

STATEHOOD



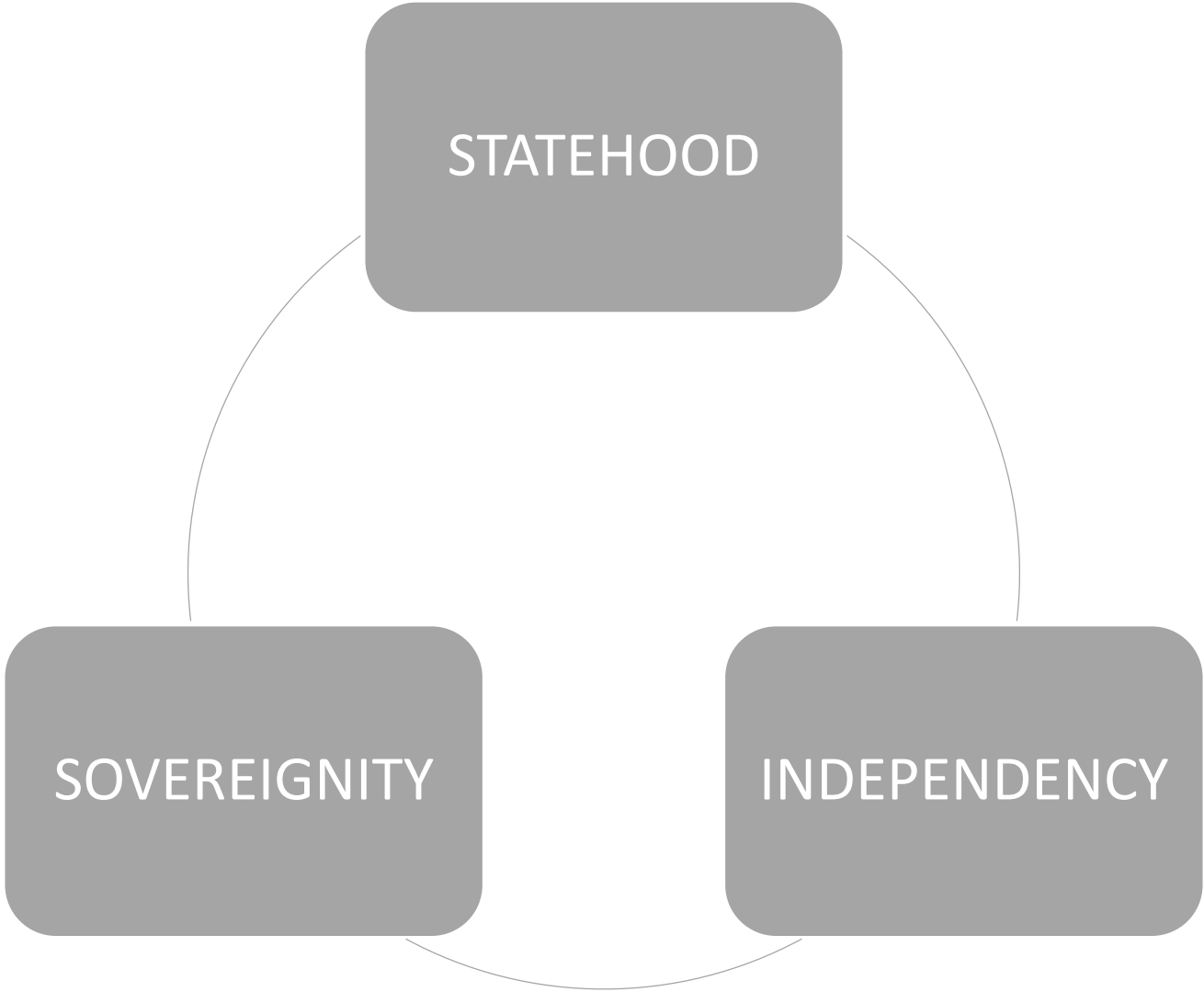
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STATEHOOD



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SOVEREIGNTY

INDEPENDENCY

ELEMENTS OF STATEHOOD

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Art. 1 of the Montevideo Convention on the Rights and Duties of the States, 1933

The state as a person of international law should possess the following qualifications:

- a) a permanent population;
- b) a defined territory;
- c) government;
- d) capacity to enter into relations with the other states.

ELEMENTS OF STATEHOOD





TERRITORY



TERRITORY





POPULATION



EFFECTIVE GOVERNMENT



CAPACITY TO ENTER INTO RELATIONS

RECOGNITION OF STATES

UNILATERAL ACTS OF STATES

- 1. PROTEST – unilateral declaration designed to object to an act or action performed by another State;**
its purpose and legal effect is to show that the protesting State does not recognize, accept, or acquiesce in the act or action; or preserves the right to challenge that act or action
- 2. RECOGNITION (of act or conduct) – unilateral transaction (or, in the case of tacit or implicit recognition, conduct) aimed at considering as legitimate that situation or conduct**
its legal effect is to bar the recognizing State from subsequently challenging what had been previously recognized
- 3. RENUNCIATION – willing unilateral abandonment of a right, which is deliberate and clear (although it may be explicit or tacit)**
- 4. NOTIFICATION - act by which State makes other States informed of a certain action it has performed**
its legal effect is to preclude the other States from subsequently claiming that, not knowing the action notified, they were entitled to behave differently
- 5. PROMISE – unilateral declaration by which a State undertakes to behave in a certain manner**
it establishes a new rule binding the promising State toward one or more States

RECOGNITION

individual

collective

explicit

implied

de iure

de facto

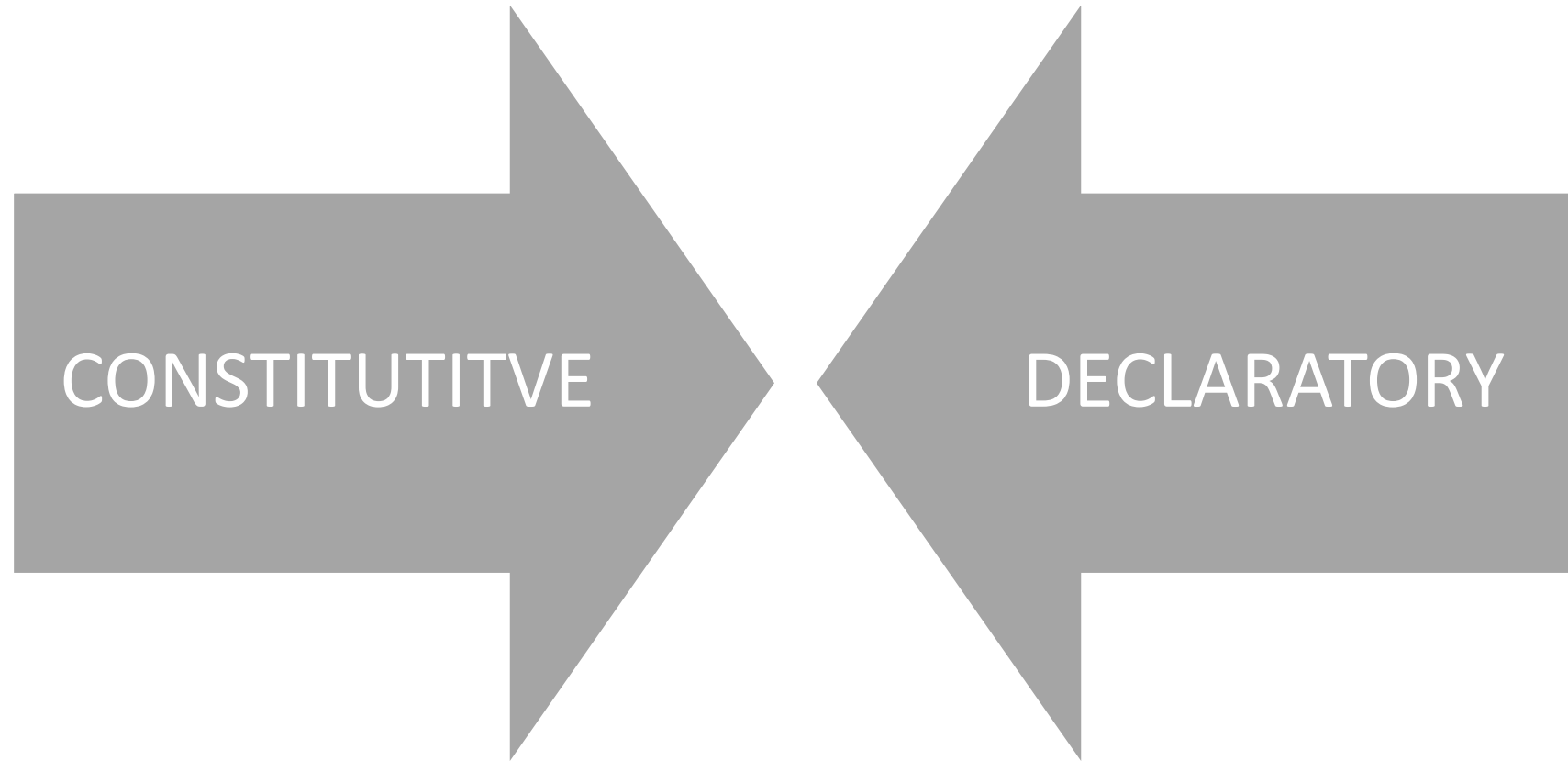
political (subjective)

legal (objective)

premature

deleyed

RECOGNITION OF STATES



ROLE OF THE RECOGNITION OF STATES

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- I. testifies the will of recognizing State to initiate international interactions with the new State
- II. proves that the recognizing State consider that in their view the new entity fulfils all the factual conditions considered necessary for becoming an international subject
- III. once granted, it bars the recognizing State from altering its position and claiming that the new entitiy lacks statehood

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