

Legal Dilemmas of Diplomatic Relations with Unrecognized States and Governments

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Abstract

This study examines the legal dilemmas arising from diplomatic relations with unrecognized states and governments. Despite the proliferation of de facto political entities that exercise effective control over defined territories, many remain outside the formal framework of international recognition, creating significant legal ambiguities. The study employs a qualitative doctrinal research methodology, analysing international legal instruments, state practice, scholarly literature, and case studies from regions including Kosovo, Taiwan, Palestine, and Somaliland. The findings reveal that the absence of formal recognition does not preclude practical engagement, yet it generates substantial uncertainty regarding treaty obligations, diplomatic immunity, and accountability. The research identifies critical gaps in international legal frameworks and proposes recommendations for developing more coherent and adaptive approaches to unrecognized entities. The study concludes that pragmatic engagement, guided by clear legal principles, is essential to maintaining international stability and protecting human rights in contested territories.

Keywords: Unrecognized States, State Recognition, Diplomatic Relations, De Facto Governments, International Law, Sovereign Immunity, Self-Determination, Territorial Integrity

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I. Introduction

The question of diplomatic relations with unrecognized states and governments represents one of the most persistent and complex dilemmas in contemporary international law. Throughout history, the formation of new political entities has rarely been a clean or universally accepted process, as evidenced by the contested status of territories such as Kosovo, Taiwan, Western Sahara, Palestine, and Somaliland. The international legal order, built upon the Westphalian framework of sovereign equality among recognized states, struggles to accommodate entities that exercise effective governmental control but lack the formal acknowledgment of the international community. This tension between political reality and legal formalism creates significant challenges for diplomats, lawyers, policymakers, and affected populations alike. The proliferation of such entities in the post-Cold War era has made this issue increasingly pressing, as frozen conflicts and secessionist movements continue to generate new contested territories. Understanding how states navigate these complex relationships requires a deep engagement with both the theoretical foundations of international law and the pragmatic realities of international diplomacy.

The core legal dilemma in this field arises from the fundamental disconnect between *de facto* control and *de jure* recognition in international law. When a political entity exercises effective control over a defined territory and population, administers governmental functions, and engages in foreign relations, it arguably satisfies the empirical criteria for statehood as articulated in the 1933 Montevideo Convention on the Rights and Duties of States. However, without the political recognition of established states, such entities remain in a legal limbo that denies them access to international organizations, treaty frameworks, and the protections afforded by international law. This situation creates profound difficulties not only for the unrecognized entities themselves but also for states that seek to engage with them for economic, security, or humanitarian reasons. The absence of clear legal rules governing such engagement leaves states open to accusations of violating the sovereignty of recognized governments that claim the contested territory. As a result, states often resort to informal and legally ambiguous arrangements that serve immediate interests while avoiding definitive political statements on recognition.

The academic literature on state recognition and unrecognized entities has grown substantially in recent decades, reflecting the increasing prevalence of contested statehood in international affairs. Crawford (2006) provides a foundational analysis of the conditions for statehood under international law, arguing that recognition, while declaratory rather than constitutive, plays a critical political role in conferring international legitimacy. Ryngaert and Sobrie (2011) examine the tension between the principles of self-determination and territorial integrity that underlies most recognition disputes, noting that international law provides no clear hierarchy between these competing norms. Caspersen (2012) offers a comprehensive study of unrecognized states as political entities, documenting how they develop internal

governance structures and seek international legitimacy through various channels. Berg and Pegg (2020) analyse the survival strategies of unrecognized states, demonstrating that even entities with no recognition can develop sophisticated external relations networks. Fabry (2010) traces the evolution of recognition practice from the nineteenth century to the present, highlighting the shift from criteria-based to politically driven approaches. Vidmar (2013) further examines the intersection of democratic legitimacy and statehood, raising important questions about how governance standards affect recognition outcomes.

Despite the growing body of literature on this subject, significant gaps remain in understanding the full legal implications of diplomatic engagement with unrecognized states and governments. Most existing studies focus either on the political conditions for recognition or on the internal governance of unrecognized entities, with relatively little attention paid to the legal frameworks that govern third-state engagement with these entities. The rapidly evolving landscape of contested statehood, including new cases arising from ongoing conflicts in various regions, demands a more systematic analysis of how international law can be adapted to address these realities. Furthermore, the existing literature often treats recognition as a binary phenomenon, failing to account for the complex graduated forms of engagement that characterize real-world diplomatic practice. The legal implications of hybrid recognition, functional recognition, and engagement without recognition remain insufficiently theorized. There is also a notable absence of comparative analysis examining how different states and regional organizations have developed approaches to engaging with unrecognized entities while managing the legal risks involved.

The primary aim of this research is to examine the legal dilemmas that arise when states engage diplomatically with unrecognized states and governments, and to identify the principles and frameworks that can guide more effective management of these relationships. The specific objectives are: to analyse the legal criteria and political dimensions of state recognition under international law; to examine the legal implications of diplomatic engagement with unrecognized entities; to identify gaps and inconsistencies in the existing legal frameworks governing such engagement; and to propose recommendations for developing more coherent and legally sound approaches to relations with unrecognized entities. The central research question guiding this study is: What legal dilemmas arise from diplomatic relations with unrecognized states and governments, and how can international law develop more effective frameworks to address these challenges? This question encompasses both the theoretical dimensions of recognition doctrine and the practical challenges of diplomatic engagement in complex political environments.

This study is significant for multiple audiences, including international lawyers, diplomats, policymakers, and scholars of international relations. From a theoretical perspective, the research contributes to the development of international law by proposing new frameworks for understanding the legal status of unrecognized entities

and the consequences of engaging with them. From a practical perspective, the findings can guide states in developing legally sound approaches to relations with unrecognized entities, reducing the risk of legal complications and political controversies. The study also has implications for international organizations, which often struggle with the question of how to engage with unrecognized entities in the delivery of humanitarian assistance and the promotion of human rights. Furthermore, the research contributes to broader discussions about the adaptability of the international legal order to new forms of political organization and the role of law in managing complex political realities. As the world faces an increasing number of protracted conflicts and contested territories, developing a more sophisticated legal framework for engagement with unrecognized entities is essential for maintaining international stability and protecting the rights of populations living in these areas.

II. Methodology

This study employs a qualitative research design based on doctrinal legal analysis and comparative case study methodology. The doctrinal approach is appropriate given the study's focus on legal frameworks, principles, and doctrines rather than empirical or quantitative data. Through systematic examination of legal texts, judicial decisions, treaty provisions, and scholarly commentary, the research seeks to identify, analyse, and evaluate the legal rules governing diplomatic relations with unrecognized entities. The comparative case study methodology allows examination of how different states and international organizations have approached engagement with unrecognized entities in diverse geopolitical contexts, revealing patterns, best practices, and problematic approaches that inform the study's recommendations. This combination of doctrinal and comparative approaches provides a comprehensive understanding of both the theoretical foundations and practical applications of international law in this field. The study does not employ primary data collection methods such as interviews or surveys, given the predominantly legal and theoretical focus of the research.

The primary sources examined in this study include international legal instruments, particularly the 1933 Montevideo Convention on the Rights and Duties of States, the Vienna Convention on Diplomatic Relations (1961), the Vienna Convention on the Law of Treaties (1969), United Nations General Assembly and Security Council resolutions, decisions of international courts and tribunals, and national legislation governing diplomatic relations and recognition policies. Secondary sources include peer-reviewed academic articles, books, legal commentaries, and policy reports from international organizations such as the United Nations, the European Union, and the African Union. Case studies are drawn from a purposive sample of unrecognized entities including Taiwan, Kosovo, Palestine, Somaliland, and the Turkish Republic of Northern Cyprus, selected on the basis of their geopolitical significance, the diversity of approaches taken by third states, and the availability of legal documentation. All sources are assessed for credibility, relevance, and recency,

with an emphasis on materials published within the past two decades.

The collected data is analysed through qualitative content analysis and doctrinal legal analysis. Content analysis involves systematic identification and categorization of themes, patterns, and contradictions within legal texts and scholarly literature. Doctrinal analysis focuses on the interpretation of legal provisions and principles, examining their internal coherence, consistency with broader international law norms, and applicability to the specific challenges posed by unrecognized entities. The comparative case study analysis proceeds by identifying common patterns and divergent approaches across the selected cases, drawing lessons that can inform the development of more effective legal frameworks. The findings are synthesized to produce an integrated analysis of the legal dilemmas posed by diplomatic relations with unrecognized entities and to generate evidence-based recommendations for policymakers and legal practitioners. Cross-referencing of information across multiple sources enhances the reliability and validity of the findings.

This research is subject to several limitations that should be acknowledged in interpreting its findings. The study relies exclusively on secondary data and publicly available legal documents, which may not capture the full range of diplomatic practices, many of which occur through informal and confidential channels. The selection of case studies, while deliberately diverse, cannot represent the full spectrum of unrecognized entities and recognition disputes worldwide. The rapidly evolving nature of international relations means that the legal landscape may shift significantly during and after the research period, potentially affecting the applicability of the findings. Furthermore, the study does not engage in empirical analysis of the actual diplomatic practices of individual states, relying instead on publicly available documentation that may not fully reflect the complexity of real-world decision-making. Regional variations in diplomatic practice and legal tradition may also limit the generalizability of the study's conclusions, and future research should seek to address these limitations through primary data collection methods.

III. Results

The study's analysis of international legal instruments and state practice reveals a complex and often inconsistent body of law governing diplomatic relations with unrecognized entities. The foundational legal framework for recognition in international law remains the declaratory theory as articulated in the Montevideo Convention, which establishes four criteria for statehood: a permanent population, a defined territory, an effective government, and the capacity to enter into relations with other states. The examination of multiple unrecognized entities demonstrates that many satisfy these empirical criteria while remaining outside the formal recognition framework, creating an inherent tension between legal theory and political reality. A systematic review of United Nations resolutions and international court decisions reveals that international law provides no clear mechanism for resolving this tension,

leaving recognition decisions largely to the political discretion of individual states. The analysis further shows that the consequences of this legal ambiguity extend to nearly every aspect of diplomatic engagement, from the legal status of diplomatic missions to the enforceability of treaty obligations. These findings confirm that the existing international legal framework was not designed to accommodate the proliferation of contested statehood that characterizes the contemporary international order.

The examination of case studies reveals significant variation in how states approach engagement with unrecognized entities, reflecting diverse geopolitical interests, legal traditions, and institutional constraints. Taiwan, which is recognized by only a small number of states following its exclusion from the United Nations in 1971, has developed an elaborate network of informal diplomatic arrangements, including unofficial representative offices in dozens of countries that perform consular and quasi-diplomatic functions without triggering the legal consequences of formal recognition. Kosovo, which declared independence from Serbia in 2008 and has been recognized by over one hundred states but blocked from United Nations membership by Security Council veto, illustrates the complications that arise when the international community is deeply divided on recognition. Palestine, which has achieved observer status at the United Nations and recognition by a substantial majority of states, occupies a unique position demonstrating how graduated forms of recognition can exist alongside unresolved questions about actual statehood and sovereignty. Somaliland, which declared independence from Somalia in 1991 and has maintained stable democratic governance since then, remains unrecognized by any state despite meeting most empirical criteria for statehood, illustrating how political considerations can override legal factors in recognition decisions.

Analysis of the legal implications of engagement with unrecognized entities reveals several recurring dilemmas that challenge the coherence of international law. The first and most fundamental dilemma concerns the legal effect of recognition itself, as the declaratory theory holds that recognition merely acknowledges pre-existing legal status, but in practice recognition determines access to international institutions, treaty relationships, and the mechanisms of international dispute resolution. The second major dilemma concerns the legality of engaging with unrecognized entities without implying recognition of their disputed claims, as states must balance their interest in practical engagement against the risk of being perceived as endorsing contested sovereignty claims. The third dilemma involves the application of diplomatic immunity rules to representatives of unrecognized entities, who lack the formal accreditation procedures established by the Vienna Convention on Diplomatic Relations. The fourth dilemma concerns treaty obligations, particularly when engagement with an unrecognized entity creates arrangements that conflict with treaty commitments to recognized governments claiming sovereignty over the same territory. These dilemmas are not merely theoretical but generate real legal risks and political

controversies that constrain state behavior.

The study's analysis of emerging state practice and institutional responses identifies several innovative legal mechanisms that states and international organizations have developed to manage engagement with unrecognized entities. Functional recognition, in which states acknowledge the de facto authority of an entity for specific practical purposes without making broader political commitments, has emerged as a widely practiced approach allowing pragmatic engagement while avoiding formal recognition implications (Talmon, 2004). Representative offices functioning without full diplomatic status have been established by numerous states as a means of maintaining relations with entities like Taiwan without triggering the legal consequences of formal recognition. International organizations, including the United Nations and the International Committee of the Red Cross, have developed specific frameworks for engaging with non-state parties to armed conflicts and de facto authorities in territories outside effective governmental control, providing models that could inform state practice. Insurance and liability frameworks in the commercial and financial sectors have also evolved to accommodate transactions with entities in unrecognized territories, demonstrating that practical legal solutions can be developed even in the absence of formal political recognition. These emerging practices, while ad hoc and often legally uncertain, represent pragmatic responses to the limitations of formal recognition frameworks.

The comparative analysis of regional approaches to unrecognized entities reveals important differences in institutional frameworks and legal standards across different parts of the world. The European Union has developed a particularly elaborate approach, simultaneously extending functional economic and institutional relationships to entities like Kosovo and Palestine while carefully managing the legal implications within the framework of its member states' diverse recognition policies. The African Union has maintained a strong commitment to the principle of territorial integrity, historically resisting recognition of secessionist entities even when they exercise effective control, though the admission of South Sudan in 2011 following a recognized referendum process demonstrates that this commitment is not absolute in all circumstances. The Association of Southeast Asian Nations has developed a doctrine of non-interference that effectively side-lines recognition disputes while enabling regional engagement with contested territories like Taiwan through economic and cultural channels. These regional variations demonstrate that while no universal framework has emerged, there is significant experience and institutional learning that could inform the development of more coherent global standards for engagement with unrecognized entities.

IV. Discussion

A. The Concept of State Recognition in International Law

State recognition in international law occupies a position of fundamental

importance yet persistent theoretical ambiguity, as legal scholars and practitioners have long debated whether recognition is constitutive or merely declaratory of statehood. The constitutive theory, historically associated with scholars such as Lauterpacht, holds that recognition by existing states is itself a legal act that creates the rights and duties of statehood, meaning that an entity without recognition lacks international legal personality regardless of its empirical characteristics. The declaratory theory, which has gained wider acceptance in modern international law, holds that statehood is a factual condition determined by the criteria established in the Montevideo Convention, and that recognition merely acknowledges this pre-existing legal status without creating it. In practice, neither theory fully captures the complex interplay between legal criteria and political decisions that characterizes recognition in the contemporary international system. The widespread adoption of the declaratory theory has not eliminated the political gatekeeping function of recognition, as formal acknowledgment by powerful states remains essential for access to international institutions and the practical benefits of international legal personality. Understanding this tension between theoretical principle and political reality is essential for analysing the legal dilemmas posed by diplomatic relations with unrecognized entities.

The international legal framework for recognition has also been complicated by the emergence of new principles, particularly self-determination, that sometimes conflict with the foundational norm of territorial integrity. The tension between these principles became particularly acute following the Cold War, when the dissolution of multinational states and the emergence of new independence movements created numerous contested situations where both principles had legitimate claims. The advisory opinion of the International Court of Justice in the Kosovo case (2010) illustrates the difficulty of reconciling these competing norms, as the Court determined that Kosovo's declaration of independence did not violate international law while carefully avoiding any definitive statement about whether Kosovo had achieved statehood or whether other states were obligated to recognize it. This approach, while legally cautious, effectively left the political determination of recognition to individual states, reinforcing the discretionary character of recognition practice. The result is a legal landscape in which identical factual situations can generate entirely different legal outcomes depending on the political calculations of key recognizing states, creating profound uncertainty for entities seeking recognition and for states navigating engagement with them. Scholars have noted that this indeterminacy reflects deeper structural tensions within international law that cannot be resolved through interpretation alone (Ker-Lindsay, 2012).

B. Types of Unrecognized Entities and De Facto Governments

Unrecognized entities in contemporary international relations take several distinct forms, each presenting different legal challenges and requiring different approaches to diplomatic engagement. Secessionist entities, such as Somaliland and Kosovo, seek to separate from existing states and establish independent statehood,

claiming the right of self-determination as their legal basis while facing opposition from the recognized states from which they seek to separate. De facto governments, such as the Taiwan administration, exercise effective authority over a territory while claiming continuity with a formerly recognized government rather than seeking recognition as a new state, creating a unique and sui generis legal situation. Disputed territories under foreign occupation or administration, such as the Palestinian territories, present cases where the entity claiming statehood lacks full control over the territory it claims, complicating the application of empirical statehood criteria. Failed state territories, in which governance has collapsed and various armed groups or administrations exercise partial control, present perhaps the most complex legal challenges, as there may be competing claimants to governmental authority with none meeting the criteria for effective government. Understanding these distinctions is essential for developing appropriate legal frameworks for engagement, as the legal implications of recognizing or engaging with these different types of entities vary significantly.

De facto governments present a particularly complex category from the perspective of international law, as they may exercise the full functions of government while lacking the political recognition that would confer formal international legitimacy. International law has traditionally recognized that a change of government, even though unconstitutional means, does not automatically affect the state's international legal personality, and that the international community must eventually accommodate the reality of effective governmental control. The doctrine of effective government, which focuses on the capacity to enter into international obligations and ensure their observance, provides a pragmatic basis for engagement with de facto administrations even when their legitimacy is contested. However, the application of this doctrine becomes complicated when the effective government is not recognized by the state's own constitution, when multiple competing authorities claim governmental power, or when the de facto government is the product of foreign intervention or occupation. These complexities have generated significant divergence in state practice, with some states maintaining relations with recognized governments in exile while simultaneously engaging with effective de facto authorities, creating layers of legal ambiguity that can complicate international relations for decades. As Pegg (1998) has noted, the longevity and institutional capacity of some de facto states challenges any assumption that such entities are necessarily temporary or legally inconsequential.

C. Legal Frameworks Governing Diplomatic Relations

The Vienna Convention on Diplomatic Relations of 1961 establishes the primary international legal framework for diplomatic relations, but this framework was designed for relations between formally recognized states and does not address the complexities of engagement with unrecognized entities. The Convention establishes the rules governing the establishment and functions of diplomatic missions,

the personal inviolability and immunity of diplomatic agents, and the privileges and immunities of diplomatic premises and communications. When states seek to engage with unrecognized entities through diplomatic-like mechanisms, they face immediate questions about whether these arrangements can be structured to provide the legal protections and certainties that the Vienna Convention offers to formally recognize diplomatic missions. States have generally resolved this problem through creative legal mechanisms, such as establishing trade offices, representative offices, or cultural canters that perform diplomatic functions without claiming the formal diplomatic status that would require the host state to make implicit recognition decisions. These arrangements typically provide a reduced level of legal protection compared to full diplomatic missions, as the host state is not obligated to extend Vienna Convention protections to unofficial representatives of unrecognized entities. The practical gaps created by this reduced protection level represent a significant source of legal vulnerability for representatives of unrecognized entities and for the states hosting their offices.

The legal status of agreements concluded with unrecognized entities raises complex questions about the binding force of international obligations in the absence of formal legal personality. While the law of treaties, as codified in the Vienna Convention on the Law of Treaties of 1969, generally limits treaty-making capacity to states, international practice has recognized that various non-state actors, including international organizations, national liberation movements, and de facto governments, may enter into legally binding agreements in specific circumstances. The International Committee of the Red Cross has developed extensive practice in concluding special agreements with de facto authorities in situations of armed conflict, providing a model for engagement with non-state parties that maintains legal standards without implying recognition. Commercial contracts, investment agreements, and other legal instruments concluded with unrecognized entities have generally been treated by domestic courts as enforceable under applicable private law, regardless of the political status of the contracting entity, demonstrating that the legal system can accommodate pragmatic engagement even in the absence of formal recognition. However, the absence of international treaty protections for such agreements creates significant legal risks, particularly in the event of disputes, where there may be no clear forum for resolution or body of applicable law. The resolution of these gaps requires both doctrinal creativity and political willingness to develop new legal instruments tailored to the specific circumstances of engagement with unrecognized entities.

D. Relations with Unrecognized States

The Taiwan case represents perhaps the most elaborate and successful example of functional diplomatic engagement in the absence of formal recognition, providing important lessons for managing relations with other unrecognized entities. Following the People's Republic of China's admission to the United Nations and Taiwan's expulsion in 1971, most states formally recognized the People's Republic while

simultaneously developing extensive unofficial relations with Taiwan through specially established institutes and representative offices. The American Institute in Taiwan, established by the United States through the Taiwan Relations Act of 1979, exemplifies this approach, functioning as a de facto embassy while maintaining the legal fiction of being a private non-profit corporation staffed by government officials on leave. This creative legal arrangement has allowed the United States to maintain substantial political, economic, and security relations with Taiwan while avoiding the legal and political consequences of formal recognition that would inevitably affect its relations with the People's Republic of China. Similar arrangements exist in dozens of countries, creating a global network of informal diplomatic relations that effectively treats Taiwan as a sovereign state for most practical purposes. The Taiwan example demonstrates that sophisticated legal engineering can enable deep engagement with unrecognized entities, though it also illustrates the ongoing legal uncertainty and political vulnerability inherent in such arrangements.

The Somaliland case presents a contrasting example of an unrecognized entity that satisfies virtually all empirical criteria for statehood but has failed to achieve international recognition despite decades of stable self-governance, raising profound questions about the relationship between legal criteria and political outcomes in recognition practice. Since declaring independence from Somalia in 1991, Somaliland has developed functional democratic institutions, maintained peace and order within its territory, issued its own currency, and managed its own foreign relations through informal channels, making it arguably one of the most successful examples of state-building in post-colonial Africa. International organizations and foreign governments engage with Somaliland's authorities on matters of governance, security, and humanitarian assistance, yet carefully avoid taking any action that could be interpreted as implying formal recognition of its independent status. This cautious engagement reflects concern about the precedential implications of recognizing Somaliland's secession for other secessionist movements in Africa, where the African Union's strong commitment to the principle of territorial integrity creates political pressure against recognition. The legal limbo in which Somaliland exists has significant practical consequences for its population, who lack access to international financial institutions, cannot conclude binding treaties, and face significant barriers to trade and investment. The Somaliland case illustrates how the political logic of recognition can perpetuate legal dilemmas even when the empirical basis for statehood is strong, and how populations of de facto states may be deprived of the benefits of international legal protection through no fault of their own.

E. Legal Dilemmas and Challenges

The most fundamental legal dilemma arising from engagement with unrecognized entities concerns the risk that diplomatic interaction may be interpreted as implicit recognition, triggering unintended legal and political consequences for the engaging state. Under traditional international law doctrine, recognition can be either

express or implied, with implied recognition potentially arising from conduct that is inconsistent with the non-recognition of the entity concerned. The establishment of diplomatic relations, the conclusion of bilateral treaties, and the participation in joint international activities have all been cited as potential forms of implied recognition, creating legal uncertainty for states that seek to engage practically with unrecognized entities while avoiding political commitments. States have sought to manage this risk through explicit declarations that their engagement does not constitute recognition, through the use of informal mechanisms that fall short of formal diplomatic relations, and through careful structuring of legal instruments to avoid terminology associated with state-to-state relations. However, the legal effectiveness of these strategies is itself uncertain, as the determination of whether conduct implies recognition is ultimately a matter of legal interpretation that can be contested by interested parties. The accumulation of extensive informal engagement over time may also create legal arguments based on estoppel or legitimate expectation that complicate a state's ability to maintain its formal position of non-recognition.

A second major legal dilemma concerns the application of international human rights law and humanitarian law in territories controlled by unrecognized entities, creating accountability gaps that have serious consequences for affected populations. The major human rights treaty bodies have generally taken the position that human rights obligations apply on a functional basis, meaning that states are responsible for respecting human rights within territories they effectively control regardless of their formal legal status. This approach creates complex legal dynamics when human rights violations occur in territories controlled by unrecognized entities, as there may be disputes about which state or entity bears international responsibility and what enforcement mechanisms apply. International humanitarian law raises similar questions when armed conflicts involve unrecognized entities or de facto governments, as the application of the laws of war to non-state parties requires specific legal analysis that goes beyond the state-centered framework of the Geneva Conventions. The absence of clear enforcement mechanisms for human rights violations by unrecognized entities represents a significant gap in international law that has practical consequences for the protection of vulnerable populations in contested territories. Addressing these gaps requires developing new approaches to attributing responsibility and ensuring accountability that do not depend on formal recognition status as a precondition for legal protection.

A third critical dilemma concerns sovereign immunity and its application to legal proceedings involving unrecognized entities and their officials, creating significant uncertainty in both domestic and international legal proceedings. Traditional doctrines of sovereign immunity, which protect states and their officials from the jurisdiction of foreign courts, are predicated on the formal recognition of statehood and may not automatically extend to officials of unrecognized entities. Conversely, the denial of sovereign immunity to officials of unrecognized entities may expose them to legal proceedings in foreign courts that could complicate diplomatic

engagement and discourage officials from traveling abroad for negotiations or international meetings. The question of whether property claims and commercial transactions involving unrecognized entities can be adjudicated in foreign courts raises similar issues, with different jurisdictions taking divergent approaches that create inconsistencies in the application of international law. These legal uncertainties are not merely academic but have practical consequences for the willingness of parties to enter into agreements with entities of uncertain status and for the ability of unrecognized entities to engage effectively in international commerce and diplomacy. Developing clearer legal standards for these questions requires both doctrinal analysis and political agreement among states on the appropriate scope of sovereign immunity in contexts involving contested statehood.

F. Emerging Approaches and Pragmatic Solutions

The international community has developed several pragmatic approaches to engaging with unrecognized entities that attempt to reconcile the demands of legal principle with the imperatives of political reality. The concept of functional recognition, in which states acknowledge the authority of an entity for specific limited purposes without making broader political commitments, has gained increasing acceptance as a framework for managing relations with *de facto* governments and contested entities. This approach, while legally imprecise, reflects a recognition that the binary framework of recognition or non-recognition is insufficient to accommodate the complex spectrum of contested statehood that characterizes contemporary international relations. International organizations have been particularly innovative in developing functional engagement frameworks, with the United Nations system developing specific protocols for engaging with *de facto* authorities in fragile and conflict-affected states that allow practical cooperation on humanitarian, development, and security matters without implying political recognition. The European Union's graduated engagement policy with entities in its neighbourhood, including contested territories, represents another model that links increased cooperation with progress on governance, human rights, and political reform. These diverse approaches, while not yet constituting a coherent international legal framework, represent important experiments from which lessons can be drawn for the development of more systematic solutions.

The role of private international law and domestic legal systems in accommodating relations with unrecognized entities deserves particular attention as an area where significant legal development has occurred outside the formal framework of public international law. Domestic courts in many countries have developed pragmatic approaches to questions such as the enforceability of contracts with unrecognized entities, the recognition of legal acts by unrecognized governments, and the status of individuals from unrecognized territories under immigration and asylum law. These domestic legal developments, while often inconsistent across jurisdictions, represent a form of bottom-up legal adaptation that may over time generate customary

legal standards for engagement with unrecognized entities. Commercial arbitration has also played an important role in providing neutral dispute resolution for commercial disputes involving parties from unrecognized territories, with arbitration tribunals generally applying functional approaches to questions of legal capacity and applicable law (Brownlie, 2008). These developments in private and commercial law suggest that the legal system has significant capacity for pragmatic adaptation to the realities of engagement with unrecognized entities, even in the absence of formal changes to public international law frameworks. Harnessing and systematizing these domestic and private law innovations could provide an important complement to efforts to reform international legal frameworks for dealing with unrecognized entities.

G. Recommendations

Based on the foregoing analysis, this study proposes several recommendations for developing more coherent and effective legal frameworks for engagement with unrecognized entities. First, international law should develop clearer standards for functional recognition, articulating the specific legal rights and obligations that arise from different forms of engagement with unrecognized entities, and establishing mechanisms for managing the legal consequences of such engagement without requiring states to make premature political commitments on recognition. Second, the United Nations should develop a more flexible institutional framework for engaging with contested entities, potentially through the creation of an observer status category that allows for practical cooperation on humanitarian, security, and governance matters without prejudging questions of sovereignty and recognition. Third, the Vienna Convention on Diplomatic Relations should be supplemented by a protocol or interpretive guidelines addressing the legal status and protections available to representative offices established in the context of engagement with unrecognized entities, providing greater legal certainty for all parties involved. Fourth, regional organizations should develop harmonized policies for engagement with unrecognized entities in their regions, ensuring that the fragmented and inconsistent approaches that currently characterize regional practice are replaced by more coherent and principled frameworks.

Fifth, international human rights treaty bodies should develop clearer standards for the attribution of human rights obligations in territories controlled by unrecognized entities, ensuring that the absence of recognition does not create accountability gaps in the protection of fundamental rights. Sixth, states should develop model agreement templates for engagement with unrecognized entities that provide legal certainty on matters such as the applicable law, dispute resolution mechanisms, and the personal status of representatives, drawing on best practices from existing functional diplomatic arrangements such as the Taiwan Relations Act model. Seventh, academic and policy communities should invest in comparative research on the effectiveness of different engagement strategies, building the evidence base needed to inform more sophisticated legal and policy development in this field. Finally, states and

international organizations should explore the potential of innovative legal mechanisms such as shared governance arrangements, conditional recognition frameworks, and phased integration pathways, which may provide more flexible and graduated approaches to accommodating unrecognized entities within the international legal order. These recommendations, if implemented collectively, could significantly reduce the legal uncertainty and accountability gaps that currently characterize engagement with unrecognized entities, while preserving the flexibility needed to respond to the diverse circumstances of specific cases.

Conclusion

This study has examined the complex legal dilemmas that arise when states and international organizations engage diplomatically with unrecognized states and governments, revealing a landscape of significant legal uncertainty, institutional innovation, and political pragmatism. The foundational tension between the declaratory theory of recognition and the political reality of recognition as a gatekeeping mechanism creates a persistent gap between the formal requirements of international law and the practical necessities of international diplomacy. The case studies examined in this research demonstrate that states have developed sophisticated and creative approaches to managing engagement with unrecognized entities, from Taiwan's network of unofficial representative offices to the European Union's graduated engagement frameworks for contested territories. These innovations, while legally imperfect, represent important adaptations of the international legal system to the realities of a world in which contested statehood is a permanent feature rather than a temporary aberration.

The findings of this study confirm that the existing international legal framework, developed primarily to manage relations between formally recognized states, is inadequate to address the full range of legal questions posed by engagement with unrecognized entities. The absence of clear rules governing functional recognition, the legal status of informal diplomatic arrangements, and the attribution of international responsibility in unrecognized territories creates significant uncertainty that constrains effective engagement and leaves populations in contested territories vulnerable to accountability gaps in human rights and humanitarian protection. The recommendations proposed in this study represent a pathway toward more coherent and principled approaches to these challenges, though implementing them will require political will and institutional creativity from states, international organizations, and legal scholars alike. The importance of addressing these gaps is not merely academic but has immediate practical implications for the millions of people living in contested territories around the world who depend on international engagement for their security and welfare.

The broader significance of this research extends beyond the specific context of diplomatic relations with unrecognized entities to raise fundamental questions about

the adaptability of international law to new political realities. The international legal order, based on the principle of sovereign equality among recognized states, was designed for a world of relatively stable and clear-cut state entities, not for the complex tapestry of contested sovereignties that characterizes the contemporary international system. The challenge posed by unrecognized entities is part of a broader pattern of governance complexity that includes non-state armed groups, multinational corporations, international organizations, and other actors that do not fit neatly into the traditional state-centered framework of international law. Developing legal frameworks that can accommodate this complexity without abandoning core principles of accountability, sovereignty, and human rights protection is one of the most important challenges facing international lawyers and policymakers in the twenty-first century. The lessons drawn from the study of diplomatic engagement with unrecognized entities can therefore contribute to the broader project of reforming international law to meet the challenges of an increasingly complex and multipolar world.

Future research should build on the findings of this study by examining the practical effectiveness of specific engagement strategies through empirical analysis, including interviews with diplomatic practitioners, case studies of specific engagement arrangements, and analysis of legal disputes arising from engagement with unrecognized entities. Comparative analysis of how different legal systems, including civil law and common law traditions, approach questions of recognition and engagement could yield important insights for the development of harmonized international standards. The ethical dimensions of diplomatic engagement with unrecognized entities, including questions about complicity in human rights violations and the legitimacy of supporting entities that lack democratic accountability, also deserve deeper scholarly attention. As the international community grapples with the ongoing challenges of frozen conflicts, secessionist movements, and failed states, developing a more sophisticated and legally coherent approach to engagement with unrecognized entities will remain an essential priority for international law and diplomacy. The urgency of this task is underscored by the real human costs of legal ambiguity in contested territories, and by the growing recognition that the stability of the international order depends on developing more effective mechanisms for managing the reality of contested statehood.

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