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Four Problems of De Facto State Studies: A Central European Perspective

Abstract: De facto states are entities that resemble normal states, except for one difference: they lack international recognition or enjoy it only to a limited extent. Scott Pegg initiated a scholarly inquiry on these entities in 1998 when he published his seminal book, *International Society and the De Facto State*. Counting about twenty years after the birth of de facto state studies, scholars have started publishing their reflections on the problems that these studies face and directions for future research. I follow this reflective trend in my essay, drawing on my nearly two-decade-long experience of researching de facto states. More precisely, I discuss four problems of de facto state studies and suggest how they can be solved. These problems are as follows: 1. no consensus on a definition of a de facto state, 2. imperfect existing definitions, 3. insufficient engagement with the non-Western literature, and 4. indifference to other concepts and frameworks when studying de facto states.

Keywords: *De facto state, contested state, unrecognised state, definitional problems, inductive case studies, established concepts*

Introduction

De facto states are entities that resemble normal states, except for one difference: they lack international recognition or enjoy it only to a limited extent. Examples include Abkhazia, Northern Cyprus, Somaliland, and Transnistria. Scott Pegg initiated a scholarly inquiry on such entities a quarter of a century ago when he published his seminal book *International Society and the De Facto State* (Pegg, 1998). Since then, the field of de facto state studies has been burgeoning, encompassing various aspects of internal and external dynamics of present and historical de facto states. Undoubtedly, as pointed out by Pegg (2017, pp. 2–15), noticeable progress has been made in the field. At the same time, around twenty years after the first de facto state studies, scholars have started publishing their reflections on the

problems these studies face and directions for future research (Broers, 2015; Comai, 2018b; Dembinska & Campana, 2017; Ker-Lindsay, 2022; Pegg, 2017; Yemelianova, 2015).

I follow this reflective trend in my essay, drawing on my nearly twenty years of experience researching de facto states. More precisely, I discuss four problems of de facto state studies and suggest how they can be solved. They include the following issues: 1. no consensus on a definition of a de facto state, 2. imperfect existing definitions, 3. insufficient engagement with the non-Western literature, and 4. indifference to other concepts and frameworks when studying de facto states. What is important, at least in the case of the third problem, is that I present the perspective of a scholar educated and based in Central Europe. It differentiates my paper from other analytical essays, which have been written by scholars who did their PhD or work at Western universities.

Problem 1: No Consensus on a Definition of a De Facto State

Although Pegg (1998) provided a detailed definition of a de facto state in his book, which initiated de facto state studies, his definition has not been widely accepted. It states the following: “A de facto state exists where there is an organized political leadership, which has risen to power through some degree of indigenous capacity; 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 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” (Pegg, 1998, p. 26).

Similarly, despite consecutive attempts by various scholars to define a de facto state (e.g., Byman & King, 2012; Caspersen, 2012; Florea, 2014; Geldenhuys, 2009; Ker-Lindsay, 2022; Kolstø, 2006; Kolstø & Paukovic, 2013; Kursani, 2021; Ó Beacháin et al., 2016; Seth, 2022; Spears, 2004; Toomla, 2014), no other definition has been broadly accepted so far. As a result, scholarship is flooded with diverse definitions, including underdeveloped and developed, minimalist and maximalist, and conservative and liberal ones. In addition, they employ different nomenclature, including ‘unrecognised states’ and ‘contested states’. However, a consensus among scholars on using the term ‘de facto state’ has been emerging for some time. Yet, this seems to be the only good news here.

Scholars researching de facto states are very far from reaching a consensus on what a de facto state is. Therefore, I agree with a blunt opinion by Ker-Lindsay (2022, p. 10) that “[i]f 20 of the leading scholars working on the subject were asked to define a de facto state, it is likely that they would each give a different answer. If they were then asked for a list of de facto states, it is again likely that they would each give a very different set of answers”. The negative result of such a conceptual mess is that the object of de facto state studies is still far from clear, even though a quarter of a century has passed since they were launched. In my opinion, this hinders the development of research on de facto states.

The lack of unity among scholars on what exactly defines a *de facto* state has been noted by Pegg (2017, pp. 17–18) in his paper assessing twenty years of *de facto* state studies. Importantly, he identifies a common denominator in definitions of *de facto* states. More precisely, he writes that “most scholars working in this subfield would broadly accept Toomla’s (2016, p. 331) one-sentence definition that »*de facto* states are entities that fulfil the Montevideo criteria for statehood [i.e. population, territory, government, and capacity for international relations] but lack international recognition«” (Pegg, 2017, p. 17).

On the one hand, Pegg may suggest giving up definitional disputes and starting to use Toomla’s minimalist definition. It would be an important attempt by a founding father of *de facto* state studies to bring harmony to the family of *de facto* state scholars. On the other hand, Pegg regularly uses in his paper his original maximalist definition (Pegg, 1998, p. 26) and understands *de facto* states as “secessionist entities that control territory, provide governance, receive popular support, persist over time, and seek widespread recognition of their proclaimed sovereignty and yet fail to receive it” (Pegg, 2017, p. 1). The problem is that his definition includes criteria related to legitimacy, temporality, and independence, which are explicitly excluded by Toomla (2014, pp. 58–59).

Problem 2: Imperfect Definitions of a De Facto State

As noted in the previous section, many efforts have been made to define a *de facto* state. Ker-Lindsay (2022, pp. 5–6) explains this productivity with scholars’ ‘natural wish’ to seek glory. It may be true in some cases. However, I would say that scholars propose new definitions because they find the previous ones to be imperfect. It is exactly what drove me to elaborate on my own definition for the Polish academic audience (Kosienkowski, 2008). Clearly, this also drove Kursani (2021) to develop his definition, a move that is the most recent big and valuable conceptualisation attempt in *de facto* state studies. However, new definitions are also plagued by shortcomings. Here, I would like to refer to minimalist and maximalist definitions, pointing out their imperfections.

In my essay, I mention two exemplary minimalist definitions. The first is of my authorship. It appears at the beginning of the essay and goes as follows: “*de facto* states are entities that resemble normal states, except for one difference: they lack international recognition or enjoy it only to a limited extent”. The second was coined by Toomla and says that “*de facto* states are entities that fulfil the Montevideo criteria for statehood but lack international recognition”. Both sound simple and give a quick understanding of a *de facto* state.

However, as stated by Kursani (2021, p. 763), such minimalist definitions are too general, possibly qualifying a bunch of state-like entities as *de facto* states. Among them, there could be historical or contemporary rebel-governed areas such as ‘Taylorland’ in Sierra Leone and Liberia, ‘Savimbiland’ in Angola, ‘FARCLandia’ in Colombia, and militia cantons in Lebanon. These entities resemble normal states or fulfil the Montevideo criteria for statehood but lack international recognition. However, they are commonly not designated by scholars,

including Toomla (2014, pp. 59–82) and myself, as *de facto* states, with a notable exception of Bahcheli et al. (2004) and contributors to their collective volume.

Regarding maximalist definitions, in my essay, I refer to the exemplary yet first-ever definition of a *de facto* state proposed by Pegg in 1998. In a more concise version, *de facto* states are “secessionist entities that control territory, provide governance, receive popular support, persist over time, and seek widespread recognition of their proclaimed sovereignty and yet fail to receive it” (Pegg, 2017, p. 1). The characteristic of such maximalist definitions is that they include more criteria for *de facto* statehood. As such, they try to be as precise as possible to delineate a *de facto* state category from other categories and avoid the shortcomings of minimalist definitions. However, they are imperfect as well.

For example, Kursani (2021) convincingly argues that some criteria of a *de facto* statehood, included in maximalist definitions, are not theoretically justified and, consequently, are redundant. This concerns, for example, a requirement made by Caspersen (2012, p. 11) that a given entity must control “at least two-thirds of the territory they claim, including the territory’s main city and key regions” to qualify as a *de facto* state. Kursani (2021, p. 758) states that “there is little theoretical expectation for why an entity that controls less than two-thirds of its claimed territory would be analytically different from an entity that controls more than two-thirds of its territory”.

Likewise, some criteria of a *de facto* statehood, which are included in maximalist definitions, are not empirically justified. An independence criterion is a case in point. Most maximalist definitions clearly state, or at least imply, that *de facto* states strive for internationally recognised independence (Byman & King, 2012; Caspersen, 2012; Dembinska & Campana, 2017; Florea, 2014; Geldenhuys, 2009; Ker-Lindsay, 2015; Kolstø, 2006; Pegg, 1998). It includes a definition by Kursani (2021, p. 754), who says that a *de facto* state is an “independent [and independence-seeking] non-UN member state, over which another State lays claim”. Apparently, it was Pegg who set the tone for such an approach with his 1998 concept of a *de facto* state. On the one hand, an independence criterium appears to be useful, as demonstrated by Kursani (2021, p. 763). He uses it to delineate *de facto* states from other state-like entities, such as the ‘Savimbiland’ and ‘FARClandia’, which minimalist definitions fail to do.

On the other hand, several entities frequently, if not commonly designated *de facto* states in the literature, do not meet the independence criterion. It concerns entities such as Transnistria (Kosienkowski, 2013) and South Ossetia (Hoch, 2020), the historical Gagauz Republic (Kosienkowski, 2017a), and the Republika Srpska Krajina (Kolstø & Paukovic, 2013). It also applies to, at least for some period of their existence, Northern Cyprus (Isachenko, 2012, pp. 155–171) and historical Tamil Eelam (Uyangoda, 2011, pp. 22, 28–30; Pegg & Berg, 2016, p. 273). These entities pursue(d) other goals than independence, including joining another state, raising their status within the parent state (gaining autonomy, etc.) or maintaining a *status quo*. Moreover, their aim changed over time and the nominal goal varied from the real one.

One may say it is enough to examine if a given entity meets an independence criterion. If it does not, it is simply not put on the list of de facto states. That is what Kursani (2021, pp. 770–771) did with the Gagauz Republic, using my in-depth study, where I claim that this entity sought autonomism (Kosienkowski, 2017a). However, I would argue that he should have done the same with other entities, which, after a detailed examination, have not met an independence criterion. It includes the mentioned entities, i.e., Transnistria, South Ossetia, and the Republika Srpska Krajina (cf. Kursani, 2020). Yet, in such a case, his list of thirty de facto states (Kursani, 2021, p. 771) could substantially shrink. The same could happen with lists presented by other scholars, including Caspersen (2012, p. 12) and Florea (2014, p. 793).

Therefore, as I argued elsewhere (Kosienkowski, 2013, 2017a), I suggest accepting that the goal of independence is not a necessary attribute of de facto states. This opinion is shared by scholars such as Hoch (2020), Ó Beacháin et al. (2016), and Toomla (2014). Even Pegg (2004, pp. 38–39) acknowledged that dropping the independence criterion might be a promising idea.

It needs to be added that dropping this criterion brings another perspective to the field. The point is that de facto states that do not strive for independence are likely to have different internal and external dynamics than those that pursue an independence goal. For example, the former appear to pay relatively little or different attention to state- and nation-building efforts (Johnson & Smaker, 2014; Kolstø & Paukovic, 2013, pp. 315–316; Kosienkowski, 2017b, pp. 127–131, 2020, p. 193) than the latter, which invest heavily in such an activity to avoid absorption by their both parent and patron states (Caspersen, 2012).

Problem 3: Insufficient Engagement with the non-Western Literature

The reading of the Western (mainly Anglo-American) de facto state scholarship, which forms the core of de facto state studies, has brought my attention to its insufficient engagement with non-Western literature, including written in English (or Russian). There may be various reasons for this: disregard for everything published outside the Western world, lack of linguistic skills and time to read additional studies, or limited trust in their quality, including their expected biased or descriptive atheoretical approach. Curiously, Western de facto state literature appears to respond to publications from outside Western scholarship much in the same way the international community responds to de facto states. As Caspersen (2012, p. 40) points out, the default response of the community is non-engagement.

As one of the Central European scholars, I can say that we publish here, in regional outlets, many empirical studies about the present and historical de facto states, mostly from the post-Soviet area due to its geographical proximity. These studies are closer to inductive case studies than other types of case studies (theory-guided, hypothesis-generating, hypothesis-testing, and plausibility probe case studies; see Levy, 2008). Such inductive case studies aim to “describe, explain, interpret, and/or understand a single case as an end in

itself rather than as a vehicle for developing broader theoretical generalizations”. In terms of their form, they are “highly descriptive and lacking an explicit theoretical framework to guide the empirical analysis” (Levy, 2008, p. 4).

Some of this empirical research published in Central European outlets is of poor quality, often merely rewriting what has been said in Western scholarship. However, there is also decent quality research which builds on the authors’ deep knowledge about a specific *de facto* state acquired by them, among others, during extensive field research. Consequently, while highly descriptive and lacking an explicit theoretical framework, such well-informed research, especially if written in English (or Russian), could be useful to Western scholarship when developing and testing theories, concepts, and analytical frameworks and when doing comparative research. It could be useful because it readily provides rich information and interpretation, which helps save time in looking for empirical data and, as a result, devote much more time to theoretical efforts. Such empirical research also helps avoid making unreliable interpretations and generalisations.

In its turn, the scarcity of empirical data is detrimental to theoretical and comparative Western scholarship. For example, I suggest that since there was a shortage of empirical works about a political status sought by *de facto* states, an opinion that they desired independence became dominant in the scholarship. I suppose that scholars considered various declarations made by the authorities of *de facto* states an indicator of their true independence intentions. Alternatively, they may have generalised from their examined independence-seeking *de facto* states to all cases. However, the problem is that, as I have argued in the previous section, not all entities commonly designated as *de facto* states pursue an independence goal.

On a personal note, I feel that my English-speaking inductive case studies published in Poland are not sufficiently engaged by Western scholarship. Yet, I believe that they could be useful to *de facto* state scholars who publish in Western outlets. For example, my paper on the internal dynamics of the Gagauz Republic (Kosienkowski, 2017b) could have convinced Kursani (2021, pp. 770–771) that, despite substantial reliance on Moldova, this entity had “governance structures that would function independently from its [Moldovan] parent state”. As a result, its non-independence goal, identified in my other paper (Kosienkowski, 2017a), would be the only reason for Kursani to exclude the Gagauz Republic from the list of *de facto* states presented in his conceptual paper.

My two papers on this could have also convinced Griffiths (2021, p. 10) not to designate the Gagauz Republic as a *de facto* state in his paper on the strategy and tactics of the independence movements. The point is that he considers *de facto* states entities that seek independence and have no ties with their parent states (Griffiths, 2021, p. 11). As I have pointed out above, the Gagauz Republic did not meet these criteria. Moreover, he could have also eliminated Transnistria for the same reasons (Kosienkowski, 2012, 2013). While these corrections would not have seriously affected the conceptual or theoretical considerations made by Kursani (2021) and Griffiths (2021), they would have made their research more reliable.

Perhaps, my other English-speaking inductive case studies published in Poland (Devyatkov & Kosienkowski, 2013; Kosienkowski, 2011; 2012; 2015; Kosienkowski et al., 2015) could be useful to Western de facto state scholarship related to conflict resolution, foreign policy of de facto states, their internal political dynamics, and counter-secession strategy of their parent states. I could say the same, among others, about research produced by scholars from the University of Ostrava, including Tomáš Hoch, Vincenc Kopeček, and Kateřina Ženková Rudincová, and published in Czechia (Hoch, 2011; Hoch & Kopeček, 2011; Hoch & Rudincová, 2015). Their works published in Western outlets (Hoch et al., 2017; Hoch & Kopeček, 2020; Kopeček et al., 2016) are well known among students of de facto states.

Yemelianova (2015, p. 226) suggests that all written in this section can also be said about studies written and published in the post-Soviet area (and probably in other non-Western regions). When writing about ‘Western academic imperialism’, she explains that one of its manifestations is the “ignorance or indifference of much Western scholarship in relation to indigenous research conducted outside Western paradigms. This research, though highly informed, is too often regarded as merely ‘descriptive’ or otherwise uncongenial – that is, if it is accessed at all due to the absence of linguistic competence” (Yemelianova, 2015, p. 226).

Problem 4: Indifference to Other Concepts and Frameworks

Another problem of de facto state scholarship that has caught my attention is its indifference to concepts, analytical frameworks, and the corresponding literature from other fields. It is an observation that has also been made by some other scholars, such as Comai (2018b, pp. 148–149), and Dembinska and Campana (2017, p. 256). It was also pointed out by Pegg (2017, p. 22), who complains that there is little comparative work on de facto states and similar phenomena. Generally, students of de facto states tend to consider these entities as a class of their own and, consequently, draw mostly on the literature on de facto states. Just like in the case of non-Western scholarship, de facto state literature appears to treat other concepts and frameworks much in the same way the international community treats de facto states, which is non-engagement.

The point that I would like to make here is that other concepts can offer many (tentative) answers to research questions related to de facto states and, consequently, facilitate a better understanding of these entities. In their turn, related analytical frameworks ease the exploration of de facto states and make it more systemic. All these are particularly true when it comes to established concepts and frameworks. These borrowed concepts and frameworks may need modifications and additions before being applied in a de facto state context. It also requires much time to read the corresponding literature along with reading theoretical, conceptual, and empirical scholarship on de facto states. It may be why most students of de facto states stay in their silos.

Comai's (2018a) research is an excellent example of using concepts from other strands of literature to examine *de facto* states. More precisely, he conceptualised post-Soviet *de facto* states as small dependent jurisdictions, which normally include such entities as Palau, Micronesia, and the Marshall Islands. Crucially, as Comai (2018b, p. 150) pointed out, "[i]n spite of the evident differences, a number of dynamics in these two sets of entities follow similar patterns". Thus, Comai successfully demonstrated how an established concept from another field can substantially contribute to *de facto* state studies.

While building on the concept of small dependent jurisdictions may be surprising, other borrowings are much more straightforward. For instance, Dembinska and Campana (2017) use the literature on nationalism, social movements, state-building, and nation-building to analyse internal dynamics in *de facto* states. Next, I have employed the concepts and frameworks of the international patron–client relationship and unilateral sovereignty referendums to explore relations between Russia and Transnistria and the 2006 Transnistrian referendum (Kosienkowski, 2020; 2021b). In all these cases, the usefulness of borrowed concepts and frameworks for examining *de facto* states has been clear.

By avoiding other concepts, analytical frameworks, and the associated literature, *de facto* state scholars risk groping in the dark or reinventing the wheel. Exploring the relationship between a patron and its client *de facto* state is a case in point. Although much consideration has been devoted to such a relationship in *de facto* state literature, it has been inadequate in conceptual terms, as noted by Spanke (2019, p. 68). However, the adjacent concept and framework of the international patron–client relationship have already been covered extensively in the literature, produced mainly during the Cold War period, and could be readily applied to *de facto* states with proper modifications. That is what I have realised and done when examining the relations between Russia and Transnistria (Kosienkowski, 2020).

Another example is related to *de facto* states' internal and external legitimacies. The common opinion in the literature for many years was that *de facto* states enjoyed internal legitimacy but lacked external legitimacy, given that they were internationally unrecognised. Most likely, as von Steinsdorff and Fruhstorfer (2012, p. 119) suggested, Pegg (1998) set the tone for such an approach with his seminal work on *de facto* states. The idea of detaching external legitimacy from international recognition was proposed almost two decades later by Caspersen (2015), one of the most recognised *de facto* state scholars. Accordingly, she claimed and successfully demonstrated that both internal and external legitimacies can be analysed as a matter of degree and that strategies to gain these two kinds of legitimacy may conflict and undermine each other.

Caspersen (2015) proposed this new and valuable approach, inferring from the newer literature on sovereignty and international engagement of *de facto* states. However, such an approach related to internal and external legitimacies was readily available, in general terms, in the literature on legitimacy and legitimation. I realised this when exploring legitimation strategies in an autonomous Gagauzia, which is a successor of the Gagauz Republic, that is, the Gagauz *de facto* state (Kosienkowski, 2021a, pp. 322–324). It means that the idea of

detaching external legitimacy from international recognition in the literature could have been easier and quicker to realise (however, an excellent analysis by Caspersen would have been indispensable).

How Problems Can Be Solved

In his paper on twenty years of de facto state studies, Pegg (2017, p. 17) claims that there is no need to produce new definitions of a de facto state, given that they do little to advance scholarly understanding of the phenomenon and that most de facto state scholars broadly accept Toomla's (2016, p. 331) one-sentence definition. Instead, he emphasises that researchers need to move forward. He writes that, among others, "[w]e need more comparative work on the post-Soviet cases, but we also need more comparative work that goes beyond them to other de facto states and/or other adjacent phenomena" (Pegg, 2017, p. 22).

However, as I have argued in my essay, there is no consensus on what a de facto state is, and existing definitions, both the minimalist and maximalist ones, are imperfect. In my opinion, this negatively affects the development of research on de facto states. Therefore, I would suggest taking a step back and developing a working definition that most de facto state students could accept.

It could be done by a group of 'big names' in the field, including Eiki Berg, Helge Blak-kisrud, Nina Caspersen, Magdalena Dembińska, Deon Geldenhuys, James Ker-Lindsay, Pål Kolstø, Donnacha Ó Beacháin, and Scott Pegg. A new generation of de facto state students could also be invited, including Adrian Florea and Shpend Kursani, and Sebastian Klich and Kamaran Palani, who have recently engaged in the conceptualisation of a de facto state (Klich, 2022; Palani, 2022). This group would also need to include experts on individual de facto states since comprehensive studying of cases plays an invaluable role in concept development and testing (and there are still many under-researched historical and new cases of de facto states). Here I think of a convention or a research project. All in all, I believe that the field of de facto states is small enough to reach a consensus relatively easily on what defines a de facto state.

Next, I would recommend Western scholarship, which forms the core of de facto state studies, to engage more intensely with non-Western literature. For example, the literature published in Central Europe offers many decent-quality inductive case studies, including in English (and Russian). They can be useful to Western literature because they are rich information and valuable interpretation sources and help avoid making unreliable judgments and generalisations. Generally, the better explored de facto states are, due to the contribution of non-Western literature, the better for developing de facto state studies. In addition, launching a new journal on de facto states could be considered. I should add that this idea was provided to me by Donnacha Ó Beacháin, a well-known student of post-Soviet de facto states. Such a journal could be a home for new and republished (including translated) research of any origin and kind.

Finally, I would suggest that de facto state scholars leave their silos and use other concepts, analytical frameworks, and associated literature more frequently. The point is that they facilitate the study of de facto states by offering many (tentative) answers to research questions and making the research work more systemic. There is a problem with additional time-consuming reading of other strands of literature. However, it can be resolved by collaborating with scholars familiar with concepts and frameworks from other fields. Although these scholars may want to explore de facto states on their own, their disadvantage is that they usually have a limited understanding of these entities. Hence, they would need de facto state scholars to write a decent work. All these mean that cooperation could benefit both parties and their respective fields.

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