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ENGAGEMENT WITHOUT RECOGNITION: A NEW DIMENSION OF THE INTERNATIONAL LEGAL STATUS OF DE FACTO STATES

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Abstract. The article is devoted to the analysis of forms of interaction with de facto states and tools for establishing direct ties with them. Special attention is paid to the practice of “involvement without recognition” introduced by the European Union, which is actively used today in Transdnistria and the South Caucasus. Basing on the example of the unrecognized states of the post-Soviet space, the author shows the evolution and expansion of their limited international legal personality, as well as the fact that the scope of legal personality is of great importance for partial recognition. The article concludes that the scope and content of external interaction largely determines not only the breadth of de facto recognition, but also promotes the inclusion of de facto states on the international agenda, ensures their status and, thereby, fixes a new quality of legal personality of unrecognized entities. According to the author, in matters of recognition, the geopolitical approach prevails over the normative one. Based on the evolving practice of interaction with de facto states in the post-Soviet space, the author identifies two levels of cooperation: the first is peace processes to resolve conflicts, which have led to the formation of these de facto states, and the second is international relations in the humanitarian, trade and economic fields. New realities make it possible for unrecognized entities to demonstrate to the world community their ability to fully participate in international relations, which, combined with the strengthening of internal sovereignty, qualitatively expands their compliance with the generally recognized formal characteristics of a state. Such orderly and, in some cases, legitimately regulated relations with de facto states form new rules, which, as a result of ongoing scientific and practical search, can also lead to clarification of the criteria for recognition and evolution of relevant international legal norms. Such new criteria may be: the ability to independently represent itself in multilateral international negotiation processes, participate in the achievement and implementation of international agreements, fulfil the obligations arising from them and have extensive experience of direct interaction with full-fledged subjects of international relations.

Keywords: de facto states, engagement without recognition, unrecognized entities, international legal personality, diplomatic recognition.

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ВОВЛЕЧЕНИЕ БЕЗ ПРИЗНАНИЯ: НОВОЕ ИЗМЕРЕНИЕ МЕЖДУНАРОДНО-ПРАВОВОГО СТАТУСА ДЕ-ФАКТО ГОСУДАРСТВ

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Аннотация. Статья посвящена проблематике вовлечения современных де-факто государств в международные политические и экономические процессы. Особое внимание уделено инструментам налаживания прямых связей с такими образованиями, включая политику “вовлечение без признания”. Автор показывает расширение ограниченной международной правосубъектности современных непризнанных государств и делает вывод о том, что объем и содержание внешнего взаимодействия не только во многом определяет широту фактического признания, но и продвигает включение де-факто государств

в международную повестку, обеспечивает статусность и тем самым фиксирует новое качество их правосубъектности.

Ключевые слова: де-факто государства, вовлечение без признания, непризнанные образования, международная правосубъектность, дипломатическое признание.

INTRODUCTION

Territorial polities, those that have declared themselves as States and have not received international recognition, have become a characteristic element of modern international relations. Whether they are unrecognized entities in Africa (for example, South Sudan before extending recognition or Somaliland), in Asia (for example, Tamil Eelam before liquidation or Northern Cyprus), or in Europe (for example, Transdniestria), they act as actors in world politics. At the same time, recognition is not converted into state solvency for some countries and is no longer an unconditional guarantee of long-term existence for other ones.

The viability of many de facto states due to globalization is becoming a characteristic feature of the current political reality and the norm [1]. However, the procedure for granting a subject the status of a state is not regulated, and the institution of recognition is not codified. At the same time, there is not only a generally accepted system of criteria that an entity claiming the status of a recognized state must meet but also any consistent uniform practice.

Today, there is an increased interest in the problems of unrecognized entities with a shift in focus toward studying the degree of involvement of de facto states in interaction with key centers of power, including Russia, the EU, and the USA [2, 3, 4]. Modern authors are interested not only in relations with such actors or their role in peace processes [5] but also in issues of trade and economic cooperation [6], the implementation of confidence-building measures and their impact on conflict resolution [7], as well as the policy of “involvement without recognition” implemented by the European Union [2, 3, 4].

The normalization of the de facto states' image is gradually taking place. As the author of the book *De facto States of Eurasia* Tomáš Hooch rightly notes, “de facto states that have proven their ability to exist for a long time in conditions of non-recognition are no longer considered as just a transient phenomenon that arose for a short time as a result of the disintegration of large state unions” [8]. Moreover, an analysis of the degree of de facto states' relations with full-fledged subjects of international law allows some authors to argue that the degree of the actual involvement of these subjects is more important than the problem

concerning how many UN member states officially recognize them [9].

In previous years, the lack of diplomatic recognition was traditionally perceived as an obstacle to the implementation of foreign relations, which was the most tangible negative consequence of non-recognition under international law. Today, the content of the de facto actors of states in regional and global political processes allows researchers to state their geopolitical significance and ability to have a serious impact on the relations of the leading world powers [10, p. 79]. This makes it possible to talk about the expansion, albeit limited, of the international legal personality of de facto states, and also brings such polities into the category of a special type of participants in international relations that deserve a comparative academic study, and not just ritual condemnation from the dominant widely recognized sovereign states [11].

This particular article is devoted to the analysis of the factors influencing the legal personality of modern de facto states and the tools that are being actively mastered today by full-fledged participants in international relations to establish direct ties with them.

OPENNESS AS AN INDICATOR OF SOLVENCY

The development of own solvency is the most important factor not only in recognition but also in the full-scale acquisition of the de facto state status [12, p. 16]. The dynamics of changes in such solvency through the ability to independently enter into international relations and represent themselves in external political and economic processes may be traced quite well through the example of the de facto states of the post-Soviet space.

In this context, the openness of unrecognized entities to the outside world plays an important role. Unlike the times of 20 years ago, not only international organizations but also a number of countries are actively interacting with de facto states.

Experts today also attribute to the grounds for recognition the ability of the de facto state to fulfill its international obligations, to ensure an appropriate level of democracy and protection of fundamental human rights and freedoms on its territory [13]. In

practice, the de facto demonstration by the State of cooperation with human rights non-governmental and international organizations really contributes to the debunking of negative images.

Thus, the authorities of the Nagorno-Karabakh Republic (NKR) often emphasize that for many years, the republic has been included by the international non-governmental organization Freedom House in the group of “free countries” with a high rating indicator of the level of freedom, although marked “disputed territory”. In Transdniestria in 2012, a Senior UN expert on human Rights, Thomas Hammarberg, was allowed to work on their territory, who in the final report stated the openness of the authorities and the positive steps they had taken. At one of the meetings, the human rights activist also said about Trans-Dniester: “This is the fourth time I have been here, and my opinion is the following – this is a normal society, part of Europe... Of course, there are a number of problems, as everywhere else, but there are certain advances in their solution”. In 2019, realizing his mission again, this expert publicly positively assessed the implementation of international recommendations and stressed that “despite the lack of international recognition, all international conventions in the field of human rights have been unilaterally adopted as framework norms of law, and the problems that Transdniestria faces in this area are characteristic of all the rest of the world” [14].

Measures to strengthen the legitimacy of the de facto state are also the opening of representative offices abroad with the functions of embassies and links with other unrecognized entities, including the creation of certain integration unions. Thus, Nagorno-Karabakh has its permanent representative offices in Armenia, Russia, the USA, Canada, Australia, France, Germany, and a number of countries in the Middle East¹. Official representative offices of Transdniestria operate in Tskhinval and Sukhum, and representative offices of South Ossetia and Abkhazia – in Tiraspol. After the recognition of Abkhazia and South Ossetia by Russia and a number of countries, these partially recognized states resumed recognition of Transdniestria, concluding in 2016 and 2017 friendship and cooperation agreements in a new edition with the wording “confirmation of mutual recognition of independence and sovereignty taking into account new geopolitical realities” [sources 1, 2]. In this case, following the logic of attributing the Republic of Abkhazia (RA) and the Republic of South

Ossetia (RSO) to a subgroup of partially recognized states, their recognition of the Pridnestrovian Moldavian Republic (PMR) may transfer this entity to the category of partially recognized for states recognizing RA and RSO.

STATUS IN PEACE PROCESSES

As a rule, de facto states arose as a result of conflicts. It is obvious that an effective peaceful political settlement is impossible without establishing a dialogue between the conflicting parties, including them in the processes of peacemaking and peace-building. Thus, the main group of international relations of de facto states that have arisen as a result of conflicts is formed by contacts within the framework of peace processes.

Participation in negotiations is perceived by these actors as the most important legitimate tool for promoting and protecting their rights and interests, independently concluding agreements, entering into agreements, and carrying out duties. This is primarily due to the fact that in most cases, when it comes to the criteria of statehood, there is an appeal to the ability to implement foreign policy, independently representing itself in the international arena. Besides, the fact of participation in bilateral and multilateral negotiations in world practice has already been recognized as a basis for recognition, for example, when, by the decision of the Badinter Commission for the Former Yugoslavia, Croatia became a state in 1991 on the basis that by that time the Croatian authorities controlled most of the country's territory, adopted their own laws, and conducted international negotiations [15, p. 21].

From an interesting point of view, Golunov considers the importance of the factor of involvement in negotiations in his work on the “quasi-statehood” of the terrorist “Caliphate” [16]. According to this scientist, this entity met the criteria of the Montevideo Convention to a high degree, having bodies similar to the government, controlling vast areas of Syria and Iraq with a population of several million people. At the same time, there was no public communication and inclusion in international relations, which, according to a number of analysts, could change in the event of military and political successes of the Islamic State group². Admittedly, today such a discourse is being updated again in connection with official contacts through the Russian Foreign Ministry

¹ According to the information about the permanent missions of the Republic of Artsakh provided on the official website of the Ministry of Foreign Affairs of the Republic of Artsakh (<http://www.nkr.am/ru/karabakh-permanent-representations>).

² Since 2014, by the decision of the Supreme Court of the Russian Federation, the Islamic State group has been recognized as a terrorist organization, whose activities are prohibited on the territory of Russia.

with representatives of the Taliban movement³. This incident is being actively discussed both in academic and public circles, despite the justification for holding the meeting by the need to bring the positions of the opposing sides closer together and the Foreign Ministry's stated intention not to exclude the Taliban movement from the Russian list of terrorist organizations [source 3].

In the post-Soviet space, not all de facto States were able to acquire legal personality in multilateral peace processes. Unlike Transdniestria, which is a full-fledged participant in the negotiations on the Trans-Dniester settlement within the framework of the "5+2", Nagorno-Karabakh, the Luhansk People's Republic (LPR) and the Donetsk People's Republic (DPR) do not have the status of a party to the negotiation process.

The representatives of the Donbass republics participated in the Contact Group on the Peaceful Settlement of the Situation in eastern Ukraine (the Trilateral Contact Group), but Kiev did not consider this format as negotiations, pointing to the specific mandate of the working body to resolve operational issues between the warring parties to the armed conflict. At the same time, international mediators made efforts to fully involve representatives of the LPR and the DPR in the negotiations. However, neither the idea of France and Germany on the so-called clustering of the Minsk Agreements and the transfer of their agreed provisions to the Trilateral Contact Group for the joint development of the roadmap nor the Russian initiative on the inclusion in 2021 of plenipotentiary representatives of Luhansk and Donetsk in the Normandy format meetings was supported by Kiev.

Nagorno-Karabakh has been in contact with Azerbaijan and international mediators within the framework of consultations on the settlement for only a few years, from 1992 to 1996. Initially, it was decided that the Minsk Group "elected and other representatives of Nagorno-Karabakh" would participate along with 11 mediators, Yerevan and Baku. However, the question of the status of the Nagorno-Karabakh representatives, which constantly arose at the negotiating table, made the meetings unconstructive. In 1992, Russia offered the parties to the conflict negotiations, which Nagorno-Karabakh evaded by putting forward a condition on recognizing the equal status of the parties to the conflict. Recalling

³ Since 2003, by the decision of the Supreme Court of the Russian Federation, the Taliban movement has been recognized as a terrorist organization, whose activities are prohibited on the territory of Russia.

this, the Russian diplomat V. Kazimirov wrote: "in conflict situations, no one suffers from generosity to distribute the desired statuses to the enemy, if it is not profitable for him or is not compensated by something else; the status is more often born from life, from the very meetings that the Karabakh people just avoided. The meeting of the parties itself is already a brick laid without noise and crackling in the foundation of such a status" [17, p. 36].

By the time the Co-Chairmen of the Minsk OSCE Group was established in 1997, Nagorno-Karabakh was eliminated from the negotiations, in which the leaders of Armenia and Azerbaijan met as parties with the assistance of mediators. Until 2020, contacts with Artsakh were maintained within the framework of the Co-Chairs' visits to the conflict region and in the process of monitoring on the line of contact, but Nagorno-Karabakh still did not participate in the negotiations. Now, after the 44-day Second Karabakh War, the interaction of local authorities is mainly aimed at facilitating the peacekeeping operation. The loss of the former political weight, apparently, significantly throws back the already barely noticeable steps towards gaining legal personality in international negotiations by Artsakh.

Transdniestria managed to gain the status of an equal participant in the negotiations. Since 1994, Tiraspol has made many attempts to achieve equal status. At the end of 2011, after a long pause in the negotiations, the parties agreed on the need to adopt a document regulating their interaction at the negotiating table. Despite the convergence on a number of positions, coordination was complicated by the refusal of the Moldovan side to fix the principle of equality. Representatives of Chisinau believed that the recognition of the equality of the parties would determine the results of the settlement and could be interpreted as "status equality" [source 4, p. 38].

Following several rounds of negotiations, Tiraspol and Chisinau signed "Principles and procedures for conducting negotiations..." specifying the composition of the participants: "The participants of the "Permanent Meeting" are: the parties – the Republic of Moldova and Transdniestria, the mediators – the Russian Federation, Ukraine and the OSCE, as well as the observers – the European Union and the United States of America" [source 5]. The document states that "negotiations are conducted on the basis of equality and mutual respect between the participants". The reservation contained in the document that "this provision is not a precedent for settlement or a basis for any party to assess the legal status of the parties at the moment" insured Chisinau

diplomats from undesirable interpretations. However, as the Russian jurist Kholina rightly points out, reservations that entering into certain legal relations with a new state does not mean its recognition cannot hide the establishment of legal relations that differ little from relations between states recognizing each other [13, p. 221]. Meanwhile, Tiraspol has thus only strengthened its legal personality in multilateral international negotiations.

SUBJECTIVITY IN INTERNATIONAL AGREEMENTS

Participation in international agreements is another important factor in legitimizing legal personality. The parties to an international treaty are classical subjects of international law: States, international intergovernmental organizations. This is imperatively indicated by the Vienna Convention on the Law of Treaties. However, participants in international negotiations are careful to build contractual relations with parties that do not have subjectivity from the point of view of this Convention.

This is well illustrated by the example of China's interaction with unrecognized states described by D. Babayan [18, p. 132]. When, after a number of direct contacts between the Chinese leadership and the Somaliland authorities, an agreement on the modernization and expansion of the port of Berbera was signed in 2010, a Chinese TNC signed the agreement on the Chinese side. A year later, a trilateral agreement was signed between China, Ethiopia, and Somaliland on the development of oil and gas fields and the development of the infrastructure of this port. Meanwhile, China always painfully perceives the conclusion of treaties with Taiwan, whether it is the treaty on fishing in the Sea of Japan signed between Japan and Taiwan following the results of 18-year negotiations [source 6] or concluded already under the administration of Joe Biden's US-Taiwan Coast Guard Agreement [source 7].

Assessing the role of *de facto* states in shaping the regional agenda, S. Markedonov notes that "the signatures of the leaders of the "people's republics" under the Minsk Agreements, although without specifying their status, indicate that their actual role in the conflict and the process of peaceful settlement is taken into account" [10, p. 81]. In this context, the experience of participation in international agreements accumulated by Transdniestria is also interesting.

The first international document, which, according to European lawyers P. Bruno and F. Vermont, is the beginning of the legal personality

of Transdniestria, is the Agreement concluded in July 1992 "On the principles of peaceful settlement of the armed conflict in the Transdniestria region of the Republic of Moldova" [19, p. 67]. This ceasefire agreement was signed by the Presidents of Russia and Moldova, but it mentioned "both sides of the conflict", as well as "three parties involved in the settlement". Despite the fact that the treaty imposed obligations on the Transdniestria side, Transdniestria was not a signatory of the document, and the leader of the PMR I. Smirnov attended the signing ceremony without specifying the status.

However, already in 1997, another agreement was concluded – a Memorandum on the principles of normalization of relations between the Republic of Moldova and Transdniestria, known today as the Moscow Memorandum. The document was signed in Moscow by the Presidents of Moldova and Transdniestria, the Presidents of Russia and Ukraine, as well as the OSCE Chairman-in-Office [source 8]. Meeting all the signs of an international treaty, this document has been deposited by the OSCE. Although it is not fully enforced and has not been denounced, it remains formally valid and has never been disputed by the parties.

The Moscow Memorandum stipulated the limits of the Transdniestria's international legal personality – the right to participate in Moldova's foreign policy on issues affecting its interests, as well as the right to independently establish and maintain international contacts in economic, scientific, technical, cultural, and other fields. As a legal basis, these agreements were used by Russia, which concluded direct agreements on interdepartmental cooperation with Transdniestria in 2006 and 2012–2014 [sources 9, 10, 11]. In addition, based on the agreement signed by Moldova and Transdniestria in 2001 on mutual recognition of documents issued by the competent authorities of the parties [source 12], Russia recognizes the validity of Transdniestria passports, driver's licenses, civil status certificates, and other documents on its territory.

In 2007, the Russian Foreign Ministry, in response to a request from the Federal Notary Chamber, indicated that international law does not prohibit states from recognizing certain legal acts and powers of bodies exercising actual power in territories beyond the control of official authorities, and referred to documented agreements between Chisinau and Tiraspol [source 13]. In 2014, this position was clarified by the Ministry of Justice of Russia in a letter explaining the possibility of Russian notaries accepting documents originating from state entities that are not recognized by the Russian Federation as

independent subjects of international law for notarial actions [source 14].

It should be noted that in some States, the recognition by courts of the validity of acts of unrecognized State entities is authorized at the legislative level. In the UK, a number of laws concerning interaction with Taiwan broadly interpret the concept of “state” for these purposes, and US courts recognize acts of Taiwan on general grounds [source 13].

The trend of “fitting” the formats of interaction with de facto states is noticeably increasing these days.

INVOLVEMENT WITHOUT RECOGNITION

S. Markedonov recalled the times when a foreign politician who visited an unrecognized republic had every chance to be a non grata person in the countries of which these republics are considered integral parts [15, p. 14]. The examples of Georgia and Moldova are indicative here. The first established in October 2008 a permissive procedure for entry into Abkhazia and South Ossetia not only for ordinary citizens but even for humanitarian missions. Moldova, although it does not restrict the travel of Moldovan citizens to Transdniestria, in 2005 began to apply a permissive regime for visiting Transdniestria by foreign diplomats. To this end, the Moldovan Foreign Ministry sent a note to the diplomatic missions accredited in Chisinau informing them about the approval regulations. The initiative met with quite a sharp reaction from representatives of the OSCE, Russia, and Ukraine, who are mediators in the Transdniestria settlement process. They adopted a joint statement in which they called the actions of the Moldovan side restrictions with dangerous consequences for maintaining peace and security, which could negatively affect the political settlement of the conflict [source 15].

Today, much attention of specialists from drawn to such forms of interaction with de facto states that would allow official cooperation with them without recognition [2, 4, 9, 20, 21, 22, 23]. The accumulated international experience is considered mainly in the context of promoting peace processes, patronage by the so-called patron countries, or as an alternative to recognition. Analyzing the limits of such cooperation, the British scientist J. Ker-Lindsay points to a high degree of freedom regarding the limits of diplomatic interaction with de facto states, and the level of involvement, in his opinion, can sometimes even equal recognition in everything except formal fixation of such [4].

In order to carry out direct contacts without diplomatic damage, special, as a rule, non-governmental formats were created. For example, Russia has formalized its presence in Taiwan by establishing a Representative Office of the Moscow-Taipei Coordination Commission for Economic and Cultural Cooperation in Taipei. Information about it is posted in the section “consular offices” on the consular information portal of the Ministry of Foreign Affairs of the Russian Federation with the note “has an unofficial, non-governmental status”. In Transdniestria, large-scale work to provide the republic with Russian financial assistance in the fields of healthcare, education, and science in 2012–2016 was carried out by the autonomous non-profit organization “Eurasian Integration”, whose work was supervised by Deputy Prime Minister of the Russian government Dmitry Rogozin.

The Chinese experience is also interesting. The PRC actively interacts with Iraqi Kurdistan at the inter-party level, exchanging delegations of the Patriotic Union of Kurdistan, the Democratic Party of Kurdistan, and the Communist Party of China [18, p. 141].

The European Union showed great caution in interacting with the parties to the conflicts in the post-Soviet space – Abkhazia, South Ossetia, Nagorno-Karabakh, and Transdniestria. European diplomats were bound by the restrictions imposed on the EU due to the commitment of this actor to preserve the territorial integrity of the “mother territories”. At that time, the European Union was making efforts to Europeanize Moldova and Georgia, hoping to increase their attractiveness in the eyes of the population of the breakaway republics.

In the early 2000s, the EU began to finance confidence-building measures implemented at a certain stage in the South Caucasus and implemented to this day in Moldova and Transdniestria. This, with varying degrees of effectiveness, facilitated mutual contacts between representatives of the conflicting parties. Then in 2009 Brussels tested a new approach – engagement without recognition, which was now based not so much on European integration ideas as on the focus on the Europeanization of conflict resolution processes through the involvement of conflicting parties in European formats and institutions.

The implementation of the policy of engagement without recognition is combined with confidence-building measures and currently looks like a kind of pilot project, as an experiment. Experts noted that the informal document that initiated this practice went

through the approval procedures for a long time, and its final version was never made public [24].

In order to promote confidence-building measures, the European Union established the institution of an EU Special Representative and sent its diplomats to the South Caucasus and Transdniestria. The activation of direct contacts with Transdniestria by the EU Special Representative and his team of advisers during a period when negotiations were “frozen” for a long time was regarded by European analysts not only as a key step towards facilitating a settlement but also as the “legitimization” of such contacts for other members of the European diplomatic community [25]. In Chisinau, concerns were expressed that international support for confidence-building measures could lead to the development of cooperation between Transdniestria and the European Union, and not with Moldova [25, p. 20]. Meanwhile, Brussels believed that the European Union could and should use confidence-building measures to improve its own reputation as a friendly neighbor in Trans-Dniester [25, p. 24].

In general, the authorities of the unrecognized republics perceived the intensification of direct interaction as a kind of confirmation of their own state and political-diplomatic maturity. In the West, they hoped to use such tactics to soften the mood of the population, reduce the influence of the patron states, and strengthen the impact on the de facto authorities. According to European experts, direct cooperation should have had a positive impact on the well-being of people living in conflict regions. De Waal wrote about it this way: “Hundreds of thousands of people cannot be deprived of fundamental rights just because the status of the territories where they live is not defined... They have chosen institutions and leaders that have been operating for a long time, but do not have an official international status. It is not easy for international actors to find the right way to interact with these de facto ‘officials’, but it is impossible to resolve protracted conflicts without this” [24].

It should be noted that the population of de facto states is ambivalent about the policy of involvement without recognition. What for some is the strengthening of their legal personality, for others is a “creeping reintegration” and an attempt to weaken Russia’s influence. The increased influence of the EU through the policy of direct interaction leads to a change in the rhetoric of the authorities of unrecognized entities. Through the example of Trans-Dniester, it can be seen that the authorities have become more careful in their assessments of Western policy. The Research Laboratory on the History of Transdniestria, which

had been operating since the formation of the republic and conceptualized the grounds for the recognition of the PMR, was liquidated. Statements about the desire for recognition of independence are almost completely excluded from official rhetoric. Western expert circles believe that downplaying the claim to independence is directly related to gaining access to international participation [20, 23].

The practice of interaction without recognition is perceived differently in academic circles. Some see it as an instrument of influence of the mother states and reintegration when it comes to interaction with public circles, and not with the authorities of the breakaway territory [26]. In these cases, involvement initiatives are viewed with suspicion in unrecognized subjects. Others, on the contrary, see this as a way to compensate for the de facto formation of their marginal position by relations with the patron state [27]. Interaction with the unrecognized is also evaluated inconsistently at the political level. As J. Ker-Lindsay and E. Berg rightly point out, there is a wide range of political reactions, and they can often change depending on the broader international and specific context [28].

In general, a special discourse is being formed around such practices in academic circles. Scientists speak of formalized relations in the field of maintaining peace and security, as well as the fulfillment of international obligations of a general and special nature as forms of de facto recognition [13]. Informal use of political resources and public goods of the de facto state in practical transactions with other states can also be considered a variation of de facto or partial recognition [12]. The authoritative Russian political scientist M. Ilyin draws attention to the fact that long-term external cooperation can cause “habituation” among members of the international community and be a factor that makes it possible to achieve positive dynamics of the actual inclusion of a partially recognized state in regional and world politics and on this basis to promote its formal recognition and acquisition of the desired status [12].

CONCLUSIONS

The consistency that de facto states are gaining today (due to new practices of interaction with full-fledged subjects of international relations) is fueled by additional opportunities and converted into alternative forms of sovereign statehood. At the same time, if for the EU the geopolitical logic of active interaction with unrecognized entities in the post-Soviet space is largely shaped by the request to weaken Moscow’s influence on de facto states, then for individual

countries (say, Russia or Armenia), direct, albeit not official cooperation is an opportunity to support unrecognized republics, avoiding de jure recognition and the undesirable foreign policy consequences associated with it.

Thus, transitional forms of de facto international legal personality of states are being tested, and a new dimension of the latter is being formed. The volume and content of external interaction of de facto states not only largely determine the breadth of de facto recognition but also promote the inclusion of these entities in the international agenda, ensure their status, and thereby fix a new quality of legal personality of unrecognized entities.

Based on the evolving practice of interaction with de facto states in the post-Soviet space, two levels of cooperation can be distinguished today: the first is peace processes to resolve conflicts, as a result of which these de facto states were formed, and the second is international relations in the humanitarian, trade, and economic fields. The interaction of the so-called second level demonstrates the refusal of international actors from the policy of isolation against de facto

States in favor of solving humanitarian problems, promoting the development, and strengthening of democratic foundations.

The new realities make it possible for unrecognized entities to show the world community their ability to fully participate in international relations, which, together with the strengthening of internal sovereignty, qualitatively expands their compliance with the generally recognized formal features of the state.

Such orderly and in some cases legitimately regulated relations with de facto states form some new rules, which, as a result of the ongoing scientific and practical search, may lead to the clarification of recognition criteria, and, even if not in the near future, but it is possible, to the evolution of relevant international legal norms. Such new criteria may be: the ability to independently represent oneself in multilateral international negotiation processes, participate in the achievement and implementation of international agreements, fulfill the obligations arising from them, and have extensive experience of direct interaction with subjects of international relations.

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