

# Problem aspects of the state consistency of unrecognized polity in scientific research and political practice

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**Abstract**—The presented article discusses the theoretical and methodological foundations of the category of state solvency (“state capacity”) of unrecognized polities. The specificity of the factors of state consistency on the case materials of the Pridnestrovskaja Moldavskaia Respublika, the interdependence of the internal and external conditions of the viability of the authorities in ensuring the effective functioning of the state and society are shown, characteristic delegitimizing factors in the process of the formation of the new statehood are indicated. The article shows that assessments of the level of state consistency of developing and transitional countries, based on the criteria adopted in Western political science, are usually not always adequate due to the inconsistency of the category of consistency, as well as ideology and politicization used in Western political science. Low assessments of the quality of government and the solvency of the state itself can be used to discredit and delegitimize individual political regimes. It is concluded that the common criteria of solvency should be concretized and refined in relation to the historical, political and cultural characteristics of the countries in question. When analyzing new states, neoinstitutionalism is used in the article as the main methodological approach. The use of neoinstitutionalism, along with other political theories, makes it possible to perceive and interpret new polities as a self-sufficient state entity, in terms of their integrity, their inherent characteristics, needs and development trends. In the proposed article, the authors turn to the studies of foreign and domestic scientists in the field of the theory of state consistency, the legitimation of power (political scientists, lawyers, sociologists), to research on the functioning of government institutions in modern unrecognized states.

**Keywords**—state consistency, legitimization, institutionalization, the post-Soviet space, polity, state education

## I. INTRODUCTION

Modern research in the field of the theory of political governance tends to link its development with the concept of state solvency / insolvency. The concept of “state consistency” (stateness, state capacity), used in political science, reflects the dynamic nature and role of the state in the modern changing world and means the state's ability to perform the functions necessary to preserve sovereignty and ensure the existence of the political system as a whole. The concept of “state consistency” signals the effectiveness of the functioning of all institutions: government, political parties, social movements and organizations that ensure the implementation of all those norms, ideas, values and relations that serve the goals of social development.

Of particular importance is the problem of state solvency in relation to “unrecognized” states (also called “disputed states,” new polities “,” public entities “,” etc.), that is, not receiving international recognition, as evidenced by this term itself, meaning which has already laid the idea of some insolvency.

The emergence of new state formations significantly changes the lives of people living in these territories, and also inevitably affects the interests of the states adjoining them. In modern conditions, in view of the increase in their influence on regional and geopolitical processes, the relevance of studying such polity is increasing, despite their peripheral position.

The significance of the issue under study is actualized due to the growth of secessionist movements in the world as a whole, and in the post-Soviet space in particular. One of the main reasons for this is the contradiction existing in the system of international law between the principle of self-determination of nations and the principle of the territorial integrity of states. This contradiction makes possible the constant emergence of new unrecognized polities with all the negative consequences that this entails, the main one being the impossibility of resolving the issue of their status.

Most of the works devoted to this topic are dominated by conflictological approaches. Thus, in the studies on the Transnistrian Republic, Abkhazia, Nagorno-Karabakh, and North Ossetia, the view prevails that these polities arose as a result of the collapse of the USSR and the subsequent permanent confrontation with the states of which they were previously part. There is also another, relatively recent approach, which offers to interpret the problem solely from the perspective of geopolitical expediency, which is supported by the growing confrontation between the West and Russia. At the same time, unrecognized polities actually lose their independent significance as an object of study and are considered as the product of this confrontation. At the same time, the status of these polities, the political environment, the dynamics and development prospects are not studied enough. These controversial states have existed *de facto* for a long time, they have signs of an established state: a certain territory, a permanent population, their own characteristics and development prospects and should be considered as an independent subject of study.

As the Western researcher rightly points out, *de facto* states, unlike *de jure* states, are denied to consider them in terms of a transitional period, independence, development prospects and democratization. Instead, they are perceived only in the context of their interaction with external players and world processes [1].

The relevance of the studied issues is also determined by the fact that the latter go beyond the analysis of the unrecognized states proper. These states, for example, Transnistria are the intersection of many of the interests of key international players, whose position is of real importance in the question of their external legitimacy, and therefore in strengthening their viability. Consequently, a complex of issues related to the public solvency is not only a scientific and practical, but also a political and legal problem. The above explains the research interest in this topic.

## II. MATERIALS AND METHODS

In the proposed study, the authors turn to the scientific works of foreign and domestic scientists in the field of the theory of state consistency and the legitimization of power (political scientists, lawyers, sociologists), to social studies relating to the functioning of government institutions in modern unrecognized states, to official information and analytical materials of the media.

The main methodological approach in the study is neo-institutionalism. He focuses on state and social institutions through which political actors express their aspirations and form relationships with other groups depending on their perception of the existing power. In transitional societies, the institutional system is in the making, and its correct interpretation cannot be based only on the formal regulatory approach, but in a number of cases must take into account political corporate interests.

The use of neoinstitutionalism, along with other political theories, makes it possible to perceive and interpret new polities as a self-sufficient institution in terms of their integrity, their inherent characteristics, needs and development trends. This approach is very important in terms of studying states “*de facto*”, “unrecognized states”, for understanding the process of formalizing sustainable socio-legal practices and assessing their significance in the system of internal political relations. The theoretical and methodological basis is also made up of classical and modern political and legal doctrines and concepts in the field of social studies, principles necessary for political studies: accuracy, objectivity, the presence of a historical aspect, etc. They were used in studying the process of legitimizing and institutionalizing power as a component necessary for ensuring the effectiveness of public administration, and ultimately public solvency.

In the proposed article, the authors turn to the studies of foreign and domestic scientists in the field of the theory of state consistency, the legitimation of power, social studies on the functioning of government institutions in modern unrecognized states, as well as a specific case study (Transnistrian problem).

## III. RESULT S APPROACHES TO THE DETERMINATION OF PUBLIC SOLVENCY

In political comparative studies, the concept of state viability is used very often and acts as a complex category synthesizing the diverse aspects of social life. The concept of state solvency (stateness, state capacity) implies first of all the ability of the state to effectively manage social processes in order to meet the basic needs of its people. Having recently appeared in political discourse, this term has not yet received its final definition in political theory.

In his book, *From State to Consistency*, T. Pfister states that it is impossible to give a universal definition of consistency, because the term “state” itself does not have and cannot have a clear definition, since the basic qualities and attributes of a state vary greatly from case to case. With such an assessment should agree. Global and regional changes are taking place in the world, the functions of the state are being adjusted, which may have an impact on the parameters of state viability.

The legal and socio-political literature describes the diversity of models and types of state — liberal, social democratic, models of a corporate state, models of a “networked” state. A specific group with its own specific problems is a model of an unrecognized state.

Each of these models can have its own characteristics and criteria of state solvency.

State consistency can be considered from the opposite position, that is, state insolvency. The development of the concept of an insolvent state began in Western political science. According to T. Grant, the failed states were traditionally mentioned in the context of the problems of foreign humanitarian aid or social theory. As a rule, they did not see threats to national security. But the situation has radically changed due to the newly emerging concern about national security - a serious question arose: what to do with failed states? [2].

There are many signs of an insolvent state. D. Collapse speaks of an insolvent state as a state that has critically lost its viability [3]. According to Ed. Neuman, an insolvent state is a state that cannot control its territory, ensure the proper functioning of state institutions, is unable to ensure the provision of public services, that is, the central government does not show its presence [4]. According to S. Patrick, failed states are a weak link in the collective security system at the international level due to the fact that in such states there are often conditions favorable for the development of the activities of international terrorist groups. In view of this threat, under the cover of appropriate rhetoric today sovereign states are being destroyed, having no relation to the organization of terrorism or its financing [5].

The most famous examples of failed states (at certain periods of their history) were Liberia, Somalia, Sierra Leone, Bosnia and Herzegovina, Sudan, Lebanon, Rwanda, Congo, Yemen, Haiti, in the post-Soviet space - Ukraine, semi-recognized and unrecognized states - South Ossetia, Abkhazia, Nagorno-Karabakh, PMR.

In the Russian literature, the concept of an insolvent state (before the appearance of the term for its designation) reflected the idea of the unfavorable state of the state due to miscalculations of the Russian political leadership. So, in the work of I. Ponkin we are talking about errors, system failures, imbalances and defects of public administration, as well as dysfunctions and other pathologies in public administration [6]. Currently, more and more attention in the studies of foreign and Russian scientists is paid to the problem of determining various criteria of state viability. As noted by domestic authors A.Yu. Melville, D.K. Stukal and M.G. Mironyuk, the focus of comparative political research is on "the problems of state, statehood and state wealth, on the one hand, and regime changes, democracy and democratization on the other [7].

Among the Western tools, assessing the quality of public administration, indicating the state's solvency, are indices of various rating organizations such as the World Bank Institute, the Bertelsmann Foundation Transformation Index (BTI), the World Bank Institute study, research (QoG) of the University of Gothenburg, and others. mainly related to developing and transitional countries not belonging to the western

range, but they are evaluated from the point of view of the Western understanding of the criteria for it. It does not take into account the specificity of the countries in question, which is crucial for assessing "state capacity". Countries are rated primarily according to neoliberal standards.

In the Western interpretation, the key characteristic of state solvency is the degree of openness and effectiveness of civil society. As indicators to reflect this parameter can serve:

1) the level of political and civil rights (index indicator: rating of Freedom in the world according to Freedom House [8];

2) the level of institutional democracy (index indicator: Index of Democracy Economist Intelligence Unit [9];

3) level of media freedom (index indicator: World Press Freedom Index according to the organization "reporters without borders"

4) the level of economic freedom (index indicator: Index of economic freedom according to The Heritage Foundation [10].

However, there is a different understanding of the solvency of the state, different from the postmodern [11]. D. Nettle, on the basis of modernist ideas about the state, which corresponds to the transitional countries at the time, argued that the state capable of effectively performing power functions belongs to the category of wealthy states, because the institutional centralization of key public functions is the basis of viability [12].

This idea was later emphasized by F. Fukuyama. In the article "Wealth in the first place," the author considers the transitological aspect of prosperity. He believes that the transition to a democratic regime is impossible without building strong state institutions. In this case, the important idea is being held that, for developing states, institutional consolidation is necessary above all. In other words, in the conditions of transition, the state must first of all be institutionally well-off [13].

This point of view in relation to new states is developed by M. V. Ilyin, who believes that the main parameters in determining the solvency / insolvency should be institutional efficiency and consolidation of polity. Expanding the concept of the state, more precisely statehood, M.V. Ilyin shows that behind these concepts lies not one clearly defined phenomenon, but a whole set of heterogeneous phenomena and types. So, there are giant powers (USA, China, India) and hereditary monarchies (Brunei, Oman, Morocco), democratic republics (Italy, Chile, Moldova) and tiny islands (Barbados, Singapore, Malta), half-recognized, only becoming Palestinian the state is semi-recognized and unrecognized Nagorno-Karabakh, Abkhazia, South Ossetia, Transnistrian Moldavian Republic [14].

The significance of this approach lies in the possibility of avoiding stereotypes in interpreting statehood and proposing new interpretations of state

entities that can no longer be viewed from the standpoint of the Helsinki Accords alone. Of course, such an approach leads to an ambiguous understanding of wealth, that is, parameters of wealth, with some common features, can vary from state to state. This circumstance is emphasized in the Index of Statehood proposed by Russian scientists, developed in the framework of the research project "Political Atlas of Modernity". It can be used to identify those features and characteristics that ensure a particular status of different polities: successful sovereign states, failed non-sovereign states, recognized, unrecognized, and others [14]. The unrecognized states of the world, and in particular the post-Soviet space, each with its own unique history and destiny, need to be rethought about their status, including in terms of viability.

#### IV. FACTORS AND RISKS OF PUBLIC SOLVENCY OF THE PMR

The legitimization of power acts as a necessary condition for ensuring state sovereignty of the territory, determining the degree of its political and state viability and political and legal positions in the international community. The process of formation of power institutions in new state formations has a number of specific features that distinguish them from the environment of the established traditional states. The process of legitimization in new polities is an organic part of the simultaneously emerging institutional structure as the basic basis of the political system. That is, a specific feature of legitimization is that it is directly connected with the institutions of power, the process of institutionalization and largely determines them.

German sociologists P. Lukman and T. Berger in this regard, speak about ways of institutionalization, that is, about how the new states were formed. They write about the natural way, manifested in the form of a gradual standardization of the emerging types of interaction, the normative design of the respective roles, and an artificial way - when norms and rules are created, and then participants appear in the form of government institutions [15].

That is, for example, in the Transnistrian Moldavian Republic the institutionalization and legitimation, being interrelated processes, coincide in the time continuum. Thus, in the formation of a new statehood, a line is drawn up of interrelated processes that can be expressed as follows: the legitimation of power, institutionalization, the associated process of establishing state solvency and state sovereignty. In this sense, a certain level was reached in the PMR:

- competence of government institutions (institutional legitimacy);
- the political authority of its leaders has been formed (personal legitimacy);
- there is a vector of development of the country shared by the majority of society (ideological legitimacy);

- referendums and elections to state bodies have become the main way to legitimize power (legal legitimacy).

In the PMR, the main consequence of the institutionalization of power was the formation in society of a sustainable mechanism that ensures the constant reproduction of political power institutions, rooting in people's minds of certain patterns of political behavior. The basis of this process is the circumstances of historical and socio-political order. It should be noted that the nature of the institutionalization and legitimation of power in Transnistria, its very process is largely determined by the socio-political culture of the society, its emerging political regime and the degree of its legitimacy.

The factors determining the state consistency are not constant. On the contrary, they require their constant confirmation. K. Jaspers noted: "The basis of legitimacy can easily be criticized, seem doubtful. Thus, any basis of legitimacy can be discarded as a result of certain concrete outcomes, and thereby delegitimizing political power will occur" [16]. And this means the weakening of the state solvency. In Transnistrian political life, there are factors that objectively can complicate the processes of legitimizing and institutionalizing political power, and therefore the very state consistency. To a large extent they are objective and are characteristic of transforming socio-political systems. Unrecognized state entities in this sense are the most vulnerable. Since, on the one hand, the provisions that would justify the existence of such state associations are not clearly formulated, on the other hand, there is still not enough empirical material to substantiate their functioning as recognized subjects of international law.

The transformation of political institutions and, accordingly, the preservation of the threat to the legitimacy of the regime were largely associated with the solution of key tasks identified by the authorities in the development of Transnistria. These tasks included the implementation of the transition from the Soviet regime of perestroika to a society with an introduced market economy and with supposed democratic methods of management. It should be emphasized that such activities were carried out in the absence of the necessary managerial experience, relevant institutional bodies and the legal framework.

Sources of crisis phenomena in Transnistrian society may have different origins and differ in their forms of manifestation. The sources of crisis phenomena in Transnistria, due to their significance, are primarily economic problems. The economy of the PMR, not only at the initial stage, but also in subsequent years, is characterized by "embedded" defects, namely: the narrowness of the internal market (due to non-recognition), and hence the preservation of the priority of external relations. Crisis phenomena in the Transnistrian economy have noticeably intensified in recent years and have passed into a state of negative dynamics of the main economic indicators: revenues to the state budget are falling, export and industrial

production volumes are declining, the growth rates of import revenues exceed the export growth rates. The factor that significantly influenced the social and economic situation of Transnistria was the economic blockade on the part of Moldova and Ukraine. As a result, entire sectors of the economy were destroyed, border trade was eliminated, and labor migration increased. The period of crisis phenomena in the most important sectors of the socio-economic sphere caused an unprecedented outflow of population, including for the purpose of labor migration abroad [17]. In this situation, consolidation of the protest potential, that is, the discontented, may be a serious challenge for the authorities, the percentage of which in the society at this stage is quite high. Steps for such consolidation are undertaken by a number of political forces, including organizers of meetings (Transnistria on Electronic Rescue, Electronic Resource). Corruption is a phenomenon that undermines the legitimacy of power. The privatization and privatization of the PMR in the early 90s led to the emergence of corruption schemes on different levels of government, to the merging of government and business. This circumstance negatively influenced the image of power among the people.

In the Transnistrian political life, there are traits of an ambivalent (hybrid) political regime that combines democratic and authoritarian principles that significantly influence the legitimacy processes. On the one hand, there is a structural and personal dissociation of power, which comes from the historically established Russian tradition. On the other hand, this power is formed and legitimized in a democratic way, while in general there is an underdevelopment of the democratic institutions themselves. Therefore, in the political regime of the PMR, instability is already laid at the genetic level. This situation develops against the background of the lack of an international legal personality of the Transdnestrian Moldavian Republic, which could potentially weaken state consistency and increase internal instability, with constant external pressure to change its foreign policy vector.

## V. DISCUSSION

The process of state solvency formation in unrecognized political-state formations is a complex, multifactorial phenomenon, since it is associated with various aspects of their internal socio-political and international life. The study of this topic allows to come to the following conclusions:

1. At present, approaches that consider sociopolitical processes in particular in the Transdnestrian Moldavian Republic, primarily from the point of view of the Soviet political and ideological heritage, are no longer working. A promising methodology is one that assumes a paradigm shift in analyzing the "Transnistrian problem", namely, considering it not within the framework of a discourse of regional separatism, but from the point of view of the current state of statehood and the possible prospects for its solution.

2. The concept of state consistency of its scientific explanation in domestic studies are based on Western political science and political practice. However, Western interpretations of state solvency may not always be acceptable in terms of Eastern European civilization, to which the majority of post-Soviet state entities belong. Here, political processes with formal coincidence in the content plan differ significantly from Western ones: in these polities with their political culture of the population, social and economic specifics, other aspects of the interaction between the government and the people, the relationship between legal and legitimate, place of law and law can be revealed.

3. In the Transnistrian political life, there are traits of an ambivalent (hybrid) political regime that combines democratic and authoritarian principles that significantly influence the legitimation processes, and therefore, in general, the public viability. On the one hand, there is a structural and personal dissociation of power, which comes from the historically established Russian tradition. On the other hand, this power is formed and legitimized in a democratic way, while in general there is an underdevelopment of the democratic institutions themselves. Therefore, in the political regime of the PMR, instability is already laid at the genetic level. This situation develops against the background of the absence of its international legitimacy, which can increase internal instability with constant external pressure in order to change the republic's foreign policy vector.

4. In the formation of new states, the legitimacy of the emerging system of institutions of political power, the attainment of their internal legitimacy, is of decisive importance. Therefore, the key parameter of the PMR should be attributed to the number of de facto states in which, in general, there is a consensus between society and the authorities. At the same time, the factor of the state's external legitimacy is becoming increasingly important for the republic. The non-inclusion of the Transnistrian Moldavian Republic into the international system has a negative effect on the whole complex of social, economic and political relations within the country, including at the level of the legitimacy of the authorities themselves.

5. Since the existing international legal norms do not give an unambiguous answer to the ways of external legitimization and legalization of states, existing de facto, it is obvious that the solution of the problem of the state status of the Transdnestrian republic will depend not on the objective rights of the Transnistrian people to self-determination first of all, the Russian Federation, the United States, the European Union - the main players in the Transnistrian geopolitical space, with multidirectional interests in the region.

6. Among other delegitimizing factors of an objective and subjective nature it should be noted:

- the process of the formation of the main parameters of the political system of Transnistria is clearly ahead of the genesis of adequate social conditions;

- in the PMR, the development of political processes is limited and delayed by civil confrontation, caused by the difference in political and civilizational orientations and the interests of the authorities of the Bessarabian part of Moldova and Transnistria.

## VI. CONCLUSION

From the point of view of the public viability, the Transnistrian problem needs further thought. In a certain sense, it reflects the general situation that has developed around unrecognized political-territorial formations, although each of them has its own specifics. Transnistrian regionalism, for example, turned out to be more weighty than national identity and this is its significant difference from other post-Soviet unrecognized territories.

There was a situation in which the TMR was “squeezed” between Russia and the new metropolis - the Republic of Moldova, which has recognized international status. The question arises: what are the prospects for the recognition of the TMS, and a number of other unrecognized entities, opens up modern international law and the practice of their real life. The Transnistrian republic, which has internal legitimacy, has been in a state of international non-recognition for about thirty years, and so far there are no indications that a change in its status will occur.

Approaching the resolution of this problem could be a change in the Helsinki Accords, which actually lost their significance in the new historical conditions, and accordingly adopt a document that would meet the current realities.

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