

## **Abstract**

Over the course of history, the organisation of human societies has gone through several evolutionary stages. Their peak, primarily in Europe, took the form of states as polities structured around an ethnical basis—nation states. In many cases, their rise and downfall could be rather violent which led to growing social instability. Therefore, international communities began looking for mechanisms to regulate these processes. From the perspective of international law, it was necessary mainly to define the term *state* and codify the requirements an entity had to meet in order to be considered one.

The Montevideo Convention established an elementary quartet, necessitating the presence of a population, territory, executive power and the ability to fully participate in international relationships, i.e. possess external sovereignty. These four aspects, however, still did not entirely suffice which is why secondary requirements kept being inconsistently added, addressing primarily the entity's inner character and its attitude to, for example, upholding universal human rights or minority rights.

Nonetheless, simply meeting the above-mentioned criteria is not enough to establish a fully functioning state. In the modern world, it is essentially impossible for a new state to be created without infringing on the integrity and sovereignty of some current state. The right of nations to self-determination, evoked during the founding of most nation states, collides with this mechanism significantly. Thus, the international community faces a nearly insoluble dilemma, one which has not been resolved to this day. Politicians, statespeople, political scientists, economists, philosophers, and many others are constantly asking questions which might solve this dilemma.

Still, their efforts have brought no adequate results as the problem is primarily a political, not legal one. Only if a new state were to be created by seceding from its parent state on the basis of the latter's voluntary consent would this constitute a legal matter, clear and easy to solve. The issue is, though, that such ideal conditions are not present in the overwhelming majority of cases and that the parent state does not agree to the secession of a part of its territory and population or actively prevents this, not recognising the new state and boycotting its efforts to be recognised by other states.

In such cases, politics—or rather geopolitics—enters the stage, using different benchmarks for different polities regardless of international law and its rules. Thus, some new polities are not recognised by the international community at all, others by just a few individuals. This usually concerns states which are recognised effectively (*de facto*), not legally

(de iure), with all the inherent benefits and consequences. De facto states which are recognised by nobody or by a small group of sovereign states do not have it easy as they are typically dependent on the patron state which provides them with military protection and economic aid. A significant percentage of the GDP of de facto states covers the costs of guaranteeing their fundamental existence, leaving insufficient funds for their further development. As a result, these states fall further behind, increasing their dependence on the patron, becoming its vassals, and losing their sovereignty even more markedly. All this further complicates their international recognition, involvement in international organisations, and access to financial or other markets.

This characteristic applies to all of the regions discussed in the thesis, i.e. Transnistria, Abkhazia and South Ossetia. These are regions located in the post-Soviet space, on the territory of the sovereign Moldova and Georgia. In all cases, they are de facto states, either not recognised by anybody or just by individuals. The main driver of their development is Russia as a regional hegemon, and all three of these de facto states are more or less dependent on it. In the case of Transnistria, such dependency is relatively low, giving the region decent enough room to manoeuvre and hopefully a positive future. The Abkhazia state of affairs is more complicated. Here, Russia acts as a patron and Abkhazia is rather dependent on it both militarily and economically. The situation in South Ossetia is worst out of the three, finding itself as it does in a hopeless relationship with Russia. Its dependency is enormous. Without Russia's support, this de facto state would quickly collapse which makes the future of South Ossetia very problematic.

The solution to the situation of these regions comes in the form of either full sovereignty and international recognition, or efforts to weaken Russia's role as a patron state. Short-term, neither of these options is feasible and so the conflicts plaguing these regions will likely remain "frozen" for a long time, along with their future.