



Legal Aspects of the European Union's Approach towards the So-called "De Facto States"

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Abstract

Throughout subsequent enlargements and the launching Eastern Partnership the EU approached Russian 'near abroad'. The shared neighbourhood is spotted with the so-called 'de facto states'; Abkhazia, South Ossetia, Nagorno-Karabakh, Transnistria, Donetsk and Luhansk, which proclaimed independence from their 'mother states': Georgia, Azerbaijan, Moldova and Ukraine respectively. In absence of international recognition, however, de facto states depend on support of 'parent states': Russia and, in case of Nagorno-Karabakh, Armenia. Despite numerous peace-making attempts of international community, none of the conflicts over their self-proclaimed independence has been resolved yet. This, in turn, translates into particular legal situation of those separatist regions: although they are officially treated as integral parts of their mother states, the latter actually do not exercise there their effective control.

Since the EU is tightening bonds with the mother states and Armenia, the question worth asking is how does the EU approach the aforementioned de facto states and what are the outcomes of its actions in terms contribution to dispute settlement?

The legal approach would suggest that the Union has moderate influence on their situation as it does not have competence in the field of recognition, it can only engage officially with mother- or patron states and is still developing its capability as a peace-maker, playing rather a secondary role in peace negotiations. Is it, however, a case?

To address the aforementioned issues the present work will ascertain what are the means at Brussels' disposal to address the issue of de facto states in its eastern neighbourhood and what are the limitations thereof. For this purpose legal (formal-dogmatic and comparative) method, analysing the content of the EU acts, complemented with examination of its practice and insights of international law, as well as international relations, will be adopted.

The thesis starts from the EU response to creation of de facto states, namely its recognition or non-recognition practice, then turns to both formal and informal interactions between Brussels and the unrecognized states, to finish with analysis of the legal framework of the EU contribution to the peace-making process and its impediments.