

THE BIRTH OF A (FAKE?) NATION AT THE AFTERMATH OF THE DECOMPOSITION OF
USSR. THE UNSOLVED ISSUE OF POST-SOVIET 'FROZEN CONFLICTS'
O NASCIMENTO DE UMA (FALSA?) NAÇÃO NO SEGUIMENTO DO DESMEMBRA-
MENTO DA URSS. A QUESTÃO NÃO RESOLVIDA DOS CONFLITOS
'CONGELADOS' PÓS-SOVIÉTICOS

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ABSTRACT

This paper analyzes the situation of some states (Abkhazia, Nagorno Karabakh, South Ossetia and Transnistria), *de facto* independent after the dissolution of the USSR, which have been being in a limbo for 25 years, hovering between being considered 'fake states' and from getting the international legal status to which aspire. There is the problem of identifying the objective requirements for their largely recognition, which otherwise remains merely a discretionary choice of the other actors in the international society, based on purely political requirements and economic interests. In a world made up of states, which are the main actors on the international stage, how can these entities get the 'certification' of *de jure* sovereign states?

Keywords: Frozen Conflict, Nationalism, International Community, International Law.

RESUMO

Este artigo analisa a situação de alguns Estados (Abkhazia, Nagorno Karabakh, Ossétia do Sul e Transnístria), *de facto* independentes depois da dissolução da URSS, que estão há cerca de 25 anos no limbo, oscilando entre ser considerados 'Estados falsos' e recebendo o status legal internacional a que aspiram. Existe o problema de identificar os requisitos objetivos para o seu reconhecimento, em grande parte, que de outra forma parece apenas uma escolha discricionária dos outros atores na comunidade internacional, com base em requisitos puramente políticos e interesses econômicos. Num mundo feito de Estados, que são os principais actores na cena internacional, como podem estas entidades obter a 'certificação' de Estados soberanos *de jure*?

Palavras-chave: Conflito Congelado, Nacionalismo, Comunidade Internacional, Direito Internacional.

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1. INTRODUCTION

The dissolution of the Soviet Union, not only gave birth to states born from the former republics that made up the union, but also blew nationalism confined within the diplomatic boundaries of the new states. In the post-Soviet power vacuum, geographical, historical, linguistic, ethnic, religious and cultural differences prompted some people to refuse belonging sanctioned by the division of the Union of Soviet Socialist Republics. Thus the enclaves within the new independent states were born: Abkhazia and South Ossetia in Georgia, Nagorno Karabakh in the territory of Azerbaijan, and Transnistria, a strip of land on the eastern edge of Moldova with Ukraine. These entities are *de facto* independent from the states to which they belong, but they lack of a large international recognition. The fact that they have been staying in a legal limbo for 25 years poses some questions about the status of these entities, in addition to which, in 2014, appeared the new ones arising from the conflict in the Crimea and in the eastern Ukraine.

These situations have generated ‘frozen conflicts’, situation in which active armed conflicts has been brought to an end, but no peace treaty or other political framework resolves the conflicts. Therefore, legally the conflicts can start again at any moment, jeopardizing the stability and international order.

2. FROM THE CREATION OF THE USSR TO ITS BIG BANG

On December 8, 1991, Russian, Ukrainian and Belarus Presidents signed the Belavezha Accords, declaring dissolution of the USSR by its founder states, and on December 26, 1991, the Soviets of the Republics of the Supreme Soviet of the Soviet Union formally established the dissolution of the Union as a subject of international law: the multinational Bolshevik state ceased after 73 years.

The Treaty of Creation of the USSR, forming the Union of Soviet Socialist Republics, was signed on December 28, 1922 (Sakwa: 1999), and the new state was *de jure* recognized by the British Empire on February 1, 1924. The Transcaucasian Socialist Federative Soviet Republic was a constituent republic of the Soviet Union, and embraced Armenia, Azerbaijan and Georgia.

The multinational status of USSR is also confirmed by the multilingual aspect of the Union, specifying that all of the Union’s decrees have to be printed in the official language of each constituent republic: Russian, Ukrainian, Belarusian, Georgian, Armenian and Turkic (*i.e.* Azerbaijani).²

² *Treaty on the Creation of the USSR*, Art. 14, signed in Moscow, 30 December 1922.

With the adoption of the 1936 Soviet Constitution on December 5, 1936 the USSR was re-organized from a Union-based confederation, into a proper federal country (Towster, 1948: 106), and the Transcaucasian Socialist Federative Soviet Republic ceased to exist, splitting into the three republics.

In prelude to World War II, several new republics were created prior to the German invasion of USSR in 1941. On August 24, 1940 the Moldavian Soviet Socialist Republic was the final republic created by merging the large territory of Bessarabia, previously part of the Romanian territory, with the Moldavian Autonomous Soviet Socialist Republic, previously part of the Ukrainian Soviet Socialist Republic.

During the seventy years of life of the Union, Abkhazia, South Ossetia, Nagorno Karabakh and Transnistria enjoyed a degree of autonomy, due to the privileged status of autonomous republics. The 1921 USSR constitution granted Abkhazia autonomy as a Socialist Soviet Republic, later an autonomous republic within the Georgian Soviet Socialist Republic (Holberg, 2010: 33), while South Ossetia was an Autonomous Oblast within the same former Soviet Socialist Republic. The Nagorno Karabakh, an Armenian majority territory (Hewsen, 2001: 32-33, map: 19) (Hewsen: 1982), was an Autonomous Oblast established in 1923 within the Azerbaijan SSR in the Soviet Union. Transnistria, part of the Russian Empire from the late eighteenth century, has an overall majority of the population (mostly Russians and Ukrainians) speaking Russian as a mother tongue. The end of the USSR brought the clock back to 73 years, to the time of independence of these republics from Moscow. The result of this big-bang has left some consequences, the last of which is related to the tension between Russia and Ukraine for the Crimea, and later for Novorossiia (New Russia), a confederation of the self-proclaimed Donetsk People's Republic (DPR) and Luhansk People's Republic (LPR). Russian-speaking nationalities, which enjoyed a certain autonomy within the Soviet state because of their own peculiarities, did not hesitate to unleash conflicts to free themselves from the new states in which they were confined (Nagorno Karabakh War 1988–1994; Georgian-Ossetian conflict 1989–2008; War of Transnistria 1990-1992; War in Abkhazia 1992–1993).

The conflict between Georgia and separatists in South Ossetia and Abkhazia led, in August 2008, direct military intervention of Russia in Georgia. Finally, in 2014 the conflict in Crimea and in the Caucasus region, in eastern Ukraine broke out. Crimea was part of the Russian Empire, and in 1921 became an autonomous republic within Russian Soviet Federative Socialist Republic, while the Donetsk People's Republic claims the legacy of the 1918 Donetsk–Krivoy Rog Soviet Republic.

The push for independence comes from far away, and today's claims for getting the lost autonomy, have their roots in the national peculiarities, buried for 70 years in the Soviet federal state.

3. INTERNATIONAL RECOGNITION

The problem of the legal status for these post-Soviet ‘frozen conflict’ zones has been arising for about 25 years. While they are *de facto* independent states, from the standpoint of international law they are not independent *de jure*, lacking of a large recognition by UN member states.

Therefore the issue is the objective requirements for recognition as independent states within the international society that, according to Bull (1997: 78-81), is made up of states, which are the main actors on the international stage.

The *Declaration on Principles of International Law concerning Friendly Relations and Co-operation Among States in accordance with the Charter of the United Nations*, adopted by the UN General Assembly, establishes the manner in which states must relate, but does not establish criteria for the recognition of the statehood; does not establish requirements because a state can be defined as such. The Resolution states, however, the principle of equal rights and self-determination of peoples, enshrined in the *Charter of the United Nations*. The Declaration provides that “all peoples have the right freely to determine, without external interference, their political status and to 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”, and that “Every State has the duty to promote, through joint and separate action, realization of the principle of equal rights and self-determination of peoples”.

Abkhazia, Nagorno Karabakh, South Ossetia and Transnistria are partially recognized states: as well as mutual recognitions, they have been recognized by some UN members. Abkhazia and South Ossetia are currently recognized by four UN member states: Russia, Nicaragua, Venezuela and Nauru (Vanuatu recognized Abkhazia in 2011, but subsequently withdrew its recognition in 2013 as did Tuvalu with Abkhazia and South Ossetia in 2014).

Transnistria, unlike Abkhazia and South Ossetia, has no borders with Russia, and doesn’t have equal strategic role, although borders with Ukraine, whose territorial integrity has been undermined by Moscow in 2014. Despite not officially recognizing Tiraspol’s independence - only South Ossetia and Abkhazia recognize Transnistria as a sovereign - Moscow established a consulate in the disputed territory, which could join the Russian Federation. Many Transnistrians also have Russian and Ukrainian citizenship.

It has to be noticed the fact that the recognition of these two entities has come a few months after the declaration of independence adopted on February 17, 2008 by the Assembly of Kosovo, followed by the immediate recognition by some countries. Currently the Republic of Kosovo has received 110 diplomatic recognitions as an independent state: 108 out of 193 (56%) United Nations member states, plus the Republic of China (Taiwan), Sovereign Military Order of Malta, 23 out of 28 (82%) European Union member states, 24 out of 28

(86%) NATO member states. The states that have rejected the recognition of Kosovo include Argentina, Brazil, China, Greece, India, Iran, Israel, Romania, Russia, Spain, Ukraine, Uruguay, Venezuela, and, of course, Serbia.

Two permanent members of the UN Security Council (Russia and China), and other five members of the European Union (Spain, Romania, Greece, Slovakia and Cyprus), do not recognize the independence of Kosovo, which remain a partially recognized state, as well as the former USSR entities.

Apart from the reasons of Moscow, and that of China due to the Taiwan issue, the lack of recognition by other member countries of the EU are due to internal problems with secessionists or independentists, or are due to relations with neighboring states on territorial designations: Catalonia calls for independence from Spain; Romania and Slovakia are struggling with the demand for Hungarian autonomy; between Greece and Cyprus there is the unsolved issue of the Turkish Republic of Northern Cyprus. Greece also complains the legitimacy of the name of the Republic of Macedonia (Yanev, 1999) - officially the Former Yugoslav Republic of Macedonia -, and this blocks the access of Skopje to EU and NATO (International Court of Justice: 2011), while Turkey has been the first country to recognize the Republic of Macedonia with its constitutional name and as nation (Turkish Embassy in Skopje: 2008).

The recognition of Kosovo, as well as the recognition of the former USSR entities, breaches the international obligation to respect the territorial integrity of the countries they belong, the obligation of peaceful settlement of disputes and the principle of non-intervention established within the UN legal frame. It remains open, however, the issue of the right to self-determination, the principle of which is enshrined in the same tool that protects the territorial integrity of states and prohibits external interference.

The UN *Declaration on Principles of International Law*, appealing “... to all States to be guided by these principles in their international conduct and to develop their mutual relations on the basis of the strict observance of these principles...”, expressly prohibits “any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States”, stating that “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”.

The case of Kosovo is cited as a precedent by supporters of incorporation within Russia of the Republic of Crimea, which has gained recognition not only from Moscow, but also from Afghanistan, Armenia, Belarus, Bolivia, Cuba, North Korea, Nicaragua, Sudan, Syria, Venezuela and Zimbabwe, as well as by the Nagorno Karabakh Republic (UN General Assembly: 2014). These countries, allies of Russia, while recognizing the independence of Crimea, do not recognize the sovereignty of the self-proclaimed confederation of Novorossiya, which is not recognized, first, right from Moscow. Novorossiya is recognized as a sovereign and independent state only by South Ossetia (Tiblov: 2014) which, anyway, is recognized by

the Cremilin. The EU strongly condemned the violation of Ukrainian sovereignty and territorial integrity by the Russian armed forces as well as the annexation of Crimea and Sevastopol to the Russian Federation (European Commission: 2015a). Although not recognized, Aleksandr Vladimirovich Zakharchenko, head of state and Prime Minister of the self-proclaimed Donetsk People's Republic's (DNR), and Igor Venediktovich Plotnitsky, head of the unrecognized Luhansk People's Republic (LPR), signed the Minsk Protocol concerning the conflict in the Donbass region (Trilateral Contact Group: 2014). While other representatives signed the document with their appropriate qualifications - Swiss Ambassador and special representative of OSCE General Secretary, Heidi Tagliavini; Second President of Ukraine, Leonid D. Kuchma; Ambassador of the Russian Federation in Ukraine, Mikhail Y. Zurabov - the informal representatives of the breakaway republics signed without specifying their qualification, so that this does not mean a recognition of independence by Kiev. As the protocol collapsed soon, a new one was signed (Trilateral Contact Group: 2015).

The speedy recognition of Kosovo's independence by many countries demonstrates the double standard of the international society: the self-declared Sahrawi Arab Democratic Republic (formally Western Sahara, a former Spanish colony), proclaimed in 1976 by the Polisario Front, is actually recognized by 40 states (39 have 'frozen' or 'withdrawn' recognition for a number of reasons). The sovereignty over Western Sahara is claimed by Morocco, while The SADR government controls only a part of the territory it claims. Somaliland, a self-declared independent state on the southern coast of the Gulf of Aden, has been looking for international recognition since 1991. All these entities, whose statehood is independent of its recognition by other states, are claiming independence, controlling *de facto* their territory, or a part of it.

The principle of self-determination is incompatible with the territorial integrity of a country: both of these principles are fixed in the UN Charter. Tibet, a *de facto* independent state since 1912 (Shakya, 1999: 4, 90); (Feigon, 1996: 119); (Goldstein, 1997: 30-37); (Latourette, 1964: 333), though it was not recognized by any country as enjoying *de jure* independence, has been invaded by PRC in 1949. The independence of Tibet is unrecognized by any United Nations member state, including US (Goldstein: 2003) and Great Britain³. Curiously the position of the People's Republic of China (PRC), which has ruled mainland China since 1949, is the same of the Republic of China (ROC), which ruled mainland China before 1949 and currently controls Taiwan.

From 1913 to 1950 Tibet demonstrated the conditions of statehood as generally accepted under international law (both 'declarative' and 'constitutive' theory).

³ The 1914 *Convention Between Great Britain, China, and Tibet* (Simla Accord) defined Tibet's legal status and boundaries. China withdrew from the agreement in July 1914 and Great Britain and Tibet signed it bilaterally.

In the opinion of the International Commission of Jurists (ICJ), the government of Tibet conducted its own domestic and foreign affairs free from any outside authority, and countries with whom Tibet had foreign relations are shown by official documents to have treated Tibet in practice as an independent State (Legal Inquiry Committee, 1960: 5-6); (Van Praag van Walt. 1987).

4. THE INTERNATIONAL STATUS OF AN SELF-DECLARED STATE

The recognition of a state or a government is an act that only other states and governments may grant or withhold. The diplomatic recognition is an explicit, official, unilateral act in the foreign policy of states. Not having issued such a statement does not necessarily mean the state has objections to the existence, independence, sovereignty or government of another state. It is a discretionary choice made by governments, both for internal reasons and for reasons of foreign policy and international relations. There are not certain and unique prerequisites for the allocation of state sovereignty, even if the required criteria according to the 'declarative' theory are: a defined territory; a permanent population; a government and a capacity to enter into relations with other states⁴. However, the governments of the so-called 'collapsed states' (Zartman: 1995) often do not have control of the territory, and the legitimate representation of the country is disputed between different forces. The key example of the collapse of the administrative structures of the state is given by Somalia, whose conflict culminated after the ouster from power of Siyaad Barre in 1991. According to Fortes and Evans-Pritchard (1995) this phenomenon is not an exclusive of Africa, where the population is often nomadic and does not reside permanently within the territory of a state ('stateless people'). In some cases, therefore, the conditions for recognition of state sovereignty would lack, without implying, however, the disappearance from the international society.

There are some entities that, while lacking of one or more of the above requirements, have achieved recognitions by members of the international society. The Sovereign Military Hospitaller Order of Saint John of Jerusalem of Rhodes and of Malta (SMOM), headquartered in Rome, has no territory, and is recognized only by Italy and the Holy See, which is sovereign over the Vatican City, a walled enclave within the city of Rome, which is the smallest independent state in the world. Moreover, the Military Corps engaged in abroad missions are supervised by Italy, another sovereign country. The Holy See and the State of Palestine are the only UN non-member states participating as observers in the sessions and the works of the General Assembly (United Nations: 2015a). The self-declared State of Palestine, most of whose

⁴ *Convention on Rights and Duties of States* adopted by the Seventh International Conference of American States, signed at Montevideo, Uruguay, on 26th December 1933.

claimed territory have been occupied by Israel since 1967, recently obtained the first recognitions from Great Britain, France, Belgium, Denmark, Ireland, Portugal, Spain, Italy and Russia. Most of the former non-member observer states become full members of UN after the veto of one or more of the permanent members of the Security Council was overcome by changes in geopolitical circumstances: this confirms the discretionary nature of international relations.

5. RECOGNITION AS A POLITICAL CHOICE

The United Nations is neither a state nor a government, and therefore does not possess any authority to recognize either a state or a government: states are admitted to membership in the United Nations by decision of the General Assembly upon the recommendation of the Security Council (United Nations, 2015b), where the five permanent members (China, France, Russia, United Kingdom and United States) have the power of veto.

There are some entities, such as the Republic of China (Taiwan), which, despite lost the status of a member of the UN for geopolitical reasons (UN General Assembly, 1971), continues to maintain the requirements of sovereignty and recognition by other governments: this is the reason that pushed Taiwan to recognize the independence of Kosovo. Unlike other entities which are not members of the UN (.ps and .va are the Internet country code officially assigned respectively to the State of Palestine and to the Vatican City), Taiwan has its own Internet suffix .tw, which was not attributed to other entities as the SMOM, while, in the past, was attached to the Deutsche Demokratische Republik.

The German Democratic Republic (DDR) was established in East Germany in 1949, in the territory occupied by the Soviet Red Army (international non-recognition is often influenced by the presence of a foreign military force). Until 1973 the sovereignty of DDR was largely unrecognized by the West and by the most of the Third World countries (Myers Feinstein, 2001: 78), as it was considered as Soviet puppet. Unlike what happened with China, in 1973 DDR and Federal Republic of Germany (West Germany) were both admitted into the United Nations, and this increased the number of countries recognizing East Germany, including the US, UK and France. Before its statehood recognition by the UN, the Nationales Olympisches Komitee der DDR (National Olympic Committee for DDR) was recognized in 1968 as independent by the International Olympic Committee, and the East Germany athletes began to participate in the Olympic Games that year under its flag.

But, if the DDR, thanks to the support of the USSR and its allies, managed to get a late large international recognition, this does not happen for all entities. The Turkish Republic of Northern Cyprus (TRNC), a self-declared state, considered by the international society as part of the Republic of Cyprus, is unrecognized by any United Nations member state other than Turkey (and for a short period by Pakistan), which

has invaded and occupied the island since 1974, in response to a coup d'état of the Greek military junta. TRNC is considered a 'puppet state' (Kurtulus, 2005: pp.136). In light of the above, it is clear that the recognition of a state depends on the political choices made by the other actors on the international scene. These choices may be justified by domestic politics or by foreign policy. Governments that have problems with separatist or independence movements within their territory, have a tendency to deny recognition that may change in the reductive sense their territory (*i.e.*, the case of Spain and Catalonia) or the territory of an allied nation.

Countries that recognize the sovereignty of Abkhazia and South Ossetia, or which support the incorporation of the Republic of Crimea within Russia, are allies of Moscow, or have an interest because of a similar situation (*i.e.*, the case of Armenia and Nagorno Karabakh).

The statehood of Abkhazia, Nagorno Karabakh, South Ossetia and Transnistria does not depend on its recognition by other nations, as the UN *Declaration on Principles of International Law* provides that "*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 constitute modes of implementing the right of self-determination by that people*". Even if their territory's political status remains unresolved, these entities are independent presidential republics with their own governments, parliaments, military, police, postal system, and currency. The authorities of these republics held referendum (plebiscite) to seek legitimacy for the proclamation, and subsequently to declare their independence, and adopted constitution, flag, national anthem, coat of arms, and held elections.

According to the 'constitutive' theory, a state is a body of international law if it is recognized as such by another state that is already a member of the international society (Grant: 1999). Thus, it would only need one recognition by a state, which is already part of the international society, and a full member of the UN, to obtain the status of *de jure* state. Hence, the partially recognized states of Abkhazia, South Ossetia and Crimea would qualify as *de jure* states, while Transnistria, Nagorno Karabakh and Novorossiia, which are unrecognized by any United Nations member state, would get this qualification indirectly, because of their recognition by these entities.

6. FROM 'PUPPET STATES' TO 'FAKE STATES'

According to the 'declarative' theory, the statehood recognition depends largely on the independence from a third country. This issue is particularly acute for those entities which depend on Russian diplomatic and political support, and military and economic assistance: their economies are currently very dependent

on funding from Moscow. The conflict escalation in Crimea and in the Caucasus region was heavily influenced by the Russian military (PACE: 2015).

In the modern and contemporary history several cases of entities partially recognized for this reason have been registered. Without considering the cases of governments in exile (the state still continued to enjoy international recognition, and the dispute is the only about the legitimate government), in the twentieth century there have been the cases of Manchukuo, of the Italian Social Republic, and of Palestine, which drags to the present day, along with the issue of the partial recognition of Kosovo. Some of these entities, now considered 'fake states', once were called 'puppet states'. Manchukuo was a puppet state in Northeast China and Inner Mongolia, seized by Japan, which was governed from 1932 till 1945 by Puyi, the last emperor of China (Jowett, 2004: 7-36).

The Italian Social Republic (Repubblica Sociale Italiana or RSI), was a satellite state of Nazi Germany during the later part of World War II (from 1943 until 1945), led by the Duce Benito Mussolini. Manchukuo was diplomatically recognized by USSR and by the allies of Japan: Germany, Italy, and by countries all controlled or influenced by them. The Italian Social Republic received recognition only from Germany, Japan and their puppet states (De Grand, 2000: 131).

7. MOSCOW'S CHOICE BETWEEN FAKE AND LEGALITY

According to Zartman (1995) the contemporary phenomenon of state collapse coincides with the end of the bipolarism, while the author makes clear that the return to ethnic nationalism is a manifestation of the state collapse rather than its cause. Russia has risen from the ashes of the decadent era of Yeltsin, and is opposing the expansion of the European Union and NATO to the East. Moscow's strategy aims, in particular, to the destabilization of Ukraine (PACE: 2015), the country-bearing with the West, bordering in the south-west with Transnistria. Unlike Transnistria, the Republic of Crimea borders with Russia, as well as Novorossiya, an historical region of the Russian Empire.

With the recognition of Crimea as an independent and sovereign entity, and its following annexation, Moscow gains direct access for its Black Sea Fleet, saving on costs for the rental of the naval base on Ukrainian territory and on the access rights to the territorial waters of Kiev, which enjoyed also a discount on gas imported from Russia (Felgenhauer: 1999), which promptly denounced this agreement. Moreover, the Black Sea serves as an economic thoroughfare connecting the Caucasus region and the Caspian Sea to Central and Eastern Europe. Moscow employed the Black Sea Fleet in the 2008 conflict with Georgia, in support of the independence of South Ossetia. Russia backed the self-proclaimed breakaway republics of South Ossetia and Abkhazia in the Russo-Georgian War. The choice of the Cremlin to recognize

the independence of this entities comes after the recognition of Kosovo by the US and most of its allies (83 are members of the UN do not recognize the independence of Pristina from Belgrade), and at the request of Kiev to join the European Union, which opened a gap to the eastward enlargement of the EU and NATO, perceived as a threat to the Russian interests and security.

Lacking 'hard power', Russia tries to oppose the advance of NATO and the European Union with the 'soft power' of gas.

The trilateral EU-Russia-Ukraine meetings on gas are intended to break the deadlock between Moscow and Kiev after the Russian intervention in the Crimea, and to allow supplies. The Winter Package (European Commission: 2014a) was necessary to cover the domestic consumption in Ukraine over the winter period 2014–2015. The total amount of 3.1 billion US dollars for unpaid invoices was paid to Gazprom for thanks to the EU financial aid.

In 2007 the UE and Ukraine began negotiations of an Association Agreement and of a Deep and Comprehensive Free Trade Area (DCFTA), finalized on December 2011, and ratified by the Ukrainian Parliament on September 2014 (European Commission: 2015b). In mid-2013 the EU-Ukraine Council endorsed an EU-Ukraine Association Agenda (European Commission: 2015c) designed to pave the way for the Association Agreement and the DCFTA (European Commission: 2015d). As Ukraine is a partner country within the European Neighbourhood Policy (ENP), the European Commission strongly supports Kiev in the economic field, providing Macro-Financial Assistance (MFA), within a gradual progress towards political association and economic integration (European Commission: 2014b).

These measures combined could bring overall support of at least 11 billion Euro over the coming years (2014-2020) from the EU budget and EU based international financial institutions in addition to the significant funding being provided by the International Monetary Fund (IMF) and World Bank (European Commission: 2014c). The match of state recognition goes, then, by geopolitical, economic and strategic interests, and is not based only on public international law.

8. THE ECONOMIC APPROACH: GAS POWER

Unlike South Ossetia and Abkhazia, whose recognition by the Kremlin came after Kosovo self-determination and in the aftermath of the war with Georgia, Russia does not recognize the independence of the Nagorno Karabakh Republic (NKR). Caution is due to fears that an 'excess of recognitions' will set a precedent, and open a gate for similar requests within the Russian Federation, or within the territories of its allies. The lack of recognition of the sovereignty of Stepanakert by Moscow should not lead us to believe that Russia has no interest in the Nagorno Karabakh affair, as the interests of Moscow pass indirectly through the issue of Nagorno

Karabakh, whose independence was declared around the time the Soviet Union dissolved, on September 2, 1991.

During the Nagorno Karabakh war Armenia deployed its military in the region, and still keeps its troops along the borderline, providing arms and other military necessities to the Nagorno Karabakh Defense Army. Several battalions of the Armenian Army are deployed directly in the Karabakh zone on occupied Azerbaijani territory (Blandy, 2008: 14).

The special relationship between Stepanakert and Yerevan is so close, that Nagorno Karabakh (in Armenian *Artsakh*) could be considered *de facto* as part of Armenia: Robert Kocharyan, former president of the Nagorno Karabakh Republic and first commander in chief of the NKR Army, became in 1997 the prime minister of Armenia, and the following year was elected as the second president of the country, holding the post for two consecutive terms until 2008. The official language of the NKR is Armenian, and the currency is Armenian dram; the government sites are online under the Armenian Internet suffix .ar, as well. Despite this, Yerevan does not recognize the Artsakh Republic as the independent. Unlike for the conflict in the Donbass, the OSCE Minsk Group, established to find a peaceful settlement of the Nagorno-Karabakh conflict, and co-chaired by France, the Russian Federation, and the United States, does not include representatives of the breakaway NKR, confirming the dependence of Stepanakert from Yerevan.

Armenia and Russia have the closest relationship in the South Caucasus. After the withdrawal of the two remaining Russian bases from Georgia, Armenia remains the only state with a Russian group of forces in the South Caucasus (Blandy, 2008: 13). The interest of Moscow in this area is due to the fact that Azerbaijan is acting as an energy pipeline hub, offering a route which bypasses Russia through the transit states of Georgia and Turkey via the Baku-Tbilisi-Ceyhan (BTC) oil pipeline and the South Caucasus gas pipeline (SCP) Baku-Tbilisi-Erzurum (BTE), which runs parallel to BTC for 429 miles, before connecting to the Turkish gas pipeline network. Through BTC, Baku not only transfers its own oil and gas to western markets, but also to Kazakhstan and Turkmenistan.

The BTE, the BTC and the Baku-Supsa oil pipeline (both managed by British Petroleum), which ends on the Black Sea in Georgian territory, and the Baku-Novorossiysk (managed in partnership with the Russian company Transneft), are the main oil export pipelines of Azerbaijan. Other Azeris gas pipelines are the Gazi-Magomed-Mozdok (run jointly with Russian Gazprom) and the Baku-Astara (because of tensions with Armenia, Azerbaijan has signed an exchange agreement with Iran, which supplies natural gas to the exclave of Nakhchivan, receiving a commission of 15 percent on transit fees).

The TAP project (Trans-Adriatic Pipeline), recognized by the EU as “project of common interest” (European Commission: 2015e), contemplates the construction of a pipeline to transport natural gas from the Caspian Sea to the European

market, through Turkey, Greece and Albania, up to Italy. The pipeline will open the Southern Gas Corridor, a real cornerstone of European energy strategy. This new route will be added to the existing routes by which Europe receives natural gas, making its energy supplies more secure and flexible. The TAP will be linked to the TANAP pipeline (Trans-Anatolian Natural Gas Pipeline Project), which will connect Azerbaijan to Turkey, continuing to European markets, with landing in Southern Italy. For this pipeline supply contracts for the largest sale in the history of gas were signed (estimate: 130 billion Euros).

The project of the South Stream pipeline - that until December 2014, when the state company Gazprom took over all shares, also involved the Italian Eni, the French EDF and Germany's Wintershall - would provide transportation of Russian and Caspian gas to Europe through a pipeline that runs under the Black Sea, through Turkish territorial waters, with terminals in Italy and Austria.

If the Trans-Caspian Gas Pipeline, which involves the construction of an undersea gas pipeline between the Turkmen city of Türkmenbaşy up to Baku, comes to fruition, it will also further enhance Azerbaijan's status as both a producer and transit hub, diminishing Moscow's influence in the region, and circumventing both Russia and Iran. The Trans-Caspian Gas Pipeline strengthens the collaboration between Georgia and Azerbaijan, and isolates Armenia, pulling over Russia and Iran. Moscow and Tehran didn't lose time to ally on the energy issue: on April 13, 2015 the Russian President Vladimir Putin lifted the UN ban and authorized the export of the S-300 air defense missile systems to Iran (Russian Presidential Executive Office: 2015).

In light of this we can better understand the strategy of the Kremlin in the region. Armenia absolves the task of challenging the territorial integrity of Azerbaijan through of the Nagorno Karabakh conflict. Moscow, which has already committed itself directly in the Georgian conflict, ensuring security of Abkhazia and South Ossetia, does not intend to expose itself directly in the Nagorno Karabakh, nor want to risk starting a spiral of independence movements that could backfire. All this remains unsolved and it is referred to as post-Soviet 'frozen conflicts'.

9. CONCLUSIONS

In a society of just less than 200 actors, the public international law, in itself artificial, takes on the character of the state reason, even more than the characteristic of customary. A member state of this society is not obliged to abide by this type of law, unless it expressly consented to a particular course of conduct (Slomanson, 2011: 4). Five centuries after, the rule of Niccolò Machiavelli described in "*The Prince*", which suggests to act immorally at the right times, is more relevant than ever. Moral values in reality do not greatly affect the decisions of leaders in making changes to the political system.

The recognition of the statehood remains a purely political decision and discretionary, and regards feedback of domestic politics and international relations between states. The sovereignty of a nation does not depend on its *de jure* recognition, Thus leaving the question of how many recognitions are necessary to be considered part of the international society, or whether it is a question of ‘quality’ rather than quantitative an open issue.

In an interconnected and globalized world, it is hard for a state to claim not to be dependent, although in some respects, by others. The supply of oil and gas (used as a ‘soft power’), rather than food or military supplies, as well as technology transfer, makes a nation depending from another. It is no longer possible, therefore, to invoke the principle of independence from external interference, to determine the political status of an entity.

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