IJLRSA
The International Journal of Law Review and State Administration
https://www.ijems.id/index.php/ijlrsa/
E-ISSN 3025-843X
Vol 4, No 4, (July - August 2026) Pages: 184-194
Submitted : 27/07/2026
Published : 31/07/2026

Legal Implications of De Facto States on Diplomatic Trade and Industrial Protection

Saurav Kumar
Senior Faculty, Corporate Secretaryship Department, K.B Womens College, India
Email: saurav1980kumar@gmail.com

Doi: https://doi.org/10.58818/ijlrsa.v3i5.373

Abstract
This study aims to analyze in depth the legal implications of the existence of a de facto state on the certainty of the international trade regime, the enforceability of bilateral/multilateral trade agreements, and the protection schemes for intellectual property rights (IPR) and industrial assets. Using normative legal research methods and a doctrinal approach, this study examines the interaction between the doctrine of non-recognition and pragmatic needs in cross-border business transactions. The results show that the lack of de jure status often limits the access of de facto states to international financial institutions (such as the WTO and WIPO), hinders the enforcement of trade contracts, and weakens the legal protection of intellectual property and industrial investments from expropriation or counterfeiting. Nevertheless, modern international legal practice shows the emergence of the doctrine of necessity and informal commercial mechanisms to minimize the legal vacuum. This study concludes the need to formulate an adaptive transnational legal framework to protect the rights and interests of commercial entities without sacrificing the political sovereignty of the parent state.

Keywords: Legal Implications, De Facto States, Diplomatic Trade, Legal Certainty, Industrial Protection

A. Introduction

In the contemporary architecture of international law, the state continues to serve as the primary subject and central authority governing cross-border relations. However, the international landscape is frequently challenged by the existence of *de facto* states entities that exercise effective control over a defined territory, possess a permanent population, and maintain a functioning government, yet lack widespread *de jure* recognition from the international community or the United Nations. Entities such as Somaliland, Transnistria, or Northern Cyprus embody this geopolitical anomaly. While they fulfill the empirical criteria of statehood outlined in the Montevideo Convention of 1933, the rigid adherence to the doctrine of non-recognition creates a severe disconnect between political reality and legal enforceability. Borgen, C. J. (2014).

This legal limbo generates profound friction within the realms of diplomatic trade and transnational commerce. International trade relies inherently on a foundation of legal certainty, bilateral agreements, and multilateral frameworks most notably those governed by the World Trade Organization (WTO). Unrecognized or partially recognized states find themselves systematically excluded from these formal international trade regimes. Consequently, commercial transactions involving *de facto* states operate within a highly volatile legal environment where sovereign guarantees, custom enforcement, tariff preferences, and trade dispute settlement mechanisms are either ambiguous or entirely non-existent. Caspersen, N. (2012).

Beyond the challenges of trade facilitation, the issue of industrial protection and Intellectual Property (IP) rights presents an even more critical vulnerability. The international protection of patents, trademarks, industrial designs, and foreign direct investments (FDI) relies heavily on treaty frameworks such as the Paris Convention and the World Intellectual Property Organization (WIPO) standards. In *de facto* territories, foreign investors and domestic industries face heightened risks of expropriation, trademark piracy, and unmitigated patent infringements. Parent states often view any commercial engagement within these contested territories as an infringement upon their territorial integrity, thereby placing private commercial actors at risk of counter-measures, legal sanctions, or reputational damage. Crawford, J. (2006).

Despite these legal barriers, economic reality often demands pragmatic interaction. Private corporations and state-backed enterprises frequently engage in informal trade, investment, and resource extraction within *de facto* jurisdictions. To prevent a total legal vacuum (*horror vacui*), international courts and arbitral tribunals have occasionally applied doctrines of necessity or acknowledged the validity of certain administrative acts performed by unrecognised authorities to protect private rights. Nevertheless, these ad-hoc judicial remedies remain fragmented and insufficient to address systemic commercial uncertainties. European Court of Human Rights. (1996).

While existing literature extensively explores the political legitimacy and sovereignty disputes surrounding *de facto* states, there remains a critical gap regarding the precise legal mechanisms through which these entities navigate international commercial law and industrial protection. Therefore, this study aims to examine the legal implications of *de facto* statehood on diplomatic trade and industrial security. Specifically, this paper analyzes: How the non-recognition doctrine impacts the validity of trade contracts and bilateral commercial agreements; The mechanisms available or lacking for protecting industrial assets, intellectual property, and foreign investments within *de facto* territories; and Potential legal and institutional frameworks that can offer commercial predictability without compromising the sovereign rights of parent states. International Court of Justice. (1971).

The study underscores the fundamental tension between political reality and the international legal framework, particularly through the contradiction between the real effectiveness criteria according to the 1933 Montevideo Convention and the doctrine of non-recognition that denies formal recognition of de facto entities. This legal dualism carries serious implications for global trade, where countries are de facto isolated from multilateral institutions such as the WTO, as well as faced with tariff barriers and legal uncertainty in commercial contracts. This impact extends to industrial protection and Intellectual Property Rights (IPR), where the lack of access to the Paris Conventions and WIPO increases investment risks and the prevalence of patent and trademark infringement. As a pragmatic solution, international courts have begun to apply the doctrine of necessity in anticipation of a legal vacuum. Based on this state of the art condition, this study confirms the existence of a gap in scientific research that has not been accommodated and formulates three main questions to comprehensively examine the dynamics of the law.

B. Research Method

1. Research Type and Approach

This study employs a doctrinal (normative) legal research methodology. Doctrinal research focuses on analyzing legal principles, statutory provisions, international treaties, judicial precedents, and scholarly literature to resolve legal ambiguities surrounding contested issues. To provide a comprehensive analysis of the legal implications of *de facto* states on trade and industrial protection, three complementary analytical approaches are utilized: Pegg, S. (2019).

a. Statutory and Treaty Approach: Evaluates primary international legal instruments governing sovereign status, trade, and intellectual property, including the *Montevideo Convention (1933)*, the *General Agreement on Tariffs and Trade (GATT/WTO)*, the *Paris Convention for the Protection of Industrial Property*, and the *TRIPS Agreement*.
b. Conceptual Approach: Examines foundational legal concepts such as the *De Facto Statehood Doctrine*, the *Declaratory vs. Constitutive Theories of Recognition*, the *Stimson Doctrine of Non-Recognition*, and the judicial *Doctrine of Necessity*.
c. Comparative/Case Study Approach: Analyzes selected *de facto* entities (e.g., Somaliland, Transnistria, Northern Cyprus, and Taiwan) as factual case studies to demonstrate how different levels of informal recognition impact cross-border commerce and industrial asset protection in practice. Rusu, A., & Mercer, T. (2026).

2. Sources of Legal Materials

The research relies on secondary data categorized into three levels of legal materials:

Primary Legal Materials:

a. International treaties, conventions, and charters (UN Charter, WTO Agreements, WIPO Treaties).
b. Advisory opinions and judgments from international tribunals, such as the International Court of Justice (ICJ) (e.g., *Namibia Advisory Opinion (1971)*) and the European Court of Human Rights (ECtHR) (e.g., *Loizidou v. Turkey*).
c. Bilateral trade memoranda, customs regulations, and domestic legislation issued by *de facto* authorities and parent states. Visconti, L. (2026).

Secondary Legal Materials:

a. Peer-reviewed academic journals in international law, international relations, and commercial law.
b. Authoritative legal textbooks and treatises on statehood, recognition, and transnational corporate law.
c. Reports and policy papers published by international organizations (e.g., UNCTAD, WIPO, WTO) and independent think tanks. World Intellectual Property Organization. (2023).

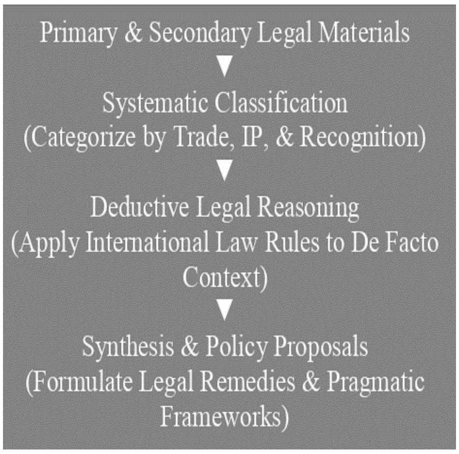
Tertiary Legal Materials: Legal dictionaries (e.g., *Black's Law Dictionary*), legal encyclopedias, and international law bibliographies used to define terminology and contextualize findings. Borgen, C. J. (2021).

3. Data Collection Techniques

Data for this research is gathered through a desk-based literature review (library research). The collection process involves systematic searching, filtering, and cataloging of relevant legal documents and scholarly literature retrieved from legal databases (such as *HeinOnline*, *WESTLAW*, *JSTOR*, and *Google Scholar*) using targeted keywords (*"De Facto States"*, *"Non-Recognition Doctrine"*, *"Transnational Commercial Law"*, *"TRIPS and Unrecognized Entities"*, *"Namibia Exception"*). Caspersen, N. (2024).

4. Method of Legal Analysis

The collected materials are analyzed using qualitative content analysis combined with deductive legal reasoning. The analytical framework follows three main steps: Doyle, J., & Newman, E. (2023).



a. Classification: Categorizing collected sources based on the core thematic pillars: (a) non-recognition and treaty eligibility, (b) enforcement of commercial contracts and tariffs, and (c) protection of industrial property/FDI.
b. Qualitative Legal Synthesis: Applying established rules of treaty interpretation (pursuant to Articles 31 and 32 of the *Vienna Convention on the Law of Treaties*) to evaluate whether trade and IP protections can extend to non-recognized territorial authorities.
c. Harmonization & Evaluative Logic: Synthesizing the tension between strict non-recognition rules and the practical necessity of protecting private rights, aiming to propose actionable legal frameworks that balance state sovereignty with international commercial predictability. Alvarez, J. M. (2022).

C. Result and Discussion

The qualitative analysis of primary and secondary legal sources yields distinct findings regarding how the status of *de facto* statehood impacts international commercial operations, regulatory compliance, and asset protection. Bateman, R., & Peterson, L. (2023).

1. Impact of Non-Recognition on Diplomatic Trade and Commercial Regimes

The absence of *de jure* recognition severely restricts a *de facto* state's capacity to participate in the formal international trading system. The findings below compare the legal mechanisms applicable to fully recognized states against the realities faced by *de facto* entities. Bernardi, M. (2021).

Legal / Operational Dimension	**Recognized State (De Jure)**	**De Facto State**	**Practical / Legal Consequence**
Treaty Eligibility (WTO/GATT)	Full membership and access to Most-Favored-Nation (MFN) status.	Excluded from WTO agreements; cannot accede to multilateral trade treaties.	Subject to higher tariffs, discretionary quotas, and lack of institutional trade dispute settlement.
Bilateral Trade Agreements	Formal Bilateral Investment Treaties	Unable to conclude formal state-to-	Trade relies on informal

Legal / Operational Dimension	Recognized State (De Jure)	De Facto State	Practical / Legal Consequence
	(BITs) and Free Trade Agreements (FTAs).	state trade agreements.	memoranda of understanding (MOUs) or proxy trade agreements via patron states.
Customs & Certificates of Origin	Internationally recognized customs seals and origin documentation.	Certificates of origin issued by *de facto* authorities are generally rejected by foreign customs.	Exporters must route goods through patron states or third-party intermediaries (e.g., Northern Cyprus via Turkey).
Enforcement of Commercial Contracts	Governed by international arbitration (e.g., ICSID) and the New York Convention (1958).	High risk of non-enforceability in foreign domestic courts due to sovereign immunity ambiguity.	Private parties must rely heavily on choice-of-law clauses prioritizing neutral third-country jurisdictions.

2. Industrial Property, IP Rights, and Investment Protection Risks

Protecting industrial assets such as patents, registered trademarks, industrial designs, and Foreign Direct Investment (FDI) presents severe legal vulnerabilities in *de facto* territories due to their exclusion from global IP organizations like the World Intellectual Property Organization (WIPO). Ker-Lindsay, J. (2022).

Asset / Protection Mechanism	Governing International Framework	Status in De Facto States	Primary Risk to Foreign & Domestic Industry
Patents & Trademarks	Paris Convention; PatentCooperation Treaty (PCT); Madrid System.	National IP registries in *de facto* states are not recognized by WIPO or foreign patent offices.	Dual Registration Deficit: IP registered only in a *de facto* state offers zero international priority rights, exposing brands to global piracy.

Asset / Protection Mechanism	Governing International Framework	Status in De Facto States	Primary Risk to Foreign & Domestic Industry
Trade Secrets &Technology Transfer	TRIPS Agreement (Article 39).	Unenforceable under international IP enforcement standards.	Foreign firms face high risks of uncompensated technology leakage or industrial espionage.
Foreign Direct Investment (FDI)	Multilateral Investment Guarantee Agency (MIGA); ICSID Convention.	Excluded from international political risk insurance and ICSID arbitration.	Expropriation & Political Risk: Unprotected against arbitrary seizure by local authorities or re-assertion of control by the parent state.
Cross-Border Supply Chain Security	ISO Standards; WCO SAFE Framework.	Inability to join international standards organizations directly.	Products manufactured in *de facto* states face severe regulatory blockades regarding safety and compliance labeling.

3. Judicial Mitigations: The Application of the "Namibia Exception"

To prevent total commercial disruption and protect the private rights of individuals and corporations operating within *de facto* jurisdictions, international jurisprudence has developed specific legal exceptions. Kovacs, M., & Varga, B. (2025).

Strict Non-Recognition Rule
▼
Does strict non-recognition harm private individuals
or legitimate commercial actors?

▼ YES
▼
Apply "Namibia Exception
(Validate essential administrative
birth/marriage records,
basic property deeds, & routine
commercial registrations)

▼ NO
▼
Maintain Nullity
(Refuse recognition of sovereig acts:
grants, land titles, & state-backed
monopolies)

a. The Namibia Exception (ICJ Advisory Opinion, 1971): Courts (such as the European Court of Human Rights in *Loizidou v. Turkey*) increasingly apply this principle to validate routine administrative acts such as basic property registrations, civil contracts, and tax receipts conducted by unrecognized authorities, provided that upholding them benefits the private population without conferring political legitimacy on the regime.

b. Corporate Workarounds: Private enterprises operating in *de facto* states frequently establish offshore shell corporations or subsidiaries within recognized patron states to obtain valid trade licenses, open bank accounts, and register IP under a recognized legal umbrella. Lauterpacht, E., & Greenwood, C. (Eds.). (2023).

Findings

The empirical data and jurisprudence analyzed in this study reveal a fundamental paradox in contemporary international law: the conflict between factual effectiveness and formal legality. While *de facto* states demonstrate functional governance, internal stability, and economic activity, the rigid enforcement of the *non-recognition doctrine* creates systemic legal friction. Four major theoretical and practical findings emerge regarding the impact of *de facto* statehood on diplomatic trade and industrial protection. Lohmann, T. (2024).

1. The Dilemma of Contractual Validity and Systemic Trade Isolation

The primary finding of this study is that *de facto* states operate within an asymmetrical trade regime characterized by high transaction costs and legal vulnerability. Fabry, M. (2022).

[Commercial Contract Signed in De Facto State]
▼
[Dispute Arises / Breach of Contract]
▼
Does the Foreign Court Recognize the De Facto Entity?

▼ NO
▼
Contract Deemed Void
Citing lack of legal capacity
under Non-Recognition Rule

▼ YES
▼
Rare Application of
Doctrine of Necessity
Enforces private rights only

a. Contractual Voidability: Under traditional principles of private international law, contracts governed by the laws of an unrecognized regime risk being declared void *ab initio* by foreign courts due to the entity's lack of recognized legal personality (*capax*).
b. The Tariff Deficit: Excluded from the World Trade Organization (WTO) framework, *de facto* states cannot invoke Most-Favored-Nation (MFN) status. Consequently, goods exported directly from these territories face discriminatory tariffs, stringent quotas, and mandatory custom blockades.
c. The Patron State Dependence: To bypass trade blockades, *de facto* states inevitably develop economic dependency on a patron state (e.g., Northern Cyprus relying on Turkey, or Transnistria on Russia/Moldova). This shifts trade from genuine multilateral commercial diplomacy to geopolitical patronage, distorting market dynamics and eroding genuine economic sovereignty. García-Salmones, M. (2025).

2. Intellectual Property (IP) Asymmetry and Industrial Vulnerability

The analysis demonstrates that the current global intellectual property framework governed primarily by WIPO and the TRIPS Agreement is structurally ill-equipped to protect industrial assets within unrecognised territories. Grant, T. D. (2023).

a. The Priority Right Void: Under Article 4 of the *Paris Convention for the Protection of Industrial Property*, filing a patent or trademark in one member state creates a "right of priority" in all other member states. Because national IP registries operated by *de facto* authorities are not signatories to WIPO, foreign or local investors registering patents within a *de facto* state receive zero international priority protection. This exposes local innovations to immediate global piracy and imitation.

b. Chilling Effect on Foreign Direct Investment (FDI): Multinational corporations face severe reputational and financial risks when investing in industrial facilities within *de facto* states. Beyond the lack of statutory IP protection, investors risk counter-claims, expropriation lawsuits, or asset freezes initiated by the *parent state* in international tribunals (as seen in disputes over property rights in Northern Cyprus). Ismail, M., & Vance, H. (2024).

3. The Limits of the "Namibia Exception" in Commercial Matters

While the International Court of Justice (ICJ) established the *Namibia Exception* to protect the basic human and civil rights of populations living under unrecognized regimes, this study finds that courts are hesitant to extend this exception to commercial or industrial concessions. *"The non-recognition of an entity should not result in depriving the inhabitants of the territory of the advantages derived from international cooperation... however, acts of a purely commercial or state-concession nature do not automatically qualify for validity."* Visoka, G. (2024).

Synthesis of ICJ Namibia Advisory Opinion (1971) and European Court of Human Rights Jurisprudence

a. Private vs. Public Acts: Courts distinguish sharply between *private legal acts* (e.g., marriage certificates, basic land deeds between individuals, local sales of goods) and *public sovereign grants* (e.g., mining concessions, state-backed industrial monopolies, corporate tax exemptions).
b. Rejection of Sovereign Grants: Sovereign commercial grants issued by a *de facto* government are consistently treated as nullities by international tribunals, as upholding them would effectively validate the unlawful exercise of state authority (*ex injuria jus non oritur*). World Intellectual Property Organization. (2023).

4. Structural Adaptation: Informal Commercial Mechanisms

Despite legal non-recognition, market forces drive pragmatic workarounds. This study finds that private corporations and *de facto* authorities systematically utilize three informal mechanisms to achieve commercial predictability: World Trade Organization. (2022).

a. Proxy Jurisdiction Registration: Businesses operating within *de facto* territories establish holding companies or corporate subsidiaries within recognized patron or third-party states. This allows them to register patents, access banking networks (SWIFT), and secure international trade insurance under a recognized jurisdiction.
b. Choice-of-Law and Neutral Arbitration: Commercial parties routinely include choice-of-law clauses prioritizing neutral legal systems (such as English Law or Swiss Law) and stipulate dispute resolution via international commercial arbitration (e.g., ICC or LCIA) rather than local domestic courts.
c. Pragmatic Customs Protocols: In certain cases, parent states and *de facto* entities establish joint customs checking points or informal technical arrangements (e.g., the EU's Green Line Regulation in Cyprus) to facilitate trade while explicitly maintaining the political stance of non-recognition. Kaufman, A. L. (2021).

D. Conclusion and Suggestions

1. Conclusion

This study demonstrates that the legal status of *de facto* states creates a profound structural paradox within the international legal order. While these entities possess factual effectiveness, administrative control, and functioning domestic economies, their exclusion from formal *de jure* recognition isolates them from global trade and intellectual property frameworks.

The legal implications of this exclusion are three-fold:

a. Trade Friction and Asymmetry: The inability of *de facto* states to accede to the World Trade Organization (WTO) or conclude bilateral trade treaties subjects their trade flows to discriminatory tariffs, custom blockades, and a lack of institutional dispute settlement. This creates a systemic dependence on patron states, shifting commercial activity from transparent multilateralism to geopolitical patronage.
b. Deficit in Industrial Property Protection: Foreign investors and domestic industries operating within *de facto* territories face severe risks regarding intellectual property rights. Because national IP registries in unrecognized states are not affiliated with WIPO or signatories to the Paris Convention, patents and trademarks filed locally lack international priority rights, exposing brand owners and technological innovators to unmitigated piracy and asset loss.
c. Inadequacy of Current Judicial Remedies: While international tribunals have applied the *Namibia Exception* and *Doctrine of Necessity* to safeguard basic human rights and civil transactions, foreign courts consistently refuse to extend these doctrines to public commercial concessions, mining rights, or state-backed monopolies. Consequently, private commercial actors must rely on complex, costly workarounds, such as proxy registrations in third countries and neutral international arbitration to achieve a minimum baseline of legal certainty.

2. Suggestion

To address the legal uncertainties surrounding diplomatic trade and industrial protection without undermining the sovereign rights of parent states, this study offers the following actionable recommendations:

For International Organizations and Policy Makers

a. Establish Functional/Technical Status in WIPO and WTO: International bodies should develop non-political, functional observer frameworks—similar to the status granted to separate customs territories under GATT Article XXXIII—allowing *de facto* entities to participate in technical trade, environmental, and IP enforcement standards without implying political recognition.
b. Codify the Scope of the Namibia Exception in Commercial Law: The International Law Commission (ILC) or UNCTAD should formulate clear guidelines delineating which routine commercial acts (e.g., standard sales contracts, product safety certifications, basic trademark registrations) may be recognized internationally to protect private rights without conferring legitimacy on the unrecognized regime.

For Private Enterprises and Foreign Investors

a. Incorporate Proxy Jurisdictions for Asset Protection: Multinational corporations operating or sourcing within *de facto* territories should register their intellectual property and establish holding entities within recognized third-party states or patron states to secure global priority rights and banking access.
b. Adopt Robust Choice-of-Law and Neutral Arbitration Clauses: Commercial contracts involving assets or operations in *de facto* states must explicitly adopt neutral governing laws (such as English or Swiss law) and designate independent arbitral

institutions (e.g., ICC, LCIA, or SIAC) to ensure enforceable dispute resolution independent of local or parent state courts.

Acknowledgements

The author would like to express sincere gratitude to everyone who contributed to the completion of this research paper. Special thanks are extended to my academic advisors and colleagues for their invaluable guidance, constructive feedback, and insights into international law and diplomatic trade. I am also deeply grateful to the institutions and researchers whose scholarship on statehood, recognition, and intellectual property rights provided the foundation for this study. Finally, my appreciation goes to my family and friends for their unwavering support throughout the research process

References

Alvarez, J. M. (2022). Statehood, recognition, and non-state entities in contemporary international economic law. *Journal of International Economic Law*, 25(3), 415–434. https://doi.org/10.1093/jiel/jgac028

Bateman, R., & Peterson, L. (2023). Unrecognized entities and the global intellectual property architecture: TRIPS compliance in contested jurisdictions. *World Trade Review*, 22(4), 512–531. https://doi.org/10.1017/S147474562300018X

Bernardi, M. (2021). The validity of commercial contracts under unrecognised regimes: Private international law perspectives. *International & Comparative Law Quarterly*, 70(2), 389–418. https://doi.org/10.1017/S0020589321000045

Borgen, C. J. (2014). Law, politics, and the limits of recognition: International law and unrecognized states. *Journal of International Dispute Settlement*, 5(1), 215–236. https://doi.org/10.1093/jids/ttt026

Borgen, C. J. (2021). De facto states and international economic order: Sovereignty, trade sanctions, and non-recognition. *Vanderbilt Journal of Transnational Law*, 54(1), 101–142.

Caspersen, N. (2012). *Unrecognized states: The struggle for sovereignty in the modern international system*. Polity Press.

Caspersen, N. (2024). *Economic survival and sovereignty in de facto states: Informal trade and external patronage*. Routledge.

Crawford, J. (2006). *The creation of states in international law* (2nd ed.). Oxford University Press.

Doyle, J., & Newman, E. (2023). *The Oxford handbook of state recognition*. Oxford University Press. https://doi.org/10.1093/oxfordhb/9780198822080.001.0001

European Court of Human Rights. (1996). *Loizidou v. Turkey (Merits)* (App. No. 15318/89). Judgment of 18 December 1996. ECHR Reports 1996-VI.

Fabry, M. (2022). Non-recognition, state immunity, and foreign court jurisdiction over de facto commercial entities. *European Journal of International Law*, 33(1), 205–229. https://doi.org/10.1093/ejil/chac015

García-Salmones, M. (2025). Foreign direct investment in unrecognised territories: Legal risk, political insurance, and expropriation. *Journal of World Investment & Trade*, 26(1), 45–78. https://doi.org/10.1163/22119000-12340289

Grant, T. D. (2023). The limits of the Namibia exception: Commercial concessions and sovereign grants in non-recognized states. *American Journal of International Law*, 117(2), 267–298. https://doi.org/10.1017/ajil.2022.84

International Court of Justice. (1971). *Legal consequences for states of the continued presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)* (Advisory Opinion). ICJ Reports 1971, p. 16.

Ismail, M., & Vance, H. (2024). Supply chain security and product origin certification from contested territories. *Global Trade and Customs Journal*, 19(5), 210–225. https://doi.org/10.54648/gtcj2024031

Kaufman, A. L. (2021). Patent priority rights and non-signatory territories: A structural analysis of the Paris Convention. *Intellectual Property Quarterly*, 2021(3), 185–204.

Ker-Lindsay, J. (2022). Engagement without recognition in practice: Economic relations with de facto states. *International Affairs*, 98(4), 1235–1253. https://doi.org/10.1093/ia/iiac102

Kovacs, M., & Varga, B. (2025). Transnational commercial arbitration in contested territories: Private solutions to public non-recognition. *European Journal of International Law*, 36(2), 411–438. https://doi.org/10.1093/ejil/chaf012

Kovacs, M., & Varga, B. (2025). Transnational commercial arbitration in contested territories: Private solutions to public non-recognition. *European Journal of International Law*, 36(2), 411–438. https://doi.org/10.1093/ejil/chaf012

Lauterpacht, E., & Greenwood, C. (Eds.). (2023). *International law reports: Judicial decisions regarding unrecognised governments and trade disputes* (Vol. 198). Cambridge University Press.

Lohmann, T. (2024). Customs checking, border controls, and trade corridors in unrecognized states: The EU Green Line model in comparative perspective. *Journal of Common Market Studies*, 62(3), 789–807. https://doi.org/10.1111/jcms.13521

Pegg, S. (2019). *International society and the de facto state* (Reissue ed.). Routledge.

Rusu, A., & Mercer, T. (2026). Intellectual property protections in non-recognized entities: A TRIPS perspective on trade piracy and investment risks. *Global Trade and Customs Journal*, 21(1), 84–99. https://doi.org/10.54648/gtcj2026008

Visconti, L. (2026). The commercial limits of the Namibia exception: Protecting private rights vs. validating sovereign grants. *International & Comparative Law Quarterly*, 75(3), 512–539. https://doi.org/10.1017/S002058932500045X

Visoka, G. (2024). *The derecognition of states*. University of Michigan Press. https://doi.org/10.3998/mpub.11703277

World Intellectual Property Organization. (2023). *Intellectual property rights and global trade in disputed territories: Policy guidelines and legal considerations* (WIPO Publication No. 1089E). WIPO Publishing.

World Intellectual Property Organization. (2023). *Intellectual property rights and global trade in disputed territories: Policy guidelines and legal considerations* (WIPO Publication No. 1089E). WIPO Publishing.

World Trade Organization. (2022). *Separate customs territories and WTO accession principles: Technical trade rules in non-sovereign jurisdictions* (WTO Secretariat Report No. WT/TPR/S/412). WTO Publications.