The Legitimacy of (Non)Recognition: The Case of Transnistria

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Submitted to

Central European University

Department of International Relations

In partial fulfilment of the requirements for the degree of

Master of Arts in International Relations

Supervisor: Professor Xymena Kurowska

Word count: 12, 777

Budapest, Hungary

2016

Abstract

The aim of this thesis was to show how international actors can be recognized in ways other than legally. The link to legitimacy in its contextual understanding devised by Friedrich Kratochwil was applied to perform an in-depth analysis of the case of Transnistria. This thesis argues that recogntion in international relations is not confined to diplomatic recognition – in fact, there are instances of informal recognition. In the case of Transnistria, this recognition manifests itself in relation to the narrative which was produced by the OSCE Mission to Moldova and EUBAM. As a result, the OSCE Mission to Moldova and EUBAM appear to be capable of endowing other actors with recognition as the recognition of Transnistria is legitimized by the two missions.

Acknowledgements

First and foremost, I would like to thank Xymena Kurowska, my supervisor, for her support and advice as well as intellectual challenge throughout the year; I learnt a lot from you. I also want to thank the staff of the Department of International Relations for their everyday support but also for their assistance during the time when I lost my Hungarian residence permit in the Netherlands and they were the only ones who replied to my emails over the Christmas holidays. Additionally, I want to acknowledge everyone I met this past year at CEU who has helped me to make this demanding journey even more exciting – naming some might incur discontent of the others so it's up the reader to decide if they are among those people. Last but not least, I want to thank my mother for all the opportunities she gave me in this life. Without you I could not achieve everything I have achieved, even if I did not achieve much.

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1. Introduction

Most research on recognition in International Relations (IR) refers to the concept in terms of mutual diplomatic acknowledgement between states,[1] and those political entities which are not recognized, therefore, are considered to be unrecognized states.[2] In this way, recognition in IR is in a situation of dichotomy. The political entity is whether recognized or not. However, new research on recognition in IR suggests the notion of gradual recognition which implies that the continuum of recognition "runs from highly formalized to extremely informal modes of recognition, and from the recognition of non-state actors and other political collectives as legitimate negotiating partners to the recognition of entities as sovereign states and as states with specific entitlements."[3] The aim of this thesis is to examine whether such informal modes of recognition are present in the empirical case of Transnistria.

Transnistria is a legally unrecognized political entity which emerged after a civil war amidst the dissolution of the Soviet Union in 1992, effectively seceding from Moldova, its parent state. To date, no legally recognized state acknowledged Transnistria's statehood, and only Abkhazia, Nagorno-Karabakh, and South Ossetia recognize it. What is more, "Transnistria has been named, by a European Parliament delegation, a 'black hole' in Europe,"[4] a move which can be interpreted as aiming at delegitimizing the entity. However, such a designation is problematic since there are international actors which still interact with Transnistria and it is of interest to examine if these interactions amount to the acts of recognition.

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[1] Bridget Coggins, "Friends in High Places: International Politics and the Emergence of States from Secessionism," *International Organization* 65, no. 3 (July 2011): 433–467

[2] Nina Caspersen, *Unrecognized States: The Struggle for Sovereignty in the Modern International System* (John Wiley & Sons, 2013).

[3] Anna Geis et el., "Gradual Processes, Ambiguous Consequences: Rethinking Recognition in International Relations "in *Recognition in International Relations: Rethinking a Political Concept in a Global Context*, ed. by C. Daase et al. (Springer, 2015), 16.

[4] Caspersen, *Unrecognized States: 21.*

However, recognition is essentially arbitrary due to the hierarchical nature of the international system. For this reason, I will apply the concept of legitimacy to understand how international actors justify their informal recognition of Transnistria, if it is present at all. The question of legitimacy of legally unrecognized political entities is often related to democratization within these statelets.[56] Nevertheless, legitimacy itself is not that straightforward because it is also embedded in the international system which is full of power asymmetries between different international actors. Power allows international actors to endow themselves with legitimacy and, on these grounds, later legitimize their actions. Therefore, it is of use to apply contextual definition of legitimacy which is proposed by Kratochwil.[7] Moreover, legitimacy is especially important for my research as "understanding recognition as a gradual process forces us to differentiate between legality and legitimacy, for instance to acknowledge the difference between formally/legally recognizing a state and recognizing a government, or an ethnic segment of the population, as legitimate bearers of political claims."[8]

According to the decree of the so-called President of Transnistria, one of the aims of this legally unrecognized political entity is to join regional and universal international organizations.[9] The choice of international actors whose discursive practices are examined to identify whether they endow Transnistria with informal recognition or not and if legitimacy plays a role in this process is also inherently contextual. Undoubtedly, the Russian Federation plays crucial role sustaining the

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[5] Nina Caspersen, "Democracy, Nationalism and (Lack of) Sovereignty: The Complex Dynamics of Democratisation in Unrecognised States†," *Nations and Nationalism* 17, no. 2 (April 1, 2011): 337–56, doi:10.1111/j.1469-8129.2010.00471.x.
[6] Scott Pegg and Pål Kolstø, "Somaliland: Dynamics of Internal Legitimacy and (Lack of) External Sovereignty," *Geoforum* 66 (November 2015): 193–202, doi:10.1016/j.geoforum.2014.09.001.
[7] Friedrich Kratochwil, "On Legitimacy," *International Relations* 20, no. 3 (September 1, 2006): 302–8, doi:10.1177/0047117806066706.
[8] Anna Geis et el., "Gradual Processes, Ambiguous Consequences: Rethinking Recognition in International Relations "in *Recognition in International Relations: Rethinking a Political Concept in a Global Context*, ed. by Daase et al., *Recognition in International Relations.*, 16.
[9] "Указ Президента ПМР №766 «Об Утверждении Концепции Внешней Политики Приднестровской Молдавской Республики»," *Официальный Сайт Президента ПМР*, November 20, 2012, http://president.gospmr.ru/ru/news/ukaz-prezidenta-pmr-no766-ob-utverzhdenii-koncepcii-vneshney-politiki-pridnestrovskoy.

Tiraspol regime. It does not recognize Transnistria as a sovereign state but there is, for instance, a Russian consulate in Tiraspol. Therefore, examining Russian informal recognition would be unproblematic since a lot of evidence also suggests that Russia is, in fact, Transnistrian patron state.[10] Yet other two international actors which are most relevant for Transnistria are Organization for Security and Cooperation in Europe (OSCE) Mission to Moldova and European Union Border Assistance Mission to Moldova and Ukraine (EUBAM). However, under the interntional law, intergovernemntal organizations cannot legally recognize states; In that way, this thesis examines if the actions of one non-state actor amount to recognition of another non-state actor with such approach being a novelty in itself. Importantly, they often operate on the ground in Transnistria and engage with the local de facto authorities.

Therefore, the first research question is whether the activity of the OSCE and EUBAM regarding Transnistria amount to its informal recognition? Subsequently, if recognition is present in these two miscrocases, in order to establish the link between recognition and legitimacy, I will answer the question whether the OSCE and EUBAM legitimize their recognition of Transnistria.

Even though there are other legally unrecognized entities in the world and in the post-Soviet, Transnistria is the best case to examine the informal modes of recognition. First, "unlike Transnistria, which has a transparent boundary with Moldova, the boundaries of the other de facto republics with their "parent" states persist as conflict front lines."[11] The boundary allows for interactions which are vital for informal recognition. Second, there was no resumption of violence between the two sides of the Dniester which is also conducive to cooperation. Thus the presence of

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[10] Nicu Popescu, "Outsourcing de Facto Statehood. Russia and the Secessionist Entities in Georgia and Moldova," 2006, http://www.policy.hu/npopescu/ipf%20info/IPF%203%20outsourcing.pdf.

[11] John O'Loughlin, Vladimir Kolossov, and Gerard Toal, "Inside the Post-Soviet de Facto States: A Comparison of Attitudes in Abkhazia, Nagorny Karabakh, South Ossetia, and Transnistria," *Eurasian Geography and Economics* 55, no. 5 (September 3, 2014):445.

military confict could disrupt the dynamics of informal recognition as it would discursively most probably have become the main topic on the agenda.

The main challenge to my research, however, was the lack of reliable empirical data "due to lack of recent reliable censuses"[12] which is also coherent and consistent, the phenomenon common to many studies of legally unrecognized political entities.[13] That is why the OSCE Mission to Moldova and EUBAM are also useful recognizers for the current project. In order to perform my research, I attempted to adopt "an objective coding scheme"[14] content analysis of the reports of these two missions of international organizations. In that sense, the available empirical data also informed my research questions as it could only be interpreted as the narrative that the missions produce in relation to Transnistria.

Yet despite the challenges because of the lack of data and the application of different conceptualizations of recognition to the case of Transnistria, I made an attempt to contribute to the field of recognition in IR by empirically examining the idea of informal recognition on a case. Additionally, my analysis of the narratives that the OSCE and EUBAM produced in relation to Transnistria also allow shedding light on the often overlooked developments in this legally unrecognized political entity, even through the lenses of the two missions.

This thesis proceeds as follows: Firstly, I present a review of different conceptualizations of recognition and make an attempt to reconceptualize the concept by applying the contextual understaning of legitimacy; then I proceed to the analysis of the narrative of the OSCE Mission to Moldova in relation to Transnistria and, later, to the analysis of the narrative of the EUBAM regarding Transnistria. In the latter two chapters, I try to setablish if the missions recognizes

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[12] Ibid: 425.
[13] Ibid.
[14] Bruce L. Berg, *Qualitative Research Methods for the Social Sciences* (Allyn and Bacon, 1989): 238.

Transnistria and what is the role that legitimacy plays in this process. I conclude with the summary of my findings and propositions for future research.

2. Legitimizing Recognition

The following chapter introduces contextual understanding of legitimacy by Kratochwil[15] and its application to different conceptualizations of recognition. Its aim is to outline literature on recognition in international relations (IR) which views recognition as a concept that is applied to understand recognition between states in order to move to the discussion of recognition in psychology and philosophy. Theoretical considerations from these fields of knowledge are less rigid in their understanding of recognition and, therefore, can be applied to legally unrecognized political entities. Yet I would like to acknowledge that the content of the following chapter in no way a comprehensive and objective review of all existing approaches to recognition due to space and time constraints; it is rather an intersubjective product of my understandings of the research process and their value for the empirical part of my work. Once these conceptualizations are discussed, the concept of legitimacy will be applied to the understandings of recognition so as to reconceptualize them in order to make recognition less of an arbitrary concept. This will allow proceeding to the two empirical chapters which analyze Transnistria applying these notions of recognition and legitimacy to the entity which is not recognized by any diplomatically recognized state in the world. The case of Transnistria will let me to establish if legally unrecognized entities can be recognized in ways other than through diplomatic acknowledgment of their statehood and what role legitimacy plays in this process.

2.1 Legitimate Recognition

In the existing literature on recognition in IR the concept is approached from the state-centric point of view. Additionally, it widely refers to legitimacy which entails that, in this case, legitimacy is reduced to the realm of legally recognized sovereign states. Therefore, such use of the concept is

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[15] Kratochwil, "On Legitimacy."

universalistic and does not allow to investigate if there can be any recognition other than mutual diplomatic acknowledgment between states. It is problematic to assume that legality equals legitimacy because international laws are the byproducts of asymmetrical and hierarchical international system. For instance, the legitimacy of international law comes in large measure from its endorsement by the Great Powers, and formally only legally recognized states have a say in the development of the rules of the game on the international arena. An attempt to grasp the legitimacy of a social phenomenon judging if the procedure which leads to the happening of the phenomenon was legitimate or identifying whether the result of the action is deemed legitimate thus falls prey to these power asymmetries between international actors. The procedure is constructed to be legitimate because this is the meaning that the most powerful international actors subscribe to it. Moreover, the result of the legitimate procedure might not be considered legitimate at all and, in this case, it is unclear which criteria for legitimacy should prevail.

In order to contextualize the meaning of legitimacy in reference to other concepts, Kratochwil suggests that "our 'acceptance' of a certain proposal or alternative can be expected to be adhered to *by others* because of its reasonableness (all things considered), by its minimal disturbance of ongoing practices or the necessary sacrifices of other values, or by its expected overall benefit to the community."[16] Consequently, Kratochwil draws four corollaries: 1). legitimacy needs to be understood as a term of appraisal; 2). the meaning of legitimacy is captured through its use and not the representation of the world; 3). legitimacy can represent different meanings without a core which is common to all of them, even within the discussion of one concept; 4). analyzing legitimacy allows revealing how it operates in the political discourse.[17]

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[16] Ibid.: 302
[17] Ibid.: 305-306

2.2. Legal State Recognition

This first understanding of state recognition is confined to the official diplomatic acknowledgment of an entity as an independent sovereign state. The theory of recognition is meant to define the necessary criteria for the inclusion of a state as a persona in international law and diplomatic practices. State recognition has been extensively theorized about and applied to empirical cases by International Lawyers such as Lauterpacht and Crawford, who debate whether statehood is constitutive or declarative by recognition.[18] The authors tend to agree that the two legal theories of recognition – constitutive and declaratory, which assert that recognition creates a state or simply acknowledges the existence of a new state respectively – do not ideally reflect the practice of recognition. However, legal state recognition illustrated by the establishment of diplomatic relations between two states is the central concept of the discussion in International Law. In this way, state recognition is a legal institution which derives criteria from international law so states can recognize a new state as an equal member of the international community. From this point of view of constitutive theory, a state is either recognized or not; if it satisfies the criteria for statehood under international law yet lacks recognition, it is not a proper state. However, international practice shows that governments do not extend their recognition to the aspiring new states based on the satisfaction of the statehood criteria.

As opposed to International Lawyers, International Relations scholars had not paid much attention to recognition till the emergence of constructivism. Wendt, one of the founding fathers of constructivism in International Relations, brought the importance of recognition to the table by denaturalizing statehood and the centrality of the state in IR.[19] Importantly, he suggests that modern

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[18] See: James R. Crawford, *The Creation of States in International Law* (OUP Oxford, 2006).;
H. Lauterpacht, "Recognition of States in International Law," *The Yale Law Journal* 53, no. 3 (1944): 385–458, doi:10.2307/792830.
[19] Alexander Wendt, "Anarchy Is What States Make of It: The Social Construction of Power Politics," *International Organization* 46, no. 2 (1992): 391–425.

state is a result of the different intersubjective understandings of the social world and the idea of statehood. These understandings constitute both the sovereign state and a community of sovereign states and come into existence through the social interactions of international actors, primarily sovereign states. In other words, statehood as we know it is a corollary of the contestation over its meaning within states and among them. Therefore, for a state to become a state it needs to be recognized by the relevant community yet it should also recognize the community as appropriate. Moreover, the establishment of the community is only possible through the recognition of itself as a part of the community, as well as others as belonging to the community. "The essence of this community is a mutual recognition of one another's right to exercise exclusive political authority within territorial limits."[20]

Importantly, recognition endows a state with rights and obligations, but also deprives non-state actors – those who are not recognized as sovereigns within their borders – of these rights and duties. As a result, a recognized state, for example, is legitimate in collecting taxes from the population and protecting its national markets. However, Wendt's understanding of recognition is broad, which is both an advantage and disadvantage. On the one hand, it is through mundane, domestic, internationally agreed upon, yet tacit practices, that a state is constituted. Once a state stops acting in accordance with the intersubjective understanding of sovereignty, it loses its statehood. On the other hand, the understanding of international interactions as constitutive of sovereignty is missing from Wendt's analysis. Sovereignty is understood as the recognition of the right to exercise power within the state but not when interacting with other states. Wendt writes little on whether sovereignty bestows a state with legitimacy to interact with other states. Arguably, for this reason, such scholars as Coggins could later invoke the importance of recognition for the

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[20] Ibid.: 412

construction of the social world of states while still interpreting recognition as the formal acknowledgment of independent existence.[21]

In her work, Coggins identifies conditions conducive to the acceptance of entities into the family of states. Aspiring breakaway territories become states if Great Powers recognize them based on their strategic self-interests and, importantly, coordinate their policies of recognition. For one, Honneth would find this claim problematic as he believes that "states always define their interests within a horizon of normative expectations that they presume their citizens to have in the form of diffuse desires for the recognition of their own collective identity and that of another collective."[22] Defining recognition, Coggins contends that "explicit formal recognition, then, rather than implicit recognition presents the most incontrovertible evidence of international acceptance."[23] Such recognition is granted through formal documentation to a government of a new state. Consequently, the absence of the formal act of recognition constitutes non-recognition and, then, the entity is excluded from international politics. Therefore, legal recognition equals external legitimacy, and without official relations with other states a separatist government is considered illegitimate. Accordingly, Fabry also suggests that "however deficient the new states might have been in meeting the pre-decolonization effectiveness criteria, once recognized, they became legitimate actors on the world stage entitled to the same protection as other sovereign states."[24] Such an understanding of legitimacy and recognition essentially makes legally unrecognized political entities illegitimate black holes on the world map, regardless of their internal composition and interactions with the outer world. Yet states have ways to engage with legally unrecognized political entities through diplomatic

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[21] Bridget Coggins, *Power Politics and State Formation in the Twentieth Century: The Dynamics of Recognition* (Cambridge University Press, 2014).

[22] Alex Honneth. "Recognition between States: On the Moral Substrate of International Relations." in *The International Politics of Recognition,* ed. by Lindemann, Thomas, and Erik Ringmar, 31. Boulder: Paradigm Publishers, 2012.

[23] Coggins, *Power Politics and State Formation in the Twentieth Century*.

[24] Mikulas Fabry, *Recognizing States: International Society and the Establishment of New States Since 1776* (OUP Oxford, 2010):187

means even without legal recognition[25] and, therefore, it is hardly true that these entities are seen as illegitimate actors to interact with in practice.

2.3. Socio-psychological Recognition

Developing the concept of recognition from the anthropological point of view, Honneth proposes that "we are to understand 'recognition' as a behavioral reaction in which we respond rationally to evaluative qualities that we have learned to perceive, to the extent to which we are integrated into the second nature of our lifeworld".[26] Honneth goes on to suggest that "the standards for critical judgment are to be derived from the normative convictions that are already shared by the addressees"[27]. However, the contention that recognition is a rational response is problematic for the epistemology of consistent constructivism. Any action results from the mix of intersubjective meanings shared by social actors and they cannot be fully aware of the normative convictions that shape their behavior. Therefore, even though Honneth adds to our understanding of recognition as a contextual yet universal phenomenon, the concept cannot be applied in causal terms and rather helps to show that its use and interpretation differs based on actors and their constellation.

2.4. Epistemic Recognition, Self-Recognition, and Mutual Recognition

Analytically distinguishing different senses of recognition, Bartelson identifies epistemic recognition and acknowledgment[28]. The former refers to the cognitive ability to establish something as it is and not as something else. In order to perform this activity, one needs to be able to include objects in different categories based on some established criteria. Legitimate epistemic recognition is present if the cognitive ability to establish the uniqueness of the object is reasonable, minimally

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[25] See: James Ker-Lindsay, "Engagement without Recognition: The Limits of Diplomatic Interaction with Contested States," *International Affairs* 91, no. 2 (March 1, 2015): 267–85, doi:10.1111/1468-2346.12234.
[26] Axel Honneth, "Grounding Recognition: A Rejoinder to Critical Questions," *Inquiry* 45, no. 4 (December 1, 2002): 513.
[27] Ibid.: 514.
[28] Jens Bartelson, "Three Concepts of Recognition," *International Theory* 5, no. 1 (March 2013): 108.

disturbs ongoing practices or entails necessary sacrifices of other values, or is expected to bring benefit to the community. In the current research, it is both the legally unrecognized political entity and the others that perform this cognitive ability, and then all of them assess the legitimacy of this process. In this sense, legitimacy can be defined by the procedural element of the establishment of recognition as well as by the positive result that it brings to the community all of these actors belong to. Yet the case of Transnistria will reveal if Tiraspol and its international partners in different contexts aim to establish if Transnistria is, indeed, Transnistria and not Moldova or the puppet of the Kremlin.

Another understanding of recognition – acknowledgment – includes the two forms which are self-recognition and mutual recognition. Self-recognition presupposes the ability to act autonomously and the willingness to take responsible for the acts.[29] Therefore, the focus of this understanding of recognition is on the capacity of the actor to perform actions and accept its consequences. Consequently, self-recognition is legitimate if autonomous acts and the taking of responsibility by the political actors within a legally unrecognized political entity is considered reasonable by both the political elites of Transnistria and international partners, minimally disturbs ongoing practices or leads to necessary scarifies of the values and benefits to the community. The absence of vocal protests against the autonomous action and the responsibility for it can manifest its reasonableness, according to all parties involved. The same logic applies to the criterion of minimal disturbance of practices and sacrifice of values as a substantial threat to the ongoing activities and beliefs can be expected to be followed by strong opposition to such self-recognition. However, to identify if Transnistria's self-recognition is legitimate, initially, it is vital to establish whether Transnistria has the ability to act autonomously at all and if it is ready to take responsibility for its actions.

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[29] Paul Ricoeur. *The Course of Recognition.* Cambridge, (MA: Harvard University Press 2007): 146-147.

Mutual recognition can be detected if parties experience a sense of respect towards them. Drawing on psychology and philosophy, Wolf proposes a general definition of respect which is "an attitude we expect others to show by the way they treat us"[30]. As long as we are not able to read others' minds to grasp their attitude, the attitude results in actual behavior others show towards us. Once more, for mutual recognition which is based on respect to be legitimate it should be deemed reasonable for Transnistria and its relevant partners, to minimally disturb practices and values that do not entail mutual recognition of each other and respect, and be beneficial in regards to the situation in the region, mostly involving Moldova, Russia, the EU Member States, and Ukraine.

However useful these conceptualizations of recognition are, there are some limitations to the application of the abovementioned literature to my research. Being aware of the fact that states do not possess cognitive abilities as persons do, I propose to assume that this ability manifests itself in the actions that can represent this ability in order to overcome the limitation of the transfer of psychological and philosophical findings to IR. Additionally, since an actor would rarely express the feeling of being respected, it is possible to identify respect through the lack of the expression of disrespect. "The psychological concepts we use when we speak of 'strivings,' 'needs,' and 'feelings' are thus inappropriate for describing international relations. State actors do not have mental attitudes but are authorities charged with carrying out politically determined tasks".[31] However, it is important to note that "if they [states] are unitary actors at all, they are "at best" collective actors consisting of an ensemble of political groups and officials".[32] Additionally, states are less interdependent in their interactions on the international arena than humans in their quotidian activities. While political entities, contrary to humans, do not feel, they can expect the

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[30] Reinhard Wolf, "Respect and Disrespect in International Politics: The Significance of Status Recognition," *International Theory* 3, no. 1 (March 2011):112.

[31] Axel Honneth. "Recognition between States: On the Moral Substrate of International Relations." In *The International Politics of Recognition,* edited by Lindemann, Thomas, and Erik Ringmar, 28. Boulder: Paradigm Publishers, 2012.

[32] Reinhard Wolf. "Prickly States? Recognition and Disrespect between Persons and Peoples." In *The International Politics of Recognition,* edited by Lindemann, Thomas, and Erik Ringmar, 41. Boulder: Paradigm Publishers, 2012.

acknowledgment of their status by the Other. This status, however, does not exist prior to social interaction. Even though the intersubjective nature of the status does not allow determining if mutual recognition or self-recognition plays the core role in shaping the actors identity, the latter is important for recognition.

2.5. Thin and Thick Recognition

One more conceptualization of recognition allows drawing the line between thin and thick of recognition, both of the concepts being subtypes of mutual recognition. The focus of these two concepts is on identity. Thus, if Transnistria is recognized in a thin and/or thick way, the application of legitimacy so as to redefine thin and thick recognition would follow with the corollary about the legitimacy of Transnistria's identity. Once again, the contextual understanding of legitimacy in its relation to thin and thick recognition expands the latter two concepts in order to see what such recognitions, if present, mean for the relevant actors. "Thin recognition is fundamentally about identity *with* other actors, that is, about being recognized as a full member of a community. Thick recognition, by contrast, acknowledges difference or uniqueness, or a *particular* identity."[33] However, the conceptualization of thin and thick recognition in the literature is problematic since it is a state-centric concept. In order to widen the range of the contexts the concept can be applied to, it is necessary to make a claim that both forms of recognition are manifested through interactions of the actor with other actors.

2.5.1 Thin Recognition

As for thin recognition, the conventional view is that "when recognized in this way, one attains the juridical status of an independent, sovereign entity, and thus one is the legitimate locus of

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[33] Karl Gustafsson. "Recognising Recognition through Thick and Thin: Insights from Sino-Japanese Relations." *Cooperation and Conflict*, November 2, 2015: 2.

needs, rights, and agency"[34]. Yet in order to be recognized as a respected partner whose subjectivity is acknowledged in interactions rather than a legally independent entity, there should be mutual points of reference that all actors involved can relate to. The community is defined contextually and does not need to encompass all actors in the international system. It is rather the community that is united by common identity that all of the actors have. As identity is constituted through practices that all actors are involved in, a political entity can be said to have its identity recognized as a part of the community if it is involved in these practices. "With thin recognition, parties, states, peoples or other such collectives recognize each other as agents, as autonomous "entities" that have a particular identity, a history, a culture, and usually their own common language".[35] Thin recognition implies the importance of the Other for the interactions of the actor with the outer world, even though the partners do not need to be familiar with the identity of each other, they only need to acknowledge each other's statuses as distinct ones. Yet for the inquiry into the presence of thin recognition between political entities on the international level to be made, it is vital to make an assumption that at least the Other is a homogeneous unit. Even though an actor's foreign policy is a result of intersubjective contestation on the domestic and international political arena's, there are certain institutions that manifest the product of the contestation in relations with other entities, such as a foreign ministry.

Even though Transnistria is not legally recognized as an independent state, it still can be recognized in a thin way, as a member of its community, the region it belongs to primarily because of its geography. In order to spot if such membership is a legitimate one, the reasonableness of the inclusion of Transnistria into this community, minimal disturbance of ongoing practice and sacrifes of other values within this community and expected benefit from the participation of Transnistria in

[34] Lisa Strömbom, "Thick Recognition: Advancing Theory on Identity Change in Intractable Conflicts," *European Journal of International Relations* 20, no. 1 (March 1, 2014): 171.

[35] Pierre Allan and Alexis Keller. "Is a Just Peace Possible without Thin and Thick Recognition?"In *The International Politics of Recognition,* edited by Lindemann, Thomas, and Erik Ringmar, 76. Boulder: Paradigm Publishers, 2012.

the community should be analyzed. Thin recognition usually entails full recognition of the identity of the actor, including its claims to independent statehood. However, if the analysis is based on the practices between actors and their interpretations rather than on one instance of diplomatic acknowledgment, it allows defining thin recognition as membership in the community based on the interactions of autonomous actors within the community.

2.5.2. Thick Recognition

Thick recognition appears to be less problematic in the light of existing legally unrecognized political entities, as rather than referring to the judicial status of the entity it is related "to profound identity features and underlines particularistic features of identity."[36] Therefore, to recognize in a thick way is to recognize differences. In other words, with thick recognition, both Transnistria and its partners acknowledge key elements of each other's identity. Even though they might still belong to the same community and identify each other as members of this community through thin recognition, in this case, recognition is understood as an actor-centric rather than community-centric concept. Undoubtedly, membership in the community is also one of the particular features of any actor, including political collectives, but thick recognition concerns features that are distinct to this very actor. Going even further, it is safe to assume that these features are unique to that actor and no any other in this community. "Requiring thick recognition means that each party needs to understand the Other in terms of the essential elements composing its identity. This condition is central because it allows each party to identify essential and inevitable red "red lines" that cannot be crossed without challenging the very existence of the other party."[37] Such recognition is also referred to as moral recognition, which helps to depict equal moral worth between actors. "Moral recognition takes us beyond the mere recognition of rights, and into the thick recognition of social

[36] Ibid. 171.
[37] Allan, Pierre and Keller, Alexis. Op, cit.: 77.

and cultural identities"[38]. Yet recognition of social and cultural identities is also recognition of rights, not the legal ones but of rights to societal and cultural autonomy. Nevertheless, the concept is still usually applied in order to recognize differences in identity between legally recognized states.

However, once interpreted contextually, thick recognition can also allow recognizing the difference in identity/identities between legally unrecognized political entities and other actors. Recognition which as ability belongs to the actor and nobody else can be applied very arbitrarily and, therefore, the application of legitimacy to thick recognition helps to understand if an entity was recognized as bearing moral value. Thus, Transnistria's thick recognition is legitimate if the acknowledgment of the key elements of its identity is reasonable, it minimally disturbs other practices and, more importantly, leads to the minimum of the necessary sacrifices of other values which are essential for other actors and is beneficial to the identity of the community.

2.6. Recognition of the Recognizer

The question of who recognizes the actor is also important for the development and applicability of the concept of recognition. "Recognition is an intersubjective concept that shows how the *struggle for subjectivity* cannot be understood by looking at one subject alone: who we are depends on others"[39]. Those others are defined contextually as there is no overarching authority that has the power to recognize actors on behalf of the international community. In this case, recognizers should have two features. The case of Transnistria informed the choice of the OSCE Mission to Moldova and EUBAM as recognizers. In both cases, the practice of interaction can shed some light on who is legitimate to endow a state with recognition. Not only the international system makes the most powerful actors legitimate by reproducing the power asymmetries and hierarchies, but also the recognized actor itself needs to recognize other actors as those who are in a position to recognize it

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[38] Bartelson, "Three Concepts of Recognition.": 118.
[39] Oliver Kessler and Benjamin Herborth, "Recognition and the Constitution of Social Order," *International Theory* 5, no. 1 (March 2013): 158.

and are relevant for the context in which the actor exists. Therefore, recognized sovereign states and international organizations appear to be the most legitimate actors to provide recognition, while non-state actors such as legally non-recognized states lack the power and, consequently, the legitimacy to recognize others. Even though the latter still possesses an agency, the value of their recognition is arguably lower in the world which is dominated by legally recognized sovereign states.

Additionally, despite the fact that the system's composition compels actors to accept legally recognized states and international organizations which were created by these states as the most legitimate actors, the political entity still can decide which one out of the many actors is a significant other. As those political entities which strive to be formally recognized are territorially bound, neighboring states, regional powers, and regional organizations will play the most important role in the process of mutual recognition. These actors possess more expertise about the political entity than those who come from the outside of the region, have a history of interaction with a spatially confined actor, even if its form has changed over time, and can even have material interests on the territory of the entity.

3. The OSCE Mission to Moldova:

What's in Transnistria's Name?

This chapter aims to demonstrate how the OSCE Mission to Moldova produced and attached different meanings to Transnistria based on the annual reports of this organization in the period from 1993[40] until 2015. These contexts were divided on the basis of reference to "The Transdniester Region of Moldova" or "Transdniestrian Leadership and Authorities," even though the exact wording of these two designations differed throughout the reports. It is the attachment of Transnistria to Moldova or its autonomy understood in terms of the existence of leaders and authorities that were the foundation of analytical distinguishing and subsequent categorization of the meanings that the Mission produced. The OSCE Mission to Moldova was established in 1993 in the aftermath of the civil war in Moldova.

3.1. The Transdniester Region of Moldova

In this first category, the Mission did not recognize Transnistria's claims to statehood as it was referring to the legally unrecognized political entity only as a region within the sovereign state of Moldova. Such designation of Transnistria was most common from 1993 until 2000, in 2003, as well as from 2005 until 2008. At first, the Transdniester Region of Moldova was a name of a conflict area in Moldova as hopes to settle the conflict and reunify Moldova were still high. It was the politically correct way to call Transnistria as the Mission cannot and does not recognize this political entity diplomatically. While the names for Transnistria could vary, all of them were indicative of its belonging to Moldova. In general, it is a rather neutral name for the entity which was often used in relation to political negotiations between the two sides in a vague manner. For example, according to one of the OSCE annual reports, "in spring 1995, the Mission opened a permanent office in

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[40] Before 1995, the OSCE was the CSCE (Conference on Security and Co-operation in Europe)

Tiraspol in support of its activities in the Trans-Dniester area."[41] The nature of the activities was not specified but, what is important is that the Mission could only operate legitimately in what it would designate as the region of Moldova. Especially in 1996 and 1997, when the Mission reported progress in negotiations between the two sides, it underlined that Transnistria was still a region belonging to the Moldovan state.

To emphasize Moldova's territorial integrity and sovereignty in the light of the Russian support for Transnistria, in 1996, the Mission highlighted that "military units from the Russian Federation's Operational Group [were stationed] in the eastern part of Moldova."[42] Moreover, in 2000, the OSCE through its Mission also promised to defray expenses that Russia would incur in the case of the withdrawal of its "arms, ammunition, equipment and troops from the Transdniestrian region of the Republic of Moldova"[43] and did so in 2003, even though Tiraspol blocked the withdrawal of ammunition, resisting the agreements between the OSCE and Russia. This episode demonstrates that, despite claims that "Russia can make or break the Smirnov[44] regime in Tiraspol,"[45] there were instances of Transnistrian confrontation to the decisions which were brokered for it by the Kremlin without taking into consideration Tiraspol's views on the state of affairs. Yet the fact that Russia and the OSCE signed an agreement on the withdrawal of Russian ammunition from Transnistria should be approached with caution as that could be Moscow's maneuver to convince the international community that it does not support the existence of Transnistria. With this in mind, it is impossible to determine the real intentions behind this action

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[41] "OSCE Annual Report 1995 | OSCE," accessed May 26, 2016, http://www.osce.org/secretariat/14563.
[42] "OSCE Annual Report 1996 | OSCE," accessed May 28, 2016, http://www.osce.org/secretariat/14557.
[43] "OSCE Annual Report 2001 | OSCE," accessed May 28, 2016, http://www.osce.org/secretariat/14514.

[44] Igor Smirnov was the President or "President" of Transnistria from 1991 till 2010. The absence of quotation marks indicates the acknowledgement of the independent statehood of Transnistria while its presence highlights the lack of sovereignty on the part of the left bank of the Dniester and, therefore, inability to have a president. It is up to the reader to decide which title to subscribe to Mr. Smirnov as such choice is political in its nature.
[45] John Löwenhardt, "The OSCE, Moldova and Russian diplomacy in 2003," *Journal of Communist Studies and Transition Politics* 20.4 (2004): 105.

without acquiring accounts of private conversations between authorities in Tiraspol and Moscow, or getting into their heads.

Two more accounts suggest that the designation of Transnistria as a region of Moldova reflects that it was perceived as the politically correct way to name the entity. First, the OSCE representatives visited exactly this region of Moldova to underline the discursive and normative belonging attachment of Transnistria to Moldova. For instance, in 2000, "the OSCE Chairperson-in-Office visited Moldova in July and travelled to Moldova's Trans-Dniestrian region for meetings in Tiraspol."[46] Second, the extensively used wording which suggests that Transnistria is a part of Moldova in the 2005 OSCE report can be associated with Victor Yushchenko's[47] plan named "Toward a Settlement through Democratization." The plan imagined "democratization of the Transdniestrian region through internationally conducted elections to the regional legislative body, along with the steps to promote demilitarization, transparency and increased confidence."[48] In no way could election be mentioned without underlining that they would take place on the territory which belongs to Moldova and is, therefore, not independent. To reassert the fact that the region is not independent, the Parliament of Transnistria was mentioned as a "regional legislative body" and not like, for instance, the Supreme Council, as it is referred to in the region itself.

The mandate of the Mission is aimed at the "consolidation of the independence and sovereignty of the Republic of Moldova within its current borders and reinforcement of the territorial integrity of the State."[49] Due to the membership of Moldova in the OSCE and thus power asymmetries between the two banks of the Dniester, the legitimacy of the Mission's non-recognition of Transnistria stems from the mandate that was agreed upon by legally recognized states. However,

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[46] "OSCE Annual Report 2000 | OSCE," accessed May 28, 2016, http://www.osce.org/secretariat/14527.
[47] Victor Yushchenko was the President of Ukraine from 2005 till 2010.
[48] "OSCE Annual Report 2005 | OSCE," accessed May 28, 2016, http://www.osce.org/secretariat/18847.
[49] "Mandate of the Mission to Moldova | OSCE," accessed May 28, 2016, http://www.osce.org/moldova/41137.

in accordance with the definition of legitimacy which was adopted for this thesis, it is also possible to claim that recognition would be considered illegitimate as it could pose a threat to the region. The logic behind this is that, especially in the 1990s, the reunification of the two banks was considered to be beneficial for all parties involved. It would have not only eased the security concerns of the Moldovan neighbors who were afraid of another civil war, but would have also contributed to democratization and the respect of human rights in the region.

However, it would be false to state that the Mission did not recognize Transnistria at all. On many occasions, the Mission stressed the importance for the Special Status for Transnistria within Moldova which, in fact, would entail the decentralization of the country. "The most important reason for this [special status] is a distinct Transdniestrian feeling of identity and an apparent aversion of most Transdniestrians against being governed directly from the centre."[50] In this way, it is possible to conclude that, while it did not legally recognize the Transdniester Region of Moldova as a sovereign state, the Mission instead recognized it in a thick way. In other words, the acknowledgment of differences between the people on the two banks of the Dniester amounts to thick recognition illustrating that a distinct Transnistrian identity was also discursively produced and reproduced by the Mission.

Yet, the theme of the Special Status was only present in the beginning of the 1990s and reappeared in 2012 as Yevgeniy Shevchuk – who "would like to cooperate with all interested international actors and keep pragmatic, constructive, transparent, and mutually beneficial relations with them"[51] – replaced Igor Smirnov. Therefore, the Mission endowed itself with self-recognition suggesting who had the legitimacy to be a beneficiary of its proposal for the Special Status and portraying itself as an actor which has an ability to perform action. Additionally, the legitimacy of

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[50] "Report 13 | OSCE," accessed May 28, 2016, http://www.osce.org/moldova/42307.
[51] Marcin Kosienkowski, *Continuity and Change in Transnistria's Foreign Policy After the 2011 Presidential Elections* (Lublin: The Catholic University of Lublin Publishing House, 2012): 53.

such move can be understood both in terms of the necessary sacrifice of the centralized Moldovan state and the benefit to the people of Transnistria. On the one hand, the profound differences in the identity based on linguistic, geographic and historical dissimilarities between the people of the two banks[52] was the reasoning behind the Mission's decision to press for decentralization. On the other hand, to avert the resumption of the military conflict which, in fact, would have been harmful for the people outside of Transnistria, the Mission suggested implementing the Special Status for Transnistria within the Moldovan state.

3.2. Transdniestrian Leadership and Authorities

In this second category, the Mission engaged in producing knowledge regarding Transnistrian authority in some fields of social life and acknowledged the existence of a Transnistrian leader, mostly in reference to Igor Smirnov. In 1993, Mission's activity was depicted by the Mission itself as limited to establishing contacts with the Tiraspol authorities, but its scope grew over time. From 1994 until 1999, the discussion over Transnistrian authority was largely related to peace negotiations. Throughout this period, the Mission portrayed the Transnistrian authorities as almost exclusively confined to one single person – Igor Smirnov.

As long as the peace negotiations were considered to be progressive, in the eyes of the OSCE Smirnov was only signing agreements and attending meetings with Moldovan Presidents, firstly, with Mircea Snegur and, later, with Petru Lucinschi. In 1999, Transnistrian political scene was discursively extended by the Mission with the addition of the "parliamentarians from both sides [who] subsequently discussed the Trans-Dniestrian issue at a multilateral conference in Odessa, and attended the July meeting of the OSCE Parliamentary Assembly in St. Petersburg."[53] Even though, as Protsyk suggests, Transnistrian political regime is non-democratic, "the functioning of parliament

[52] "Report 13 | OSCE."
[53] "OSCE Annual Report 1999 | OSCE," accessed May 28, 2016, http://www.osce.org/secretariat/14539.

and relevant elections are meaningful political processes, both of which contain some elements of contestation and institutional rivalry."[54] In the case of the parliamentarians, a rather positive image of Transnistria was constructed as it was implied that the meetings contributed to a dialogue between the two sides. Yet in spite of the nondemocratic nature of the Smirnov regime, the Mission abstained from the portrayal of the Transnistrian leader in a negative light. Moreover, even with the change in leadership in Transnistria, after many years without final settlement of the conflict, in 2012, the Mission stated that the arrival of Shevchuk to the political scene in Transnistria "helped revive the 5+2 format and brought new dynamics to conflict settlement negotiations."[55]

However, in the same year, "the Mission closely surveyed issues of the freedom of the press, in particular the continuing suppression by Trans-Dniestrian authorities of the independent newspaper *Novaya Gazeta*."[56] The issue of media freedom remained associated with Transnistrian authorities until 2004 when the problem with the closure of schools which taught the Moldovan language in the Latin instead of Cyrillc script took over the narrative of human rights in Transnistria. The question of the members of "the Ilascu group – Moldovan nationals convicted by Transdniestrian authorities of alleged crimes during the 1992 conflicts"[57] was also brought up by the Mission in its reports. The imprisonment of the four Moldovan citizens who were accused of terrorism by Tiraspol made headlines when the European Court of Human Rights (ECHR) decided that the infringement of human rights took place during the trial and that, since Transnistria is not a recognized state under international law, the Transnistrian court could not exercise its jurisdiction

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[54] Oleh Protsyk, "Representation and Democracy in Eurasia's Unrecognized States: The Case of Transnistria," *Post-Soviet Affairs* 25, no. 3 (July 1, 2009): 260.

[55] "OSCE Annual Report 2012 | OSCE," accessed May 28, 2016, http://www.osce.org/secretariat/100193.

[56] "OSCE Annual Report 1999 | OSCE."

[57] "OSCE Annual Report 2003 | OSCE," accessed May 28, 2016, http://www.osce.org/secretariat/13580.

over the applicants to the ECHR.[58] It is important that the Mission attached the authority of Transnistria to what it perceived as negative developments. Yet it is also imperative to outline that through the production of such negative image of Transnistria, the Mission acknowledged the power of Tiraspol over the media and the law enforcement, even in the absence of endowing this power with legitimacy. These are just two examples of how, in the build-up to the crisis over Moldovan schools teaching in the Latin scripts in 2004, the Mission has started producing the narrative of the negative image of Transnistrian authorities.

The issue regarding the script of the Moldovan language in Transnistrian schools has been present throughout many years in which this territory on the left bank of the Dniester was considered as de facto independent. In 2004, for the OSCE, "the most disruptive development, however, was the Transdniestrian decision in mid-July to close the Moldovan schools in Transdniestrian territory teaching in Latin script."[59] According to the OSCE, this decision was met with the refusal of the Moldovan negotiators to continue peace talks. Interestingly, the OSCE concluded "Tiraspol's action enraged authorities and public opinion on the right bank of the Nistru River."[60] In order to prevent this crisis, the Mission "maintained an almost round-the-clock presence at key locations on the left bank, and through constant contact urged restraint and conciliation."[61]

The roots of the crisis go as far back as the times of the demise of the Soviet Union when, on August 31, 1989, the Moldavian Soviet Socialist Republic established unity of the Moldovan and Romanian languages and declared that the Latin script will be the basis for the alphabet of the Moldovan language which, during the Soviet era, was written in Cyrillic. As a result, "the

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[58] "ILAŞCU AND OTHERS v. MOLDOVA AND RUSSIA," accessed May 29, 2016, http://hudoc.echr.coe.int/eng?i=001-61886&utm_source=www.russianpulse.ru&utm_medium=link&utm_compaign=article#{"itemid":["001-61886"]}.
[59] "OSCE Annual Report 2004 | OSCE," accessed May 28, 2016, http://www.osce.org/secretariat/14430.
[60] Ibid.
[61] Ibid.

Transnistrians refused to acknowledge the 1989 language law, and in early May 1990, the city governments of Tiraspol, Bender and Raibnita refused to accept any of the measures passed by the Moldovan parliament."[62] Subsequently Transnistria adopted its own legislation which institutionalized the Cyrillic script of the Moldovan language on the territory controlled by Tiraspol. According to the Constitution of the Transnistrian Moldovan Republic, Moldovan, Russian, and Ukrainian are all official languages of the entity.[63] However, in accordance with the "Law on Languages in the Transnistrian Moldovan Republic", the Moldovan language should be written in its "genuine Cyrillic alphabet".[64] The breach of the law may result in an offence leading to a fine of up to fifty minimal salaries, according to the Code of Administrative Offences of the Transnistrian Moldovan Republic.[65]

The application of the law found its way when six schools were closed in Transnistria. However, the Mission hosted negotiations which "resulted in an agreement between Moldovan and Transdnietrian educational authorities,"[66] and the schools opened the next academic year. However, past on the events of 2004, the Mission continued paying close attention to the operation of the Moldovan language schools in Latin till 2008.

The Mission has never explicitly stated that it recognizes Transnistria as an independent state and its officials as state representatives. Yet it still engaged in the process of recognition. The Mission discursively recognized Igor Smirnov's leadership as long as he was involved in 5+2 peace

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[62] Steven D. Roper, "The Politicization of Education: Identity Formation in Moldova and Transnistria," *Communist and Post-Communist Studies* 38, no. 4 (December 2005): 502.

[63] "CONSTITUTION OF THE PRIDNESTROVSKAIA MOLDAVSKAIA RESPUBLICA," *Ministry of Foreign Affairs*, January 1, 2010, http://mid.gospmr.org/en/bht.

[64] "Закон ПМР - О ЯЗЫКАХ В ПРИДНЕСТРОВСКОЙ МОЛДАВСКОЙ РЕСПУБЛИКЕ," accessed May 28, 2016, http://zakon-pmr.com/DetailDoc.aspx?document=36286.

[65] "Кодекс Приднестровской Молдавской Республики Об Административных Правонарушениях — Законодательные Акты В Сфере Уголовного, Таможенного, Административного Права — Верховный Совет ПМР," accessed May 28, 2016, http://www.vspmr.org/legislation/laws/zakonodateljnie-akti-v-sfere-ugolovnogo-tamojennogo-administrativnogo-prava/kodeks-pridnestrovskoy-moldavskoy-respubliki-ob-administrativnih-pravonarusheniyah.html.

[66] "OSCE Annual Report 2005 | OSCE," accessed May 28, 2016, http://www.osce.org/secretariat/18847.

negotiations with the representatives of other sides and, consequently, respected his implicit claim to self-recognition. Since Smirnov participated in the elections to become the leader of Transnistria, he definitely expected to be treated as having authority over the territory on the left bank of the Dniester. In the context of peace negotiations, the Mission recognized his capacity to act autonomously. Additionally, he was recognized as a member of the community of the state leaders who took part in the negotiations. The legitimacy of such recognition was based on the cooperation between Smirnov and other parties in the peace talks. As long as the Mission would highlight that the head of Moldova was its President, but the head of Transnistria was its leader, the legitimization of Smirnov's leadership could be reasonable enough. Moreover, this legitimization was even necessary as, in order to settle the conflict, it was essential to cooperate with competent authorities on the left side of the Dniester and they needed to be designated accordingly.

Interestingly, the Mission assigned different meaning to Transnistrian authorities associating them with the pressure on independent media, the infringement of human rights in Transnistrian prisons, as well as forceful school closures. Contrary to the theme of Transnistrian leadership, the topic of Transnistrian authority was not related to the peace negations and, instead was attached to the negative developments within Transnistria. Transnistrian authorities were delegitimized by the Mission, with its main aim to de facto restore Moldovan sovereignty over Transnistria, as it was not perceived beneficial by the Mission to recognize the Transnistrian authorities. Thus, engaging in the production of the meaning of Transnistrian leadership and authorities differently, the Mission also manifested its ability to epistemic recognition.

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4. EUBAM: What's in Transnistria's Name?

The goal of this chapter is to show how EUBAM constructed the image of Transnistria on the basis of the annual reports from 2006 until 2015. In order to categorize the findings for the analysis, they were distinguished as referring to "Transnistrian Region of the Republic of Moldova" or to "Transnistrian Authorities and Officials." Similar to the microcase of the OSCE Mission to Moldova, these were not always the exact words that the Mission used in its report yet I was looking for the instances when Transnistria was narrated as a part of Moldova or as possessing authorities and officials of its own. It is also important to note that EUBAM was established in 2005 prior to the the EU enlargment to the borders of Moldova via Romania in 2007.[67]

3.1. Transnistrian Region of the Republic of Moldova

From the establishment of EUBAM until 2010, the "Transnistrian Region of the Republic of Moldova" (TRoRM) had been one of the most common references that EUBAM used in its reports. Yet meanings that the Mission attached to the TRoRM differed depending on the time period in which they were issued. In 2005-2006, the TRoRM was a part of a "customs regime on the Moldova-Ukraine border; a regime which has enhanced transparency about the flow of imports and exports."[68] In this period, the TRoRM was not recognized because it was constructed as one of the regions on the border between Moldova and Ukraine.

In 2007, however, two trends emerged. The TRoRM has appeared to have companies which even "were able to make use of greater opportunities for legitimate business."[69] The legitimate business, in this case, was the one which was registered with the Moldovan authorities. The

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[67] Xymena Kurowska and Benjamin Tallis, "EU Border Assistance Mission: Beyond Border Monitoring?," *European Foreign Affairs Review* 14, no. 1 (March 1, 2009): 48-49.

[68] "EUBAM Annual Report 2005/06 – EUBAM," accessed May 16, 2016, http://eubam.org/publications/eubam-annual-report-2005-06/.

[69] "EUBAM Annual Report 2007 – EUBAM," accessed May 16, 2016, http://eubam.org/publications/eubam-annual-report-2007/.

registration of the companies of the TRoRM has become possible due to the Joint Declaration which was signed in 2005 between Moldova and Ukraine on the single customs regime in Moldova. Not only these companies could engage in foreign trade, but they were also a part of the larger scheme that could contribute to the economic wellbeing in the TRoRM. On the one hand, the TRoRM companies were distinguished from the Moldovan ones and recognized in a thin way, as members of a wider customs regime between Moldova and Ukraine. EUBAM legitimized its thin recognition of the TRoRM based on the expected economic and trade benefits that these companies would bring to the community of Moldova, Ukraine, and the TRoRM.

On the other hand, they were not acknowledged as having the ability of self-recognition as they had to be registerired with the Moldovan Customs officials in order to be able to conduct business. This non-recognition is linked to the issue of cigarettes and meat smuggling between Moldova, Ukraine, and the TRoRM as in order to be perceived as capable of self-recognition one also needs to be able to take responsibility for one's actions. "A potential public health threat"[70] due to the smuggling, in turn, was the basis for deligitimization of the TRoRM. The smuggling of cigarettes and meat, in this way, is harmful for the well-being of the people in the TRoRM, Moldova, and Ukraine as well as for local producers. Lastly, the TRoRM was also made sense of by EUBAM as an important component in the resumption of railway traffic between Moldova and Ukraine.[71] As such, the TRoRM was once again endowed with thin recognition, as belonging to the transport community of Moldova and Ukraine, which was legitimized by the benefits that the recommencement of railway traffic from Odesa to Chisinau brings.

Interestingly, a linguistic turn from the TRoRM to Transnistria gained its momentum in 2010, yet before that EUBAM had also referred to Transnistria without explicitly stating that it was a

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[70] "EUBAM Annual Report 2008 – EUBAM," accessed May 26, 2016, http://eubam.org/publications/eubam-annual-report-2008/.
[71] Ibid.

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region of Moldova. "Companies based in the Transnistrian region of the Republic of Moldova"[72] became "TN [Transnistrian] companies"[73] in 2008 for the first time. These were companies that registered with the Customs Service of Moldova, and EUBAM assisted the Customs Service in customs clearance of goods which were exported and imported by Transnistrian companies. What is peculiar about such a reference is not recognition of Transnistria as its companies still had to register with the Moldovan authorities, but the development of epistemic recognition on the part of EUBAM. It distinguished between Moldovan and Transnistrian companies and, more importantly, between Transnistrian enterprises and the businesses of the TRoRM. EUBAM "developed a technical proposal to improve the existing customs regime"[74] which was also supported by the European Commission (EC) and the European Union Special Representative (EUSR) for Moldova. Thus EUBAM has advanced to a new category not least because of the participation of the EC and the EUSR for Moldova which legitimized EUBAM's discursive move.

In 2009, Transnistria was destination point for illegal chicken meat, but EUBAM, "ensuring legitimate meat transit,"[75] was part of the team that contributed to a three-fold drop in the volume of meat transit. Such an action by EUBAM is a case of the non-recognition of Transnistria, despite the change of the name that the former assigned to the latter. In fact, Transnistria was deprived of its right to self-recognition as the Mission quite explicitly implied that Transnistria could not ensure legitimate meat transit on its own. In other words, Transnistria was deemed incapable of acting autonomously as EUBAM engaged in paternalizing practices towards the left bank of the Dniester. Same year EUBAM made a proposal to encourage "'TN' [Transnistrian] economic operators

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[72] "EUBAM Annual Report 2007 – EUBAM," accessed May 26, 2016, http://eubam.org/publications/eubam-annual-report-2007/.
[73] EUBAM Annual Report 2008 – EUBAM," accessed May 26, 2016, http://eubam.org/publications/eubam-annual-report-2008/.
[74] Ibid.
[75] "EUBAM Annual Report 2009 – EUBAM," accessed May 26, 2016, http://eubam.org/publications/eubam-annual-report-2009/.

towards entirely legitimate trade"[76] without defining what constitutes legitimate trade. Yet as the main aim of this proposal was to strengthen control at the Transnistrian boundary, it is safe to assume that EUBAM equates legitimacy with legal crossing of the border with Ukraine. Such crossing could only be possible if Transnistrian based businesses were part of the Moldovan legal framework and, therefore, Transnistria was not perceived to be a creator of legitimate trade space on its own. The basis for the legitimacy of the EUBAM proposal was the customs agreement between Moldova and Ukraine, the Joint Declaration, as it helped the Moldovan authorities to oversee Transnistrian foreign trade activities.

Intriguingly, at this point EUBAM adopted the language used by the EU which, in turn, relied on "the Customs-to-Business partnership introduced by the World Customs Organisation (WCO)."[77] However, as Transnistrian companies are clearly outside of the Union they were reffered to in the reports as "economic operators" in contrast to the "authorized economic operators" label which was generally employed to describe companies originating from the EU Member States. Nevertheless, such a designation of the companies in Transnistria can also be seen as an instance of non-recognition since, in order to create common economic space between Moldova and Transnistria which ultimately was meant to contribute to the consolidation of sovereignty by Chisinau, EUBAM has transferred the term of the common European customs realm to the Moldovan case. Overall, the understanding of foreign trade activities of Transnistria by EUBAM through the economic operators of the former amounted to non-recognition of Transnistria. Throughout the whole period of the EUBAM operation such a comprehension of Transnistrian companies was to the registration of companies with Chisinau in accordance with the framework that was developed by the Moldovan government. Therefore, Tiraspol was not constructed as the

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[76] Ibid.
[77] "Authorised Economic Operator (AEO) - European Commission," accessed May 26, 2016, http://ec.europa.eu/taxation_customs/customs/policy_issues/customs_security/aeo/aeo_en.htm#what_is.

locus of authority over the trade activities that were originating from the place of its de facto control and was subject to the only legitimate customs officials, the Moldovan ones.

3.2. Transnistrian Authorities and Officials

At first, Transnistria was acknowledged to have authorities in relation to the resumption of railway traffic through Transnistria as indicated by the "two meetings with the Moldovan and 'TN' [Transnistrian] railway authorities."[78] Later, however, it spilled over to areas such as customs procedures, in 2009, migratory flows, in 2010, imposition of import duties, in 2012, culminating in EUBAM suggesting that Moldova needed to provide "reasonable space to Tiraspol in the area of economic governance,"[79] in 2014, in the context of the Deep and Comprehensive Free Trade Area (DCFTA) agreement between the EU and Moldova. Regarding the issue of the resumption of railway traffic, the meetings were conducted in the presence of the EC, EUBAM representatives, and EUSR for Moldova. Since a direct train connection between Chisinau and Odesa was expected to have positive consequences for trade and the freedom of movement for people in the region, EUBAM's legitimization of its acknowledgement of Transnistrian authority can be understood in terms of its benefits.

More importantly, the meetings over the resumption of railway traffic also manifest the case for mutual recognition as Transnistrian railway authorities were present at the consultations. As it is hardly possible to extract the sense of respect by the parties from the official reports of a technical mission which does not contain much information regarding the emotions of relevant actors, the social fact of the recommencement of the railway traffic is a better indicator of respect which was mutually shared by all parties involved. "On October 1 2010 the Chisinau-Tiraspol-Odessa

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[78] EUBAM Annual Report 2008 – EUBAM," accessed May 26, 2016, http://eubam.org/publications/eubam-annual-report-2008/.

[79] "EUBAM Annual Report 2014 – EUBAM," accessed May 26 , 2016, http://eubam.org/publications/eubam-annual-report-2014/.

passenger resumed service."[80] Recognized as a vital member of the infrastructural community, not least to its geographical disposition, Tiraspol became a part of the larger transport framework. Such recognition was beneficial not only for Ukraine and Moldova which can derive their legitimacy from the status of legally recognized sovereign states or the EC and EUSR for Moldova which are part and parcel of the hierarchical system of power asymmetries which endow the EU with hegemony in Europe through its economic and normative power, but also for Transnistria.

With the resumption of the passenger train through its territory with a stop in Tiraspol, legally unrecognized political entity gained a way to engage in international practice of transport operations despite not having diplomatic ties with sovereign states. As EUBAM was directly involved in the process of the renewal of the passenger traffic, it has also endowed Transnistria with the right to perform border and police checks upon the entering of the train into Transnistria and gave authority to the Transnistrian customs officials. The underlying logic of the legitimacy of this action on the part of EUBAM was the expected benefit from the resumption of railway traffic for Transnistrian economic operators which would work "without incurring the additional costs of re-routing of their goods."[81] Thus Transnistrian companies were acknowledged as legitimate business partners refuting "Moldova's insistence that Transnistria is a criminal hub."[82]

In order to "encourage mutual dialogue and understanding of customs procedures"[83] EUBAM proposed to hold meetings between the Moldovan customs officials and 'Transnistrian customs officials'[84] in three different cities, including Tiraspol. Even though EUBAM did not see the status of the customs officials that represent Transnistrian authorities as equal to the one of the Moldovan

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[80] "EUBAM Annual Report 2010 – EUBAM," accessed May 26, 2016, http://eubam.org/publications/eubam-annual-report-2010/.
[81] Ibid.
[82] Pal Kolsto and Helge Blakkisrud, "'Separatism is The Mother of Terrorism': Internationalizing the Security Discourse on Unrecognized States," in *Unrecognized States in the International System, ed. by* Nina Caspersen and Gareth R. V. Stansfield, (Routledge: Abingdon-on-Thames, 2011), 127.
[83] "EUBAM Annual Report 2009 – EUBAM."
[84] Ibid.

customs officials, the Mission epistemically recognized the former as different from the latter based on the category of the de facto control over some specific territory. Thus, in this instance, EUBAM showed its ability to recognize the other namely, Transnistrian customs officials, in particular, in a thin way, as possessing power over Transnistria and being a part of a bigger network of experts from Chisinau, Tiraspol and Odessa.

EUBAM also highlighted the cooperation between "relevant structures in Chisinau and Tiraspol"[85] in regards to the management of migratory flows from Ukraine to Moldova. Yet, on this occasion, EUBAM did not recognize Transnistria because the border between the two banks of the Dniester was supposed to have "internal migration control posts"[86] to control the flow of foreigners who enter/exit the territory controlled by the Chisinau authorities, via the 'TN' [Transnistrian] region."[87] The proposal initially came from the Minister of Internal Affairs of Moldova and became an underlying logic for EUBAM's non-recognition of Transnistria. The legitimacy of the parent state, stemming from the norms of territorial integrity and sovereignty, prevailed. However, it is important to note that recognition and non-recognition is a false dichotomy and the truth, which is undeniably unachievable, lies somewhere in the middle. For that reason, EUBAM also suggests that there is territory that is not controlled by the Chisinau authorities and, therefore, it is controlled by some other authorities. EUBAM implicitly recognized Transnistria's control over the territory by distinguishing between Chisinau-controlled and, consequently, Tiraspol-controlled pieces of land.

Indicative of the recognition of Transnistria's capacity to impose import duties, EUBAM reported that Transnistrian actions had an effect on the companies outside of Transnistria. "On 30 August 2012, the Transnistrian administration increased the import duty rate on cigarettes only by

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[85] "EUBAM Annual Report 2010 – EUBAM."
[86] Ibid
[87] Ibid.

1%, from 7% to 8%, so there remained a strong incentive to import cigarettes into Transnistria."[88] In this way, EUBAM acknowledged Transnistria's ability of self-recognition in a way that it could act on its own with a degree of autonomy from Moldova. Yet this recognition was, in fact, illegitimate as, according to EUBAM, low increase of the import duty rate on cigarettes propelled smuggling of tobacco products to Moldova and Ukraine. Presented as "the highest risk"[89] at the Transnistrian border of the Moldova-Ukraine border, the smuggling of cigarettes was surely not expected to be beneficial for the parties concerned and was of a threat to the ongoing practice of border control. For this reason, the acceptance of the Transnistrian authority by EUBAM cannot be explained in terms of the legitimacy of Tiraspol and rather represents the logic of discursive spillovers from one field of EUBAM involvement with Transnistria to another, as well as the thin recognition of Transnistria as an ingrained member of the wider customs and border regime between Moldova and Ukraine.

This community is defined in terms of shared customs regime expanded in 2014 as Moldova and the EU signed the DCFTA and the share of the EU market for Transnistrian companies which were registered with the Moldovan Customs officials increased by 10 %. Following an EUBAM advice, Moldova also cancelled the customs fees and ecological and excise taxes for Transnistrian businesses. As a result, "Transnistrian companies continue[d] to benefit from the same preferential tariff as Moldovan companies for exports to the EU and other markets providing they cooperate with the legitimate authorities."[90] Yet Transnistrian companies still had to register with the Moldovan Customs officials in order to get access to the EU market. Over time, EUBAM recognized Transnistria as an important member of the trade community which initially also included Moldova and Ukraine, but later EU Member States became a part of it as well.

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[88] "EUBAM Annual Report 2012 – EUBAM," accessed May 26, 2016, http://eubam.org/publications/eubam-annual-report-2012/.
[89] Ibid.
[90] "EUBAM Annual Report 2014 – EUBAM."

5. Conclusion

This thesis made an attempt to demonstrate how international actors make sense of legally unrecognized political entities. It investigated whether their discursive practices can amount to recognition, based on the literature from international political sociology, psychology, and philosophy. Without making a claim that the OSCE and EUBAM recognize Transnistria in all aspects of its social life and as a sovereign state, it rather suggests that they have shown the capacity to recognize Transnistria in some respects while officially always sticking to the policy of territorial integrity of Moldova. Instead, this thesis shows that the OSCE and EUBAM both recognized and did not recognized Transnistria based on the diverse meanings and contexts that the missions attached to different names of the region. The analysis of the cases to undercover overlooked discursive practices in relation to Transnistria is considered to be main contribution of the paper, yet the application and reconceptualization of the different understandings of recognition cannot be dismembered from the empirical findings as theory informed the analysis of the empirical material to the same extent as the empirical material informed the development of conceptual considerations.

The analysis has demonstrated how missions of different international organizations have attached different meanings to Transnistria in different periods of time. In their reports between 1993 and 2015, the OSCE Mission to Moldova referred to this region as "The Transdniester Region of Moldova," at the same time acknowledging the existence of "Transdnestrian Leadership and Authorities." The first designation – The Transdniester Region of Moldova – suggests that the OSCE Mission did not recognize Transnistria's statehood claims, as it was referred to as a region within the sovereign state of Moldova, deeming this the only politically correct way to name it. The usage of this term was associated with the ongoing conflict in the region, showing the hopes of the international community to mitigate the conflict and unify Moldova. Throughout this period, even

though various terminology was discursively attached to the case to describe Transnistria in the OSCE's reports, its belonging to Moldova was always explicitly stated as this was the crucial precondition for the Mission to be able to operate legally in the region.

Additionally, the OSCE further emphasized Moldova's territorial sovereignty by highlighting that the presence of Russian troops that were stationed in the eastern part of Moldova. At the same time, the OSCE negotiated an agreement with the Kremlin to withdraw its arms and troops from the Trans-Dniester region which were seen as a direct attack on the sovereignty and integrity of the Moldovan state. Finally, the OSCE has continually reasserted that the main aim of its mission was to consolidate the independence and sovereignty of Moldova within its current borders which included Transnistria. However, despite not giving it legal recognition, the Mission recognized Transnistria in a thick way, through the acknowledged of the special status of the region stemming from its people's feeling of distinct identity as well as of their adversity towards being governed by Chisinau.

In the second designation – The Transnistrian Leadership and Authorities – the OSCE Mission recognized the existence of a Transnistrian leader, most notably in relation to Igor Smirnov. In order to successfully complete the ongoing peace negotiations, the nondemocratic nature of Smirnov's regime was largely ignored by the Mission, as he was allowed to meet the Moldovan presidents and sign agreements on behalf of the region. However, in contrast to the positive portrayal of the leadership throughout the peace negotiation, the OSCE attached often attached negative meaning to other Transnistrian authorities in those areas that were not seen as directly linked to the peacebuilding process. These instances include violation of freedom of the press in relation to the Novaya Gazeta newspapers, as well as the violation of human rights in relation to treatment of the prisoners and forceful closures of all schools in Transnistria which taught the Moldovan language in the Latin script instead of the Cyrillic one.

At the same time, the designation of "Transnistrian Region of the Republic of Moldova" (TRoRM) had been one of the most common references used by EUBAM in its reports, with different meanings attached to it throughout time. In the initial stage of the body's existence, Transnistria was not recognized as it was officially portrayed as Moldovan region along its border with Ukraine. However, with the Joint Agreement signed in 2007 between Moldova and Ukraine, companies of the TRoRM were able to register themselves with the Moldovan authorities and legitimately engage in foreign trade with contributed to the economic development of the region. This allowed for the thin recognition of TRoRM, as the companies from this region were distinguished from those in the rest of Moldova. However, they were not capable of self-recognition and in turn had to be registered with the Moldovan authorities.

Another aspect which allowed for thin recognition of the TRoRM was in the context of resumption of railway traffic between Moldova and Ukraine, where it was regarded as an important component of the recommencement of railway traffic between the two countries. There was a turn in the designation of the region, as it was started to be referred to as simply Transnistria, without explicitly stating that it was a part of Moldova. EUBAM started utilizing the term Transnistrian (TN) companies when referring to the companies from the region which were registered with the Moldovan authorities. Though this distinction between Moldovan and Transnistrian companies, as well as between the Transnistrian enterprises and businesses of the ROoRM, the EUBAM moved to a new category of recognition. Yet, the Mission explicitly stated that the region was deemed incapable of acting autonomously in order to ensure legitimate meat transfers on its own, representing a case on non-recognition of Transnistria by this body. At the same time, EUBAM has encouraged TN economic operators to make crucial steps towards entirely legitimate trade through the strengthening of control at the Transnistrian border, asserting that this could be achieved only if the companies operated under the Moldovan legal framework. Therefore, Tiraspol was not

constructed as the locus of authority over the trade activities that were originating from the place of its de facto control and was subject to the only legitimate customs officials, the Moldovan ones. At the same time, the "Transnistrian Leadership and Authorities" was acknowledged in the context of the resumption of the railway traffic between Ukraine and Moldova, where EUBAM spoke of two meetings between Moldovan and Transnistrian railway authorities.

This authority recognition further extended to areas such as customs procedures in 2009, migratory flows in 2010, imposition of import duties in 2012, culminating in EUBAM's suggestion in 2014 that Moldova needs to allow some space for economic self-governance to Transnistria in the context of the free trade agreement between the EU and Moldova. The resumption of train route through the Transnistrian territory – whose officials were endowed with the authority to perform border and police checks of the trains – enabled this political entity to engage in international practice of transport operations despite not being officially recognized by and not having diplomatic ties with sovereign states. Furthermore, by proposing that meetings between customs authorities should also be held in Tiraspol, EUBAM showed its ability to recognize the Transnistrian customs officials in a thin way, as possessing power over Transnistria and being a part of a bigger network of experts from Chisinau, Tiraspol and Odessa. At the same time, EUBAM implicitly recognized that Transnistrian authorities posses capacity to impose import duties. As a result of EUBAM's involvement, even though TN companies were still required to register with the Moldovan authorities, they benefited from the same preferential tariff as Moldovan companies for exports to the EU, as well as other markets.

Yet these conclusions should be approached with caution as it is with any research that attempts to subscribe findings from psychology to IR. For this reason, I applied the concept directly from the IR corpus rather than tried to use the concept from the filed of psychology directly.

Moreover, reports that I used as my primary data cannot reflect the whole image; however, I found them to be the most consistent source of the narrative of the two missions.

In addition to the summary of the empirical findings, it is also important to propose ways for future research. There are three suggestions can be made for future inquiry based on this thesis. First, Transnistria is not the only case of the involvement of the institutions of intergovernmental organizations with legally unrecognized political entities. In the post-Soviet space, there is also Abkhazia, Nagorno-Karabakh, and South Ossetia. For instance, in Nagorno-Karabakh the Minsk Group of the OSCE aims to find a peaceful solution to the resolution of the protracted conflict. Applying theoretical considerations developed in this thesis, it is of interest to examine whether its actions and discursive practices amount to recognition and whether legitimacy plays role in this process. Second, expanding the scope of international actors that possess an ability to recognize others, it is appealing to study whether other players on the international arena such as non-governmental organizations (NGOs) are in capacity to recognize legally unrecognized political entities. For instance, Freedom House includes Transnistria in its ranking of civil and political liberties. Third, directly related to the current project, one can attempt to look at what knowledge other intergovernmental organizations produce in regards to Transnistria such as the Commonwealth of Independent State (CIS) or the Council of Europe. Yet the method of inquiry in the narratives of these two organizations, and others, should probably be different from the one adopted for the pupose of this thesis. According to my best knowledge acquired in the stage of data collection, primary sources are not always possible to find in their digital form and they can also lack consistency in relation to the full timeframe of research with the latter factor, however, could also be a finding to interpret in itself.

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