STATEHOOD
STATEHOOD

SOVEREIGNITY

INDEPENDENCY
ELEMENTS OF STATEHOOD
ELEMENTS OF STATEHOOD

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
POPULATION
CAPACITY TO ENTER INTO RELATIONS
RECOGNITION OF STATES
1. **PROTEST** – unilateral declaration designed to object to an act or action performer 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 OF STATES

CONSTITUTITVE

DECLARATORY
ROLE OF THE RECOGNITION OF STATES
ROLE OF THE RECOGNITION OF STATES

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 entity lacks statehood