree of civilization (a certain minimum of order and stability), recognition and the legal order residing at least on basic norms (Ibid.). What is more, states may consult opinion of other states before granting recognition to an entity, or even dictate specific preconditions, e.g. Greece demanded from Macedonia to alter its name (Bučar 1997, 81–82).

Not only states contribute into the process of recognition. The implicit expression of recognition by an international organization is admission of a state to its membership. By this act it urges the rest of the members for recognition. As to the UN Charter, it declares the organization open for membership of any peace-loving state that agrees and is able to follow its provisions.⁴⁴ It does not say anything about connection between membership and recognition, hence showing that the UN acknowledges the right to recognition of states and governments as pertaining to states only, leaving this issue out of the IOs' competence. In reality, permanent membership or at least observer's status in the authoritative international

⁴⁴ 1. Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations.

2. The admission of any such state to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council. (Art. 4 of the United Nations Charter).

body can enhance the image of a state in the eyes of international community. For example, Palestine (recognized by 138 UN members), which was recently granted an observer state status, regarded the UN's consent on name change request from "Palestine" to the "State of Palestine" as a recognition of Palestine as a State (Ahren 2012). Thus, some states aspire that such membership may become a decisive factor in their struggle for a full-fledged independence.

In 1991, another international institution, the European Commission, drafted a joint document expressing common view of all member-states on process of recognition of new states. In the Declaration on Yugoslavia and on the Guidelines on the Recognition of New States in Eastern Europe and in the Soviet Union adopted on December 16 1991 at the Extraordinary EPC Ministerial Meeting (European Community, Extraordinary EPC Ministerial Meeting, 1991) it set the following requirements:

- respect for the provisions of the Charter of the United Nations and the commitments subscribed to in the Final Act of Helsinki and in the Charter of Paris, especially with regard to the rule of law, democracy and human rights;
- guarantees for the rights of ethnic and national groups and minorities in accordance with the commitments subscribed to in the framework of the CSCE;
- respect for the inviolability of all frontiers which can only be changed by peaceful means and by common agreement;
- acceptance of all relevant commitments with regard to disarmament and nuclear non-proliferation as well as to security and regional stability;
- Commitment to settle by agreement, including where appropriate by recourse to arbitration, all questions concerning state succession and regional disputes.

The Community and its Member States will not recognise entities, which are the result of aggression. They would take account of the effects of recognition on neighbouring states. The commitment to these principles opens the way to recognition by the Community and its Member States and to the establishment of diplomatic relations.

The requirements listed above lead us to an important aspect of recognition, namely to the issue of lawful or unlawful way of self-determination.

As to lawfulness of declarations of independence, Ryngaert and Sobrie deem that there is no prohibition to it, as if »international law remains silent in the face of state creation and its consequences, including recognition« (2011, 468). Meanwhile, it is a common knowledge, that a lawful separation of a state is solely possible when the right of secession is foreseen in the internal legislation of its 'mother country'. This right, which brings the border vulnerability, was once provided by constitutions of several states, leading to their dismemberment or fragmentation.⁴⁵ Furthermore, the emergence of a new entity is regarded

⁴⁵ Constitutions of the USSR, 1936 and 1977; the Constitution of Yugoslavia, 1946 and a more restricted procedure of self-determination set in the Yugoslav Constitution of 1974; the Constitution of the Union of

unlawful if it used force against territorial integrity of the paternal state (use of military intervention *ab extra* to procure self-determination can also be regarded unlawful) or declared independence during belligerent occupation.⁴⁶ The internationally wrongful acts, violating the principles of the UN Charter, hinder recognition of the entity and seriously limit its international capacity,⁴⁷ especially when burdened by sanctions. In the end, states may adopt a non-recognition policy, collectively⁴⁸ or unilaterally, as a disapproval of general policy or aggression of another state. But once the latter gains legal personality the other states have a legal duty to 'recognize' it at least for certain purposes. However, a full formal recognition is not a duty and can be regarded as an act of a State's good will (Brownlie 2008, 90).

Recognition as a legal act, undoubtedly, is fundamental for precedent relations between subjects of International Law, and no diplomatic relations can be established without it. Meanwhile, it doesn't have a codified mechanism of implementation, therefore remaining an issue of political choice. Finally, different (territorial entities proximate to) states show diverse scales of reliance on external recognition depending on how effectively they can represent themselves in the international arena as independent entities. Thus, recognition has specific impacts in different cases.

Burma, 1948; the Chinese Constitution, 1931; Constitution of the Czechoslovak Federation. The right to secession has been also provided by the constitutional laws of Ethiopia and St. Kitts and Nevis (Kreptul 2003).

⁴⁶ Charter of the United Nations Art. 2, para. 4. 1945. Adopted on June 26, 1945 in San Francisco, in force since October 24, 1945.

⁴⁷ As by the duty of non-recognition of states: 'No State shall recognize as lawful a situation created by a serious breach [of an obligation arising under a peremptory norm of general international law], nor render aid or assistance in maintaining that situation.' (Article 41(2) of the Articles on the Responsibility of States for Internationally Wrongful Acts).

⁴⁸ Though, it may be claimed that, in any case, a decision on recognition or non-recognition is made unilaterally by each state.

CHAPTER 3: GENESIS OF MODERN *DE FACTO* STATES IN THE POST-SOVIET REGION

The third chapter is dedicated to the process of emergence of the *de facto* states in the area of former USSR. Unveiling the reasons and conditions of secession in each particular case, we will try to outline common features, which allowed the formation of new states within former Soviet Republics.

3.1 Historical background and efforts for conflict management

The issue of *de facto* states cannot be limited to a mere technical legal perspective, it requires a multidisciplinary approach. Formed by people unsatisfied with their position within particular state(s) and seeking their own sovereign statehood, *de facto* states are inevitably accompanied with ethnic conflicts. Conflict is "a process in which two or more parties attempt to pursue their interests, which are perceived as mutually incompatible, by directly or indirectly seeking to reduce the other party's capacity to achieve its goals" (Zürcher 2009, 42). The very declaration of a new state proves an 'emotionally-symbolic significance and socio-cultural nature' of the fight for its recognition (Markedonov 2006). Only understanding the roots of the peoples' struggle for self-determination makes the resolution of such conflicts possible. This subchapter discloses historical background of formation of the vexed *de facto* states and regards the role of regional leaders and IOs in the conflicts' settlement.

3.1.1 The Nagorno-Karabakh conflict

The dispute over the status of the Nagorno-Karabakh (NK) started after the 1917 October Revolution. Having recognized the right of Karabakh people to self-determination by Lenin, Nagorno-Karabakh seceded from Russia. In July 1918, the first Assembly of Armenians of Karabakh (AAK) declared the independence of the NK, endorsing the Declaration of the democratic Government. Soon, the Democratic Republic of Azerbaijan (DRA) supported by the Turkish army intended to include NK within its borders; however the next three AAKs refused to obey Turkish and Azerbaijani ultimatums (Avakian 2013, 9). In order to avoid an armed conflict the 7th AAK offered the DRA to sign a Provisional Agreement proposing to solve the problem at the Paris Peace Conference. The fact that the DRA signed the agreement indicates that the AAK was considered a distinct legal entity, and, formally, from May 1918 until April 1920, NK was acknowledged as an independent political entity. In November 1919 in Tbilisi an Agreement on peaceful settlement of the NK dispute was signed by both parties

and mediators (Avakian 2013, 10). Shortly thereafter Azerbaijan endeavoured to solve the Karabakh question by an aggression. Therefore, on April 23, 1920, the 9th AAK declared NK as an inalienable part of the Republic of Armenia.⁴⁹ On the occasion of Soviet party victory in Armenia on November 30 1920, the Soviet Government of Azerbaijan adopted a Declaration on recognition of NK, Zanghezur and Nakhichevan as parts of Soviet Armenia (i.e. recognizing NK people's right to self-determination). Receiving a decision to "include Nagorno-Karabakh in the Armenian Soviet Socialist Republic (ASSR), and to conduct a plebiscite in Nagorno-Karabakh only" the Soviet Socialist Republic of Azerbaijan (AzSSR) insisted to return the NK issue in agenda of the Russian Communist Party's (Bolsheviks) Caucasian Bureau (Avakian 2013, 13). Soon under pressure of the Kemalist Turkey, Moscow pronounced a decision to leave NK in the AzSSR "proceeding from the need of establishing peace between Muslims and Armenians" (Ibid.). Up to that decision, which was not approved by the Plenary Session of the Caucasian Bureau, and had no legal force, the NK had never been a part of neither DRA, nor AzSSR. In July 1923, Joseph Stalin established the Nagorno-Karabakh Autonomous *Oblast* (NKAO) only on the Armenian populated part of the AzSSR's territory with a definite scope of autonomy but subject to Azerbaijan. The boundaries were redrawn in a way to artificially isolate NK from the ASSR: granting the former territories connecting NK with Armenia to Azerbaijan. On November 24, 1924 his decision "On the Status of the NKAO" was issued, and the NK composed of 95 percent of Armenians was annexed to the AzSSR. As a matter of fact, the political party of a third state, namely Russian Soviet Federative Socialist Republic (RSFSR), transferred the NK territory to the AzSSR (Ibid.). Since then and up to the late 1980s the conflict existed in a latent form.⁵⁰

The conflict over NK, then an autonomous region within AzSSR inhabited predominantly with Armenians,⁵¹ escalated during *perestroika*⁵² under Mikhail Gorbachev in the late 1980s. In 1987, unsatisfied with their socio-economic position within AzSSR, the demographic policy aiming to reduce the Armenian population and annihilation of their cultural heritage (Souleimanov 2013, 105–106), Armenians of the NKAO issued for the unification with the ASSR. On February 20, 1988, the Regional Council of Delegates of the NKAO made an

⁴⁹ 1. The provisional Agreement was pronounced violated due to the continued aggression of the Azerbaijani troops against peaceful Armenian population and massacres of the population of Shushi and the Armenian villages. 2. Nagorno Karabakh is declared as an inalienable part of the Republic of Armenia (Avakian 2013, 10).

⁵⁰ The NK issue was newly raised in 1977 while writing the new USSR Constitution. Thus, in spite of the ideology of Soviet Peoples' friendship, the people of the NKAO never ceased striving for the historical justice.

⁵¹ By 1989 the population accounted for 189,085 people, where 77 percent were Armenians and 22 percent were Azerbaijani (Zürcher 2009, 152).

⁵² *perestroika* was a policy of reforming the USSR into a more prosperous state by a comprehensive democratization

appeal to the Supreme Soviets of the AzSSR and the ASSR to withdraw the NKAO from the AzSSR and transfer it to the ASSR on legal basis of the Article 72 of the USSR Constitution 1977⁵³ and the UN GA Resolution 1514⁵⁴ (Avakian 2013, 15). However, the Supreme Council of the USSR denied the appeal citing the 78th Article of the 1977 Constitution prohibiting any changes of boundaries without the consent of the Central Government of the USSR.⁵⁵ In response the AzSSR began internal campaign promoting xenophobia (Against Xenophobia and Violence 2012). In September 1988, following sporadic violence,⁵⁶ massacres and forced deportations of Armenians throughout Azerbaijan (Baku, Sumgait, Maraghar, Chardakhly) (Sumgait.info; Suleimanov 2013, 108–110), the Karabakh Movement and Azerbaijani military started armed encounter. The Spitak earthquake of December 1988 made a pause in conflict and the Central Government of the USSR, which ascertained Azerbaijan's inability to exercise formal control over the NK, took the conflict under its control.

By the 1989, there were already thousands of refugees from both states.⁵⁷ In November 1989 when the Moscow acknowledged its inability to control the situation, the NKAO Special Administration Committee was dissolved and replaced by a Republican Organizational Committee of the AzSSR. On December 1 1989, the Supreme Soviet of the ASSR adopted a Resolution calling for the reunification of the ASSR and NK evoking former decisions of NK of 1988. The conflict reached its apogee in 1990–1991 when Armenian and Karabakh forces occupied the NK region and 7 other districts of Azerbaijan Republic. Before the dissolution of the USSR, on August 30, 1991 independence of the Republic of Azerbaijan was declared. September 2, 1991, in compliance with the 1990 Soviet Law on secession⁵⁸ and Article 4 of the 1989 Concluding Document of the Vienna Meeting,⁵⁹ NK initiated the process of independence through the adoption of the "Declaration of Independence of the NK Republic".

⁵³ »Each Union Republic shall retain the right freely to secede from the USSR« (Art. 72. Constitution of the USSR, 1977.).

⁵⁴ 2. All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development (UN GA Resolution 1514 (XV) 1960).

⁵⁵ »The territory of a Union Republic may not be altered without its consent. The boundaries between Union Republics may be altered by mutual agreement of the Republics concerned, subject to ratification by the Union of Soviet Socialist Republics« (Art. 78. Constitution of the USSR, 1977).

⁵⁶ Sporadic violence (or radicalization) represents the second stage of the conflict.

⁵⁷ Around 180'000 Armenians left AzSSR (except for NKAO) and 160'000 Azeri left ASSR (Cornell 1999, 20).

⁵⁸ It provided that »the secession of a Soviet Republic from the body of the USSR allows an Autonomous Region within the territory of the same Republic to trigger its own process of independence« (Avakian 2013, 21; «The Procedures of the Resolution of Problems on the Secession of a Union Republic from the USSR», 1990).

⁵⁹ »They also confirm that, by virtue of the principle of equal rights and self-determination of peoples and in conformity with the relevant provisions of the Final Act, all peoples always have the right, in full freedom, to determine, when and as they wish, their internal and external political status, without external interference, and to pursue as they wish their political, economic, social and cultural development« (Principle 4. Concluding Document of the Vienna Meeting 1989).

The referendum on independence of the republic was held on December 10, 1991 during the bombardment of the Armenian settlement by Azerbaijani armed forces.⁶⁰ The Declaration of Independence adopted on December 28 1991 formed the basis for the future Constitution and legislation of the NKR (State Independence Declaration of The Nagorno-Karabakh Republic 1992). Armenia's support to the NKR prolonged the armed conflict until May 1994, when the Bishkek protocol and a following cease-fire agreement were signed. At the end the Armenian army has occupied 14 percent of Azerbaijan's territory (seven former Armenian provinces along with NK and the Lanchin corridor connecting Armenia with NK). This conflict inflicted around 30,000 casualties and 1,100,000 refugees⁶¹ prior the cease-fire agreement achieved (Souleimanov 2013, 111). Azeri people fled out of the NK, while Armenians fled from all other provinces of Azerbaijan. The peace treaty has never been signed because of irreconcilable conditions of the parties. Currently, amid Azerbaijan's sporadic violations of the cease-fire regime (Regnum; The Guardian), parties carry out mediated talks.

The position of Azerbaijan consists of the accusation of the Republic of Armenia in military aggression in 1988 with the aim of annexing part of the territory of Azerbaijan. Along with the withdrawal of the RA military formations from the occupied territories Baku demands return of refugees to their homes. It stands for the *status quo ante bellum*, i.e. maintenance of the territorial integrity and inviolability of its borders and the recognition of the Azerbaijan Republic within the borders of the AzSSR, but is ready to grant NK the highest status of self-government within the structure of the Azeri state (the form and the degree of which must be worked out in the course of negotiations) (RIA Novosti 2013a).

The authorities of the NKR advocate the *status quo* and extension of the jurisdiction of Azerbaijan to NKR. They believe that the people of NK won a military victory over the armed forces of Azerbaijan. They stand for the independence of NK, which should have never become a part of Azerbaijan, and achievement of the security level ensuring preservation of the Karabakh people with the NK army as the main safeguard of the security. The Constitution of the NKR adopted on the National Referendum of 10 December 2006 declared Artsakh "a sovereign, democratic state based on social justice and the rule of law" (Art. 1). The NKR does not hide that its eventual goal is integration with the RA, yet does not include it in the current agenda (Balayev 2013).

⁶⁰ 82.2 percent of the NK people participated as voters. 99.89 percent of them voted for the independence of the NKR (NKR MFA 1991).

⁶¹ During 1988–1995 about 8,500 Armenians and 10,000 Azeri were dead; 20,500 Armenians and 30,000 Azeri wounded; 205,000 Azeri left Armenia and 247,000 Armenians left Azerbaijan; in NK 604,000 Azeri and 72,000 Armenians were internally displaced (Zürcher 2009, 180).

As to the position of Armenia, its government advocates the OSCE Minsk Group mediation as a promising format for the conflict settlement with peaceful means, namely negotiations, with participation of the NKR as the conflict party. RA leaders believe that NK has never been a part of the independent Azerbaijan, as there were no legal grounds for its inclusion in the structure of Azerbaijan. As a legal basis of their positions both the NKR and the RA cite the right of nations to self-determination present in the international law and domestic law of the USSR, and claim that NK people has no future within Azerbaijan (Ministry of Foreign Affairs of the Republic of Armenia 2016).⁶²

To sum up, all the three parties see the *status quo* as a politically safer option rather than making concessions for the sake of conciliation (Weisborde 2001, 32). The main features of the conflict are a historically rooted discourse of irredentism in pan-Armenian society, xenophobia to Azeri and Turkish people, fear of a new genocide recurrence and regarding Karabakh issue as a question of nation's survival. Karabakh's statehood is a great success of Armenian irredentism (Saideman and Ayres 2008). Finally, as claimed by Deputy Minister of Foreign Affairs of Armenia, the NK conflict differs from other conflicts of the post-Soviet area in the legal perspective as the people of Karabakh perfectly realized their right to self-determination before the collapse of the USSR (Kotcharian 2013). In addition to this, the Karabakh war demonstrated the Soviet incapacity to put a coercive pressure to prevent military actions, it was the Karabakh question to lead to de-sovietization in Armenia by fuelling Armenian nationalism.

Regarding the OSCE measures for settlement of the NK conflict, one must highlight the Helsinki meeting on March 24, 1992 marked by creation of the Minsk Group aimed to commit mediation efforts via high-level talks to find a peaceful solution to the NK conflict. In 1994, it helped to achieve cease-fire. Since 1997, the Minsk Process has been co-chaired by the Russian Federation, France and the USA, and its permanent members are Belarus, Germany, Italy, Sweden, Finland, Turkey, Armenia and Azerbaijan. The milestone of MG efforts was formulation of the Madrid Principles in 2007 (2009), which defined interim status of NK, guaranteed future determination of the status of NK through referendum and required gradual withdrawal of Armenian military troops. Senior Armenian and Azerbaijani officials agreed on some of those principles, but reportedly made little progress towards the deadline of

⁶² Armenia demands a comprehensive conflict settlement based on the following principles: "Nagorno-Karabakh conflict settlement must be based on recognition of the Nagorno-Karabakh people's right to self-determination; Nagorno-Karabakh should have uninterrupted land communication with Armenia, under jurisdiction of Republic of Armenia; the security of Nagorno-Karabakh should be internationally guaranteed" (MFA of the Republic of Armenia 2016).

the withdrawal of Armenian forces from occupied territories or towards the modalities of the decision on the future NK status. The last Report of the OSCE MG indicated poor results of the group's efforts during the last 17 years in NK (as of 2011).⁶³

As to the European Parliament, it has expressed concerns over the issue several times. In the late 1980s, it condemned the violence employed against Armenians in the AzSSR and supported the demand of the Karabakh Armenians for the reunification with the ASSR (Resolution on the Situation in Soviet Armenia 1988, Art.1, 2).⁶⁴ Secondly, in 1999 the EU claimed to endorse the peace plan proposed by the OSCE MG and asserted its readiness to provide aid for promotion of human rights and democracy (via TACIS-Democracy Programme) (Resolution of the European Parliament on Support for Peace Process in the Caucasus 1999, Art. 1, 5).⁶⁵ Thirdly, in 2005 the Parliamentary Assembly of the Council of Europe (PACE) expressed its position in terms of International Law. In its Resolution 1416 it stated that

.../ independence and secession of a regional territory from a state may only be achieved through a lawful and peaceful process based on democratic support by the inhabitants of such territory and not in the wake of an armed conflict leading to ethnic expulsion and the de facto annexation of such territory to another state (2005, Art. 2).

Later, in 2010 the European Parliament welcomed the dynamic pace of negotiations, supported the mediation efforts of the OSCE MG and demanded the withdrawal of Armenian forces from the territory of the NKR (Resolution (2009/2216(INI)) 2010). Finally, in 2012 reiterating the previous resolution and OSCE MG Basic Principles, it proposed confidence-building measures between parties, increase of roles of the EU and Turkey in the resolution process and the use of Eastern Partnership for these ends (Resolution (2011/2316(INI)) 2012). As we can see, now the European Parliament exposes a diametrically opposed position to the initial one, and tries to preserve the status quo (Minasyan 2010). In 2010, the European Partnership for peaceful settlement of the Conflict of Nagorno-Karabakh was established, financed by the European Union Instrument for Stability. It has offered a range of peace-building efforts in cooperation with earlier initiatives. Focusing on media, public policy and

⁶³ Examining the occupied territories “the Co-Chairs saw stark evidence of ... the failure to reach a peaceful settlement... The harsh reality of the situation in the territories has reinforced the view of the Co-Chairs that the status quo is unacceptable, and that only a peaceful, negotiated settlement can bring the prospect of a better, more certain future to the people who used to live in the territories and those who live there now (Field Assessment Mission to the Occupied Territories of Azerbaijan Surrounding Nagorno-Karabakh 2011).

⁶⁴ Resolution on the Situation in Soviet Armenia (Joint Resolution replacing Doc. B2-538 and 587/88) adopted on July 7 1988 by the European Parliament.

⁶⁵ Resolution on Support for Peace Process in the Caucasus adopted on June 21 1999 by the European Parliament.

conflict-affected groups and establishing dialogue with Armenian and Azeri societies it contributes into confidence-building (EPNK 2011).

The United Nations have passed seven resolutions over the NK conflict, four of which through the UN SC during the conflict and three through the UN GA. The UN SC adopted resolutions announcing the acceleration of armed aggressions in the region (Resolution 822 1993); announcing preparation for the monitoring mission by CSCE MG (Resolution 853 1993); reaffirming that NK zone legally belongs to Azerbaijan (Resolution 874 1993) and the one recognizing the sovereignty and territorial integrity of the Azerbaijani Republic and other countries of the area (UN SC Resolution 884 1993). As to the UN GA, it adopted resolutions urging for the "Emergency international assistance to refugees and displaced persons in Azerbaijan" (UN GA Resolution 48/114 1993) and "an environmental operation to suppress the fires in the affected territories and to overcome their detrimental consequences" (UN GA Resolution 60/285 2006) and reaffirming territorial integrity of Azerbaijan, demanding withdrawal of all Armenian forces (UN GA Resolution 62/243 2008).

Armenia's *de jure* non-recognition of the NKR is a great contribution to the peaceful settlement with negotiations. Meanwhile, it maintains close relations with NK (the bilateral agreements encompass culture, economy, finances, defence, human rights and social cooperation) and is ready to support the NKR Army in case of an attack from Azerbaijan. Currently due to Azerbaijan's resistance Armenia is participating in peace talks on behalf of the NK. It is continuing to negotiate with Azerbaijan to sustain the negotiation process, however it cannot substitute the NKR (Kocharyan 2013).

Russia is considered to make great contribution into the NK conflict management (Khachikyan 2013). In September 1991, some vain endeavours to end the war were made under auspices of Yeltsin and Nazarbayev. With the Tashkent agreement of March 15, 1992 Armenia was bestowed a share of heavy weaponry of the USSR, which in majority soon passed to the NKR to defend the borders with Azerbaijan. It was Russian diplomacy to accelerate the cease-fire agreement signature in May 1994 in Bishkek. According to the Tashkent treaty and Treaty of Friendship, Cooperation and Mutual Assistance of 1997 Russia has given security guarantees and obliged to defend Armenia. Throughout 1990s it was supporting the Karabakh Armenian side. Today it preserves military presence in Armenia, which has never been decisively used in the conflict, and supports both sides in seeking the peace as a co-chair of the OSCE Minsk Group. Russia maintains leverages in Azerbaijan and Armenia to prevent military alliances with NATO, and fearing the influence of Turkey, continues to supply Azerbaijan and Russian troops in Armenia with weaponry. The

membership in CSTO⁶⁶ has been so far working as an additional containment factor, preventing an aggression from Azerbaijani party. In November 2008, a sequent trilateral meeting supported by Russian mediation, Armenia and Azerbaijan certified in the 'NK Declaration' their aspirations to solve the issue by political means only (BBC 2008). Further measures for confidence-building were agreed on during the Russia-mediated meetings in 2010 and 2011 in Astrakhan and 2012 in Sochi.

Significant regional actors, yet unwilling to make a serious change, are Turkey and Iran. The offers of both Turkey and Iran in 1992 to mediate the peace talks were stalled by Russia. Iran has also failed taking chair in the Minsk Group. In 1993, Turkey has closed its borders and froze its relations with Armenia to show support to the Azerbaijan's side. Since then Iran and Turkey remained passive (Horowitz 2004).

Since 1994 the USA have intimately engaged in various talks over the conflict settlement, but without any tough stance neither to Armenian party (because of a powerful domestic lobby) nor to Azeri (intimate partner of NATO member-state, Turkey) (Ibid.). The USA let the donations of Armenian diaspora to reach their destination⁶⁷ without discouraging those who supported Azeri people. Playing a balanced game, they have been increasing investments and making oil deals in Azerbaijan (Cunningham 2015), simultaneously regarding resolutions condemning Turkey for the Armenian genocide of 1915 (Zarifian 2013). So far, it is only through the involvement in the OSCE MG as a co-chair that the United States made any direct efforts for peace treaty achievement. The USA officials believe that with the low interest in the given region an American sponsorship of the solution is hardly possible (Maresca 1994).

3.1.2 The Georgia-Abkhaz conflict⁶⁸

The Georgian SSR (GSSR) was a multinational state within the USSR. In 1989, its population accounted for 5.4 million people, with Georgians comprising 70 percent (Zürcher 2009, 117). Armenians, Russians, Azeri, Ossets and Abkhaz were respectively the biggest minority groups. Three of the minorities had autonomous regions: the Autonomous Region of South Ossetia, the Autonomous Region of Abkhazia and the Autonomous Region of Adjara. In the region of Abkhazia only 17.8 percent of total 525,000 inhabitants used to be Abkhaz, while Georgians comprised 45.7 percent (Ibid).

⁶⁶ Members of the Collective Security Treaty Organization: Republic of Armenia, Russian Federation, Republic of Belarus, Republic of Tajikistan, Republic of Kazakhstan, Republic of Uzbekistan, Kyrgyz Republic (CSTO).

⁶⁷ In general, around 630 million USD sent as humanitarian aid to Karabakh by Armenian diaspora from 1989 to 1999 (though restricted by the USSR until 1991) (Zürcher 2009).

⁶⁸ The alternative name of the subject is 'conflict in Abkhazia, Georgia' (while this phrase is used in the documents prepared by entities of International law, the phrase used as a title appears in bilateral agreements, and some documents of the CIS mentioned in the given paper).

The Georgian-Abkhaz conflict experienced two periods of escalation resulted in war of 1992–1993 and the war of August 2008. There have been no interethnic tensions between the Abkhaz and the Georgians in GSSR until the late 1980s. Some nationalist discourses sporadically were articulated since 1970s, but it was not before the end of 1980s, when the Baltic republics and Armenia started concerning for the future of their peoples, that Georgians felt the need of creating opposition to the incumbent Communist Party and gain independence (Zürcher 2009, 118).

For the last century, Russian and Soviet migration policies had been aiming to minimize the Abkhaz people presence in the region, displacing 'disloyal' Abkhaz to Turkey after the Russian-Turkish war of 1878, and encouraging Georgians, Armenians, Greeks and Russians to settle there. The proportion of new inhabitants had been increasing at the expense of Abkhaz population. In 1920, Abkhazia declared its independence from Georgia and had been a Soviet Socialist Republic since 1921 in accordance with Transcaucasian Treaty, in 1931 it integrated back into Georgia. The georgianization policy⁶⁹ of the Soviet Georgia also resulted in the Abzakh people to constitute minority on their historical land and have no chance to regain their demographic dominance (Horowitz 2004). Protests on the matter of Abkhaz cultural preservation were articulated by Abkhaz intelligentsia in 1957, 1967 and 1977, when Abkhazia was asking Central Committee of the Soviet Union to accept it into the RSFSR. The request was continuously refused, yet with some concessions.⁷⁰

On the verge of the USSR's demise a Georgian national movement with nationalistic discourse emerged. Pursuing a shift of Georgia's status from the SSR to an independent nation-state, the government started national mobilization process. This strife for independence seemed threatening to the local ethnic minorities, provoking counter-mobilization among minorities of autonomous regions of Ossetia (Christians and Sunni Muslims) and Abkhaz (mainly Christians), who preferred to stay within the Soviet Union as union-level Republics, i.e. out of Georgia's jurisdiction. The tight connections between Moscow and Sukhumi, and Abkhaz's demand of secession sent to the 9th Party Conference evoked a fear of violation of territorial integrity among Georgian authority. It resulted in demonstrations throughout Georgia: with pro-secessionist discourse in Abkhazia and anti-

⁶⁹ It included declaration of Georgian language as the only official one, elimination of Abkhaz schools and renaming of Abkhaz toponyms (Dale 1997).

⁷⁰ Moscow's affirmative action, giving more seats to Abkhaz people in the local authority, helped to reinstate Abkhaz language in the region. In 1990, 67 percent of ministers in Abkhazia were of Abkhaz origin. Abkhazia gained a disproportionate access to resources and more investments (Zürcher 2009, 120).

Communist and anti-Abkhaz one elsewhere. The climax was reached on April 9, 1989 in Tbilisi, when a demonstration was suppressed by the Soviet army (Zürcher 2009, 122).

Declaration of independence of Georgia on April 9, 1991 was followed by the presidential elections in May 1991. Zviad Gamsakhurdia, the first president of the new republic, reacted aggressively on the Abkhaz's will to succeed from Georgia promoting policy of hostility towards the ethnic minority groups. Fighting and lootings executed by his militias in the region of Abkhazia led to population flows, the Abkhaz people felt vulnerable. After the coup d'état of December 1991–January 1992 when Gamsakhurdia was ousted, Eduard Shevardnadze took over the governance. The new leader was also using nationalist rhetoric, causing a spiral of mobilization, since Georgians saw menace in separatist movements of Abkhaz, while the Abkhaz felt menaced within a newly established nation-state without Soviet guarantees of security (Zürcher 2009, 129). On August 1992, Abkhazia started mobilization. After a bloody fighting in Sukhumi, Georgians took the capital of Abkhazia. However, Russia helped with its local former Soviet military units, provided Abkhaz with shelter and equipped with weapons. Volunteers from Russian Caucasus were allowed to support the Abkhaz in Georgia. Later Russia urged Georgia to join CIS and to lease its bases to Russia.

The war between Georgia and Autonomous Republic of Abkhazia began in August 1992 and ended in autumn of 1993 with the Abkhaz victory and withdrawal of Georgian troops from Abkhazia. It spread out on the background of the Georgian civil war that lasted from December 1991 until November 1993. The cease-fire was reached on May 14 1994 when the appropriate agreement was signed in Moscow, actually, once the *de facto* statehood on the entire territory of Abkhazia was declared. It war in Georgia took up to 10,000 casualties and 250,000 Georgians as internal refugees (Zürcher 2009, 143). *Inter alia* massive ethnic cleansings of Georgian population, aiming to restore Abkhaz predominance in Abkhazia, made about 200,000 people flee the region during the conflict (Zürcher 2009, 143).

On November 26, 1994 the Republic of Abkhazia issued its Constitution, which defined the state as »sovereign, democratic, law-bound and historically established by the people's right to free self-determination« (Art. 1).⁷¹ Meanwhile the Georgian government was resisting Abkhazia's status of a sovereign state. The declaration of independence was considered illegal, since the Abkhaz has occupied the territory of Georgia by military force, (Francis 2011, 91). While the Abkhaz desire a status of an internationally recognized state, the Georgians stand for a federal arrangement (Francis 2011, 100).

⁷¹ The Constitution of the Republic of Abkhazia, adopted on November 26, 1994 at the 12th session of the Supreme Soviet of the Republic of Abkhazia, endorsed with amendments by plebiscite on October 3, 1999.

There was a negotiation process for the peaceful settlement lasting from 1993 to 2006, interrupted, for the first time, by the clash of violence of 1998, and later in 2001, due to the Chechen-Abkhaz conflict in the Kodori Valley. After the Rose Revolution of 2003 in Georgia (when Eduard Shevardnadze was replaced by Mikhail Saakashvili) and the regime change in Abkhazia, there was a hope for a thaw in bilateral relations. Yet, the Kodori crisis of July 2006 suspended negotiations on security guarantees. Georgia took control over Kodori Valley and maintained it until August 2008. In early 2008, Georgia offered to Abkhaz leadership to create an »unlimited autonomy, wide federalism and very serious representation in the central governmental bodies of Georgia« (Civil Georgia 2008), that is to give up the sovereignty of the Republic of Abkhazia, unrecognized by Georgia. In spring 2008, Georgia withdrew its troops from the CIS, the major IOs of post-Soviet area aiming to sustain the close ties established during the Soviet period.

The second stage of escalation happened during the Summer Olympic Games on August 8, 2008 when Georgian troops invaded Tshinvali, the capital of South Ossetia causing an immediate reaction of local Russian troops (BBC 2009). On 10 August 2008, martial law was imposed in Abkhazia and the Abkhaz army was mobilized. On 11 August the Georgian village of Zugdidi region was occupied by Russian and Abkhaz armies, later on 12 August Abkhaz military drove Georgian troops out of the Kodori Valley and set a flag of Abkhazia over its Georgian part (RIA Novosti 2008). Military actions were stopped by the EU brokered Six-Point Agreement signed by Russia and Georgia on 12 August 2008, followed by the signature of the Agreement on Implementing Measures on 8 September 2008. This second escalation of the conflict started as a Georgian-Ossetian war and finished as an international war, with Russian and USA engagement, leading to the reassurance of the two *quasi*-states on the territory of Georgia – the Republic of South Ossetia and the Republic of Abkhazia. Nevertheless, the independence and international status of the both states has been dubious. Once Georgia issued a Law on Occupied Territories, it declared South Ossetia and Abkhazia occupied territories and Russia – an invader. The conflict resulted in a short-term suspension of diplomatic relations between Russia and Georgia and embargo on several categories of Georgian products from Russian part. Yet, it did not lead to Georgian isolation, all the means of communication have been restored for the sake of entrepreneurship.⁷² Regarding principles of International law, Georgia has been acting in the name of its territorial integrity, while

⁷² A number of Russian companies are situated in Georgia (Vneshtorgbank, which possesses a control stake of United Georgian Bank, Russian capital of materials industry). Moreover, as of 2010, Russia ranked third in FDI in Georgia (Carnegie Endowment for International Peace 2011, 59).

Abkhazia has been trying to stand upon its people's right to self-determination and right to secession (Kvarchelia 1998, 26–27).

The UN was present in the area since September 1992, aiming to collect facts. It has adopted 69 resolutions directly dedicated to the Abkhaz-Georgian conflict settlement, amid them 28 were adopted by the General Assembly⁷³ and 41 by the Security Council.⁷⁴ Apart from that there were long-lasting peace negotiations held under the auspices of the UN. The first round of talks on a comprehensive settlement of Abkhaz-Georgian conflict (30 November – 1 December 1993) ended up with the Memorandum of Understanding between the Georgian and Abkhazian Sides signed in Geneva on 1 December 1993. The third round of talks was marked by the signature of the Declaration on Measures for a Political Settlement of the Georgian-Abkhaz conflict on 4 April 1994. By the UN SC resolution S/RES/858, adopted on 24 August 1993, the United Nations Observer Mission in Georgia (UNOMIG) was established in Sukhumi with ends of verifying the maintenance of cease-fire regime. After the renovation of military actions in September 1993, the UNOMIG lost its force and was given the temporary mandate. It was back in force after the new ceasefire agreement was signed in Moscow and was discontinued on 15 June 2009 due to insurmountable differences between

⁷³ UN GA has adopted following resolutions (General Assembly search engine 2015):

a) on financing of the UN Observer Mission in Georgia:

A/RES/48/256 on 16 June 1994, A/RES/49/231 B on 28 July 1995, A/RES/49/231 on 2 February 1995, A/RES/50/237 on 9 August 1996, A/RES/51/236 on 9 July 1997, A/RES/52/242 on 30 July 1998, A/RES/53/231* on 3 August 1999, A/RES/54/271 on 21 July 2000, A/RES/55/267 on 24 July 2001, A/RES/56/503 on 24 July 2002, A/RES/57/333 on 24 July 2003, A/RES/58/303 on 21 July 2004, A/RES/59/304 on 25 August 2005, A/RES/60/273 on 8 August 2006, A/RES/61/283 on 15 August 2007, A/RES/62/260 on 23 July 2008, A/RES/63/293 on 4 August 2009, A/RES/64/231 on 15 March 2010, A/RES/65/299 on 30 August 2011, A/RES/66/272 on 13 July 2012 and A/RES/67/274 on 19 July 2013;

b) on status of internally displaced persons and refugees from Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia:

A/RES/63/307 on 30 September 2009, A/RES/64/296 on 13 October 2010, A/RES/65/287 25 on August 2011, A/RES/66/283 on 12 July 2012, A/RES/67/268 on 23 August 2013, A/RES/68/274 on 10 June 2014 and A/RES/69/286 on 25 June 2015.

⁷⁴ UN SC has adopted following resolutions:

a) on concerns regarding the situation in Abkhazia:

S/RES/849 on 9 July 1993, S/RES/854 on 6 August 1993, S/RES/858 on 24 August 1993 (establishment of UNOMIG), S/RES/876 on 19 October 1993, S/RES/881 on 4 November 1993, S/RES/892 on 22 December 1993 and S/RES/896 on 31 January 1994;

b) extension of the mandate of UNOMIG:

S/RES/901 on 4 March 1994, S/RES/906 on 25 March 1994, S/RES/934 on 30 June 1994, S/RES/937 on 21 July 1994, S/RES/971 on 12 January 1995, S/RES/993 on 12 May 1995, S/RES/1036 on 12 January 1996, S/RES/1065 on 12 July 1996, S/RES/1096 on 30 January 1997, S/RES/1124 on 31 July 1997, S/RES/1150 on 30 January 1998, S/RES/1187 on 30 July 1998, S/RES/1225 on 28 January 1999, S/RES/1255 on 30 July 1999, S/RES/1287 on 31 January 2000, S/RES/1311 on 28 July 2000, S/RES/1339 on 31 January 2001, S/RES/1364 on 31 July 2001, S/RES/1393 on 31 January 2002, S/RES/1427 on 29 July 2002, S/RES/1462 on 30 January 2003, S/RES/1494 on 30 July 2003, S/RES/1524 on 30 January 2004, S/RES/1554 on 29 July 2004, S/RES/1582 on 28 January 2005, S/RES/1615 on 29 July 2005, S/RES/1656 on 31 January 2006, S/RES/1666 on 31 March 2006, S/RES/1716 on 13 October 2006, S/RES/1752 on 13 April 2007, S/RES/1781 on 15 October 2007, S/RES/1808 on 15 April 2008, S/RES/1839 on 9 October 2008 and S/RES/1866 on 13 February 2009.

members of the UN SC on the issue of its prolongation (UNOMIG 2016). The UN has also contributed to the settlement of the conflict by the preparation of solutions for the Abkhaz statehood articulated in the Boden Paper (1999–2001).⁷⁵ It reiterated the official position of the UN advocating the territorial integrity of Georgia,⁷⁶ simultaneously trying to reconcile it with Abkhaz's right of self-determination. It offered a federal solution, where Abkhazia was a sovereign entity within Georgia holding a broad autonomy and guarantee of its people's rights and interest, but lacking the right to secession (International Crisis Group 2007, 9). The Paper, saluted by the Georgian and rejected by the Abkhaz party, was never officially published. Another remarkable bid was the Geneva process, in general, and the Yalta meeting on confidence-building measures, in particular. It was the third meeting of Georgian and Abkhaz leaders in the frames of the Geneva peace process under the auspices of the UN, which brought about two agreements in March 2001: the Yalta Declaration of the Georgian and Abkhaz Sides signed on 19 March 2001 and Programme of Action on Confidence-building between the Georgian and Abkhaz sides signed on 15–16 March, 2001.⁷⁷ As to the problem of refugees, under the auspices of the UN High Commissioner for Refugees after the two-year-long talks the Quadripartite Agreement on the Voluntary Return of Refugees and Displaced People of April 4 1994 was signed. It established a commission comprising of Georgian, Abkhazian, Russian and UN representatives, leading to repatriation of Georgian refugees to the Gali district (Interfax in Arbatov et al. 1997, 390). Among other UN bodies concerned with the settlement of the Georgian-Abkhaz conflict have been United Nations Development Programme, UN Office for the Coordination of Humanitarian Affairs and UN Volunteers (Stewart 2003). The United Nations also cooperated with other international organizations, including the CIS (CISPKF), the OSCE, and the ICRC.

As to regional organizations, the Commonwealth of Independent States formed of the former Soviet states excluding Latvia, Lithuania and Estonia has been also involved in conflict settlement in Georgia. According to E. Shevarnadze, Georgia joined the organization to keep Abkhazia within its territory and to restore economic ties with other ex-Soviet states (ITAR-TASS in Arbatov et al. 1997, 389). Shortly after that, Georgia became member of the Council for Collective Security to sustain inviolability of frontiers and territorial integrity.

⁷⁵ Dieter Boden is the former Special Representative of the UN Secretary-General in Georgia (1999–2002), the head of the OSCE Mission in Georgia (1995–1999) and the head of UNOMIG (1993–2002). His successor, Heidi Tagliavini, headed UNOMIG in 2002. Later she headed EU investigation in South Ossetia after the second escalation of Georgia-Ossetian and Georgia-Abkhaz conflicts in 2008.

⁷⁶»Reaffirming its commitment to the sovereignty and territorial integrity of Georgia /.../ « (Resolution S/RES/1036, adopted by the UN Security Council at its 3618th meeting, on 12 January 1996).

⁷⁷ Both were annexed in the letter S/2001/242 of 17 March 2001 to the UN Secretary-General.

Georgia signed on 15 April 1994 Resolution on Sovereignty, Territorial Integrity and Inviolability of the Borders Belonging to the Commonwealth of Independent States (CISPKF). In response to the request of the both sides of conflict sent in May 1994, it was decided to deploy the CISPKF⁷⁸ in the conflict zone (Abkhazia, Georgia) in August 1994. The principal goal of these troops, mainly represented by Russian servicemen, was to monitor the ceasefire maintenance and to create appropriate conditions for the return of displaced people, refugees as prescribed in the Quadripartite Agreement of 4 April 1994. The CIS Mission in Georgia showed close cooperation and coordination of actions with the UNOMIG. It was closed as soon as Georgia withdrew from the CIS in 2008 (officially in 2009) (UNOMIG 2016).

Other regional institution concerned with the situation in Georgia and pursuing the same goals was the Organization for Security and Co-operation in Europe. It established special Mission in Tbilisi, Georgia⁷⁹ back in 1992 initially aiming to settle the Georgian-Ossetian conflict, since 1993 it was also involved in Georgian-Abkhaz conflict, cooperating with the UNOMIG since 1994 and facilitating OSCE's participation in the negotiations held under auspices of the UN by sending regular reports.

Another mission worth mentioning has been launched by the European Union on 15 September 2008 and is the last western mission to remain present in Georgia. The creation of the European Union Monitoring Mission in Georgia (EUMM)⁸⁰ was provisioned by the Six Point Agreement signed in August 2008. It operates in conflict zones of both Abkhazia and South Ossetia and aims confidence-building, creating normal living conditions in the conflict zones, preventing hostilities and reporting the EU on the current situation (European Union Monitoring Mission in Georgia 2016).

One cannot overestimate the role of regional powers in the Georgian-Abkhaz conflict settlement. The early bids of Soviet Russia to restore peace in Caucasus appeared poorly planned and implemented. It demonstrated the gradual fall of the Soviet Center's monopoly of coercive action during the oppression of demonstrations in Yerevan Airport (July 1988) and

⁷⁸ The CISPKF was officially authorized on 21 October 1994 by the CIS Council of Collective Security and on 21 July 1994 by the UNSC Res. 937. The Mission started operating in June 1994 with Major-General Sergei Chaban (Russia) as its Head. As of September 2006, the strength of troops accounted for 1,600 servicemen (Global Peace Operations Review 2007a).

⁷⁹ As of 1 February 2008, the OSCE Mission in Georgia (closed) contained 142 servicemen as staff on role (OSCE 2008).

⁸⁰ The Headquarters of the EUMM are located in Tbilisi, while the field Offices are situated in Gori, Mtskheta and Zugdidi. The Mission headed by Ambassador Kęstutis Jankauskas was launched on 1 October 2008. All the EU members provided servicemen for the mission, in total accounting for 200 EU monitors, as of 8 January 2016 (European Union Monitoring Mission in Georgia 2016).

Tbilisi (April 9, 1989). In general, its position in the conflict was inconsistent. Soviet Russia was seeking tactical alliance with the national movements in autonomies of union republics with secessionist ambitions. On the one hand, Soviet Russia supported territorial integrity of Georgia, on the other hand, it was supplying Abkhazia with arms and was not blocking reinforcement coming from North Caucasus, lifting Abkhazia's aspirations for successful secession (Horowitz 2004). The successive Russian Federation has been acting more effectively in conflict management in Georgia, and soon became perceived by the International community as a facilitator of negotiation process and peacekeeping efforts.⁸¹ On February 3, 1994 in Tbilisi Russian-Georgian Treaty on Friendship, Cooperation and Peaceful Coexistence was signed. This enabled further capacity of mediation and engagement of Russia in conflict settlement issues. The remarkable step towards peace was the Russia-backed Moscow Agreement on Cease-fire and Separation of forces, signed during tripartite negotiations. In accordance with this Agreement, Russia provided Abkhazia with peacekeeping troops comprising of former Soviet military units. On 9 June 1994, the first Russian president Boris Yeltsin signed a decree "On the Participation of the Russian Federation in the Peacekeeping Operations in the Zone of the Georgian-Abkhazian Conflict". Since August 1994, Russian troops were controlling the situation on the Inguri River cease-fire line via CISPKE mission in Georgia. Russia has enjoyed military presence⁸² and had the leading role in the peacekeeping efforts in Georgia. Georgia, concerned about strategic goals of Russia in the region, spread a 'conspiracy theory' (Mackinley and Sharov 2003), transmitting its suspicions to western partners, namely the NATO member-states. This resulted in the media war after the war of August 2008. Russia officially recognized independence of the Republic of Abkhazia and signed the Russo-Abkhazian Treaty on Friendship, Cooperation and Mutual Assistance.

As to the USA, they have a position towards the conflict resolution corresponding with those of the OSCE and the UN, supporting primarily territorial integrity and sovereignty of Georgia, and opposing separatism within its borders. Georgia was receiving American military equipment before the war of 2008 and humanitarian aid afterwards (International Crisis Group 2004, 18–19).

⁸¹ As a proof the following passage of the UNSC resolution may be quoted: "...2.Welcomes also the continued efforts of the Secretary-General and his Special Envoy, in cooperation with the Chairman-in-Office of the Conference on Security and Cooperation in Europe (CSCE) and with the assistance of the Government of the Russian Federation as facilitator..." (UNSC Resolution 881 (1993) adopted by the Security Council at its 3304th meeting, on 4 November 1993).

⁸² Currently Russia has about 3,700 troops deployed in Abkhazia (UNOMIG 2016).

3.1.3 The Georgia-Ossetian conflict⁸³

The South Ossetia was an autonomous region within the Georgian SSR with its political centre being the city of Tskhinvali. In 1989 in South Ossetia Ossetians accounted for 66 percent of the total population of 100,000, while Georgians constituting 29 percent represented the largest minority. About 100,000 Ossetians lived in GSSR outside their autonomous region and 335,000 more lived in North Ossetia within RSFSR (Zürcher 2009, 117). Georgians and Ossetians coexisted relatively peacefully until the late 1980s, when it became clear that Ossetians intended to follow the path of Abkhaz people in increasingly nationalistic Georgia.

One of the motives for conflict was the war of laws. As a response to the Georgian law of 1989 declaring Georgian as the official language of Georgia, Ossetians declared Ossetian as the official language of their autonomous *oblast*. Later on Ossetians appealed to the Supreme Soviets of both the USSR and Georgia to raise the status of South Ossetia within Georgia from an autonomous *oblast* to an autonomous republic. Although, this request was fully in accordance with the Soviet Constitution of 1977 (Art. 73), it was perceived by the Georgian authority as a threat to independence and territorial integrity of Georgia.

On 23 November 1989, when South Ossetia declared itself a sovereign republic, about 30,000 Georgians got mobilized to engage in protest demonstrations in Tskhinvali. However, they were obstructed by Soviet security forces. As a result of these tensions the first South Ossetian militia was formed by *Adamon Nykhas*, the Ossetian National Assembly, headed by Alan Chochiev, the leader of Ossetian National front. The other motive appeared to be the Georgian municipal legislation of August 1990 prohibiting any regional party, namely Ossetian, to participate future parliamentary elections. As a countermeasure on 20 September 1990 the South Ossetia declared itself Democratic Soviet Republic (a union republic), and held the first elections on 9 December 1990. The Georgian authority coined elections invalid and imposed economic blockade and state of emergency on South Ossetia, subsequently in January 1991 sending there Interior Ministry security forces and military formations to intimidate Ossetian civilians. On 31 March 1991, South Ossetians refused to participate the referendum on the issue of Georgian independence. Zviad Gamsakhurdia, the Georgian leader, reacted by sending new National Guard to seize Tskhinvali, yet it was pushed off by series of armed clashes. After the declaration of independence by Georgian parliament on 9 April 1991 and until summer of 1991 the situation stayed rather peaceful. In the summer,

⁸³ The alternative name of the subject is 'conflict in South Ossetia, Georgia'.

Gamsakhurdia again sent the National Guard to the South Ossetia in order to raise his rating and save his presidency via a victory over separatists. Yet, his military formation was reluctant in moving to an impoverished region and those few, who tried to attack the region, were repelled by outnumbering and better prepared Ossetian militia. In January 1992, Gamsakhurdia was ousted and replaced by Shevardnadze, who initiated cease-fire negotiations. In June 1992, in order to assert the decisive position on negotiations Shevardnadze sent National Guard to Tskhinvali, causing destruction of 80 percent of dwellings in the city (Arbatov et al. 1997, 342).

As soon as the USSR collapsed, apart from separatism, there was again irredentism present in the discourse of Ossetians willing to unite with the North Ossetia within the confines of the Russian Federation. Russian volunteers from North Caucasus, mainly mountain peoples, were threatening to intervene in Georgia to protect the Ossetian minority. In 1992, the South Ossetia was in the hands of Ossetians, the Georgian troops were driven out. Military actions were ceased as soon as the peacekeeping forces were deployed. The cease-fire agreement, the Agreement on Principles for Settlement of Georgian-Ossetian Conflict, was signed on June 24, 1992 between Russia and Georgia, and the Memorandum on security and confidence-building between Georgia and South Ossetia were signed in 1996 in Moscow. On 8 April 2001, on the National Referendum the Constitution of the Republic of South Ossetia was adopted. It declared South Ossetia to be »a sovereign democratic lawful state, created via self-determination of the people of the republic of South Ossetia« (Art. 1).

During the Georgian-Ossetian war, about 1000 people were killed, more than 1,800 wounded, 120 disappeared between 1989 and 1992, and more than 140,000 people left their homes during the same period (Arbatov et al. 1997, 342). In particular, 12,000 Georgians and 30,000 Ossetians fled the region (Ossetians left for North Ossetia, i.e. Russian Federation) between 1990 and 1992 (Zürcher 2009, 142).

The second escalation outbreak on the eve of 8 August 2008 when Georgia attacked the South Ossetian city of Tskhinval. The Georgian operation 'Clean Field' launched by Mikheil Saakashvili was aiming to 'restore the constitutional order in the whole region', as claimed by Mamuka Kurashvili, the head of the Georgian peacekeeping battalion (RIA Novosti 2009). Russian reaction followed immediately, ex-president of Russia Medvedev ordered to launch the 'Operation to force Georgia to peace' the same afternoon (Russia Today 2013). On 9 August, it was declared that Georgian troops were successfully driven out of Tskhinval. On 10 August, Georgia stated that it was withdrawing its troops from the conflict zone. On 11 August, Russian troops achieved the cities of Senaki and Gori, the next day Dmitry Medvedev

declared the peace-enforcement operation to be over. The war lasted five days. The cease-fire understandings between Russia and Georgia were concluded on 12 August and 8 September 2008. Russia had 67 casualties, 283 injured and 3 missing in action, while Ossetia had 162 killed, 255 injured and more than 30,000 refugees. The Georgian losses were the most dramatic with 412 casualties, 1747 injured and 24 missed in action (RIA Novosti 2013b). After Russia's act of recognition of South Ossetia, Tbilisi severed the diplomatic relations with Moscow. On 28 August 2008, two new republics were qualified as territories occupied by Russian forces, and on 23 October, Georgia adopted a law which officially declared their status of 'occupied territories'.

To recapitulate briefly, one may note that, firstly, the military response of Russian units to Georgian aggression was legally justified, since in accordance with the UN resolution 2625⁸⁴ *de facto* regimes have a right to be protected from aggression and military threat. Secondly, the Georgian-Ossetian (or sometimes referred as Georgian-Russian) conflict of 2008 modified the map of post-Soviet area, made Georgia leave the CIS and unveil its pro-NATO aspirations. Finally, the Georgian-Ossetian conflict of 2008 has shown that territorial pretensions can be solved by military means (Ossetia) or on the background of military actions (Abkhazia) (Malgin 2012).

The UN has contributed into the post-conflict settlement in South Ossetia via its resolutions⁸⁵ on internally displaced persons, on conflict settlement and the UNOMIG mandate. Besides, the UN held three round discussions in Geneva co-chaired by the Secretary-General Special Representative, representatives of the EU and the OSCE, attended by delegations from Georgia, Russia, the USA, Abkhazia and South Ossetia. No agreement was reached in the course of the negotiations.

As it was mentioned above, the CIS has launched a peacekeeping mission in Georgia in accordance with the Moscow Agreement of 1994. Moreover, within the framework of the Agreement on the Principles of a Political Settlement of the Georgian Abkhaz Conflict of 24 May 1992 a Joint Control Commission (JCC) and special Joint Peacekeeping Forces (JPKF)

⁸⁴ »Every State likewise has the duty to refrain from the threat or use of force to violate international lines of demarcation, such as armistice lines, established by or pursuant to an international agreement to which it is a party or which it is otherwise bound to respect. Nothing in the foregoing shall be construed as prejudicing the positions of the parties concerned with regard to the status and effects of such lines under their special regimes or as affecting their temporary character« (A/Res/25/2625).

⁸⁵ UN GA resolutions: a) on status of internally displaced persons and refugees from Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia (United Nations, General Assembly 2016): A/RES/63/307 on 30 September 2009, A/RES/64/296 on 13 October 2010, A/RES/65/287 25 on August 2011, A/RES/66/283 on 12 July 2012, A/RES/67/268 on 23 August 2013, A/RES/68/274 on 10 June 2014 and A/RES/69/286 on 25 June 2015.

UN SC resolutions: no resolutions have been adopted (United Nations, Security Council 2016).

were deployed in South Ossetia. The JPKF was ruled by Russia and consisted of peacekeepers from Russia, Georgia and South Ossetia (The United Nations Terminology Database 2016).

The OSCE mission to Georgia, launched primarily to monitor the cease-fire agreement of 24 June 1992 and closed in 2008, was cooperating with the JCC, organizing joint meetings, negotiations with representatives of Georgia and South Ossetia. The Tskhinvali field office, before its evacuation on 8 August 2008, was operating in the areas of politico-military, economic, environmental, and human rights security.

Similarly to the Georgia-Abkhazian conflict, the palpable contribution to peacekeeping and restoration of the zone of the conflict was made by Russia. What refers to the settlement of the first escalation, the cease-fire was mostly achieved thanks to Russia's political pressure on the Georgian government. In June 1992, Russian President Boris Yeltsin and his Georgian homolog Eduard Shevarnadze participated at the cease-fire talks and signed the final 'Sochi Agreement' on principles of settlement of Georgian-Ossetian conflict on 24 June 1992. The agreement provided the end of military actions and established the JPKF that included 700 Russian soldiers equipped with light weaponry. A month later, the Russia-backed cease-fire monitoring was launched by Russian-Georgian-Ossetian peace-keepers. In May 1996, the Russia-initiated Memorandum on measures establishing security and strengthening mutual confidence between parties of the conflict was signed. On 23 December 2000, a bilateral »Agreement between the Government of Russian Federation and the Government of Georgia on Economic Reconstruction and Rehabilitation in the Zone of Georgian-Ossetian Conflict and on Return of Refugees « was signed. On 4 June 2004, the Basic Principles of Operations of the Military Contingents and of the Military Observers Designated for the Normalization of the Situation in the Zone of Georgian-Ossetian Conflict was drafted. As to the 5-Day war of August 2008, after the Russian-South Ossetian and Russian-Abkhaz talks of 9 September 2008, Russia signed bilateral Treaties on Friendship, Cooperation and Mutual Assistance⁸⁶ with the both breakaway republics. Currently Russia has about 3,700 troops deployed in South Ossetia to maintain peace and stability in the region (UNOMIG 2016). As to the Permanent Representative of Russia to the United Nations, Ambassador Vitaly Churkin, the presence of Russian troops in Abkhazia and South Ossetia noticeably facilitates peace restoration in South Caucasus (RIA Novosti 2015a).

⁸⁶ The Treaties on Friendship, Cooperation and Mutual Assistance were ratified by the Russian Parliament on 4 November, 2008.

The USA, viewed by Georgia as an actor to counterbalance the influence of Russia, has been indirectly influencing conflict resolution. After the first escalation they were acting 'step by step' increasing the staff of the OSCE in South Ossetia, sending military equipment to Georgia, and having the U.S.-trained Georgian troops sent to the conflict zone (International Crisis Group 2004, 18–19). As published on the official webpage of the USA Department of State, »the United States supports Georgia's sovereignty and territorial integrity within its internationally recognized borders, and does not recognize the Abkhazia and South Ossetia regions of Georgia« (2015). The USA condemns Russia's acts of recognition of two separatist regions (CNN 2015).

The European Union has been involved in the conflict settlement since 1997, when it began financing rehabilitation of the conflict zone and supporting law enforcement centre, and launched projects on confidence-building between Georgian and South Ossetian communities (International Crisis Group 2004, 20). The ENP Georgia Action Plan adopted in 2006 has declared cooperation for settlement of internal conflicts in Georgia one of the priority areas of partnership (ENP 2006) for the following five years. Later on 15 October 2006, the European Parliament adopted a resolution 'On the situation in South Ossetia',⁸⁷ where it reiterated the EU's commitment to the peaceful resolution of the conflict in South Ossetia in cooperation with the OSCE and other actors (Art. 1), and reaffirmed its support for the sovereignty and territorial integrity of Georgia, calling upon Russian authorities to respect those principles (Art. 2). On 1 September 2008, the European Commissioner Benita Ferrero-Waldner during her speech in the European Parliament called Russian decision to recognize Abkhazia and South Ossetia »against the basic principles that underpin international relations« (European Parliament 2008). The EU has further criticized Russian-Ossetian and Russian-Abkhazian bilateral Treaties signed on 17 September 2008 and has so far remained committed to Georgian territorial integrity (European Commission 2015). Finally, another effort of the EU at the conflict settlement in Georgia has been realized via the EUMM.⁸⁸

3.1.4 The Transnistrian conflict

After the 1917 revolutions in Russia, Bessarabia strived to get rid of Russian rule and join Romania. When in 1917 Bessarabia was voted to become independent it did not include the territory of modern Transnistria. Combining the remaining area with some Ukrainian lands, in

⁸⁷ European Parliament resolution on the situation in South Ossetia (25/10/2006), adopted on 26 October 2006 in Strasbourg.

⁸⁸ See more on the EUMM Georgia in subchapter 2.1.4.

1924 Bolsheviks created the Moldovan Autonomous Soviet Socialist Republic (MASSR), where, as of 1926, Moldovans composed only about 30 percent and Ukrainians about 48.5 percent of total population (Roper 2004, 104). In July 1940, with Germany's support the USSR got Romanian Bessarabia and northern Bukovina under its control. After regaining it in 1944, the Soviet Socialist Republic of Moldavia was formed there including the area of the MASSR. Then, the Transnistrian autonomy's territory covered 12.2 percent of the Moldovan Soviet Socialist Republic (MSSR).

Due to the politics of russification, the proportion of Russians in the MSSR rose from 6.7 percent in 1941 to 13 percent in 1989 (Roper 2004, 105). The Moldovan nationalist movement emerged no earlier than in 1987. The Popular Front, established in May 1989 on the ground of democratic, liberal movements aimed to promote linguistic and cultural freedom. A number of demonstration held in the name of revival of the Moldovan nation, which resulted in the adoption of a complex of laws on the revival of Moldovan language. It recommended to give Moldovan status of an official language (Law No. 3464 adopted on 31 August 1989 by the Parliament of the MSSR)⁸⁹ and to reintroduce Latin script to the Moldovan language (therefore annulling the Moldovan SSR law of 10 February 1941, which provided translation of Moldovan scripts to Russian) (Art. 1, Law No. 3462 adopted on 31 August 1989 by the Parliament of the MSSR).⁹⁰ Transnistrian people refused the legitimacy of those laws. Soon there was a shift of political equilibrium from Russian speakers to Romanian speakers. It became obvious during the last parliamentary elections in the Soviet Moldova in 1990, when the Popular Front created a parliamentary coalition almost entirely introduced by ethnic Moldovans, holding 66 percent of seats. In May 1990, the Slavic political cadres of Tiraspol, Bender and Ribnita repudiated the results of parliamentary elections and declared sovereignty over local authorities. Tiraspol organized several referenda on the issue of territorial authority from Chisinau, which were supported by absolute majority of population.⁹¹ The reason for those events was a different ethnic composition (with about 55 percent of Russians and Ukrainians (Roper 2004, 107)) in Transnistria and the circumstance that it has never been under the Romanian rule.

In September 1990, the conflict between Chisinau and Tiraspol was fuelled by the formation of the Transnistrian Moldovan Soviet Socialist Republic. In early 1991,

⁸⁹ Law No. 3464 on status of the official language of the Moldovan Soviet Socialist Republic adopted on 31 August 1989 by the Parliament of the MSSR.

⁹⁰ Law No. 3462 on the reintroduction of the Latin script to the Moldovan language adopted on 31 August 1989 by the Parliament of the MSSR.

⁹¹ The referendum of 1990 passed by 96 percent of the Transnistrian voters (Roper 2004, 107).

Transnistrian cities with predominantly Russian population began to raise paramilitary units, benefiting from the locally deployed 14th Russian Army. After coup d'état in Moscow and Moldova's declaration of independence in August 1991, the internal tension was further exacerbated. In response, on 2 September 1991, Transnistria declared its own independence from Moldova, electing in December Igor Smirnov as the first president. In late 1991, Don Cossacks reinforced Transnistrian paramilitary units. Separatists took over police stations, administrative bodies, mass media in towns and villages, including Moldovan rural areas. Moldovan policy and ministry of interior affairs did not resist until Transnistrian Russians reached the West bank of Dniester. After intensified fighting in Dubasari, Bender in May-June 1991 and along the River Dniester in March 1992, the Transnistrian units, significantly outnumbering Moldovan ones, with the support of the Russian 14th Army got a victory. On 19 June, they attacked the last police station and captured the city of Bender the next night. Fighting was over as soon as it was clear that Russia is on the side of Transnistrians, though some sporadic shootings maintained until 1994. Moldovan government agreed on cease-fire agreement⁹² on 27 July 1992 without denying the results of the military campaign. Russian elite and peacekeeping troops stayed in Transnistria.

The Transnistrian Moldovan Republic has shown internal political stability since 1992. The Constitution, adopted during the National Referendum of 24 December 1995 and approved on 17 January 1996 by the President, proclaimed Transnistria to be a "sovereign, independent, democratic, legal state" (Art. 1).⁹³ The Moldovan Constitution adopted on 29 July 1994 only grants it the status of a 'Special Autonomy' (Art. 111).⁹⁴ On 8 May 1997, in Moscow the sides of the conflict signed the Memorandum 'On the Bases for the normalization of Relations between the Republic of Moldova and Transnistria' with mediation of Russia, Ukraine and the OSCE. The agreement endorsed the status of Guarantor States proposed by Russia and Ukraine, which would act as consulters assisting for normalization of situation (Articles 1, 6, 10), and was accompanied with the Joint Statement where Russia and Ukraine reassured their readiness to act as guarantor states (1997). The casualties during whole period of the armed conflict are estimated at up to 1,000 people dead (Roper 2004, 110), around 5,000 wounded, and 100,000 refugees (Arbatov et al. 1997, 146). So far, no escalation has taken place, the conflict stays frozen.

⁹² The Agreement on the principles for the peaceful settlement of the armed conflict in the Dniester region of the Republic of Moldova was signed by Russia and Moldova on 27 July 1992.

⁹³ The Constitution of the Pridnestrovian Moldavian Republic adopted during the December 24, 1995 national referendum and signed by the President of the Pridnestrovian Moldavian Republic on January 17, 1996.

⁹⁴ The Constitution of the Republic of Moldova adopted on July 29, 1994 by the Moldovan Parliament.

The actors most actively engaged in solution-seeking were noted by the incumbent President of the republic of Moldova, Nicolae Timofti, in his address to the UN General Assembly in 2012, when he called on »the OSCE [Organization for Security and Co-operation in Europe], Russian Federation, Ukraine, European Union and the USA to unite their efforts and work together towards the final resolution of the Transnistrian conflict and reintegration of the Republic of Moldova« (UN News Centre 2012).

No peacekeeping mission or operation has been organized by the Commonwealth of Independent States. It was only present when after the collapse of the USSR the 14th Army took the situation in the special zone under its control.

As to the international organisations, the OSCE proved to have most deeply engaged in peaceful resolution of Transnistrian conflict and in confidence-building. The Conference on Security and Co-operation in Europe has established a Mission in Moldova⁹⁵ in May 1993. It has aimed to assist negotiation process, help to consolidate the independence and sovereignty of Moldova and to define by political means the status of Transnistria. During 1993–1994 the OSCE attempted to launch a dialogue between Chisinau and Tiraspol and spurred to establish 'expert groups' for negotiations. Several OSCE summits became landmarks in the history of Transnistrian post-conflict settlement. First of all, the Budapest summit of 1994 welcomed the Agreement signed by Russia and Moldova on 21 October 1994 on withdrawal of Russian troops from Transnistria and declared itself ready to assist its implementation (Budapest Summit Declaration 1994, 9). In the Istanbul Summit Declaration of 1999 the OSCE reiterated its commitment to the solution of the Transnistrian question and welcomed the decision to eliminate the Russian ammunition and armaments and withdraw Russian troops from Moldova until 2002 (Art. 18, 19). Further step for consolidating stability in the region was made when on 19 November 1999 the post-Soviet states signed the Agreement on Adaptation of the Treaty on Conventional Armed Forces in Europe (Tugui 2011, 2–4). On 13 February 2004, the organization has presented the Proposals and Recommendations »Of the mediators from the OSCE, the Russian Federation, Ukraine with regards to the Transnistrian settlement«, where the federal solution was offered (OSCE 2004, 1–4). The official five-party negotiations, which shifted into '5+2' format⁹⁶ in September 2005, were broken off in February 2006 and continued as an informal platform for talks until September 2011, when they were officially renewed. The incumbent Special Representative of the OSCE

⁹⁵ The Mission is present on both sides of the River Dniester. Its main office is located in Chisinau, while the branch offices are in Tiraspol and Bender.

⁹⁶ The '5+2' talks included Moldova, Transnistria, Russia, Ukraine, the OSCE, as well as the EU and the USA as observers.

Chairperson-in-Office for the Transnistrian Settlement Process, Ambassador Radojko Bogojević, marked in 2014 that the '5+2' talks were "sending a positive signal about the potential for decreasing tensions in Eastern Europe" (OSCE 2014).

When it comes to the United Nations, it has only adopted resolutions directed at refugee problems' solution. The UN High Commissioner for Refugees in Chisinau, represented by Alexei Mateevici, mainly focuses on »supporting the implementation of a new statelessness determination procedure« (UNHCR 2015).⁹⁷

Making a passing mention of the North Atlantic Treaty Organization, it would be enough to note that although Moldova has been part of the NATO's project Partnership for Peace since 16 March 1994, the organization has not shown direct interest and intention to deal with the conflict settlement in Transnistria whatsoever (Baban 2016, 11).

The EU Neighbourhood⁹⁸ proposed in 2005 the Action plan, which has set strategic objectives for EU-Moldova cooperation. In the chapter 2.2. »Co-operation for the settlement of the Transnistria conflict« the EU declared its respect to the territorial integrity and sovereignty of the Republic of Moldova and expressed intentions to reinforce EU-Moldovan partnership for the Transnistria conflict settlement, including coordinated measures with the OSCE (ENP 2005). In 2005, the EU joined the above mentioned pentilateral peace negotiations as an observer. In December 2005, the 120-strong security operation called the European Border Assistance Mission (EUBAM) was established on Moldovan-Ukrainian border (Global Peace Operations Review 2007b). The EU Commission in Chisinau appointed a Special Representative for the Transnistria conflict settlement, enabling dialogue with Tiraspol. The Alliance for European integration office, which opened in Moldova in 2010, has also been sustaining dialogue with the parties of the negotiation process. Finally, the EU financed Technical Assistance for the Bureau of Reintegration of the Republic of Moldova dealing with confidence-building has already launched several joint business projects with the businessmen from the both sides of the River Dniester (Transnistrian Dialogues 2014).

Among regional powers, Russia has demonstrated the deepest involvement and interest in both process of separation and post-conflict settlement in Transnistria. Along with heads of Romanian and Ukrainian diplomacies, Russian Foreign Minister Kozyrev, representing the absent Transnistrian party, met several times with his Moldovan colleague during March–April 1992 to negotiate on ceasefire. The cease-fire agreement achieved on April 7 1992

⁹⁷ As of June 2015, 389 refugees, 164 asylum seekers, 6,233 stateless persons lived in the Republic of Moldova, while 2,241 refugees and 2,348 asylum seekers of Moldovan origins resided elsewhere (UNHCR 2015).

⁹⁸ Moldova is one of the sixteen member-states of the European Neighborhood Policy.

provisioned formation of commission for monitoring. Kozyrev suggested to use the 14th Army as peacekeeping force and include Transnistria in discussion – the rest three parties rejected the proposals and talks were stopped. In 1995 the 14th Russian Army, that used to be under the CIS jurisdiction until 2 April 1992, was renamed to »Operational group of Russian forces«. On 21 July 1992, in Moscow the ceasefire agreement was signed by Mircea Snegur, president of Moldova, and Boris Yeltsin, Smirnov refused signing it. It established a security zone (Art. 1)⁹⁹ regulated by Moldovan, Transnistrian and Russian forces, deployed on 29 July 1992, and a Joint Control Committee¹⁰⁰ to monitor situation there (Art. 2). On 21 October 1994 Russia and Moldova signed the Agreement, which provisioned withdrawal of Russian military units from Moldova during the period of three years upon the agreement's entry into force (Art. 2). After the Istanbul summit of 1999 Russia withdrew part of its military equipment and ammunitions from Moldova. Yet, the withdrawal was ceased incomplete in March 2004. The Russian Draft Memorandum, so called 'Kozak Memorandum'¹⁰¹ was published on 17 November 2003, on the basic principles of a state structure of a united state. Kozak herewith proposed to solve the Transnistrian question with transformation of Moldova's state structure, where Transnistria and Moldova would unite on federal principles (Art. 1) into the Federal Republic of Moldova (Art. 2). The federal solution of the issue was eventually rejected by the former president of Moldova, Vladimir Voronin. Till nowadays Russia stays the Guarantor State and active mediator in negotiations on conflict settlement, and preserves its peacekeeping presence in Transnistria,¹⁰² which, on the one hand, contradicts the Constitution of the Republic of Moldova (Art. 11), and on the other, is believed by Tiraspol to sustain peace and stability along River Dniester (RBC 2010).

The second state by significance of its geographic location and involvement in the conflict settlement has been Ukraine. Similarly to Russians, Ukrainians have constituted about 10–14 percent of the total population of Moldova throughout the 20th century and more than 25 percent of the Transnistrian population.¹⁰³ Ukraine has been suggesting the federative solution

⁹⁹ The Agreement on the principles for the peaceful settlement of the armed conflict in the Dniester region of the Republic of Moldova signed on 21 July 1992 by President of the Russian Federation and President of the Republic of Moldova.

¹⁰⁰ The JCC was authorized on 21 July 1992 and started operating later in July 1992 with Major-General Boris Sergeyev (Russia) as the head of the Mission. As of 30 September 2006, the strength accounted to 1,199 servicemen (Global Peace Operations Review 2007b).

¹⁰¹ Dmitry Kozak was the deputy head of the presidential administration of the Russian Federation (from October 2003 until September 2004), when he attempted to get involved in international politics. Currently D. Kozak holds a position of the Deputy Prime Minister of the Russian Federation.

¹⁰² As of 2010, the Russian peacekeepers unit in Transnistria accounted for 1.500 servicemen (RBC 2010).

¹⁰³ Moldovan citizens of Ukrainian origins amounted for 261,200 (11.1 percent) in 1941, 506,560 (14.2 percent) in 1970 and 600,366 (13.8 percent) in 1989, while those of Russian origins - 158,100 (6.7 percent) in 1941,

for the Transnistrian issue since 1992, when Leonid Kravchuk, the first president of Ukraine, during the meeting with Boris Yeltsin in Dragomys on 24 June expressed his support for the creation of an autonomous republic of Transnistria within the Republic of Moldova, at the same time supporting Transnistrian people's right to determine their future. Ukraine has been assigned to be the Guarantor State of the Moscow Memorandum of 1997 and, thus, was entitled to contribute to the normalization of the situation in Transnistria (Art. 6).¹⁰⁴ Finally, it is within the framework of the Kiev meetings held from 1st till 3rd July 2002 that the "Draft Agreement on the Basis of Relations between the Republic of Moldova and Transnistria" was presented. It repeatedly proposed a federal solution and reassured Ukraine, Russia, and the OSCE to be guarantors, yet remained unsigned.

Another regional actor worth mentioning is Romania. The possibility of Romania's reunion with Moldova and the idea of the »Greater Romania«¹⁰⁵ were a discourse of the Moldovan internal politics during 1992–1994. At that time, Romanian government 'acknowledged the existence of two independent Romanian states – Romania and Moldova (Arbatov et al. 1997, 203). Yet during 1993–1994, illusions of both states faded away, for the Moldovan national Movement was prudent to sustain cultural autonomy and equal rights for Gagauz and Transnistrian people. Those minorities feared of Moldova's independence and its will to unite with Romania. The majority of Moldovans also did not advocate the irredentist rhetoric, since integration could lead to a civil war. As to peacekeeping efforts, Romania stays aloof of alike actions and limits itself with declaratory statements addressing to more influential actors in the given dispute (Sputnik news 2015).

The USA have not shown direct involvement in the conflict resolution. However, during the Bush-Putin meeting in summer 2002, the USA declared its willingness to solve the Transnistrian conflict with joint Russian-American actions (Vahl and Emerson 2004, 20). In addition to that, the USA have endorsed the draft agreement of 2002 on federalization of Transnistria, and have joined the '5+2' talks in 2005 in the capacity of observer (Roper 2004, 103–104).

414,444 (11.6 percent) in 1970 and 562,069 (13.0 percent) in 1989. As to the region of Transnistria, there were 84,293 (28.7 percent) in 1936 and 170,079 (28.3 percent) Ukrainian residents and 41,794 (14.2 percent) in 1936 and 153,393 (25.5 percent) Russian residents (King as quoted in Vahl and Emerson 2004, 4–5).

¹⁰⁴ Memorandum on Bases for Normalization of Relations between the Republic of Moldova and Transdneistria signed on 8 May 1997 in Moscow by the President of the Republic of Moldova, President of Transnistria, President of the Russian Federation, and President of Ukraine in the presence of Chairman-in-Office of the OSCE.

¹⁰⁵ Moldova and Romania intended to sign the »United Democratic Convention on restoration of Romanian frontiers of 1938«, which prescribed that any threat expressed towards Moldova is equivalent to threatening Romania (Arbatov et al. 2007, 203).

3.2 Summary

All have been rooted in the early Soviet époque, and remained in latent form until the military escalation, which coincided with the period of the demise of the Soviet Union. Since the mid-1990s, all the regarded conflicts have been frozen, with two of them (in Abkhazia and South Ossetia) undergoing second military escalation in 2008 and frozen ever after. At the core of the given conflicts are ethnic and territorial components with 'mutually exclusive claims of two groups to a single territory' (Zürcher 2009, 181). The specific case is Transnistria with coexisting three major ethnic groups (Russian, Ukrainian and Moldovan), that yet share common self-identification. All of four cases represent conflicts between a republic's centre and its autonomous region with a different self-identification. In all of the given conflicts only the military phase was over, and there is still a lack of seriously binding documents for both parties, which could declare their total settlement. None of the conflicts, except for NK, did not involve clashes between different union republics - they stayed within one republic. The neighbour-states and IOs have played significant role in the conflicts by mediation and indirect upholding of their interests. There was a long-lasting avoidance of overt intervention, disturbed only during the five-day war in Georgia in 2008 by Russia.

The *de facto* states made similar claims to independence, based on self-determination and popular will, using referenda for these ends. No new states are recognized by paternal state and the major part of the international community. Russia's recognition of Transnistria, Abkhazia and South Ossetia did not face official criticism and sanctions from the international community. This chapter has proven once again, that when a conflict emerges on the basis of secessionist movement, each party chooses the favourable principle of international law to defend its interests, and tries to prove illegal the implementation of the other principle by the counterpart.

The last but not the least common feature of the conflicts in post-Soviet area is that Russia has been involved in their settlement. The Russian support in these conflict areas is an example of a foreign policy directed to the protection the Russian diaspora spread throughout the region. It is also an attempt to preserve the state's leading geopolitical position in Eurasia. Its role in the settlement of Nagorno-Karabakh and Transnistria conflicts, along with contribution to the emergence of statehoods in Abkhazia and South Ossetia, reflects the goal of the former core to sustain influence in peripheral sub-regions. According to eminent Russian geopoliticians and political scientists, this influence is mandatory to preserve balance of power and geopolitical stability in Eurasia (Tzygankov 1997; Dugin 1997). This approach,

codified in all the Foreign Policy Concepts of the Russian Federation since 2000, marks the CIS area (including former CIS member, Georgia) as priority region for the Russian foreign politics (Regional priorities 2000, 2008, 2013).¹⁰⁶ Russia has particular interests in maintaining status quo and its presence in the region. As supposed by Sergei Markedonov, the very existence of *de facto* states is a stabilizing factor, and the destruction of their infrastructure would cause more problems (2006c). Moscow politically and militarily supported South Ossetia and Abkhazia in Georgia, Transnistria in Moldova (Zürcher 2009, 134–135). By supporting the new states and keeping the troops there, Russia remains a guarantor of peace and preserves its control over the region.

Besides the common features, there are several factors, which accelerated the given conflicts. First of all, the demographic policies and ethnic pattern of settlement were significant. Fragmentation of former Soviet Republics was simplified by the soviet ethno federalism, a system of administrative territorial division, which provided defined ethnic frontiers. What is more, the inequality among different ethnic groups, namely, minority discrimination, caused lack of credit to the newly established republics. The fear of diminished position after the loss of 'Center' as a guarantor of peace and security caused mobilization of the minorities. Besides, ethnically heterogeneous countries are of higher risk of conflict when the major ethnic group accounts for more than 45 percent of total population.¹⁰⁷ Such demographic predominance of an ethnic group increases its readiness for military action (Zürcher 2009). Moreover, the factor of the occurrence of previous clashes and disputes between different ethnic groups diminishes the chance for successful solution of disputes (e.g. in case of NK conflict) (Jafarova 2014).

Second, the looming dissolution of the USSR fuelled new nationalist movements. The weakening 'Center' had neither conflict-resolving mechanisms, nor experience. The nationalist rhetoric of former union republics accelerated internal nationalism of minorities, while unpunished ethno national mobilization spurred new mobilizations. In fact, the Soviet 'Center' encouraged separatism within union republics to counterbalance nationalism of republics' titular nations. Another factor is an impact of international economic and cultural integration (Horowitz 2004, 53), which was becoming available once the Soviet Union entered the path of dissolution and gave momentum to escalation of conflicts. In the chaos of transition, the

¹⁰⁶ The Foreign Policy Concept of the Russian Federation approved on 28 June 2000 by President of the Russian Federation V. Putin, the Foreign Policy Concept of the Russian Federation approved on 12 July 2008 by President of the Russian Federation D. Medvedev, the Foreign Policy Concept of the Russian Federation approved on 18 February 2013 by President of the Russian Federation V. Putin.

¹⁰⁷ The only exclusion is Abkhazia, where Abkhaz people constituted a minority.

availability of Soviet heavy weaponry became a fertile soil for opportunistic movements and drove further violence. Therefore, the Union's collapse led to intensified fighting (Horowitz 2004, 51).

Third, diaspora and (or) ethnic kin groups have been raising confidence of rebellious minority groups, providing them with troops, military equipment and finances to realize plans for secession.¹⁰⁸ In some cases nationalism was fuelled by irredentist discourse.¹⁰⁹ The ultimate catalyst for the conflicts' escalation was the factor of newly independent states.¹¹⁰ In the regarded cases the warfare coincided with the process of establishment of new independent republics.

¹⁰⁸ This factor is present in all four cases, and is most significant in case of Nagorno-Karabakh.

¹⁰⁹ NKR drove to associate with Armenia, Moldova with Romania, and South Ossetia with the USSR (North Ossetia).

¹¹⁰ 33 percent of post-Soviet and post-Yugoslavia states fell into warfare after gaining independence (Zürcher 2009, 227).

CHAPTER 4: CASE STUDIES OF THE *DE FACTO* STATES. STATEHOOD ELIGIBILITY AND FOREIGN POLICY ANALYSIS

The given chapter is aiming to assess the main qualifications and eligibility of statehood in each of the questioned *de facto* states, and to analyse their foreign policies.

The criteria for statehood formulated by the Montevideo Convention on Rights and Duties of States of 1933 (population, territory, government) will be assessed as internal environment of foreign policies in the first subchapter of each case. In this context, government will be assessed on the basis of the 'effective government' attributes proposed by Crawford. These are »exclusion of the authority over the given territory and its people by other entities« (in other words, sovereignty (Curzon 1995, 358)) and »maintenance of law and order, and the establishment of fundamental institutions« (2007, 59).

The fourth criterion of the Montevideo Convention called "capacity to enter into relations with other state", understood as a capacity to independently formulate and implement foreign policy, will be assessed in the second subchapter of each case. Implementation of foreign policy as defined by Brighi and Hill (2008, 157)

1) is the rules of the channels through which foreign policy aims and translates into practice, involving the often complex relationship between ends and means, 2) are the difficulties which states have in operating in what is literally a 'foreign' and quite often a highly intractable world, and how they adapt their behaviour on the basis of the interaction with, and feedback from, that outside world.

If we apply the declarative theory¹¹¹ of recognition to the *de facto* independent states, than we shall agree with Calvert's supposition that »when a state becomes independent, it becomes legally a full and equal member of the modern international system« (1986, 19), and therefore capable to interact with other elements of the system via foreign policy.

There are different classifications of instruments or means of foreign policy implementation. One claims that main instruments fall into categories of political, military, economical, and cultural or ideological (Brighi and Hill 2008, 158), according to another, they are diplomacy, economic instruments, and coercive means or means of force (Benko 1997, 255–272). In this analysis there will be used a compromise option, that is the tools will be classified by following categories: diplomatic, cultural, military, and economic.

Afterwards, the statehood elements and foreign policy implementation of the *de facto* states will undergo within-case and cross-case analyses.

¹¹¹ If we follow the logic of constitutive theory, than the foreign policy of the given entities should be understood as paradiplomacy, i.e. extra-jurisdictional actions of a subnational entity targeting foreign political entities (Grydehøj 2014, 12).

4.1 The Nagorno-Karabakh Republic

4.1.1 Statehood

The NKR was established on 2 September 1991. Its Independence was formally declared on 6 January 1992 after the Referendum on State Independence of 10 December 1991, when the overwhelming majority (99.89 percent) of voters from the NKAO and Shahoumian region of the AzSSR agreed "with the Nagorno Karabakh Republic to become an independent state, independently determining the forms of cooperation with other states and communities" (President of the Artsakh Republic 2016; NKR MFA 1991).

Application of the Montevideo Convention's criteria for statehood show following results. According to the first population census carried out in Nagorno-Karabakh Republic after its declaration of independence, as of 2005 the *de jure* population accounted for 137,737 (of which 137,380 were Armenians, 171 Russians, 22 Greeks, 21 Ukrainians, 12 Georgians, 6 Azerbaijanis and 125 people of other ethnicities), while the *de facto* population was 134,862 residents (Census of NKR 2005).¹¹² As of 1 January 2015, the NKR was populated by 148900 residents (The Demographic Handbook of NKR 2015).¹¹³ Armenian passports are used for travelling abroad by citizens of both the Republic of Armenia and the Nagorno-Karabakh Republic, while the NKR passport is an identification document for internal use only. The Armenian travelling passport does not grant Armenian citizenship to the NKR citizen, but it is the only way Karabakh people can keep in touch with the outer world (European Court of Human Rights 2015a; Echo 2011).

NKR occupies 1,143,000 square kilometres of landlock territory in Central Transcaucasus, bordering Armenia, Azerbaijan and Iran, which includes the territory of the NKAO and seven adjacent regions of AzSSR. It consists of eight regions: Askeran, Hadrout, Martakert, Martouni, Shahoumyan, Shoushi, Qashatagh, and Stepanakert as capital city with region status (Statistical Yearbook of Nagorno-Karabakh Republic, 2008–2014 2014, 32–50).¹¹⁴

To enable effective government, the NKR, firstly, has to show exclusive authority over its people and territory. On the one hand, there is no participation in NKR's political, economic, cultural and social institutions on behalf of Azerbaijan (International Crisis Group 2005, i). On the other hand, there is a great reliance on Armenia in areas of economic and military security (International Crisis Group 2005, 3). »Since 1994, Armenia has controlled most of Nagorno-Karabakh, and also seven adjacent regions of Azerbaijan, often called the 'occupied

¹¹² *De jure* population refers to the number of people formally registered as permanent residents, while *de facto* reflects the number of people who participated at the census.

¹¹³ That is e.g. double population of Andorra (72790 residents) (World Bank 2016).

¹¹⁴ May be compared with the land area of Qatar (11.6 thousands square kilometers) (World Bank 2016).

territories'« (IISS *The Military Balance* 2013 In European Court of Human Rights 2015a). As was reported at the Parliamentary Assembly of the Council of Europe in 2004, »Armenia has soldiers stationed in the Nagorno-Karabakh region and the surrounding districts, people in the region have passports of Armenia, and the Armenian government transfers large budgetary resources to this area« (PACE Doc. 10364 In ECHR 2015a). As of 2004, 18,000 troops of NKR included 8,000 of Armenian personnel (IISS *The Military Balance* 2004 In European Court of Human Rights 2015a). The ECHR has concluded that Armenia exercises 'effective control' over the NKR, since the high level of integration »exists in the political and judicial sphere« (2015a). Numerous resolutions have been adopted by IOs urging Armenia to withdraw its troops from the 'occupied territories'.¹¹⁵ Armenian officials claim there is no Armenian military unit on the territory of NKR, though the forces of both states cooperate and are highly integrated (International Crisis Group 2005, 10). This fact is testified in the Agreement on Military Co-operation between the Governments of the Republic of Armenia and the Republic of Nagorno-Karabakh (Art. 3, 4).¹¹⁶ Ultimately, the NKR appear to be dependent on international loans, primarily on Armenian inputs. By the year 2005, all the NKR's international transactions were executed via Armenia in Armenian drams or USD (International Crisis Group 2005, 12). The Bank of NKR issues national currency Karabakh dram, whose rate coincides with one of the Armenian dram (Artsakhbank 2016).

Secondly, the state needs to establish basic institutions and show the rule of law. The NKR was initially established as a parliamentary republic, but was shifted into a presidential one in 1994. The incumbent president Bako Sahakyan is the state's »guarantor of the sovereignty, independence and territorial integrity and security« (Constitution of the Nagorno Karabakh Republic, Art. 61). There operate fundamental institutions for each of the three branches of state power (executive, legislative and judicial). Executive institutions form the Government with Prime Minister Arayik Harutyunyan as its head. The Government consists of ministries,¹¹⁷ state administrative institutions adjunct to the Government,¹¹⁸ and seven regional administrations (Government of Nagorno Karabakh Republic 2016). Judicial

¹¹⁵ See subchapter 3.1.

¹¹⁶ The Agreement on Military Co-operation between the Governments of the Republic of Armenia and the Republic of Nagorno-Karabakh signed on 25 June 1994 by The Government of the Republic of Armenia and the Government of the Republic of Nagorno-Karabakh.

¹¹⁷ Ministry of Economy, Ministry of Agriculture, Ministry of Finances, Ministry of Culture and Youth Affairs, Ministry of Defense, Ministry of Foreign Affairs, Ministry of Education, Science and Sport, Ministry of Healthcare, Ministry of Justice, Ministry of Urban Planning, Ministry of Labour and Social Affairs.

¹¹⁸ National Security Service, Department of Environment and Natural Resources, NKR Police, State Service of Emergency Situations (there also exist Tourism Department, State Tax Service, and State Committee of Real Estate Cadastre).

institutions include the Supreme Court, the Court of Appeal, and the Court of General Trial Jurisdiction (Juridical system of NKR 2016).¹¹⁹ Legislative branch is represented by the National Assembly (i.e. Parliament) comprising seven standing committees¹²⁰ and five factions¹²¹ (Constitution of the Nagorno Karabakh Republic, Art. 84, 92; President of the Artsakh Republic 2016). The Main Law, Constitution of the NKR, was adopted at the National Referendum held on 10 December 2006 (President of the Artsakh Republic 2016). In 2015 the Scores Report of the Freedom House has given 5 scores to freedom, civil liberties, and political rights in the NKR (where 1 is the best and 7 is the worst) defining it as a 'partly free' state (2015a). The last Parliamentary elections which took place on 3 May 2015 were supervised by 100 observers from different states, including Russia, France, Belgium, Germany, Holland, Greece, Zimbabwe, the USA, and the unrecognized Transnistria, Abkhazia and South Ossetia. Both domestic and foreign observers marked that the process of voting was transparent and according to the International Law, and that no serious violation was fixed (Minasyan 2016; Beglaryan 2016; Interfax 2015). The law and order issues in the NKR are generally related to the rights of the IDPs, namely Azerbaijani who had to flee their former inhabitant during the Karabakh war.¹²²

4.1.2 Foreign policy

In accordance with the NKR Law on the Basis of the NKR Independent Statehood of 1992 »The Republic of Nagorno Karabakh is competent to establish direct relations with foreign states, conclude treaties with them exchange diplomatic and consular representatives, and participate in activities of international organizations« (Art. 13). The basis of a state's foreign policy is formed by goals, values, and interests (Benko 1997, 223) formulated in form of official concepts, strategies or doctrines. »The Key Objectives and Goals of the Foreign Affairs Ministry of NKR« published in 2013 declare that the NKR MFA »is a joining link with outer world in the NKR official relations«, and that it is responsible for official representation of the state and contacts with other IR actors (Government of Nagorno Karabakh Republic 2016).¹²³ This document reflects one crucial objective of the NKR foreign policy. Namely, it says that the NKR MFA »represents the NKR in negotiations concerning the Karabakh's problem

¹¹⁹ The Juridical branch also includes the Council of Justice, the Council of Court Chairmen, the Association of Judges and the Department of Justice.

¹²⁰ Committees on: foreign affairs; industry and industrial infrastructures; finance, budget and economic management issues; legal and state affairs; social and healthcare issues; defense, security and legalism issues; issues of science, education culture, youth and sports affairs.

¹²¹ "Homeland", "Dashnaksutyun", "Democracy", "Movement-88", and "Revival".

¹²² With this respect several court cases were held (e.g. Chigarov and Others v Armenia in the ECHR in 2015).

¹²³ Here are listed the basic responsibilities of the Ministry of Foreign Affairs.

settlement». That cannot be realized unless Azerbaijan recognizes legal personality of the new state and consents on its presence during the negotiations. During the annual press conference in 2015 the NKR Foreign Minister, Karen Mirzoyan, stated that international recognition and peaceful settlement of the conflict will remain foreign policy priorities for the year 2016 (NKR MFA 2015d).¹²⁴ This implies the principal goal of NKR's diplomacy of preventing another war in the NKR (Barsegyan 2009).

When we talk about **diplomatic tools**, we need to begin with the list of subnational entities¹²⁵ that has *de jure* recognized the NKR. Among them are six U.S. States: Rhode Island (17 May 2012), Massachusetts (6 August 2012), Maine (10 April 2013), Louisiana (30 May 2013), California (8 May 2014), Georgia (3 March 2016), Hawaii (29 March, 2016) (PanArmenian 2013; PanArmenian 2014; PanArmenian 2016; Ghazaryan 2016); an Australian State of New South Wales (24 October 2012) (PanArmenian 2014); Spain's subnational entity, Basque Parliament, recognized it by adopting the Motion about the Right to Self-Determination of Nagorno-Karabakh Republic on 12 September 2014 (NKR MFA 2014a) and launched bilateral relations with the NKR (Ghazaryan 2016). Besides, the NKR has been officially recognized by the *de facto* Republics of Abkhazia, South Ossetia and Transnistria.

Despite non-recognition the NKR manages to create and develop *de facto* bilateral relations with some states and subnational entities. Thus, the NKR has opened permanent representations in Yerevan (Armenia), Moscow (Russian Federation), Washington (USA), Sydney (Australia), Paris (France), Berlin (Germany), and a joint permanent representation for the Middle East countries in Beirut (Lebanon) (NKR MFA 2016d). The bilateral relations and manifold cooperation with the Republic of Armenia, which still abstains from *de jure* recognition, are paramount for Nagorno-Karabakh. For example, the NKR MFA collaborates closely with the Armenian Ministry of Foreign Affairs and Ministry of Diaspora (Beglaryan 2013). One of the diplomatic tools of foreign policy of high importance for the NKR is parliamentary diplomacy. It comes through establishment of parliamentary friendship groups for bilateral relations¹²⁶ and reciprocal visits by parliamentary delegations¹²⁷ and aims to show

¹²⁴ Those priorities has become constants repeatedly declared from year to year, e.g. in 2013 both Karen Mirzoyan and Bako Sahakyan (President of the NKR since 2007) were putting emphasis on the permanence of those foreign policy goals (Beglaryan 2013).

¹²⁵ The NKR has not been recognized by any UN member-state (ECHR 2015a; ECHR 2015b).

¹²⁶ For example, the bilateral friendship group of the Seimas (Parliament) of Lithuania and the Parliament of the NKR on February 26 of 2013 established on 26 February 2013 and the France-Artsakh Circle of Friendship created on 19 March 2013 (NKR MFA 2013a, 2013b; Hovhannisian 2015).

¹²⁷ In 2013 Parliamentary delegation of Uruguay payed visit to Stepanakert (Beglaryan 2013). On 17 September 2014, Karen Mirzoyan met with the member of the Spanish Parliament, the head of the leading Basque

the real situation in the Republic and help eliminate hypocrisy and double standards (Beglaryan 2013). Another diplomatic tool used by Artsakh's diplomacy is establishment of 'intercity partnership' by gaining sister (or twin) cities from all over the world.¹²⁸ Besides, the NKR actively cooperates with monitoring missions of the peacekeeping institutions,¹²⁹ with NGOs (the International Committee of Red Cross)¹³⁰ and states¹³¹ for humanitarian aid, and is also a member of the Community for Democracy and Rights of Nations (organization for states with limited recognition, that includes also Transnistria, South Ossetia and Abkhazia).

As to **cultural** and **ideological tools of foreign policy**, President of Artsakh Bako Sahakyan marks significance of information and publicity activities aiming to spread real multidimensional information about the Republic's activities and set a limit to false propaganda played up by Azerbaijan (Beglaryan 2013). With this ends on 17 July 2015 consultations between the Information and Public Relations Department of the NKR MFA and the Press, Information and Public Relations Department of the MFA of the Republic of Armenia took place in Stepanakert, aiming to strengthen and coordinate the cooperation (Aysor 2015). What is more, expansion of cooperation and friendly relations between Artsakh and foreign states is being realized via organization of and participation in intercultural

Nationalist Party and its foreign affairs coordinator (NKR MFA 2014). On 1 May 2015, the NKR Minister of Foreign Affairs received members of the German Left Party and former German Ambassador to Armenia (NKR MFA 2015) On December 2015 the NKR parliamentarians were welcomed in the Australian Parliament (Asbarez 2015). In July 2015 NKR President, Bako Sahakyan addressed a speech to the British Parliament presenting the processes of statecraft, conflict management, and social-economic development in the NKR (Beglaryan 2016). Later that year the NKR was visited by representatives of French Socialist Party and parliamentarians from the Kingdom of Belgium (Brussel Parliament of Francophonie) (Ibid.).

¹²⁸ Declarations of Friendship were signed between Stepanakert (NKR) and Franco da Rocha (Brazil) (NKR MFA 2016a), Stepanakert and Montebello (USA) (Novostnik 2010), Stepanakert and Donostia¹²⁸ (Basque Country, Spain) (NKR MFA 2014b), Berdzor (NKR) and Highland (USA), Hadrut (NKR) and Vienne (France), Hadrut (NKR) and Burbank (USA), Sushi (NKR) and Bourg-lès-Valence (France), Askeran (NKR) and Bouc-Bel-Air (France), Karvachar (NKR) and Pico Rivera (USA) (Hovhannisian 2015).

¹²⁹ For instance, the Artsakh's MFA and President in person regularly receive the Personal Representative of OSCE Chairman-In-Office to discuss monitoring issues and situation on the Line of Contact. The last time Karen Mirzoyan received Ambassador Andrzej Kasprzyk on 1 March 2016 (NKR MFA 2016c), while Bako Sahakyan received him on 14 March 2016 (President of the Artsakh Republic 2016a). Moreover, the NKR head of diplomacy met the EU Special Representative for the South Caucasus and the crisis in Georgia, Herbert Salber, on 4 November 2015 in Yerevan (NKR MFA 2015c).

¹³⁰ On 29 February 2016 the NKR Foreign Minister received the Head of the ICRC Mission in Nagorno-Karabakh (NKR MFA 2016) and the ICRC Regional Director for Europe and Central Asia on 19 October 2015 (NKR MFA 2015a), who announced the Committee's readiness to act as a 'neutral intermediary between the parties' in the light of the early April 2016 events (ICRC 2016).

¹³¹ The USA is the only state to send direct governmental aid for Karabakh since 1998. In 2006 fiscal year the American aid to the NKR accounted for 3 million dollars, in both 2007 and 2008 – 5 million dollars (Ayrumyan 2009), while in 2009 the U.S. Congress granted 8 million dollars for the NKR aid program (NKR MFA 2015d). »The U.S. money is administered by its Agency for International Development (USAID), which has distributed it to such NGOs as the Fund for Armenian Relief, Save the Children, and the International Committee of the Red Cross« (International Crisis Group 2005, 13).

festivals.¹³² Cooperation in education and science is realized through partnership between Artsakh's and foreign universities,¹³³ meetings with foreign students and researchers,¹³⁴ and addresses of the NKR officials in foreign universities.¹³⁵ Referring to sport, the NKR's athletes participate in world championships of specific sports, like single combat sports¹³⁶ or football, under respective Karabakh's national federations. The NKR is a member of Confederation of Independent Football Associations that operates outside FIFA (CONIFA 2016). Another way to spread awareness and familiarity with Karabakh's culture and internal situation is through tourism. Several web pages with tourist information can be found on the internet.¹³⁷ The NKR participates international tourism exhibitions,¹³⁸ festivals and forums, orders articles in European mass media and works with foreign tours operators (Asbarez 2016). Tourists are free to visit Karabakh (some of them need to get visas from the NKR Permanent Mission to the Republic of Armenia) (NKR MFA 2016e), yet they ought to bear in mind that they may be blacklisted by Azerbaijan afterwards (Hurriyet Daily News 2013). Together with strengthening the profile and national brand of Artsakh, tourism also improves social and environmental well-being of its people by being an important income item for the NKR's economy (Destination Artsakh 2016).¹³⁹ Finally, the NKR keeps in touch with the

¹³² On September 17–19 2015, a festival named "French Days in Artsakh" visited by 200 French guests from the NKR's twin cities was held in Stepanakert (NKR MFA 2015d). The NKR pavilion was presented on Denver Festival held on 4 October 2015 (NKR MFA 2015b). On November 12–15 2015, the festival "Days of Artsakh" was held in Moscow (Beglaryan 2015).

¹³³ Artsakh State University has contractual relations with Armenian (Yerevan State University, Armenian State Pedagogical Institute, Vanadzor Pedagogical Institute, Yerevan State Medical University, and Engineering University of Armenia), Russian (Moscow State University, University of Nizhny Novgorod), Slovak (University of Central Europe) (UCEU 2016), and Belgian (Catholic University of Leuven (Asbarez 2014). Furthermore, the Pridnestrovian, the Abkhazian, the South Ossetian and the Artsakh State Universities signed an agreement establishing the Association of Commonwealth Universities of unrecognized countries (Artsakh State University 2016) for academia exchange.

¹³⁴ In October 2015, Artsakh's Foreign Minister met with the students of the Diplomatic school of Armenia (Armenia Online 2015). In February 2015, students of Tomsk University (Russia) visited Artsakh State University (Azat Artsakh 2015). In June 2015 NKR Head of Diplomacy received European political experts and researchers, visited Artsakh within the framework of the initiative of the Caucasus Institute think tank (Noyan Tapan 2015).

¹³⁵ In 2015 President of the NKR Bako Sahakyan delivered a speech in the Royal Institute of international Affairs in London, where were organized hearings on topic »Nagorno Karabakh. Internal development and regional challenges« (Beglaryan 2016).

¹³⁶ For example, Artur Arushanyan from Stepanakert representing the NKR won the world championships of Kyokushin karate held in Romania and Khabarovsk (Russia) in 2015 (Regnum 2015; Beglaryan 2016).

¹³⁷ The most comprehensive of them are Karabakh.travel and DestinationArtsakh.com.

¹³⁸ "At the March 2009 international tourism exhibition in Berlin, the Nagorno Karabakh Republic was introduced in a separate exhibition hall, attracting greatly the attendees' attention" (NKR MFA 2009).

¹³⁹ In 2015, tourism made out 1.5 percent of GDP of Artsakh (Destination Artsakh 2016).

worldwide Armenian Diaspora in order to influence local Armenian lobbies to contribute into the Republic's international recognition.¹⁴⁰

Military or coercive instruments of foreign policy are merely present in the NKR. Since 1994, the Defense Army of Nagorno-Karabakh Republic have been used only in case of escalations of tension on the border with defense ends (NKR Ministry of Defense 2016). Meanwhile several military exercises have been carried out in Karabakh, including the February 2016 (Artsakh Press 2016) one and the joint Armenian-NKR military exercises the 'Union-2014'¹⁴¹ launched on 6 November 2014 (Ministry of Defence of the Republic of Armenia 2014). During the unprecedented conflict escalation of April 2016 caused by Azerbaijani offensive action on the NKR-Azerbaijani borders (NKR MFA 2016b), President of Armenia Serzh Sargsyan ordered to prepare a draft military cooperation agreement with the NKR (RBC 2016) and claimed to recognize the *de facto* state in case the clashes turn into a large-scale war (Badalyan 2016). This shows Armenia's readiness to provide the NKR with military assistance if needed.

Economic diplomacy has been one of the priority tools of the NKR foreign policy implementation (Beglaryan 2013). The major economic partner of Artsakh is Armenia (with 93.9 percent of all imports and 91.8 percent of all exports in 2014), other CIS states to influence NKR's external economic activities are Russia (0.5 percent of imports, 3.2 percent of exports) and Belarus (0.1 percent of imports, 0.3 percent of exports)). The rest of trade partners are the UK (2.6 percent of imports and 7.5 percent of exports), Iran (1.3 percent of imports, 0.6 percent of exports), Italy (0.2 percent of imports, 0.1 percent of exports), etc. From the year 2008 to 2014, the NKR's balance of payments was negative with imports overbalancing exports (Statistical Yearbook of Nagorno-Karabakh Republic, 2008–2014 2014, 287–304). In 2015, Armenia provided Karabakh with 20.1 million USD loans under 8.5 per annum (Armenia News 2015). Private investors¹⁴² and charity organizations¹⁴³ have also greatly contributed to the development of the NKR's economy. Ultimately, the »Bridge

¹⁴⁰ E.g. in 2015 the NKR Foreign Minister Took Part in the Congress of the Union of Armenians of Russia (Aravot 2015a). Besides, in December 2015 the NKR delegation visited the Armenian National Committee of America and the Armenian Assembly of America (Aravot 2015b)

¹⁴¹ »Within the framework of the program information exchange and co-ordination, the military exercises were also attended by various subdivisions of the Armenian Armed Forces. The "Unity 2014" military exercises involve 17000 servicemen of the Armenian Army, 550 artillery weapons, 250 armoured vehicles , 150 units of anti-aircraft warfare, 300 units of anti-tank warfare, 100 units of special equipment and more than 1200 cars« (Ministry of Defence of the Republic of Armenia 2016).

¹⁴² Armenian philanthropists like Levon Hayrapetyan, who invested in Nagorno-Karabakh's tourism development, military college construction and infrastructure (Massis Post 2014), and Ruben Vardanyan, who invests himself and collects donors for the construction of an 'Eco-village' in Askeran region (IDeA Foundation 2014), play a significant role in revival of post-war Artsakh.

¹⁴³ E.g. »Tufenkian Foundation« (Ayrumyan 2009).

Artsakh« economic forum was founded to heighten interest in Nagorno-Karabakh's economy, i.e. to attract more investment and business projects. In 2009, it brought together more than 300 participants - NKR and Armenian officials and entrepreneurs, as well as representatives of other counties (Grigoryan 2009).

Table 4.1: Elements of statehood and foreign policy of the Nagorno-Karabakh Republic

Population	Territory	Effective government	Capacity to enter into relations with other states	
			Internal system	Foreign policy instruments
137,737 permanent residents; Monoethnic; Two passports (NKR and RA) - one citizenship (NKR).	11,430 sq. km; Area of the NKAO and 7 adjunct districts of former AzSSR; Common border with Armenia; Joint Armenian-Karabakhi military control over the territory; Landlocked.	No control by Azerbaijan; All fundamental governmental bodies are present; Partly free state: slightly restricted civil and political rights and freedoms; High level of integration with Armenia in all spheres; Transparent legitimate elections; Limited use of its own currency, reliance on AMD and other currencies; Law issue: rights of IDPs.	FP official actors: President, Ministry of Foreign Affairs, other Government bodies, Parliament; Goals: international recognition, peaceful conflict settlement.	Recognized by foreign subnational entities and <i>de facto</i> states (unrecognized); Permanent Representations in states and subnational entities (both recognizing and not recognizing NKR); Diplomatic and consular relations with the recognizing subjects executed in accordance with commonly accepted protocol; ¹⁴⁴ Parliamentary diplomacy; Intercity partnership; Cooperation with monitoring, peacekeeping and humanitarian IOs and foreign national organizations/projects; Membership in the CIS-2; Public diplomacy; Active promotion of tourism; Interuniversity partnership; Collaboration with foreign mass media; International festivals, forums, conferences; Participation at specific international sports tournament; Contacts with Diaspora; Joint NKR-RA military exercises; Military cooperation with RA; Pursuance of Armenian loans, foreign private investments and charity donations for new projects; Crucial trade partnership with Armenia; Trade with other states of Near and Far Abroad (negative balance of trade).

¹⁴⁴ These protocols refer to the norms listed in the Vienna Convention on Diplomatic Relations (adopted on 18 April 1961 and in force since 24 April 1964) and the Vienna Convention on Consular Relations (adopted on 24 April 1963 and in force since 19 March 1967), to which all four regarded *de facto* states are not parties.

4.2 The Republic of Abkhazia

4.2.1 Statehood

On 23 July 1992 Abkhaz people adopted the text of the 1925 Constitution declaring independence of Abkhazia. On 26 November 1994 the new Constitution of the Republic of Abkhazia (Apsny) was adopted by the state's Supreme Council. On 12 October 1999, following the referendum of 3 October 1999 where 97.7 percent of voters approved the 1994 Constitution, the Declaration of Independence was adopted in Sukhum by the People's Assembly of the Republic of Abkhazia. This reaffirmed people's intention to build a sovereign, democratic state, a subject of international law (Act of State Independence of the Republic of Abkhazia 1999).

In 2011, total population of the Republic of Abkhazia numbered 240,705 residents (with 122,069 Abkhaz, 43,166 Georgian, 41,864 Armenian, 22,077 Russian, 3,201 Megrel and 1,380 Greek) (Apsny Press 2011).¹⁴⁵ A numerous Circassian-Abkhazian diaspora is concentrated in the North Caucasian (RF) cities of Nalchik, Maykop and Cherkessk (Zhemukhov 2012). Since the year 2002, many Abkhaz have undergone Russian 'passportization'¹⁴⁶, making the former Georgian region a *de facto* subject of Russia (Khashig 2002). Abkhaz passportization began in 2005 (Geopolitics 2014). Given that Abkhaz travel documents are not internationally recognized¹⁴⁷ and Abkhaz Legislature has provided dual citizenship with the Russian Federation (OSCE 2013), about 90 percent of the citizens of Abkhazia hold Russian passports for travelling purpose and for getting relatively higher Russian pension payments (Freedom House 2015b). Currently both Russian and Abkhazian passports are valid in Abkhazia.

The country has total area of 87,000 square kilometers¹⁴⁸ comprising of eight regions: Gagra, Gudauta, Sukhum, Gulripsh, Ochamchira, Tkvarchal, Gal districts and the capital city of Sukhum (President of the Republic of Abkhazia 2016). It borders on north with the Russian Federation and with Georgia of southeast, and has a gate to the Black sea with three ports in the west.

So, does Abkhazia execute exclusive authority over its population and territory? As noted in the Freedom House report on Abkhazia of 2015, »the ability of elected authorities to set

¹⁴⁵ Can be compared with Vanuatu population with total 258 883 residents (World Bank 2016).

¹⁴⁶ As of 25 June 2002, about 200,000 people held Russian documents in Abkhazia, making up 70 percent of total population (Khashig 2002).

¹⁴⁷ With Abkhazia's passports they can only travel to the countries that have recognized its independence.

¹⁴⁸ Can be compared with the Puerto Rico's land area of 8,870 square kilometers (World Bank 2016).

and implement policies is limited by the influence of Moscow« (Freedom House 2015b). Moscow enjoys a palpable economic influence on Abkhazia, not only due to the pensions it provides, but also thanks to direct budgetary support, additional funds for aid projects and civilian infrastructure (Ibid.). Abkhazia, instead of its national currency Apsar (equal to 10 RUB (Arrivo 2016)), uses Russian rouble as its national currency (President of the Republic of Abkhazia 2016). Most significantly, its judicial code is drawn up on the basis on the Russian one and has its military facilities financed by Moscow (Freedom House 2015b).¹⁴⁹ Finally, the presence of Russian border guards, who have closed the administrative line between Abkhazia and Georgia, hampers the tourist access to Abkhazia.

Secondly, »maintenance of law and order, and the establishment of fundamental institutions«. Abkhazia is a presidential republic with President as a head of state. Each of the three branches of state power (executive, legislative and judicial) is represented by autonomous bodies. Executive institutions are represented by the Government led by the President, who must be of Abkhaz nationality and is elected for five years, and Cabinet of Ministers accountable to the head of state (Constitution of the Republic of Abkhazia 1994, Chapter 4). The incumbent president of Abkhazia is Raul D. Khadjimba. The legislative branch is represented by the People's Assembly (i.e. Parliament) comprising of 35 members (Constitution of the Republic of Abkhazia 1994, Chapter 3). Finally, the judicial power in Abkhazia is effectuated by the Constitutional Court, the Civil Court, the Criminal Court, and the Administrative Court (Constitution of the Republic of Abkhazia 1994, Chapter 5). In 2015 the Scores Report of the Freedom House has given 4.5 score for freedom, 5 score for civil liberties, and 4 for political rights in Abkhazia (where 1 is the best and 7 is the worst) defining it as a 'partly free' state (2015b). The last Parliamentary elections took place in 2012, while the last presidential elections were held in August 2014 after the resignation of the previous President, Aleksandr Ankvab. During the snap elections of 2014 20,000 Gali Georgians were disenfranchised due to a claim that they held illegal Abkhaz passports (Freedom House 2015b). During the last few years, the lack of political freedom in Abkhazia was expressed via protests against incumbent government organized by the opposition,¹⁵⁰ NGOs and civil

¹⁴⁹ »Since 2008, Moscow has spent at least \$465 million to build or rehabilitate military infrastructure in Abkhazia, including the largest military airfield in the South Caucasus and a strategic naval base close to Tbilisi. According to Russian officials, roughly 5,000 Russian military and other security personnel remain stationed in Abkhazia« (Freedom House 2015b).

¹⁵⁰ »Abkhazian National Unity Forum«, »United Abkhazia«, »Party for Economic Development« и »People's Party of Abkhazia« (Petrossyan 2015).

society groups¹⁵¹ forcing the ex-head of state to step down from presidency. Majority of local media are controlled by the government, however there exist some independent papers (Ibid.). The issues of human rights are generally related to Georgians from Gali district, who suffer undefined legal status, poverty and are restricted to attend Sukhumi State University without Abkhaz passport. Additionally, despite the NGOs contribution into the improvement of gender equality, Abkhaz women still feel underrepresented in government positions (Ibid.).

4.2.2 Foreign policy

As stipulated by the Act of State Independence of the Republic of Abkhazia, »the Republic of Abkhazia intends to build up its relations with other States on the basis of equality, peace, good-neighbourly relations, respect for territorial integrity and sovereignty, non-interference in internal affairs, and other universally recognized principles of political, economic and cultural cooperation between States« (1999). It also urged the UN, OSCE and the whole international community to recognize Abkhazia as state created »on the basis of the right of nations to free self-determination« (Ibid.). Thus, the general goals, with priority of international recognition, and values of Abkhazia's foreign policy were defined back then in 1999. The Ministry of Foreign Affairs of the Republic of Abkhazia (or Apsny) headed by Viacheslav Chirikba consists of four departments authorised to deal with external relations with defined regions: (1) the Department of Russian Federation, Republic of South Ossetia, CIS Countries, PMR and Georgia, (2) the Department of Turkey and Middle East, (3) the Department of Latin America, Asia, Africa and Asia-Pacific Region, and (4) the Department of Europe, USA and Canada (MFA of Apsny 2016). This division on departments reveals regional interests of Abkhazian foreign policy. The major vectors of Abkhazia's foreign policy, as formulated by the President in 2013, have been enhancement of strategic partnership with Russia and promotion of wider international recognition of the republic. In addition to this, the MFA of Abkhazia has been dealing with security maintenance, reinforcement of sovereignty and territorial integrity, informational promotion of Abkhazia's interests and creation of favourable conditions for economic and social development of the state (MFA of Apsny 2014). After gaining partial recognition, Europe, the Circassian-Abkhazian diaspora, and Russia became the three main dimensions of Abkhazia's new foreign policy, where Russian direction stays a priority. The last two dimensions are interconnected since the main Circassian-Abkhazian diaspora is situated in Russian North Caucasus region, and the principal goal in this dimension is to reinforce the Circassian-Abkhazian friendship

¹⁵¹ Social movements like »Akhatsa«, »Aruaa« и »Abaash«, the general civil union »For legality, stability and democracy« and the patriotic movement »Molodaya Abkhazia« (Petrossyan 2015).

and their lobby in Russia (Zhemukhov 2012). As to the Deputy Foreign Minister of Abkhazia, Irakli Khintba, the Abkhazian foreign policy priorities has not altered much since the declaration of independence, therefore, a wider international recognition, multi-vector relations, settlement of conflict with Georgia, enhancement of security and strategic relations with Russia remain its principal goals (Ekho Kavkaza 2012). Another goal is de-isolation from the West, in particular, from the EU, and the U.S. who still refer to both Abkhazia and South Ossetia as Georgia's "occupied territories".¹⁵² Yet, it must be marked that this isolation does not obstruct informal bilateral relations with the EU thanks to its special strategy of 'non-recognition and engagement' (Khintba 2011).

Abkhazia implements **diplomatic tools** of foreign policy in the relations with the states that have recognized its independence. The Republic of Abkhazia was recognized by six UN member-states - the Russian Federation (26 August 2008), Nicaragua (5 September 2008), Venezuela (10 September 2009) and Nauru (15 December 2009), Vanuatu (23 May 2011) and Tuvalu (18 September 2011) (MFA Apsny 2016) - and by the *de facto* republics of Nagorno-Karabakh, Transnistria, and South Ossetia on 17 November 2006 (Geopolitics 2014). With these states Abkhazia maintains formal diplomatic relations. As noted on the official website of the MFA of Abkhazia, it has Diplomatic Missions in Tskhinval (South Ossetia), an embassy in Caracas (Venezuela), an embassy in Moscow (Russia), honorary consulates in Nizhny Novgorod Region (Russia), Beijing (China), London (United Kingdom), and in the Republic of San Marino. What is more, it has Plenipotentiary Representatives to different states including Bulgaria and the Balkans, Germany, Turkey, Syria, Greece, Italy, Tunisia, Austria, Hashemite Kingdom of Jordan, and Transnistria (2016). The visa-free policy is effectuated towards citizens of some states,¹⁵³ thereat citizens of the Russian Federation, Nicaragua, Tuvalu, Transnistria and South Ossetia require visas in case they stay in Abkhazia for more than 90 days. Other foreign citizens must have multiple Russian or double entry visa to enter Abkhazia (MFA Apsny 2016). Apart from bilateral agreements signed with recognized actors of world politics,¹⁵⁴ Abkhazian Parliament has also ratified treaties

¹⁵² Declaration by HR Ashton on behalf of the EU on the Georgian strategy on Abkhazia and South Ossetia, 7381/1/10 REV 1 (Presse 59) P 9, adopted by the Council of the European Union in Brussels on 11 March 2010 (Council of the European Union 2010); Remarks at the U.S.-Georgia Charter on Strategic Partnership Omnibus Meeting, made by Hillary Rodham Clinton Secretary of State and Georgian Prime Minister Nikoloz Gilauri at Loy Henderson Auditorium, Washington, DC on 6 October 2010 (U.S. Department of State 2010).

¹⁵³ Azerbaijan, Armenia, Belorussia, Vanuatu, Venezuela, Kazakhstan, Kirgizstan, Moldova, Nauru, Nicaragua, Pridnestrovian Moldavian Republic, Russian Federation, Tajikistan, Turkmenistan, Ukraine, Uzbekistan, and South Ossetia (MFA Apsny 2016).

¹⁵⁴ E.g. with Russia (Treaty on friendship, cooperation and mutual assistance signed on 17 September 2008; Memorandum on cooperation in international relations by the MFA of Abkhazia and the MFA of the Russian Federation signed on 23 December 2008; Treaty on alliance and strategic partnership signed on 24 November

concluded with unrecognized states,¹⁵⁵ creating in 2001 the Commonwealth of Unrecognized States (Commonwealth of Independent States - 2) (Nußberger 2013) or Community for Democracy and Rights of Nations on 14 June 2006 in collaboration with South Ossetia and Transnistria (Montgomery 2007), which implied not only economic and political cooperation between republics, but also establishment of collective peacekeeping forces, that could substitute Russian peacekeepers (Geopolitics 2014). There were Summits for recognition of the statehood of the three *de facto* republics held within the framework of the Community for Democracy and Rights of Nations in June 2006, October 2007, and November 2007 in Berlin with participation of the NKR (Radio Free Europe/Radio Liberty 2007). Abkhazia is also a participant at the Geneva discussions on Stability and Security in South Caucasus (MFA of Apsny 2013),¹⁵⁶ where it represents its view on current situation on the Georgian-Abkhazian border, on humanitarian issues in the region, and prospects for further collaboration within the Geneva format (MFA of Apsny 2014). In addition to this, Sukhum recently hosted the first tripartite Abkhaz-Russian-Turkish meeting in the State Committee for Repatriation (MFA of Apsny 2016c). Abkhazia has shown its ability to execute and obtain positive results of parliamentary diplomacy, maintaining relations with Parliaments of both the UN member-states¹⁵⁷ and the unrecognized *de facto* states.¹⁵⁸ Finally, Foreign Minister of Abkhazia observes diplomatic ceremonial through paying and hosting official visits,¹⁵⁹ by expressing

2014; Memorandum between the MFA of the Russian Federation and the MFA of the Republic of Abkhazia on the implementation of the mechanism of coordinated foreign policy signed on 11 March 2015 in Moscow, Russian federative subjects (Memorandum on intents of development of trade and economic, scientific and technological, and cultural cooperation between the Government of Abkhazia and the Government of the Udmurtian Republic of the Russian Federation signed in Izhevsk on 7 May 2015), and Nicaragua (Agreement on mutual visa-free travel signed by the Government of the Republic of Abkhazia and the government of the Republic of Nicaragua in Managua on 20 July 2010) (People's Assembly - Parliament of the Republic of Abkhazia 2016; President of Republic of Abkhazia 2016).

¹⁵⁵ Treaty on friendship and cooperation with South Ossetia signed in Tskhinval on 19 September 2005 and ratified on 15 February 2006 by the People's Assembly of Abkhazia; Another Treaty on bilateral cooperation was signed on 10 April 2016 (Sputnik 2016). Treaties on friendship and cooperation between the Pridnestrovian Moldavian Republic and the Republic of Abkhazia, one signed on 22 January 1993, another on 12 October 1994 in Tskhinval (People's Assembly - Parliament of the Republic of Abkhazia 2016; President of Republic of Abkhazia 2016; PMR MFA 2016). On 10 April 2016 Abkhazian Parliament signed Memorandum on cooperation with legislative bodies of unrecognized Donetsk and Lugansk republics (Sputnik 2016).

¹⁵⁶ The Geneva discussions are preceded by consultations with the Co-Chairs held in Sukhum (MFA of Apsny 2014).

¹⁵⁷ E.g. with Russian (The Council of Federation 2015; International Affairs 2014) and Turkish MPs in June 2014 (Kapanadze 2014, 58).

¹⁵⁸ E.g. meeting with delegates from the NKR (Avetisyan 2015); Treaties on cooperation signed between Parliaments of Abkhazia, South Ossetia and Transnistria in Moscow on 4 July 2006 (Regnum 2006).

¹⁵⁹ Visit of Abkhazian Foreign Minister V. Chirikba to Russia in 2012; visit of Ambassador of Venezuela Hugo José García Hernández to Abkhazia on 21 August 2012; meeting with Ambassador of the Czech Republic to Georgia Ivan Jestrab on 18 June 2012; meeting with a delegation of the U.S. Embassy in Georgia on 21 June 2012 (MFA of Apsny 2012; 2012a; 2012b; 2012c).

(and receiving) condolences¹⁶⁰ and congratulations,¹⁶¹ via diplomatic notes or phone conversations with the foreign homologs.¹⁶² Apart from interstate relations, Abkhazia also maintains official relations with International organizations, for example with the ICRC¹⁶³ and the UNPO,¹⁶⁴ with public humanitarian organizations.¹⁶⁵ Another diplomatic tool is establishment of intercity partnership with foreign cities.¹⁶⁶ Besides formal relations with states, Abkhazia carries out informal ("in private regime") dialogues and interactions with international actors (MFA of Apsny 2014). These informal mechanisms of foreign policy are of special importance for unrecognized (partly recognized) states like Abkhazia (Frear 2014).

Abkhazia does not stay aloof when it comes to **cultural and ideological diplomacy**. It was ranked 91st among 210 other states in the international 'cyber-diplomacy' rating, which assessed the country »according to the use of the Internet and social networking by the Ministries of Foreign Affairs to address diplomatic tasks« (MFA of Apsny 2016b). Information policy is essential for Abkhazia to break through into the international community, create a positive image of the state in the international relations, and enlighten internal and international society about the Abkhazian foreign policy (MFA of Apsny 2014). One of the tools of informational diplomacy is the public diplomacy which is »means of influencing public opinion at home and abroad/.../« (Krasniqi 2014, 209). With these ends Abkhazia occupies with promotion and perfecting of the official webpage of the Ministry of Foreign Affairs of the Republic of Abkhazia, which is currently available in nine languages and is visited by a wide audience.¹⁶⁷ The state bodies, including MFA on Abkhazian, Turkish (since 23 January 2013) and Arabic (since 5 June 2013), are also officially represented in social networks like Facebook, Twitter, Google+, Youtube, Flickr and V Kontakte. The Department of Information of the Abkhazian MFA has also launched sources for Arabic

¹⁶⁰ Condolence note sent to the MFA of Ecuador due to numerous victims and destruction caused by an earthquake on the northwest coast of the state (MFA of Apsny 2016a).

¹⁶¹ Congratulations expressed by the Abkhazian MFA to the Extraordinary and Plenipotentiary Ambassador of South Ossetia Oleg Bocijev on the occasion of his birthday on 26 March 2014 (MFA of Apsny 2014).

¹⁶² On 6 April 2016, a telephone conversation between Foreign Minister of the Nagorno-Karabakh Republic Karen Mirzoyan and Foreign Minister of the Republic of Abkhazia Vyacheslav Chirikba took place on the initiative of the latter. »The sides discussed the situation created as a result of large-scale military actions unleashed by Azerbaijan against the NKR in the early hours of April 2. Vyacheslav Chirikba asked to convey his condolences to the families of those killed in hostilities and voiced the support of the people and authorities of Abkhazia to Artsakh« (NKR MFA 2016f).

¹⁶³ The Abkhazian MFA officials regularly meet with the head of the ICRC Mission in Abkhazia George Drndarski on 30 May 2014 (MFA of Apsny 2014b).

¹⁶⁴ Abkhazia is a member of the Unrepresented Nations and Peoples Organization (UNPO 2016).

¹⁶⁵ The MFA has received the USAID representative on 21 June 2012 (MFA of Apsny 2012c).

¹⁶⁶ The sister cities of Sukhum are, for instance, Kilmarnock (Scotland), Volgograd, Tambov and others (Russia), Tiraspol (PMR) (Sputnik Abkhazia 2016), Stepanakert (NKR), and San Antioco (Italy) (MFA of Apsny 2014c).

¹⁶⁷ The growth of visits in 2013 in comparison with the year 2012 was 209 percent, with 19,487 visits in 2012 and 40,662 in 2013 (MFA of Apsny 2014).

speakers («Marhaba Abkhazia») and Turkish speakers («Altinpost»), which include information on history, politics, culture, economy and news of Abkhazia. Among cultural instruments of foreign policy can be mentioned the web page of Abkhaz State Television and Radio Company available online on Russian, Abkhazian and Turkish (APSUA 2016), the official webpage for tourists (Tourist Site of Abkhazia Republic 2016), the initiative of including Abkhaz language in the curricula of foreign public educational institutions.¹⁶⁸ Besides, Abkhazia officially cooperates with Russia in sphere of media and information policy (Ministry of Telecom and Mass Communications of the Russian Federation 2015). Another tools of Abkhazia cultural diplomacy are joint celebrations of the historical dates with delegations of diplomatic missions to Sukhumi and foreign guests,¹⁶⁹ promotion of Abkhazian culture abroad by organization of exhibitions,¹⁷⁰ participation in international cultural festivals,¹⁷¹ and interuniversity partnership.¹⁷² In addition to this, despite efforts of Georgian officials to prevent independent representation of Abkhazia in foreign sports tournaments (Sputnik Abkhazia 2015a), Abkhazian athletes have managed to participate at some national (Abkhazian State Committee on Physical Culture and Sports 2016) and world championships (Apsny Press 2016). Eventually, the relations between different national religious communities are also a matter of foreign ideological and cultural policy of Abkhazia. The Abkhaz Orthodox Church is striving for restoration of autocephaly, in other words aspires gaining recognition of its independence from Georgian Orthodox Church. In this issue it relies on the support of the Russian and Constantinople Orthodox Churches (Orthodoxy Cognate PAGE 2013). Even though Russian Orthodox Church has so far been *de facto* controlling and assisting the AOC (Freedom House 2015b), it does not want to harm its relations with Constantinople or GOS with an official recognition of Abkhaz Orthodox Church (Orthodoxy Cognate PAGE 2013).

¹⁶⁸ Abkhazian language has been already included in the curriculum of one of the public schools in Turkey (Abkhaz World 2014), and will possibly become an optional discipline in the Turkish public universities (Apsny Press 2012).

¹⁶⁹ The Great Patriotic War Victory Day is annually celebrated by the Abkhazian officials with the Russian Embassy in Sukhum and in Moscow (Sputnik Abkhazia 2015).

¹⁷⁰ The Abkhaz diaspora of Russia organized an exhibition of Abkhaz Artists in December 2015 in Moscow (Abkhaz Moscow 2015a).

¹⁷¹ Abkhazia took part in V Moscow Festival of Culture of the Caucasian People in November 2015 (Abkhaz Moscow 2015).

¹⁷² Sokhumi State University has numerous partner-universities (namely, in Armenia, Azerbaijan, Turkey, Greece, Italy, Spain, Portugal, Poland, Latvia, Lithuania, Moldova, Romania, Belarus, Ukraine, Iran, France, Germany, Austria, the Netherlands) and is a part of the IANUS II - Inter-Academic Network Erasmus Mundus II, however the agreements are officially concluded on behalf of Autonomous Republic of Abkhazia, subject to Georgia (Sokhumi State University 2016).

The **military or coercive means** of foreign policy are merely used by Abkhazia. Russia plays a significant role in overall Abkhazian military capacities, since it has dislocated its 7th military base in Gudauta city (the Kodori valley) on the territory of Abkhazia, has given security and sovereignty guarantees, such as oppression of aggression exposed against one of the parties by the given unit, for 49 years (Treaty between the Russian Federation and the Republic of Abkhazia on joint Russian military base on the territory of the Republic of Abkhazia 2010, Art. 1.1, Art. 4.3),¹⁷³ and has agreed on military technical cooperation with Abkhazia (Treaty between the Government of the Russian Federation and the Government of the Republic of Abkhazia on Military Technical Cooperation 2010).¹⁷⁴ So, any coercion towards the third party are agreed to be executed in coordination with Russian Ministry of Defence. Moreover, in the last Treaty on alliance and strategic partnership Russia and Abkhazia¹⁷⁵ agreed to extend military cooperation (2014 Art. 6.2, 7, 8)¹⁷⁶ and pursue a coordinated foreign policy (2014, Art. 4). The signature of that treaty was condemned by the Abkhaz opposition, who deem it harmful for Abkhazian autonomy, and international community, including Georgia (Freedom House 2015b).

Two general goals pursued by Abkhazia in the sphere of **economic diplomacy** are economic rehabilitation (including recovery after the economic sanctions of 1996)¹⁷⁷ and reduction of dependence on Georgia (Francis 2011, 169). Abkhazia has more than 30 foreign trade partners (Abkhazia Apsny 2012) and had negative balance of trade with 2,921.3 million RUB export (agricultural goods, timber, coal) and 16,984.2 million RUB import transactions (alcohol, tobacco, construction materials, petroleum, automobile and domestic machines. The major trade partners in 2014 were Russia (58 percent), Turkey (14 percent), while Greece Portugal, Romania, Moldova, Estonia, Latvia, Lithuania, Brazil, Germany, Ukraine, China and others constitute 28 percent. Abkhazian goods are transported mainly to Russia (70 percent) and 20 Turkey (20 percent), while the importing partners of Abkhazia are Russia (55 percent), Turkey (12 percent), Greece (3 percent), Moldova (4 percent), Baltic (2 percent), China (1 percent), Romania (1 percent), others (22 percent) (Trade Mission of the Russian

¹⁷³ Treaty between the Russian Federation and the Republic of Abkhazia on joint Russian military base on the territory of the Republic of Abkhazia signed on 17 February 2010 in Moscow.

¹⁷⁴ Treaty between the Government of the Russian Federation and the Government of the Republic of Abkhazia on Military Technical Cooperation signed on 17 February 2010 in Moscow.

¹⁷⁵ Treaty between the Russian Federation and the Republic of Abkhazia on alliance and strategic partnership signed in Sochi on 24 November 2014.

¹⁷⁶ Amidst particular measures evoked in the document are the creation of a joint Russian-Abkhaz military force (2014, Art. 5) and increase of Russian funding to regional military efforts (2014, Art. 8.2, 10.5).

¹⁷⁷ In 1996, the Treaty on the imposition of economic sanctions against Abkhazia was signed by the Commonwealth of Independent States (UNPO 2008).

Federation to the Republic of Abkhazia 2014, 36–37). As soon as Russia recognized Abkhazia it lifted the economic sanctions imposed against Abkhazia in 1996 by the CIS (UNPO 2008). A number of fundamental treaties on economic cooperation have been signed between Abkhazia and Russia, including the Treaty on allocation of loan to Abkhazia¹⁷⁸ of 2010, the Treaty on cooperation in the sphere of banking supervision¹⁷⁹ of 2010, and the Treaty on cooperation in the sphere of informatization of 2011.¹⁸⁰ Besides, in 2013, Russia granted 3 billion RUB of financial aid and ratified an agreement with Abkhazia on a tax-free sales of Russian products (Petrossyan 2015).¹⁸¹ The custom procedures have been further facilitated for the Abkhazian involvement in business-construction affairs during preparations to the Sochi Olympic Games of 2014 by halving the taxes for construction materials (Regnum 2009). Since 1 January 2015, the custom free regime between Russia and Abkhazia has been in force (RIA Novosti 2014) on the conditions of the trade and economic cooperation agreement signed on 28 May 2012 in Moscow. Apart from this, the National Bank of Abkhazia cooperates with the Central Bank of Pridnestrovian Moldavian Republic,¹⁸² there was signed also the Agreement between the Government of the Republic of Abkhazia and the Government of the Republic of Nicaragua on trade and economic cooperation (MFA of Apsny 2016d). The Abkhaz-Turkish trade is off-the-books and mediated by Russia because is mainly transported through the Black Sea on flagless vessels, which officially arrive and depart from the Sochi seaport (Kapanadze 2014, 60). Since the balance of payment of Abkhazia is negative, it is attempted to be neutralized by the means of foreign investments,¹⁸³ tourism¹⁸⁴ and the lease of the Abkhazian shelf to Turkey for fishing industry (Abkhazia Apsny 2016).

¹⁷⁸ The Treaty between the Government of the Russian Federation and the Government of the Republic of Abkhazia on allocation of loans to the Republic of Abkhazia signed on 6 August 2010 in Sukhum, in force since 16 August 2010. According to this document, Russia allocated 700 million RUB state loans to Abkhazia in 2010 (2010, Art.1).

¹⁷⁹ The Treaty on cooperation between the Central Bank of the Russian Federation and the National Bank of the Republic of Abkhazia in the sphere of banking supervision signed on 27 December 2010.

¹⁸⁰ The Treaty on cooperation in the sphere of informatization signed in Moscow by the Central Bank of the Russian Federation and the National Bank of the Republic of Abkhazia on 21 January 2011.

¹⁸¹ The Law of the Republic of Abkhazia on ratification of the Agreement between the Government of the Republic of Abkhazia and the Government of the Russian Federation on commodity trade procedure (signed in Moscow on 28 May 2012) adopted on 10 December 2013 by the State Duma of the Russian Federation and on 23 December 2013 by the People's Assembly of the Republic of Abkhazia.

¹⁸² The Treaty on cooperation between the National Bank of the Republic of Abkhazia and the Trans-Dniester Republican Bank signed in Tiraspol on 22 January 2013.

¹⁸³ Foreign investments in Abkhazia grew from 1.5 billion RUB (\$50 million) in 2010 to 2.5 billion RUB (\$80 million) in 2012 (International Crisis Group 2013, 8). The considerable part of them are Russian investments in tourism and infrastructure development (O'Loughlin et al. 2012, 21).

¹⁸⁴ Tourism is the leading export service in Abkhazia, which has grown on 18,8 percent from the year 2013 to the year 2014 primarily thanks to the increase of tourist flow (Trade Mission of the Russian Federation to the Republic of Abkhazia 2014, 9–10).

Table 4.2: Elements of statehood and foreign policy of the Republic of Abkhazia

Population	Territory	Effective government	Capacity to enter into relations with other states	
			Internal system	Foreign policy instruments
240,705 permanent residents; Polyethnic with Abkhaz majority; Double citizenship (Abkhazian and Russian).	8,700 sq. km; Sea gate with ports; Common border with Russia; Russian guards along the Abkhazian borderline and 7 th military base in Kodori valley.	No control by Georgia; Presence of all fundamental state institutions; Partly free state; Authoritative actions limited by Russian influence; Judicial code copied from the Russian one; Direct budgetary support from RF for civilian infrastructure and salaries; Use of Russian national currency; Law issues: state owned media, underrepresentation of women in politics, disputable legal status of Gali Georgians.	<p>FP official actors: Ministry of Foreign Affairs, other Ministries, Parliament.</p> <p>Goals: enhancement of strategic partnership with Russia, wider international recognition, settlement of conflict with Georgia and multi-vector relations.</p>	<p>Recognized by UN member-states and <i>de facto</i> states (partly recognized); Representations: embassies, and Plenipotentiary Representatives (in recognizing states) and consulates (also in non recognizing states); Diplomatic and consular relations in accordance with commonly accepted norms; Coordination of foreign policy with RF; Visa-free policy with selected states; Parliamentary diplomacy; Intercity partnership; Participation in Geneva talks; Cooperation with humanitarian IOs; Membership in CIS-2 and UNPO; Public diplomacy via "cyber-diplomacy"; Inclusion of Abkhaz language in foreign curricula; Interuniversity partnership; Joint celebrations of historical milestones with foreign colleagues; International cultural festivals; Participation in national and world sports events; Relations with religious communities; Cooperation in sphere of media; Contacts with Diaspora; Abkhazia-EU relations – "non-recognition and engagement"; Military cooperation with RF and Russian security guarantees; Active promotion of tourism; Key trade partners – Russia and Turkey; Trade representation in RF; Illegal shipping and leasing of Abkhazian shelf to Turkey; Trade with other Near and Far Abroad states (negative balance of trade); Reliance on Russian loans, financial aid, custom-free sales, banking supervision, and investments.</p>

4.3 The Republic of South Ossetia

4.3.1 Statehood

The first Constitution of the Republic of South Ossetia was adopted on 1 November 1993. On 8 April 2001 it was replaced with the new one¹⁸⁵ adopted via referendum and based on the Declaration of State Sovereignty of South Ossetia of 1990¹⁸⁶ (Constitution of the Republic of South Ossetia 2001). On the referendum of 13 November 2006 the 99 percent of South Ossetian voters reaffirmed their support for independence of the republic and their aspiration of international recognition (The Guardian 2006).

According to the population census of 1989, the population of South Ossetia numbered 99,000 of people (Presidential Administration of the Republic of South Ossetia 2016). As follows from preliminary estimations of the population census organized in South Ossetia in 2015, the current population is 53,559 people,¹⁸⁷ of which 30,456 reside in the capital Tskhinval (Official information portal of the Republic of South Ossetia 2016) and no more than 2,500 are Georgians (International Crisis Group 2010, 3). Despite the fact that South Ossetia has its own citizenship (Constitution of the Republic of South Ossetia 2001, Art. 16.1), due to the constitutional provision on double citizenship (2001, Art. 16.3) and Russia's passportization policy executed since 2002 (since the election of pro-Russian president Eduard Kokoity and Russian *de facto* recognition of South Ossetia's government) the majority of South Ossetians possess Russian passports (Nußberger 2013, 20).

The territory of South Ossetia expands on 3,900 sq. km (Presidential Administration of the Republic of South Ossetia 2016)¹⁸⁸ and includes five administrative territorial entities: the capital city of Tskhinval, Dzau, Znaur, Leningor and Tskhinval districts (Constitution of the Republic of South Ossetia 2001, Art. 3.2, 3.5). While on the north it borders on the Russian Federation, namely with federative subject of the Republic of North Ossetia – Alania, the rest of the frontiers are linking South Ossetia with Georgia. South Ossetia is a landlocked country.

As to the exclusivity of authority, on the one hand, Georgia lost control over the entire territory of South Ossetia in the midst of the August war 2008 (International Crisis Group 2010, 1). On the other hand, there is a tangible political and economic influence of Russia which despite the provisions of the 2008 cease-fire treaty kept its military units in Perevi and

¹⁸⁵ Constitution (fundamental law) of the Republic of South Ossetia adopted and in force on 8 April 2001.

¹⁸⁶ Declaration of State Sovereignty of the South Ossetian Soviet Democratic Republic, adopted on 20 September 1990.

¹⁸⁷ May be compared with the population of the Marshall Islands numbering 52,898 people (World Bank 2016).

¹⁸⁸ May be compared with the land area of Cabo Verde (4,030 sq. km) (World Bank 2016)

Leningor (Akhgori). Furthermore, since 2009 Russia officially presents itself as a co-guarantor of South Ossetia's border security and signed a 49-year treaty on maintaining those units.¹⁸⁹ Nowadays, the Russian 4th military brigade numbering 3,800 servicemen is still present in Tskhinvali, Dzau and Leningor (International Crisis Group 2010, 8). What is more, Russian officials are *de facto* controlling South Ossetia's institutions, especially security institutions and security forces (Nußberger 2013, 20). Though South Ossetia has its own taxation system and two state owned banks, its postal system does not function (therefore, people go to North Ossetia (Russian Federation) to send parcels or letters (International Crisis Group 2010, 5)), and it lacks an official agency which would offer reliable statistical data.¹⁹⁰ As revealed in the ICG report, South Ossetian officials have admitted reliance on Russian funds and budgetary assistance when it comes to pensions' and salaries' payments, post-war private housing reconstruction, building transportation routes and constructing Russian-Ossetian gas pipeline (2010, 6–8). All in all, Russia exerts almost complete control over South Ossetian territory, showing the incapacity of South Ossetian government to function independently and effectively (Freedom House 2015c).

The rule of law and establishment of fundamental autonomous institutions in the Republic of South Ossetia were prescribed by the Constitution (2001, Art. 5). The executive branch is represented by President elected for five years (2001, Chapter IV) and Government (2001, Chapter V). As defined by the Constitution, South Ossetia is a presidential republic (2001, Art. 47.1), where the President defines the vectors of foreign policy, has oversight of foreign affairs (2001, Art. 47.3, 50.1), and represents the state in international relations (2001, Art. 47.4). The incumbent president of South Ossetia is Leonid Kh. Tibilov. The legislative power is effectuated by the Parliament (2001, Art. 56), which includes 11 committees and consists of 34 MPs¹⁹¹ (Parliament of the RSO 2016). Finally, the judicial power in South Ossetia is effectuated by the Constitutional, Arbitration, Civil, Administrative, and Criminal Courts (Constitution of the Republic of South Ossetia 2001, Art. 77.2). In 2015, the Scores Report of the Freedom House has given to South Ossetia 6.5 points for freedom rating, 6 points for civil liberties, and 7 points for political rights (where 1 is the best and 7 is the worst) defining it as a 'not free' state (Freedom House 2015c). With the highly restricted freedom of expression

¹⁸⁹ The Treaty between the Russian Federation and the Republic of South Ossetia on joint Russian military base on the territory of South Ossetia signed on 7 April 2010 in Moscow.

¹⁹⁰ The information available on the official web page of the state statistical service concerns only to the population census of 2015, which has not been estimated yet. (State Statistic Service of the Republic of South Ossetia 2016)

¹⁹¹ Each of the deputies represents one of the four existing parliamentary parties: "United Ossetia", "National Unity", "People's Party of the Republic of South Ossetia", and "Nykhas".

(where most of the media is state-owned and private media is banned), freedom of movement (Ibid.), high level of corruption (International Crisis Group 2010, 5), underdeveloped legal framework (copied from the Russian law), lack of effective legal recourses (among opposition or victims of war), detentions of Georgians that cross South Ossetian frontier (International Crisis Group 2010, 16), 20,000 displaced Georgians (International Crisis Group 2010, 17) and a »neither independent, nor impartial« judiciary system (International Crisis Group 2010, 12), South Ossetia appears immature for a rule of law.

4.3.2 Foreign policy

As recorded in the Constitution of the Republic of South Ossetia, the foreign policy of the vexed *de facto* state is based on principles of International Law and international agreements ratified by the Parliament, drive for universal and just peace, mutually beneficial cooperation (2001, Art. 11.1, 11.2). The rest of the principles, including joining collective security systems, membership in IOs and other unions (2001, Art.11.1) appear more like foreign policy goals. The National Security Concept of the Republic of South Ossetia¹⁹² provided with the »National foreign policy interests of the RSO«, which are: further international legitimization, establishment of equitable relationship with all members of international community, active cooperation with Ossetian Diaspora, peace and stability in Caucasus, contributing into regional security and development as an equitable subject and a member of regional security IOs, involvement in struggle against international terrorism, international recognition of genocide of Ossetian people (in 1920, 1989–1991, and 2004–2008) and state terrorist policy (in 2004–2008) conducted by Georgia), and multidimensional cooperation with Russian Federation as the major strategic partner (National Security Concept of the Republic of South Ossetia 2013). The same document highlights fundamental national security tasks in the sphere of foreign policy. They include a hard-line regarding RSO's independence from Georgia, signing an agreement of non-use of force and threat with Georgia, meeting allied obligations with Russia recorded in the Treaty on friendship and cooperation, high level of political, economic, social and cultural integration with Russia, meeting allied obligations and developing bilateral relations with the Republic of Abkhazia and the Pridnestrovian Moldavian Republic, improvement of resource provision and labour quality of the MFA of RSO, application of public diplomacy by the MFA of RSO, promotion

¹⁹² National Security Concept of the Republic of South Ossetia was approved by President Leonid Tibilov in Tskhinval on 26 September 2013. The formulation of a Foreign Policy Doctrine heads the list of fundamental security tasks in this document. This task has not been accomplished yet, so it is currently the former document that gives South Ossetia's foreign policy formulation.

of positive information on the RSO in the near and far abroad and creating positive image of the RSO in Russian and foreign media (Ibid.).

The South Ossetia maintains **diplomatic relations** with the states that has recognized its independence. Just like Abkhazia, South Ossetian Republic stayed unrecognized by UN member-states until the war of 2008. Since then it has been officially recognized by the Russian Federation (on 26 August 2008), Nicaragua (on 5 September 2008), Venezuela (on 10 September 2009), and Nauru (on 15 December 2009),¹⁹³ as well as the Republic of Abkhazia, Pridnestrovian Moldavian Republic, the Nagorno-Karabakh Republic, Donetsk (12 May 2015) and Lugansk (28 January 2015) People's Republics. The *de facto* state has also opened an Official Representation in Italy and Republic of San Marino with office in a private apartment in Rome, which became the first representation opened in a state that did not recognize South Ossetia's independence (Coffey 2016; Euronews 2016). The EU-RSO relations are realized upon the policy of "non-recognition and engagement" (Fisher 2010). The Ministry of Foreign Affairs of the RSO headed by Kazbulat Tskhovrebov receives foreign officials and delegations of homologs,¹⁹⁴ sends and receives diplomatic notes and makes telephone calls to foreign colleagues,¹⁹⁵ receives and sends condolences and congratulations.¹⁹⁶ What is more, diplomatic relations are established on city level between Tskhinval and Tiraspol (PMR) (Novosti PMR 2013), and on level of political entities with the Republic of North Ossetia (RF).¹⁹⁷ Russia has been so far the principal strategic partner of South Ossetia, with treaties¹⁹⁸ encompassing all possible fields of cooperation signed between these two states. One of the last landmark bilateral agreements was the Treaty on alliance and

¹⁹³ Tuvalu first recognized it on 19 September 2011, and then retracted the recognition in March 2014 (Vedomosti 2014; Freedom House 2015c).

¹⁹⁴ E.g. official visits to South Ossetia of the Extraordinary and Plenipotentiary Ambassador of Venezuela Hugo José García Hernández, of the President of Nauru Sprent Dabwido, of the First Secretary of the Embassy of Nicaragua in the Russian Federation Juan Ernesto Vasquez Araya in 2012 (MFA of RSO 2012).

¹⁹⁵ E.g. on 6 April 2016 Foreign Minister Tskhovrebov had a phone conversation with Nagorno-Karabakh's Foreign Minister Karen Mirzoyan on account of the offensive actions started by Azerbaijan on 2 April on the Line of Contact (MFA of RSO 2016b).

¹⁹⁶ E.g. on 21 March 2016 Foreign Minister Tskhovrebov sent congratulatory message to his Russian homolog Sergei Lavrov on the occasion of his birthday (MFA of RSO 2016a).

¹⁹⁷ On 28 November 2013 an Agreement between the Government of the Republic of North Ossetia-Alania (Russian Federation) and the Government of the Republic of South Ossetia on socio-economic, scientific and technical, and cultural cooperation was signed. This cooperation is based on the Treaty on friendship, cooperation and mutual assistance signed between Russia and South Ossetia on 17 September 2008 and on the Article 8 of the Constitution of South Ossetia, which outlines the necessity of special relations with the Republic North Ossetia - Alania (2001).

¹⁹⁸ Besides the Treaty on Friendship, Cooperation and Mutual Assistance of 2008, a Memorandum on Mutual Understanding between the Ministry of Foreign Affairs of the Russian Federation and the Ministry of Foreign Affairs of the Republic of South Ossetia was concluded on 20 January 2009, followed by several other international agreements in the fields of fight against criminality, protection of borders, military cooperation, as well as economic and social cooperation, that will be mentioned a bit later.

integration¹⁹⁹ of 2015, which facilitated Russian passportization (Art. 6), created common defense and security area (Art. 2), as well as a visa-free regime (Art. 3), stipulates coordinated foreign policy (Art. 1) etc. The next landmark event in Russian-Ossetian relations will be the upcoming referendum on integration into Russia claimed by President Tibilov to be held by the end of 2016 (President of the RSO 2016). Parliamentary diplomacy, realized by the Committee on foreign policy and inter-parliamentary relations headed by Igor I. Kochiev, stays one of the major tools of foreign policy of South Ossetia. Together with establishing inter-parliamentary cooperation²⁰⁰ and meeting foreign partners on regular basis,²⁰¹ the South Ossetian parliamentary delegation participates in international parliamentary²⁰² and other forums,²⁰³ seminars²⁰⁴ and conferences.²⁰⁵ Another way of creating ties with international community is membership in NGOs (e.g. Commonwealth of Unrecognized states) and cooperation with international humanitarian organizations (e.g. the ICRC).²⁰⁶ The last but not the least way of participating in world politics is directly negotiating with Georgia, U.S., Russia, Abkhazia and representatives of the EU, the OSCE and the UN within the framework of Geneva Discussions on security and stability in the Trans-Caucasus.²⁰⁷

The **cultural and ideological foreign policy** is first of all executed with the assistance of higher educational institutions. Since 2008, Russian MFA has been providing South Ossetian citizens with students grants in Russian universities (MFA of RSO 2012). Today the South-Ossetian State University maintains relations with Russian, Donetsk and Transnistrian universities (South Ossetian State University named after A. A. Tibilov 2016). Secondly, to keep bilateral cultural and scientific ties with Russia South Ossetia has opened an affiliation of »Rossotrudnichestvo« Russian Center of Science and Culture in Tskhinval (2016) and

¹⁹⁹ Treaty on Alliance and Integration between the Republic of South Ossetia and the Russian Federation was signed in Moscow on 18 March 2015.

²⁰⁰ South Ossetia signed agreements on inter-parliamentary cooperation with Donetsk and Lugansk People's Republics, Abkhazia, Russia (Sputnik Abkhazia 2016a; DONI Donbass International News Agency 2016).

²⁰¹ E.g. on 20 September 2014 Chairman of the Parliament of South Ossetia received parliamentary delegation from the Republic Alania (Parliament of the RSO 2014).

²⁰² E.g. on 2 October 2015 the Chair of the Parliament of the RSO Anatoly Bibilov participated in the IC International Parliamentary forum held in Moscow (Parliament of the RSO 2015).

²⁰³ E.g. on 22 April 2016 South Ossetian parliamentary delegation participated at the Shanghai Cooperation Organization International Forum held in Sochi (parliament of the RSO 2016).

²⁰⁴ E.g. on 23 April 2015 Anatoly Bibilov gave a report at the seminar session of the Parliamentary Assembly of the Union of Belarus and Russia (Parliament of the RSO 2015a).

²⁰⁵ E.g. on 1 December 2014 the Chair of the Committee for foreign policy and inter-parliamentary relations of the Parliament of the RSO Igor Kochiev gave a report on the VIII North-Caucasian Parliamentary Association's Conference (Parliament of the RSO 2014a).

²⁰⁶ On 23 March 2016 the Foreign Minister of South Ossetia Tskhovrebov received the Head of the Mission of the ICRC in the Republic of South Ossetia Nalyan Antman to discuss agenda and future projects within the IRCR mandate (Official information portal of the Republic of South Ossetia 2016b).

²⁰⁷ The latest round of talks was held on 6 and 7 of October 2015 (OSCE 2015).

plans to open the South Ossetian Center of Science and Culture in Moscow in accordance with the provisions of bilateral Treaty on establishment of informational cultural centres (2011, Art. 1).²⁰⁸ A bilateral treaty covering cultural and scientific cooperation has been also concluded with Transnistria (2008, Art. 7, 8).²⁰⁹ Citizens of South Ossetia manage to participate various international field-specific or students festivals held abroad.²¹⁰ Like Abkhazia, South Ossetia organizes and participates in joint celebrations of fests with foreign officials.²¹¹ South Ossetia sustains cultural cooperation with its Diaspora and in order to unite and attract foreign Ossetian communities organizes seminars and round tables.²¹² What is more, South Ossetia has signed bilateral treaties on media cooperation and cooperation in the sphere of information politics with Transnistria²¹³ and Russian Federation.²¹⁴ The attempt of performing public diplomacy to improve South Ossetian image abroad limits itself with the MFA webpage available in Ossetian, Russian and English and the official webpages of the Parliament and the President both available solely in Russian. As to tourism is still on the early development stage, since currently there are no itinerary maps, tourist centres, guides, information points, and the soviet tourist bases lie in ruins (Sputnik Ossetia 2015). No official internet page for tourism in South Ossetia has been elaborated either. Tourists can only enter the country through Russia by road vehicle and have to warn the MFA of RSO of the intention to visit beforehand to receive permission (MFA of RSO 2016). In 2016 South Ossetia and Russia signed a Memorandum on cooperation in the field of tourism for 2016–2019, which is expected to improve the tourist exchange between the states and promote investments in tourism (Federal Agency for Tourism. Ministry of Culture of the Russian Federation 2016). An inalienable part of South Ossetian diplomacy are links with Ossetian Diasporas worldwide.²¹⁵ Finally, South Ossetia regardless its poor recognition manages to

²⁰⁸ Treaty between the Government of the Russian Federation and the Government of the Republic of South Ossetia on establishment and functioning conditions of informational cultural centres signed on 25 April 2011 in Tskhinval, entered in force on 6 April 2012.

²⁰⁹ Treaty on trade-economic, scientific-technical and cultural cooperation between the Republic of South Ossetia and the Pridnestrovian Moldavian Republic signed on 4 July 2008 in Tskhinval.

²¹⁰ In January 2016, South Ossetian theatre participated the Equestrian festival held in Avignon (France) (Sputnik Ossetia 2016a). In 2012, Ossetian students participated in the international festival "Student spring of the CIS in the Caucasus" held in Kabardino-Balkaria (Russian Federation).

²¹¹ On 9 May 2015, Pr. Tibilov participated in Victory Day celebration events in Moscow (RIA Novosti 2015).

²¹² On 8 August 2012 a round table called »Yron Nykhas« was organized in Tskhinval (MFA of RSO 2012).

²¹³ Treaty between the Ministry of Press and Mass Media of the Republic of South Ossetia and the Ministry of Information and Telecommunications of the Pridnestrovian Moldavian Republic on cooperation in the spheres of information, television and radio broadcasting, signed on 17 June 2009 in Tskhinval.

²¹⁴ Treaty between the Government of the Republic of South Ossetia and the Government of the Russian Federation in the field of contacts, informational technologies and mass communication signed on 20 September 2011 in Tskhinval.

²¹⁵ It cooperates with Diasporas of both the far abroad (the USA, Canada, the Great Britain, Germany, France, Spain, Sweden, Switzerland, the Czech Republic, Finland, Holland, Hungary, Belgium, the New Zealand, China,

perform in international sport tournaments hosted both by states that have recognized its independence and by those that have not.²¹⁶

The **military tools** of South Ossetian foreign policy are entirely coordinated with the strategic security and foreign policy interests of the Russian Federation, as follows from the bilateral treaties on cooperation in military technical sphere²¹⁷ and on joint military forces.²¹⁸

Economic instruments of South Ossetia aim to promote trade and gain economic weight on international arena. The RSO uses the Russian currency, rouble, whilst Georgian lari has been out of turnover since 2011 (Segodnia 2011). External trade of South Ossetia, except for minor export of Georgian products to Leningor district, is totally defined by Russian imports.²¹⁹ The RSO agreed to establish mutual trade representations with the Russian Federation in 2009 (Art. 1),²²⁰ and also concluded agreements with Transnistria on cooperation on the level of Ministries of Finances²²¹ and trade-economic cooperation for ameliorating investment landscape, socio-economic conditions in both republics, enabling mutual transactions and organizing economic forums and fairs (Treaty on trade-economic, scientific-technical and cultural cooperation between the Republic of South Ossetia and the Pridnestrovian Moldavian Republic 2008, Art. 2,3,4,5). As to banks, there are no foreign banks and ATMs (even no Russian) in South Ossetia (ICG 2010, 5), however there is a representation of South Ossetian International transfer bank in Lugansk People's Republic, which permits transactions between the given entities (Lugansk Informational Center 2015). South Ossetia has been attracting meager private investments (ICG 2010, 4–5) due to the lack of coast line and economic underdevelopment (ICG 2010, 1), the existing few initiatives have been mainly introduced by Russian private and public companies (Kokoeva 2016). Herewith, South Ossetian officials, in

Turkey, Argentina, Brazil, the United Arab Emirates, Morocco, Syria and Angola) and the near abroad (Latvia, Estonia, Tajikistan, Kazakhstan, Turkmenistan, Moldova, Georgia, Belarus, Ukraine, Abkhazia) and multiple Ossetian communities of Russia) (Official information portal of the Republic of South Ossetia 2016a).

²¹⁶ E.g. in May 2016 a female team from Tskhinval placed on tournament of aesthetic gymnastics in Krasnodar (Sputnik Ossetia 2016c), the Ossetian athletes won on the international judo tournament in Saint-Petersburg (Russia), while Soslan Tedeev won on the elimination bout of box in Monte Carlo (Sputnik Ossetia 2016b).

²¹⁷ Treaty between the Government of the Russian Federation and the Government of the Republic of South Ossetia on military technical cooperation signed on 8 April 2010 in Moscow.

²¹⁸ Treaty on Alliance and Integration between the Republic of South Ossetia and the Russian Federation was signed in Moscow on 18 March 2015.

²¹⁹ As of 2013 year-end, the commodity turnover between these two states accounted for 50,415 thousand USD (being 0.6 percent up on the previous year), where export constituted 48,078 thousand USD (being 2.3 percent down on the previous year) and import – 2, 337 thousand USD (being 149.4 percent up on the previous year) making up a negative visible trade balance (MFA of RF 2014).

²²⁰ Treaty between the Government of the Republic of South Ossetia and the Government of the Russian Federation on mutual establishment of trade representations signed on 1 December 2009 in Tskhinval.

²²¹ Treaty on cooperation between the Ministry of Finances of the Republic of South Ossetia and the Ministry of Finances of the Pridnestrovian Moldavian Republic signed on 7 July 2009 in Tskhinval.

order to establish new economic ties, take part in bilateral and international economic and investment forums.²²²

Table 4.3: Elements of statehood and foreign policy of the Republic of South Ossetia

Population	Territory	Effective government	Capacity to enter into relations with other states	
			Internal system	Foreign policy instruments
53,559 permanent residents; Almost monoethnic; Double citizenship, possession of both Russian and South Ossetian passports.	3,900 sq. km; Landlocked; Common border with Russia; Russia responsible for border security; 4 th Russian military brigade in Tskhinvali, Dzau and Leningor.	No control by Georgia; Existence of basic state institutions; Russian control of institutions, especially security bodies – no authoritative independence; Reliance on Russian budgetary assistance for internal public payments; Upcoming referenda on association with Russia. Not free state: highly restricted civil, political rights and freedoms; Underdeveloped internal public institutions (post, statistics agency); Immature rule of law; Legal framework copied from Russian law; Use of Russian currency; Law issues: IDPs (Georgians).	FP official actors: President, Ministry of Foreign Affairs, Parliament, other Government's bodies; Goals: further international legitimization, membership in IOs and other unions/alliances, multidimensional cooperation and integration with Russia as the major strategic partner.	Recognized by UN member-states and <i>de facto</i> states (partly recognized); Representations abroad: embassy in Russia, Official Representation in Roma; Ambassadors for all the recognizing states; Custom diplomatic ceremonial; Foreign policy coordination with Russia; Links with Diaspora; Parliamentary diplomacy; Intercity diplomacy; Relations with subnational entity; Participation at Geneva talks; Membership in CIS-2; Cooperation with humanitarian IOs; RSO-EU relations – "non-recognition and engagement"; Bank representation abroad; Interuniversity cooperation; Exchange of cultural centres; Participation at international festivals; Joint celebrations of fests; Public diplomacy; Media cooperation; Inert promotion of tourism; Visa-free regime; Participation at international sports tournaments; Joint military forces with RF; Military technical cooperation with RF; Major trade partner – RF (negative balance of trade); Trade representation with RF; Banking cooperation with Lugansk; Economic ties with regional actors only; Participation at economic and investment forums and fairs; Reliance on Russian investments.

²²² On 20 September 2011 the Russian-South Ossetian Business forum was held in Tskhinval to spur socioeconomic cooperation and build a modern state through effective economy (MFA of RF 2014). On 21 June 2012 the South Ossetian delegation took part in the XVI International economic forum (MFA of RSO 2012). South Ossetian officials participated in the organization of the XXI International investment forum »Sochi 2012« that took place on 21 September 2012 in Sochi (Ibid.).

4.4 The Pridnestrovian Moldavian Republic

4.4.1 Statehood

The Pridnestrovian Moldavian Republic declared its independence on 2 September 1990, but factually gained it only in July 1992. The first Constitution of the independent Transnistria was adopted on 2 September 1991 and was replaced by the new one adopted on 24 December 1995 via referendum (MFA of PMR 2016).

According to the preliminary results of the last population census held in Transnistria October 2015, the permanent population of the *de facto* state numbered 475,665 residents (Ministry for Economic Development of PMR 2016),²²³ among which 31.9 percent are Moldovan, 30.4 percent - Russian, 28.8 percent Ukrainian and 6.9 percent others (MFA of PMR 2016). Russia conducts an active passportarization of Transnistrian people »giving out passports to anyone who asks, using an LDPR (Liberal Democratic Party of Russia) office in Tiraspol as a *de facto* consulate« (ICG 2006, 17). By the late 2000s around 150,000 Transnistrian possessed Russian passports (Grigas 2016, 121). At the same time, by the end of 2014 about the half of the Transnistrian population admitted holding Moldovan citizenship to enjoy the visa-free regime with the EU (Freedom House 2015d). Finally, some Transnistrian citizens hold Ukrainian passports (Gobert 2013).

Transnistria is a landlocked state in South-East Europe sharing border with Ukraine on the east and with Moldova on the west. The territory of its land area constitutes 4,163 square kilometres²²⁴ (MFA of PMR 2016), and includes Grigoriopol, Dubasari, Camenca, Slobodzeya and Ribnita districts, cities of Bendera, Dubasari, Ribnita and Tiraspol as the capital city (Constitution of the Pridnestrovian Moldavian Republic 1996, Art. 13, 14), which altogether constitute 10 percent of the MSSR's territory (MFA of PMR 2016).

As to the exclusivity of authority over the Transnistria, Moldova does not control the breakaway territory (ICG 2006, 16), though it may influence the latter's trade by imposing unfavourable custom regime (ICG 2006, 4). Meanwhile, the presence of Russia is tangible in social, political, economic and military spheres. For instance, Russian ruling party "United Russia" provides political support to the currently ruling party of Transnistria, namely "Renewal", which officially supports Russian patronage over the PMR (Freedom House 2015d). Yet, it must be mentioned that Russia did not favour the incumbent President's candidacy on the last elections of 2011 (Kosienkowski 2012, 15). In 2006, Transnistria held

²²³ May be compared with the population of Cabo Verde with 513,906 people (World Bank 2016).

²²⁴ May be compared with the territory of Cabo Verde with the land area of 4,030 sq. km (World Bank 2016).

referendum on incorporation into Russia that was hailed by 97.2 percent of population, but the will of people was unrealizable due to the geographic location of the state (Tanas 2014). Russian influence on economy is enabled by budgetary assistance and trade. Moscow backs Tiraspol economically through loans, direct subsidies, and natural gas supplies, and maintains the position of the major trade partner of Transnistria, whose deep budget deficit and incapacity to pay for Russian gas since 2007 led to a 4 billion USD debt to Russian "Gazprom" (Ibid.). Transnistrian economy generally survives thanks to trade relations with Russia, Russian direct and indirect subsidiaries, but also to smuggling (re-export avoiding custom duties) (ICG 2006, 4). Russian military presence is enabled by the former 14th Russian base reformed into the Operational Group of Russian Forces with more than 1000 servicemen (Freedom House 2015d).

The establishment of fundamental bodies for each of the three branches of state power is declared by the Constitution of 1996 (Art. 6, 55.2). According to the Article 55.1, Transnistria is a presidential republic, where the President, elected for five years (Art. 60.3) is a head of the state and besides other duties defines the vectors of foreign policy (Art. 59.3) and represents the state in international relations (Art. 59.4). The incumbent president of Transnistria is Evgeniy V. Shevchuk (President of the PMR 2016). Executive branch is represented by the Government (Art. 76–1) that includes ministries, services, committees and local administrations (Government of the PMR 2016), legislative power is effectuated by the Supreme Council consisting of 43 deputies²²⁵ elected for 5 years (Art. 67), while judicial power is effectuated by the Supreme, Constitutional, Arbitration, Civil, Administrative, and Criminal Courts (Chapter 5). The national currency of Transnistria is Transnistrian rouble (ICG 2006, 1). So, the fundamental institutions are present in the PMR, the other question is to find out if they operate in compliance with the Constitution. In 2015, the Scores Report of the Freedom House has given to Transnistria 6.0 points for freedom rating, 6 points for civil liberties, and points for political rights (where 1 is the best and 7 is the worst) defining it as a 'not free' state (2015d). As to the rule of law, the judicial system appears to be subject to the executive authorities and fails to conduct just trials, while the legislation does not correspond to international standards. Corruption and organized crime penetrated in the local government, as well as women trafficking, expropriation of housing and agricultural land of framers, and smuggling (weapons smuggled to Odessa (Ukraine) by pro-Russian separatists

²²⁵ The political parties represented in the Parliament (Supreme Council) of the PMR are the Renewal, the Republic, the Patriotic Party of Pridnestrovie, People's Will of Pridnestrovie, Fair Republic, Breakthrough, Liberal Democratic Party of Pridnestrovie, Communist Party of Pridnestrovie, Pridnestrovie Communist Party, and Social Democratic Party of Pridnestrovie. The majority of seats pertain to the Renewal.

(ICG 2006, 4)) remain the principal legal problems of the state. Furthermore, the Freedom House report problematizes the Transnistrian authorities' private involvement in state's economic activities (the ruling party is associated with the local monopolist "Sheriff Enterprises") and the embezzlement of Russian aid and state's public assets by former President's administration (2015d). Religious freedom, freedom of speech, freedom of assembly, freedom of association and minority rights are also proven to be restricted.²²⁶

4.4.2 Foreign policy

The Constitution of the PMR declares the principles of the state's foreign policy to be sovereign equity of states, non-use of force, peaceful settlement of disputes, non-interference in internal affairs of states, as well as other principles and norms of international law and international treaties signed by the PMR (1996, Art. 10). The Concept of the Foreign Policy of the PMR²²⁷ formulates the following foreign policy goals: protection of human rights and freedoms; securing and reinforcement of the PMR's independence and sovereignty; advancement of mutually beneficial and equal relations with the international community; realization of the people's will expressed via referenda; providing of favorable external environment for the state's development; realization of the PMR's national ideology through membership in dynamic integration processes in the CIS area, inclusion in the Custom Union of the RF, Belarus and Kazakhstan, the Eurasian economic commission and other unions; reconciliation with the Republic of Moldova exclusively by virtue of equitable peace talks and mutually acceptable agreements (2012, Chapter 3). The same document lists the foreign policy objectives required to achieve those goals. These are: international recognition of the PMR and its UN membership; securing regional stability by virtue of keeping Russian and peacekeeping forces in Transnistria; advancing friendly relations with the CIS member-states and involvement in the Eurasian integration processes; advancing cooperation and partnership with other foreign states, IOs including the UN institutions and other economic, financial, humanitarian institutions and funds; development of close cooperation with the Russia and Ukraine to protect rights and freedoms of their citizens residing in the PMR; development of economic and scientific-cultural cooperation with the federative units of Russia and Ukrainian

²²⁶ The main church is Orthodox Christian, the other smaller confessional groups cannot be registered, the almost all media is state owned, the private television, cable and radio broadcast, internet are owned by the Sheriff Enterprises which are also controlled by governmental officials. Latin-script schools where disciplines are taught in Romanian face pressure from the Transnistrian police. Opposition discourse is restricted both in media and in socio-political activities, while all nongovernmental activities have to be coordinated with local authorities, and the main trade unions cooperate with the government (Freedom House 2015d).

²²⁷ The Concept of the Foreign Policy of the PMR adopted by the President E. Shevchuk with the decree No. 766 on 20 November 2012 in Tiraspol.

regions; reinforcement of economic and informational security of the PMR; realization of public diplomacy; shaping and promoting positive image of the PMR abroad (Ibid.). The two priority vectors of the Transnistrian foreign policy are declared to be complex Eurasian integration and the Transnistrian-Moldovan conflict settlement by peaceful means on the basis of independent and self-determined development of the PMR (2012, Chapter 4).

Transnistria has established and has been developing **diplomatic relations** with the three *de facto* states that has recognized its independence, namely with the Republic of Abkhazia, the Republic of South Ossetia and the Nagorno-Karabakh Republic. Hence, it follows that no UN member-state has so far recognized the PMR. The Ministry of Foreign Affairs headed by Nina Shtansky is authorized to perform diplomatic relations, including diplomatic correspondence, paying and receiving official visits of foreign delegations etc. In 2010 the given *de facto* state opened Official Representations (i.e. embassies) in Sukhum (Abkhazia) and Tskhinval (South Ossetia), with both of which it has signed treaties on friendship and cooperation²²⁸ (MFA of PMR 2016). It has also the Russian consular service department in Tiraspol (MFA of PMR 2013). In addition to this, Transnistria maintains official relations on the level of the Ministries of Foreign Affairs with the Nagorno-Karabakh (since 2001),²²⁹ Abkhazia (since 2001)²³⁰ and the South Ossetia (since 2008)²³¹ on the basis of the protocols on cooperation and consultations. What is more, Tiraspol maintains relations with the guarantors of the PMR's status (Memorandum on the Bases for Normalization of Relations between the Republic of Moldova and Transdniestria 1997, Art. 6), Russia²³² and Ukraine. However, due to recent tensions between Ukraine and Russia, Ukraine has hardened its position towards the quasi-state (Istomin 2015). Besides, Transnistria has established formal multidimensional cooperation with state entities of Russia (Saint-Petersburg, Vologodskaya

²²⁸ The Treaty between the Pridnestrovian Moldavian Republic and the Republic of Abkhazia on friendship and cooperation signed on 22 January 1993 in Tiraspol and the Treaty between the Pridnestrovian Moldavian Republic and the Republic of South Ossetia on friendship and cooperation signed on 12 October 1994 in Tiraspol.

²²⁹ Protocol on Cooperation and Consultations between the Ministry of Foreign Affairs of the Pridnestrovian Moldavian Republic and the Ministry of Foreign Affairs of the Nagorno-Karabakh Republic signed in Stepanakert on 4 July 2001.

²³⁰ Protocol on Cooperation and Consultations between the Ministry of Foreign Affairs of the Pridnestrovian Moldavian Republic and the Ministry of Foreign Affairs of the Republic of Abkhazia signed on 20 August 2001 in Sukhum.

²³¹ Protocol on Cooperation and Consultations between the Ministry of Foreign Affairs of the Pridnestrovian Moldavian Republic and the Ministry of Foreign Affairs of the Republic of South Ossetia signed on 4 July 2008 in Tskhinval.

²³² Russia was the priority vector of the Transnistrian foreign policy under Smirnov, and has remained so under Shevchuk (Kosienkowski 2012, 23), who aspires for joining the Russian Federation soon (Vesti 2016).

oblast)²³³ and Ukraine (Odesskaya and Vinnitskaya oblasts)²³⁴ (MFA of PMR 2016). Despite the absence of mutual diplomatic representations and recognition, Tiraspol keeps close relations with Chisinau in order to reach conflict settlement. For this sake these two states have already signed more than 80 agreements and take part in talks in the "5+2" format with the mediation of guarantor-states, the OSCE, and with the USA and the EU as observers (MFA of PMR 2016). What is more, Transnistrian cities manage to carry out intercity diplomacy establishing twin town relations with foreign cities.²³⁵ Another diplomatic tool of foreign policy implemented by Transnistria is parliamentary diplomacy conducted between the Supreme Council and, for instance, the Russian State Duma (MFA of PMR 2016a). As to the IOs, the cooperation is scarce, so besides interacting with the OSCE, Transnistria is active only with some UN bodies like World Health Organization, UNDP, UNICEF, and UNAIDS (MFA of PMR 2015). Finally, Transnistria is as the member and founder of the Community for Democracy and Rights of Nations (Community of Unrecognized States or CIS-2).²³⁶

With regard to **cultural or ideological tools** Transnistria has been according special priority, first of all, to its public diplomacy. Its productiveness is visible on the example of the official webpage of its Ministry of Foreign Affairs, which is available in Russian and English. The MFA has also elaborated official Facebook, YouTube and Twitter accounts which provide visitors with pertinent information on current affairs of the ministry. In 2015 Transnistria and Moldova launched a joint media portal "Eurasian Transnistria" with joint radio broadcasts "Mosti". Eventually, the Transnistrian MFA officials frequently give interviews to Russian media and help organizing their leaders' appearance on Russian channels (MFA of PMR 2015). Cooperation with foreign universities is also an inalienable part of cultural diplomacy. The capital of Transnistria has opened branches of four foreign

²³³ Agreement »On principles trade, economic and scientific-technical cooperation between the Government of the Pridnestrovian Moldavian Republic and the Saint-Petersburg Administration« signed on 1 January 1997; Protocol on trade, economic, scientific-technical and cultural cooperation between the Administration of the Vologodskaya oblast and the he Government of the Pridnestrovian Moldavian Republic signed on 1 September 1998.

²³⁴ Agreement »On trade and economic, scientific-technical and cultural cooperation between Transnistria and the Odesskaya oblast« signed on 23 July 1998 in Odessa; Agreement »On socio-economic, scientific-technical, legal and cultural cooperation between Transnistria and the Vinnitskaya oblast of Ukraine« signed on 7 August 1997 in Tiraspol.

²³⁵ E.g. as of 2013, Tiraspol had twin towns in Russia, Ukraine, Belarus, Moldova, Abkhazia, South Ossetia, Portugal, Norway, Germany, and Israel (Novosti PMR 2013).

²³⁶ The CIS-2 organization started operating after the Foreign Ministers Forum held in Tiraspol in 2000 under the auspices of the given organization. On 4 November 2007 the Agreement on organizational and legal basis for the humanitarian cooperation between the members of the Community for Democracy and Rights of Nations.

higher education establishments.²³⁷ At the same time, the Pridnestrovian State University is a member of international associations,²³⁸ has opened several cultural centres (e.g. "Russkiy Mir" Foundation) and has partners among numerous Ukrainian and Russian academies, institutes and universities, as well as institutes of near²³⁹ and far abroad²⁴⁰ (Pridnestrovian State University 2016). In addition to this, the Russian-Transnistrian project called "Eurasian integration" with the head office in Moscow and affiliation in Tiraspol (Eurasian Integration 2013) has been providing PMR with humanitarian aid in educational and healthcare spheres since 2012, particularly through construction of public health facilities and educational institutions (Vesti PMR 2015). The Transnistrian Ministry of Foreign Affairs enables its officials and other citizens to participate in international conferences and forums²⁴¹ yet only in those that are held in Russia (e.g. in Nizhny Novgorod on 9–10 September 2015, in Moscow), in international holiday camps (e.g. the XIV international students camp "Slavic commonwealth" held in Sochi in 2015) (MFA of PMR 2015). It has also helped organizing festivals of Russian, Swedish, American cinematography, international music festivals with foreign guests, and celebrations of historical landmark events (for example, the 25th anniversary of Transnistrian independence with the participation of the Russian Orthodox Church, Russian MPs and academia, accompanied with high rank ceremonial visits of Abkhazian and South Ossetian homologs, and thematic exhibitions organized in Transnistrian representations in Sukhum and Tskhinval (Ibid.)). There have been signed agreements on cultural cooperation with Abkhazia (in 2006), South Ossetia (in 2008), Odesskaya (in 1998) and Vinnitskaya (in 1997) oblasts of Ukraine (MFA of PMR 2016). Another way of improving image of the *de facto* state and creating intercultural links is tourism. This industry is poorly regulated by the government (Pridnestrovie 2016). However, there exist private tourist companies that are more active, for instance the most successful "Transnistria tour" has affiliations in Austria and Switzerland, disposes a web site available in Russian, English and German, and provides tours in 6 languages (Transnistria tour 2016). Tourists can enter on the territory of the PMR passing checkpoints on the Transnistrian-Moldovan or Transnistrian-Ukrainian without Transnistrian visas, however they need to have the documents required by Ukraine or Moldova, depending from which border the entry is planned, and to register as

²³⁷ These are the Tiraspol branches of Moscow Academy of Economics and Law, Moscow Institute of Entrepreneurship and Law, Interregional Academy of Personnel Management, and the Odessa Academy of Law (Ministry of Education of PMR 2009).

²³⁸ Association of Universities of the newest independent states, Eurasian Association of Universities.

²³⁹ Abkhazia, Moldova, Artsakh, Belarus, Armenia, and South Ossetia.

²⁴⁰ The USA, Bulgaria, Latvia, Poland, and China.

²⁴¹ E.g. in 2015, the Transnistria delegation participated the All-Russian National Education Youth forum "Territory of Meanings on the Klyazma" held in Vladimirskaya oblast of Russia (MFA of PMR 2015).

temporary residents if they plan to stay for more than 45 days (excluding Russian, Moldovan, Ukrainian, Belarusian and Kazakh citizens) (MFA of PMR 2016). In 2014, Transnistria was visited by 1,117 foreign excursionists, of which 528 stayed there as tourists for more than one day (State Statistic Service of the Pridnestrovian Moldavian Republic 2014). Finally, the physical culture plays a noticeable role in promoting positive image abroad (Grydehøj 2014, 28–29). However, the Transnistria has not achieved great success in collaborating in this field with other states and organizations. The only achievement is the Memorandum on cooperation in the sphere of sport signed between the Ministry of Sport of the Russian Federation and the State Sport Department of the PMR²⁴² (MFA of PMR 2015). Due to state's unrecognition by international sport federations, all Transnistrian athletes have to participate in international tournaments and championships under the flag of Russia, Moldova or Ukraine.²⁴³

Alike the two breakaway republics of Georgia Transnistrian **military or coercive instruments** of foreign policy limit themselves with the threat of Russian military involvement in case of any external aggression. As it was mentioned above, the PMR disposes former Russian military base converted into OGRF in 1996, which in accordance with the respective decree of the Chief of the General Staff of the Armed Forces of the Russian Federation²⁴⁴ functions as peacekeeping forces including also contingent of Moldovan, Transnistrian forces and Ukrainian observers since 1998 (Delegation of Representatives at the Joint Control Commission of the Pridnestrovian Moldavian Republic 2016).²⁴⁵ This Joint Peacekeeping Force in the security zone of the conflict operated under auspices of Russia, making Russia the factual guarantor of security and peaceful conflict settlement. Besides that military pressure, the PMR cooperates in the military sphere with Abkhazia on the level of Ministries of Defence²⁴⁶ (MFA of PMR 2016) and regularly carries out joint military exercises with Russian military forces (EurAsia daily 2015; The Wall Street Journal 2015).

The principal if not the only **economic tool** of Transnistrian foreign policy appears to be external trade. The PMR has a rather open economy and currently sustains trade with about

²⁴² Memorandum on cooperation in the sphere of physical culture and sport between the Ministry of Sport of the Russian Federation and the State Sport Department of Transnistria signed on 9 February 2015 in Moscow.

²⁴³ E.g. in 2015, the Transnistrian racing crew has gained a permission to participate the Olympic Games on behalf of the Russian Federation (Vesti PMR 2015a).

²⁴⁴ The Decree of the Chief of the General Staff of the Armed Forces of the Russian Federation No. 312/1/343 signed on 26 October 1995, entered in force on 8 June 1996.

²⁴⁵ In accordance with the Article 3 of the Treaty on confidence-building measures and development of contacts between the Republic of Moldova and Transnistria signed on 20 March 1998 in Odessa.

²⁴⁶ Protocol on cooperation between the Ministry of Defense of the Republic of Abkhazia and the Defense Ministry of the PMR signed on 15 June 2007.

78 states, where the major partners²⁴⁷ are Russia (48 percent), Moldavia (19 percent), Ukraine (8 percent), Belarus (2 percent), Romania (5 percent), Germany (4 percent), Italy (4 percent), Poland (1 percent), Slovakia (1 percent) and Hungary (1 percent) (State Custom Committee of the Pridnestrovian Moldavian Republic 2016a; 2016b). In 2015, 78 percent of its trade was effectuated with the CIS member-states and 22 percent with the states of the so-called Far Abroad (State Custom Committee of the Pridnestrovian Moldavian Republic 2016b). Thereat, the trade with the Custom Union member-states made up 51 percent, with the EU member-states came up to 19 percent (State Custom Committee of the Pridnestrovian Moldavian Republic 2016a). The overall external commodity turnover of Transnistria in the same year accounted for 1,749,315 thousand of USD with 611,060 thousand of USD as exports and 1,138,254 thousand of USD as imports, forming a negative balance of trade (State Custom Committee of the Pridnestrovian Moldavian Republic 2016).²⁴⁸ When it comes to economic sanctions, Transnistria is the one against whom they are imposed by the neighbors. The border restrictions imposed by Ukraine and Moldova in 2006 aiming to eliminate smuggling are perceived by Transnistria and Russia as an "economic blockade" (Walker 2014; Freedom House 2015d). The Ukrainian crisis of 2014 has only worsened the isolation of Transnistria, leading to a decline of the *de facto* state's export (Walker 2014), since Ukraine is the main portal to external trade for the PMR (Kosienkowski 2012, 11). The export decline has caused serious deficit of foreign currency in the PMR (Mir PMR 2016). Nevertheless, the relations with Russia, that provides Transnistria with financial aid, free gas supplies and subsidies, help the breakaway republic's economy to survive.²⁴⁹ Like 10 years ago, when ex-deputy speaker of the Supreme Council Shevchuk claimed that »investors are frightened away« (ICG 2006, 10) explaining it by unexpectedly imposed custom regime, Transnistria still suffers from unattractive investment environment. In 2011, foreign investors have invested merely 174,000 RUB of material investment, no long-term, short-term, non-material or any other financial investment was recorded (State Statistic Service of the Pridnestrovian Moldavian Republic 2011). Looking for new economic ties and partners Transnistrian officials and executives participate in international economic forums and conferences.²⁵⁰

²⁴⁷ Those are the states whose volume of commodity turnover with Transnistria make up at least 1 percent of its overall trade turnover.

²⁴⁸ The official statistics show a decline in both import and export in January–April 2016 in comparison with the same period of 2015.

²⁴⁹ In 2012, Moscow has bestowed the PMR 150 million USD of which 70 million were assigned for monetary reserve rehabilitation (Nezavisimaya gazeta 2012), later the same year Russia sent 30 million USD more to the Transnistrian Republican Bank for stabilization of the local currency rate (Gazeta 2012).

²⁵⁰ E.g. in 2015, Transnistria sent its delegation to the International conference "Unrecognized economies: problems of functioning and future development" held in Rostov-on-Don, Russia (MFA of PMR 2015).

Table 4.4: Elements of statehood and foreign policy of the Pridnestrovian Moldavian Republic

Population	Territory	Effective government	Capacity to enter into relations with other states	
			Internal system	Foreign policy instruments
<p>475,665 permanent residents; Polyethnic with common national identification; Dual citizenship (PMR and Moldovan, Russian or Ukrainian).</p>	<p>4,163 sq. km; Landlocked; No common border with Russia; Russian OGRF peacekeeping troops, former 14th military base and JCC.</p>	<p>No control by Moldova; Close ties between Russian and Transnistrian ruling parties; Explicit and encouraged Russian patronage; Existence of fundamental state institutions; Russian budgetary assistance; Limited use of its own currency; Economically sanctioned by both neighbour-states (unfavourable custom regime); Not free state: not autonomous judiciary system, restricted civil and political rights; People's will to associate with Russia; Law issues: corruption, organized crime, smuggling, woman trafficking, land expropriation, ruling elite's association with local monopoly.</p>	<p>FP official actors: President, Ministry of Foreign Affairs, Parliament, some other Government's bodies;</p> <p>Goals: international recognition, UN membership, securing regional stability by keeping Russian and peacekeeping forces, close multidimensional cooperation with Russia and Ukraine, complex Eurasian integration, and peaceful conflict settlement.</p>	<p>Recognized by <i>de facto</i> states (unrecognized); Diplomatic relations with recognizing states on basis of commonly accepted norms; Official Representations in recognizing <i>de facto</i> states; Hosts Russian consular department (non-recognizing state); Relations with subnational entities of guarantor states; Intercity diplomacy; Parliamentary diplomacy; Cooperation with monitoring missions and humanitarian IOs and foreign national organizations/projects; Members of the CIS-2; Participation at mediated peace talks; Public diplomacy; Interuniversity cooperation; Participation at Russia-hosted international conferences, forums youth camps; Cooperation with Russian media; International cultural festivals; Joint celebration of fests; Inert promotion of tourism; Participation in sports competitions on behalf of RF, Moldova or Ukraine; Joint PMR-RF military exercises; Military cooperation with RF; Trade representation with RF; Major trade partners – Russia, Moldavia; Trade with other states of Near and Far Abroad (negative balance of trade); Connection with Far Abroad only by virtue of trade; Pursue of investors at international economic forums and conferences.</p>

4.5 Comparative analysis of foreign policy instruments of the case studies

After collecting available empirical data on the elements of statehood and variety of foreign policy instruments of the four *de facto* states, one have to systematize it. This subchapter offers a synthesis of the collected data, which outlines common features (or similarities) and specific attributes (peculiarities) of the case studies. Given the elaborated synthesis, it is evident that there are more similarities in foreign policy instruments, and that the principal partner in every sphere of cooperation in each case is the patron state.

Table 4.5: Synthesis of statehood elements and foreign policy instruments

Similarities	Peculiarities
<p>Population: All of the given breakaway republics are small states with population up to 480,000 people; Dual citizenship is practised in all the cases.</p> <p>Territory: Small states with land area of up to 11,500 square kilometres; Three of four states are landlocked; Three of four have common border with a patron-state; Joint military control with patron-state's army over the territory and borders.</p> <p>Government: No control by the former controlling republics; Great influence of patron-state on internal affairs; Presence of all fundamental institutions; In all states political and civil rights are limited to some extent; Problem of refugees or IDPs. Reliance on economic/budgetary support/loans of patron state; Currency of patron state is used even in case of national currency's emission (other foreign currencies are also accepted).</p> <p>Foreign policy</p> <p>Internal system: Involvement of President, Parliament and Governmental bodies, primary MFA, in FP formulation and decision-making. Priority goals: international recognition or legitimization, conflict settlement with peaceful means, membership in the UN and regional unions, multidimensional cooperation with patron-state and multi-vectored cooperation with other actors of IR.</p>	<p>Population: Monoethnic in NKR and RSO, Polyethnic in Abkhazia and PMR.</p> <p>Territory: Abkhazia is the only state that has access to sea; PMR does not border with its patron-state.</p> <p>Government: PMR and RSO conduct referenda on issue of association with RF; RSO does not issue its own national currency; PMR relies primarily on its own national currency; NKR and Abkhazia – partly free states, RSO and PMR – not free states; Law issues: Transnistrian corruption, woman trafficking, state-owned monopoly and smuggling; Disparity of gender representation in politics, state-owned media and disputable status of Gali Georgians in Abkhazia.</p> <p>Specific foreign policy instruments: RSO and Abkhazia - partly recognized, NKR and PMR – unrecognized; RSO and Abkhazia coordinate their foreign policy with RF; NKR has a strict visa policy, anyone has to get visa in its permanent mission to RA; NKR does not participate peace talks and is represented by Armenian officials; Abkhazia member of the UNPO; NKR and PMR cooperate with monitoring</p>

<p>All recognized at least by other <i>de facto</i> states.</p> <p>Common instruments:</p> <p><i>Diplomatic tools:</i></p> <p>All the states have some forms of representations in recognizing (PMR only in recognizing) and non-recognizing states;</p> <p>Diplomatic and consular relations with the recognizing subjects are carried out with commonly accepted ceremonial and show the maturity of the internal institutions charged with official foreign affairs;</p> <p>Participate peace talks and maintain direct dialogue with the counterparts (NKR is an exception);</p> <p>Parliamentary diplomacy;</p> <p>Intercity partnership and/or relations with subnational entities;</p> <p>All the states are member of the CIS-2;</p> <p>Cooperation with humanitarian IOs (ICRC, UN bodies).</p> <p><i>Cultural tools:</i></p> <p>Public diplomacy;</p> <p>Interuniversity cooperation;</p> <p>Promotion of tourism;</p> <p>Cooperation with foreign media, bilateral cooperation in information policy and media;</p> <p>Participate in international cultural and youth festivals, conferences;</p> <p>Contacts with Diaspora (except for PMR, whose population is regarded as Diaspora of Russians, Ukrainians and Moldovans);</p> <p>Participation at foreign national and international sports tournaments on behalf of their national federations (in sports that do not require international recognition of their sports' federations, e.g. CONIFA);</p> <p>Common holiday's celebration with patron-state.</p> <p><i>Military tools:</i></p> <p>Military partnership with the patron state, use of its definite military guarantees;</p> <p><i>Economic tools:</i></p> <p>Trade with CIS member-states and Far Abroad (Negative balance of trade, imports outnumber exports);</p> <p>Official Trade Representation (NKR is an exception) and crucial trade relations with the patron state;</p> <p>Pursuance of foreign investments and donations (so far provided mainly patron-state);</p> <p>Custom-free regime with patron-state (RF or RA);</p> <p>Cooperation in banking (transactions and supervision);</p> <p>Participation at economic and investment forums;</p> <p>All except for NKR have visa-free regime with some states.</p>	<p>peacekeeping missions and foreign national organizations;</p> <p>The exclusively active multilingual 'cyber-diplomacy' realized by Abkhazia, an approach for wider audience;</p> <p>The most successful tourist promoter is Abkhazia thanks to its sea coast;</p> <p>PMR participates international events held on its own territory or in Russia;</p> <p>Abkhazia has elaborated the most national multilingual media and press;</p> <p>Abkhazian cultural policy of Abkhaz language popularization abroad;</p> <p>Relations of Abkhazian Orthodox Church with Russian and Constantinople Orthodox Churches;</p> <p>RSO exchanged cultural centres with RF;</p> <p>Joint military exercises with patron-states' army : NKR, PMR;</p> <p>PMR's single interaction with Far Abroad is enabled via trade;</p> <p>RSO has only regional economic ties;</p> <p>Owing to access to sea Abkhazia conducts illegal shipping and leases its shelf to Turkey for fishery;</p> <p>Abkhazia and South Ossetia are involved in the EU "non-recognition and engagement" policy.</p>
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5 CONCLUSION

The main goal of the thesis was to find out the way *de facto* states behave as actors of international relations without recognition on behalf of International Community.

Before answering to the main question of the thesis, we have to admit that all of the four *de facto* states of the post-Soviet region indeed share a paramount foreign policy goal of international recognition (or legitimization), however the dependence on Russia is different in each case. Thus, Nagorno-Karabakh's patron-state is Armenia, however, Russia plays a significant role in mediated peace talks and is militarily supporting both Armenia and Azerbaijan. At the same time the reliance on Russia by Georgian breakaway republics and Transnistria stays unquestionable. The nuance in case of Transnistria and South Ossetia resides in their will to associate with Russia, and the very fact of organization of referenda on this matter indicates their readiness to sacrifice the recognition and independence for that goal.

Against the background of the existing situation, those *de facto* states proved to be able to apply different foreign policy instruments to enable sustainability of their statehood and improve their position in the international arena. Some of those instruments are shared by all the cases, others are only present in one or couple of them and have specific purposes. Among **common diplomatic instruments** appear official representations in recognizing (PMR only in recognizing) and non-recognizing states, parliamentary diplomacy, intercity partnership, twin town cooperation and (or) relations with foreign subnational entities, participation at peace talks (except for NKR), visa-free regime with some states (except for NKR), membership in the Community for Democracy and Rights of Nations, cooperation with humanitarian IOs (ICRC, UN bodies). Thereat, diplomatic and consular relations with the recognizing subjects are carried out with commonly accepted ceremonial and show the maturity of the public organs for international relations. As to **common cultural and ideological tools**, they are public diplomacy, interuniversity cooperation, promotion of tourism, cooperation with foreign media, bilateral cooperation in information policy, participation in international cultural and youth festivals, conferences (PMR participates at international events held only on its own territory or in Russia), common holidays' celebration with patron-state, playing for foreign national and international sports tournaments on behalf of their national federations (in sports that do not require international recognition of their sports' federations), and links with Diaspora (except for PMR). The **common military instruments** of foreign policy are military partnership with the patron state, use of its definite

military guarantees as well as military-technical cooperation. Among the **common economic tools** are reliance on imports, trade with CIS member-states and Far Abroad (except for RSO that is only involved in the regional trade), crucial trade relations with the patron state, official trade representation in patron-state (Except for NKR), pursuance of foreign investments and donations (so far provided mainly patron-state), custom-free regime with patron-state, cooperation in banking (transactions and supervision), participation at international economic and investment forums.

The peculiar instruments of foreign policy implementation differ from case to case. To begin with, it is important to mark that the RSO and Abkhazia coordinate their foreign policy with their patron state, the RF. The **specific diplomatic tools** are Abkhazia's membership in the UNPO, the NKR's and PMR's cooperation with monitoring peacekeeping missions and foreign national organizations, and NKR's strict visa policy. Among **specific cultural tools** are exclusively active multilingual 'cyber-diplomacy' and media policy realized by Abkhazia, Abkhazia's especially successful tourist promotion thanks to its sea coast, Abkhazian cultural policy of Abkhaz language popularization abroad, relations between Abkhazian Orthodox Church and Russian and Constantinople Orthodox Churches, and exchange of cultural centres between RSO and RF. As to **specific military tools**, one should mention joint military exercises held in NKR and PMR with participation of the patron-state's army. The existing **specific economic instruments** refer only to Abkhazia's access to sea that enables illegal shipping and shelf leasing to Turkey.

From the described pattern, we can conclude that the state that shows most activity in cultural and economic contacts with other actors of international relations is Abkhazia. The specific foreign policy instruments of the RSO are connected with bilateral relations with the RF. Meanwhile, the NKR and the PMR focus more on military cooperation and peacekeeping efforts with the external actors' assistance.

Reflecting on the phenomenon of the given *de facto* states, one should underline additional factors that form their current questionable status.

Firstly, the origins of the conflicts, that remained frozen up to the collapse of the USSR, derive from the early Soviet period. The *de facto* states emerged due to the raise of nationalism and separatism in late-Soviet period, as the Center weakened and lost control over the periphery. Their drive for realization of people's right for self-determination, present in Soviet and international law, faced the principle of territorial integrity and inviolability of frontiers, showing a misbalance between principles of international law, that are declared to be inter-complementary.

Secondly, there remain significant gaps in international law regarding definition of 'State' and guidelines for state recognition. Recognition procedure is not codified in international law and is a matter of political choice, so political reasons overshadow legal preconditions for this act, yet this act has legal outcomes. A 'State' has been also proven to be a political term rather than a legal one, lacking a commonly accepted legal definition. So, we may assume that *de facto* states have equal political viability in international arena as *de jure* states do. Therefore, a *de facto* state should be acknowledged as an actor capable of enjoying equal position in world politics as fully recognized states do, provided the former actually functions as efficiently as a state (even without recognition).

Finally, since none of them is recognized by the previous sovereign state, in order to convince international community in validity of their independence and sovereignty, the given *de facto* states has to develop internal authoritative institutions, enable effective rule of law and reinforce internal control over their territory. The recognition by the paternal states not only will significantly improve the international image and legitimate independence of the breakaway republics, but will also spur recognition by other members of the international community.

POVZETEK

Zunanja politika *de facto* držav v post-sovjetski regiji

Poglavitni cilj tega magistrskega delaje bil raziskati kako *de facto* države nekdanje Sovjetske Zveze in sicer Gorski Karabah, Abhazijo, Južno Osetijo in Pridnjestrsko republiko, ki v mednarodnih odnosih delujejo kot akterji brez priznanja državnosti s strani mednarodne skupnosti. Osrednje raziskovalno vprašanje se glasi: "Glede na to, da imajo *de facto* države nekdanje Sovjetske Zveze v svoji osnovi enak zunanjepolitični cilj – mednarodno priznanje, in so poleg tega vse precej odvisne od Rusije; katera različna sredstva zunanje politike uporabljajo, da bi si zagotovile vzdržnost njihove državnosti in izboljšale svoj položaj v mednarodni areni?" Da sem lahko odgovorila na to vprašanje in razkrila naravo *de facto* držav, sem uporabila multidisciplinarni pristop politične teorije, mednarodnega prava, zgodovine mednarodnih odnosov, upravljanja s konflikti in analize zunanje politike. Magistrsko delo razloži paradoksalno naravo štirih študij primerov držav skozi izključujoča se načela mednarodnega prava (predvsem načela ozemeljske celovitosti in pravice narodov do samoodločbe), manka kodifikacije mehanizma za priznavanje držav in kompleksnega zgodovinskega okvira, v katerem so te države nastale.

Za analizo državotvornih elementov in zunanjepolitičnih sredstev, ki jih uporabljajo izbrane države, magistrsko delo postreže z izčrpnimi tabelami, ki prikazujejo, kako vsaka od izbranih držav ustreza kriterijem državnosti, kot so bili določeni z Montevidejsko konvencijo iz leta 1933; tj. prebivalstvo, ozemlje, oblast in sposobnost vstopati v razmerja z ostalimi državami. Osredotočila sem se na analizo naslednjih kategorijah zunanjepolitičnih sredstev : diplomatska, kulturna, vojaška in ekonomska. Izkazalo se je, da *de facto* države, da bi si zagotovile vzdržnost svoje državnosti in izboljšale svoj položaj v mednarodni areni, uporabljajo različna zunanjepolitična sredstva. Nekaj teh sredstev je prisotnih v vseh državah, ki sem jih analizirala, medtem ko so nekateri prisotni le pri nekaterih in služijo specifičnim namenom. Primerjalna analiza zunanjepolitičnih sredstev izbranih držav je predstavljena v sintezni tabeli, ki prikazuje njihove skupne značilnosti (oziroma podobnosti) in specifikke (posebnosti). Posebne orodja so razkrila posebne zunanjepolitične zmogljivosti in cilje, ki jih zasledujejo države. Empirični podatki so tako pokazali, da je na primer Abhazija, izmed omenjenih nekdanjih sovjetskih *de facto* držav, najbolj aktivna na področju kulturnih in ekonomskih stikov z drugimi akterji mednarodnih odnosov. Po drugi strani so specifični zunanjepolitični instrumenti Južne Osetije povezani izključno z bilateralnimi odnosi z Rusko federacijo. Gorski Karabah in Pridnjestrška republika pa sta osredotočena predvsem na vojaško sodelovanje in misije za ohranjanje miru, skupaj z drugimi zunanjimi akterji, tj. z državami patronami, regionalnimi in mednarodnimi organizacijami.

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ANNEX: Draft Declaration on Rights and Duties of States

Text adopted by the International Law Commission at its first session, in 1949, and submitted to the General Assembly as a part of the Commission's report covering the work of that session. The report, which also contains commentaries and observations on the draft declaration, appears in Yearbook of the International Law Commission, 1949. Text reproduced as it appears in the annex to General Assembly resolution 375 (IV) of 6 December 1949.

Whereas the States of the world form a community governed by international law,

Whereas the progressive development of international law requires effective organization of the community of States,

Whereas a great majority of the States of the world have accordingly established a new international order under the Charter of the United Nations, and most of the other States of the world have declared their desire to live within this order,

Whereas a primary purpose of the United Nations is to maintain international peace and security, and the reign of law and justice is essential to the realization of this purpose, and

Whereas it is therefore desirable to formulate certain basic rights and duties of States in the light of new developments of international law and in harmony with the Charter of the United Nations,

The General Assembly of the United Nations adopts and proclaims this Declaration on Rights and Duties of States:

Article 1

Every State has the right to independence and hence to exercise freely, without dictation by any other State, all its legal powers, including the choice of its own form of government.

Article 2

Every State has the right to exercise jurisdiction over its territory and over all persons and things therein, subject to the immunities recognized by international law.

Article 3

Every State has the duty to refrain from intervention in the internal or external affairs of any other State.

Article 4

Every State has the duty to refrain from fomenting civil strife in the territory of another State, and to prevent the organization within its territory of activities calculated to foment such civil strife.

Article 5

Every State has the right to equality in law with every other State.

Article 6

Every State has the duty to treat all persons under its jurisdiction with respect for human rights and fundamental freedoms, without distinction as to race, sex, language, or religion.

Article 7

Every State has the duty to ensure that conditions prevailing in its territory do not menace international peace and order.

Article 8

Every State has the duty to settle its disputes with other States by peaceful means in such a manner that international peace and security, and justice, are not endangered.

Article 9

Every State has the duty to refrain from resorting to war as an instrument of national policy, and to refrain from the threat or use of force against the territorial integrity or political independence of another State, or in any other manner inconsistent with international law and order.

Article 10

Every State has the duty to refrain from giving assistance to any State which is acting in violation of article 9, or against which the United Nations is taking preventive or enforcement action.

Article 11

Every State has the duty to refrain from recognizing any territorial acquisition by another State acting in violation of article 9.

Article 12

Every State has the right of individual or collective self-defence against armed attack.

Article 13

Every State has the duty to carry out in good faith its obligations arising from treaties and other sources of international law, and it may not invoke provisions in its constitution or its laws as an excuse for failure to perform this duty.

Article 14

Every State has the duty to conduct its relations with other States in accordance with international law and with the principle that the sovereignty of each State is subject to the supremacy of international law.