

Forum:	Disarmament and International Security Committee (GA1)
Issue:	Addressing Security Risks of De Facto Independent Territories
Student Officer:	Fani Kantzavelos
Position:	Main Chair

PERSONAL INTRODUCTION

Dear Delegates,

My name is Fani Kantzavelos, and I am an IB1 student at HAEF Athens College. This year I have the honor of serving as the Main Chair of GA1, marking my 15th MUN conference.

I would firstly like to welcome you all to the 12th annual session of PSMUN. During the conference you will be able to debate, find solutions for issues of global importance, and meet new people.

The first topic of this committee focuses on the risks that de facto independent territories pose to international disarmament and security, and the risks that involve their peoples. This study guide should provide you with the necessary information to prepare your resolutions for the conference. However, I encourage you to conduct further research on the topic to explore some of its aspects in more detail and have a better grasp on your delegation's stance. The bibliography at the end of the guide can serve as a steppingstone.

If you have any inquiries regarding the topic, the committee, or the conference overall, please do not hesitate to contact me via email at fkantzavelos@athenscollege.edu.gr.

I am looking forward to meeting you all!

Kindest regards,

Fani

INTRODUCTION

The international community is comprised of states or simply nations. The United Nations (UN) is an international organization with 193 member-states. These states are legitimate, enjoying widespread recognition from other states worldwide. Its citizens have access to education, healthcare, public services (to an extent). They have

rights as citizens and as humans. They are protected by their state and international law. What happens, however, when there are territories with respective populations claiming they are independent, righteous states, without being internationally recognized? What happens to the people living in these areas? Who ensures their security?

One would assume that the officials or entities administering these areas grant these populations their rights, their securities, and their freedoms, just like any other state. Unfortunately, these territories do not qualify as states, and, therefore, exist in a grey area of international law. While they do have a permanent population, a loosely defined territory, and some form of government, they are not able to engage with other states in the capacity that a UN member-state can. They are essentially *de facto*, illegitimate in an international framework.

This poses the question of the global interest in *de facto* states, and why independence is simply not granted to them. Firstly, international and national law do not function in that manner. *De-facto* states cannot be granted recognition easily because there are larger implications and interests at hand. *De facto* states are not just territories, but entities that involve people, resources, and larger interests at hand. They cannot be dealt with simply without more problems arising. Lastly, *de facto* states enthrall an important aspect that affects all states: international security. When *de facto* states act on their own, engage in trade, or enter diplomatic relations with a *de jure*, legitimate state, their position is strengthened, weakening its *parent state*, and threatening the global equilibrium.

So, *de facto* states endanger sovereignty, the very premise which ensures international relations. Regardless of the political perspective, states are the ones who come into contact with each other, and can collaborate to pursue long-term goals, like security. When a *de facto* state emerges, mutual security is no longer guaranteed. As Dov Lynch expressed, “*if only the major powers understood adequately the complexity of the challenges facing them, these frozen crises would rank higher on their agenda.*”¹ Apart from the issue of security, *de facto* states endanger their own constituents. Their citizens are in essence, stateless. They do not belong to a recognized nation, and do not have the same access to basic human rights, and in extension, needs. Not only are countries at risk, but so are people.

This relates back to the conference’s theme, *Pacifism and Injustice*, where from the *de facto* point of view, these territories are seeking for justice for their people, and from

¹ Lynch, Dov. “Engaging Eurasia’s Separatist States: Unresolved Conflicts and De Facto States.” Edited by Robert Legvold, *Foreign Affairs*, 2004, www.foreignaffairs.com/reviews/capsule-review/2004-11-01/engaging-eurasias-separatist-states-unresolved-conflicts-and-de.

a broader international point of view, are disrupting the peace within an able state, for better or for worse. While de facto states might be viewed in a questionable light, they also bring crucial issues to the table. “They raise critical questions about the viability of alternate units in a system dominated by sovereign countries. Their limbo-like status—neither independence nor assimilation—seems to be more durable than we might think.”² De facto states challenge sovereignty and independence in the notion of today, and that is why we need to address them, either by recognizing them or seeking for more optimal, viable solutions.

DEFINITION OF KEY TERMS

De facto

De facto means a state of affairs that is not official but is factually true.³ In this case, the recognition of a territory being independent is not officially recognized, however the recognized state is not exercising authority over said territory.

De facto state

“A de facto state exists where there is an organized political leadership which has risen to power through some degree of indigenous capability; receives popular support; and has achieved sufficient capacity to provide governmental services to a given population in a specific territorial area, over which effective control is maintained for a significant period of time. The de facto state views itself as capable of entering into relations with other states and it seeks full constitutional independence and widespread international recognition as a sovereign state. It is, however, unable to achieve any degree of substantive recognition and, therefore, illegitimate in the eyes of international society.”⁴

² Florea, Adrian. “De Facto States: Survival and Disappearance (1945-2011).” *CORE*, University of Glasgow, 2017, core.ac.uk/download/pdf/296181692.pdf.

³ “Legal English: ‘De Facto/De Jure.’” *Washington University in St. Louis | School of Law*, Washington University in St. Louis, 8 Dec. 2012, onlinelaw.wustl.edu/blog/legal-english-de-factode-jure/.

⁴ Pegg, Scott McDonald. “On the Margins : International Society and the De Facto State.” T. University of British Columbia, 1997, <https://open.library.ubc.ca/collections/ubctheses/831/items/1.0088261>. Retrospective Theses and Dissertations, 1919-2007.

De facto statelessness

“De facto stateless persons are persons outside the country of their nationality who are unable or, for valid reasons, are unwilling to avail themselves of the protection of that country.”⁵

De jure

De jure means a state of affairs that is in accordance with its legal context.⁶

Parent States

The internationally recognized and accepted states that are not able to exercise authority over a certain region of their territory.⁷ The part that they cannot control is, therefore, known as a de facto territory, among other names.

Patron States

States that extend their support to de facto states in the interest of their national agenda. These states may also engage in agreements and diplomatic talks with each other.

Quasi-States

“Quasi-states resemble normal states except for one difference: they lack international recognition or enjoy it only at a minimal level. This means that their territories formally belong to universally recognised states, although in reality the authorities of these parent states have no control over their breakaway regions.”⁸

Sovereignty

The legal monopoly of power. There is external sovereignty, where a state is recognized as independent internationally, and internal sovereignty, where a state is in control of its affairs and its power lies within its borders. A state is still sovereign even if its internal affairs are not in order.

⁵ Massey, Hugh. “LEGAL AND PROTECTION POLICY RESEARCH SERIES: UNHCR and De Facto Statelessness.” *UNHCR | The UN Refugee Agency*, Apr. 2010, www.unhcr.org/4bc2ddeb9.pdf.

⁶ “Legal English: ‘De Facto/De Jure.’” *Washington University in St. Louis | School of Law*, Washington University in St. Louis, 8 Dec. 2012, onlinelaw.wustl.edu/blog/legal-english-de-factode-jure/.

⁷ Özpek, Burak Bilgehan. “The Role of Democracy in the Recognition of De Facto States: An Empirical Assessment.” *Global Governance*, vol. 20, no. 4, 2014, pp. 585–99. *JSTOR*, <http://www.jstor.org/stable/24526326>.

⁸ Kosienkowski, Marcin. “Is Internationally Recognised Independence the Goal of Quasi-States? The Case of Transnistria.” *Papers*, The John Paul II Catholic University of Lublin, 4 Aug. 2013, www.readcube.com/articles/10.2139%2Fssrn.2132161.

State

“The state as a person of international law should possess the following qualifications: (a) a permanent population; (b) a defined territory; (c) government; and (d) capacity to enter into relations with the other states.”⁹ Depending on the political perspective, states may be viewed as the center of international relations, or simply the propellers for internal cooperation and interdependence.

BACKGROUND INFORMATION

World Wars and Statehood

Before World War I (WWI), there were a few countries, mainly empires, who comprised the international relations of the time. They played the roles states play today, but more conservatively. Conflicts were usually transnational, meaning they involved 2 states or more, reaching a maximum of three states embroiled in conflict. When WWI erupted, states had never been involved in a conflict with so many other states. At the same time, the call for equality within these empires who “housed” multiple ethnicities had never been louder. Especially in Austria-Hungary, ethnic Romanians, Bosnians, Czechs, and many more were tired of being repressed, which was an ongoing pressing issue during the war. When WWI came to an end in 1918, new countries emerged, creating concept of the nation-state, a state mostly made up of one ethnicity. While this wasn’t the case in Czechoslovakia or Romania, most other ethnicities got their own countries. WWI marked the establishment of states seeking and gaining independence from larger state-like structures, in this case empires. Statehood and self-determination (the right to seek independence) were founded around this time.

In 1933, during the Interwar period, the Montevideo Convention on the Rights and Duties of States was established amongst the American States. They are not to be confused with the states of the United States of America (USA). This convention defined statehood and a state’s obligations. It, in fact, outlines the prerequisites to become a state. The definition of a state quoted above derives from this very document. As described above, a state must meet four criteria to be considered a legitimate, recognized state. The fourth criterion, being engagement in foreign affairs,

⁹ “Montevideo Convention on the Rights and Duties of States.” *University of Oslo | The Faculty of Law*, University of Oslo, www.jus.uio.no/english/services/library/treaties/01/1-02/rights-duties-states.xml.

is the hardest to be met for de facto states today. This legal document is a key tool when it comes to defining states, and whether territorial entities classify as states.

World War II (WWII) broke out because of states' desires to expand their territories. The League of Nations, the UN's predecessor, was unable to curb unilateral action, thus failing to promote an agenda of mutual cooperation, security, and disarmament. The League of Nations' incompetency signaled to the world at the time that states could only act for themselves to protect themselves in a global framework. In 1945, after the atomic bombing of Japan, when hostilities amongst nations had come to a conclusion, the victors came together alongside other nations and founded the UN, an international forum of cooperation for all states worldwide. Mandates under the League of Nations, such as British and French colonies, were transferred to the new body of the UN.

New states were created, namely Israel. Israel was created under the need of establishing a Jewish state in the Middle East. Initially, talks had been held to create the Palestinian state, which would be split into two: one Arab state and one Jewish state. When this issue had been brought to the Security Council, the United States among the other permanent and non-permanent members had agreed to this solution. However, in 1948, Israel was the state that was ultimately founded, a state that had not even "existed" as an entity. To this day, Palestine is still seeking for full independence, and has received support from the UN in its quest of self-determination. Palestine is considered to be, by most international standards, a de facto state, despite the fact it is officially an autonomous region under Israel's administration. The question of Palestine is one that has existed since the end of WWII and poses a security threat in its region, seeing as animosities between Israeli and Palestinian forces escalate quickly, while mostly targeting Palestinian minorities. The Israeli-Palestinian issue of statehood is one that highlights the notion of statehood, but also that of rightful independence.

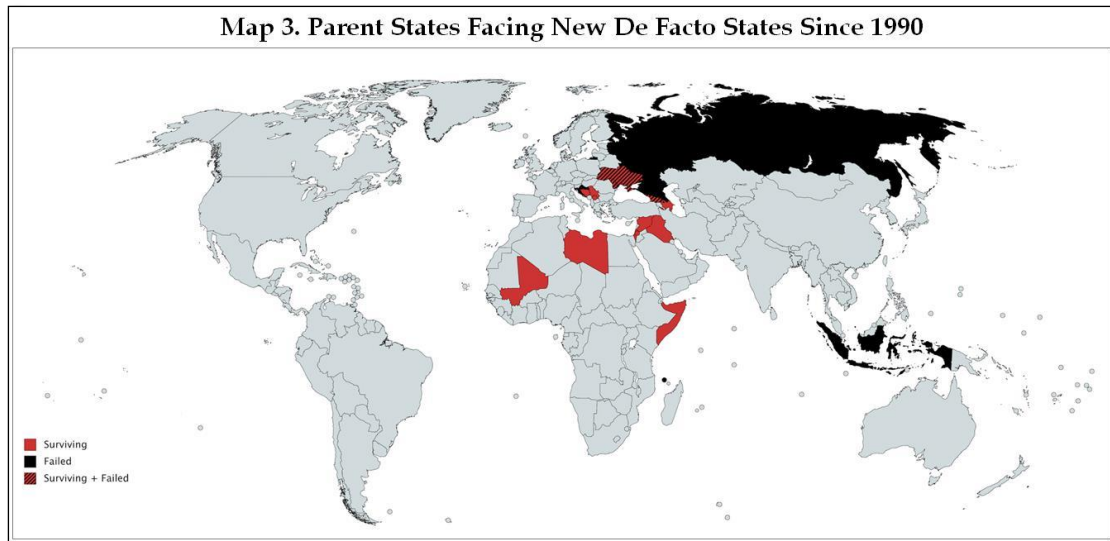
Post-Cold War Era: Former Soviet Republics and Independence

The Cold War was an enduring conflict between the US and the Union of Soviet Socialist Republics (USSR). It followed quickly after the end of WWI and the establishment of the UN, creating a new world order, where states now belonged to spheres of influence. The US enveloped the West, which was made up of Western Europe and limited countries in Asia, such as modern-day South Korea and Japan. The USSR encompassed countries within the union, which took up the majority of Eastern and Southeastern Europe, Asia, many South American states, and some countries in Africa. The two sides acted against each other, were in constant competition of surpassing each other in development, and on many occasions, undermined others' statehood in the name of warding off the US or communist (Soviet) threat. Many states

underwent brief US-backed dictatorships, while others would enter long-lasting communist regime frameworks, and in the case of Korea, split into two states.

Under the USSR, there were states, autonomous regions, and provinces. Georgia and Moldova were among the states which were also comprised of autonomous regions. These regions did not enjoy independence, but they had state responsibilities and belonged to the larger state, their parent state. In Georgia's case, there were two crucial autonomous regions: Abkhazia and South Ossetia. In Moldova there was Transnistria. Before the dissolution of the USSR, these autonomous regions were content with their status, since a lot of the time, they directly responded to commands from the central government. The fact that they belonged under the broader administrative region of a state was just a formality, to them, and in some instances, to the central leadership. When the USSR was dissolved, statehood became out of the question for these regions, and they were assimilated into their respective parent states. South Ossetia and Abkhazia were placed under Georgia, and Transnistria under the Republic of Moldova.

Although many historians disagree whether the fall of the Soviet Union came in 1991 or 1994, for the purposes of this study guide, the dissolution took place in 1991. In 1992-1993, Abkhazia and Georgia are at odds with each other. A civil war takes place, and only concludes with Abkhazia administering its former autonomous region. Abkhazia effectively took over important oil fields to the Georgian economy and has received tactical support from Russia ever since. South Ossetia declared its independence later on and has engaged in relations only with Russia. They are not viewed as states by the majority of the international community, and simply hold de facto state status. The same stands for Transnistria, which has had effective control of the region since the union's end and has been ruled by its own constitution. Both de facto territories have been viewed as Russian pawns to control its former "republics". Their existence is not only threat to the actual countries whose power has been diffused by illegitimate authorities, but also poses a huge security risk to the stability of the broader region. The USSR's structure, including autonomous territories, provides the basis for these regions' claim to independence, but implicate many risks and discrepancies that cannot lead to independence, but non-recognition. Their prior independence gives them access to institutions and "templated" frameworks that have allowed them to be separate from their parent states for so long and creates a distinct identity from that of the state they formally belong to.



Internal Sovereignty: De facto States and their Stateless Populations

Recognized states enjoy sovereignty, either internal, meaning that their authority as a state is recognized through their governance by their people, or external, meaning that other states recognize them, and they are members of the UN. The people of recognized states are entitled to rights, including human rights, and are viewed as citizens. De facto states, on the other hand are comprised by a population, who is usually subject to de facto authority. They may be given de facto rights and may be entitled to minimum human rights outlined by the UN Refugee Agency (UNHCR), but do not belong to a state. These people are stateless, which may leave on asking: how do such states survive alongside their people?

Endurance of De facto States

“De facto states function as alternative structures of authority in a post-1945 international order dominated by recognized nation-states.”¹¹ The fact that they are able to survive, especially for a given period of time, even superseding conflict, makes them a surprising component of international relations.

De facto states cannot survive on their own. There is a multitude of factors that contribute to their continued existence and the high demands they have when faced

¹⁰ Melons, Harris. “Map 3. Parent States Facing New De Facto States Since 1990.” *PONARS Eurasia | New Approaches to Research and Security in Eurasia*, 27 Feb. 2019, www.ponarseurasia.org/the-geopolitics-of-de-facto-states-d19/.

¹¹ Florea, Adrian. “De Facto States: Survival and Disappearance (1945-2011).” *CORE*, University of Glasgow, 2017, core.ac.uk/download/pdf/296181692.pdf.

with negotiations of their status. Primarily, de facto states may receive external support, mainly from a patron state. In the case of Northern Cyprus, Turkey extends its support to the government and provides military aid. Military assistance is a reason for such territories to believe in their independence since it allows them to be self-sufficient in the sense that they do not rely on their parent state and “collapse” quickly. However, they are dependent on the state that offers them military aid or any other form of aid. De facto states may also receive financial aid, as seen in the cases of Abkhazia, South Ossetia, and Transnistria. These three territories are supported by Russia, which may have long-term goals in the geographical region, but nonetheless, are provided with a form of sustenance. Lastly, some de facto states are able to build strong governmental bodies that may rival their parent state’s sovereignty. If they are able to build tax systems, judicial systems, and councils that civilians can refer to, then, they are able to acquire a level of legitimacy internally. This allows them to endure within the international community and weakens state structures, thus, posing a threat. These factors are what propel de facto territories to be able to exist, within a framework that wants nothing but to be rid of them. In some cases, however, they are forcefully reintegrated into their parent states due to the fact that the support they may receive externally does not last or is too fragile to be able to withstand the demands of statehood.

Human Rights and Security

The inhabitants of de facto states do exist within those borders, but on paper, they essentially do not exist. They have no legally documented identity, meaning that they are entitled to rights and global benefits. The UNHCR has made some attempts through legal documents talked about below, but they have not been able to penetrate the problem. De facto constituents cannot travel, do not legally have access to welfare benefits, and cannot further their education outside of the territory’s borders. The currency they use is not regulated, or de facto adopted, and may be subject to unregulated controls. Development, therefore, is out of the question, until and if independence is achieved. This means that de facto citizens are not safe from harm, conflict, or any other threat that may involve their physical security. This may implicate neighbouring countries in the region, or even the parent state, which may suddenly notice an influx of people in certain regions. This can pose a security threat with unchecked civilians, as well as create potential targets, being uninvolved countries accepting these unchecked civilians.

One may ask how these states are able to survive if their people do not benefit from their existence. For their survival, as described above, de facto territories (states) need to have a budgetary autonomy from their parent state to ensure security from them. Because most de facto states are unable to conduct relations with other recognized states, they are not able to develop a “self-sufficient” economy (self-sufficient meaning an economy that stands against the one of the parent state). However, quasi states,

which are limitedly recognized, are able to grow and sustain their existence on their own. Taiwan and Kosovo are the only standing examples of today that are not reliant on a patron state for their survival. Taiwan is one of the largest exporters for semi-conductors and the chips needed for electronic devices. It fully functions as an independent state, with its own currency, elections, political, and judicial system. The “Taiwan model”, as deemed by Scott Pegg¹², is one that has allowed Taiwan to be viewed as an actor that can contribute to international trade, without being seen as a nation. While those who do recognize Taiwan as a country conduct proper relations with it, those who do not simply benefit from its production. This model also allows Taiwan to build up credibility in order to achieve internationally recognized sovereignty, which it has worked hard to attain. It is still, however, seen by China and its allies as a part of Chinese territory, seeing as there is also interest with the South China Sea and the trading routes that pass through it. The geopolitical interest of the area that Taiwan takes up is the reason of its de facto status, alongside the standing hostilities between the roots of the respective Taiwanese and Chinese regimes. Kosovo has propped up a tax, judicial, and political system, with regular elections that its people can participate in. The Kosovar government exercises its authority as legitimate over everyday aspects of its people’s lives. More specifically, Kosovo recently tried to implement new license plates that further establish its existence as a legitimate political entity. There were protests from its minority Serbian population, but Kosovo has achieved relative success in expanding its “statehood”. Kosovo is also the most recognized de facto state, which is why it is more fitting to view Kosovo as a quasi state. Kosovo is also backed by the USA, which fuels its being viewed as legitimate.

De facto Territories and their Effect on the International Power Structure

De facto governments gain legitimacy via their “track record”. Depending on their past responses to conflict, their relations with global powers, and the time they have existed, they are dealt with accordingly, or not at all. South Ossetia, Abkhazia, and Transnistria have only been legitimized by Russia, who will benefit from their independence, since they will become an integral and strategic part of Russia. The remaining majority of member-states see them as illegitimate and have limitedly engaged with them, if not at all. However, in light of the global energy crisis, states were looking for alternative sources of “affordable” oil, as long as shortages could be prevented. If states were to look to Abkhazia, since that is where Georgia’s oil fields are located, states may have disregarded sovereignty and legitimacy in times of crisis

¹² Pegg, Scott McDonald. “On the Margins : International Society and the De Facto State.” T. University of British Columbia, 1997, <https://open.library.ubc.ca/collections/ubctheses/831/items/1.0088261>. Retrospective Theses and Dissertations, 1919-2007.

if it could serve a greater interest. If oil was acquired from Abkhazia, Georgia's authority would be questioned, since these states would essentially recognize Abkhazia as an entity. This would have a domino effect on an international scale since other de facto states would become more active and threatening within their parent state. In general, de facto states are a complex component in international relations, and their existence affects the entire global power structure. Though, there are cases of states such as Kosovo and Taiwan, analyzed above, that are partially accepted and, thus, legitimized.

De facto territories do not exist within a legal framework that regulates how they can function or act within and outside of their borders. They are theoretically bound by their parent state's rule of law, but that rule of law ceases to expand to the de facto territory as soon as it forms its own authority over the land. Moreover, de facto territories are not bound by international law, allowing for security issues and discrepancies, especially when it comes to trade and trafficking of sorts. Because their statehood is not de jure, or legitimate, these territories cannot face consequences for their actions, because that would also mean recognizing their existence and complicating the current system of statehood. Thus, de facto territories find themselves in a grey area that ultimately benefits those in power. A study published in 2013 evaluated the case of Transnistria to examine a larger implication amongst de facto states: whether the end goal is to achieve internationally recognized independence.¹³ Transnistria, since its self-proclamation as an independent, Soviet state in 1990, has discussed independence, but under different guises. There have also been changes in statements regarding Transnistria's final goal. Transnistria was quite eager to join Russia in a point in its history. Overall, Transnistria has profited from its de facto status, since all its officials enjoy more power and more freedom to exert it. Transnistria is comfortable in its position as a quasi-state since it is able to act in ways not acceptable by international law. Trafficking and smuggling are activities which have thrived in Transnistria, partly because the government is able to keep the country afloat and cut in on the profits. Overall, "despite official declarations made by the Transnistrian authorities about seeking internationally recognised independence for their region, this nominal goal is not necessarily a real one".¹⁴

¹³ Kosienkowski , Marcin. "Is Internationally Recognised Independence the Goal of Quasi-States? The Case of Transnistria." *Papers*, The John Paul II Catholic University of Lublin, 4 Aug. 2013, www.readcube.com/articles/10.2139%2Fssrn.2132161.

¹⁴ Kosienkowski , Marcin. "Is Internationally Recognised Independence the Goal of Quasi-States? The Case of Transnistria." *Papers*, The John Paul II Catholic University of Lublin, 4 Aug. 2013, www.readcube.com/articles/10.2139%2Fssrn.2132161.

Conclusion

De facto territories are not a recognized element of international relations, but they do affect how countries conduct themselves and serve their interests. Their assimilation into the state structure as of now has not taken place, apart from very few rare exceptions, as in the case of South Sudan which gained independence in 2011 and became the most recent addition to the UN. It is challenging for de facto states to be accepted as actual states, because of the risks they have already brought to pre-existing communities, including increased crime rates, lack of access to welfare services, and lack of opportunity. According to a short documentary on life in Transnistria, the monthly salary equates to around 150 US dollars.¹⁵ All in all, de facto states are a symbol of the principle of self-determination, meaning finding an identity as a fully developed state fulfilling the necessary criteria. However, they are also actors that are viewed as intrusive and threatening to key aspects of the international order, such as disarmament and security. De facto states cannot all be treated in the same way, nor will their existence produce the same results. However, they must be seen devoid of interests, in order to truly determine their contribution, the merit of their claim to independence, and their impact on their respective societies. From territories to states, there is a large gap that cannot be breached, but also needs to be clearly defined in order to protect the human lives that have been implicated in the middle.

MAJOR COUNTRIES AND ORGANISATIONS INVOLVED

China

China is an important actor when it comes to de facto states since it is involved with one of the most active of de facto territories to date, Taiwan. Taiwan is formally Chinese territory but has not been “administered” by China since the Chinese Communist Party came to power in the 1950s. Taiwan has developed itself to a self-autonomous level, where it is nowhere near dependent on another country for its own activities. Taiwan functions as a sovereign nation in terms of structure, economy, and international relations. Taiwan may not be recognized by all of its trading partners, but it does engage in trade that happens to contribute greatly to its independence and reputation as a “state”. Taiwan has held itself to international standards, despite its lack of international context as a state entity, at least de jure. China, in the past year, has made attempts to militarize the South China Sea, by equipping small islands militarily or even building islands for military use. Especially after conflict erupted in

¹⁵ Yes Theory. *50 Hours In A Country That Doesn't Exist On A Map (Transnistria)*. YouTube, YouTube, 11 Oct. 2021, www.youtube.com/watch?v=HXzhcfYIKFQ. Accessed 16 Jan. 2023.

Ukraine, the hostilities between the two parties have heightened. The US has increased negotiations with Taiwan, which has also aggravated China. Chinese foreign policy has become stricter in the past months when it comes to discussion in Taiwan.

Cyprus

Cyprus has been plagued by the conflict between its Northern region since the 1970s. The Turkish Republic of Northern Cyprus is a de facto state that has been propped up by the Turkish government after a Greek-led attempt to establish a coup in Cyprus like the pre-existing one in Greece in 1967. The region had been divided prior to the existence of the de facto territory between its Cypriot and Turkish population, in culture and language. The UN has intervened in Cyprus and has set up a zone that neither government is allowed to seize, nor enter unless authorization has been granted by the UN. Nevertheless, the de facto state has also created an immediate risk to the people of the legal and sovereign state of Cyprus, who have been affected adversely by Turkey's aggressive military stance in the Mediterranean region. Many people have lost their homes as a result of this division of land as well. Overall, the situation in Cyprus is one that has been dragged out over a long period of time and has created strenuous circumstances for the parties involved, including the people of Cyprus and the de facto territory. Cyprus has also followed a policy of not recognizing any de facto state, including Kosovo which has been recognized by many of its allies, in order to prevent legitimizing the Turkish de facto state in any way.

Georgia

Georgia has dealt with a large territorial loss ever since the dissolution of the Soviet Union in 1991. After it gained independence from the USSR, Georgia immediately fell into a civil war with the region of Abkhazia, which declared independence, by claiming a separate ethnic identity from that of Georgia. South Ossetia followed suit in the mid 1990s, claiming independence and a strong will to join Russia. Georgia has suffered economically from the establishment of these two de facto territories, since Georgia's oil fields lie in Abkhazia, and have been exploited through Abkhazian agreements with Russian oil companies. However, the people in these regions have also suffered greatly, since there are mass electrical cuts, resulting in the propped-up governments of the two "states" buying electricity from Russia to serve their people. South Ossetia is also extremely unstable in its government. The two do not seek for their own independence, but assimilation into Russia, which alongside the Russo-Ukrainian conflict, sparks the question of whether their claim to independence serves the interests of Russian expansion and influence in the region.

Moldova

Moldova had faced the question of Transnistrian independence since 1990, when Transnistria claimed independence as the pillar of the USSR in its dying moments. Transnistria is at the border with Ukraine, and because of its pro-Russia stance, has

always been viewed as a threat to Ukrainian and Moldovan security and sovereignty. The Russo-Ukrainian conflict initially sparked hope in Tiraspol, Transnistria's capital, of finally becoming a member of Russia's provinces. However, Transnistria has never been officially recognized by Russia, but it has received material support in regard to its military. Transnistria is in a crucial position, geopolitically speaking, since it lies in the middle of current Russian interests of expansion to Ukraine, at least for the time being. Moldova has not been able to overtake Transnistria with its military since it is still recovering from the after-effects of the USSR. Its defense budget did increase as of 2023, but Moldova still has to make great efforts to free itself from its dependence on Transnistrian electricity, which has led to its soft stance against Transnistria.¹⁶

Russian Federation

Russia has involved itself in the affairs of many de facto territories, specifically those that once belonged to its predecessor state, the USSR. It has publicly supported Abkhazian and South Ossetian independence. Russian forces have crossed the Georgian border and caused damages to Georgian territory, outside of what has been bordered as Abkhazia and South Ossetia, which has resulted in agricultural losses for Georgia. It also has Russian troops stationed in Transnistria, despite the fact that it has not recognized it as a state. Russia, however, has not recognized Kosovo as independent, nor Taiwan and Northern Cyprus. In recent dialogue between the leaders of Russia and China, Vladimir Putin affirmed its support for Chinese authority over Taiwanese soil. In regard to Kosovo, Putin has made the controversial statement pertaining to recognizing the Georgian breakaway states. He claimed that Russia should not accept Kosovar statehood if Abkhazia and South Ossetia are not seen as legitimate states. Russia has generally intervened heavily in the de facto territories of its interests but has not moved to recognizing others that do not benefit its position.

The UN Refugee Agency (UNHCR)

The UNHCR is the sole UN body that has moved towards defining de facto statelessness, as well as outlining the rights that de facto peoples can access as de facto citizens. Its actions have been constricted to studies and reports, which although have offered these people a legal ground to stand on, have not alleviated the issue in tangible, "quantifiable" progress. The UNHCR does not view de facto stateless peoples as refugees and has not intervened as it has recently with the refugee crisis. Since the UNHCR sees de facto statelessness as the people who cannot benefit from their official country's protection, either because they are not able to or because they do not desire to, the agency is not able to plan a course of action that can accommodate the delicate

¹⁶ Calugareanu, Vitalie, and Keno Verseck. "Will the war in Ukraine spell the end of Transnistria?". *DW / Made for minds.*, 12 Jan. 2023, <https://www.dw.com/en/will-the-war-in-ukraine-spell-the-end-of-transnistria/a-64363639>.

situation of such populations. Its work is yet to be seen in this field as the question of de facto territories becomes a central topic of the UN's agenda.

TIMELINE OF EVENTS

DATE	DESCRIPTION OF EVENT
26 December 1933	The Montevideo Convention on the Rights and Duties of States is signed by American States.
28 September 1954	The Convention relating to the Status of Refugees is adopted and enters into force in 1960 ¹⁷ .
18 August 1955	Tensions in Torit lead to British military intervention to disperse the crowds protesting but lead to mutiny with the support of South Sudanese soldiers. ¹⁸ A civil war breaks out between the North and the South in Sudan, creating the claim of independence for South Sudan, which becomes a de facto state after Sudan reaches independence in 1956.
1992-1993	The civil war between Abkhazia and Georgia leaves Abkhazia as de facto independent.
24 May 1993	Having made a de facto claim for independence in 1964, Eritrea gains de jure independence from Ethiopia 29 years later after a long war. A referendum is held under UN auspices, making Eritrea an official sovereign state.
17 January 1996	The de facto President of Transnistria signs the Transnistrian constitution. ¹⁹ The de facto state from then on is governed by its own constitution, separating itself from its parent state, Moldova.

¹⁷ UNHCR. "Relating to the Status of Stateless Persons ." *UNHCR | The UN Refugee Agency*, UN, [unhcr.org/ibelong/wp-content/uploads/1954-Convention-relating-to-the-Status-of-Stateless-Persons_ENG.pdf](https://www.unhcr.org/ibelong/wp-content/uploads/1954-Convention-relating-to-the-Status-of-Stateless-Persons_ENG.pdf).

¹⁸ Momodu, Samuel. "First Sudanese Civil War (1955-1972) ." Black Past, BlackPast.Org, 22 Jan. 2020, www.blackpast.org/global-african-history/events-global-african-history/first-sudanese-civil-war-1955-1972/.

¹⁹ "Constitution of the Pridnestrovskiaia Moldavskaia Respublica." *Ministry of Foreign Affairs of Pridnestrovian Moldavian Republic*, 1 Jan. 2010, mid.gospmr.org/en/bht.

1998	Scott Pegg forms the first complete concept of a quasi-state, deeming it the de facto state.
30 September 2007	The ruling party in Taiwan at the time passes a resolution affirming the nation's separate identity from China. It calls upon holding a referendum in an attempt to strengthen its de facto independence.
17 February 2008	Kosovo declares independence from Serbia. Ever since, it has been recognized by 100 member states of the UN. However, its global status is not seen as de jure, but not exactly as de facto either.
4 July 2008	Fighting in Kashmir leads to 6 deaths near the de facto border splitting the region amongst Pakistan and India.
9 July 2011	South Sudan gains independence from Sudan, being the most recent state to become sovereign and enjoy widespread international recognition today.
3 March 2022	The Kurdish region in Iraq rejects a ruling from the Supreme Court asking for the de facto independence of the oil industry in the region to come to an end, essentially strengthening Kurdish control over its marked territory.
14 September 2022	Amid military pressure from Beijing, Taiwan's de facto ambassador to the US gathers international lawmakers together, rallying support for sanctions against China and legitimizing Taiwan's claim to independence.

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

1961 Convention on the Reduction of Statelessness

The 1961 Convention comes after the 1954 Convention relating to the Status of Stateless Persons²⁰, which was founded by the UN High Commissioner for Refugees to offer basic human rights to stateless peoples. The 1961 convention aims to reduce the number of stateless populations. An important aspect of what it outlines is that it tries

²⁰ United Nations High Commissioner for Refugees. "UN Conventions on Statelessness." *UNHCR | The UN Refugee Agency*, www.unhcr.org/un-conventions-on-statelessness.html.

to secure a person's nationality in the case of state succession or loss of nationality. Losing one's nationality would be in order for de facto states, especially in the case of Transnistria or Northern Cyprus. These regions are being administered by illegitimate governments, and have taken up most of a state's responsibilities, but they are not recognized. Their citizens' have lost their nationalities, therefore making them stateless. The convention would be helpful to this extent, only if of course the parent states were signatories to it. In fact, out of all the countries mentioned, only Serbia and Moldova are signatory parties to the convention, which should theoretically have effect over Kosovo and Transnistria. Nevertheless, this convention has not proven successful, seeing as stateless populations have not even remained stable, but have increased massively. The issue with the convention is that it was responding to decolonization of UN mandates and member-states' former colonies, thus not being applicable to the modern-day risk of newfound statehood.

Legal and Protection Policy Research Series: UNHCR And De Facto Statelessness

The UNHCR published this study on de facto statelessness²¹, examining the body's mandate and its efforts to tackle the issue arising from de facto states. It outlines the multiple issues that arise regarding nationality from state succession, similar to what took place after the dissolution of the USSR, and people who do not have a nationality at all. While it definitely is very detailed and touches upon issues the UNHCR is faced with, it does not offer any solution to the agency's "loopholes". The study is just a report on facts, and simply asks for more accurate reports on de facto stateless populations to then develop a plan on how to reduce their numbers. It can be seen as an approach to reducing the main result of de facto independence but fails to properly address de facto states and the impending issue of national identity, if there is any.

United Nations Forum on the Question of Palestine: The Threat of De Facto Annexation

The above forum was held on April 4, 2019, to discuss increased Israeli intervention in Palestinian territory in the West Bank and Eastern Jerusalem.²² It is indirectly related to the matter at hand, given Palestine's current status as a de facto state. The forum was launched in March of 2019, after the threat of the annexation of Palestine was too looming to ignore. Israeli settlements have been deemed illegal under international law in areas belonging to Palestinian authority. The forum reaffirmed

²¹ Massey, Hugh. "LEGAL AND PROTECTION POLICY RESEARCH SERIES: UNHCR and De Facto Statelessness." *UNHCR | The UN Refugee Agency*, Apr. 2010, www.unhcr.org/4bc2ddeb9.pdf.

²² Committee on the Exercise of the Inalienable Rights of the Palestinian People. "United Nations Forum on the Question of Palestine: The Threat of De Facto Annexation – What Next for Palestine? – Chair's Summary, Report." *United Nations, United Nations*, 4 Apr. 2019, www.un.org/unispal/document/united-nations-forum-on-the-question-of-palestine-the-threat-of-de-facto-annexation-what-next-for-palestine-chairs-summary-report/.

that the two-state solution, meaning establishing a Palestinian and Israeli state, is the only viable solution for peace in the region, in order to ensure security for the broader geopolitical region as well. Thus, Palestine should receive official state status. In general, Arab states have disagreed with Israeli statehood ever since the state was established. Palestine is seen as a legitimate state by most of the Arab world, which thus grants it a de facto state status, despite the fact that it is under Israeli administration. The forum asked that “challenging Israeli occupation laws should be done selectively to avoid setting adverse precedents that further entrench the occupation,” but enough to reveal Israeli policy on the matter. As of 2023, Israel has been persistent in what has been marked as Palestinian autonomous territory, so the forum was not able to adequately respond to the question of de facto annexation. Israeli settlements have increased in the aforementioned areas, which is deconstructing any possibility of peaceful resolution. Since Palestine is already seen as a de facto state, and the conflict is ongoing between Israel and Palestine, the forum on the question of Palestine should move forward in addressing the solution of founding two separate states.

2020

Israeli settlements

Israeli settlers:
600,000 - 750,000

Settlements are Jewish communities built on Palestinian land.

There are between **600,000 - 750,000 Israeli settlers living in at least 250 settlements** in the occupied West Bank and East Jerusalem.

Israeli settlements are illegal under international law.



Source: B'Tselem (2017)

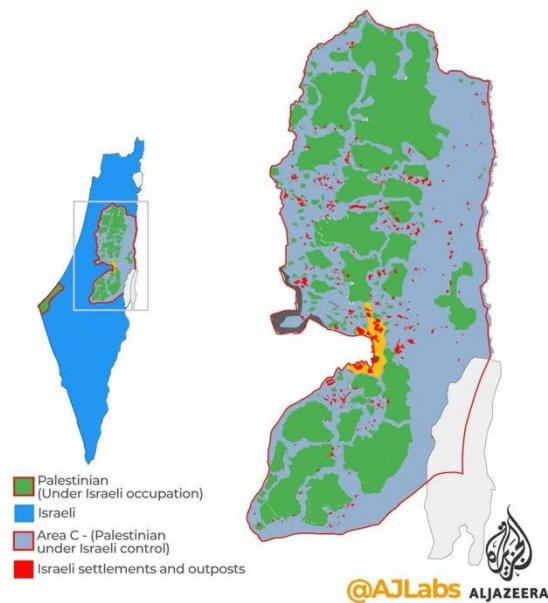


Figure 2: Israeli settlements in Palestinian Territory²³

²³ Haddad, Mohammed. “2020 Israeli Settlements.” Al Jazeera, 26 June 2020, www.aljazeera.com/news/2020/6/26/palestine-and-israel-mapping-an-annexation.

POSSIBLE SOLUTIONS

Working within a precise framework of non-recognition

Engagement with de facto states is complicated since partnerships existing with the de jure parent state do not allow for extensive relations with a de facto state. Interests of parent states, patron states, and international organizations all differ, meaning that the policy of non-recognition can clash, and create further confusion and obstruct any possible solution. “It is important to stress that this engagement is not unconditional. It comes within a robust framework of nonrecognition and is designed to increase the leverage of international actors”²⁴. Engagement with de facto states is inevitable because disputes over these territories essentially are ongoing until further notice. Resolution of conflict is something actively sought after, and, therefore, states and international actors will need to encounter de facto state officials. Establishing “more sophisticated rules of engagement for de facto territories within a framework of nonrecognition, based on their situation and openness to international cooperation”²⁵ can lead to resolution of conflict. Recognizing a de facto territory can have detrimental effects in international security and within the international framework. Therefore, non-recognition should be tailored to the specific case. This can lead to solving issues of global importance, such as human trafficking, lack of proper resources and infrastructure, and of course, lead to ensuring better security for the peoples of de facto states. “More international assistance can be provided on a give-and-take principle, contingent on cooperation with the de facto authorities over the shadier aspects of life in the territories”²⁶. Provisions of diplomatic behaviour need to be set around the premise of ensuring peace and security while working to protect national sovereignty.²⁷

Cooperation with the UNHCR under its mandate for de facto statelessness

The UNHCR is a UN organization which can collaborate with this committee in finding security measures to protect people who are de facto stateless and vulnerable to

²⁴ De Waal, Thomas. “Introduction: The Strange Endurance of De Facto States.” *Carnegie Europe*, 3 Dec. 2018, carnegieeurope.eu/2018/12/03/introduction-strange-endurance-of-de-facto-states-pub-77841.

²⁵ De Waal, Thomas. “Introduction: The Strange Endurance of De Facto States.” *Carnegie Europe*, 3 Dec. 2018, carnegieeurope.eu/2018/12/03/introduction-strange-endurance-of-de-facto-states-pub-77841.

²⁶ De Waal, Thomas. “Introduction: The Strange Endurance of De Facto States.” *Carnegie Europe*, 3 Dec. 2018, carnegieeurope.eu/2018/12/03/introduction-strange-endurance-of-de-facto-states-pub-77841.

²⁷ Harzl, Benedikt. “The Law and Politics of Engaging De Facto States: Injecting New Ideas For An Enhanced EU Role.” *Center for Transatlantic Relations*, Center for Transatlantic Relations, 2018, archive.transatlanticrelations.org/wp-content/uploads/2018/03/The-Law-and-Politics-of-Engaging-De-Facto-States.pdf.

actions not protected under international law or essentially, state law. The “UNHCR should therefore reconsider its requirement that Country Operations should provide statistics on de facto stateless persons generally, so as to be more precise about the categories of de facto stateless persons on whom statistics are actually required.”²⁸ Since the UNHCR has developed the term “de facto statelessness” and has worked towards eradicating it, the security mandate of this committee can work towards safeguarding these unprotected populations. However, the security mandate of the UNHCR is not clearly set out. Delegates should look favourably upon establishing collaboration between this committee and the UNHCR to figure out a precise mandate that can ensure the security of these populations.

Adopting an extension of the “GATT model” or the “Taiwan model”

The “GATT model”²⁹ is essentially the model of the World Trade Organization (WTO). The WTO does not base its relations based on de jure statehood, but on contracting parties, meaning a de facto state is a contracting party. “The main advantage of such a model is that it accords well with the complex contemporary reality of international politics which often goes beyond the simple dichotomy of sovereign statehood or nothing”³⁰. States, nevertheless de facto, are able to meet international obligations, without of course being recognized, easing these territories into possible future negotiations enthralling security. However, since the international system does not favor relations based on functionality, it is probable that the GATT system is solely a theoretical approach to engaging with de facto states.³¹

The “Taiwan model”³² is favorable to de facto states, since Taiwan being one itself, sets out precedent for semi-recognition. Taiwan maintains economic, cultural, political, and

²⁸ Massey, Hugh. “LEGAL AND PROTECTION POLICY RESEARCH SERIES: UNHCR and De Facto Statelessness.” *UNHCR | The UN Refugee Agency*, Apr. 2010, www.unhcr.org/4bc2ddeb9.pdf.

²⁹ Pegg, Scott McDonald. “On the Margins : International Society and the De Facto State.” T. University of British Columbia, 1997, <https://open.library.ubc.ca/collections/ubctheses/831/items/1.0088261>. Retrospective Theses and Dissertations, 1919-2007.

³⁰ Pegg, Scott McDonald. “On the Margins : International Society and the De Facto State.” T. University of British Columbia, 1997, <https://open.library.ubc.ca/collections/ubctheses/831/items/1.0088261>. Retrospective Theses and Dissertations, 1919-2007.

³¹ Pegg, Scott McDonald. “On the Margins : International Society and the De Facto State.” T. University of British Columbia, 1997, <https://open.library.ubc.ca/collections/ubctheses/831/items/1.0088261>. Retrospective Theses and Dissertations, 1919-2007.

³² Pegg, Scott McDonald. “On the Margins : International Society and the De Facto State.” T. University of British Columbia, 1997, <https://open.library.ubc.ca/collections/ubctheses/831/items/1.0088261>. Retrospective Theses and Dissertations, 1919-2007.

technological relations with countries, regardless of their diplomatic ties. Fostering such dynamic cooperation can be helpful in enticing de facto states to giving into human rights requirements, security quotas; in general, limiting the threats de facto populations face. Not all de facto states are as developed as Taiwan, nor on the same level of autonomy as Taiwan, which can pose an issue into adopting this model as a de facto state. Nonetheless, looking at de jure states' behavior to Taiwan, such as the Taiwan Relations Act (TRA) set out by the US, can be a helpful tool in engaging with more "legitimate" de facto regimes, such as Kosovo, which is recognized by 100 states and UN members.

BIBLIOGRAPHY

Albulescu, Ana Maria. "Fear and in(Security) in De-Facto States: Assessing South Ossetian Elections." *E-International Relations*, 22 Nov. 2020, www.e-ir.info/2020/11/22/fear-and-insecurity-in-de-facto-states-assessing-south-ossetian-elections/.

"A Brief History of Modern Sudan and South Sudan." *Water For South Sudan*, www.waterforsouthsudan.org/brief-history-of-south-sudan.

Bryant , Rebecca, et al. "De Facto States and the Everyday Paradoxes of Non-Recognition." *Taylor & Francis Online* , 30 June 2021, www.tandfonline.com/doi/full/10.1080/02757206.2021.1933967.

Calugareanu, Vitalie, and Keno Verseck. "Will the war in Ukraine spell the end of Transnistria?". *DW | Made for minds.*, 12 Jan. 2023, <https://www.dw.com/en/will-the-war-in-ukraine-spell-the-end-of-transnistria/a-64363639>.

"Constitution of the Pridnestrovskiaia Moldavskaia Respublica." *Ministry of Foreign Affairs of Pridnestrovian Moldavian Republic*, 1 Jan. 2010, mid.gospmr.org/en/bht.

"De Facto." *Timelines*, 2022, www.timelinesdb.com/listevents.php.

De Waal, Thomas. "Introduction: The Strange Endurance of De Facto States." *Carnegie Europe*, 3 Dec. 2018, carnegieeurope.eu/2018/12/03/introduction-strange-endurance-of-de-facto-states-pub-77841.

Florea, Adrian. “De Facto States: Survival and Disappearance (1945-2011).” *CORE*, University of Glasgow, 2017, core.ac.uk/download/pdf/296181692.pdf.

Harzl, Benedikt. “The Law and Politics of Engaging De Facto States: Injecting New Ideas For An Enhanced EU Role.” *Center for Transatlantic Relations*, Center for Transatlantic Relations, 2018, archive.transatlanticrelations.org/wp-content/uploads/2018/03/The-Law-and-Politics-of-Engaging-De-Facto-States.pdf.

“History of the Question of Palestine - Question of Palestine.” *United Nations / Question of Palestine*, United Nations, www.un.org/unispal/history/.

Hoch, Tomáš, and Kateřina Rudincová. “LEGITIMIZATION OF STATEHOOD IN DE FACTO STATES: A CASE STUDY OF SOMALILAND.” *CHARLES UNIVERSITY | Karolinum Press*, University of Ostrava, Faculty of Science, Department of Human Geography and Regional Development, June 2015, karolinum.cz/data/clanek/1564/Geogr_1_2015_04_Hoch.pdf.

Kosienkowski, Marcin. “Is Internationally Recognised Independence the Goal of Quasi-States? The Case of Transnistria.” *Papers*, The John Paul II Catholic University of Lublin, 4 Aug. 2013, www.readcube.com/articles/10.2139%2Fssrn.2132161.

“Legal English: ‘De Facto/De Jure.’” *Washington University in St. Louis | School of Law*, Washington University in St. Louis, 8 Dec. 2012, onlinelaw.wustl.edu/blog/legal-english-de-factode-jure/.

Lynch, Dov. “Engaging Eurasia’s Separatist States: Unresolved Conflicts and De Facto States.” Edited by Robert Legvold, *Foreign Affairs*, 2004, www.foreignaffairs.com/reviews/capsule-review/2004-11-01/engaging-uriasias-separatist-states-unresolved-conflicts-and-de.

“Maps.” *De Facto States Research Unit*, defactostates.ut.ee/maps.

Massey, Hugh. “LEGAL AND PROTECTION POLICY RESEARCH SERIES: UNHCR and De Facto Statelessness.” *UNHCR | The UN Refugee Agency*, Apr. 2010, www.unhcr.org/4bc2ddeb9.pdf.

Meydan, Vildan. “A PARADOX OF INTERNATIONAL (NON)RECOGNITION: THE RELATIONSHIP BETWEEN DE FACTO STATES AND PATRON STATES.” *International Journal of Economics Politics Humanities and Social Sciences*, vol. 1, no. 1, 2018, dergipark.org.tr/tr/download/article-file/451234.

Momodu, Samuel. “First Sudanese Civil War (1955-1972).” *Black Past*, BlackPast.Org, 22 Jan. 2020, www.blackpast.org/global-african-history/events-global-african-history/first-sudanese-civil-war-1955-1972/.

“Montevideo Convention on the Rights and Duties of States.” *University of Oslo | The Faculty of Law, University of Oslo*, www.jus.uio.no/english/services/library/treaties/01/1-02/rights-duties-states.xml.

Mylonas, Harris. “The Geopolitics of De Facto States.” *PONARS Eurasia*, 27 Feb. 2019, www.ponarseurasia.org/the-geopolitics-of-de-facto-states-d19/.

Pegg, Scott McDonald. “On the Margins : International Society and the De Facto State.” T. University of British Columbia, 1997, <https://open.library.ubc.ca/collections/ubctheses/831/items/1.0088261>.

Retrospective Theses and Dissertations, 1919-2007.

“The Other Iraq.” *The New York Times*, The New York Times, 25 June 2007, www.nytimes.com/slideshow/2007/06/25/world/20070626_KURDS_slideshow_index.html.

“Sovereignty.” *A Dictionary of Law*, by Jonathan Law and E. A. Martin, 7th ed., Oxford University Press, 2009.

Stamouli, Nektaria. “5 Things to Know about the Latest Cyprus Talks.” *POLITICO*, POLITICO, 27 Apr. 2021, www.politico.eu/article/5-things-to-know-about-latest-cyprus-talks/.

UNHCR. “Relating to the Status of Stateless Persons .” *UNHCR | The UN Refugee Agency*, UN, unhcr.org/ibelong/wp-content/uploads/1954-Convention-relating-to-the-Status-of-Stateless-Persons_ENG.pdf.

United Nations High Commissioner for Refugees, and UN. “Convention on the Reduction of Statelessness.” *UNHCR*, UN, www.unhcr.org/protection/statelessness/3bbb286d8/convention-reduction-statelessness.html.

United Nations High Commissioner for Refugees, and UN. “Convention Relating to the Status of Stateless Persons.” *UNHCR | The UN Refugee Agency*, UN, www.unhcr.org/protection/statelessness/3bbb25729/convention-relating-status-stateless-persons.html.

Wallerstein, Immanuel. “The World System after 1945.” *Eurozine*, 29 Apr. 2011, www.eurozine.com/the-world-system-after-1945/.

Watts, Arthur. “State/Nation-State .” *Princeton University | Encyclopedia Princetoniensis*, The Trustees of Princeton University, pesd.princeton.edu/node/676.

Wolff, Stefann. “Georgia: Abkhazia and South Ossetia.” *Princeton University | Encyclopedia Princetoniensis*, The Trustees of Princeton University, pesd.princeton.edu/node/706.

Yes Theory. *50 Hours In A Country That Doesn't Exist On A Map (Transnistria)*. YouTube, YouTube, 11 Oct. 2021, www.youtube.com/watch?v=HXzhcfYIKFQ. Accessed 16 Jan. 2023.

MULTIMEDIA RESOURCES

Melons, Harris. "Map 3. Parent States Facing New De Facto States Since 1990." *PONARS Eurasia | New Approaches to Research and Security in Eurasia*, 27 Feb. 2019, www.ponarseurasia.org/the-geopolitics-of-de-facto-states-d19/.