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POST-SOVIET TRANSFORMATION

From Domestic Change to Reform and New National Narrative: Ukraine after the Maidan Revolution

ARAM TERZYAN

Brusov State University, Armenia
Eurasian Research and Analysis Institute, USA

The article explores post-Maidan state-building in Ukraine, with a focus on the core material and ideational outcomes of the 2014 revolution. By examining the case of Ukraine it shows the challenges and opportunities of political and economic transformations in post-revolution societies amid constraining external conditions. It suggests that political and economic reforms underlying post-Maidan Ukraine's state- building significantly owe to country's profound advancement towards the European Union (EU). Meanwhile the core obstacles to democracy consolidation range from weakness of democratic institutions and civil society organizations to authoritarian legacy and lingering oligarchic influence, compounded by the devastating effects of separatism. The article concludes that the domestic change in Ukraine has been positively correlated with its approximation towards the European Union, as well as with substantial othering of Russia.

Introduction

The 2014 "Maidan Revolution" in Ukraine has considerably renewed scientific interest in post-soviet revolution studies, including in post-revolution state-building trajectories.

There is a lot of scholarship on the political and socioeconomic rationale behind post-Soviet revolutions. In the midst of this burgeoning interest in post-Soviet revolutions, however, there has been relatively little interest in the reasons behind post-revolution setbacks and failures.

Kennedy notes that while the "colour revolutions" sparked a wave of optimistic commentaries about democratization in semi-authoritarian states, today, however, there is considerable debate over whether these "revolutions" produced real reform. By utilizing a synthetic control method of comparative case studies to evaluate improvements following the "colour revolutions," Kennedy contends that divergent outcomes of the revolutions are largely due to influences present well in advance of political upheaval[1]. Way notes that while the analysis of the second wave of democratic transition in Eastern and Central Europe's "color revolutions" has tended to focus on causal variables such as regional diffusion, leadership strategy, and popular protest, longer-term variables such as state and party capacity and the strength of a country's connection to the West is essential to account for the anatomy of the revolutions[2].

Clearly, the Maidan stands out from other post-soviet revolutions as "the real last anti-Soviet revolution, which challenged nonconfrontational, conformist, and "emotionally positive" approaches to the analysis of Soviet and post-Soviet society and culture."[3] Not only did Maidan express Ukrainians' "choice for Europe," but also forged the beginnings of a new Ukrainian identity[4].

Several studies provide a valuable re-assessment of some aspects of the anatomy of post-soviet transformation. An example can be found in the works of Torosyan and Sukiasyan emphasizing the non- linear nature, complex and multivector process of post-Soviet transformation. It is suggested that the EU-Russia contestation in the shared neighborhood has become a critical factor in influencing the

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[1] **Kennedy R.,** Fading Colours? A Synthetic Comparative Case Study of the Impact of "Colour Revolutions", *Comparative Politics*, 2014, **46**, 3, 273-92.

[2] **Way L.,** The real causes of the color revolutions, *Journal of Democracy*, 2008, **19**, 3, 55-69.

[3] **Zhuk S.I.,** Ukrainian Maidan as the Last Anti-Soviet Revolution, or the Methodological Dangers of Soviet Nostalgia (Notes of an American Ukrainian Historian from Inside the Field of Russian Studies in the United States), *Ab Imperio*, 2014, 3, 195-208.

[4] **Diuk N.,** The Maidan and Beyond: Finding Ukraine, *Journal of Democracy*, 2014, **25,** 3, 83-89.

post-Soviet transformation. Thus, the final European or Eurasian choices of "shared" neighbors (Ukraine, Armenia, Georgia, Moldova) are deemed instrumental in bringing the post-Soviet transformation to completion[5]. Overall, one of the major shortcomings of this literature is the privileging of either structure or agency when accounting for social change. This study offers a more dynamic structure - agency interplay approach to account for change - continuity relationship in post-revolution Ukrainian politics.

The core features of post-revolution state-building in Ukraine range from considerable approximation towards the European Union, with its trickle-down effects on economic and political reforms across the country to the substantial othering of Russia. Overall, the major hindrances to post-revolution state - building in Ukraine come down to both domestic factors, such as the weakness of institutions and civil society organisations, as well as to external constraints, emanating chiefly from the devastating conflict with Russia[6].

The case study of Ukraine provides insights into the challenges and opportunities of post-revolution state-building in the European Union–Russia contested neighborhood, amid the complex interplay between the Kremlin's unrelenting efforts at tightening its grip on its "near neighborhood" and the constrained actorness of Brussel's state-building and conflict resolution[7]. It enquires into the various dynamics behind domestic change post-Soviet countries, including the challenges of implementing economic and political reforms.

It addresses the following research questions: 1. What are the main challenges to implementing economic and political reforms in post-revolution Ukraine? 2. What are the main features of discursive

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[5] **Torosyan T., Sukiasyan H.,** Three Stages of Post-Soviet Transformation, Three Groups and Paradigms, *Armenian Journal of Political Science*, 2014, 1, 20-34.

[6] **Kuczyńska-Zonik A, Kowalczyk J.** Nation-Building in Post-Maidan Ukraine. *The Polish Quarterly of International Affairs*, 2016, 3, 91-105.

[7] **Kuzio T.**, Ukraine between a constrained EU and assertive Russia, *JCMS: Journal of Common Market Studies*, 2017, **55**, 1, 103-120; **Maass A. S.,** The Actorness of the EU's state-building in Ukraine - before and after Crimea. *Geopolitics*, 2019, **25**, 2, 387-406.

boundary-making in post-Maidan Ukrainian political discourse, focusing specifically on President Petro Poroshenko's discursive othering of Russia ? The paper uses policy analysis combined with process-tracing to examine the evolution in the post-revolution state-building in Ukraine. The study builds its empirical argumentation by analysing a broad variety of sources, including the newspaper articles, observations from political speeches, official documents and interviews.

Political Dimensions of Post-Revolution State-Building

One of the intriguing questions pertaining to post-revolution state-building in Ukraine is whether and to what extent the domestic change will lead to democratic consolidation across the country, thus bringing its post-Soviet transformation to completion .

Hale notes that regime cycles are common occurrences in postcommunist world, where some states have oscillated from autocracy toward greater democracy, then back toward more autocracy, and, with "colored revolutions," toward greater democracy again[8]. His empirical analysis focuses on the effects of patronal presidentialism to provide insights into cyclic dynamics and hybrid regimes. The theory of patronal politics comes down to the tendency of post-communist regimes to revert to autocratic, corrupt, personalistic and patronage-based forms of rule[9]. Under the patronal presidential regimes the formal institutions, such as constitutions and elections matter insofar as they shape the expectations of political game players about who is in charge[10].

Ukraine is one of the most illustrative countries of patronal politics, dominated by informal networks and patron-client relations,

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[8] **Hale H.E**., Regime cycles: democracy, autocracy, and revolution in post-Soviet Eurasia. *World Politics*, 2005, **58,** 1, 133-165.
[9] Ibid.
[10] **Remington T. F.,** Henry E. Hale. Patronal Politics: Eurasian Regime Dynamics in Comparative Perspective, *East/West: Journal of Ukrainian Studies*, 2016, **10,** 3, 209-212.

which trumped formal rules, undermined reform progress, and country's constrained approximation towards Europe[11].

It follows that the post-Maidan state-building and more specifically democratic consolidation has a great deal to do with the interests, perceptions and preferences of powerful local actors, and their ability to develop democratic institutions.

Students of institutional transformation note that international and domestic events, including both crises and gradual pressures, open windows of opportunity that provide policy officials with the potential to transform existing institutions[12]. Large-scale, system-wide changes open large windows, which allow radical change, while small-scale, issue-specific problems and changes create more limited opportunities for change. Meanwhile, whether an institutional change follows a window of opportunity depends on the actions and interests of state officials[13]. Therefore, the depth and sustainability of democratic reforms considerably depends on Volodymyr Zelensky's government's political will to institutionalize state-building by subjecting it to institutional performance and strength. That said, breaking with the legacy of patronal politics is one of the top priorities of post-Maidan state-building.

Notably, Volodymyr Zelensky capitalized on his huge popularity and through snap elections significantly consolidated his power. He is largely treated as "savior" capable of turning Ukraine's plights around and putting it on the path to prosperity and democracy. Meanwhile, the huge power in the hands of a charismatic leader is fraught with power abuses in the absence of a powerful opposition and a vibrant civil society. There has been a strong tendency in Zelensky's discourse to style their regimes as "people's government" or

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[11] **Sydorchuk O, Haran O.**, Ukraine after Euromaidan: Increased Pluralism amid Patronal Politics, 2018,
http://ekmair.ukma.edu.ua/bitstream/handle/123456789/15637/Sydorchuk_Ukraine_after_Euromaidan_Increased_Pluralism.pdf?sequence=1&isAllowed=y (11.01.2020).
[12] **Cortell A.P., Peterson S.,** Altered states: Explaining domestic institutional change, *British Journal of Political Science*, 1999, **29,** 1, 177-203.
[13] Ibid.

"people's servant" that introduce a new form hyper-democratic interaction between state and society. The Ukrainian President has tended to distance himself from his predecessors and other presidents due to his resolve to bring people to power "who will serve the people".[14] Meanwhile, the success of democratic reforms in Ukraine significantly depends on its shift from a charismatic leadership to functional democratic institutions.

To make all these happen, it is absolutely essential for Ukrainian civil society is to overcome its own limitations so that it can better hold the government accountable.

Notably, civic activism has been on the rise in Ukraine recently, most vividly leading to the Maidan Revolution. Students of Ukrainian politics note that compared to former civic initiatives that formed the core of the Orange Revolution in 2004, the Euromaidan saw a different form of civic activism; it was more fluid, more informal, more horizontal and more diverse, penetrating different aspects of public life[15]. Yet, a real milestone on the path to vibrant civil society advancement would be the translation of indignation-driven civic activism into a value-based and issue - specific civil society that is able to understand, frame and advocate issues, put forward informed demands, and follow-up on them. Smaigily aptly notes that NGOs and activists need to move beyond the victory in the street, and pursue victory in town halls and elections[16].

Indeed, it is impossible to underestimate the contribution of the civil society groups to post-Maidan reform process. The largest and most visible reform network – the Reanimation Package of Reforms (RPR) – is comprised of 80 NGOs, 22 reform groups and 300 experts,

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[14]**Volodymyr Zelensky's** Inaugural Address, May 20, 2019, https://www.president.gov.ua/en/news/inavguracijna-promova-prezidenta-ukrayini-volodimira-zelensk-55489 (17.01.2020).
[15] **Shapovalova N, Burlyuk O.**, Civil Society and Change in Ukraine Post-Euromaidan: An Introduction. *Civil society in post-Euromaidan Ukraine: from revolution to consolidation, Stuttgart, Ibidem*, 2018, pp. 11-38.
[16]**Smagliy K,** A wake up call for Ukraine's civil society, *Kennan Cable*, 25 https://www.wilsoncenter.org/publication/kennan-cable-no25-wake-call-for-ukraines-civil-society (17.01.2020).

who develop, promote, and in some cases even implement judicial, anticorruption and economic changes[17]. NGOs would closely monitor the set-up of two major anticorruption agencies, the National Anti-Corruption Bureau of Ukraine (NABU) and the National Agency for the Prevention of Corruption (NAPC) and push for transparency and accountability.

The EU reports would give credit to the Ukrainian civil society that "continues to play a very active role in the promotion, design and oversight of reforms, especially in the areas of anti-corruption, judiciary, human rights, decentralisation, energy, and healthcare... Ukrainian civil society organisations continued to take an active part in the Eastern Partnership Civil Society Platform and the EU-Ukraine Civil Society Platform foreseen by the Association Agreement".[18]

Nevertheless, despite these accomplishments, certain activities of the civil society organizations have led to perplexing conclusions. Namely, certain NGOs in Ukraine have been tempted to cooperate closely with major oligarchs, such as Ihor Kolomoisky and Viktor Pinchuk and to satisfy their cravings for influence and protection. Minakov notes that well acknowledging the capacity of civil society organizations, the oligarchic groups consistently strived to use them in order to maintain their wealth and political power[19].

All these prompted some observers to posit that while Ukraine's civil society in driving the "revolutions," the revolutionary moments fell short of leading to democratic movements[20].

A question arises of what role Ukraine's civil society plays in driving evolutionary change in Ukraine once the revolutionary

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[17] Ibid.

[18]**European Commission**, Association Implementation Report on Ukraine, 2018, https://eeas.europa.eu/sites/eeas/files/2018_association_implementation_report_on_ukraine.pdf. (17.01.2020).

[19] **Minakov M.,** Changing civil society after Maidan, *Danyliw Seminar on Contemporary Ukraine, University of Ottawa*, 2014, https://www.academia.edu/9050237/Changing_Civil_Society_after_Maidan_-_2014 (17.01.2020).

[20] **Worschech, S.** New Civic Activism in Ukraine: Building Society from Scratch?, *Kyiv-Mohyla Law and Politics Journal*, 2017, 3, 23-45.

moment is over. To address this question, Shapovalova and Burlyuk (2018) emphasize the two dimensions of civil society's developmental path. The first dimension comes down to the changes in the nature of civil society relations with the state and society and its potential and ability to induce reform, or what we refer to as "change on the outside." The second dimension has much to do with the nature of civil society per se i.e. with the way way it is organized and operates, or what is referred to as "change on the inside."[21]

Therefore, those changes are critical to boosting the actorness of civil society organizations across Ukraine. This in turn, has a great deal to do with the development of adequate institutional and professional capacity in civil society organizations and networks to influence policy making and influence its implementation is absolutely essential[22].

With regard to the negative impact of local powerful groups on Ukraine's transformation, it is obvious that overcoming the oligarchic resistance to reforms has been one of the formidable challenges on the path to Ukraine's democratic consolidation. The influence of oligarchic groups has been one of the core features of Ukrainian since the mid 1990s. Even though there have been changes in the balance of power among the biggest oligarchs, many still remain influential and privileged in Ukraine. By taking over the key economic assets and media in these countries, oligarchs have been equipped with tools for exerting an oversized influence on incumbents[23]. The oligarchy is entrentched to the point where the vacuum created by the diminishing influence of certain oligarchic groups, such as ones of Renat Akhmetov or Renat Firtash, gets instantly filled by other oligarchs like Ihor Kolomoyskyi[24]. Studies

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[21] **Shapovalova N, Burlyuk O**, Op. cit.

[22] Ibid.

[23] **Konończuk W.,** Oligarchs after the Maidan: the old system in a 'new' Ukraine, 2015, https://www.osw.waw.pl/en/publikacje/osw-commentary/2015-02-16/oligarchs-after-maidan-old-system-a-new-ukraine (11.01.2020).

[24] **Terzyan A.,** Ukrainian Lessons, Armenian Hopes: On the Challenges to Democratic Reforms in Post-Maidan Ukraine and Post-Velvet Revolution Armenia,

show that since the Maidan revolution, the sharing out of monopolies among leading business groups has continued and there has been slow progress on de-monopolization[25].　Therefore, even though the oligarchs have lost considerable ground since 2014, they keep retaining significant residual influence in Ukrainian economy and politics. While former president Poroshenko was trying to balance various oligarchs' interests, he continued to be one of them, and expanded his business interests into agriculture, defence and energy sectors. Meanwhile, Poroshenko's perceived conflict of interest contributed to low public's trust in the central government[26]. Some obervers note that Ukrainian oligarchs tend to apply the "rule by law" rather tha "rule of law". Meanwhile, in conditions of systemic and in particular, judicial corruption, the law becomes a purchasable commodity[27]. Essentially, oligarchs tend to selectively support new laws and reform that seem conducive to maintaining and increasing their wealth and fiercely oppose to those that may somehow jeopardize their positions[28]. Therefore, the reduction of their influence over the Ukrainian economy and politics, along with the above mentioned democratic reforms, seem critical to moving Zelensky's domestic agenda forward.

November 11, 2019, http://neweasterneurope.eu/2019/09/19/ukrainan-lessons-armenian-hopes/ (17.01.2020).

[25] **Lough J. and Dubrovskiy V.**, Are Ukraine's anti-corruption reforms working?, *Research Paper. Russia and Eurasia Programme*, 2018, https://www.chathamhouse.org/sites/default/files/publications/research/2018-11-19-ukraine-anti-corruption-reforms-lough-dubrovskiy.pdf (17.01.2020).

[26] European Parliament, The state of implementation of the associations and free trade agreements with Ukraine, Georgia and Moldova with a particular focus on Ukraine and systemic analysis of key sectors, 2017, http://www.europarl.europa.eu/RegData/etudes/STUD/2017/603836/EXPO_STU(2017)603836_EN.pdf (17.01.2020).

[27] **Bayramov A., Marusyk Y**., Ukraine's unfinished natural gas and electricity reforms: one step forward, two steps back, *Eurasian Geography and Economics*, 2019, **60**, 1, 1-24.

[28] Ibid.

The Economic Rationale behind Post-Maidan State-Building

Given that the Maidan Revolution was significantly fuelled by Ukraine's dysfunctional economy and lack of economic opportunities, the economic reforms were put at the heart of both post-Maidan Ukrainian government's agendas. Clearly, Ukraine is in dire need of fundamental economic reforms that are critical to achieving the goal of sustainable economic growth. The economic recovery is fraught with the severe consequences of the lingering crisis devastatingly affecting the country.

It is worth to note that during the first post-Maidan years, Ukraine suffered an economic slump, fraught with 12 percent decline in GDP[29] and country's external debt growth from 78.6 percent to 131.5 percent of GDP[30]. While the Ukrainian economy returned to growth in 2017, the dire economic situation led to a drop in living standards, exacerbating disparities and deepening inequality[31].

Studies show, that the core economic reforms undertaken since the 2014 "Maidan Revolution" include: reforming energy tariffs and social assistance, enhancing the transparency of public procurement, and simplifying business regulations, as well as setting up anti-corruption agencies and asset disclosure for public officials. Other crticial reforms include: restructuring the banking sector, implementing a health reform package and pension reforms[32].

Clearly, Ukraine's subscription to the Association Agreement with the EU has opened up huge opportunities for large-scale economic reforms. It includes a comprehensive agenda for bilateral

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[29] Ukraine rconomy to fall? Gross domestic product to shrink by 12%, says World Bank, May 10, https://www.ibtimes.com/ukraine-economy-fall-gross-domestic-product-shrink-12-says-world-bank-2126818 (10.01.2020).

[30] **Fedorenko K.**, Ukraine Four Years after the Euromaidan, 2017, https://www.wilsoncenter.org/blog-post/ukraine-four-years-after-the-euromaidan (17.01.2020).

[31] Ukraine's other war: the battle against systemic corruption, May 31, 2018, https://worldview.stratfor.com/article/ukraines-other-war-battle-against-systemic-corruption (17.01.2020).

[32] The World Bank in Ukraine , 2019, https://www.worldbank.org/en/country/ukraine/overview (17.01.2020).

cooperation and contains binding, rules-based provisions aiming at the export of EU rules and values[33].

Studies show that Ukraine performed best in implementing reforms when it faced precise demands from the EU[34]. More specifically, Ukraine has made considerable progress on reforms in energy, public procurement, public administration, and law enforcement sectors[35]. Energy security-related issues have occupied a prominent position in the EU-Ukraine partnership. In essence, Poroshenko's government placed a special emphasis on reforming the gas sector, as a critical step to build resilience against Russian "energy weapon" and made crucial strides in cutting subsidies on natural gas – previously misused by Ukranian elites to ensure electoral support[36].

The EU has been supporting Ukrainian government's efforts to reshape country's gas sector focusing specifically on reinforcing Ukrainian gas storage system and developing a business model for the new transmission system operator[37]. The EU reports note that in terms of legal approximation, Ukraine has adopted strategies and implemented laws on energy performance, covering the issues of energy efficiency, fuel diversification, renewable energy and environmental protection[38]. To further this, Ukraine and the European Union signed the Memorandum of Understanding on Strategic Energy Partnership in November 2016, aimed at fostering Ukraine's full

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[33] **Petrov R., Van Elsuwege P**., What does the Association Agreement mean for Ukraine, the EU and its Member States? A Legal appraisal. *A Legal Appraisal. Het eerste raadgevend referendum. Het EU-Oekraïne Associatieakkoord (Montesquieu Institute, Den Haag)*, 2016, pp. 71-88.

[34] **Fedorenko K.,** 2017 , op. cit.

[35] European Parliament, op. cit.

[36]Energy Reform A Central Issue in Ukraine's Presidential Elections March 27, 2019, https://www.forbes.com/sites/rrapier/2019/03/27/energy-reform-a-central-issue-in-ukraines-presidential-elections/#3fee5b554b46 (17.01.2020).

[37]Energy reforms: the challenge for Ukraine's gas market, December 19, 2018 https://www.euneighbours.eu/en/east/eu-in-action/stories/energy-reforms-challenge-ukraines-gas-market (17.01.2020).

[38]European Commission, Association Implementation Report on Ukraine, 2018, https://eeas.europa.eu/sites/eeas/files/2018_association_implementation_report_on_ukraine.pdf (17.01.2020).

integration integration into the EU energy market, as well as enhancing mutual energy security and environmental sustainability[39].

   The EU has promoted energy sector reform in Ukraine through the EU4Energy initiative –which includes a four-year EU technical assistance programme (2016–2020). The programme specifically focuses on legal approximation with Eastern Partnership countries, with the view to crating electricity and gas markets promoting energy efficiency[40].   The bilateral energy partnership arrived at a major accomplishment in June 2019, when the Verkhovna Rada of Ukraine ratified the renewed energy Annex XXVII to the Association Agreement between Ukraine and the European Union[41]. This envisages EU energy rules transfer to Ukraine, with the view to the latter's integration into the EU's internal energy market[42]. Indeed, the ratification of the energy annex is of crucial relevance in terms of Ukraine's compliance with the EU requirements and policies.

   Nevertheless, Bayramov and Marusyk (2019) note that, despite remarkable natural gas and electricity reforms having been undertaken, Ukraine still has significant work to do in order secure its energy future[43]. There has been little progress on the transformation and modernization of Ukrainian energy systems, compounded by Ukrainian elites' selective implementation of the European rules. Namely, despite the Ukrainian leadership's proclaimed openness to profound Europeanization in the field of energy, the pre-existing, deep-seated preferences of those elites have perpetuated the opaque gas trading system. Thus the biggest question to be addressed by

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[39] Mission of Ukraine to the European Union, Energy Cooperation, 2017, https://ukraine-eu.mfa.gov.ua/en/ukraine-eu/sectoral-dialogue/energy (17.01.2020).
[40] EU4 Energy Governance, https://www.energy-community.org/regionalinitiatives/EU4Energy.html (17.01.2020).
[41]Verkhovna Rada adopted an updated energy Annex to the Association Agreement https://www.kmu.gov.ua/en/news/verhovna-rada-uhvalila-onovlenij-energetichnij-dodatok-do-ugodi-pro-asociaciyu (17.01.2020).
[42] Ibid.
[43] **Bayramov A., Marusyk Y.,** 2019, op. cit., pp. 1-24.

Zelensky's government is whether it has the capacity and political will to fully implement the EU-backed energy reforms[44].

In terms of broader economic reforms, it is noteworthy that as a result of provisional application of the Association Agreement/DCFTA the EU has become Ukraine's largest trade partner by far, representing 42% of total Ukrainian external trade[45].   In 2017, exports from the EU to Ukraine, and imports from Ukraine to the EU increased by respectively 22% and 27.2%[46]. Moreover, Ukraine has improved its business environment in recent years, though this progress is stalling to some extent. According to the World Bank's Doing Business survey, Ukraine ranked 76th in 2018, which was an improvement from 80th in 2017, and 142nd in 2010[47].

Remarkably, since 2014, the EU and the European Financial Institutions have mobilised a package of more than €15 billion in grants and loans to support the reform process, with strong conditionality on continued progress[48].

The Ukrainian government has achieved considerable accomplishments in the EU approximation in the areas of trade, customs, SPS, intellectual property, and social policy[49].

Besides, Ukraine has marked accomplishments in public procurement reforms,   introducing a higher level of transparency on budget transactions and beneficiaries of procurements. In December 2015, the Verkhovna Rada adopted the law 'On Public Procurement', and a Public Procurement Reform Strategy (Roadmap) was adopted in February, 2016 to harmonise legislation with the EU acquis[50]. Yet, studies show that there has been a slowdown in terms of legal

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[44] Ibid.
[45] European Commission, 2018, op. cit.
[46] Ibid.
[47] Ibid.
[48] EU-Ukraine relations – factsheet,
https://eeas.europa.eu/headquarters/headquarters-Homepage/4081/eu-ukraine-relations-factsheet_en (17.01.2020).
[49] European Commission, 2018, op. cit.
[50] European Parliament, 2017, op. cit.

approximation, as by the end of 2016, only 36 of 126 planned EU legal acts had   been implemented, with only 23 of them fully[51].

Overall, the success of Ukraine's post-revolution state-building and the fulfillment of Zelensky's agenda significantly depend on the outcomes of anti-corruption efforts.

A well-informed observer notes that while a key to understanding any society is its informal institutions, which influence both its economy and its politics, in Ukraine, the most important such institution is endemic corruption, which- aside from the conflict with Russia -is the main threat to the nation[52]. Admittedly, systemic and rampant corruption prevalent in Ukraine has significantly hindered country's advancemet towards the EU, by condemning it to a vicious circle of underdevelopment, poor governance and inability to implement reforms. A question remains if the implementation of the Association Agreement privisions would have considerable effects on defeating the deeply entrentched blight in Ukraine.

Poroshenko's government would repeatedly pledge to fight against corruption and eliminate its systemic nature. In 2015, the Ukrainian government set up the National Anti-Corruption Bureau, as well as   the Specialised Anti-Corruption Prosecutor's Office, to investigate corruption cases and identify corrupt practices of Ukrainian officials. Moreover, Poroshenko introduced the anti-corruption court aimed at rooting out entrenched[53]. Poroshenko's government significantly reduced the corruption, particularly in the gas, banking, and government procurement sectors, yet there was little progress on the fight against judicial corruption[54]. Even though the judicial reform was hailed by Poroshenko as "the mother of all

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[51] Ibid .
[52] **Åslund A.,**   The maidan and beyond: oligarchs, corruption, and european integration, *Journal of Democracy,* 2014, **25**, 3, 64-73.
[53] **Terzyan A.,** 2019, op. cit.
[54] European Commission, 2018, op cit.

reforms"[55] there was not much to reinforce government's pledges of fundamental reforms.

The renewal of the judiciary continued with the newly established Supreme Court becoming operational in late 2017. However, there have been only few convictions in high-level corruption so far and none of them concerned top-level officials[56]. Ukraine improved its ranking on Transparency International's Corruption Perception Index since 2013, yet it was still the 120th least corrupt nation out of 175 countries in 2018[57].

Meanwhile, rampant corruption and weak rule of law would considerably undermine the overall progress Ukraine had made with other reforms[58]. In essence, Poroshenko's steady decline as a political powerhouse significantly owed to his failure to eradicate corruption. Meanwhile Zelensky scored high amid popular disillusionment with Poroshenko's inability to defeat corruption and raise living standards. From the outset of his presidency, Zelensky targeted fight against corruption as a top priority of his domestic agenda. "Let me name the key tasks facing my team. It is to eradicate corruption and create an independent court system."[59]

Zelensky's anti-corruption campaign has led to investigations into former President Petro Poroshenko and his allies."[60] Notably, keen to give a new impetus to new Ukrainian government's fight

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[55]**Jarábik B., De Waal T**., Ukraine reform monitor, *Carnegie Endowment for International Peace*, 2018, https://carnegieendowment.org/2018/03/27/ukraine-reform-monitor-march-2018-pub-75909 (17.01.2020).

[56] **European Commission**, 2018, op cit.

[57] **Terzyan A.,** 2019, op. cit.

[58] **Gressel G.,** Guarding the Guardians: Ukraine's security and judicial reforms under Zelensky, *ECFR Policy Brief, 2019,* https://www.ecfr.eu/page/-/guarding_the_guardians_ukraine_security_and_judicial_reforms_under_zelensky.pdf (17.01.2020).

[59] Ukraine President vows anti-corruption drive, says says people tired of waiting for better life Armenia (accessed November 10, 2019 https://www.reuters.com/article/us-canada-ukraine/ukraine-president-vows-anti-corruption-drive-says-people-tired-of-waiting-for-better-life-idUSKCN1TX2DR).

[60] Ukraine's anti-corruption campaign targets Klitschko and Poroshenko, https://www.dw.com/en/ukraines-anti-corruption-campaign-targets-klitschko-and-poroshenko/a-49816916 (17.01.2020).

against corruption, during the 21st EU-Ukraine Summit, EU Commissioner Hahn, signed with his Ukrainian government counterparts four programmes, amounting to €109 million from the Commission's 2019 annual support package to Ukraine[61]. Overall, the implementiation of fundamental economic reforms has a great deal to do with the government's ability to overcome bureaucratic resistance to change, eliminate systemic corruption and diminish major oligarchs' considerable influence in Ukraine. Thus, the success of Volodymyr Zelensky's economic reform agenda considerably depends on the broader anti-corruption efforts.

Reinforcing "Ukrainianness"? The Othering of Russia in Poroshenko's Discourse

The post-Maidan state-building in Ukraine has been characterized by substantial othering of Russia and its treatment as the source of the biggest threats to the country. Petro Poroshenko would frequently regard unity and patriotism as critical bulwarks against the Russian imperialism and aggression, as "the nation is now united by patriotism."[62] Thus, Poroshenko would deem patriotism   absolutely essential to survive and restore Ukraine's territorial integrity[63].

Russia has been depicted as the biggest hindrance to the Ukrainian statehood that would invariably force country into

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[61] European Commission, EU-Ukraine Summit: EU provides additional support to decentralisation, fight against corruption, empowerment of civil society and accountable and efficient governance in Ukraine, 2019, https://europa.eu/rapid/press-release_IP-19-3811_el.htm (17.01.2020).
[62] **Poroshenko P**., In UN address, Ukraine President denounces Russia's 'aggressive expansionist policies', September 26, 2018,
https://news.un.org/en/story/2018/09/1020921 (17.01.2020).
[63] **Petro Poroshenko**: We will not forget crimes of Holodomor-genocide and perpetrators of those crimes, https://indonesia.mfa.gov.ua/en/news/42800-ne-zabudemo-zlochiniv-golodomorugenocidu-ta-jogo-vinuvatcivpetro-poroshenko (17.01.2020).

abandoning its European foreign policy agenda[64]. Moreover, Poroshenko would attribute Russian Empire's and Soviet Union's images to modern Russia and treat it as irremediably imperialistic and coercive, always trying to invade. Thus the ongoing aggression against the country "is a continuation of the same policy to destroy Ukraine with other methods."[65] Not surprisingly, he briought up the issue of country's spiritual independence to ensure that "Ukraine will no longer drink, as Taras Shevchenko said, "Moscow's poison from the Moscow's bowl."[66] More specifically, on December 15, 2018. The Ukrainian President announced the creation of an independent Ukrainian Orthodox Church and hailed it as a "sacred day... the day of the final independence from Russia."[67] Not surprisingly, there has been a tendency in Poroshenko's discourse to treat Russia as inherently aggressive, cruel and irremediably imperial with outright defiance of human rights and Ukraine's sovereignty[68]. He has fed the "clash of civilizations" narrative, asserting that the Russian model will eventually fail as it is not compatible with the modern era " Russia, which had failed to become an attractive soft power, unleashed its military power to restrain Ukraine's quest for modernization and European integration."[69] Essentially, Poroshenko consistently strived to put the Ukraine crisis in the framework of Russia-West/EU confrontation and even framed Russia as the biggest

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[64] **Minakov M.,** Utopian images of the West and Russia among supporters and opponents of the Euromaidan: Elements of Ideological Framing of the Conflict in Ukraine in 2013–2014, *Russian Politics & Law*, 2015, **53**, 3, 68-85.

[65] Ukraine's Poroshenko Calls On Russia To 'Repent' For Holodomor, November 25, 2017, https://www.rferl.org/a/ukraine-holodomor-poroshenko-commemoration/28876715.html (17.01.2020).

[66] Poroshenko Speech by President Poroshenko on the results of the Unification Synod, December 21, 2018, http://www.ukrweekly.com/uwwp/speech-by-president-poroshenko-on-the-results-of-the-unification-synod/ (17.01.2020).

[67] Ukraine Orthodox priests establish independent Church, December 15, 2018, https://www.bbc.com/news/world-europe-46575548 (17.01.2020).

[68] **Molvhanov M**, 2015, op. cit.

[69] **Poroshenko P.,** Speech by President of Ukraine Petro Poroshenko at the Munich Security conference, February 9, 2015, https://mfa.gov.ua/ua/press-center/news/32864-speech-by-president-of-ukraine-petro-poroshenko-at-the-munich-security-conference (17.01.2020).

threat to liberal democracy and European system of values[70]. Not surprisingly, Poroshenko would call for the consolidation of democratic nations as "Democracies must support each other" (Los Angeles Times, 2014). This call has been specifically addressed to the USA and the EU, given that "Ukraine's fight with Russia is 'America's war, too."[71] Moreover, "Russian aggression against a new Ukraine has become a test for the Europeans – a test for solidarity, a test for unity, a test for freedom and democracy, adherence to common values and principles."[72]

Poroshenko has tended to treat Russia as the biggest impediment to Ukraine's approximation towards the EU and NATO[73]. In his words, Ukraine's accession into the EU and NATO would lead to significant geopolitical breakthoughs by shifting Ukraine from a part of the post-Cold war buffer zone to a full-fledged member of the Euopean family of democracies: "For centuries Ukraine was preferred to stay in a grey or rather buffer zone, to maintain the fragile post-Cold war balance. I may give you a bit of a shock by assuming that one day a Ukraine that is no longer a part of the buffer zone but a full-fledged EU member, will push Russia to undergo the democratic and structural economic changes and gravitate towards the Western world… While kept in a buffer zone, Ukraine appears to provoke Russia to maintain its internal political status-quo and confront the European values."[74]

It follows that it was in the EU's and NATO's best interest to accelerate Ukraine's membership as a significant milestone in EU/West – Russia confrontation.

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[70] Ukraine's fight with Russia is 'America's war, too,' Poroshenko says September 18, 2014, https://www.latimes.com/nation/la-na-poroshenko-address-congress-20140918-story.html (17.01.2020).
[71] Ibid
[72] **Poroshenko,** 2015, op. cit.
[73]Massive military parade, Poroshenko speech mark Ukraine's 27th Independence Day, August 24, 2018, https://www.kyivpost.com/ukraine-politics/massive-military-parade-poroshenko-speech-mark-ukraines-27th-independence-day-photos.html (19.02.2020).
[74] **Petro Poroshenko**, President Poroshenko's Speech at Zurich University, 2015, http://www.Lucorg.Com/News.Php/News/8733 (14.02.2020).

Poroshenko would use the following metaphors to underline Ukraine's departure from the sphere of the Russian influence and its approximation towards Europe: "Farewell, unwashed Russia," "Farewell to you, our tender Misha, go back home to your wood of fairy tales," "Russian comrade, don't mess with Ukraine," "Away from Moscow! Europe now!".[75]

In effect, by employing opposing border – narratives between Ukraine and Russia, Poroshenko has sought to reinforce 'Ukrainianness' of the nation[76]. Besides, he would consistently strive to prepare a discursive ground for irreversibly defying country's centrality in the Russia-led socio-political order and becoming a full-fledged member of the European and Euro-Atlantic community.

Conclusion

This paper contributes to existing literature on the post-revolution nation-building trajectories in post-soviet societies by examining the case of Ukraine. Based on the previous discussion, there are three main concluding observations to make regarding Ukraine's post-Maidan transformation.

First, observation relates to the depth and breadth of democratic reforms in Ukraine. The core challenges on the path to democracy consolidation range from weakness of democratic institutions to authoritarian legacy and residual oligarchic influence. Overall, the domestic change has been positively correlated with approximation with the European Union, while the depth of democratic reforms depends on the Ukrainian leadership's ability of breaking with authoritarian malpractices and developing democratic institutions. This in turn has much to do with further empowerment

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[75] **Petro Poroshenko**, Speech by President Poroshenko on the results of the Unification Synod   http://www.ukrweekly.com/uwwp/ (14.02.2020).
[76] **Nedozhogina O.,** Redrawing symbolic boundaries after Maidan: identity strategies among Russian-speaking Ukrainians, *National Identities*, 2019, 1-19.

and advancement of civil society organizations, capable of holding the government accountable.

Second, in terms of economic implications of the Maidan Revolution, main accomplishments include energy, public procurement, tax reforms, as well as business environment and investment climate improvements. Most notably, the Ukrainian leadership has made considerable strides in reforming country's inherently corrupt energy sector and building resilience against Russia's "energy weapon." Ukraine's consistent compliance with the EU policies has led to considerable approximation towards the EU in the areas of trade, customs, social policy and beyond.

Overall, the furtherance of accomplishments and the implementiation of more ambitious economic reforms has a great deal to do with the governments' ability to overcome bureaucratic resistance to change, defeat systemic corruption and diminish oligarch's influence over the Ukrainian economy.

Third, and in terms of ideational outcomes of post-Maidan state- building, the latter has been characterized by substantial othering of Russia. The othering of Russia has been positively correlated with heightening emphasis on unity and patriotism in the presidential discourse as critical bulwarks against Russian "imperialism" and aggression. By employing opposing border – narratives between Ukraine and Russia, Poroshenko would strive to reinforce 'Ukrainianness' of the nation and prepare ground for its irreversible departure from the sphere of the Russian influence.

GEOPOLITICS: EURASIAN HEARTLAND

The Russian-Turkish relations in the context of unprecedented US-Turkey tensions

GRIGOR ARSHAKYAN
Brusov State University, Armenia

The article discusses the development of the US-Turkey strategic relations, the main reasons behind the tension in these relations in recent years, as well as the prerequisites and prospects for its development. Due to disagreements between Turkey and the US over a number of issues, the mistrust between the two countries has increased significantly, reflecting also on Turkey-NATO relations. The article analyzes the positive impact of the crisis of the two NATO member states on the strengthening of the Russia-Turkey cooperation. Taking advantage of the crisis between Ankara and Washington, Russia is intensifying its multilateral ties with Turkey, which deepens Turkey's disagreements with the US and NATO. A particular emphasis is on the conflicting interests of Russia, Turkey and the US in the Middle East region in recent years, and particularly within the Syrian conflict.

Introduction

In recent years, more than half a century of the US-Turkey strategic partnership has been put to the test. Turkey's decision to acquire Russian S-400 air defense system not only aggravated the already strained relations between Ankara and Washington, but also contributed to the deepening of military-political cooperation between Turkey and Russia. Taking advantage of the deepening US-Turkey crisis, Russia is strengthening its geopolitical, military and economic ties with Turkey, seeking to involve the country in the pursuit of

strategic interests in its region, thereby increasing Turkey-US-NATO disagreements.

The crisis in the US-Turkey strategic relations and the prospects of enlargement of Russia-Turkey cooperation in this context stem from a number of factors and strategic interests.

Since the mid-20th century, Turkey has been one of the major loyal allies of the US. During the Cold War, within the general system of defense of Western Europe against the Soviet system, Turkey has been viewed as the southern wing of NATO, being the outpost of the West at the borders of the USSR[1]. In the 1990s, Turkey played a key role in deterring Iraq and Iran, assisted Washington in its policy implementation in the Balkans[2], as well as in the construction of the "East-West" energy corridor[3]. In the early 2000s, Turkey was a member of the US-led international coalition and a partner in the settlement of the Afghan issue[4].

In the 1990s, with the support of the US, the idea of a "Turkish model" was put forward, on the one hand to weaken Russia's and Iran's involvement in the post-Soviet region, on the other hand to make this model applicable to the newly independent Muslim

[1] **Atmaca Ö. A.,** The Geopolitical Origins of Turkish-American Relations: Revisiting the Cold War Years. *All Azimuth: A Journal of Foreign Policy and Peace,* 2014, **3**, 1, 19-34; **Ergüvenç Ş.,** Turkey's Security Perceptions, *PERCEPTIONS: Journal of International Affairs,* June-August 1998, **3**, 2, 1-5.

[2] **Güzelipek A. Y.,** Türk Dış Politikasının Bosna-Hersek Sınavı (1990-1995), *Çankırı Karatekin Üniversitesi İktisadi ve İdari Bilimler Fakültesi Dergisi,* Cilt: 3, Sayı: 1, Bahar 2013, 133-142; **Uzgel İ.,** The Balkans: Turkey's Stabilizing Role, *Turkey in World Politics: An Emerging Multi-regional Power, edited by Barry M. Rubin, Kemal Kirişci,* Lynne Rienner Publishers: Boulder, 2001, p. 53.

[3] **Souleimanov E., Kraus J.,** Turkey: An Important East-West Energy Hub, *Middle East Policy*, 2012, **19**, 2, 157-168; **Tekin A., Williams P.A.**.Turkey's Role as a 'Trans-European' Energy Corridor, *Geo-Politics of the Euro-Asia Energy Nexus. New Security Challenges Series,* 2011, London, pp. 145-165; **Çeviköz Ü.,** Could Turkey Become a New Energy Trade Hub in South East Europe?, *Turkish Policy Quarterly,* 2016, **15**, 2, 67-76.

[4] **Tanrisever, O.,** Afghanistan and Central Asia: NATO's Role in Regional Security since 9/11, «IOS Press», 2013, pp. 160-165; **Rubin R. B.**, Peace-building and State-building in Afghani stan: Construction Sovereignty for Whose Security, *Third World Quarterly,* 2006, **27**, 1, 175-185; **Wildman D., Bennis P.,** The War in Afghanistan Goes Global, *Critical Asian Studies*, 2010, **42**, 3, 469–480.

republics[5]. All this pointed to the close strategic partnership between the US and Turkey. It has had its meaningful reflection on bilateral relations for over seven decades, overcoming several regional conflicts, as well as changes in worldwide political and economic situations.

The coming to power of the Justice and Development Party (AKP) in Turkey in 2002 affected the US-Turkey relations. Under the AKP rule, Turkey's modern foreign policy has been based on the "New Ottomanism" ideology and the "Strategic Depth" theory. Among the main theorists of these ideologies was Davutoglu, Turkey's former Foreign Minister and Prime Minister. He suggested building relations with neighboring states on the basis of five principles. He has also outlined new guidelines and criteria for regional policy[6]. Davutoglu attached great importance to Turkey's active role in the former territories of the Ottoman Empire - the Balkans, the Middle East, Central Asia, the Mediterranean, the South Caucasus, the Caspian and the Black Sea basins. He believed that Turkey should not depend on any power, but it should strive for balanced relations and alliances.

The Iraq war became the first serious testament to the US-Turkey relations. On March 1, 2003, the bill to deploy 62,000 US troops to Turkey and remove the Turkish troops from the country was rejected by the Turkish Grand National Assembly[7], which, according to the US Deputy Secretary of Defense Paul Wolfowitz, caused "great disappointment" for the US administration[8]. As a result, the US began cooperating with the Iraqi Kurdish unions in the overthrow of Saddam

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[5] **Bal I.**, The Turkish Model and the Turkic Republics. *Perceptions: Journal of International Affairs,* September-November 1998, **3,** 3, 1-17.
[6] **Davutoğlu A.**, Stratejik Derinlik: Türkiyenin Uluslararası Konumu, Istanbul, 2001, s. 118.
[7] **Altunışık B. M.,** Turkey's Security Culture and Policy Towards Iraq, *PERCEPTIONS: Journal of International Affairs,* Spring 2007, **12**, p. 77.
[8] Turkey's future directions and U.S. – Turkey relations,- *Hearing before the Subcommittee on Europe of the Committee on International Relations, House of Representatives, One Hundred Eighth Congress,* First session, October 1, 2003, Serial no. 108-50, p. 25.

Hussein in 2003. This allowed the government officials of the Iraqi Kurdistan region to increase the independence of their institutions, thereby provoking the anger of Turkey which considered the Kurdish nationalism as a threat[9]. Certainly, this was not yet a serious threat to the strategic partnership. Moreover, the further events could have been viewed as manifestations of overcoming the given situation and deepening of the US-Turkey relations. In particular, in 2009, the newly-appointed US president Barack Obama made his first foreign visit to Turkey. Thrilled by the success of the country's economic development and democratization reforms, the President named the relations between the two countries "model partnership"[10]. Later, in 2012, Obama named Recep Tayyip Erdogan one of the five leaders in the world he fully trusts[11]. But a few years later, during an interview with journalist Jeffrey Goldberg, Obama referred to the Turkish leader as "unlucky and autocratic"[12].

Thus, regardless of the attempts to overcome the preconditions created by the Iraq war for the strain of the US-Turkey relations, they have become more profound in recent years.

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[9] **Balcı A.,** Dış Politikada Hesaplaşmak: AK Parti, Ordu ve Kemalizm**,** İstanbul, Etkileşim Yayınlar, 2015, s. 98;
Jüde J., Contesting borders? The formation of Iraqi Kurdistan's de facto state, *International Affairs*, 2017, **93**, 4, 860–861.
[10] Remarks by President Obama to the Turkish Parliament. The White House. Office of the Press Secretary,- Washington, D.C., 06.04.2009, https://obamawhitehouse.archives.gov/the-press-office/remarks-president-obama-turkish-parliament; **Han K. A.,** From "Strategic Partnership" to "Model Partnership": AKP, Turkish–US Relations and The Prospects Under Obama, *UNISCI Discussion Papers*, Nº 23 (May / Mayo 2010), p. 23.
[11] **Abramowitz I. M., Edelman S. E.,** From Rhetoric to Reality: Reframing U.S. Turkey Policy, *National Security Program:Foreign Policy Project,* Bipartisan Policy Center, 2013, p. 16.
[12] **Goldberg J.,** The Obama Doctrine, *The Atlantic magazine,* 07.04.2016, https://www.theatlantic.com/magazine/archive/2016/04/the-obama-doctrine/471525/; **Zanotti J.,** Turkey: Background and U.S. Relations In Brief,- *US Congressional Research Service Report,* 18.03.2016, p. 2.

The Transformation of the US-Turkey relations and the Main Causes of the Current Tensions

The deep crisis between the two countries is due to a number of issues on which Ankara and Washington have diametrically different positions and interests. This particularly refers to the Syrian crisis and the Kurdish issue, Fethullah Gulen's case, the prosecution of the American Protestant pastor Andrew Brunson as well as the Turkish-Russian cooperation and its impact on Turkey-NATO relations.

Disagreements between Ankara and Washington deepened due to the Syrian conflict. The positions of Turkey and the US greatly differed particularly in relation to the President of Syria Bashar al-Assad and the armed groups involved in the Syrian conflict (from the "Syrian opposition" to Kurdish militias). Political instability in the Middle East has forced Turkey to rethink its foreign policy and the strategic directions of national security[13].

The US and, in general, the West stopped strongly insisting on Assad's removal in mid-2010 (like it was at the beginning of the Syrian crisis), whereas Recep Tayyip Erdogan strongly opposed such an approach. It was also reflected in an agreement to withdraw chemical weapons from Syria in 2013[14], when, in contrast to the changed rhetoric of the US, Turkey did not abandon its tough stance on Syria's leader, despite rapprochement with Russia and Iran in the Syrian conflict[15]. The situation was the same with the armed groups fighting against the Assad regime. Since 2014, the US has cut military aid to the Syrian opposition. In July 2017, the newly elected President

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[13] **Ulchenko N., Shlykov P.,** Dynamics of Russian-Turkish relations in the context of growing global instability, Moscow: Institute of Oriental Studies, RAS, 2014, pp. 18-29 (in Russian).
[14] ***Weitz R.,*** *Syria and Beyond: The Future of the Chemical Weapons Threat,- Institut Français des Relations Internationals, Security Studies Center, Proliferation Paper 51,* December 2014, pp. 27-28; ***Weiss S. A., Ng N.,*** *Collision Avoidance: Lessons From U.S. and Russian Operations in Syria, Carnegie Endowment for International Peace,* March 2019, p. 6.
[15] **Shlykov V. P.,** US-Turkey relations in the mirror of the Middle Eastern and Euro-Atlantic dimensions, "*Actual problems of Europe*", 1, "Institute of Scientific Information on Social Sciences of RAS", 2019, p. 212 (in Russian).

Donald Trump has decided to suspend any military aid provided to the anti-Assad military units[16]. In contrast to the US, Ankara not only reduced the military-technical assistance to anti-Assad fighters, but it also actively used those fighters as allies within the "Shield of Euphrates" and "Olive Branch" operations[17].

Ankara and Washington have also come up with diametrically opposed approaches in identifying threats from the Islamic State (IS), Jabhat al-Nusra, and other terrorist groups, which have been clearly demonstrated in the fight against the expansion of IS. A year later Turkey joined the US-led coalition against IS. It was only then that it was allowed to use the Incirlik air base to launch air strikes on terrorist positions. This caused serious dissatisfaction in the West[18].

The above events point out that Turkey does not share the views of the US on confronting IS and regarding the fight against the expansion of terrorist groups in Syria and Iraq. This made Washington look for alternative allies in the Middle East. It turned to be the People's Protection Units (YPG) of Syria that proved its effectiveness in countering Islamists and has been viewed by Turkey as a terrorist organization[19].

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[16] **Jaffe G., Entous A.** Trump ends covert CIA program to arm anti-Assad rebels in Syria, a move sought by Moscow, *The Washington Post*, 19.07.2017, https://www.washingtonpost.com/world/national-security/trump-ends-covert-cia-program-to-arm-anti-assad-rebels-in-syria-a-move-sought-by-moscow/2017/07/19/b6821a62-6beb-11e7-96ab-5f38140b38cc_story.html; **Humud E. C., Blanchard, M. C., Nikitin B. M.,** Armed Conflict in Syria: Overview and U.S. Response, *US Congressional Research Service Report,* 02.12.2019, p. 37.

[17] **Van Leeuwen J., Van Veen E.,** Turkey in northwestern Syria: Rebuilding empire at the margins, *CRU Policy Brief,* Netherlands Institute of International Relations Clingendael, June 2019, pp. 1-10; **Dacrema E., Talbot V.,** Rebuilding Syria: The Middle East's Next Power Game?, *The Italian Institute for International Political Studies* (ISPI), 2019, p. 84.

[18] **Sly L., De Young K.,** Turkey agrees to allow U.S. military to use its base to attack Islamic State, *The Washington Post*, 23.07.2015, https://www.washingtonpost.com/world/middle_east/turkey-agrees-to-allow-us-military-to-use-its-base-to-attack-islamic-state/2015/07/23/317f23aa-3164-11e5-a879-213078d03dd3_story.html; **Zanotti J.,** Turkey: Background and U.S. Relations In Brief, *US Congressional Research Service Report,* December 2015, p. 10.

[19] **Shlykov V. P.,** op. cit, pp. 203-214.

According to S. Ulgen, "No other political decision in history has harmed the image of the United States in Turkey as much as the continued arming of the "People's Protection Units" in Syria"[20]. The US-Turkey relations deteriorated sharply after the 2016 coup attempt in Turkey. The failed coup attempt on July 15 to July 16 got considerable attention not only within the state but worldwide. Following the uprising, mass arrests began in the country against alleged supporters of the President. President Erdogan's harsh reaction to this event caused a deepening negative attitude of the West[21].

Erdogan has openly blamed the West, especially the US, not only for failing to support him after the coup attempt, but also to organize the return of Fethullah Gulen to Turkey. Gulen has been living in Pennsylvania since 1999, and he was accused of organizing the failed coup[22]. Erdogan noted, "I'm calling on the US: what kind of strategic partner are we, that you can still host someone whose extradition I have asked for?", meanwhile blaming the West for supporting terrorism and hinting that "the scenario of the coup was written outside of Turkey"[23]. The failed coup attempt contributed to the rise of anti-American and anti-Western sentiments in Turkey. This is also evidenced by the results of a sociological study conducted by the American Pew Research Center, at the end of 2017. According to the results of research, Turkey was the only country where the global threats stem from the US, rather than the international terrorism or

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[20] Why Turkey refuses to cancel the purchase of S-400? Vesti, Ekonomika, https://www.vestifinance.ru/articles/121260, 24.06.2019 (in Russian).

[21] **Ataman M.,** July 15 Coup Attempt in Turkey: Context, Causes and Consequences, *SETA Publications,* 2017, pp. 234-238; **Sloat A.,** The West's Turkey Conundrum, *Foreign Policy at Brookings,* Robert Bosch Foundation Transatlantic Initiative (BBTI), 2018, pp. 5-6.

[22] **Abramowitz M., Edelman E.,** Beyond the Myth of Partnership: Rethinking U.S. Policy Toward Turkey, *National Security Program: Foreign Policy Project,* Bipartisan Policy Center, 2016, p. 11.

[23] **Hille K., Pitel L.,** West uneasy as Moscow and Ankara edge closer,- *Financial Times,* 07.08.2016, https://www.ft.com/content/bbcd39ba-5b0d-11e6-9f70-badea1b336d4.

migration flows (as to 72% of respondents)[24]. After a failed coup d'état in the fall of 2016, among other foreign nationals arrested, was Andrew Brunson, the American shepherd of Evangelical church in Izmir, who was accused of supporting Gulen's movement[25]. Brunson's arrest in the US was considered a political act, and the US officials demanded his release. President Trump also supported the arrested shepherd, noting that Brunson is a good man and a Christian leader who is being persecuted in Turkey for no reason, hoping that he will be allowed to return home[26].

Brunson's imprisonment not only caused a serious diplomatic crisis in relations between the two NATO allies, but also affected the Turkish economy. Demanding the release of Brunson, Washington imposed a series of sanctions on Turkey, after which the national currency began to depreciate sharply, putting the economy under serious threat[27]. So Ankara tried to ease the Us-Turkey tensions. On October 12, 2018 the court of Izmir sentenced Brunson to 3 years in prison, but he was released from the courtroom, given the fact that he spent three years in custody during the preliminary investigation. The US President Trump's response was not delayed. The leader of the White House, who has been demanding for months the release of Brunson, calling his detention a disgrace, wrote on his Twitter page: "My thoughts and prayers are with Brunson. We hope that he will

[24] **Manevich D., Chwe H.,** Globally, more people see U.S. power and influence as a major threat, *Pew research center,* 01.08.2017, https://www.pewresearch.org/fact-tank/2017/08/01/u-s-power-and-influence-increasingly-seen-as-threat-in-other-countries/.
[25] **Erdemir A., Edelman E.,** Erdogan's Hostage Diplomacy:Western Nationals in Turkish Prisons, The Foundation for Defense of Democracies (FDD), Washington, DC, pp. 6-8.
[26] **Erdemir A., Edelman E.,** op. cit, pp. 21-22; **Maza C.,** Andrew Brunson Case: Donald Trump Threatens Turkey with Sanctions if Pastor is not Released, 26.07.2018, https://www.newsweek.com/donald-trump-threatens-turkey-sanctions-if-christian-pastor-not-released-1043964.
[27] **Martin W.,** The lira is tumbling after the US said it's ready to kick its battle against Turkey up a notch, *Business Insider,* 17.08.2018, https://www.businessinsider.com/trump-usa-sanctions-against-turkey-2018-8.

return home soon"[28]. It seemed that Brunson's release would help to ease the tensions in the US-Turkey relations, but Turkey's decision to acquire the Russian S-400 missile system has strained bilateral relations.

In December, 2017 Moscow and Ankara signed a deal on acquiring S-400 anti-aircraft defense systems worth of US $ 2.5 billion. Turkey would buy four S-400 anti-aircraft missile complexes, becoming the first NATO member state to make such a major military deal with Russia[29]. Turkey's decision caused great dissatisfaction not only in the US, but also among the leadership of NATO. At jubilee event marking NATO's 70th anniversary, the US Vice President Mike Pence explicitly referred to Ankara: "Turkey must choose: Does it want to remain a critical partner in the most successful military alliance in history of the world or does it want to risk the security of that partnership by making reckless decisions that undermine our alliance?"[30]. In response to Pence's threats, Turkey's Vice President Fuat Oktay declared that "the United States must choose whether it want to remain Turkey's ally or endanger the friendly relations of the two countries by uniting forces with terrorists"[31]. It was unacceptable for the US, that Turkey, a key NATO member, was going to acquire the Russian anti-aircraft complex system, designed initially to track and strike NATO warplanes.

Afterward, Pentagon started threatening to expel Turkey from the F-35 program and to impose sanctions if it purchased the Russian

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[28] **Kelly C., Sullivan K.,** Released US Pastor Andrew Brunson Returns to US, Meets With Trump, *CNN,* 14.10.2018, https://edition.cnn.com/2018/10/13/politics/us-pastor-andrew-brunson-trump-oval-office/index.html.
[29] **Kibaroğlu M.,** On Turkey's Missile Defense Strategy: The Four Faces of the S-400 Deal Between Turkey and Russia, *SAM Papers,* No.16, April 2019, p. 3.
[30] **Hacaoglu S., Kozok F.,** U.S.-Turkey Showdown Escalates as Pence Warns on Missiles, *Bloomberg*, 04.04.2019, https://www.bloomberg.com/news/articles/2019-04-04/u-s-turkey-showdown-escalates-as-pence-gives-missiles-warning.
[31] **Keşvelioğlu A., Oğuz A., Akca M. E., Türkcan L. M.,** Turkey's Procurement of the S-400 System : An Explainer, *TRT World Research Centre*, 2019, p. 7.

air defense systems[32]. As an alternative, The US State Department has offered Turkey for about US $ 2.5 billion American Patriot missile deal[33]. Turkey rejected Washington's deal. It pointed to the fact that the US does not provide its partners with Patriot air defense system discounts and refuses to exchange technology[34].

Turkey's decision to use the S-400 system has deeper roots. For the past 10 years Ankara has sought to acquire the American Patriot systems, but it did not succeed. The US opposed Turkey's demands for technology transfer and domestic production. Therefore, Ankara began looking for potential alternatives, including a Chinese missile system which failed in 2013 due to the US objections. Following the coup attempt in 2016 against Erdogan, including the Turkish Parliament's air bombardment, the acquisition of anti-aircraft systems became imperative to Ankara.

For two years, Washington has been doing everything to persuade Erdogan to cancel the S-400 deal. The S-400 system is not only incompatible with NATO's defense infrastructure in Turkey, but it could also lead to the imposition of the US sanctions. But nothing forced Erdogan to change his decision. The first batch of Russian air defense systems was transferred to Turkey in July 2019, after which the US announced that it was expelling Turkey from its F-35 fighter plan. In particular, the White House Press Secretary S. Grisham noted: "Unfortunately, Turkey's decision to purchase Russian S-400 air defense systems renders its continued involvement with the F-35 impossible. Turkey has been a longstanding and trusted partner and NATO Ally for over 65 years, but accepting the S-400 undermines the

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[32] **Özer İ. A.,** Arming Countries: With or Without the United States**,** *SETA Analysis***,** 55, 2019, p. 18.

[33] **Yeşiltaş M., Aslan M., Özkizilcik Ö.,** SETA Security Radar:Turkey's Security Landscape in 2019, *SETA Report,* 2019, pp. 48-49.

[34] **Mehta A.,**Turkey cleared by US for $3.5 billion Patriot missile deal, despite S-400 row, *Defense News,* 18.12.2018, https://www.defensenews.com/global/europe/2018/12/19/turkey-cleared-by-us-for-35-billion-patriot-missile-deal-despite-s-400-row/; **Wemer A. D.,** After Russian air defense deal, can Ankara and Washington repair their relationship?, *Atlantic Council,* 15.07.2019, https://www.atlanticcouncil.org/blogs/new-atlanticist/after-russian-air-defense-deal-can-ankara-and-washington-repair-their-relationship/.

commitments all NATO Allies made to each other to move away from Russian systems"[35]. Removing Turkey from the F-35 fighter plan was a serious blow to Ankara not only in military but also in economic terms. Turkey has signed a contract to purchase 100 F-35s from the US, made big investments in its production, and the Turkish companies are producing 937 parts of those fighters[36].

Mutual threats exacerbated the US-Turkey crisis, endangering the 70-year-old military cooperation between the two countries and Turkey-NATO relations. Ankara's acquisition of Russian S-400 missiles, despite objections from the US and other NATO members, has even led to calls for Turkey to withdraw from NATO[37]. The members of the alliance pointed out not only to Ankara's internal political mistakes but they were also concerned that Turkey was an unreliable partner in NATO's security policy. Washington's decision to expel Turkey from further involvement in the F-35 fighter program certainly reflected not only the US concerns[38].

In this context, the statement made by H. Akar, the Turkish Minister of Defense, on the readiness of the country for the US sanctions does not seem surprising[39]. The reason was surely Turkey's acquisition of the Russian S-400 air defense systems. According to

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[35] Statement by the Press Secretary, 17.07.2019, https://www.whitehouse.gov/briefings-statements/statement-press-secretary-64/; **Leone D.,** Turkey Might Lose the F-35 Thanks to Buying Russia's S-400 System. So What About Greece?, *The National Interest*, 18.07.2019, https://nationalinterest.org/blog/buzz/turkey-might-lose-f-35-thanks-buying-russias-s-400-system-so-what-about-greece-67632.

[36] **Keşvelioğlu A., Oğuz A., Akca M. E., Türkcan L. M.,** Turkey's Procurement of the S-400 System : An Explainer, *TRT World Research Centre*, 2019, p. 15; **Slijper F.,** Power Projection:Turkey's Military Build-Up: Arms Transfers and an Emerging Military Industry, PAX: Power Projection, 2017, pp. 19-26.

[37] **Sari A.,** Can Turkey be Expelled from NATO? It's Legally Possible, Whether or Not Politically Prudent, 15.10.2019, https://www.justsecurity.org/66574/can-turkey-be-expelled-from-nato/.

[38] **Carpenter G. T.,** It's time to expel Turkey from the Western alliance, *The Washington Post,* 19.07.2019, https://www.washingtonpost.com/opinions/2019/07/19/its-time-expel-turkey-western-alliance/?noredirect=on.

[39] **Zanotti J., Clayton T.,** Turkey: Background and U.S. Relations In Brief, *CRS Report, Congressional Research Service,* 09.07.2019, p. 6.

Kuru, Turkish politicians, led by President Erdogan, are seriously debating Turkey's geopolitical position in the event of suspending NATO membership. Such demand is already present in some segments of the Turkish society. For the past five years, the majority of Turkish society has adopted the anti-American course, most likely at the highest level since 1952[40]. Despite the challenges in relations with the US and NATO, Turkey is likely to remain a part of NATO, as partition would be very harmful to both parties. First, NATO is not only a military alliance, but also a political union. Being part of it is like being part of the developed world, that Turkey has been striving for since 1923. Second, Turkey is able to greatly influence Brussels' policy, by remaining in the alliance. In principle, all NATO decisions require consent. Thus, Ankara can effectively block any decision running against its interests. For example, in 2017 Turkey has blocked NATO's attempt to develop partnership relations with Austria in response to Vienna's repeated veto for Turkey's EU membership[41].

Referring to NATO's main motives for keeping Turkey in the alliance, it should be emphasized that in number and combat capability Turkish Armed Forces lag behind the US. In addition, Turkey has geopolitical significance both for Europe and the US. It is the only NATO member to have borders in the Middle East (Syria, Iraq and Iran) and Europe at the same time. Moreover, in the context of the Syrian crisis, Turkey serves as a major endpoint in Europe, accepting more than four million refugees. Turkey controls the Bosphorus and Dardanelles, two of the most important spots in the world that have historically blocked the entry of Russia into the Mediterranean. The Incirlik air base and the Kurecik radar station (a

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[40] **Kuru T. A.,** Why is Turkey torn between the United States and Russia?, 11.06.2019, https://www.opendemocracy.net/en/why-turkey-torn-between-united-states-and-russia/.

[41] **Lute D., Burns N.,** NATO at Seventy:An Alliance in Crisis, *Project on Europe and the Transatlantic Relationship Report,* Belfer Center for Science and International Affairs Harvard Kennedy School, 2019, p. 49;

Toperich S., Noi Ü. A., Turkey and Transatlantic Relations, *Center for Transatlantic Relations,* The Paul H. Nitze School of Advanced International Studies*,* The Johns Hopkins University, 2017, p. 44.

ballistic missile deterrent station some 300 miles far from the Iranian border) are also important to NATO. They ensure NATO's viability in protecting Europe from threats emanating from the Middle East[42]. The effectiveness of the Incirlik air base was proved during the wars in the Balkans, Afghanistan, and Syria. Though Cyprus, Kuwait and Crete have been considered alternatives to Turkey, Washington has not attempted to use these options, as the strategic position and infrastructure of Incirlik are virtually indispensable.

Thus, Turkey's withdrawal from NATO is not beneficial to either side. It is important to find out whether this is another attempt by Ankara to use the "Russian playing card" against the US and NATO, or a real turning point in Turkey's foreign policy. According to Crook, "If Turkey is really seeking to turn to Russia, then it will surely be of great strategic importance. It will mean the disappearance of the last real stronghold of US dominance in the Middle East, as well as the collapse of the NATO-formed ring around Russia"[43].

Stressing that Turkey and the US have been strategic allies within NATO for 60 years, Erdogan warned: "If Washington does not stop showing a one-sided and disrespectful attitude towards Turkey, then we will start looking for new friends and allies"[44].

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[42] **Demirdas A., S**hould Turkey be Kicked out of NATO?, *Jerusalem Post,* 31.07.2019, https://www.jpost.com/Opinion/Should-Turkey-be-kicked-out-of-NATO-597323; **Kelleher C.,** Missile Defense, Extended Deterrence, and Nonproliferation in the 21st Century, *Center for International and Security Studies at Maryland, School of Public Policy*, 2017, pp. 9-22.

[43] **Kruk A.,** Erdogan between Russia and the United States. What will happen to the idea of neo-Ottomanism, 11.08.2016, http://www.globalaffairs.ru/global-processes/Erdogan-mezhdu-Rossiei-i-SShA-Chto-budet-s-ideei-neoosmanizma-18309 (in Russian).

[44] **Erdogan T. R.,** Erdogan: How Turkey Sees the Crisis With the U.S., *New York Times*, 10.08.2018, https://www.nytimes.com/2018/08/10/opinion/turkey-erdogan-trump-crisis-sanctions.html.

Prerequisites and Prospects for the Development of Turkish-Russian Cooperation

Russia and Turkey are united both by their shared geographical position in the hubs of Europe and Asia and by the complex stages of development. At the same time, the geopolitical component, in particular the regional rivalry, has been and is an integral part of the Russian-Turkish interaction at all stages of the development of bilateral relations. The evolution of bilateral relations is most evident in regions where both Russia and Turkey have historically formed interests. After a seven-month crisis in Russian-Turkish relations following the Russian Su-24 shot down in November 2015, the process of normalization of relations began due to the impact of the complex geopolitical and economic situation in two countries. The failed attempt of the coup in Turkey in July 2016 also contributed to the rapprochement of Turkish-Russian relations. It received a significant response not only within the state but also internationally. Unlike the West, which condemned the harsh actions of the Turkish authorities inside the country[45], Russia has publicly supported Erdogan[46]. As a result, after a failed coup attempt in Turkey, Erdogan made his first visit, not to one of NATO's allies, but to Russia, with whom relations were still far from friendly.

In particular, on August 9, 2016, after the crisis in bilateral relations, the first meeting of the Presidents of Russia and Turkey took place in St. Petersburg, during which Putin and Erdogan affirmed their readiness to restore cooperation in all areas, to bring the Russian-Turkish relations to pre-crisis levels and to look for compromises on

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[45] **Bodkin H., Millward D., Ensor J., Rothwell J.,** Turkey coup attempt: World leaders warn President Erdogan not to use uprising as excuse for crackdown as more than 6,000 arrested, *The Telegraph,* 18.07.2016, https://www.telegraph.co.uk/news/2016/07/17/turkey-coup-plot-president-erdogan-rounds-up-thousands-of-soldie/.

[46] **Çelikpala M., Erşen E.,** Turkey's Black Sea Predicament: Challenging or Accommodating Russia?, *PERCEPTIONS*, 2018, **23**, 2, 72-92; **Özertem S. H,** Turkey and Russia: A Fragile Friendship, *Turkish Policy Quarterly,* 2017, **15**, 4, 121-134.

the Syrian issue[47]. This caused serious concern in the West, as, after the military coup attempt, the President of Turkey was negotiating with his Russian counterpart, rather than his NATO allies[48].

　Efforts to normalize political relations between Moscow and Ankara were a major impetus for the parties to strengthen their cooperation in trade, economy, energy, gas and nuclear sectors having been frozen. Practical steps have been taken on the construction of the "Turkish Stream" pipeline and "Akkuyu" Nuclear Power Plant. Thus, on November 19, 2018, in Istanbul, the President of Russia and the President of Turkey announced the completion of the first part of underwater section of the "Turkish Stream" gas pipeline linking Russia to the European shores[49] (the intergovernmental agreement on its construction was signed in October 2016[50]). Through this project, Turkey promoted Russia's long-term strategy to be Europe's major gas supplier, meanwhile reducing the importance of Ukraine as a transit corridor. Thus, in addition to the shipping routes through Ukraine and the Baltic Sea, the third - Russian gas corridor is being created, which faces a continuous confrontation of the US.

　One of the key components of the Turkish-Russian cooperation is Russia-led project to build Turkey's first "Akkuyu" Nuclear Power Plant. Within the project, worth of US $ 20 billion, it is expected to build a 1,200 MW nuclear power plant with four reactors, the first of which will be put into use in 2023. In 2018, the President of Russia and the President of Turkey participated in a teleconference

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[47] **Koru S.,** The Resiliency of Turkey-Russia Relations, *Foreign Policy Research Institute, Black Sea Strategy Papers,* 2018, p. 16; **Rüma İ., Çelikpala M.,** Russian and Turkish Foreign PolicyActivism in the Syrian Theater, *Uluslararasi Iliskiler,* 2019, **16,** 62, p. 70.
[48] **MacFarquhar N.,** Russia and Turkey Vow to Repair Ties as West Watches Nervously, *The New York Times,* 09.08.2016, http://www.nytimes.com/2016/08/10/world/europe/putin-erdogan-russia-turkey.html.
[49] **Pierini M.,** Russia's Gas Strategy Gets Help From Turkey, *Carnegie Europe,* 03.12.2018, https://carnegieeurope.eu/strategiceurope/77855.
[50] **Ediger Ş. V., Durmaz D.,** Energy in Turkey and Russia's Roller-Coaster Relationship, *Insight Turkey*, 2017, **19**, 1, p. 151.

inauguration ceremony of the Akkuyu Nuclear Power Plant in Turkey[51].

Overcoming the Turkish-Russian crisis also had a positive impact on the development of tourism. According to the Turkish Ministry of Culture and Tourism, the number of Russian citizens visiting Turkey in 2018 was about 6 million, more than in 2017 by 25.4% (4.7 million)[52]. The volume of trade turnover between Turkey and Russia has also been steadily declining due to the Turkish-Russian crisis. In 2016, trade turnover between the two countries decreased by 32.1% reaching to US $ 15.5 billion, of which export increased by 29% (US $ 13.4 billion), import by 47% (US $ 2.2 billion)[53]. In 2018, the volume of trade turnover between Turkey and Russia amounted to US $ 25.5 billion, of which Russian exports US $ 21.3 billion, imports from Turkey US $ 4.2 billion[54].

Despite the dynamics of Turkish-Russian trade turnover, the leaders of the two countries want to increase the volume to US $100 billion, as stated by President Erdogan on August 27, 2019, at the opening ceremony of MAKS-2019 International Aviation and Space Show held at Zhukovsky International Airport[55].

The efforts of the two countries' leaders to overcome geopolitical differences also reflected on the development of cooperation in military-political field. By the end of 2016, Russia and Turkey began cooperating within the process of monitoring the

[51] **Masumova R. N.,** Russia and Turkey: Resetting Economic Partnership, *PERCEPTIONS,* 2018, **23,** 2, 33-50; Russia starts building Turkey's first nuclear power plant, *World Nnuclear News,* 03.04.2018, http://www.world-nuclear-news.org/NN-Russia-starts-building-Turkeys-first-nuclear-power-plant-03041801.html.
[52] **Sitdikov R.,** Interstate relations between Russia and Turkey, 14.02.2019, https://ria.ru/20190214/1550722597.html (in Russian).
[53] Russian-Turkish economic relations. Dossier, 02.04.2018, https://tass.ru/info/5088157 (in Russian).
[54] **Klimentyev M.,** Interstate relations between Russia and Turkey, 29.06.2019, https://ria.ru/20190629/1555928137.html (in Russian); **Özel S., Uçar G.,** The Economics of Turkey-Russia Relations, *Edam:Centre for Economics and Foreign Policy Studies, Foreign Policy & Security,* 2019/10, p. 10.
[55] Turkey aims to boost trade with Russia to $100bn, 28.08.2019, https://www.rt.com/business/467449-russia-turkey-trade-turnover/.

cessation of hostilities in Syria. In January 2017, the Russian air forces, along with the Turkish air forces, began to strike at the positions of terrorist groups in Syria[56]. This was followed by Turkey's intention to acquire the Russian S-400 defense systems. In December 2017, Turkey and Russia signed an agreement to acquire Russian S-400 anti-aircraft defense systems, which not only caused a serious crisis in Turkey's relations with the US and NATO, but also brought Turkish-American relations to the lowest level ever in the history.

According to Hansberry, restoring relations with Turkey has helped Russia to achieve at least two goals. First, Russian-Turkish cooperation contributed to the damage of NATO's reputation with which Russia has strained relations, and the existence of which has caused serious concerns in Moscow since the end of the Cold War. Second, and not least, this cooperation allowed Russia to use the Turkish straits without any constraint[57].

Notwithstanding US pressure, not only did Erdogan decline a deal to acquire Russian air defense systems (the second batch of which was shipped to Turkey in September 2019)[58], but he also expressed a desire to deepen cooperation with Russia in the military-technical field, including military aviation. According to the Russian and Western media, using Washington's decision to remove Turkey from the F-35 fighter program, Russia has offered Ankara to acquire the Su-35 fighter jets as a replacement for the lost F-35[59]. In

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[56] Chief of the Main Directorate of the General Staff of the Armed Forces of the RF, Colonel-General Sergei Rudskoy held a briefing for the media, 18.01.2017, https://function.mil.ru/news_page/country/more.htm?id=12108689@egNews (in Russian); **Grove T.,** Russian and Turkish Jets Strike Islamic State Positions in Northern Syria, *The Wall Street Journal*, 18.01.2017, https://www.wsj.com/articles/russian-and-turkish-jets-strike-islamic-state-positions-in-northern-syria-1484764790.

[57] **Hansbury P.,** Is Turkey's turn from NATO to Russia possible, *Kommentarii,* no. 30, 13.09.2019, http://minskdialogue.by/research/opinions/vozmozhen-li-povorot-turtcii-ot-nato-k-rossii (in Russian).

[58] **Gumrukcu T.,** Turkey says delivery of second S-400 battery complete, *Reuters,* 15.09.2019, https://www.reuters.com/article/us-turkey-security-usa-defense-russia/turkey-says-delivery-of-second-s-400-battery-complete-idUSKBN1W00AQ.

[59] **Vladimirov V.,** Moscow offers Ankara Su-35 instead of F-35, 19.07.2019, https://www.golos-ameriki.ru/a/experts-on-possible-sale-of-su-35-to-

particular, during the August 2019 meeting in Moscow, Putin and Erdogan discussed not only the issue of the Russian SU-35 fighters, but also the possibility of working jointly on the new SU-57s[60].

The above mentioned projects as well as the S-400 missile deal between Turkey and Russia prove that Moscow uses effectively the US-Turkey tensions and Ankara's relative diplomatic isolation.

The Syrian Crisis at the Core of Russia-Turkey-US Conflict of Interests

The Syrian crisis, initially seen as a recurrent uprising against the authoritarian leader within the Arab Spring, has over time turned into a brutal mediated war, involving many regional and world powers. In particular, in September 2014, the US-led coalition launched air strikes on IS positions and infrastructures in support of the Kurdish land forces[61]. On September 30, 2015, Russia was drawn into the conflict[62]. The situation has become extremely confusing and explosive after massive bombardment of the Syrian opposition and IS positions by the Russian air forces.

After Russia's intervention, the ratio of forces on the Syrian front changed. Syrian government troops managed to regain control of Aleppo and other major Islamist-occupied cities[63]. At the same time,

turkey/5006962.html (in Russian), **Episkopos M.,** Could Turkey Lose the F-35 Stealth Fighter and Pass on Russia's Su-57?, *The National Interest,* 17.09.2019, https://nationalinterest.org/blog/buzz/could-turkey-lose-f-35-stealth-fighter-and-pass-russias-su-57-81321.

[60] **Tétrault-Farber G.,** Erdogan says Turkey wants to continue defense cooperation with Russia, *Reuters,* 27.08.2019, https://www.reuters.com/article/us-russia-turkey-planes/erdogan-says-turkey-wants-to-continue-defense-cooperation-with-russia-idUSKCN1VH1QS.

[61] **Ford M. C.,** Syria: Can International Law Cope? Workshop Report, *International Law Studies*, 2016, **92,** 340-352.

[62] **Coşkun B.B.,** Turkey′s Relations with Russia after the Failed Coup: A Friend in Need of a Friend Indeed?, *New Middle Eastern Studies*, 2019, **9,** 1, 36-52;

Mamedov R., Lukyanov G., Russia and Turkey: Approaches to Regional Security in the Middle East, *PERCEPTIONS,* 2018, **23,** 2, 51-71.

[63] **Akhmedov V. M.,** Syrian uprising: history, politics, ideology, Institute of Oriental Studies of the Russian Academy of Sciences, Moscow, 2018, s. 138 (in Russian).

the YPG force with the support of the US liberated Raqqa and northeast Syria[64]. Only the Syrian province of Idlib remains under the control of IS. These achievements have strengthened Assad's positions, which previously seemed quite shaky.

Russia's intervention in the Syrian conflict caused serious disagreements in the Turkish-Russian relations. In November 2015, after the Turkish bomber struck a Russian bomber, the relations between the two countries became extremely strained. However, after a 7-month crisis, as a result of the rapprochement with Russia, Turkey was able to return to the Syrian battlefield and carry out the "Shield of Euphrates" and "Olive Branch" operations[65], as well as to participate with Russia and Iran in the Astana process aimed at the resolution of the Syrian conflict, since January 2017[66].

Thus, the "Astana Process" gradually became the main format of discussions on the post-war future of Syria. It united the three most important players in this region who have always been hostile for the last three centuries. Of course, the actors involved in the Syrian crisis are not limited to these countries, but it is clear that in recent years this trio has become the most influential in this issue. The main principle of discussions within this format (instigated by Iran and Russia) is to preserve Syria's territorial integrity and to achieve an immediate end to the war.

For its part, Ankara was seriously concerned about the existence of a Kurdish autonomous region stretching along the border with Turkey. A military operation called "Peace Spring", launched by Turkey on October 9, 2019 in the North-East of Syria was aimed at

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[64] **Borovkova M. I.,** The struggle of the United States against the "Islamic State" in Syria during the Trump administration: 2017 - 2019, *Mirovaya politika*, 2019, 2, 12-21, (in Russian).

[65] **Yeşiltaş M., Seren M., Özçelik N.,** Operation Euphrates Shield Implementation and Lessons Learned, *SETA:Foundation for Political, Economic and Social Research,* İstanbul, 2017, pp. 1-57; **Kasapoğlu C., Ülgen S.,** Operation Olive Branch:A Political–Military Assessment, *Edam:Centre for Economics and Foreign Policy Studies, Foreign Policy & Security,* 2018/2, pp 1-16.

[66] **Mezra K., Varvelli A.,** MENA Region: A Great Power Competition, ISPI and Atlantic Council, 2019, pp. 56-57.

neutralizing this threat. Erdogan has been stating that the purpose of the "Peace Spring" operation was to "eliminate the terror corridor on Turkey's Southern border, neutralize Kurdish militants and Islamic State detachments, create a security zone and provide conditions for return of Syrian refugees"[67].

The international community, however, did not take seriously Turkey's reasoning regarding the Kurdish threat. When Turkish troops, accompanied by the "Syrian National Army" formed by Ankara, were moving to Tel Abiad and Ras ul-Ain, the UN, all 28 EU members, the Arab League, including Palestine, African countries, the Vatican, the US, Russia, Iran, China, as well as Israel unanimously condemned Turkey for invasive actions[68]. It is noteworthy that the Turkish invasion led to the old rivals Israel and Palestine appear in the camp of those condemning.

The recent invasion of Turkish troops in Syria caused new tensions in the US-Turkey relations. US President Donald Trump has threatened Turkey on a social network that it would destroy Turkey's economy if the latter continues its attack against the US-allied Kurds in northeastern Syria, and the Pentagon announced it had closed airspace for the Turkish warplanes in north-eastern Syria[69]. Despite the threats, posed by the US, the Turkish military operation was in fact

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[67] **Stickings T.,** Recep Tayyip Erdogan warns that he will start wiping out Kurdish 'terrorists' in new assault tomorrow and boasts about 'neutralising' 765 fighters, 21.10.2019, https://www.dailymail.co.uk/news/article-7595479/Turkey-resume-onslaught-against-Kurdish-fighters-Erdogan-says.html; **Smith S.,** Turkey launches military operation in northeast Syria after U.S. withdraws, 10.10.2019, https://www.nbcnews.com/news/world/turkey-launches-operation-syria-3-days-after-trump-announces-u-n1063576.

[68] **Kaplan Y.,** Turkey: the spring of peace, *Yeni Şafak,* 11.10.2019, https://www.yenisafak.com/en/columns/yusufkaplan/turkey-the-spring-of-peace-2047196; World leaders unite in condemnation of Turkey's Syria operation, 11.10.2019, https://www.nbcnews.com/news/world/world-leaders-unite-condemnation-turkey-s-syria-operation-n1064591.

[69] **Gaouette N.,** As Trump threatens to destroy Turkey's economy and Kurds die, many wonder if penalties will have teeth, *CNN,* 150.10.2019, https://edition.cnn.com/2019/10/14/politics/trump-turkey-sanctions-skepticism/index.html; Turkey-Syria border: Trump threatens to 'obliterate' Turkish economy, *BBC,* 08.10.2019, https://www.bbc.com/news/world-middle-east-49966216.

made possible when the Pentagon started to withdraw a large number of US forces from the Kurdish-controlled part of Syria, under the order issued by the US President Donald Trump.

Turkey's military operations in Syria have given Ankara a new opportunity to maneuver and gain dividends from the conflicting interests of Russia and the US in the region. On the one hand, on October 17, 2019, Turkey agreed to the US Vice President Mike Pence's proposal to establish a 120-hour ceasefire in Northern Syria, enabling the Kurdish groups by the help of the US to withdraw within five days from the bordering regions, designated by Turkey as a "security zone"[70]. On the other hand, Erdogan immediately responded to Putin's invitation and arrived in Sochi on October 22.

As a result of the talks between the Presidents of Russia and Turkey, according to Vladimir Putin, the parties were able to make fateful decisions on the situation in Syria. In particular, the two countries signed a Russian-Turkish memorandum on Syria, the key points of which are:

1. The countries reaffirmed their commitment to maintaining Syria's political unity and territorial integrity as well as Turkey's national security.
2. The Presidents emphasized their determination to fight all forms and manifestations of terrorism and to eliminate the agenda of separatism in Syria.
3. Within this framework, the established status quo of the Operation Peace Spring area, covering Tell Abyad and Ras al Ayn with a depth of 32 kilometers from the border, will be maintained.
4. The two parties affirmed the importance of the Adana Agreement. Russia would, under the current circumstances,

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[70] **Fabian J., Hacaoglu S.,** Turkey, U.S. Agree to Brief Cease-Fire to Allow Kurdish Retreat, *Bloomberg*, 18.10.2019, https://www.bloomberg.com/news/articles/2019-10-17/turkey-agrees-to-120-hour-cease-fire-in-syria-pence-says.

facilitate the application of the provisions of the Adana Agreement.

5. Starting from 12.00 noon on 23 October, Russian military police and Syrian border guards will enter the Syrian border territory outside the Operation Peace Spring area to facilitate the removal of the YPG in the area with a depth of 30 kilometers from the border, which should be finalized within 150 hours. Hereafter, joint Russian–Turkish patrols will start to the west and east of the Operation Peace Spring area to a depth of 10 kilometers from the border, excluding Qamishli city.

6. The YPG will be removed from both Manbij and Tal Rifat.

7. Both parties would take measures to prevent the penetration of the elements of terrorism.

8. A joint effort would be made to facilitate the safe and voluntary return of refugees.

9. An agreement was reached to establish a joint monitoring and control mechanism to oversee and coordinate the implementation of this memorandum.

10. Turkey and Russia will continue efforts to find lasting political solution to Syrian conflict within Astana format and to support the work of Constitutional Commission.[71]

This deal was beneficial to almost all parties involved. Ankara, without a large-scale war with the Kurds, got what it wanted along the buffer zone, Damascus restored its sovereignty in the north-east of Syria without a war with "Syrian Kurdistan", Moscow got what it wanted (Americans were leaving Syria, and it is likely that only a small troop of US troops will remain), and the US President Donald

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[71] **Hodge N.,** Putin and Erdogan just did a deal on Syria. The US is the biggest loser, *CNN*, 23.10.2019, https://edition.cnn.com/2019/10/22/middleeast/putin-erdogan-syria-deal-hodge-analysis-intl/index.html; **Khimshiashvili P.,** Putin and Erdogan agreed on Syria, 22.10.2019, https://www.rbc.ru/politics/22/10/2019/5daf46a19a7947e2eade81a6 (in Russian).

Trump got what he wanted; to stop the US involvement in at least one of the protracted wars.

The Kurds were the only losers in this great geopolitical game. Being at the forefront of the war against the Islamic State for more than four years, defeating this terrorist group and establishing a semi-autonomous administration in the territories liberated from the Islamic State, they subsequently lost both their territories and their autonomy. The US left them, Turkey was bombing them, Russia considered them simply a pawn on the geopolitical chessboard[72].

The Sochi Agreement was surely a huge success for Russia. After the withdrawal of the American troops from Syria, Russia became a major military force and a leading political player in the Syrian conflict. The agreement confirmed that Moscow was able to impose its decisions on Turkey and the Syrian leadership (it did not participate in the talks), on the Kurds (they controlled one-third of Syria's territory in early October and enjoyed US support), as well as on its ally Iran. With the signing of the Sochi Agreement, the Syrian conflict has entered a new phase where the US is no longer there, with the Kurds having lost their former importance along with their political and military structures, and the Turks who had to "quench their appetite".

Conclusion

1. The US-Turkey long-term strategic relations have undergone significant changes in the last ten years. Turkey's new foreign policy guidelines since the AKP came to power, as well as a new Middle East policy in the context of US counterterrorism, have caused disagreements between the two allies, which have been exacerbated by the "Arab Spring" and the Syrian crisis.

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[72] **Johny S**., Putin takes centre stage in Syria, *The Hindu,* 25.10.2019, https://www.thehindu.com/opinion/op-ed/putin-takes-centre-stage-in-syria/article29789785.ece.

2. The deep crisis between Ankara and Washington caused by the Kurdish issue, the factor of Fethullah Gülen, the acquisition of Russian S-400 air defense systems and a number of other issues not only had a negative impact on the strategic relations and geopolitical interests of the two countries, but also on Turkey-NATO relations, creating an atmosphere of mutual distrust among Turkey-US-NATO leadership.

3. The roots of the crisis between the two countries are much deeper than political and economic contradictions. Turkey wants the US to recognize its status as a regional power and to take into account its interests in the Middle East. But so far, the Americans have not responded to any of these expectations, whether it is the Kurdish issue or the settlement of the Syrian conflict.

4. The Syrian conflict has clearly shown the disagreements between the two NATO allies. The US efforts to create and support the autonomous Kurdish union in Syria, which Turkey sees as a real threat to national security, are forcing Ankara to turn to Moscow, which, according to Erdogan, is more careful to Turkey's challenges. In addition, for Erdogan, Putin is a more reliable partner than Trump or any other NATO member country.

5. Although in recent years the perspectives of Turkey's withdrawal from NATO have been frequently discussed in the West due to Turkey's foreign and domestic policy, nevertheless, Turkey's withdrawal from NATO in the foreseeable future is not favorable for either party. The Turkish leadership is well aware that in the event of its withdrawal from the West, the country will not only be deprived of NATO's military and political support, but will also find itself in Russia's sphere of influence, deprived of the opportunity to maneuver and pursue its own policy. For its part, Turkey is of key importance to NATO, due to its geographical position as

well as the number and combat readiness of its military alliance.

6. Overcoming the Turkish-Russian crisis has been a serious impetus for the development of multilateral bilateral relations, creating also new prospects in the military-technical field. Cooperation in the politics, trade, economic, energy, nuclear and other spheres began to develop rapidly, and military-technical relations entered a new phase (the S-400 system deal and the acquisition of Russian SU-35 fighters by Turkey).

7. Turkey's policy in the Syrian conflict and its attempts to maneuver between Russia and the US in this context make clear the interests and concerns of Turkey. Ankara was seriously concerned about the existence of a Kurdish autonomous region stretching along the country's border, which threatens its security. Turkey insisted that a "security zone" of 30-40 km from the border should be created here. Moreover, it is here that Turkey seeks to resettle a majority of nearly three million Syrian refugees who have fled to its territory.

8. It is clear that the purpose of the security zone is not only to rule out the creation of another Kurdish autonomy near the Turkish border with all its further consequences (which failed in the Northern Iraq), but it is also an attempt to change the demographic image of the region. If the planned resettlement takes place, there will be predominantly Sunni Arab refugees along Turkey's borders, who are far more loyal and controllable for Ankara than the Kurds.

9. Involving a 5,000-strong military contingent in the conflict by the Sochi Agreemnt, Moscow (along with Tehran) strengthened the shattered Syrian regime by restoring Damascus's power to fight insurgents in the country. This, in turn, ensured the security of the Russian bases in Syria, reinforcing its military and diplomatic significance in the region.

10. With regard to the diplomacy, Russia has expanded its partnership with Iran, transformed tensions with Turkey into actively developing relations and have become an important regional player. Moreover, Russia finally forced the US to conduct large-scale talks on regional issues while the US and other Western powers punished the Kremlin for "annexing Crimea" and other Moscow's actions in Europe.

CONFLICT RESOLUTION

The Problem of Multi-Party System Formation and Consolidation in Non-Recognized States of the South Caucasus

MARGARIT PETROSYAN
Brusov State University, Armenia

The article discusses the issues of formation and consolidation of a multi-party system in non-recognized states, drawing upon the cases of Artsakh, South Ossetia and Abkhazia. The formation of a multi-party system is a complex process throughout the post-Soviet space. It is particularly important in terms of state consolidation and political system formation. In non-recognized states, the problems caused by post-Soviet transformation are compounded first and foremost by the fact that they are not recognized, secondly by the complicated and long-lasting process of conflict resolution, the influence of geopolitical factors, the lack of economic and political stability, etc. In non-recognized states, party systems are typically characterized by a low level of competition. Meanwhile, the processes of establishing and institutionalizing a multi-party system contribute to the resolution of post-conflict problems and the introduction of democratic traditions and, more generally, state consolidation.

Introduction

The formation and consolidation of a multi-party system is a complex and multi-vector process throughout the whole post-Soviet space. It is central to the formation of a stable political system and state consolidation, as the introduction of democratic principles in all areas of social life can guarantee the stable and complementary work of a

well-established political system and civil society institutions. In general, the existence and interdependent work of political parties finds its reflection in almost all areas of state power, especially in decision-making process. To understand what activities political parties can undertake during the formation of a government, it is necessary to clarify three main directions of the variables, i.e. the relationship between the legislature and the formation of the government, if it exist as such; the responsibility of individuals presenting political parties for the decision to form or make part of the government and, ultimately, the choice of individuals involved in the formation of the government (party representatives)[1].

Justifying the need for the existence of political parties, M. Duverger points out that they are the key components of modern democracy, and thus a political regime could not be democratic without consolidated political parties[2].

The process of forming a multi-party system, in the face of the ongoing competition between political parties, is at the centre of conflicting interests. At the same time, it is meant to ensure the balance between the social ideal and the political course providing the maximum possible outcome under the given circumstances. Being the most influential institution shaping the public administration system, the multi-party system presents a macro system which contributes to or plays an active role in the formation of various other systems[3]. The study of the political systems of post-Soviet transformation states allows to reveal both the shared peculiarities of political systems and those typical to each country, as well as the influence of the Soviet legacy.

The article examines the activities of political parties and the peculiarities of the creation of multi-party systems in the post-Soviet

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[1] **Ware A.,** Political Parties and Party Systems, Oxford University Press, 1996, p. 12.
[2] **Duverger M.,** Political Parties, Academic Project, Moscow, 2000 (in Russian).
[3] **Torosyan T.,** Prerequisites for the Formation of Multi-Party Democratic System and Challenges in Post-Soviet Transformation Countries, Lraber hasarakakan gitutyunneri, 2005, 3, 12-31 (in Armenian).

space, particularly in non-recognized post-Soviet states. Based on it, the article presents the course of multi-party system formation in the three non-recognized states of the South Caucasus, as well as the opportunities and challenges of their consolidation.

The article also addresses the impact of the multi-party system formation on the state consolidation, political system, institution-building, and the challenges of the post-conflict phase. In terms of the issue under study, it is necessary to observe the parliamentary elections held in non-recognized states since the declaration of independence as well as their impact on the democratic processes in those states.

The Peculiarities of Multi-Party System Formation in Post-Soviet Space

In the newly independent states emerged after the collapse of the Soviet Union, the formation of multi-party system was one of the most unprecedented processes, in which the number of political parties increased dramatically. In the post-Soviet states, it was natural for the political parties to be inherited from the Soviet era or to replicate the party organizational system of the transition period. Moreover, political parties can be large and influential, which is explained by the importance they have had as actors of the political system[4]. An example is the notion of "party of power" that appeared in Russian political science as early as 1993-1994. This is a vicious phenomenon, and sometimes the term is used to describe the entire Russian political elite as a single whole[5]. However, multi-party systems created in the post-Soviet space are not always unambiguously perceived by researchers. For instance, Polunina[6] notes that in the post-Soviet space

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[4] **Poghosyan L.,** Optimization Problems of the Multiparty System's Institutionalization in Post-Soviet States, Armenian Journal of Political Science, 2014, **1**, 1, 63-79.
[5] **Golosov G., Lichtenstein A.,** "Parties of Power" and Russian Institutional Design: Theoretical Analysis, *Polis*, 2001, 1, p. 6 (in Russian).
[6] Parties and Party Systems in Modern Russia and Post-War Germany, Moscow, Rostov-on-Don, 2004 (in Russian).

we are dealing with a set of political parties rather than multi-party system in iself.

A consolidated multi-party system is a self-regulating system, but it is not formed automatically. At least in the first phase, especially when formed in a short term, it needs to be guided in a democratic way. Meanwhile, artificial steps aimed at forcibly reducing the number of political parties and particularly creating a two-party system is doomed to failure[7]. The political system in each country is characterized by:

- the number of political parties and the peculiarities of their creation;
- ideological differences between political parties, the electoral system and the legal basis for political struggle;
- parliamentary features of party activities[8].

The first structural precondition is typical to almost all countries of the post-Soviet space, as a series of political parties have been created after the collapse of the USSR. The key issues were related to the second structural precondition. The programs of the established political parties largely replicated one another or reminded of Communist ideology. The most serious problems arose in the process of organizing presidential and parliamentary elections in the newly independent states, perhaps due to the lack of experience and knowledge in organizing and conducting the electoral process.

According to Golosov, multi-party systems have also their drawbacks: multi-party system emphasizes ideological differences, while one-party system facilitates the conduction of elections. Moreover, under the multi-party system, large flows of information and large numbers of candidates, harden a reasonable choice. Ultimately, a multi-party political leadership usually runs coalition

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[7] **Torosyan T.,** op. cit.
[8] **Duverger M.,** Op. cit.

politics, which increases the threat-blackmail potential of that system[9]. All post-Soviet transformation states chose the path of pluralism and multi-party system, as it was believed that a two-party system would not ensure the involvement of all social groups in political processes (including the involvement of all groups in the system of government).

States, that entered the post-Soviet transformation phase and considered the establishment of a democratic system as an ultimtate goal, faced a number of problems (the solution of these problems would allow to achieve the final result:

- Ensuring national unity and acquiring or rethinking national identity;
- Ensuring a high level of economic development;
- Mass dissemination of cultural norms and values implying the adoption of democratic principles and norms, trust in the main political institutions, and a high level of cohesion and civic consciousness[10].

Although there is a link between socio-economic development and democracy, the opinion of the advocates of a structural approach to democratization - maintaining that the higher the level of welfare of the people, the more likely it is to be democratic - have been already rejected. Doubts are about both the theoretical plan and the facts[11]. Thus, it is necessary to create a set of values and cultural preconditions within the society, first and foremost through values and norms associated with "civic culture[12]" as well as with social, religious and cultural traditions, as the formation and establishment of

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[9] **Golosov G.,** Towards a Classification of the World's Democratic Party Systems, step 1, Identifying the Units, *Party Politics,* 2013, 19, 122-142.
[10] **Melville A.,** Democratic Transitions, Transitological Theories, and Post-Communist Russia, 2000, pp. 337-368 (in Russian).
[11] **Lipset M.,** Some Social Requisites of Democracy: Economic Development and Political Legitimacy, The American Political Science Review, 1959, Vol. 53, № 1, pp. 69-105.
[12] **Almond G., Verba S.,** The Civic Culture: Political Attitudes and Democracy in Five Nations, 2015, p. 576.

democracy is more realistic in homogenous rather than fragmented societies[13]. From this point of view, the process of the establishment of democratic institutions, the existence of a stable multi-party system and democratic elections are of particular importance.

Features of the Establishment of Multi-Party System in Non-Recognized States

The study of the formation and development of political system and, in particular, the multi-party system in non-recognized states is important in terms of overcoming the difficulties and challenges of the transition period. The process of establishing and institutionalizing the multi-party system can also help to overcome the complex and long-lasting phase of introducing democratic traditions. Thus, in non-recognized states, the creation of party systems and the level of efficiency in the way of creating a multi-party system are really important, as non-recognized states seek to gain a place in the system that does not accept them as part of that same system[14]. Recently, non-recognized states have chosen the path which they consider as normative change in the international arena. Kosovo's "supervised democracy" is regarded as an example. The major focus is on democratization process, and it is concluded that recognition is realistic if effective democratic institutions are established in non-recognized states[15]. This is central in terms of state consolidation and international recognition.

As Huntington points out, the institutionalization of the party system is a process that should result in the creation of a political party with its inherent value and stability[16], but the institutionalization

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[13] **Dahl R.,** Polyarchy, Participation and Opposition, New Haven, Yale University Press, 1971.

[14] **Caspersen N.,** States without Sovereignty: Imitating Democratic Statehood. In: Caspersen, N., Stansfield, G. (Eds.), Unrecognized States in the International System. Routledge, London, 2011, p. 4.

[15] **Caspersen N.,** Separatism and Democracy in the Caucasus, *Survival,* 2008, Vol. 50, №4, pp. 113–136.

[16] **Huntington S.,** Political Order in Changing Societies, Moscow, Progress Tradition, 2004, p. 480 (in Russian).

of a single political party does not yet imply the institutionalization of the whole system[17].

Therefore, to ensure the effectiveness of the process, attention must be focused on the relationship of political parties with each other and with the rest of the society. It must be based on compromise, which means that each political party must be sustainable and operate according to its own strategy in order to be ready for cooperation, and particularly to competition. This precondition is most evident in non-recognized states, where competition is often seen as an obstacle to recognition.

In non-recognized states of the post-Soviet space, the problems caused by the post-Soviet transformation are compounded by the complexity of non-recognition as a de jure state by the international community. These states also had to face challenges stemming from the post-conflict phase. In general, the problems of forming political parties and a multi-party system in post-conflict environment remain poorly studied, perhaps because they have been regarded as an integral part of the process of establishing state structures or governments[18].

Thus, on the way to the creation of a multi-party system, non-recognized states face the following problems:

- problems common to both recognized and non-recognized post-Soviet states (transformation of political system or formation of a new political system, process of institutionalization of political parties, formation of multi-party system, etc.);
- the process of international recognition;
- post-conflict challenges (economic problems, threat of resumption of hostilities, etc.).

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[17] **Randall V.,** Svasand L. Party Institutionalization in New Democracies, Party Politics, 2002, № 1, pp. 21-32.
[18] **Neandovic M.,** An Uneasy Symbiosis: the Impact of International Administrations on Political Parties in Post-Conflict Countries, Democratization, 2010, Vol. 17, № 6, pp. 1153–1175.

In terms of shaping political system, the first and foremost challenge for non-recognized states is to create a competitive system of political parties. Strengthening democracy, that is declared a priority in non-recognized states, is important for creating an atmosphere of mutual agreement and trust between political parties. Therefore, studying and analyzing the development of political systems in non-recognized states is important for several reasons[19]:

1. A party system can be an indicator determinig whether non-recognized states are characterized by genuine democratic features or not.
2. How do international actors and impulses affect "internal" political factors, which in turn influences the development of party systems?
3. The way in which political parties develop in non-recognized states will show what status it will ultimately receive.

In non-recognized states, recognition is seen as a primary precondition and an end goal, it is the main characteristic of non-recognized states and occupies a central position in programs of political elites[20], and it can be used for propaganda during the elections. In addition, the political elites of de facto states believe that the state's functioning, results registered in the process of democratization and "demonstration" of progress can have a positive impact on the process of recognition[21].

International law does not lay down the preconditions for the creation of new states, except for the Montevideo Declaration, adopted in 1933. The first article of the Declaration states: "The state as a subject of international law should possess the following

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[19] **Ishiyama J., Batta A.,** The Emergence of Dominant Political Party Systems in Unrecognized States, Communist and Post-Communist Studies, 2012, № 45,pp. 123-130.
[20] **Caspersen N.,** States without sovereignty…, pp. 73–89.
[21] **Ishiyama J., Batta A.,** The Emergence of Dominant Political Party Systems in Unrecognized States, *Communist and Post-Communist Studies*, 2012, 45, 123-130.

qualifications: a permanent population, a defined territory, government and capacity to enter into relations with other States"[22].

The starting point for the formation of a multi-party system for each country may be different:

- the peculiarities of state formation;
- conduction of free elections;
- availability of data or sources (analysis of electoral and post-electoral processes). Analysis of previous elections in all states ends immediately before the next elections.[23]

One of the most important indicators is the conduction of free elections in states that are in the process of overcoming the challenges of the democratization process. However, there is a problem of analyzing electoral and post-electoral processes and accessing data in almost all non-recognized states (Abkhazia, South Ossetia), while such analyses could help to explain the mistakes made at a certain stage and prevent further complications on the way to democratization.

The South Caucasus: The Impact of Parliamentary Elections on the Process of Recognition

In non-recognized states of the South Caucasus, self-determination has been preceded by high levels of discrimination and repression, due to which the metropolis sought to change the situation, and particularly the demographic picture. As a result, the number of the titular population has declined significantly as compared to the general population. Currently the number of titular population is high in Artsakh and South Ossetia, while the picture is quite different in

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[22]Montevideo Convention on the Rights and Duties of States https://treaties.un.org/pages/showDetails.aspx?objid=0800000280166aef, (29.06.2017)

[23] **Caramani D.,** The End of Silent Elections: The Birth of Electoral Competition, 1832-1915,*Party Politics*, 2004, **9**, 4, 411-443.

Abkhazia. However, this is not a decisive factor influencing the democratization process in Abkhazia[24]. The status of those states under the USSR is also of no key importance; Artsakh and South Ossetia had the status of an autonomous region, while Abkhazia was an autonomous republic[25]. All three non-recognized states of the South Caucasus claim that they have proved their viability as democratic states and thus have gained their sovereignty[26]. However, it is necessary to verify the validity of these claims through scientific studies.

The process of establishing a multi-party system in the non-recognized states of the South Caucasus, albeit to a lesser extent than in the recognized states, began shortly after the collapse of the USSR. The imperative of forming a new political system and institutions gained primary importance. In general, the process of political party formation in the non-recognized states of this region has taken place almost simultaneously; the historical and political context has greatly influenced this process. This refers to the preceding hostilities, which took place almost simultaneously.

Along with the struggle for the recognition, these states had to overcome the challenges of the transitional period and handle the issues related to domestic and foreign policy. In parallel with the formation of political institutions, there was also a need to ensure the effective and complementary work of these structures. While one of the main challenges of creating a multi-party system - the experience and knowledge of the Soviet legacy one-party system - was also specific to the recognized post-Soviet states, the other challenge - the great influence of the military on post-war political life - was specific only to non-recognized states. However, in the process of institutionalization of political parties in non-recognized states, it is

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[24] **Kolsto P., Blakkisrud H.,** Living with Non-recognition: State- and Nation-building in South Caucasian Quasi-states, *Europe-Asia Studies*, 2008, **60,** 3, 483-509.
[25] Ibid.
[26] **Caspersen N.,** Separatism and Democracy in the Caucasus, *Survival*, 2008, **50**, 4, 113–136.

more important to substantiate them in the public consciousness, as a result of which the party starts to function independently of its leaders, constantly displaying "meaningful behavior"[27].

In terms of multi-party system development and consolidation, of notional importance is the conduction of elections in a fully competitive environment, the distribution of seats between political parties, conduction of parliamentary elections since independence. This is equally important in terms of introducing democratic traditions, since elections are held immediately after the hostilities, when political institutions are not fully established and there is a high risk of new violence. In this case, the efforts of international actors in the process of post-war elections may have the following outcomes: resumption of hostilities, new shocks and escalation of tensions, or prevention of the risk of war resumption through the conduct of peacekeeping operations and the formation of political institutions[28]. As Lakhdar Brahimi, the former UN Ambassador to Afghanistan and Iraq, believes[29], elections can meet all expectations only if they are held at the right time and in parallel with the conflict resolution process.

Post-conflict elections can be a turning point from the perspective of state-building and recognition, and the solution of many post-conflict issues. In some instances, the first post-conflict elections are the first step towards peace and democracy, but more often they can lead to the resumption of hostilities or the establishment of authoritarianism[30].

Post-conflict elections are worth considering for two main reasons: first, they may be indicative of the choice to regulate and organize the public life of non-recognized states (democracy or

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[27] **Janda К.,** Comparative Political Parties: Research and Theory, 1980.
[28] **Brancati D., Snyder J.,** Rushing to the Polls: The Causes of Premature Post-conflict Elections, *Journal of Conflict Resolution*, 2011, **3**, 55, 469-492.
[29] **Brahimi L.,** State Building in Crisis and Post-conflict Countries, Seventh Global Forum on Reinventing Government, June 2007, http://unpan1.un.org/intradoc/groups/public/documents/UN/UNPAN026305.pdf, (18.07.2017)
[30] **Brancati D., Snyder J.,** Op. cit.

authoritarianism); second, they may indicate to what extent the authorities came to power as a result of the elections are ready to withstand the post-conflict problems. Only elections organized and conducted on the basis of democratic principles can guarantee the sustainable work of state institutions.

At the same time, post-conflict democratic elections in non-recognized states can contribute to overcoming the complex and long-lasting process of international recognition, even though observation missions are lacking here and after the elections international organizations usually declare that they do not accept the election results. Observation missions are mainly carried out by the initiative of individuals rather than by the format of official delegations.

International organizations do not recognize the results of elections pointing to the non-recognition of those states. But in reality it has nothing to do with the international recognition of the state. The response of these organizations is largely conditioned by the fact that they are involved in the conflict settlement process or have geopolitical interests in the region. After all, properly organized and conducted elections are closely linked to democratic processes. The purpose of the elections is first and foremost to organize the internal life of the country, and elections are in the spotlight of the international community only in two cases: first, if the state has a significant influence on international relations or unexpected turnarounds occur during the elections[31].

No state or international organization has the power to recognize or not to recognize elections held in another country (for instance, the Council of Europe's assessments refer only to the states that are its members, and to their obligations with regard to the process of democratization rather than the actual elections)[32]. From this point of view, the opinions and assessments of various states regarding the process of recognition of elections are completely groundless.

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[31] **T. Torosyan**, Ilham Aliyev lost the presidential elections in Karabakh, https://regnum.ru/news/polit/1559948.html, (08.09.2017)
[32] Ibid.

Breaking this approach of international organizations towards elections in non-recognized states is important, as democratization processes, including electoral process, can be an impetus to the conflict resolution.

In terms of the integration and acceptance by the international community, it is also important to address the following issue: the link between elections and state recognition leads to the isolation of political parties from both regional and international political processes. Positive tendency has been observed only recently. In April 2015, Ashot Ghulyan, a member of the Central Council of the Democratic Party of Artsakh, participated in the work of the 13th Congress of the European Free Alliance (EFA) as part of his visit to the Federal Republic of Germany. The Democratic Party of Artsakh has been unanimously accepted as an associate member of EFA as a result of voting held within the congress[33]. The opposite process is also undesirable, when the determination of final status is conditioned by a certain level of democratization. The case of Kosovo is noteworthy to mention in this regard. In December 2003, the document entitled "Standards for Kosovo" was introduced. The "standards" were to prepare Kosovo for its final status. They concerned eight areas: functioning democratic institutions, rule of law, rights of communities, returns of displaced persons, the economy, dialogue with Belgrade, property rights and the Kosovo Protection Corps[34]. As further developments (new military clashes) have shown, a clear determination of status is crucial to the conflict settlement process.

The practice of isolating non-recognized states from international processes creates social injustice by economically, socially and politically isolating the population of the territory, the so-

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[33] The Democratic Party of Artsakh as an Associate Member of the European Free Alliance, http://www.dpa.am/wp/archives/2059?lang=hy (03.09.2017).
[34] **Torosyan T.,** Conflict Resolution in the Framework of the International Law. Case of Nagorno- Karabakh. Yerevan, 2010,

called "fault lines" of government[35]. Moreover, it also reduces the possibility of acquiring the experience and knowledge needed for the establishment of multi-party system which is of exceptional importance in terms of state consolidation. From the point of view of integration and cooperation, the development of educational systems of non-recognized states, in particular the integration into the Bologna process may have a direct and decisive impact on democratization process of these states. Ensuring equal opportunities, access and representation in curricula for all groups of society is of paramount importance in the field of higher education. The states not making part of the European Higher Education Area, including non-recognized states, can and should model their higher education systems based on the Bologna process, incorporating the values underlying it in their programs of educational reforms. This will create basis for using the opportunities provided by this process[36], since the right to education is one of the fundamental human rights enshrined in the Universal Declaration of Human Rights[37] and the International Covenant on Economic, Social and Cultural Rights[38].

The above-mentioned should be applicable irrespective of whether the state is recognized or not. Meanwhile, non-recognized states are subject to discrimination. Unlike Kosovo, the other non-recognized states are not provided with such an opportunity. Excluding the local population from the process of modernization of higher education sector hardens the conflict resolution process, despite the fact that in most of studies education is viewed as a tool of

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[35]**Torosyan T., Vardanyan A.,** Development Paradigm for the Post-Communist Countries in Higher Education and Political Science, *Armenian Journal of Political Science*, 2014, **1**, 1, 5-22, DOI: 10.19266/1829-4286-2014-01-05-22.

[36] **Schulze R.,** Higher Education without Discrimination: The Bologna Process and European Values, *Armenian Journal of Political Science,* **1**, 1, 2014, 37-50.

[37] Universal Declaration of Human Rights, Universal Declaration of Human Rights, http://www.un.org/en/universal-declaration-human-rights/index.html (07.09.2017)

[38] International Covenant on Economic, Social and Cultural Rights, http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx , (07.09.2017)

reconciliation[39]. Joining the Bologna process is not only about introducing higher education based on higher and postgraduate programs, developing a transparent credit system, ensuring quality and comparability, and promoting student and staff mobility. It also implies the adoption and development of the European values underlying the Bologna Process. After all, solving external problems is impossible without solving internal ones[40]. The Bologna Process can develop a mechanism aimed at establishing a regional network of higher education in the South Caucasus by developing conflict-sensitive regional models of higher education. It may help to create regional structures of government in the field of education, since higher education can be a reliable tool for peaceful coexistence and development in non-recognized states[41].

Due to an immediate and direct connection with the conflict settlement process, post-conflict elections are of great importance. In this regard, the establishment of a multi-party system can also play a key role as a successful outcome of democratization process of a non-recognized state.

The Case of Artsakh

The process of establishing a multi-party system in Artsakh began shortly after the collapse of the Soviet Union on December 10, 1991, when the NKR referendum on independence was held according to the "Temporary Regulations on Holding a Referendum"[42].

The first parliamentary (Supreme Council) elections in Artsakh were held on December 28, 1991 (81 MPs). The peculiarity of the National Assembly of the first convocation is that 13 servicemen

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[39] **Ohanyan A.,** Frozen Conflicts or Frozen Governance? A Role for the Bologna Process in Conflict Regions, *Armenian Journal of Political Science*, 2014, **1,** 1, 23-36.
[40] **Schulze R.,** Op. cit.
[41] **Ohanyan A.,** Op. cit.
[42] On the results of the referendum on the independence of the Nagorno-Karabakh Republic, http://nkr.am/hy/referendum/42/ (12.06.2017), (in Armenian).

received parliamentary mandates. However, the militaries, despite great authority enjoyed in the society, did not try to dictate their will in parliament, but acted within the common approaches of their political organizations. The parliamentary elections held on April 30, 1995 were of crucial importance (the number of deputies was reduced to 33), as these were the first elections since the signing of the ceasefire agreement. In 1996, the Supreme Council was renamed the National Assembly[43]. On June 18, 2000, regular parliamentary elections were held. Parliamentary seats were given to 33 deputies from the "Union of Democratic Artsakh" (UDA), the "Armenian Revolutionary Federation" (ARF), the "Armenakan Artsakh", the "Social Democratic Party of Artsakh", as well as two nonpartisans. The fourth parliamentary elections (June 19, 2005, political parties – "Democratic Party of Artsakh", "Free Homeland", "ARF-Movement-88" party alliance, independent deputies) were followed by a few key events. The elections to the National Assembly of the 4th convocation (June 19, 2005 – "Democratic Party of Artsakh", "Free Motherland", "ARF-Movement-88", independent deputies) were followed by several key events. First, the adoption of the Constitution of the Republic of Artsakh in December 10, 2006, then the new situation in the negotiation process and the disclosure of the negotiations document called the "Madrid Principles". In May 23, 2010 elections to the National Assembly of the 5th convocation were held with the new quotas for seats of the proportional and majoritarian systems[44]: 17 proportional and 16 majoritarian seats respectively. The following parties received the seats: "Free Motherland", "Democratic Party of Artsakh", "Armenian Revolutionary Federation" and parliamentary group "Artsakhatun". However, no opposition MPs have been presented at the fifth convocation National Assembly. As a result of the last parliamentary elections of the sixth convocation (May 3, 2015), the opposition "National Renaissance Party" also took a seat in

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[43] National Assembly of the Nagorno-Karabakh (Artsakh) Republic, http://www.nankr.am/hy/32 , (12.06.2017).
[44] NKR Electoral Code, http://cecnkr.am/ընտրական-օրենսգիրք/, (15.06.2017), (in Armenian).

the parliament. The "Free Moherland Party" has received the maximum number of seats in the last two convocations. When we compare the number of population turnout in this period, which is rather important especially in terms of local trust in electoral processes, it turns out that unlike 2010, voter turnout of 2015 rose by almost 4% - to 67.8% and 70.6% respectively. The activities of political parties in Artsakh are regulated by the NKR Law "on Political Parties", which stipulates that at the time of registration the political party is obliged to have at least 100 members and territorial subdivisions in at least 1/3 of the regions of the Republic of Artsakh, including Stepanakert[45]. The study of the law proves that it does not impede the creation and functioning of political parties, but there are no clear mechanisms to promote the process. Although, as stated above, the "Democratic Party of Artsakh" is actively engaged in international activities, which is unprecedented for the South Caucasus region. However, it should be noted that in Artsakh, as in other non-recognized and recognized post-Soviet states, it is still too early to speak of a multi-party system.

In terms of the institutionalization of political parties, not only the competition but also the mutual compromise between them is important, which must be expressed first and foremost in programs, strategies adopted, etc. Overall, the limited potential of political parties and the weakness of mechanisms are a serious obstacle to the development of a multi-party system that provides political competition of a new quality. Moreover, sometimes party struggles in non-recognized states are viewed as a "luxury" that is not affordable due to non-recognition. In non-recognized states, the political opposition is perceived as a source of instability and a threat to security[46]. Post-war non-recognized states, including Artsakh, are characterized by the involvement of militaries in parliament as they

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[45] The Law of the Nagorno-Karabakh Republic on Political Parties, http://minjustnkr.am/nkr/Պետական-ռեգիստր.php, (05.04.2017), (in Armenian).
[46] Nagorno-Karabakh, Freedom in the World 2012, https://freedomhouse.org/report/freedom-world/2012/nagorno-karabakh, (05.04.2017).

have a high authority. All these processes hinder the institutionalization of parties, which has a direct impact on the formation of a multi-party system. Post-war non-recognized states, including Artsakh, are characterized by the involvement of the military in parliament as they have a high authority. All these processes hinder the institutionalization of political parties, which has a direct impact on the formation of a multi-party system. The historical developments, political environment, the process of conflict settlement and the status issue have also greatly influenced the formation and functioning of political parties in Artsakh. It is not by chance that the issue of status determination is included in almost all political party programs.

It is noteworthy that the parliamentary and presidential elections in Artsakh are conducted without shortcomings and complaints, with the participation of international observers, and the quality of the electoral processes can once again prove that the people of Artsakh are committed to democratic processes and principles.

The Case of South Ossetia

The formation of political parties and various movements in South Ossetia has been greatly influenced by the historical and political context in the region. Political and economic instability, obstacles to the formation of a new political system had an impact on the ideology and programs of political parties.

In 1990, before the parliamentary elections in Georgia, the Supreme Council of Georgia approved the Electoral Code, which prohibited the election of political parties operating only in certain administrative districts (including in the South Ossetian Autonomous Region). This decision was taken in South Ossetia as a barrier to participation in the decision-making process, and it clearly showed what South Ossetia could expect from an independent Georgia[47]. Immediately after that, on September 20, 1990, South Ossetia's

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[47] **Sammut D., Cvetkovski N.,** The Georgia—South Ossetia Conflict, London, 1996, p. 11.

Autonomous Region declared independence and boycotted the general elections in Georgia held in October of the same year. As a result of the Supreme Council elections, the "Round Table-Free Georgia" Alliance won the most seats, and Zviad Gamsakhurdia became the Chairman of the Supreme Council[48].

The first legislative body of the Republic of South Ossetia, the Supreme Council, was formed on December 9, 1990, comprising 64 MPs. On the basis of the referendum held on January 19, 1992[49] the Declaration of Independence of the Republic of South Ossetia was adopted in May of the same year. The second general elections were held in 1994. Unlike the previous one, the activists of "Adamon Nykhas" group have not received seats, and the political forces of the Supreme Council, which had a communist ideology, were united within a single political force led by Ludwig Chibirov. The Supreme Council, formed in 1990, started its activity at a very difficult period, since all decisions were made in parallel with hostilities and were aimed at resolving the issues of national security and the state legitimacy. A dramatic change in the situation took place after the elections of 1994, when the hostilities were over and the conflict was in the process of settlement. The legislative body began to actively discuss the issues of the Constitution and the laws arising from it.

As a result of constitutional reforms of 1996, South Ossetia made a transition from parliamentary to presidential form of government, and the Supreme Council was renamed Parliament. It is noteworthy that after the second parliamentary elections, the majority of the Communist Party members or nonpartisan deputies adjacent to them formed the majority. As a result of the elections, the Communists received more than 50% of the votes, and the second political force receiving the parliamentary mandates was the "Fidibaste" (Фыдыбӕстӕ) National Movement.

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[48] **Kochieva I., Margiev A.,** GEORGIA: Ethnic Cleansing of Ossetians 1989-1992, Moscow, p. 6.
[49] History of Parliamentarianism of the RSO, (10.07.2017), (in Russian).

The picture of South Ossetia's third convocation parliament was almost the same; the draft of a new constitution was a subject of active discussions, and it was adopted in 2001[50]. The following political parties competed for seats in the fourth convocation parliament formed in 2004 - the "Communist Party of South Ossetia", "Fidibaste" national movement, as well as the newly formed "National Party" and the "Unity" Republican Party. However, the "Fidibaste" national movement, emerged shortly before the election, was forced out from the struggle by the special decision of the Central Electoral Commission. The greatest number of seats in the National Assembly of the fourth convocation was received by the "Unity" Republican Party, which was formed a year ago and was able to operate quite actively. It was during this period that the 2004 clashes and the 2008 Five-Day war took place[51]. After the Russian-Georgian War, Russia recognized the independence of South Ossetia and Abkhazia, established active cooperation with Russia in economic, intergovernmental, social, financial and other fields[52].

After the Five-Day war, a number of laws have been adopted and amended in South Ossetia and Abkhazia, including the Law on "Parliamentary Elections of the Republic of South Ossetia"[53], which specifically stipulated that the number of MPs is 34 and the elections are held through the proportional electoral system, with parties presenting lists before the elections. The new law reduced the age limit for candidates to 21.

All four political parties took part in the parliamentary elections held on May 31, 2009, but only three of them the "Communist", "National" and "Unity" parties received seats in the parliament.

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[50] Constitution of the Republic of South Ossetia, http://minjust-rso.org/law, (10.07.2017), (in Russian).
[51] History of Parliamentarianism of the RSO, http://www.parliamentrso.org/node/7(17.10.2016), (in Russian).
[52] **Andre W., Gerrits M., Bader M.,** Russian patronage over Abkhazia and South Ossetia: implications for conflict resolution, *East European Politics*, 2016, **32**, 3, 297–313.
[53] On the Election of Deputies of the Parliament of the Republic of South Ossetia, http://www.parliamentrso.org/node/24, (10.07.2017), (in Russian).

Before the next parliamentary elections, the number of political parties actively operating in South Ossetia reached to 9, but as a result of the parliamentary elections of 2014, the "United Ossetian Party" won 20 out of 34 parliamentary seats, the "National Unity Party"-6, the "National Party"-4, and "Nykhas"-4. In 2015, amendments were made to the Law on Parties[54], which was adopted in September 4, 2002. The key changes were related to the minimum threshold of members at the time of political party formation (500 instead of the former 100). Unlike Artsakh and Abkhazia, the minimum threshold of party members in the territorial subdivisions was also set up as 50.

The structural foundations for the creation of a fully democratic state are present in South Ossetia, so it is important to carry out a comprehensive and subjective situational analysis to avoid new mistakes, such as those following 2008 Five-Day war. Moreover, in terms of content, these structures still needs a consolidation, as the knowledge and experience required for this process are very limited, and the political forces with long-term authority do not see the need to provide the necessary conditions for their formation.

The Case of Abkhazia

The Constitution of the Republic of Abkhazia[55] was adopted on November 26, 1994. The legislative body is the National Assembly, which comprises of 35 MPs who are elected for a five-year term. The parliamentary elections in Abkhazia were held in 1991, 1996, 2002, 2007, 2012, 2017. It is noteworthy that almost all parliamentary elections since independence have been won by pro-government political parties and once by opposition forces (2002). Elections in Abkhazia are held only by the majority system (thirty-five constituencies).

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[54] On amendments to the Law of the Republic of South Ossetia "On political parties", http://www.parliamentrso.org/node/418, (10.07.2017), (in Russian).
[55] Constitution of the Republic of Abkhazia, http://presidentofabkhazia.org/doc/const/ , (15.07.2017), (in Russian).

The first parliament of Abkhazia (Supreme Council, 1991-1996) is also often referred to as "golden" because of the large number of respected and prominent public figures here. The majority of the parliament was represented by the "Unity" National Forum of Abkhazia (the first socio-political movement in the territory of Abkhazia, which was formed in 1989 and ceased to exist after the 1991 elections, since all the leaders of the movement were included in the Supreme Council)[56].

The first multi-party elections in Abkhazia since the declaration of independence were held in 1996, as a result of which the parliamentary seats have been distributed among the Abkhazians (19), the Armenians (3), the Russians (4), the Georgians (2), the Greeks (1) and others. 81% of the population participated in the parliamentary elections of the first convocation. The high turnout rate was explained by the fact that the initial (post-conflict phase) level of public confidence in electoral processes was very high, and thus expectations were also high. This time, the members of the Communist Party were quite active, and they received a large number of deputy mandates.

A number of serious and important events preceded the parliamentary elections held in March 2002. First, the Abkhazia's Central Electoral Commission refused to accept the requests of members of the "Renaissance" movement, which was followed by mass protests. As a result, the leaders of the "Renaissance" movement decided not to run in the elections, believing it to be a violation of the Law on Elections. Thus, representatives of the republican "Apsni" Party and the Georgian-Abkhaz War Veterans' Social-Political Movement "Amtsakhara" received seats in the parliament.

The law on the "Election of deputies of the National Assembly of Abkhazia"[57] was adopted in March 2009, which clarified the

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[56] **Sergeeva L.,** The Peculiarities and Limitations of the institutionalization of the party system of non-recognized (partially recognized) states of the post-Soviet space on the example of Abkhazia, *Bulletin of Perm University*, 2015, 2, 24-39.
[57]Law on the Election of Deputies to the People's Assembly-Parliament of the Republic of Abkhazia, http://presidentofabkhazia.org/upload/iblock/51c/Конститу-ционный_закон_о_выборах_депутатов_Народного_Собрания_-

criteria for nominating candidates and the procedure for holding elections. According to the new law, since the parliamentary elections of 2007 only political parties have had the right to nominate candidates. This promoted the involvement of political parties in political processes and set up their constitutional basis. After the elections of 2007, the "Renaissance", "Amtsakhara" and "United Abkhazia" received 28 parliamentary seats. The oppositional political parties, namely "Forum for National Unity of Abkhazia", "Communist Party of Abkhazia" and "Russian Citizens Union" received seven mandates. 148 candidates were running for the 35 seats in the parliamentary elections of the fourth convocation. According to preliminary lists, Republican political powers had 35 candidates, 11 candidates were introduced respectively by the "United Abkhazia" and "Forum for National Unity of Abkhazia", 7 candidates - by "Communist Party of Abkhazia", 6 candidates by – "Economic Development Party of Abkhazia", etc.

The parliamentary elections of spring 2017 were held in two rounds, with 27 of the 33 MPs running for re-election. Voter turnout was unprecedentedly low in the parliamentary elections of the sixth convocation, with even a 25% turnout in some constituencies. This once again demonstrates the low level of confidence of Abkhaz citizens in electoral processes.

The main political forces that have been running in the elections for the last decade are the following: "United Abkhazia", Socio-Political Movement of Georgian-Abkhazian War Veterans – "Amtsakhara", "Communist Party of Abkhazia", as well as the opposition "National Unity Party".

The Law on Parties was adopted in Abkhazia on February 24, 2009. It specifically states: "The Republic of Abkhazia recognizes political pluralism and a multi-party system, and the state guarantees equality of political parties before the law and guarantees the rights

_Парламента_Республики_Абхазия_2015_03_31_13_14_27_563.pdf
(15.07.2017), (in Russian).

and legitimate interests of political parties"[58]. The law specifies that the definition of the party, the purpose and objectives of their formation, the spheres of activity. It clearly stipulates that at the time of its creation political party shall have territorial subdivisions in at least five administrative-territorial units, and the minimum number of party members shall be 1000. The study of the Law on Parties in Abkhazia allows concluding that, although the law provides for technical issues, legal bases for the establishment of political parties in the territory of the Republic of Abkhazia, defines the main areas and responsibilities of their activities, however, there are no clear instruments fostering the process of institutionalization.

Conclusion

The study of the problems of multi-party system formation and consolidation in non-recognized states, and in particular the study of the peculiarities of the creation of multi-party systems in the three non-recognized states of the South Caucasus, the parliamentary elections conducted in these states, as well as the peculiarities of political parties demonstrates that:

1. On the way to the formation of a multi-party system, the non-recognized states of the South Caucasus have been facing problems common to both recognized and non-recognized post-Soviet states (transformation of the political system, formation of a multi-party system, etc.). The solution of these problems is largely affected by the process of international recognition and the challenges of the post-conflict phase.
2. Not only the lack of knowledge and experience on such systems, but also the involvement of militaries through informal mechanisms in post-conflict administration has a

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[58] Law of the Republic of Abkhazia on Political Parties, http://presidentofabkhazia.org/upload/iblock/d9b/Закон_о__политических_партия х_2015_03_31_13_16_59_485. (11.07.2017), (in Russian).

strong negative influence on the formation of a multi-party system.

3. In non-recognized states, recognition is seen as an ultimate goal; it is the main characteristic of non-recognized states and occupies a central position in the parties' pre-election programs and is sometimes used for propaganda during the elections. The creation of political parties on the basis of their inherent value and stability is essential, but the institutionalization of a single party cannot ensure the institutionalization of the whole system and the formation of a multi-party system.

4. The relations between political parties are crucial. They must be based on competition and mutual compromise, which implies that each political party must be sustainable and operate according to its own strategy to be ready for cooperation and competition. The first and foremost challenge in non-recognized states is to create a competitive system of political parties, as competition between political parties in non-recognized states is sometimes viewed as a source of instability.

5. A study of the Law on political parties in non-recognized states proves that although they do not hinder the development and functioning of political parties, there are no clear mechanisms to promote this process, and the reduction in the number of people participating in elections demonstrates a low level of public confidence in the electoral processes. Positive tendency is observed only in the Republic of Artsakh.

6. The post-conflict elections are of great importance because of their direct link to the conflict settlement process, as well as in terms of the choice of regulating and organizing public life in non-recognized states. The results of elections indicate to what extent the elected government is ready to withstand the post-conflict problems.

7. Although international organizations do not recognize the results of elections in non-recognized states, actually it has nothing to do with the process of international recognition of the state. The response of these organizations is largely conditioned by the fact of being involved in the conflict

settlement process or having geopolitical interests in the region. The failure to recognize the election results, linking them to non-recognition, is not only groundless under international law but also impedes the conflict resolution process.

Revisiting the Principle of Non-Interference in Post-Cold War Period: The UN Security Council Resolutions under the Chapter 7 Powers of the UN Charter

MARINE KIRAKOSYAN
Brusov State University, Armenia

The article addresses the principle of non-interference within the scope of the changes in the post-Cold War period with an emphasis of the break of its close association or even identification with the principle of neutrality. It seeks to find the answers to such questions as What are the matters that are essentially within the domestic jurisdiction of states?, Who decides whether or not an interference is justified in a particular case?, What are the limits of the activities undertaken by the Security Council, In what specific situations can coercion be applied?. The analysis is based on the Security Council resolutions adopted either implicitly or explicitly on the basis of Chapter 7 powers of the UN Charter. The article is particularly focused on the extensive peace operations of the UN, termed international interim administrations. It ends up revealing those situations or problems that, though not explicitly mentioned, trigger gross violations of human rights mostly referred in Security Council Resolutions.

Introduction

The principle of non-interference is one of the fundamental principles of international law, enshrined in the UN Charter and underpinned in state practice and in customary international law. Meanwhile, it is one of the hardly defined principles of the international legal system due to the changes in its content as a result of the developments in international relations and international law. The most influential factor causing these changes was the attempt of genocide in several territories in the 1990s (Rwanda, Srebrenica, Somalia), which

revealed the dangers of identification of the principles of non-interference and neutrality. Among other causes were the growing number of self-determination conflicts, the struggle for the formation of a new world order in the 1990s, the shifts in the concept of "peace" (the dichotomy of positive and negative peace) etc.

The ambiguity of the situations constituting threat to international peace and security and, hence, the large discretionary power of the Security Council in determining those situations is open to various controversies and oftentimes becomes the subject of academic debates. Moreover, the Security Council is often blamed for being subject of no legal restrictions referring to its Chapter 7 powers enshrined in the UN Charter.

If in its early practices the Security Council mostly refrained from explicitly referring to Chapter 7, and the principle of non-interference was mostly associated with that of neutrality, since post-Cold war period Chapter 7 powers have been invoked not only for protective ends but for even the establishment of international interim administrations thereby endowing the Security Council with quasi-absolutist powers. Moreover, the majority of international documents as well as academic literature on non-interference address the practice of separate states, while there are few references to international organizations which starting from the 1990s are the major actors in this field.

Thus, the article attempts to address the theoretical framework of the principle of non-interference on the level of international organizations; seeks to narrow down the broad wording with regard to the related concepts, such as "threat to peace", "breach of peace" and "acts of aggression" through the analysis of the Security Council resolutions adopted under Chapter 7. Further it elaborates on three questions that are crucial within the scope of the non-interference principle focusing primarily on their dynamics in post-Cold War period: *What are the matters that fall essentially under the domestic jurisdiction of states?*, *Who decides whether or not an interference is*

justified in a particular case?, In what specific situations can coercion be applied

The Content of the Principle of non-Interference in International Law

The principle of non-interference was first introduced in the Treaty of Westphalia (1648), and further included in the French Constitution (1793 French Constitution, Article 119). Although the first attempts to define the principle of non-intervention were made as early as the 18th century, its content and scope continue to be the subject of debates.

In the first half of the 20th century, one of the most notable documents setting out the principle of non-interference was the Montevideo Convention on the Rights and Duties of States (1933), Article 8 of which states that "No State has the right to interfere in the internal or external affairs of another State"[1]. The principle was later reinforced in the provisions of the UN Charter on the maintenance and restoration of international peace and security.

In addition to the UN Charter, the principle of non-interference is also enshrined in a number of other documents of international law, among which the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty (1965), Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations (1970), and the Helsinki Final Act (1975).

The Declaration of 1965 states that "…armed intervention and all other forms of interference or attempted threats against the personality of the State or against its political, economic and cultural elements, are condemned… Every State has an inalienable right to choose its political, economic, social and cultural systems, without

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[1] Montevideo Convention on the Rights and Duties of States, https://www.ilsa.org/Jessup/Jessup15/Montevideo%20Convention.pdf.

interference in any form by another State"[2]. At the same time, the final provision of the Declaration states that "Nothing in this Declaration shall be construed as affecting in any manner the relevant provisions of the *Charter of the United Nations* relating to the maintenance of international peace and security, in particular those contained in *Chapters VI*, *VII* and *VIII*".

The Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations (1970) reaffirms the above provisions, incorporating the principle of non-interference in matters within the domestic jurisdiction of the States by the other Member States among the seven principles relating to friendly relations and cooperation between States[3].

The Helsinki Final Act states that "the participating States will refrain from any intervention, direct or indirect, individual or collective, in the internal or external affairs falling within the domestic jurisdiction of another participating State, regardless of their mutual relations…They will accordingly refrain from any form of armed intervention or threat of such intervention against another participating State"[4].

It is noteworthy that all the above-mentioned documents refer to the principle of non-interference in internal affairs exclusively *at the level of states*, not that of international or regional organizations. The only exception is the UN Charter, Article 2 of which states, among others, that "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

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[2] Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty, 21 December 1965, http://www.un-documents.net/a20r2131.htm.
[3] Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, http://www.un-documents.net/a25r2625.htm.
[4] Conference on Security and Co-Operation in Europe Final Act, Helsinki 1975, https://www.osce.org/helsinki-final-act.

the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter Vll" (UN Charter, Article 2 (7)).. According to Article 39 of Chapter 7 of the UN Charter, "The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security" (UN Charter, Article 39). Moreover, all Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security (UN Charter, Article 43 (1)).

At the same time, the content of Article 2 (7) of the UN Charter raises a number of questions that need further elaboration on the basis of the UN practice and the analysis of the Security Council Resolutions, i.e. *What are the matters that are essentially within the domestic jurisdiction of states?*, *Who decides whether or not an interference is justified in a particular case?, In what specific situations can coercion be applied?*

What are the matters that fall essentially within the domestic jurisdiction of states? First, it should be noted that not only the UN, but the UN members and non-members under Article 35 of the Charter could bring any dispute or any situation to the attention of the Security Council or of the General Assembly[5]. But as Gilmour notes, this article in no way enables the Security Council to deal with matters that remain essentially within the domestic jurisdiction of states[6]. If the Security Council, after the investigation provided for in Article 34,

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[5] UN Charter, Article 35, https://www.un.org/en/charter-united-nations/
[6] **Gilmour D.,** Article 2(7) of the United nations Charter and the Practice of the Permanent Members of the Security Council, *Australian Yearbook of International Law*, 1967, **153,** 3, 153-210.

comes to the conclusion that the dispute or situation does or is likely to endanger the maintenance of international peace and security, then the matter in question has ceased to be essentially domestic. But if it decides that there is no dispute or that the dispute in question does not endanger the maintenance of international peace and security, then the Council would have to declare itself incompetent. Under Article 36 (1) states that the Security Council may, at any stage of a dispute or a situation of the nature referred to in Article 33, recommend appropriate procedures or methods of adjustment[7]. And again matters which were perceived to be domestic could not be regarded under this article. The Council is given certain powers of recommendation under this article, but they refer to situations which are clearly of an international character.

The term "domestic jurisdiction" is not new to the theory and practice of international law. It dates back to the League of Nations Covenant. The conception signifies an area of internal state authority that is beyond the reach of international law[8]. According to the Resolution of the Institute of International Law of April 30, 1954, domestic jurisdiction embraces all matters falling within a state's competence and not limited by international law[9]. The definition is obviously too broad and does not reflect the shift in customary international law on domestic matters. The UN Charter as well does not clearly define the criteria determining issues or situations within domestic jurisdiction of states. Some scholars, noting that the drafters of the Charter had deliberately refrained from giving a juridical meaning to the expression have pointed out that whether a matter falls within a state's domestic jurisdiction rests on moral and political judgments[10].

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[7] UN Charter, Article 36.
[8] **Bernhardt R. and Bindschedler R.,** Encyclopedia of Public International Law, Netherlands, Elsevier Science Publishers, 1987.
[9] **Verdross A.,** The plea of domestic jurisdiction before an international tribunal and a political organ of the United Nations, *Max-Planck-Institut für ausländisches öffentliches Recht und Völkerrecht*, 1968, 28, 33-40.
[10] **Ahmed K.,** The domestic jurisdiction clause in the United Nations Charter: A historical view, *Singapore Yearbook of International Law*, 2006, **1,** 10, 175-197.

There are several approaches as to the boundaries of "domestic jurisdiction of sates". The so-called "essentialist" theory of domestic jurisdiction holds that some matters by their very nature fall within the exclusive jurisdiction of states and they are outside the reach of international law. This view holds that domestic jurisdiction does not depend on the developments in international law; it is not relative, but fixed as long as we continue to live in a world of sovereign states[11]. Thus, here we deal with a classical (Westphalian) approach to sovereignty under which it is an absolute and unchanging characteristic of a state and implies a supreme authority over the territory[12]. An example of this might be to say that the way a government treats its citizens within its territory is a matter of domestic jurisdiction. But currently the proposition that human rights are no longer a matter of exclusive jurisdiction is indisputable[13]. The recent developments in the international law on human rights shows that if a state attempts to commit a genocide against a minority groups of its nationals or torture or enslave any of its nationals even within the boundaries of its territory that is no longer viewed a purely domestic problem. Moreover, the idea of *interference for protective ends* has been conceptualized by the International Commission on Intervention and State Sovereignty (ICISS) in the report "The Responsibility to Protect"[14]. It implies that in instances where the state does not have the capacity or power to meet the principle of "responsibility to protect" international actors may interfere in domestic matters. The principle went so far as to be included in the Outcome document of the high level meeting of the General Assembly and was later explicitly referred to in the UN SC resolution 1674[15] in

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[11] **Farer T.,** Beyond Sovereignty: Collectively Defending Democracy in the Americas, US, John Hopkins University Press, 1996.
[12] **Scharf M.,** Earned Sovereignty: Juridical Underpinnings, *Denver Journal of International Law and Policy*, 2004, **3,** 31, 273-287.
[13] **Farer T.,** Op. cit.
[14] Report of the International Commission on Intervention and State Sovereignty, The Responsibility to Protect, International Development Research Centre, 2001.
[15] UN Security Council Resolution 1674 (2006), 'Protection of civilians in armed conflict', 28 April, 2006.

connection with the prevention of armed conflicts and their recurrence.

The second approach can be termed "relative" theory which is predominant in academic debates over the issue. On the core of this theory is that the boundaries of domestic jurisdiction are coextensive with the rules of international law[16]. This approach first appeared in the Covenant of the League of Nations, Article 15 (8) of which stated "If the dispute between the parties is claimed by one of them, and is found by the Council, to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the Council shall so report, and shall make no recommendation as to its settlement"[17]. The idea has been elaborated in the advisory opinion of the International Court of Justice on the Nationality Decrees in Tunis and Marocco[18]. It stated that "whether a certain matter is or is not solely within the domestic jurisdiction of a State is an essentially relative question; it depends upon the development of international relations"[19]. The relativity equally depends on the progressive development of international law. This has been manifested in a number of cases under the review of International Court of Justice. For instance, with regard to the Anglo-Norwegian Fisheries Case, the Court stated, that "although it is true that the act of delimitation [of territorial waters] is necessarily a unilateral act, because only the coastal state is competent to undertake it, the validity of the delimitation with regard to other states depends upon international law"[20]. The principle was also noted in the NOTTEBOHM CASE, where the International Court of Justice remarked that while a state may formulate such rules as it wished regarding the acquisition of

[16] **Bernhardt R. and Bindschedler R.,** Op. cit.

[17] The Covenant of the League of Nations, https://avalon.law.yale.edu/20th_century/leagcov.asp.

[18] *Nationality Decrees Issued in Tunis and Marocco (French Zone) on November 8th 1921*, Advisory Opinion, 7 February 1923, https://www.refworld.org/cases,PCIJ,44e5c9fc4.html.

[19] Ibid.

[20] *Anglo-Norwegian Fisheries Case*, Order of November 9, 1949, https://www.icj-cij.org/files/case-related/5/005-19491109-ORD-01-00-EN.pdf.

nationality, the exercise of diplomatic protection upon the basis of nationality was within the purview of international law[21].

The second approach seems more convincing. It can be reformulated as such: *There are no problems that are purely internal in nature. Issues that are subject to the regulation of States by international law may in time become the subject of international regulation as a result of the developments in international law (mostly emergence of new norms of customary international law) and partially of developments in international relations.*

Who decides whether or not an interference is justified in a particular case and what are the limits of the actions undertaken? At the San Francisco conference, a number of states proposed that the International Court of Justice become the body that would decide the matters within domestic jurisdiction of states[22]. However, the proposal was rejected, and currently this function is fully entrusted to the Security Council.

The UN Security Council is a unique institution in several dimensions. It can exercise the legislative, executive and judicial powers, is limited to a narrow range of legally binding checks and balances, has wide powers for the maintenance of international peace and security, is the only body empowered to exercise force, and its decisions are binding on UN member states no matter their direct consent or obligations under other agreements. Drawing upon the large discretionary powers of the Security Council, many researchers have labeled some of its actions as *ultra vires* and pointed to the lack of binding, legal oversight mechanisms[23]. The widespread belief that the measures adopted by the Security Council under Chapter 7 of the UN Charter have no legal restriction is often based on the

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[21] **Onyekachi D.,** The Shrinking Scope of the Concept of Domestic Jurisdiction in Contemporary International Law, *SSRN Electronic Journal,* 2011, https://ssrn.com/abstract=2137959 or http://dx.doi.org/10.2139/ssrn.2137959.

[22] **Ahmed K.,** Op. cit., 175-197.

[23] **Whittle D.,** The Limits of Legality and the United Nations Security Council: Applying the Extra-Legal Measures Model to Chapter Vii Action, *The European Journal of International Law*, 2015, **26**, 3, 671-698.

interpretation of Articles 25 and 103 of the Charter. According to Article 25 of the UN Charter, "The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter", while Article 103 states that "In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail".

However, the interpretation that the aforementioned articles of the Charter endow the UN with unlimited authority is misleading for the following reasons:

1. According to Article 24 of the UN Charter, all decisions and actions of the UN Security Council shall be consistent with the principles and objectives of the UN as set forth in Articles 1 and 2 of the Charter (Ibid, Article 24). They create significant constraints on the implementation of UN operations, ensuring an effective and peaceful exit from external governance.

2. Respect for jus cogens legal norms (an imperative, peremptory norm). Jus cogens norms are enshrined in Articles 53 and 64 of the Vienna Convention and address those fundamental and inviolable rights and obligations which cannot be circumvented by any agreement. Therefore, the Security Council is also obliged to refrain from violating jus cogens norms when applying coercive measures under Chapter 7 of the UN Charter.

Some researchers exhaust the list with the International Humanitarian Law (IHL)[24] which can be defined as "those international rules, established by treaty or custom, which are intended to solve humanitarian problems directly arising from international and non-international armed conflicts and which for humanitarian reasons, limit the right of the parties to the conflict to use methods and means of warfare of their choice or protect persons and property that are or

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[24] **Zwanenburg M.,** Accountability of Peace Support Operations, Leiden and Boston, Martinus Nijhoff Publishers, 2005.

may be affected by the conflict"[25]. However, it should be mentioned that the UN is not a party of either Geneva (1949) or Hague conventions (1907). Therefore, unlike the occupation, the documents of International Humanitarian Law can be applicable to the UNSC actions only when it voluntarily assumes the principles and norms of a particular treaty of International Humanitarian Law. For instance, in the scope of its peacekeeping operations, the UN has undertaken to respect the principles of humanitarian law. This has been officially fixed in the UN Secretary-General's Bulletin on the Observance by United Nations Forces of International Humanitarian Law[26], which recognizes that the fundamental principles of humanitarian law are applicable to the UN coercive measures. This has also been reflected in the "Model Agreement between the United Nations and Member States Contributing Personnel and Equipment to United Nations Peace-Keeping Operations"[27]. It stipulates that any UN peacekeeping mission must adhere to and respect the fundamental principles of international conventions relating to military actions, including the four Geneva Conventions of August 12, 1949 and its Additional Protocols (June 8, 1977).

It is noteworthy that the General Assembly has also attempted to use the powers under Chapter 7, which has no much legal grounding. In 1966, the UN General Assembly recognized the South African rule over Namibia as illegitimate and formed the Namibian Council, the main purpose of which was to prepare the territory for the independence, ensuring the highest level of popular participation in that process[28]. However, the Republic of South Africa prevented the

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[25] **Gasser H.-P.,** International Humanitarian Law: An Introduction, Berne, Haupt, 1993.
[26] UN Secretary-General's Bulletin on the Observance by United Nations Forces of International Humanitarian Law. 6 August 1999. ST/SGB/1999/13, http://www.refworld.org/docid/451bb5724.html.
[27] Model Agreement between the United Nations and Member States Contributing Personnel and Equipment to United Nations Peace-Keeping Operations: Report of the Secretary General, May 23 1991, http://dag.un.org/handle/11176/184843.
[28] **Udogu I.,** *Liberating Namibia: The Long Diplomatic Struggle between the United Nations and South Africa*, North Carolina, Jefferson Mcfarland, 2012.

Namibian Council from carrying out its functions, calling into question the legal basis for its establishment. Only in the 1980s, it became possible to implement the Namibian interim administration on the basis of the Security Council Resolution with a reference to Chapter 7 powers. The scope of the activities of the General Assembly is limited in that it cannot initiate actions under Chapter 7 of the UN Charter, as they are exclusively within the competencies of the Security Council. Article 11 (2) of the UN Charter states that "the General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council, or by a state which is not a Member of the United Nations in accordance with Article 35, paragraph 2, and, except as provided in Article 12…"[29]. The latter stipulates that "while the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests"[30]. Thus, the General Assembly may advise the Security Council, the State concerned or both on these matters. It is also noted that any matter in regard to which practical measures should be applied by the General Assembly shall refer to the Security Council before or after its discussion. Therefore, it can be stated that the activities of the General Assembly within the framework of international peace and security are limited to the discussion of the issues on agenda and the recommendations on them.

Chapter 7 Powers of the Security Council

Since 1987, the UN Security Council has adopted more than a hundred resolutions legally binding on member states. Most of them have been issued under Chapter 7 of the UN Charter, thereby authorizing the Security Council to counteract the threats to peace,

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[29] UN Charter, Article 11 (2).
[30] UN Charter, Article 12 (1).

breaches of peace and acts of aggression[31]. The interference in domestic matters either explicitly or implicitly mostly takes place within the framework of Chapter 7 of the UN Charter. According to Article 39 of Chapter 7, "the Security Council must first determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security". But this decision must also be approved by the majority vote of the fifteen members and no negative vote of the five permanent members. This is provided in Article 27 of the UN Charter which reads that "Decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members"[32]; and that "Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting[33]. When the Security Council makes such a determination, it enjoys discretion in the choice of measures it can apply. Under Article 41, it "may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations"[34]. In case the non-military means are inadequate, Article 42 empowers the Security Council to use force as may be necessary to maintain or restore international peace[35].

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[31] **Ciechanski J.,** Enforcement Measures under Chapter VII of the UN Charter: UN Practice after the Cold War, *International Peacekeeping,* 2007, **3**, 4, 82-104.
[32] UN Charter, Article 27(2).
[33] UN Charter, Article 27 (3).
[34] UN Charter, Art. 41.
[35] UN Charter, Art. 42.

In the early practice of the Security Council, resolutions have never expressly invoked Chapter 7, and it seemed that the Council simply took decisions. Whether it was acting under Chapter 7 became clear from the context and from the wording in the decisions. For instance, resolution 54 (1948) recognized that the situation in Palestine was a threat to international peace and security and ordered a cessation of hostilities using articles 39 and 40. Although the wording "Acting under Chapter VII" was never mentioned, the provisional measures contained in the Chapter have been used. Similarly, in Resolution 83 (1950), the Council authorized the UN force to respond to the attack on South Korea by North Korea, after having determined the existence of a breach of the peace in resolution 82 (1950). Again, there was no explicit reference to Chapter 7, but it was clear that the reference to threat to peace, breach of peace or aggression can only be made under Chapter 7 of the UN Charter[36].

The number of Chapter 7 resolutions significantly increased in the 1990s. Most of post-Cold War authorization resolutions, starting with Resolution 678 (1990) explicitly referred to Chapter 7, either at the end of the preamble or in the relevant paragraph of the resolution. It should be noted that authorization resolutions have mostly been adopting without receiving the consent of "host state", though in some cases the consent has been given by the government in power (Albania) or the government in exile (Haiti)[37]. On 29 November 1990, the Security Council passed Resolution 678 which demanded Iraq's withdrawal from Kuwait until 15 January 1991 and empowered states to use "all necessary means" to force Iraq out of Kuwait after the deadline. The Resolution requested Member States to keep the Council informed on their decisions. This was the legal authorization

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[36] Security Council Action under Chapter VII: Myths and Realities, Security Council Report: Special Research Report, 23 June 2008,
https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Research%20Report%20Chapter%20VII%2023%20June%2008.pdf.
[37] **Blokker N.,** Is the Authorization Authorized? Powers and Practice of the UN Security Council to Authorize the Use of Force by 'Coalitions the Able and Willing', *European Journal of International Law (EJIL),* 2000, **11,** 3, 541-568.

for the Gulf War, as Iraq did not withdraw by the deadline[38]. Thirteen years later another unprecedented case of the use of Chapter 7 powers also took place with regard to the same territory. In 2003, the UN Security Council adopted Resolution 1483 on the situation between Iraq and Kuwait, recognizing the specific responsibilities and obligations of the US and the UK as occupying powers. Paragraph 4 of the resolution called upon the Authority (the US and the UK) to "promote the welfare of the Iraqi people *through the effective administration of the territory*, including in particular "working towards the restoration of conditions of security and stability and the creation of conditions in which the Iraqi people can freely determine their own political future''[39]. The case was unprecedented in the fact that no previous Security Council resolution endowed a separate state or a group of states with an authoritative function over the other state under Chapter 7. The administration of territories under Chapter 7 powers has been under the exclusive competence of the Special Representative of the UN Secretary-General, by the request of the Security Council addressed to Secretary-General in respective resolutions (e.g. SC Res. 1037 (1996), SC Res. 1244 (1999), SC Res. 1272 (1999)).

Thus, Chapter 7 powers have been also invoked by the Security Council for policing and administrative purposes: to authorize UN missions to perform police functions within a sovereign state; to provide effective protection for UN and diplomatic missions in countries where they are stationed; and to establish transitional administrations in war-torn territories[40]. The latter is of particular importance within this study given the scope of powers vested in the Security Council, which was exceptional in its nature in post-Cold War period. In its Resolution 1037 (1996), the Security Council established the UN Transitional administration for Eastern Slavonia (UNTAES) under Chapter 7 of the Charter in order to provide the

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[38] UN Security Council Resolution 678 (1990).
[39] UN Security Council Resolution 1483 (2003).
[40] **Nasu H.,** Chapter VII Powers and the Rule of Law: The Jurisdictional Limits, *Australian Year Book of International Law,* 2007, **26,** 1, 87-117.

peaceful reintegration of Eastern Slavonia into Croatia and thus "to contribute to the achievement of peace in the region as a whole"[41]. This was the first time the Security Council invoked Chapter 7 for the establishment of a direct UN administration of territory. Further missions of this kind have been carried out in Kosovo and East Timor. The cases have long been the subject of international discussions given the fact that using the Chapter 7 powers the Security Council endowed a Special Representative of the Secretary-General with the overall authority of the territories. In its Resolution 1244 (1999), the Security Council *acting for the purposes under Chapter 7* affirmed "the need for the rapid early deployment of effective international civil and security presences to Kosovo"[42]. Similarly, with regard to the crisis in East Timor and following its vote for independence, *acting under Chapter 7 of the Charter,* decided to establish a United Nations Transitional Administration in East Timor, which "will be endowed with overall responsibility for the administration of East Timor and will be empowered to exercise all legislative and executive authority, including the administration of justice"[43].

The Revision of Threat to Peace, Breach of Peace and Acts of Aggression

Another problem with Chapter 7 powers is that, as in case with the matters under domestic jurisdiction of states, no article contained in the Charter defines the cases that fall under the threat to peace, breach to peace or acts of aggression. During the San Francisco conference, the question of the limits of the Council's discretion in determining the breach of peace and taking preventive measures was the subject of considerable discussion. The statement made by the Reporter of the Committee of the San Francisco Conference sums up the outcome of the Conference with regard to the scope of the Council's discretion in

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[41] UN Security Council Resolution 1037 (1996).
[42] UN Security Council Resolution 1244 (1999).
[43] UN Security Council Resolution 1272 (1999).

determining the breach of or threat to peace: "Wide freedom of judgment is left [to the Council] as regards the moment it may choose to intervene and the means to be applied, with the sole reserve that it should act "in accordance with the purposes of the Organization". It is for the Council to determine the danger of aggression or the act of aggression . . . following which it has its recourse to recommendations, or coercive measures"[44].

Meanwhile some attempts of clarifying what constitutes threat to peace, act of aggression or how the notion of peace has evolved over the years have been made within the academic literature on this issue[45] or within the reports of the UN Secretary-Generals (An Agenda for Peace; An Agenda for Democratization)[46]. During the last two decades the notion of peace has undergone significant contextual shifts, and the non-military sources of instability came to be regarded within the Security Council's competences.

A broad notion of peace can imply the exercise of the Security Council's powers in the restoration of peace if a situation has the potential to spark international armed hostilities in the short or medium term[47]. For a situation to be regarded as a threat to peace requires at least some violence. As Weiß rightly argues, a broad understanding of the Security Council Chapter 7 powers enables the Council to deal with long-term, structural causes of threats to peace in order to restore peace in a given situation once the scope of application of its powers is opened[48]. Thus, the functions of the

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[44] **Gill T.,** Legal and Some Political Limitations on the Power of the UN Security Council to Exercise its Enforcement Powers under Chapter VII of the Charter, *Netherlands Yearbook of International Law*, 1995, 26, 33-138.

[45] **Weiß W.,** Security Council Powers and the Exigencies of Justice after War', *Max Planck Yearbook of United Nations Law*, 2008, **12,** 1, 45-111; **Serna Galván M. L.,** Interpretation of Article 39 of the UN Charter (Threat to the Peace) by the Security Council. Is the Security Council a Legislator for the Entire International Community?, *Anuario Mexicano de Derecho Internacional,* 2011, **11,** 1, 147-185.

[46] *An Agenda for Peace: Preventive Diplomacy and Related Matters*, December 18, 1992, http://www.un.org/documents/ga/res/47/a47r120.htm;

[47] **De Wet E.,** The Chapter VII Powers of the United Nations Security Council, Oxford, Hart Publishing, 2004.

[48] **Weiß W.,** Op. cit., 45-111.

Security Council under Chapter 7 are currently viewed within the dichotomy of positive peace (inclusive of justice, equity and democratic governance) and negative peace (absence of military clashes)[49]. Thus, the Security Council is responsible for the exercise of a twofold function; first, a peace enforcing function which ends the military phase of armed conflicts, and second, a peace and stability building and organizing function which directs reconstruction and reconciliation[50]. In particular, since the 1990s democratic governance began to be seen as a decisive factor in ensuring the durability of post-conflict peace. Even its theoretical underpinnings - *democratic peace theory*[51] – have been formed, according to which the likelihood of wars and large-scale violence is much lower in societies led by democratic culture and values. The idea has further been elaborated in two pivotal reports of the UN Secretary General - "An Agenda for Peace"[52] and "An Agenda for Democratization[53]". The first stresses the need of expanding the UN's powers and functions in engaging in armed conflict meanwhile stressing that "respect for democratic principles at all levels of social existence is crucial: in communities, within States and within the community of States". An Agenda for Democratization highlights that "democratic institutions and processes channel competing interests into arenas of discourse and provide means of compromise which can be respected by all participants in debates, thereby minimizing the risk that differences or disputes will erupt into armed conflict or confrontation". The report also highlights the growing role of the UN in democratization processes, in particular in supporting electoral processes and building democratic institutions.

What about the aggression, the preamble of Resolution 3314 (1974) on the definition of "aggression" states that "aggression is the

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[49] **Carati A.,** Sharing Sovereignty: Building Democracy by External Intervention, *ISPI Analysis*, 2012, 142, 1-6.
[50] **Weiß W.,** Op. cit., 45-111.
[51] **Danilovic V. and Clare J.,** The Kantian Liberal Peace (Revisited), *American Journal of Political Science,* 2007*,* **21**, 2, 2007, 397-414.
[52] An Agenda for Peace, Op. cit.
[53] Boutros-Ghali, An Agenda for Democratization, New York, United Nations, 1996.

most serious and dangerous form of the illegal use of force". Aggression is defined as the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations. Article 3 of the resolution lists possible forms of aggression, but does not exclude other forms of it[54]. This is confirmed by Article 4, which emphasizes that the list of aggression actions listed in Article 3 is not exhaustive and that the Security Council may determine its existence under the provisions of the UN Charter. However, the Security Council has rarely referred to aggression in its resolutions and has not even referred to Resolution 3314 in such cases[55]. Meanwhile, the legitimacy of any resolution cannot be measured by the number of references to its content on the side of the Security Council. The permanent members of the Security Council, as members of the General Assembly, have consented to the adoption of the resolution. It should be mentioned that although the Security Council may act when it considers that an act of aggression takes place, it has never chosen to do so. First of all, the Council has been unwilling to take sides in a dispute by labeling a state as an aggressor as this could thwart its attempts to reestablish peace by diplomatic means. But, most importantly, as Allain argues "aggression" entails not only state responsibility, but also individual criminal responsibility, and that is why the Council found it more reasonable to describe events as either a threat to or breach of peace[56].

The Root Causes of Extensive Peace Operations and Security Council's Resolutions as 'Key Indicators of its Intent'

In the absence of a common definition of a threat to peace, a breach of peace, or the absence of aggression, it is particularly important to examine the resolutions adopted by the Security Council, which are "key indicators of the Council's intent and, by way of voting, a

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[54] UN Security Council Resolution 3314 (1974).
[55] **O'Connell M., and Niyazmatov M.,** What is Agression?: Comparing the Jus ad Bellum and the ICC Statute, *Journal of International Criminal Justice,* 2012, **10,** 1, 2012, 189-207.
[56] **Allain J., '**The True Challenge to the United Nations System of the Use of Force: The Failures of Kosovo and Iraq and the Emergence of the African Union', *Max Planck United Nations Yearbook*, 2004, 8, 237-289.

reflection of the level of political support this decision enjoys"[57]. Based on their examination, Serna Galván distinguishes three situations or cases having been regarded by the Security Council as a threat to peace. Those are[58]

- Serious violations of human rights (Iraq, Somalia, Yugoslavia, Rwanda, etc.),
- Lack of democracy (Haiti, Angola, etc.),
- Antiterrorist interventions (Sudan, Afghanistan, etc.).

Of special interest are the observations on human rights that are being cited more frequently in Security Council resolutions. A group of researchers and international experts considers that the human rights issues are not under the exclusive jurisdiction of states. The main argument is that if any issue is addressed in the provisions of the UN Charter, it therefore becomes a matter of "international concern". "Any issue, in essence, is within the domestic jurisdiction of the State only if it is not regulated by international law or is not subject to such regulation… Most of the issues of economic and political interdependence that seem to be domestic at first glance gained international importance over time"[59]. The opponents of this approach note that "the references to human rights in the UN Charter do not indicate its mandatory nature. They include only principles, but not legal norms ... According to the UN Charter, the parties have only agreed to promote international cooperation in these matters"[60]. In the context of external intervention, gross violations of human rights have often been presented as an argument for legitimizing those missions (for example, NATO's military intervention in Kosovo).

In recent years, the resolutions of the Security Council invoking Chapter 7 powers have been mostly used within the scope of

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[57] **Manusama K.,** The United Nations Security Council in the Post-Cold War Era, Leiden, Nijhoff Publishers, 2006.
[58] **Serna Galván M. L.,** Op. cit., 147-185.
[59] **Lauterpacht H.,** *International Law and Human Rights*, London, Stevens and Sons, 1950.
[60] **Abdulrahim V.,** The Question of Domestic Jurisdiction and the Evolution of United Nations Law of Human Rights', *International Studies*, 2010, **47,** 1, 247-265.

so-called fourth generation of peace operations (peacebuilding)[61], the extreme form of which is termed international interim administrations. Under these operations, the exercise of sovereignty over a given territory is transferred to a UN peace operation and all executive, legislative, and judicial authority temporarily rests with the head of the UN mission[62]. Although as mentioned above, the Security Council mostly mentions mass violations of human rights in its resolutions, the article claims that such kind of large-scale interference of the UN, are a logical consequence of the three situations listed below, rather than an immediate cause of it. Those are

- Impediment to people's right to self-determination,
- State failure,
- Internal situations capable of threatening regional stability.

First, it should be stated that all three scenarios are closely interrelated. Although self-determination conflicts seem to pertain to a particular territory, they are closely linked to regional and international dynamics. The same is true for the second and third cases.

Impediment to people's right to self-determination: Since 1990, almost half of the world's conflicts have been related to self-determination movements that seek greater autonomy or statehood[63]. In most of these cases, claims for self-determination have been severely confronted by the metropolis through human rights abuses, including the attempts of genocide. East Timor and South Sudan are illustrative in this respect.

The establishment of the UN interim administration (UNTAET) in East Timor under the SC resolution 1272 was not triggered by the systematic massive violations of human rights in the

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[61] The author identifies five generations of peace operations based on their historical progression, **Kenkel K.,** Five Generations of Peace Operations: From the "Thin Blue Line" to "Painting a country Blue"', *The Revista Brasileira de Política Internacional,* 2013, **56,** 1, 122-143.
[62] Ibid.
[63] **Toft M.,** Self-Determination, Secession, and Civil War, *Terrorism and Political Violence*, 2012, **24**, 40, 581-600.

course of two decades of occupation, but its more or less predictable outcome - the attempt of genocide initiated by the Indonesian government. Indonesia's consent to the UN administration was reached only after the UN warned it would officially label the 1999 mass atrocities in Timor as genocide[64]. Similarly, the 20-year war of separation between North and South Sudan caused more than 2 million deaths and resulted in a millions of displaced persons ('Sudan (North-South Ethnic War'). Although the civilian and military international presence both in East Timor and South Sudan stopped human rights violations and triggered the emergence of a new state, it did not in itself reduce the potential risk of destabilization. As Williams and Pecci argue, the destabilization risks within ITA practices may arise in two contexts: when a state even after a long period of institution building remains still incapable of exercising effective authority and when the new state's existence in and of itself creates a destabilizing political dynamics[65]. The first is the case for both East Timor and South Sudan – former colonies which following the withdrawal of colonizing powers were occupied and annexed by the neighboring countries. Hence, the UN was faced with the absence of any self-organizing and self-government practice where it had to deal not only with the status questions and the issues of governance and local capacity building but, what is more, "transformation of social consciousness"[66] – the immediate effect of colonial past. The status question has been effectively resolved giving birth to Democratic Republic of Timor-Leste (2002) and the Republic of South Sudan (2011). However, the lack of "preparation for independence" found its expression in the 2006 crisis of East Timor, and the ethnic violence broken in South Sudan a month following its 2011 independence.

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[64] **Torosyan T.,** The Settlement of Nagorno-Karabakh Conflict within the Framework of International Law, Yerevan, Tigran Mets, 2008.
[65] **Williams P. and Pecci F.,** Earned Sovereignty: Bridging the Gap Between Sovereignty and Self-Determination, *Stanford Journal of International Law,* 2004, **40**, 1, 347-386.
[66] **Torosyan T.,** Post-Soviet Transformation of Social System, Yerevan, Tigran Mets, 2006.

State failure: International administration is also applied to failed states, referring to the existence of elements threatening international peace and security in those states. The "failed state" is a relatively new concept in international affairs. It gained considerable prominence in the early 1990s, in part due to Helman and Ratner's article "Saving the Failed States" (1993)[67] and Kaplan's article "The Coming Anarchy"[68]. Since then, the idea has been widely used to characterize states that do not have sufficient potential to stand as full members of the international community. As states are key actors of the international legal system, their failure is considered a threat to the existence and continuity of the entire system. Although there is no clear definition of a "failed state", the general characteristic concerns the state's internal disintegration and collapse as well as the inability to deliver the necessary public services to the population[69].

The roots of the "failed state" idea lie at the core of decolonization process and the exercise of peoples' right to self-determination. As a result of it, especially in a short while after the end of the Cold War, a considerable number of states were formed, which for a long time have been unable to carry out the functions of a sovereign state. At the domestic level, failed states constitute a real threat to the well-being of the population, and especially with regard to the respect for human rights. However, as Brabandere points out, the label of a "failed state" in terms of the use of coercive measures by the Security Council with regard to threats to international peace and security cannot be limited only to the domestic aspect. The mere fact that the state carries out ineffective domestic governance is not enough to think that it cannot justify itself as a member of the international community. Only when there are sufficient grounds to believe that a State truly constitutes a threat to international peace and

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[67] **Helman G. and Ratner S.,** Saving Failed States, *Foreign Policy,* 1993, **3***,* 89, 3-20.

[68] **Kaplan R.,** The Coming Anarchy, *Atlantic Monthly,* 1994, **273**, 2, 44-65.

[69] **De Brabandere E.,** The Responsibility for Post-Conflict Reforms: A Critical Assessment of Jus Post Bellum as a Legal Concept, *Vanderbilt Journal of Transnational Law*, 2010, **43**, 119, 119-149.

security can the Security Council intervene in the internal affairs of that State[70]. However, as already mentioned, the UN Charter does not clearly define these situations, which significantly complicates the process of their determination. UN missions in Namibia (1989) and Cambodia (1991) were among the first in terms of support to failed states outside the UN Trusteeship system. These were followed by the extended mandate of Bosnia and Herzegovina (1995) and the all-encompassing administration of Kosovo and East Timor.

Internal situations capable of threatening regional stability: The notion of "peace" in the sense of Chapter 7 is far more than the absence of war between states. For instance, in case of Iraq (1991) the Security Council was gravely concerned by the repression of the Iraqi civilian population in many parts of Iraq, including most recently in Kurdish populated areas, which led to a massive flow of refugees towards and across international frontiers and to cross-border incursions, which threaten international peace and security in the region[71].

Likewise, the establishment of international administration in Kosovo largely stemmed from regional security considerations clearly wrapped in internal destabilization. Since 1998, the Kosovo conflict turned from the civil war fought mainly along ethnic lines into a regionally confined cross-border conflict which did not only include Kosovo Liberation Army, the Serbian security forces and special police of the Ministry of Interior but also contingents of many NATO member states. Although the war did not spill over into Albania and Macedonia it had massive effects in regard to a deteriorating refugee situation[72]. According to 1999 OSCE report, the military clashes and ethnic-cleansing operations caused mass displacement and expulsion of over 450.000 people who became internally displaced or refugees to neighboring states. Thus, following the failure of The Rambouillet negotiations and NATO's intervention the UN

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[70] Ibid.
[71] UN Security Council Resolution 688 (1991).
[72] **Zuercher Ch., et al.,** External Democracy Promotion in Post-Conflict Zones: Evidence from Case Studies, *Taiwan Journal of Democracy*, 2009, **5**, 1, 241-259.

established interim administration in Kosovo (UNMIK) to advance the regional stability in the Western Balkans affected by the Kosovo crisis. Moreover, in its 1244 (1999) resolution the Security Council welcomed the initiative of international organizations towards the implementation of Stability Pact for South Eastern Europe in order to further the promotion of democracy, economic prosperity, stability and regional cooperation[73].

Conclusion

Thus, the principle of non-interference is one of the hardly defined principles of the international legal system due to the changes in international law and international relations and due to vagueness of the terms in its core, namely the domestic jurisdiction of states, the concept of peace, etc. Among the essentialist and relative theories on domestic jurisdiction the latter seems to reflect more accurately the current realities. Today, no problem can be labeled as purely internal in its nature. The issues that are subject to the regulation of states by international law may in time become the subject of international regulation as a result of the emergence of new norms of customary international law or the developments in the system of international relations.

The wording of peace has also experienced significant changes in the post-Cold war period in its turn greatly affecting the principle of non-interference, particularly breaking its close association or even identification with the principle of neutrality. If in early practices of the Security Council, resolutions never expressly invoked Chapter 7, and it seemed that the Council simply took decisions, the number of Chapter 7 resolutions highly increased in the 1990s. The Security Council started to refer to Chapter 7 not only for protective ends but also for administrative purposes thereby proving the new approach adopted by the Security Council which can be summarized as follows: *the absence of military clashes is not an absolute guarantee of peace*

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[73] UN Security Council Resolution 1244 (1999).

and security; the non-military sources of instability are equally important. Thus, the Security Council is currently responsible for a twofold function - a peace enforcing function and a peace and stability building and organizing function. The latest UN missions, termed international interim administrations, are a vivid manifestation of the growing role of the Security Council in which it acted as a surrogate state in conflict zones. Meanwhile the idea of an absolute power of the Security Council based on the interpretation of Articles 25 and 103 of the UN Charter is misleading first due to the self-restricting mechanisms at the core of the UN Charter, namely its principles and objectives, second *jus cogens* norms that cannot be circumvented by any agreement, and third the international mandate itself.

POST-SOVIET TRANSFORMATION

Implementation of Consociational Democracy in the South Caucasian Plural States: Possibilities and Challenges

EMIL ORDUKHANYAN
Brusov State University, Armenia

Two of the three recognized states of the South Caucasus - Georgia and Azerbaijan - have plural, i.e. multi-ethnic, societies. Both have declared the establishment of democratic regime as a constitutional purpose. However, nearly three decades the efforts for democratization have not yet succeeded, regardless of the optimistic opinions on the establishment of democratic regimes in these states at the initial stage of the post-Soviet transformation. Difficulties stem both from the unique nature of the phenomenon, i.e. the transition from the communist regime, and the lack of theories and models specific to the study of this phenomenon. For this reason, attempts are often made to apply other theories and models sharing similar characteristics. In the South Caucasian plural states, the use of a consociational model seems attractive since there is an effective experience of overcoming ethnic tensions in a number of plural European states based on this model. The article discusses the possibilities and obstacles of applying this model in Georgia and Azerbaijan, given the peculiarities of these societies.

Introduction

Almost three decades of the post-Soviet transformation proved that this process is neither a belated continuation of the third wave of democratization, as Huntington believed[1], nor it complies with the third-wave patterns. The need to overcome the serious challenges of

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[1] **Huntington S.,** The Third Wave: Democratization in the Late Twentieth Century, Norman, 1991.

democracy consolidation in post-Soviet transformation states requires either using the existent theories of other applications or developing entirely new, specific theories. Given the lack of experience of political studies in this region and the fact that specialists have only been trained for the last three decades, it can be stated that the first option is often the preferred one. Recently attempts have been made to apply theories to particular cases or particular groups of countries, taking into account the shared characteristics of the countries under study. For instance, given the fact that Ukraine, Georgia and Azerbaijan are plural states and have conflicts, it is sometimes suggested to use the option of consociational democracy to overcome the challenges of democracy establishment in these states. In particular, T. Khidasheli proposes the creation of confederation based on a consociational model to resolve the conflict between Georgia and Abkhazia. The author believes that this will be possible only when political elites have the will to guarantee regulations and when the population is ready to support them. There is also an opinion that economic reforms are needed, aimed at equal distribution of economic resources within the state, and that regional or federal arrangements should be based on a culture of self-government[2]. The opportunities and obstacles of applying this theory in Georgia and Azerbaijan as countries located in the same region are discussed below. The issue will also be considered in terms of the existence of a relevant civic culture in those countries.

The Application of Consociational Democracy in Plural States

Under the consociational model used in plural states, state power can not be legitimized without broad participation. At the same time, the consolidation of the political power of any racial or ethnic group can be historically permanent and in some cases impede the principle of

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[2] **Khidasheli T.,** Federalism and Consociationalism. Perspectives for Georgian State Reform, Federal Practice. Exploring alternatives for Georgia and Abkhazia, *Bruno Coppieters, David Darchiashvili and Natella Akaba (eds), 1999,* pp. 195-205.

social segregation[3]. Thus, the consociational model cannot be regarded as a universal form of democratic regime establishment even in plural countries, and there is a need to clarify the conditions under which it is more likely to be established.

First, it should be borne in mind that consociational theory has been proposed in deeply divided European democracies to ensure political stability. According to this theory, the destabilizing effects of sub-cultural segments in such countries have been neutralized at the elite level, by embracing non-majoritarian mechanisms for conflict resolution. The theory was extended due to the emergence of new democracies conducive to the government by a consociational model, given their plural social structure. This theory incorporates a broader concept, i.e. "consensus democracy", to which the normative component was added as a more promising way to achieve stable democracy in strongly segmented societies. The characteristics of consociational democracy are: segmented society, grand coalition, proportionality, segmental autonomy, mutual (minority) veto.

Among the characteristics of consensus democracy are the oversized cabinet (executive body), the separation of powers, multi-party system, proportional representation, corporatist interest group system, bicameralism, (non-)territorial federalism and decentralization, entrenched constitution (which requires broad consensus), judicial oversight (the judiciary is empowered to review and revoke the decisions of the legislative and executive), an independent central bank[4].

The characteristics set up for consensus democracy are more specific and detailed than those for the consociational democracy. Thus, the uncertainty of success of consociational democracy is greater. At the same time, this uncertainty provides greater flexibility, and success depends more on application skills rather than on the completeness of the theory. Although it is maintained consociational

[3] **Issacharoff S.,** Constitutionalizing Democracy in Fractured Societies, *Journal of International Affairs*, 2004*, **58**, 1, 73-93.
[4] **Andeweg Rudy B.,** Consociational Democracy, *Annual Review of Political Science*, 2000, 3, 509-536.

democracy helped to reduce the ethnic tensions in some of the European plural states, this model has always been quite controversial. The debates are mainly related to the validity of the theory, while there is a little criticism on the achievements, consequences and difficulties of its application in various countries. These debates can become more fruitful if consociational theory is formulated less inductively and at a higher level of abstraction, and if the critics of consociationalism focus more on its principles and less on the operationalizations. The erosion of social cleavages in many consociational democracies raises the question of whether consociationalism should lead to a prescription of more adversarial politics in those countries[5].

The above characteristics are seen as advantages over the classical approaches to democratization in applying a consociational model to plural societies. They provide a real opportunity to have certain levers of power for various segments of plural societies, and a veto power as a legal mechanism for representing and defending their own interests. In his recent works, the author of consociational model A. Lijphart, highlights a set of favorable conditions for the application of a consociational model of democracy in divided societies or in those under such danger. Those are non-majoritarian segment, even segments, small number of segments, external dangers, small population, socio-economic equality, geographically concentrated segments, tradition of consensus, harmony and coexistence of political elites, overarching loyalty[6].

Along with the advantages presented above, the consociational model may also have some difficulties in terms of its application.

According to A. Pappalardo, the predominance of political elites over a politically differential and organizationally encapsulated follower is only one of two conditions that clearly promote

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[5] Ibid.

[6] **Lijphart A.,** The Puzzle of Indian Democracy: A Consociational Interpretation, *American Political Science Review,* 1996, 262-263.

consociationalism[7]. But presumably it could hide behind a massive political apathy when the leaders of different segments decide to cooperate with each other (which is favorable for consociationalism), while their followers do not want their leaders to move from competition to cooperation[8].

In this case, the members or followers of the dominant ethnic group will obviously begin to treat consociationalism with less enthusiasm. Social differences do not automatically become divisive factors; they are made visible by politicians who use this lever to gain political support from their followers. The more persuasive the politicians have been in this regard, the more difficult it will be for them to carry their followers with them when they start cooperating with the "other side"[9]. This shows that the ruling elite is not in favor of a consociational model in terms of maintaining political leadership, as it may lose its complete power. This may explain, for instance, the process of transfer of power in Azerbaijan, when it was transferred from Heydar Aliyev to his son through elections, as well as the appointment by Ilham Aliyev of his wife as country's vice president. This phenomenon further aggravated ethnocratic and clan manifestations in Azerbaijan.

An important feature of the consociational model is that it provides stability in the event of proper use or proper conditions. If leaders of different segments cooperate, and if their followers do not seriously hamper it, then the strengthening of stability is in fact predetermined. But at the same time, there can be unintended consequences. Lijphart warns that sometimes consociationalism can lead to uncertainty and inefficiency. Bargaining on the grand coalition within the elite can hinder the decision-making process. The application of proportionality in the formation of the civil service institute may overlap with the issue of appointment to the post of

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[7] **Pappalardo A.,** The Conditions for Consociational Democracy: A Logical and Empirical Critique, *European Journal of Political* Research, **9,** 4, 1981, 365-390.
[8] **Huyse L.,** Passiviteit, Pacificatie en Verzuiling in de Belgische Politiek: Een Sociologische Studies, Antwerp, Standaard Wet. Uitg., 1970, p. 125.
[9] **Andeweg Rudy B.,** Op. cit.

worthy candidates, and the segmental autonomy may lead to a multiplication of the number of state institutions. The right of mutual veto, in turn, can lead the political process to a deadlock, which Leiphart believes to be the major problem of consociationalism[10].

Given the importance of these potential difficulties, Lijphart points out that a distinction must be drawn between short-term and long-term effectiveness. In the short term, the consociational model may be less effective considering the reasons above. But in the long run, it will be more effective than competing policies, as consociationalism is the cornerstone of stability and legitimacy in deeply divided societies[11].

Salamey distinguishes corporate and integrative models of consociationalism. The author questions the effectiveness of the corporate consociational model in plural societies undergoing a democratic transition, as demographic and territorial shifts of power lead to controversies, which in turn lead to conflicts and state fragmentation. Therefore, as an alternative, more flexible way of government, Salamey proposes an integrative consociational model combining national and community interests in the separation of political power. National electoral strategies as well as administrative reforms are also included in the context of an integrative consociational model[12].

The approach of Norris on consociational theory is also worth of mentioning, which assumes that power-sharing in plural societies has many important consequences. This institute is meant to facilitate accommodation and cooperation among leadership elites, making them most suitable for states struggling to achieve stable democracy and good governance in divided societies. The author compares several multi-ethnic states to investigate the impact of formal power-sharing institutions (proportional electoral systems and federalism) on

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[10] **Lijphart A.,** *Democracy in Plural Societies: A Comparative Explanation.* New Haven, CT: Yale Univ. Press. 1977, pp. 50-51.
[11] **Lijphart A.,** Op. cit.*, pp. 51-52.
[12] **Salamey I.,** Failing consociationalism in Lebanon integrative options, *International Journal of Peace Studies*, **14**, 2, Autumn/Winter 2009, 84-105.

several indicators of democratic stability and good governance. The research demonstrates three main findings:

- Worldwide, power-sharing constitutions combining proportional representation and federalism remain relatively rare (only 13 out of 191 states).
- Federalism was found to be unrelated to any of the indicators of good governance under comparison.
- In multiethnic states, proportional electoral systems, however, are somehow related to good governance.

According to the author, this provides strictly limited support for the larger claims made by consociational theory. Nevertheless, the implications for policymakers suggest that investing in basic human development is a consistently more reliable route to achieve stable democracy and good governance[13].

O'Leary points out that anti-consociationalists fear that the consociation will lead to racism, radicalism and patriarchy, while consociationalists fear that the integrationists will provoke wars and adopt a biased attitude towards the dominant communities. The intensity of this debate shows the power of consociational thought[14]. Meanwhile, it should be noted, that despite some of the difficulties that the consociational theory has faced in practice, it is still applied successfully in many plural states.

In general, the difficulties must be overcome, since otherwise it will be impossible to solve the deeper problems existent in plural societies. The consociational model provides realistic opportunities to their solution. Consequently, to avoid the deepening of inter-community conflicts, appropriate mechanisms should be set up for the application of a consociational model in the South Caucasian plural societies. One of these mechanisms may be the consociational

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[13] **Norris P.,** Stable democracy and good governance in divided societies: Do power-sharing institutions work? Harvard University, 2005, p. 1.

[14] **O'Leary B.,** Debating Consociational Politics: Normative and Explanatory Arguments. *From Power-Sharing to Democracy: Post-Conflict Institutions in Ethnically Divided Societies, (Ed.) S. J. R. Noel.* (Toronto: McGill-Queens University Press), 2005, pp. 3-44.

discourse as an important tool of political communication without which it will be quite difficult to form a relevant political consciousness.

In the context of cultural relativism, consociational discourse can become the cornerstone of overcoming inter-ethnic and intercultural differences within the same society. In this case, it is necessary to build political will on the basis of shared interests, aimed at equality and security for all segments of a plural society.

Plural societies are also distinguished by various internal conflicts. Such are the South Caucasian plural states - Georgia and Azerbaijan - characterized by inter-ethnic conflicts. There are different ways of resolving conflicts, but the most preferred of them is the search for consensus.

By their nature, ethno-political conflicts are divided into two major groups: self-determination and non-self-determination conflicts. Their main difference is in the legal component[15]. This seems to simplify the task as legal issues are easier to handle than political ones. However, this is true in case there are appropriate instances and mechanisms to impose their decisions on the parties to the conflict. Of course, there is also the possibility of a consensual solution to the conflict. However, this becomes an effective mechanism when the parties are convinced that in the absence of agreement, legal solutions will be unconditionally imposed. Meanwhile, as the international experience shows, the resolution of conflicts of self-determination is highly influenced by the political component, the solution is not always in line with legal norms and, at best, the solution is internationally binding.

Theoretically, two perceptions of consensus are distinguished: narrow consensus, as a means of political resolution of various conflicts and disputes, and broad consensus, also called civil

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[15] **Torosyan T.,** Perspectives of Rights and Challenges of Political Interests in Conflict Resolution: The Cases of Kosovo and Nagorno-Karabakh, *Essex Human Right Review*, 2015, **10**, 1, http://projects.essex.ac.uk/ehrr/v10n1/torosyan-perspectives-of-rights-and-challenges-of-political-interests-in-conflict-resolution.pdf (30.03.2017).

agreement. The broad perception of consensus is closely linked to the socio-political component, according to which the consensus is the agreement of the vast majority of people about the social order manifested in their actions.

Within the framework of political discourse theory, there is also a classification of discourse into conflicting and consensual types. The first of them narrows the consciousness of the parties to the conflict, diminishing the prospect of conflict resolution, while the consensual type broadens the awareness of the parties to the conflict and creates more realistic opportunities for conflict resolution[16]. Referring to consensual methods, Aklayev notes that they are of particular importance for ethno-political conflict management strategies. In this respect, the author distinguishes consociation and arbitration as consensual methods[17]. The first of these two methods is more preferable, as it is not only aimed at overcoming internal conflicts in plural societies, but also provides the basis for the transition to democracy. It should be noted, however, that the problem is not limited to the choice of consensual method, as a number of factors are essential for the establishment of democracy (civilization, values, situational factors, etc). Moreover, an important precondition for applying the consensual method is the rapid and decisive use of arbitration by the international community. In that case, the parties to the conflict will find that the consensual method is more preferable. Otherwise, it would be desirable for at least one of them to reach a solution that is more favorable to him through political methods.

Although the consociational theory was mainly developed for the peaceful resolution of problems in multi-ethnic societies, it has an obvious potential for expansion[18]. McGarry believes that territorial disputes on the basis of pluralism continue to be the roots of conflicts

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[16] **Ordukhanyan E.**, Government and Opposition: Analysis of Political Discourse, Limush, Yerevan, 2009, p. 79, (in Armenian).
[17] **Aklaev A.,** Ethnopolitical conflictology: Analysis and Management, M., 2005, p. 346-354, (in Russian).
[18] **Rubinstein A.,** Elements of a general theory of the flaws of a mixed economy, *Issues of state and municipal management*, 2017, 1, 71-102, (in Russian).

in former Soviet countries such as Ukraine, Moldova, Azerbaijan and Georgia[19]. Current internal developments in Azerbaijani society show that these contradictions can be exacerbated if authoritarian approaches on ethnic basis and particularly dangerous manifestations of ethnocracy continue to deepen.

As McGarry and O'Leary mention, there are two ways of resolving conflicts in the territorially concentrated communities. The first strategy is integrationist, which emphasizes the unity of differences in plural states. But this option is hostile in terms of its territorial inclusion. The second strategy is the accomodationist, which supports the autonomy and integrity of different political communities through broad institutional approaches. In this case, federalism may be the preferred solution[20]. At the same time, the authors emphasize that territorial self-government can be viable by incorporating consociational elements recognizing cultural and other differences between segments and institutionalizing them through proportionalism and mutual veto[21].

From the point of view of conflict management in socially hostile societies, Wolf also emphasizes the consociational approach, which attributes two important elements: power sharing and self-governance. In this context, Reilly emphasizes the theory of centripetalism of power, which fosters the electoral system, in which political parties are given much greater opportunity to meet inter-ethnic demands. Roeder views the same problem in terms of power dividing or the multiple-majorities approach. This theory is based on the idea that when power is concentrated in the hands of a small number of people, then managing conflict in divided societies becomes a much more difficult task[22].

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[19] **Basta K., McGarry J., Simeon R**., *Territorial Pluralism. Managing Difference in Multinational States*. UBC Press; Reprint edition, 2015, p. 3.
[20] **Basta K., McGarry J., Simeon R**., Op. cit*.,* p. 4.
[21] **Basta K., McGarry J., Simeon R**., Op. cit*.,* p. 7.
[22] **Wolff S., Yakinthou Ch. (eds.),** *Conflict Management in Divided Societies: Theories and Practice,* Routledge, London, 2012, p. 128.

This can be seen in the Azerbaijani society, when the real political power is completely concentrated in the hands of one ruling family. Consequently, overcoming the conflicts in Azerbaijan remains a serious problem.

Papagianni argues that NGOs, which create channels of communication, can make a major contribution to conflict management, thereby fostering trust between political parties to the conflict[23]. Without denying the effectiveness of such mechanisms, it is still difficult to point out at least one conflict resolution process where this factor was relevant. However, in this respect as well, civic organizations in Azerbaijan are also subject to various pressures, which again proves the consolidation of an ethnocentric authoritarian regime. In case of Georgia, the problem is not that hard because NGOs operate rather effectively. If the goal of conflict management is to seek or support institutional mechanisms, then there are more incentives for conflicting parties to follow political rules rather than return to violence for their incompatible goals[24]. However, it should be noted that these realities may vary in each case, as each conflict has its own specificity.

A number of researchers are focusing solely on conflict resolution or transformation in divided societies. This is mainly due to the fact that conflict management has traditionally been identified with conflict containment[25]. However, in divided societies, in addition to the institutional approaches to conflict management, it is also important to consider the question of satisfying human needs, as the realization of these demands, as Azar[26] and Burton[27] note, can be crucial to conflict management in these societies. In addition to this, it

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[23] **Kewir Kiven J.,** Conflict Management in Divided Societies: Theories and Practice, *Journal of Conflict Transformation & Security*, 2012, 136-138.
[24] **Wolff S., Yakinthou Ch. (eds.),** Op. cit., p. 79.
[25] **Hamad A.,** The Reconceptualisation of Conflict Management. *Peace, Conflict and Development: An Interdisciplinary Journal,* **7**, 2005.
[26] **Azar E.,** *Management of Protracted Social Conflict: Theory and Cases.* Aldershot, Dartmouth, 1990.
[27] **Burton J.,** ed., *Conflict: Human Needs Theory.* Conflict Series, Vol. 2, Macmillan, London, 1990.

is also necessary to take into account the cultural characteristics of the environment, which mainly include the non-political needs of relevant groups. At first glance, it may seem that since broad consensus is fully consistent with the theory of consensual discourse, thus in plural societies, such as Georgia and Azerbaijan, the consociational discourse can help to overcome the contradictions between different ethnic, religious and cultural groups and build a harmonious and balanced society. However, if the problem is viewed on the above three dimensions (institutional approaches, meeting needs, cultural peculiarities of the environment), the solutions face complex challenges and serious obstacles with regard to conflict resolution, and especially democratization.

Ethnocracy as an Obstacle to Democratization

In the two South Caucasian post-Soviet states, Azerbaijan and Georgia, one can trace the elements of a strongly emphasized ethnic supremacy of the titular people, which is highly characteristic of ethnocratic political regimes. Ethnocratic aspirations are usually typical to plural societies where the population has ethnic, religious, linguistic, cultural and other differencesThere are clear differences between Georgia and Azerbaijan in democratization, European integration and in a number of other ways affecting stateness, but this has only influenced the differences in forms of ethnocracy in this or that country.

In ethnocracies, de facto rights are defined by ethnic origin rather than by universal citizenship. In these states, the source of legitimacy of the political regime is not the civilians (demos) themselves but the dominant ethnic group. The latter appropriates the state apparatus and starts to implement a discriminatory policy against other ethnicities. The dichotomy divides the ethnos of the state into natives and settlers, though both are in their turn divided into different ethno-classes. Ethnocracy is inherently undemocratic in spite of the fact that it can display characteristics of democracy, such as universal

suffrage or democratic institutions[28]. Moreover, Azerbaijan is a member of the Council of Europe, is included in the Eastern partnership. Georgia is also a member of the Council of Europe. In 2013, it has signed an Association Agreement, and the country's leadership has repeatedly stated its determination to join the European Union.

In ethnocratic states, democracy is flawed because it lacks the "democratic structure". Ethnocracy seeks to breach a number of democratic principles, such as equal citizenship, the existence of territorial political communities (demos), and protection against the tyranny of the majority[29]. In particular, although Georgia has been a member of the Council of Europe for nearly two decades, it has failed to fulfill commitments under the Convention on Regional Languages assumed at the time of accession. The purpose of such steps is to make the complaints of non-titular ethnic groups illegal by the dominant ethnic group, creating a "basis" for suppressing them. It is clear that neither the addition of the word "ethnic" to "democracy" (in case of Georgia) nor the use of the term "normative democracy" (in case of Azerbaijan) can conceal the elements of ethnic discrimination in those countries. In such states, concepts such as public and elite aspirations for democracy, fair elections, free press, effective use of democratic mechanisms, non-violent struggle against non-dominant groups, etc. are distorted. These regimes are characterized by internal controversies between democratic and non-democratic tendencies, leading domestic political life to turbulent and volatile state or unleashing ethno-political conflicts[30]. It is no coincidence that ethnic democracies have a high incidence of conflicts, and violent means, sometimes even military force, is generally used for their resolution. Medvedev believes that under the radical modernization of society (which is also the case with post-Soviet transformation),

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[28] **Smooha S.,** The Model of Ethnic Democracy, European Center for Minority Issues, ECMI Working Paper 13, October 2001, p. 22.
[29] **Yiftachel O.,** Ethnocracy: The Politics of Judaizing Israel/Palestine, Constellations 6, 3 (September): 1999, pp. 364-390.
[30] **Smooha S.**, Op. cit., p. 23.

ethnocentrism becomes a dominant worldview through which all spheres of society's development, from economy to culture, are evaluated, dividing people into two categories: ethnic insiders and ethnic outsiders[31].

The belief of titular ethnic group that their way of life and their type is the best and that they are better than others is easily transformed into discrimination against other groups, even directed to their elimination[32]. In particular, such manifestations occurred towards the Armenians and other ethnic groups in Azerbaijan and Artsakh in the late 1980s and early 1990s by the Turkish ethnicity of Azerbaijan[33].

The existence of non-democratic elements in the model of ethnic democracy has become a major cause of criticism and rejection of this model. According to Smooha, ethnic democracy is criticized for its illegitimate nature (non-democracy is presented as democracy), for its instability (the political system built on hostile contradictions cannot be sustainable), for its ineffectiveness (ongoing conflicts)[34]. The author emphasizes that ethnic democracy is especially attractive to states with multi-ethnic elements that have adopted the path of democracy. For these states, the transition from a non-democratic regime to a liberal, multicultural or consociational democracy is rather difficult. Thus, they prefer ethnic democracy as a compromise between maintaining democracy and maintaining ethnic supremacy and nationalism based on the experience of the previous regime. Some former Soviet states, among which Georgia, Estonia, Latvia, and especially Azerbaijan, are moving in that direction[35]. Analyzing

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[31] **Medvedev N.**, Consensual Aspects of Modern Russian Federalism, Bulletin of the Peoples' Friendship University of Russia, Series: Political Science, 2001, 3, p. 66.

[32] **Pashukova T.,** Ethnocentrism in Intercultural Communication, MSLU Bulletin, 563, p. 50-61, p. 59, (in Russian).

[33] **Cox C., Eibner J.,** Ethnic Cleansing in Progress: War in Nagorno-Karabakh, Zurich, London and Washington, 1993.
In Azerbaijan, talking about ethnicity is considered a crime,
https://armenpress.am/arm/news/881095/adrbejanum-etnik-patkanelutyan-masin-khosely-ditarkvum.html (03.03.2017)

[34] **Smooha S.,** Op. cit., p. 84.

[35] **Smooha S.,** Op. cit., p. 85.

political regimes established in the post-Soviet states, Torosyan and Sukiasyan place Georgia in a "waiting group" of states[36], along with those states the regime changes of which are still ongoing. The results of recent assessments of political regimes (Freedom House: Nations in Transit) also register this fact: Azerbaijan is characterized by a strong authoritarian regime, whereas Georgia – by a transitional government or a hybrid regime[37].

Referring to the form of political regime in Georgia, Sabanadze defines it as ethnic democracy. The author points out that the main cause of instability in Georgia is the combination of weak statehood and ethnic democracy. The latter can lead to a very fragile and unpredictable situation. Ethnic democracy is rather perceived as improper, unfair political regime, as it is clearly in the interests of the main ethnic group[38]. In this case, instability stems primarily from the nature of the regime rather than weakness of the state, as the authors of the model of ethnic democracy often see it as a phase of transition from non-democratic to democratic regime, which is particularly true of weak states and those under democratic transformation[39].

Ethnic democracy becomes the source of instability in two main ways: first, it alienates minorities and by doing so undermines their loyalty to the state and "legitimizes" their claims which disrupts state security and stability; second, it ethnicizes political, socioeconomic and other contradictions and by doing so removes them from the sphere of normal political bargaining and transforms them into an uncompromising struggle over non-negotiable categories, such as ethnic identity, national pride and recognition[40].

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[36] **Torosyan T., Sukiasyan H.,** Three Stages, Three Groups and Three Paradigms of Post-Soviet Transformation, *Armenian Journal of Politcal Science,* **1,** 1, 2014, 51-61.

[37] *Nations in Transit 2016*, available from https://freedomhouse.org/report/nations-transit/nations-transit-2016 (20.04.2017)

[38] **Sabanadze N.,** *Georgia's Ethnic Democracy: Source of Instability*/ The Fate of Ethnic Democracy in Post-Communist Europe, Open Society Institute, 2005, pp. 115-139.

[39] **Sabanadze N.,** Op. cit., pp. 115-139.

[40] **Sabanadze N.,** Op. cit., p. 116.

The societies that combine semi-democracy with politicized ethnicity can be described as "ethnic democracies". This is the type of democracy characterized by non-democratic institutionalization of dominance of one ethnic group. In this case, the state is designed to serve the interests of the members of the majority group rather than those of all its citizens[41].

Yarve also considers that ethnic democracy should be placed in the context of regime change from authoritarian to democratic. Ethnic democracy should not be considered as an end station, at which a country has arrived, but rather as a part of its eternal journey towards a more democratic society[42]. Therefore, it can be argued that the approaches of the authors of the above model cannot fully characterize all the states with plural societies. In some instances, their aspirations from a non-democratic regime to democracy through the interim application of the model of ethnic democracy turn to an already established regime rather than a transitional one, like the case of Azerbaijan. Consequently, aspirations from a non-democratic regime to a model of full-fledged democracy may in some cases lead to the re-establishment of the non-democratic model, but with different features. In this case, the endpoint of ethnic democracy as a transitional regime is the ethnic authoritarian regime, with prevailing interests of the dominant ethnic group (ethno-authoritarianism). Ethnic democracy cannot be an intermediate path to democracy; in such cases it is a direct path to ethno-authoritarianism. Very often, ethnic democracy serves as a political tool to hide the real regime preferences of states or to conceal the existing problems. By applying this model, states are trying to show that they are striving for democracy, but they are actually trying to strengthen the established authoritarian regimes.

Sabanadze argues that in case of Georgia, ethnic democracy is not only the cause of instability, but it can also lead to disintegration[43],

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[41] **Smooha S.,** *The Model of Ethnic Democracy*, ECMI Working Paper No.13, Flensburg: European Centre for Minority Issues, 2001, p. 24.
[42] **Yarve P.,** Ethnic Democracy and Estonia: Application of Smooha's Model, ECMI Working Paper No.7, Flensburg: European Centre for Minority Issues, 2000, p. 29.
[43] **Sabanadze N.,** Op. cit., p. 118.

which can become a real threat to state security. The author highlights that the Soviet legacy played an important, if not decisive, role in shaping nationalism in post-communist Georgia. This was the reason why Georgia made a transition from the communist authoritarian regime to weak ethnic democracy[44]. The same can be said with regard to Azerbaijan, but with some reservation, given the fact that nationalism of the Azeris continues to grow there, threatening even the physical security of the indigenous ethnicities.

Georgia has failed to build a viable ethnic democracy. Sabanadze believes that Georgia's weakness as a state largely stems from the ethnic factors. Possible causes for weakness are poor resources, political divisions within the majority, corruption, mismanagement and an undemocratic culture. The author also argues that ethnic democracy will further weaken the state[45]. Despite the progress of democratization noticeable in the Georgian society in recent years by the efforts of the West, ethnic dominance continues to be maintained, and thus the likelihood of pressure on other ethnicities remains high, as the latters do not yet have proportional representation in state representative bodies.

Deutsch and Collins point out that overcoming inter-group hostility and establishing positive relations can help to strengthen ties between members of different groups. To this end, the representatives of different groups should work together and pursue the same goal[46]. In this regard, the consociational model can serve as an effective tool for activating inter-group relations, with the collective security of all groups as a common goal. If these groups want to live in safety, they should not only view the security within the scope of their own group, but they should consider everyone's safety as a common goal, since the security threats to their group stem from other groups.

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[44] **Sabanadze N.,** Op. cit., p. 119.
[45] The Fate of Ethnic Democracy in Post-Communist Europe, Edited by **Smooha S., Yarve P.,** ECMI, 2005, p. 247.
[46] **Deutsch M.,** The Resolution of Conflict: Constructive and Destructive Processes, New Haven, Yale University Press, 1973.

Thus, under the models of ethnocratic and ethnic democracy established in Azerbaijan and Georgia with some differences, the interests of non-dominant ethnic groups are de facto suppressed by dominant ethnic groups. Such a situation creates the illusion of democratization, which is explained by the fact of being in a transition phase. In case of Azerbaijan, the problem is much more complex as compared to Georgia, as the Georgian society has seen a certain increase in the level of democracy in recent years. As opposed to this, in Azerbaijan there has been a steady backward towards the ethnic authoritarianism.

Consociational democracy in South Caucasian plural states can be an effective way of transition from non-democratic to democratic regime, with the modernization of political culture as a precondition. This model initially rejects the supremacy of any ethnic group over other ethnicities, which is one of the mandatory principles of the classical democracy.

Inglhart believes that economic progress is gradually leading to social and cultural changes that strengthen democratic institutions. This explains why democracy has recently extended over economically developed countries, that is, where "values of self-expression" are preferable to "values of survival"[47]. This approach is surely not universal, and works only under certain conditions. This is illustrated by the cases of the South Caucasian countries. Azerbaijan has the highest economic level and the lowest democracy level (a stable authoritarian regime[48]). This means that economy is not an essential but a supporting element of democratic progress. As Almond and Verba maintain, the key element of democracy is a culture (or in other words, the civilization to which a society belongs[49]). In this respect, Harrison's approach of how culture affects social progress is

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[47] **Inglehart R.,** Culture and Democracy. *Culture Matters. How Values Promote Social Progress (ed. by Harrison L. and Huntington S.), M., Moscow School of Political Studies*, 2002, p. 125, (in Russian).

[48] **NiT2016 Azerbaijan**, https://freedomhouse.org/report/nations-transit/2016/azerbaijan (01.04.2017).

[49] **Almond G., Verba S.,** Civic Culture and Stability of Democracy, *Polis: Political Studies*, 1992, 4, 122-135, (in Russian).

remarkable. The author identifies different elements the various manifestations of which allow to classify cultures into two groups: progressive and static. These are education, encouragement, social solidarity, justice, honesty, etc[50]. For instance, in developing cultures, education is a key to progress, whereas in static cultures, education is seen as a secondary value. In progressive cultures, individual abilities are an important factor in personal career growth. In static cultures, this role is played by social origin and relationships. In progressive cultures, the line of social identity and trust goes beyond the family and encompasses a much broader social whole. In traditional static cultures, the line of trust is limited to family. Social systems with a low radius of identification and trust are more prone to corruption, nepotism, tax evasion and do not strive for humanity. In progressive cultures, justice and honesty are the most expected outcomes. Conversely, in static cultures, justice as an individual success can only be accomplished by the power of money or personal ties. In progressive cultures, power is horizontal, whereas in static cultures it is centralized and vertical[51]. It is easy to notice that all the elements of static culture are present in Azerbaijan, while Georgia has partially overcome some characteristics of static culture. But this does not mean that culture is leading to complete development. In plural societies, such as Azerbaijan, the division of power is vertical, and the problem of equality between different ethnicities, with regard to cultural autonomy and political initiative, remains unresolved.

The problem under study has different manifestations in consolidated and emerging democracies. Anderson argues that in full-fledged democracies, political culture and the effectiveness of political system depend on the level of political satisfaction. In addition, the impact of political culture is lower than the effectiveness of the system when alternative explanations are taken into account. Conversely, the level of political satisfaction in emerging democracies is not related to

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[50] **Harrison L.,** Promoting Cultural Progress. *Culture Matters. How Values Promote Social Progress (ed. by Harrison L. and Huntington S.), M., Moscow School of Political Studies*, 2002, p. 294-295, (in Russian).
[51] Ibid.

the effectiveness of the political culture or system. In general, Anderson's research show that the structure of democracy satisfaction in full-fledged and new democratic systems is not alike[52].

Thus, in plural societies, democracy cannot have a future if the absence of conditions of equal competition between different segments of society as sub-cultures weakens the influence and importance of political culture on the stability of the political system. This also conditions the conflicting potential of inter-ethnic, religious or other issues existing in new democracies, which not only threatens effective democratization but also undermines public security. Consociational democracy can therefore be seen as a model for overcoming the above problems if there is a place for consociational discourse between different segments, aimed at building and satisfying common interests rather than individual or group interests. In this case, political culture will turn into a more important factor for democratization, as the case with full-fledged democracies.

Conclusion

The analysis of the impact of various factors determining the effective application of consociational democracy, as well as the consideration of the possibilities of introducing this model in the South Caucasian plural states, lead to the following conclusions:

1. In addition to the general difficulties of democratization in the post-Soviet transformation countries due to the unique features of this unprecedented process of transition, there are also a number of specific problems. These problems in the two recognized plural states of the South Caucasus - Georgia and Azerbaijan - are the result of multi-ethnic structure of the society and their belonging to a particular civilization. Due to

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[52] **Anderson Christopher J.** *Political Satisfaction in Old and New Democracies*. Center on Democratic Performance, Binghamton University, New York, 1998, p. 22.

the last factor, the problem of democratization of Georgia is related to the modernization of the value system and the formation of a political culture, whereas Azerbaijan has practically no prospects, since the vast majority of the population belongs to a totally different civilization.

2. Consociational democracy is not an opportunity to build a democracy in plural societies, but an opportunity to overcome the issues of pluralism in democratic societies through the elaboration of democratic mechanisms for organizing public life.

3. In the Georgian society, ethnic, religious, linguistic, cultural and other segmental differences are displayed between different groups, and there are elements of ethnocentricity, which create conditions for the predominance of some ethnic groups over the others. Meanwhile, there are also some factors contributing to democratization through consociational democracy, such as the small population and geographical concentration of segments.

These factors may contribute to the formation of consociational discourse in the context of the gradual reinforcement of civic culture since they create additional potential for segments to pursue a common goal. In this respect, security can serve as a common goal, otherwise the dominant ethnicities will always strive for dominance, imposing their own political culture. The underrepresented ethnicities, in their turn, will try in every way to counter, resist, and deter the various threats posed by the dominant ethnic group, thereby always creating conflict situations. Such processes may exacerbate the internal crisis and lead to the entrenchment of authoritarian, ethnocratic regimes in order to preserve the advantage of a dominant ethnicity. However, it is not possible to permanently suppress the natural need for self-realization of these segments using the force. Violence can pose permanent threats to instability and security, such as the case with the two recognized plural states of the South Caucasus.