The Visible Effects of an Invisible Constitution: The Contested State of Transdniestria's Search for Recognition through International Negotiations

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Abstract
Most scholars agree that modern states share several defining characteristics: a population, territory, government, and the capacity to enter into international relations. More recently, this list has expanded to include the criteria of democracy, the rule of law, and the protection of human rights. These traditional and contemporary criteria for statehood are likewise essential for settling the status of de facto states, entities that seek international recognition yet are rebuffed by the world community.

By examining the criteria for international recognition from the perspective of constitutional law, this dissertation reveals the existing but overlooked relationship between the recognition process and constitutionalism. As is shown, a constitution performs more than its usual functions of organizing and regulating a polity, limiting the government, and ensuring individuals protection. It also plays a key role in asserting and realizing both the traditional and contemporary criteria for state recognition. This linkage between constitutionalism and the recognition process is then tested on the case study of Transdniestria, an entity within the Republic of Moldova that has all the attributes of a state and seeks recognition of its statehood.

As one of the first analyses of unrecognized foundational legal frameworks, this dissertation offers insight into how an “invisible” constitution affects the recognition process and the political status of an unrecognized state. It shows that, while the Transdniestrian constitution has not influenced the entity’s search for recognition, it has had other important effects on the negotiation process, such as consolidating Transdniestrian statehood, hardening the entity’s position in negotiations, and influencing the nature of its interactions with international actors. These outcomes broaden the understanding of the contemporary criteria for recognition and the functions of a constitution with respect to their application in unrecognized states. They also demonstrate the limitations of the prevailing approach in the literature that democratization is necessarily beneficial for the purposes of conflict resolution. In such a way, this research additionally helps to present a more nuanced picture of post-Cold War politics, law, and international relations in Europe.

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Recognition of lingering problems of veterans, including especially PTSD, fortunately has been earlier and more complete with our most recent wars than it was with the Vietnam War. But the problems are no less serious, and no less chronic and lingering, for being recognized. Problems both invisible, including the psychological demons, and visible, including lost
limbs, are long lasting or permanent and will be part of the legacy of the wars for decades to come. The medical care and other economic costs entailed by that legacy are large and important in their own right, of course. They also can