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## SENSE OF OWNERSHIP AND NEWLY OCCUPIED TERRITORIES

*This scientific article delves into the intricate dynamics surrounding the concept of "Sense of Ownership" within the context of newly occupied territories in the field of Political Sciences. As the global landscape continues to witness territorial changes, this study aims to unravel the psychological, social, and political dimensions that underlie the development and impact of a sense of ownership among diverse stakeholder groups.*

*The research employs a multidisciplinary approach, integrating insights from psychology, sociology, and political theory to comprehensively explore the factors influencing the formation of a sense of ownership in populations affected by territorial transitions. Drawing upon case studies from historical and contemporary geopolitical events, the article analyzes the role of identity, historical narratives, and international relations in shaping individuals' and communities' perceptions of ownership over newly acquired territories.*

*Furthermore, the article investigates the implications of a heightened sense of ownership on state-building processes, governance structures, and conflict resolution strategies in the aftermath of territorial changes. By synthesizing theoretical frameworks and empirical evidence, the study contributes to a nuanced understanding of the complex interplay between human psychology, societal dynamics, and political outcomes in the context of territorial acquisitions.*

*The findings of this research have significant implications for policymakers, scholars, and practitioners involved in addressing the challenges associated with newly occupied territories. By illuminating the multifaceted nature of the sense of ownership, this article seeks to foster a more informed and nuanced approach to the management and resolution of conflicts arising from territorial changes, ultimately contributing to the broader discourse on stability and peace in international relations.*

*Objective of the study: To provide an extensive report of the topic of affected people in conflicts who are subjected to their sense of ownership and belonging foundations being challenged; to propose, substantiate and introduce the notion of correlation between national identity and areas of disputed geographical entities prior, during and after a geopolitical conflict occurs.*

*Methodology: With the help of emphasizing on complex historical events which describe the existence of disputed geographical entities, in which the substantial protection of human rights is threatened by aiming to disrupt the foundations of national identity for the affected social groups, and create the foundations of national identity for the social group that will be established in the geographical entity, often constituting the invading social group.*

*Results and Conclusions: To demonstrate that global institutions for functions affecting unrecognized entities have little effect on supporting the affected social group when the invading social group is able to not adhere to the policies it doesn't support, thus the increase in the number of stateless individuals who suffer what they must. It has been concluded that the status of geographically disputes areas can be considered stable when the protection of human rights is guaranteed and a social group's sense of ownership isn't disputed, either by the entities involved, or by third party entities.*

**Keywords:** *International Law, Sense of Ownership, Cyprus Question, National Identity, Russian-Ukrainian disputes, Unrecognized entities, Violations of International Law*

### Introduction

Today, both the new "world order" and the new balances of power in Europe, following the collapse of the bipolar structure of the international system, seem to be characterized by a perpetual geopolitical and geoeconomic relationship. Two leading theorists of geopolitical thought were the American naval officer and historian Alfred Thayer Mahan (1840-1914) and the British historian Sir Halford Mackinder (1861- 1947) [1].

With his famous "Theory of the Living Center," Mackinder sought to correlate a nation-state's ability to control large tracts of land with power [2]. He used a very comprehensive formula: "Whoever rules Eastern Europe controls the living space of Eurasia. Whoever rules this vital centre controls the World Island of Europe, Asia and Africa. And whoever rules the World Island controls the World." The schools of thought of both Mackinder and Mahan, have greatly influenced U.N. foreign policy and the former Soviet Union entities. Since World War II, the United States has sought and managed to establish a near-permanent military presence in the so-called vital center of Eurasia.

At the dawn of the new millennium, the supremacy of the United States cannot even be compared to that of the greatest empires of the past [3]. From weapons systems to business, from science to technology, from higher education to popular culture, America's influence around the globe is unprecedented. Its mediation in conflicts at key points on the world map is so great that the Middle East has become an integral part of the peace process. The United States is so committed to this role that it almost customarily presents itself as a mediator even in cases where not all parties involved have invited it.

### **Research methods**

With the help of the traditional complex of historical and legal methods (text study, comparative analysis, legal analogy), were analyzed the content and external forms of legal succession of the cases against the invasion of Cyprus by Turkey in 1974. Structural and functional method allowed to isolate the main reasons for the impactful effect the abuse of the sense of ownership over social groups who are either being invaded by another social group, or are the social group that is invading. One of the main reasons for the successful invasion of Cyprus by Turkey and the eventual partition of the island is the fact that the Turkic Cypriots have been sharing similar feelings of National Identity with the Turks living in the Republic of Turkey. The socio-psychological approach, in turn, determined the characterization of violation of human rights, which in many cases involves international bodies. The article argues that a territory can "change hands" if those who are already residing in the territory believe that their national identity belongs to a different social group, but those opposing this idea will experience deportation and gross violation of human rights, which will be considered obsolete over time.

### **Results and Discussion**

#### **The culture of the Cold War**

The intense but controlled tension, which requires discipline and self-restraint in the use of force, seems to have affected nations outside superpower allies such as India and Pakistan. The use of force during the Cold War period (The Cold War was the geopolitical, ideological and economic struggle between the two superpowers, the United States and the USSR, after World War II. It lasted from 1947, until the fall of the Berlin Wall on November 11, 1989, and shortly thereafter the fall of communist regimes in the other states of influence of the USSR. The "war" took the form of a struggle for dominance in various areas such as conventional and nuclear weapons, alliance networks, economy and economic blockades, propaganda, espionage and wars in regional states.) was a very serious decision and was usually taken after all other means had been exhausted. The frequent use of propaganda and projection of ideologies was also deployed. Further decisions to escalate from guerrilla warfare to infantry combat, to use artillery and tanks instead of infantry, and to engage in air warfare instead of ground operations, were mainly political decisions taken at a very high level rather than relying, as in the past, on the discretion of military commanders. The latter protested, sometimes fiercely, but eventually obeyed, affirming the new culture of restraint.

Restraint, however, did not prevent 138 wars between 1945 and 1989, which caused the deaths of 23 million people. However, in the 44 years leading up to this period, which included two world wars, far more people died. In the absence of any constraint derived from strategic wisdom, internal strife killed more people between 1945 and 1989 than of all 138 wars [4].

The absence of restrictions imposed by the Cold War is now causing a loss of control over heated confrontations. With the exception of the wars in Iraq, the consequences have already occurred in the former Yugoslav and Soviet territories. The protracted war, destruction and atrocities in eastern Moldova, the three Caucasian republics, parts of Central Asia and most recently Chechnya, Croatia and Bosnia have terrified and alarmed many Americans. This violence, however, stems from the disintegration of old empires or local causes, and it is hoped that it will remain limited to certain geographical boundaries [4].

The war between Ecuador and Peru, the Greek-Turkish conflict, and Pakistan's claims against Kashmir are the most extreme possibility of a new, less restrained culture of war, which is emerging and possibly spreading to other parts of the globe. In the new culture, aggression and escalation of tension will go unpunished, to their fate. The opposite was true in the Cold War era, when each competitor belonged to some

patron power that controlled it and the victors returned their gains, while the losers often received help from any power that did not have an alliance with their opponent.

The use of violence and especially terrorism is an old phenomenon, which is repeated with tensions commensurate with social and historical-political events. The end of the twentieth century has seen a series of changes affecting almost the entire population of the earth [1]. Changes related to the increase in violence at the global level, violence manifested through scattered local wars (Afghanistan, people's republics of the former Soviet Union), through minority differences (the armed conflicts between Armenians and Azerbaijanis in Nagorno-Karabakh, the Kurdish question), through ongoing religious disagreements (even the IRA is included in this category), through border disputes (Turkey-Iraq, Israel-Lebanon-Syria, former Yugoslavia), through local conflicts (Zaire with Hutu and Tutsi tribes, Tamils with Sri Lanka). All of the above forms of violence use terrorism or forms of terrorism.

However, another method of escalating conflict by weakening the opposite side while in parallel heightening the morale of the side that's broadcasting this tactic, is the attack on a subjective feeling that one feels and shares about a particular nation with other people. This leads to people sharing the same feeling and wanting to be part of the group. People who share one national identity are not necessarily brought together by blood but by practicing the same culture, having the same language or traditions. Thus, an intentional intrusion and erosion of these ideas, has often been seen in most conflicts of nations who either share or shared neighbouring states [5].

#### The partition of Cyprus

In 1960, the Republic of Cyprus was established by the Zurich-London Agreements concluded between Greece, Turkey and Great Britain which provided for the creation of a single state, with its population (Greek Cypriots and Turkish Cypriots) residing scattered in it. These agreements led to a captive independence, with the demand that there should be no amendment to the Constitution and not allowing any section of the population to attempt the union of Cyprus with another state or the partition of the island. As a capstone, a "Treaty of Guarantees" was signed between Greece, Turkey and Great Britain, which undertook to maintain the independence of Cyprus. This Treaty was binding and was a non-revisable provision of the Constitution [6].

In 1963, however, intercommunal clashes followed, due to the proposals submitted by the then President of the Republic of Cyprus, Makarios, to the Turkish Cypriot side to amend the Constitution. The consequence was the withdrawal of Turkish Cypriots from state bodies and the confinement of a large number of Turkish Cypriot citizens in enclaves. On July 15, 1974, a coup d'état was organized by the military government of Athens, which overthrew the legitimate president of the Republic of Cyprus, Makarios, heralding the annexation of Cyprus to Greece. This immediately provoked a reaction from Turkey, which invoked the Treaty of Guarantee [7].

Turkey, with the pretense of protecting the Turkish minority that was living in Cyprus, invaded the island on July 20, 1974, after failing to secure a British understanding for joint intervention. Making a flexible interpretation of the Treaty of Guarantee, Turkey invaded Cyprus, claiming that it was "intervening" to restore the constitutional order of the Republic of Cyprus. However, independence had not been affected, nor had the constitutional order been affected by the coup d'état, because already in 1963/64 the Turkish Cypriots had withdrawn to enclaves. Turkey's real aspirations, of course, were the partition of Cyprus through the creation of two homogeneous and ethnically cleansed areas on the island [7].

On the same day that the first invasion took place (20/07/1974) the UN Security Council adopted Resolution 353, which called on all states to respect the sovereignty, independence and territorial integrity of Cyprus, calling for the withdrawal of all foreign troops from Cyprus. He deplored Turkey's military action and considered that in addition to an immediate ceasefire, the two communities should negotiate to restore peace on the island. However, the Security Council resolution did not characterize the events as an invasion, but focused on the aftermath, leaning in favor of taking the initiative to avert the crisis [7].

A few days after the Turkish invasion, on July 25, 1974, consultations began in Geneva to find a peaceful solution under the auspices of British Foreign Secretary John Callahan. The Greek Cypriot side, represented by Glafkos Clerides, demanded for the first time since 1963 the implementation of the Zurich-London Treaties and the Cyprus Constitution, something that until then it had categorically denied [7].

Turkey refused and put forward its long-standing demand for the geographical separation of the island. Then, after the collapse of the unitary state, the concept of federation as a principle for the solution of the Cyprus problem was formulated for the first time. This was followed by the second phase of the Geneva peace talks (8-14 August), following the first. While the negotiations were ongoing,

Turkey launched a second wave of invasion on August 14, 1974, reaching the current boundaries of the Occupied Territories [7].

From the point of view of Public International Law there was a military invasion that continued with the occupation and occupation of the northern part of the island by the Turkish armed forces. The concept of occupation is necessary because it will establish Turkey's international responsibility, so as not to take into account the Turkish Cypriot entity that under international law has no existence either after the invasion or after the proclamation of the "Turkish Republic of Northern Cyprus" [8].

Actions following the ceasefire in Cyprus

After the ceasefire in August 1974, many attempts were made to reunify the island, but they were not successful. The Republic of Cyprus raised the issue and internationalized it as an issue of invasion and occupation of their country, thus mobilizing the Security Council to issue a series of resolutions proclaiming the preservation of the integrity of the Republic of Cyprus. At the same time, in the logic of internationalization, the Republic of Cyprus turned against Turkey on issues related to human rights violations caused by the Turkish invasion, considering Cypriot citizens have been deported, have lost their homes and the land they thought as "home", thus losing the land that is considered Cypriot. Also, it has been established in the international community view that Cyprus is described as a victim of the Turkish invasion.

The entire international community declared the attempt to establish a state within the Republic of Cyprus as legally invalid and non-existent, calling for the perpetrator community to withdraw it. The United Nations Security Council, based on international law that unequivocally rejects separatist actions that disturb territorial integrity, in its resolutions (decisions) 541/1983 and 550/1984 directly condemned the declaration of the "TRNC" – being null and void – and any separatist activity, calling for its revocation. As a result, no other country than the Republic of Turkey recognises more than one entity in Cyprus other than the Republic of Cyprus [8].

All these facts underlie the legal issues of international law, which the European Court of Human Rights (ECtHR) – in the applications that we will develop below – has highlighted as a major consideration of the admissibility of appeals. The fact that the ECtHR considered that power in northern occupied Cyprus is exercised by the Republic of Cyprus and not by the "TRNC" demonstrates the alignment with international law in establishing Turkey's responsibility and in terms of the effective implementation of the ECHR for the victims of the invasion: the victims of the invasion were not only those confronted with the fact of Turkey's military action, but also all those who continue to suffer insults and deprivations as a result of the invasion, for which deprivation the Convention offers protection [8].

The landing of Turkish troops, which was completed in two phases, almost a month apart, resulted in the illegal occupation of 37% of the Republic of Cyprus. The invasion and subsequent occupation caused many problems for the indigenous population, as well as a host of human rights violations. The violations concern not only the existence of every human being, but also internationally guaranteed rights to property or ownership of land, private and family life.

The Convention for the Protection of Human Rights and Fundamental Freedoms, also known as the European Convention on Human Rights (ECHR), was adopted under the auspices of the Council of Europe in 1950 with the aim of protecting human rights and fundamental freedoms, which Member States are obliged to guarantee within their territory. On the basis of the Convention, the European Court of Human Rights was established in 1959, based in Strasbourg and in order to systematize the examination of appeals, both transnational and individual, concerning human rights against Member States under the ECHR, monitoring its correct application, while the Committee of Ministers ensures the faithful implementation and execution of its decisions [8].

Shaking the foundations of National Identity

This article deals with some of the main characteristics of identities (personal identity, national identity and citizenship). Identities are based on a retrospective narrative, which aims to exorcise historical and personal discontinuity. In particular, the construction of political identities (national identity and citizenship) was based on modernity in the harmonizing, hierarchical, world-wide theoretical scheme that concealed the contradictions of individual identities. National identities in particular have been in modernity, primarily political identities, and their formation is strongly marked by the Modern state and the violence it encompassed. National identities are political identities that appear to be cultural and thus offer an emotional depth to politics. National identity was directly linked to citizenship, which was historically shaped as a dynamic active presence in public affairs.

In political space, national identity is described as patriotism, where a person has a great love for the country and harbors positive emotions to its wellbeing. In extreme cases, national identity is expressed in terms of chauvinism, where one believes in a country's superiority and has absolute loyalty to a specific country or group of people. [5]

National identity has for long existed as a static idea but is increasingly becoming flexible. People are not fixated to their national identity but are ready to adopt new ideas if they promise more benefits and bring in more resources. Before, during and after the Cyprus invasion by Turkey, Turkic Cypriots have been made to believe that their national identity is protected by Turkey, and therefore any conflict will be the means that justifies the cause, which for Turkey was the partition of the island for political and strategic reasons, but for the Turkic Cypriots this meant the ownership of land, the ownership of shared ideologies and the living under the umbrella of similar culture.

However, personal identity is not a given like the identity of certain objects: identity with the self presupposes self-consciousness, i.e., reflective folding. In this sense, personal identity is defined as "the self as thoughtfully understood by the person in terms of personal biography" [9]. The concept of personal identity also includes the concept of identification, captivity to the image, which is a crucial stage in the development of the self. Lacan argued that the child suffers a form of imaginary captivity to an external image, either a real image or an image of another child. The apparent completeness of this image offers him a new control over the body. [10]

The concept of collective identity also includes the concept of recognition. When individuals recognize each other as similar, it means that they are overemphasizing one quality as dominant, making them participants in larger groups, but also that they are excluding or underestimating other qualities. Being recognized, that is, means seeing each other again with a second additional look. At the same time, they ignore, that is, overlook, that, or those characteristics, that make them different.

The concept of citizenship is placed, from the outset, in a normative sphere: The citizen must become more than an individual, assuming rights and obligations, which are fulfilling the conditions of a hypothetical or real social contract. This contractual dimension makes the ethics of citizenship both binding and tolerant. Citizenship is as much about full participation in a community as it is about tolerating the values of others communities [11].

This, of course, the implication of the citizenship contract refers to a mutual political and moral commitment. Hence the importance of nationalist ideology and the concept of the nation as a framework for the realization of this commitment [12]. For the nation supports this commitment on a second level, presenting it as a natural obligation arising from the supposed natural kinship of its members. This does not thus appear to be an abstract moral obligation to human beings, but as a certain sympathy towards the close, related and familiar.

In nationalism, community nostalgia takes over the direction of the present. The nation, according to Anderson, is an "imaginary political community." Community experienced imaginary rather than real "because the members of even the smallest nation will never know the other members of the community although they imagine them participating in it" [10]. The nationalist ideology compensates for the lack of possibility for personal contact by projecting a strong feeling: the nation is identified with the "Motherland", a contradictory but very dense synthesis, which implies both maternal intimacy-protection, but also paternal authority.

#### Legal cases and their effect

In the beginning, the judicial mechanism of the ECHR consisted, according to its original text, of two separate courts, the European Commission of Human Rights (ECHR, Commission) and the European Court of Human Rights (ECtHR). The NCHR was competent to hear both transnational and individual actions against States Parties for violation of contractual rights, provided, however, with particular regard to individual actions brought by affected individuals (natural persons, groups or non-governmental organizations), that a declaration of recognition of its competence had been submitted by the respondent State.

The case could then be referred to the ECtHR under certain conditions, provided that the respondent State had recognised the jurisdiction of the Court as mandatory under the former Article 46 para. 1 of the ECHR. The final result, however, was not the automatic annulment of the intrastate act complained of by the applicant, but only the finding of the violation of the Convention and possibly the award of monetary compensation as just satisfaction for it by the judgment of the ECtHR.

After 1990, the system was still two-stage: first an appeal was dealt with by the NCHR and then, according to the rules, the ECtHR. The Human Rights Committee continued to be a first filter, rejecting appeals that were procedurally inadmissible (e.g. domestic remedies had not been exhausted

or the six-month period within which the appeal must be made had elapsed). The citizen was not yet able to have direct access to the Court. It should refer the matter to the Commission on Human Rights for a substantive examination.

The Commission's report was then forwarded to the Committee of Ministers, which either supervised its execution by the parties or referred the case to the ECtHR if it deemed it needed further clarification. In fact, the parties themselves had the right to request that the case be heard by the Court (as was the case in the *Loizidou* case).

A dominant element after 1990 was Turkey's recognition of the jurisdiction of the ECtHR (and the NCHR after 1987) to examine individual appeals, which paved the way for the restoration of the assets lost due to the invasion of Greek Cypriot assets. Among other reasons that led to the recognition, it was evident that Turkey wished to avoid responsibility for human rights violations in Cyprus, as three reports had already been issued against Turkey by the European Commission of Human Rights, which found its responsibility for massive and systematic violations of a multitude of rights protected by the Convention. The system was also twofold: first an appeal was dealt with by the NCHR and then, according to the rules, the ECtHR.

The 90s were characterized by the influx of individual appeals before the NCHR and the ECtHR. Individual actions are divided into those seeking compensation for loss of right to property and those seeking compensation for non-pecuniary damage due to deprivation of access, use and enjoyment of property. While interstate appeals are broader, referring to violations not only related to the rights of Greek Cypriots but also to the issues of invasion, encroachment on territory and illegal occupation, individual appeals are more specific. They concern specific rights that are more affected. They take as their starting point the fact of the Turkish invasion in the northern part of the island, but concern requests to condemn Turkey for violations of the right of displaced Greek Cypriots to their property, private and family life.

It could be argued that precedence should be given to the examination of individual actions, given that *Loizidou v. Turkey* was preceded by the examination of the case in *Loizidou v. Turkey* [14]. It is the first application brought before the ECtHR, following a report by the Commission, which was a mandatory stage of examination before a case was brought before the Court and which was repealed by Protocol 11 [15]. It is true that the *Loizidou* case was preceded by a number of corresponding contents of individual appeals by Cypriots against Turkey.

However, until January 1987, the Republic of Turkey had not recognised the right of individual appeal to the European Commission and the European Court of Human Rights. Even when it recognised it, with a reservation it made (that the recognition of the right of individual appeal extended only to allegations relating to acts or omissions of public Turkish authorities that took place within Turkish territory to which the Constitution of the Republic of Turkey applies), it attempted to exclude the possibility of individual appeals being lodged against it by Greek Cypriots or even Turkish Cypriots.

In the case of *Chrysostomos-Papachrysostomou v. Turkey*, which was joined as to admissibility with *Loizidou*, the Commission considered that the abovementioned reservation of the Turkish Government regarding the recognition of the right of individual appeal was contrary to the object and purpose of the ECHR and therefore rejected it, thus paving the way for the lodging of individual appeals for the Cyprus problem [16]. Unfortunately, however, apart from this very positive aspect in the *Chrysostomos-Papachrysostomou* case, the opinion expressed by the Commission in its subsequent report contained particularly unfavourable positions on the Greek Cypriot side.

#### Occupied territories over time

The Cyprus problem is a classic case of an international problem of invasion and occupation of territory, involving a member state of the United Nations and the EU. It is also a case of continuous, flagrant and massive violation of basic human rights and freedoms by the invading side and violation of the objectives and principles of the UN Charter, as well as the most important international agreements in the field of human rights and basic freedoms. Furthermore, the invasion of Cyprus by Turkey is a perfect example of how a country and the country's leaders are using a social group's sense of ownership over the surrounding land this social group has been residing in, by manipulating the social group to think of a certain way while planning an invasion, but also by construing the content of treaties under an alchemy that would justify the political cause. Turkey's culpability has been confirmed by a series of rulings by the European Court of Human Rights, which ruled that Turkey exercises effective control over the territory of northern Cyprus and, consequently, "its responsibility cannot be limited only to the actions of its own soldiers or officials in northern Cyprus, but also arises from the actions of the local administration, which continues to exist due to Turkish military and other support". [17]

Now in 2023, with continued Turkish occupation of much of Cyprus and predicted deterioration of the situation, no international organisation now treats the Cyprus problem as a matter of "invasion and occupation" and "violation of human rights". On the contrary, even the European Court of Human Rights has recently issued a very unfavourable court ruling regarding the property and the way in which the rights of Greek Cypriot displaced persons are claimed and the European Union promotes, inter alia, direct trade initiatives with the Turkish Cypriot community and administration. This could be an indicator that if a country has the power to apply the national identity ideologies under the feeling of ownership over a specific area of land, and support this endeavor militarily, over time, the rest of the world will "accept" the change and pursue diplomatic and trade relationship with the occupied territory which most likely has de facto changed name and identity.

On the ground, the fait accompli continues. No refugees have returned home since 1974. Not an inch of territory has been restored to the Republic of Cyprus or the Greek Cypriot community and no international initiative has been taken to reverse the ongoing Turkish occupation of much of Cyprus. Nevertheless, the ECtHR judgments significantly strengthened the position of the Republic of Cyprus in the international community and in the European regional order, underlining Turkey's international responsibility. The fact that 38 years after the invasion and almost half a century after the separation of the two communities, the Republic of Cyprus remains the only recognized state on the island, is practical proof of the positive role that international institutions have played in the Cyprus problem, which was sealed with the accession of Cyprus to the European Union in 2004.

Human rights activists argue that cases where states are not recognized lead to the emergence of stateless individuals who do not have adequate protection. For example, in 2014-2015, the AI-Ukrainian Public Partnership "Initiative for the Elimination of Statelessness in Ukraine", with the financial support of the Odessa Regional Organization, al-Ukrainian NGO "The Voters Committee of Ukraine" and the European Union, identified significant stateless problems in Ukraine with the example of individual practical areas.

As of June 30, 2013, approximately 6.5 thousand stateless individuals have obtained permanent or temporary residence permits in Ukraine, according to data from the Ukraine State Immigration Service. At the same time, the UNHCR estimates that there were more than 33,000 stateless or unspecified citizens in Ukraine at the end of 2013. The study found that such individuals include immigrants to Ukraine with records of unrecognized states (e.g., The Prednistrian Moldovan Republic) [18].

That is, "the analysis has allowed it to conclude that Ukraine, for its part, does not recognize the documents (passports, birth certificates, etc.). The area was issued by the actual authorities of the Prednestrovian Moldavian Republic (PMR), considering the area to be an integral part of the Republic of Moldova. Thus, individuals who were born in the territory of PMR and have separate records issued by the PMR are, in fact, stateless individuals. At the same time, in most cases, such individuals have the right to obtain citizenship in the Republic of Moldova (it should be noted that the practice of obtaining citizenship of a recognized state, Moldova or the Russian Federation is widespread among PMR residents) [18].

Similarly, a situation arises where a person is forced to acquire citizenship of a recognized state or becomes a stateless person. In fact, even though some countries recognize the records of unidentified entities related to the daily lives of people (i.e., passports), it is a question of the need to identify a person. Citizenship has no place as a political and legal relationship between an individual and a state (which is a guarantee of personal protection from the state). For example, a person cannot rely on consular protection. The current practice of international relations shows that the protection of human rights can be used as a justification for violating international law (specifically, with respect to identification issues).

For example, on 18 February 2017, the order of the President of the Russian Federation was officially announced that "the documents and registration marks of vehicles given to the citizens of Ukraine and to stateless persons living permanently in the areas of certain districts of The Donetsk and Luhansk regions of Ukraine have been recognized in the Russian Federation" [10]. The stated (but not true) purpose of this Act is the protection of human rights and freedoms. Given the existence of different interpretations of this order and its legal implications, an international legal analysis of the matter is necessary in the context of the Russian Federation's invasion of Ukraine.

The International Court of Justice has carved out an important position in its advisory opinions (Namibia case). This was specified: "In general, non-recognition of the territory of South Africa should not deprive the people of Namibia of any advantages derived from international cooperation. In particular, although the official actions performed by the Government of South Africa on behalf of or in connection with Namibia after the completion of the mandate are illegal and invalid, this invalidity cannot be extended to those acts,

for example, the registration of births, deaths and marriages, the consequences of which can only be ignored in order to harm the inhabitants of the province" [19].

This situation has many differences with the Ukrainian case, but it shows the general tendency of modern international law, which is reflected in the institution of recognition: the need to protect human rights prevails over any other factor. That's why identifying certain documents required by residents of a particular area does not imply state or government accreditation and, as a rule, is not considered an internationally erroneous act.

However, the order of the President of the Russian Federation of 18 February 2017 has an entirely different legal nature, as it is not about abstract unrecognized entities, but about the occupied territories. Ukraine's loss of control over these areas has been caused by the Russian invasion, which, among other things, has led to widespread human rights violations. That is why this order cannot be considered to be aimed at protecting human rights, but it is an integral part of the invasion and violation of Ukraine's sovereignty. At the same time, "the terms of the order issued by the relevant authorities (institutions) operating in the territories are vague (in relation to the relevant documents) and give Ukraine the opportunity to talk about another proof that Russia has established an occupied regime in some districts of Donetsk and Luhansk regions (i.e., to declare that the aforementioned authorities are Russian industrial entities). Similarly, it can be concluded that the Russian Federation has recognized its own invasion and not the so-called "People's Republics".

Some examples of actions by recognized countries do not support the position that the new entity cannot reduce the level of human rights protection that existed in the territory. For example, the case became familiar on December 12, 1969, when Greece condemned the European Convention on Human Rights. The condemnation was to come into effect on 13 June 1970. On November 18, 1974, Greece again became part of the convention. That is, the state, at its discretion, can change the way it protects human rights in its territory (specifically restricting it), unless it conflicts with its *erga omnes* obligations.

### **Conclusions**

It has been emphasized throughout the article's covered areas that reducing the level of protection of human rights in a region is not an obvious requirement for entities that are not recognized under contemporary international law (the requirement is only to respect human rights in general and in accordance with traditional standards), but that it gradually corrodes the link between the affected social group and their sense of national identity. Thus, it can be concluded that the existence of unrecognized entities has a clear impact through physical or mental aggressiveness on the effectiveness of national identity beliefs and ultimately on the human rights protection and that the above issues should be taken into account when developing a universal codification of accreditation.

All international laws today have a humane outlook, and factors more or less related to human rights should seek a better grounded and coherent solution. Hence, it can be concluded that it would be appropriate to declare the inability to reduce the level of protection of human rights in the relevant area as a condition of recognition in the universal codification of matters of recognition, however, the obstacles that have been set in the way or restoring the level of human rights that international laws expect are no less than a social group's increased sense of ownership over the occupied land and the enhanced national identity containing newly added pieces of owning the newly occupied land.

To clarify, a person living in the affected by geopolitical changes area should not be held hostage to these geopolitical changes, but historical events have demonstrated that impacting the residents of a targeted area can induce an heightened sense of ownership over that area. Moreover, state status can only be obtained in the 21st century if a particular new entity is able to guarantee a sufficient level of human rights protection. One particular problem is the attempt by some countries to use human rights protection to justify their internationally wrong actions, which is unacceptable.

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***Натаналідіс С. М. Почуття власності та нещодавно окуповані території***

*Ця наукова стаття заглиблюється в складну динаміку, що оточує поняття "почуття власності" в контексті нещодавно окупованих територій в галузі політичних наук. Оскільки глобальний ландшафт продовжує зазнавати територіальних змін, це дослідження має на меті розкрити психологічні, соціальні та політичні виміри, які лежать в основі розвитку та впливу почуття власності серед різних груп зацікавлених сторін.*

*Дослідження використовує міждисциплінарний підхід, інтегруючи знання з психології, соціології та політичної теорії для всебічного вивчення факторів, що впливають на формування почуття причетності у населення, яке постраждало від територіальних перетворень. На основі тематичних досліджень історичних та сучасних геополітичних подій у статті проаналізовано роль ідентичності, історичних наративів та міжнародних відносин у формуванні сприйняття окремими особами та громадами своєї приналежності до новопридбаних територій.*

*Крім того, у статті досліджується вплив підвищеного почуття власності на процеси державотворення, структури управління та стратегії розв'язання конфліктів після територіальних змін. Синтезуючи теоретичні засади та емпіричні дані, дослідження сприяє глибшому розумінню складної взаємодії між людською психологією, суспільною динамікою та політичними результатами в контексті територіальних придбань.*

*Висновки цього дослідження мають важливе значення для політиків, науковців та практиків, які займаються вирішенням проблем, пов'язаних з нещодавно окупованими територіями. Висвітлюючи багатогранну природу почуття власності, ця стаття має на меті сприяти більш усвідомленому і нюансованому підходу до управління та вирішення конфліктів, що виникають внаслідок територіальних змін, і, зрештою, зробити внесок у ширший дискурс про стабільність і мир у міжнародних відносинах.*

*Мета дослідження: Надати розгорнуту доповідь на тему постраждалих від конфліктів людей, чиє почуття власності та основи приналежності піддаються сумніву; запропонувати, обґрунтувати та ввести поняття кореляції між національною ідентичністю та територіями спірних географічних утворень до, під час та після виникнення геополітичного конфлікту.*

*Методи:* За допомогою акцентування уваги на складних історичних подіях, які описують існування спірних географічних утворень, в яких суттєвий захист прав людини перебуває під загрозою через прагнення зруйнувати основи національної ідентичності постраждалих соціальних груп і створити основи національної ідентичності для соціальної групи, яка буде створена в цьому географічному утворенні, часто складаючи соціальну групу-загарбника.

*Результати і висновки:* Продемонструвати, що глобальні інституції, які виконують функції, що стосуються невизнаних утворень, мало впливають на підтримку постраждалої соціальної групи, коли соціальна група-загарбник може не дотримуватися політики, яку вона не підтримує, що призводить до збільшення кількості осіб без громадянства, які страждають від того, від чого вони повинні страждати. Було зроблено висновок, що статус географічно спірних територій можна вважати стабільним, коли захист прав людини гарантується, а почуття власності соціальної групи не заперечується ні залученими суб'єктами, ні третіми сторонами.

**Ключові слова:** міжнародне право, почуття власності, кіпрське питання, національна ідентичність, російсько-українські суперечки