

# UNRECOGNIZED STATES AS A CHALLENGE TO INTERNATIONAL SECURITY

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**Abstract:** *The article deals with the issues of unrecognized states that function in the international environment. These are states that have declared independence but have not been recognized by other states. The article refers to terminological issues related to unrecognized states and the features that characterize them. The main aim of the article is to present states that are not recognized as a challenge to international security. This has been done on several examples. Moreover, scenarios for the development of the future of unrecognized states are analyzed.*

**Keywords:** *state; quasi-states; challenge; threat; security.*

## Introduction

Around the world there are countries and states that have declared independence but are not recognized by other countries. These political entities are referred by various names: "de facto states", "unrecognized states", "para-states", "pseudo-states" and "quasi-states". Since their existence is not backed by international recognition, they must be sustained by something else. The content of the article, which is based on the analysis of the literature on the subject and statistical reports, proves that the tendency of these countries is weak economy and weak state structures. It seems that the main reasons why these states have not collapsed is that their governments have managed to build internal support from the local population. Also through propaganda and identity building directs to disproportionately large part of their meagre resources to the military and defense, and also enjoy the support of a strong patron. Research goal is defining the subjectivity of unrecognized states, their typology and considering whether they are a threat to international security.

None of these circumstances, however, will ensure the existence of quasi-states unless they achieve international recognition or unite with their welfare state. However, this is unlikely in most cases - they will eventually be reabsorbed into the home state or agree to an autonomous status in the home state in a federal arrangement. The latter result is the preferred option of the international community. However, it can be accepted as an assumption, that unrecognized states pose a threat to local and international security and, on the other hand, they are a challenge for the international community, especially in the context of violations of human rights and the principles of statehood.

## Unrecognized states in the literature

The concept of state is defined according to four main criteria. They are: territory, population and supreme power. The state has the power to decide and exercise of law in a given territory and is capable of establishing and maintaining relations with other countries. The legal definition of this term is taken from the Convention on the Rights and Duties of States signed in Montevideo on December 26, 1933. A state as a subject of international law should have the following elements: a permanent population, sovereign power, a defined territory separated from others by a border, and the ability to enter into international relations (Ker-Lindsay & Berg, 2018). The above factors are necessary to talk about a state, as they are included in most definitions from the literature on the subject. In the Dictionary of the Polish Language, this concept is explained as "a politically organized community inhabiting a specific territory, having its own government and its own laws" (Sobol, 1996).

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*Unrecognized states* is a term used for several political entities of the world that, despite having no (or minimal) international recognition, are de facto independent states. According to P. Kolsto, a political entity should meet three criteria in order to be classified as an unrecognized country. First, its authorities must control (most of) the territory they claim. Secondly, they had to strive, but unsuccessfully, for international recognition as a state. Third, there must be existence of minimum two years (Kolsto, 2006). In turn, M. Rywkin writes about quasi-states, defining them as units that have separated from existing states and function like real mini-states, starting from administering their territory and ensuring public order within it, to maintaining schools, health care, and their own military forces or international relations. However, they are not officially recognized as states by the United Nations or by more than one state (Rywkin, 2006).

The practice of state recognition emerged in the late 18th century with the recognition of the independence of the United States by some other states. Later, this principle expanded to culminate in the recognition of the independence of former colonies. According to the principle prevailing in international law, the recognition of a state in the international arena is not a prerequisite for its creation. In practice, however, the situation is different: states that are not internationally recognized are not considered independent. However, this does not change the fact that such states function, have their own territories, populations and governments exercising sovereign control over them. There are many separatist areas that have declared independence in the world, but only a few of them can be classified as de facto independent states. They will not be regions that have proclaimed independence, but are still under the actual authority of the country to which they belonged. Separatist areas, where fighting is still going on and the situation may be constantly changing, are also not states – an example is Chechnya, which is currently largely subordinated to Russia.

Currently, eight states can be considered as de facto independent, whose independence, announced at least a dozen or so years ago, has already taken hold or has been recognized by at least one internationally recognized state, and their governments exercise power without hindrance in a territory with a relatively defined borders and permanent population, that is: Kosovo, Abkhazia, Somaliland, Taiwan, Northern Cyprus, Transnistria, South Ossetia, Palestine (Kubiak, 2005).

There are some territories that have a somewhat similar character to unrecognized countries of undetermined status. These are territories that demand recognition of independence and whose aspirations are taken seriously in the international arena. However, the complexities of the world of international politics mean that so far these countries are actually under the power of neighboring countries, and their final status, i.e. granting independence or remaining in some form of connection with the state currently administering this territory, is to be resolved in an unspecified future.

The typology of unrecognized states distinguishes three basic types of entities (Sobczyński, 2006):

- countries partially recognized on the international arena (Abkhazia, Northern Cyprus, Kosovo, South Ossetia, Republic of China);
- countries unrecognized in the international arena, de facto controlling their territory (Nagorno-Karabakh, Transnistria, Somaliland, Islamic State);
- territories with undetermined status (Palestine, Western Sahara).

The quasi-state phenomenon includes three elements: territory, population and power. The population in unrecognized countries generally supports their quasi-state, and the motivation can be positive or negative. Firstly, it is treated as its own state, giving the possibility of self-determination, development of its own nation, its culture etc. Secondly, it is perceived as a guarantee of better socio-economic conditions and the rule of law compared to the mother country, as a guarantee of protection against anarchy or against a central government that a group of people believe discriminates against or threatens their identity or even their physical existence. In addition, there is no requirement for a minimum population of a state, therefore such a condition should not be imposed on a quasi-state (Antonowicz, 1988). Similarly, there is no requirement as to the minimum size of a country, and thus also unrecognized countries. Similarly, its area may

change, and the boundaries do not have to be precisely defined. Power is also an inseparable element of the group of described geopolitical units.

Another feature of unrecognized states is material sovereignty, which means that they actually exercise exclusive, full and independent power on their territory, and are actually independent in international relations – if they establish any – from other states and entities. The attribute of material sovereignty should therefore be accepted as a prerequisite for including a given geopolitical unit in the group of unrecognized states. However, it is not required to rule over its entire territory - it does not need to control all of the territory it claims.

It can therefore be concluded that an unrecognized state is a geopolitical entity which, first of all, is materially sovereign, thus actually exercising exclusive, full and independent power on its territory, and is actually independent of other states and entities in international relations. Secondly, it is not sovereign in a formal dimension, and therefore, in the light of international law, it is subject to a state, constituting its integral part, which it does not recognize. Thirdly, it performs, at least to a narrow extent, the basic functions of the state (Kosienkowski, 2008). Unrecognized states are geopolitical units that do not have the attribute of formal sovereignty, which means that in the light of international law they are subject to a state, constituting its integral part. Such states are therefore not formally recognized as sovereign by the international community.

### **Unrecognized states as a challenge and threat**

Assuming that all currently existing unrecognized states and secessions from uncontrolled territories to states with limited recognition are *de facto* not subject to the norms of international and national law (central or unrecognized local), they all potentially pose a threat to international, regional and local security at varying degrees.

First of all, it is necessary to determine the sources of threats resulting from actual secessions, the existence of unrecognized states. A. Rabasa proposes 4 indicators of uncontrollability:

1. The level of *interdependence of government and society*, which is determined by the availability and effectiveness of major state institutions such as the social security system, public health, law enforcement, judiciary, etc. (these institutions are ineffective when they come under the control of tribal, criminal, or military groups partisan);
2. The level of *government monopoly on the use of force*, which is estimated on the basis of the effectiveness of state coercion in specific territories;
3. Level of *government border control* as most unrecognized countries are located in border regions;
4. Level of *external interference* by other states (Rabasa, 2007).

Thus, the lower these indicators are among the central authorities, the greater the chance of unrecognized territories appearing and the less possible the control and mitigation of threats. Despite the fact that A. Rabasa singled out these factors concerning central authorities, it is also acceptable to use them inversely in relation to the self-control capacity of local authorities as a factual situation. Therefore, the higher these indicators among local authorities, the more stable and less dangerous the parastatal formation. This dependence seems to be more correct and significant than the original one, which does not take into account the durability of the *de facto* state in the case of low indicators of statehood. For example, in relations between Somalia and Somaliland, both countries control their territory poorly and ineffectively, and thus pose a threat at the local, regional and international level, while in relations between Moldova and Transnistria, the latter's indicators are low, therefore Transnistria is *de facto* a relatively minor threat to international and regional security.

The main threats coming from unrecognized countries are terrorism, economic crimes and criminal activities in general, e.g. piracy, violations of human rights and the principles of international law. *De jure* international non-recognition is a potential haven for terrorists. Terrorist activity can come both from local fighters for independence, ethnic rights, etc., and from outside groups that gain sympathy and shelter from the local population. For example, ethnic nationalism has historically provided the ground for terrorist activities (e.g. Kosovo-Serbian "Arkan Tigers",

Greek-Cypriot "EOKA", Kosovo-Albanian "Kosovo Liberation Army", Turkish-Cypriot "Kosovo Liberation Army", "Turkish Resistance", etc.).

The sources of internal terrorism do not exclude links with external terrorist organizations providing solidarity, finance, weapons, etc. (Basque ETA and Al-Qaeda, Chechen terrorist groups). There are also numerous examples of links between unrecognized countries and terrorists. Another example, but not officially proven, is the use of commercial banks in Northern Cyprus to finance Chechen terrorist groups, as these banks are not controlled at the international level. Even a small possibility of being linked to terrorist activity is not unreasonable due to the fact that it is not subject to international law.

Moreover, when central or local self-appointed authorities are ineffective in managing the state or unable to help the population in certain critical situations, terrorist groups can take advantage of the situation, abuse their power and provide assistance in return for future sympathy, favor or even direct involvement (for example, the Islamist group "Lashkar-e-Taiba" carried out humanitarian work in Kashmir after the 2005 earthquake).

The RAND Corporation experts distinguished 4 indicators favoring the presence of terrorists in unrecognized countries (Rabasa, 2007):

1. Availability of infrastructure needed for terrorist activities with unsupervised access (transportation, uncontrolled financial flows, etc.);
2. Availability of sources of income;
3. The possibility to escape with simultaneous observation, which is easy when the territory is outside the national or at least international legal framework;
4. Favorable attitude resulting from the cultural and social conditions of the local population (such as traditions of hospitality and not expelling a guest to the enemy).

In terms of criminal activity, internationally unrecognized state can also serve as a haven for criminals, and kidnapers, drug traffickers and human traffickers themselves can be organizers and leaders of secessionist territories (as is the case in Bolivia, Venezuela, Colombia, etc.). In addition, criminal activity can be a source of income for self-appointed authorities.

Also, local people may consider economic crime as a source of income when the economic system does not provide employment. Kosovo is an ideal example in this context. This area is located in the center of the so-called the "golden crescent" connecting Afghanistan and Pakistan with the European drug market, and the village of Veliki Trnovac is one of the largest drug trafficking centers in Europe. It is well known that drug trafficking is closely linked to criminal and terrorist organizations (Kemp & Amerhauser & Scaturro, 2021). Tax evasion, money laundering and the use of banking services that go beyond the operation of international law are also side effects of the existence of unrecognized countries where the inhabitants of the grey zone can operate.

There are several reasons why quasi-states do not develop their economies well. One aspect is war damage. Secession is usually effected through a civil war fought mainly or entirely in the territory of a quasi-state. The length and ferocity of these conflicts varied, but results in the destruction of entire villages and even towns. Another reason is what Pegg calls "the economic cost of non-recognition." Foreign companies are afraid to invest in a quasi-state because legal agreements there may not be binding at the international level. Investors may also be concerned about offending the home country so as not to lose opportunities to trade with its usually larger market (Pegg, 1998).

The status of a non-recognised state hinders normal, legal trade with the outside world, thus encouraging illegal business. Virtually all quasi-states have a large grey economy, often with close ties to the top state leaders. Local officials and authorities profit from this business through bribes, but the quasi-state as such does not profit from it. The "income" collected in this way goes to private pockets, not to the state treasury. While this phenomenon is obviously present in other countries, including some in the Western world, certain circumstances tend to exacerbate the problem in unrecognized countries. One of them is the civil war, which in most cases precedes the formation of a quasi-state. During the war, not only buildings are destroyed, but also administrative and state structures, and illegal activities are easily uncontrollable. While wars, conflicts and emergencies are devastating events to most countries, they create a breeding ground for criminal

activity and illicit economic activity, which proves particularly effective in the absence of order. Those who benefit from such measures see little reason to support the restoration of state of law effective public scrutiny.

If the experience of war were the only problem, it can be assumed that criminal activity would gradually disappear in times of peace, but certain characteristics of the quasi-state favor the criminalization of the economy, regardless of the war factor. As these countries are not recognised, international conventions cannot be applied and effective monitoring by international organizations is not possible. The resulting lack of transparency in these countries is extremely attractive to criminal organizations and other dubious companies. As de Waal argues regarding the quasi-state he studied, “Nagorno-Karabakh remained internationally as outlawed as Chechnya. None of its laws or institutions were valid outside its borders, and no foreign diplomats appeared there, except peace negotiators. It was practically an invitation to become a rogue state” (Wall, 2003).

Another threat is piracy, which occurs in unrecognized countries as a result of economic collapse and unemployment, and as a result of inaction and inefficiency of border guards. Pirates usually rely on the support of self-proclaimed authorities (e.g. Puntland leaders provide support to Somali pirates). No one is able to ensure respect for human rights in para-states, and the activities of humanitarian organizations are carried out in a constantly risky environment. Moreover, counter-terrorism and punitive efforts to re-establish state control or consolidate local government may lead to mass civilian deaths and humanitarian disasters (Antonova, 2021).

Non-recognised countries are also at risk of ethnic and religious discrimination against minorities (for example, Kosovo authorities ignoring the rights and violations of workers from minorities) which can further lead to acts of provocation and violence, as well as disappearances, trafficking human beings, human organs and even genocide due to the low level of personal protection. Violation of the rights of minorities also occurs in the case of a unilateral declaration of independence without taking their interests into account, as was the case in Kosovo in 2008 (Žmuda, 2010).

The emergence of unrecognized states is a serious challenge for international law. It is well known that internal contradictions exist in international law, such as conflicts between the principles of territorial integrity and the right to self-determination. Cases of unilateral declarations of independence add to instability because it is a balance between these two principles that sets precedents and triggers incentives for other separatist regions. Contemporary international law is becoming more and more fragile as the world changes rapidly and the existing rules no longer satisfy the environment, revealing more and more gaps in the system, such as the lack of special institutions and criteria for recognizing statehood.

### **Survival of the quasi-state – the persistence of threat to security**

Most of the unrecognized states lack international recognition and strong state structures, but they exist nonetheless. Several factors can be identified that contribute to the survival of quasi-states: *symbolic nation-building; the militarization of society; weakness of the home state; support from an external patron; and a lack of commitment from the international community.*

A distinction can be made between state-building and nation-building. Statehood concerns the institutional, economic and military foundations, the “hard” aspects of state-building. Nation-building, on the other hand, concerns the “soft” aspects of state consolidation, such as shaping a common national identity among residents through symbols, history, and cultivating traditions and national customs. Nationality and national identity are not inherent in a state's population, but are developed and maintained through nation-building.

Most countries in today's world treat themselves as nation states. Rightly or wrongly, state leaders invariably claim to represent their “people.” In a similar way, the leaders of the quasi-states speak on behalf of the Ossetian people, the people of Somalia, the people of Transnistria, and so on. Like other states, they strive hard to cultivate a sense of common identity among the inhabitants of the territory they control. Through nation-building, quasi-state leaders seek support from within, from the local population, to create or maintain their internal sovereignty. Usually, successful

nation integration is largely dependent on successful state building. Through nation-building, the state authorities want to achieve the attachment of the population to this particular state through identification with it. A country that cannot provide the basic services at the level expected will have a much harder time winning the loyalty of its people than a country that can. However, even in the absence of effective state-building, most quasi-states have had fairly good success in their nation-building efforts. The population of most quasi-states share a high degree of shared national identity (Ramasubramanyam, 2021).

However, "soft power" in the form of internal support of the population is not enough to ensure the continued existence of quasi-states. Quasi-states were created by military means and must be maintained in a similar manner. As political entities that are not protected by the international system of mutual recognition, they are thrown back into the "Hobbesian jungle" (Hobbes, 2005) and have to rely on brute force more than other states to survive. However, their armed forces do not have to be very large. King (King, 2001) estimated the armed forces of the quasi-states of the former Soviet Union in Nagorno-Karabakh to be between 15,000 and 20,000; 2000 in South Ossetia; and 5,000 in Abkhazia. Compared to the size of the armies of other countries, this is not a large number, but compared to the size of the entire population of the belonging quasi-states, it is significant. For quasi-states, the need for a strong military capability means that they must devote a disproportionately large share of state resources to national defense. This leaves less resources for civilian purposes and contributes to poor development of social services, educational facilities and infrastructure.

Military strength and weakness are, of course, relative measures. It suffice that the quasi-state is strong enough to keep away the parent state from which it has seceded. Indeed, the home state of most quasi-states is a weak state, politically, institutionally, and militarily. Georgia, Azerbaijan and Moldova were not only economically and politically weak in the first years after regaining independence, but also torn apart by severe internal conflicts. Moldovans were deeply divided over reunification with Romania, and Azerbaijan went through several coups and regime changes before Geidar Aliev managed to bring himself, and later his son, to power. Georgia fared the worst as the country plunged into a civil war in 1992 with Georgians confronting Georgians, a war that ran partly in parallel with military campaigns against the separatists. In the early to mid-1990s, Georgia clearly fell into the "failed states" category (Nodia, 2002).

The largest mother country, Russia, was clearly in a much better position to defend its territory, although the economic transformation has also hit the country hard. Russia took over the Soviet central administration and almost all of the former Soviet Armed Forces and their equipment. Nevertheless, even Russia has not been able to achieve complete control over all parts of its separatist region, Chechnya. As long as the mother country is plunged into political chaos and economic collapse, not only can it not start a new war to regain lost territory, but it will also not attract the population from the detached region. Even those quasi-state citizens who are deeply dissatisfied with their self-proclaimed leaders have no reason to wish to reunite with a disappointing home state.

However, not all home countries are as weak as those described above. Some quasi-states have to defend themselves against states with a well-functioning state apparatus, a solid economy and good defense capabilities (e.g. Republic of China – Taiwan vs. PRC). Most quasi-states, even those that struggle with weak home states, are therefore dependent on the support of an external patron. It can be said that such a patron plays the same role as the international community towards failed states. In such cases, the role of the international community as the guarantor of the survival of weak states has been "privatized" in a way.

With a powerful patron, the quasi-state has a stronger position in the international arena, which is able to deter a potential military aggression. Taiwan is a strong country not only economically but also militarily, despite its small geographical area. Like most other quasi-states, Taiwan was founded when the mother state, the People's Republic of China, was weak, torn apart by a prolonged civil war. Today, however, China is a powerhouse and could annex Taiwan if not for Taiwan's external patron, the United States. The Republic of Dniester, Ossetia and Abkhazia enjoy Russia's support, while Northern Cyprus has another powerful patron, Turkey. In post-Soviet matters, this patronage is

unofficial: Russia has not recognized any of its quasi-states, but without the participation of the Russian 14<sup>th</sup> Army in the 1992 Moldovan civil war, the Transnistrian unrecognized state would most likely have disappeared from map. The Russian military also played a key role in the wars in South Ossetia and Abkhazia. In the case of Northern Cyprus, patronage was quite open and explicit: Turkey was the only country in the world to officially recognize its Cypriot republic, and also provides it with most of its defense military capabilities.

International organizations such as the UN, OSCE and NATO have played a key role several times in conflicts between quasi-states and their home states. The refusal of quasi-states to enter the international state system has thwarted their aspirations to achieve "true" statehood (e.g. Somaliland and NATO's Operation Ocean Shield). At the same time, such organizations in several cases acted as a collective external patron of the quasi-state. Eventually, they engaged in negotiations and peacekeeping missions in quasi-state conflicts (e.g. the UN intervention and peacekeeping mission in Cyprus - UNFICYP). While the international community is clearly in favor of peaceful, negotiated solutions to these conflicts, it seems reasonable to say that its involvement in most cases has had quite the opposite effect and inadvertently contributed to the prolonged existence of quasi-states (e.g. the United Nations Mission for the Sahara Referendum Western - MINURSO).

Two instances where international organizations have acted as external patrons of a quasi-state are Kosovo and the Kurdish-controlled territories in northern Iraq between 1991 Gulf War and 2003 Iraq War. The degree of active involvement in these cases varies. In northern Iraq, it was about denying the mother country the opportunity to regain control of the area, leaving administration in the hands of the local population. In Kosovo, the UN and NATO, through UNMIK and KFOR, have virtually taken over military defense as well as direct oversight of the civil administration. Kosovo today is, practically speaking, an "international protectorate" (Buzard & Graham & Horne, 2017).

Moreover, international organizations are involved in quasi-state conflicts, offering their services as mediators and arbitrators at the negotiating table. Typical cases are the OSCE sponsored negotiations, the so-called "Minsk process" to resolve the Nagorno-Karabakh conflict, and UN-led negotiations regarding Cyprus. Sometimes such negotiating efforts were accompanied by the deployment of peacekeepers. The problem with international involvement in quasi-state conflicts is indecision and inconsistency. The lack of determination in these efforts clearly reflects the low priority these conflicts have for Western states. This allowed regional actors, more interested in the conflict, to intervene in this process and pursue their own agendas. This was the case, for example, when Russia – a member of the Minsk group – launched its own parallel initiative in the Nagorno-Karabakh conflict in 1994, took over the negotiations and imposed a permanent ceasefire – but not peace – on its own terms (Baev, 1998).

Instead of resolving conflicts, negotiations freeze them and perpetuate the status quo. In this way they contribute to the prolonged existence of quasi-states. The same can be said for most peacekeeping missions. The party most willing to resume hostilities in these conflicts is the home state, which wants to regain lost territory. An unrecognized state is content to have territory under its control. For these reasons, international peacekeepers deployed between warring parties act as additional border guard units for the quasi-state behind which it can pursue its nation-building and other activities (Kolsto, 2006).

## CONCLUSION

The fact that unrecognized states are not formally sovereign has negative consequences for their functioning and existence. Threats to their functioning for the international security system may be external or internal. Firstly, unrecognized states are protected by international law only to a limited extent compared to states, so they are not subject, for example, to the principle of non-interference in their internal affairs or the prohibition of using or threatening to use force against them, and their continued existence is not guaranteed. In addition, they meet with a rather negative reaction from the international community – for example, by imposing economic sanctions -

because, in its opinion, they destabilize international order and security, as they violate the principles of territorial integrity and inviolability of the borders of existing states. Secondly, the lack of international recognition is the cause of economic problems for unrecognized states, threatening them with collapse and, as a result, their definitive disappearance from the world map. The unspecified legal status of these units prevents or limits their benefits granted by participation, in international organizations, regional and bilateral initiatives or receiving international aid.

The problem of these specific geopolitical units is noteworthy, if only due to the fact that they often constitute a source of threats to international security, as they are in a state of conflict with their home state, and the norms of international law apply in their area to a limited extent. At the same time, most of the identified unrecognized states – more precisely Transnistria, Northern Cyprus, Kosovo, Abkhazia, South Ossetia and Nagorno-Karabakh – function in the European space.

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