RECOGNITION OF STATE AND GOVERNMENT UNDER INTERNATIONAL LAW

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Abstract

Recognition in respect of states arises when a new State is born and seeks to establish relations with the existing States and when it applies for membership of international organizations. Recognition has important legal consequences. The recognized State acquires certain rights, privileges and immunities under international law as well as municipal law. Recognition may be two kinds: *de facto* and *de jure*. In both, recognition is an act to give rise to legal rights and obligations. The problem is that recognition frequently been withheld by the State for political reasons. In order that an entity merits recognition as a state, it includes effective control over a clearly defined territory and population; an organised governmental administration of that territory and a capacity to act effectively to conduct foreign relations and to fulfill international obligations. Recent practice includes human rights and other matters.

Keyword: Recognition, *de facto*, *de jure*, and legal consequences

Introduction

A State participates in its interest of international law through medium of the government. Therefore, recognition of the government as a recognized State plays an important role so that the State can enjoy the rights and privileges as an independent community under International law. The decision as to whether or not to recognize a new State lies entirely in the discretion of each individual State. This is because recognition is accorded in the exercise of a State's sovereignty. For recognition as a State, it must enter into relations with the other existing States. The article includes theories, form, modes, processes and the legal effect of recognition.

Recognition in International Law

Recognition is one of the most difficult themes in international law. It is a mixture of law and politics. Recognition means that an existing State acknowledges the political entity of another State, by overt or covert act. It may be noted that recognition is neither a contractual arrangement nor a political concession. It is a declaration of the existence of certain facts. There are two theories of recognition, namely: the constitutive theory, and the declaratory or evidentiary theory.

Constitutive Theory

According to the constitutive theory, without recognition a State does not exist, and only recognition constitutes a State as an international person and gives rights and responsibilities. According to Oppenheim, a State exists an international person by mere recognition. It becomes a subject of international law and has rights and duties as a State under international law.[2]

Many jurists do not support this theory. According to them, theory seems to be blurring because the status of a State can have a legal personality while does not have it at the same time due to in favour of State A but not supported from State B. More difficulty is that as an unrecognized State, it can recourse to use of force and intervention which would not have been illegal. Moreover, if the unrecognized State had been involved in war, she would have been under

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[2] Oppenheim. L, "International Law", 1937, pp.125-127.

no legal obligation to respect the rights of neutrals. The practice of States does not support the view that they have no legal existence before recognition.[1]

Non-recognition has no effect before international courts or tribunals. In Great Britain - Costa Rica Arbitration (Tinocco Concessions Case) (1923 UN Rep (1)), Non-recognition cannot outweigh the evidence as to *de facto* character of Tinocco government. In reply to Costa Rica's contention that Tinocco government could not be considered a *de facto* government since it was not established in accord with the Constitution of Costa Rica, it was said that recognition was to be determined by enquiry into a government's *de facto* sovereignty and complete governmental control and not into its illegitimacy or irregularity of its origin.[2]

There are basically two theories as to the nature of recognition. The constitutive theory maintains that it is the act of recognition by other states that creates a new state and endows it with legal personality and not the process by which it actually obtained independence. Thus, new states are established in the international community as fully fledged subjects of international law by virtue of the will and consent of already existing states.[3] The disadvantage of this approach is that an unrecognised 'state' may not be subject to the obligations imposed by international law and may accordingly be free from such restraints as, for instance, the prohibition on aggression. A further complication would arise if a 'state' were recognised by some but not other states. It seems to be, for example, partial personality.

Declaratory Theory

According to the declaratory theory, Statehood exists before recognition and the act of recognition is merely a formal acknowledgment of an already established fact.

The Montevideo Convention is in accord with this theory. Politically, the existence of the State is free from recognition of the other States. The State has "the right to defend" against its territorial integrity or political independence, to lay down the law upon its wellbeing, and to define the jurisdiction and competence of its courts.[4]

Many jurists accept the declaratory theory.[5] Under Professor Brierly, the recognition to a new State can be done by a declaratory conduct. If it exists so, whether it is recognized by the other States, it does not matter. It has rights and duties as a subject of international law.[6]

The declaratory approach is the better of the two theories. States which for particular reasons have refused to recognise other states, such as in the Arab world and Israel and the United States and certain communist nations,[7] rarely contend that the other party is devoid of powers and obligations before international law and exists in a legal vacuum. The stance is rather that rights and duties are binding upon them, and that recognition has not been accorded for primarily political reasons. If the constitutive theory were accepted, it would mean, for example, in the context of the former Arab non-recognition of Israel, that the latter was not bound by international law rules of

[1] Brierly, J.L, "The Law of Nations", 6th edn, Oxford, The Clarendon Press, 1963, pp.138-139.
[2] Great Britain v. Costa Rica Arbitration (Tinoco Concessions Case) (1923 1 RIAA 369).
[3] M. Clark, A Conceptual History of Recognition in British International Legal Thought", 87 BYIL, 2016, p.18.
[4] Article 3 of the Montevideo Convention on the Rights and Duties of States, 1933.
[5] Brierly, J.L,"The Law of Nations", 3rd ed. 1942, p.100; BUSTAMANTE, DROIT INTERNATIONAL PUBLIC, (trans.1934) 171; Ullman, VöLKERRECHT, (2nd ed. 1908) p. 67; Deutsche Continental Gas-Gesellschafe v. Polish State, German-Polish Mixed Arbitral Tribunal, Aug 1, 1929; Briggs H.W., "Recognition of States: Some reflections on Doctrine and Practice", 43 A.J.I.L, 1949, pp, 113-121; Richarard N. Swiift, "international Law: Current and Classic", 1968. P.61.
[6] Brierly, J.L, The Law of Nations, 6th edn, Oxford, The Clarendon Press, 1963, p. 139.
[7] Bulletin of the US Department of State, 1958, p.385.

non-aggression and non-intervention. This has not been adopted in any of the stances of non-recognition of states.[1]

The Charter of the Organization of American States adopted at Bogotá in 1948 notes in its survey of the fundamental rights and duties of states that: the political existence of the state is independent of recognition by other states. Even before being recognised the state has the right to defend its integrity and independence.[2] And the *Institut de Droit* International emphasised in its resolution on recognition of new states and governments in 1936 that the existence of the new state with all the legal effects connected with that existence is not affected by the refusal of one or more states to recognise.

In the period following the end of the First World War, the courts of the new states of Eastern and Central Europe regarded their states as coming into being upon the actual declaration of independence and not simply as a result of the Peace Treaties. The tribunal in one case pointed out that the recognition of Poland in the Treaty of Versailles was only declaratory of the state which existed 'par lui-même'.[3]

In addition, the Arbitration Commission established by the International Conference on Yugoslavia in 1991 stated in its Opinion No. 1 that 'the existence or disappearance of the state is a question of fact' and that 'the effects of recognition by other states are purely declaratory'.[4]

The declaratory theory, by contrast with the constitutive, corresponds more closely to reality. Comparatively speaking, the constitutive theory represents a minority view among writers.

Recognition of State and Government

Logically the recognition of a new State automatically involves recognition of the government of that State. However, although recognition of government and State may be closely related, they are not necessarily identical. The question of recognition of a government apart from the question of recognition of a new State arises in certain circumstances.

In fact, the granting or refusing of the recognition of a government has nothing to do with recognition of the State itself. If a foreign State refuses to recognize a new government of an old State, the latter does not thereby lose its recognition as an international person.[5]

In practice, when there is a change of government in a normal and constitutional manner, recognition is granted as a matter of fact. For example, in the case of the accession of a new head of a State, other States usually recognize the new Head by some formal act such as a message of congratulation.

Recognition of State

A new State may come into existence by gaining of independence of a former colony, by disintegration of an existing State, or by merger of two or more States. According to the British practice, whether an entity is recognized as a State by the United Kingdom is a matter for the executive authorities. Thus, in case of doubt (*Luther v James Sagor*), a request will be made by the

[1] N.Mugerwa, subjects International law, in Manual of International Law, in Manual of International Law, London,1968pp. 247, 269.
[2] Article 9 of the Charter of the Organization of American States (Article 12 as amended in 1967).
[3] Deutsche Continental Gas-Gesellschaft v. Polish State, 1929, 5 AD, p.11.
[4] Chuan Pu Andrew Wang and Others v. Office of the Federal Proseutor, Swiss Supreme Cpurt, first Public Law Chamber, Decision of 3 May 2004, No. 1A.3/2004.
[5] Montevideo Convention, 1933, Article 3.

court to the Foreign Office, who may issue an executive certificate. This certificate will specify whether or not the new State is recognized and it is conclusive.[1]

It is obvious that the British practice as to the recognition of states is mainly based on the requirements of statehood under the Montevideo Convention, 1933. This is in line with prevailing State practice. A Statement made by the United States Department of States is also in a similar mood.[2]

Recognition is highly political and is given in a number of cases for purely political reasons. This point of view was emphasised by the American representative on the Security Council during discussions on the Middle East in May 1948. He said that it would be: highly improper for one to admit that any country on earth can question the sovereignty of the United States of America in the exercise of the high political act of recognition of the *de facto* status of a state.[3]

The approach of the United States was emphasised in 1976. In reaching this judgment, the United States has traditionally looked to the establishment of certain facts. These facts include effective control over a clearly defined territory and population; an organised governmental administration of that territory and a capacity to act effectively to conduct foreign relations and to fulfill international obligations. The United States has also taken into account whether the entity in question has attracted the recognition of the international community of states.[4]

The view of the UK government was expressed as follows: the normal criteria which the government applies for recognition as a state are that it should have, and seem likely to continue to have, a clearly defined territory with a population, a government who are able of themselves to exercise effective control of that territory, and independence in their external relations. Other factors, including some United Nations resolutions, may also be relevant.[5] Recent practice suggests that 'other factors' may, in the light of the particular circumstances, include human rights and other matters.

The European Community also adopted a Declaration on Yugoslavia,[6] in which the Community and its member states agreed to recognise the Yugoslav republics fulfilling certain conditions. These were that the republics wished to be recognised as independent; that the commitments in the Guidelines were accepted; that provisions laid down in a draft convention under consideration by the Conference on Yugoslavia were accepted, particularly those dealing with human rights and the rights of national or ethnic groups; and that support would be given to the efforts of the UN Secretary-General and the Security Council and the Conference on Yugoslavia.

The United States took the relevance of commitments and assurances given by the new states of Eastern Europe and the former Soviet Union with regard to nuclear safety, democracy and free markets within the process of both recognition and the establishment of diplomatic relations.[7]

On December 10, 1991, the European Community adopted guidelines on the recognition of new States in Eastern Europe and in the Soviet Union. Applying these Guidelines, the EC and its Member States recognized as States 11 of the 15 republics of the former USSR. The three Baltic States of Estonia, Latvia and Lithuania that had also been USSR republics were recognized before

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[1] Aksionairnoye Obschestvo AM Luther v James Sagor & Co, 1921, 2 KB 532, CA.
[2] Statement made by the United States Department of States, 1976, 1978, 72 AJIL 337.
3 D.Young, "American Dealings wit Peking", 45 Foreign Affairs, 1966, p. 77.
4 DUSPIL, 1976, pp.19-20.
[5] 102 HC Deb., col. 977, Written Answer, 23 October 1986.
[6] UKMIL, 62 BYIL, 1991, pp.560-1.
[7] S.D Murphy, "Democraic Legitimacy and the Recognition of States and Governments", 48 ICLQ, 1999, p.545.

the Guidelines were adopted.[1] The Russian Federation is accepted as the continuing State of the Soviet Union, and hence succeeds to the rights and duties of the former USSR. The 1991 Guidelines were also applied to the States that emerged from the disintegration of Yugoslavia.

Following a period of UN administration authorised by Security Council resolution 1244 (1999), the Yugoslav (later Serbian) province of Kosovo declared independence on 17 February 2008. It was recognised swiftly by the United States, the United Kingdom, Germany, the majority of EU states, Japan and others. Russia and Serbia, on the other hand, made it clear that they opposed recognition, as did Spain and Greece. Accordingly, in the current circumstances, while many countries recognise Kosovo, many do not and entry into the United Nations is not possible until, for example, Russia is prepared to lift its opposition in view of its veto power.[2] The international status of Kosovo will be controversial and disputed.[3]

While recognition may cure difficulties in complying with the criteria of statehood, a situation where the international community is divided upon recognition will, especially in the absence of UN membership, remain the continuation of uncertainty.

Recognition of Government

Governments that come into office in a normal and constitutional manner require no recognition international law. There will of course be a message of congratulation and a continuation of normal bilateral diplomatic dealings.[4]

When the new government comes into power not in a constitutional manner but after a *coup d' etat*, or a revolution, or a civil war, recognition of that government is a serious question and a decision thereon is to be made with made with great care. The conditions under international law for the recognition of a new regime as the government of a State are; (1) that the new regime has in fact effective control over most of the States' territory; and (2) that this control seems likely to continue.[5] The effectiveness of the government is, of course, a *sine qua non* (an essential condition) of recognition of an entity as the government of a State.

Recognition of a government which comes into power unconstitutionally has sometimes been misinterpreted as implying approval of that revolutionary government. In order to avoid such misinterpretations; some states have adopted the policy of never recognizing governments, although they continue to grant recognition to states. This policy originated in Mexico and is known as the "Estrada doctrine" after the name of the Mexican Secretary of State for Foreign Relations.[6] According to this doctrine, the change of government in a State is an internal matter and does not concern international law or other States. The same policy has been applied in recent years by several other states, including the US, the UK, France and Spain.

U.N General Assembly adopted in 1950 a resolution stating that in cases of that description the question should be considered in the light of the purposes and principles of the Charter and the circumstances of each case.[7] For example, the government of the People's Republic of China claimed to represent the State of China in the U.N.

[1] The EC Ministerial Declaration of August 27, 1991, 62 BYIL 558.
[2] www.mfa-ks.net/en/politika/483/njohjet-ndrkombtare-t-republiks-s-kosovs/483.
[3] Statements by EU High Representative/Vice-President Mogherini made on 25 August 2015 and 27 January 2016.
[4] Oppenheim, International Law, 1937, P.148.
[5] Hansard, Debates of the UK Parliament, HC, Vol 485,Cols 2410-2411 March 21, 1951.
[6] Akehurst, Modern Introduction to International Law, 7th rev edn (London: Routledge, 1997), p.87.
[7] UN Gereral Assembly Resolution, 396(V), 1950.

In the 1960s, the UN Security Council called upon all states not to recognize the Rhodesian white-minority regime's declaration of independence and imposed economic sanctions.[1]

Under Stimson Doctrine (Non-recognition), it was a statement of the United States national policy. The doctrine imposed a duty of non-recognition of all territorial acquisitions brought about in breach of international law.[2]

Accordingly, in 1977, the United States declared that: US practice has been to de-emphasise and avoid the use of recognition in cases of changes of governments and to concern ourselves with the question of whether we wish to have diplomatic relations with the new governments.[3]

In 1980, the UK government announced that it would no longer accord recognition to governments as distinct from states,[4] for example, in the case of regimes violating human rights. This change to a policy of not formally recognising governments had in fact taken place in certain civil law countries rather earlier. Belgium[5] and France[6] appear, for example, to have adopted this approach in 1965. By the late 1980s, this approach was also adopted by both Australia[7] and Canada,[8]and indeed by other countries.[9]

Later, the United Kingdom announced that it would continue to decide the nature of dealings with unconstitutional regimes: in the light of an assessment of whether they are able of themselves to exercise effective control of the territory of the state concerned, and seem likely to continue to do so.[10]

For example, following the elections in the Côte d'Ivoire in November 2010 and the acceptance by the Economic Community of West African States (ECOWAS) and the African Union of the election of Mr Ouattara (and the hostility of the sitting president), the United Kingdom recognised Mr Ouattara as the democratically elected president of the country.[11]

Further, the United Kingdom decided on 27 July 2011 to recognise and deal with the Libyan National Transitional Council, which was engaged in an armed conflict with the Gaddafi government in that country, 'as the sole governmental authority in Libya'.[12]

The United States took the step of recognising Juan Guaidó as the interim President of Venezuela on 23 January 2019 instead of the incumbent President Maduro, following an election in May 2018 widely seen as unfair.[13] Fifteen member states of the European Union followed on 1 February[14] and the United Kingdom on 4 February 2019.[15] Such actions may well have significant

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[1] UN Security Council Resolution 232 (1966).
[2] O'Mahoney, Joseph (2014-09-01). "Rule tensions and the dynamics of institutional change: From 'to the victor go the spoils' to the Stimson Doctrine". European Journal of International Relations. 20 (3): 834–857. European Journal of International Relations. 20 (3): 834–857.
[3] DUSPIL, 1977.p. 20.
[4] 408 HL Deb., cols. 1121-2, 28 April 1980.
[5] 11 Revue Belge de Droit International, 1973, p. 351.
[6] 69 RGDIP, 1965, p. 1089.
[7] J.G. Starke, "The New Australian Policy of Recognition of Foreign Governments", 62 Austrian Law Journal, 1988, p.390.
[8] 27 Canadian YIL, 1989, p.387.
[9] The Netherlands, 22 Netherlands YIL, 1991,p.237; New Zealand, Attorney-General for Fiji v. Robt Jones House Ltd, 1989, 2 NZLR 69.
[10] UKMIL, 69 BYIL, 1998, p.477 and UKMIL, 72 BYIL, 2001, p.577.
[11] UKMIL, 82 BYIL, 2011, p.737-8; and Security Council resolution 1962(2010).
[12] UKMIL, 82 BYIL, 2011, p.742.
[13] 113 AJIL, 2019, p.601.
[14] 113 AJIL, 2019, p.604.
[15] Deutsche Bank v. Bank of England (2020) EWHC 1721.

consequences within the recognising countries, but internationally the absence of effective control by the claimant authority is a significant limitation and the matter will remain controversial.[1]

Distinction between recognition of States and government recognition of a State differs from the recognition of a government. The recognition of a government means that the recognizing State regards it as the sole representative of a particular State in international relations. When a new regime is changed it is necessary to be recognized by the other States.

Mode of Recognition: *De facto* and *De jure* Recognition

There are two modes of recognition under international law: recognition *de facto* and *de jure*. *De facto* recognition of a State or government take place when, in the view of the recognizing State, the new authority although actually independent and having effective power in the territory under its control, has not acquired sufficient stability or does not as yet offer, prospects of complying with other requirements of recognition such as willingness or ability to fulfill international obligations.

Recognition *de facto* is, in essence, provisional and liable to be withdrawn if the absent requirements of recognition fail to materialize.[2]As a rule, in the case of recognition *de facto*, there is not yet formal exchange of diplomatic representatives.[3] *De jure* recognition implies that the recognized State government fulfills the test laid down by international law for effective participation in international community.[4]

According to British practice three conditions are required as precedence to the grant of *de jure* recognition, namely: to maintain proper peace and tranquility; to take effective measures for the population; and to be able to take all appropriate steps to fulfill its international obligations.[5] Recognition *de jure* is therefore the more complete form. It contributes to the development of relations between states.

From the point of view of legal effects there are hardly any differences between *de jure* and *de facto* recognition.[6] The legislative and other internal measure of the authority recognized *de facto* is, before the courts of the recognizing States, treated the same footing as those of a State or government recognized *de jure*.[7] Similarly, a State or government recognized *de facto* enjoys jurisdictional immunity in the courts of the recognizing State.[8]

In the Israel-Palestine crisis, it happened due to racial discrimination non-recognition of Israel until 1999, and South Africa till 1991 by India[9]. Even though India received military support from Israel, it did not recognize it. Actually, both countries accord with the criteria of a State under Montevideo Convention.

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[1] www.un.org/press/en/2019/sc13753.doc.htm, 27 March 2019.
[2] Oppenheim, International Law, 1937, p.136.
[3] Lauterpacht, H. Regonition in International Law, Cambridge University Press, 1947, p.338.
[4] Tandon, Public International Law, 1993, p.74.
[5] Smith, H.A., Great Britain and the Law of Nations, Landon, 1932, Vol: I, p.79.
[6] Lauterpacht, n. 46 above, p.343.
[7] Oppenheim, n. 45 above, p.136.
[8] The Arantzazu Mendi, 1939, A.C, 216.
[9] www.hcisouthafrica.in/

In China-Taiwan event, Taiwan is recognized by 19 UN member States as a State. Taiwan stands an observer status of UN. Taiwan has unofficially diplomatic relations with 59 other UN members. Taiwan also has business relations with other countries which do not recognize as a State.[1]

Criteria concerned with the practical viability of the state or claimant state, such as a permanent population, existing in a defined territory, over which there is an effective government operating independently from external control, in the sense of governing the people and the territory, constitute an independent state.

Form of Recognition

There are many different ways in which recognition can occur and it may apply in more than one kind of situation. It is not a single, constant idea, but a category comprising a number of factors. There are indeed different entities which may be recognised, ranging from new states, to new governments, belligerent rights possessed by a particular group and territorial changes. Not only are there various objects of the process of recognition, but recognition may itself be *de facto* or *de jure* and it may arise in a variety of manners.

"Express recognition" takes the form of a formal declaration. According to the practice of States, recognition is expressly granted by means of a declaration in cases where there is scope for controversy. Sometimes, however, new States attach particular value to express recognition. This is because implied recognition was not sufficient for the people who just emerging from a long and arduous struggle for liberty required a clear and positive declaration to that effect.

"Implied recognition" is effected through acts which imply an intention to grant recognition. In other words, there are certain types of conduct on the part of a State from which recognition of a new State or government may be implied. For instance, the appointment or reception of diplomatic representative can be regarded both as a mode of and as an irrefutable presumption of recognition. Practice of States shows numerous examples of adoption of this method of recognition.

Opening of diplomatic relations with a community which has emerged as a State would conclusively prove its admission into the community of nations. Similarly, in the case of a new government, the change of Credentials of the envoy and his accreditation to the head of the State under the new regime would establish its recognition by the other State or States:

Conditional recognition implies that the recognition is granted subject to the fulfillment of certain stipulation by the recognized State in addition to the normal requirements of Statehood. The conditional recognition has disappeared from contemporary practice.

In Pre-mature or precipitate recognition, it is granted even when a State does not possess all the attributes of Statehood. Generally, when the authorities organize a separatist movement and establish a provisional government in a State for the prospective new State, recognition of such a government is granted by other States.

Participation in a conference attended by an unrecognized State or government does not amount to recognition of that State or government. Similarly, the membership of General International Organizations like the U.N. does not constitute recognition of the State or government by those States which do not recognize it otherwise.

1 Campbell, Matthew (7 January 2020). "China's Next Crisis Brews in Taiwan's Upcoming Election". Bloomberg Businessweek. No. 4642. pp. 34–39.

Legal Effects of Recognition

Non-recognition does not mean that the entity does not qualify for Statehood. Recognition should however be granted because it has important legal consequences. The recognized State acquires certain rights, privileges and immunities under international law as well as municipal law.[1] Following are the main legal effects of recognition:

- Recognized State becomes entitled to sue in the courts of the recognizing State,
- Recognized State is entitled to sovereign immunity for itself as well as its property in the courts of recognizing State,
- Recognized State is entitled succession and possession of property situated in the territory of the recognizing State,
- Recognized State may enter into diplomatic and treaty relationship with the recognizing State, and
- Recognizing State gives effect to past legislative and executive acts of recognized State.

Internationally in the majority of cases, it can be accepted that recognition of a state or government is a legal acknowledgement of a factual state of affairs. Nevertheless, it should not be assumed that non-recognition of, for example, a state will deprive that entity of rights and duties before international law.

For example, the United Kingdom treated the German Democratic Republic as bound by its signature of the 1963 Nuclear Test Ban Treaty even when the state was not recognised by the United Kingdom.[2]

In general, the political existence of a state is independent of recognition by other states[3], and thus an unrecognised state must be deemed subject to the rules of international law. It cannot consider itself free from restraints as to aggressive behaviour, nor can its territory be regarded as *terra nullius* (land that is legally deemed to be unoccupied or uninhabited). States which have signed international agreements are entitled to assume that states which they have not recognised but which have similarly signed the agreement are bound by that agreement.

Conclusion

The recognition of the State is an essential procedure, so that the State can enjoy the rights and privileges as an independent community under International law. Recognition is not a function consisting in the fulfillment of an international duty, but a measure of national policy independent of binding legal principle. Some powerful States create difficulties in recognition of a newly formed State which does not justify with the conditions for being a sovereign State. The recognition of the State has some political influence on the International Platform.

There are indeed different entities which may be recognised, ranging from new states, to new governments. Not only are there various objects of the process of recognition, but recognition may itself be *de facto* or *de jure* and it may arise in a variety of manners. This can be withdrawn when any State does not fulfill the conditions for being a sovereign State. It is noted that international personality, governmental capacity, and the competence must all be determined primarily by reference to the actual conditions of power and effectiveness of the authorities claiming recognition. It would be better law based on the facts-insofar as such facts are not contrary to law.

[1] M.C. Shaw, International Law, Cambridge University Press, Ninth Edn, 2021, p.1286.
[2] M.C. Shaw, International Law, Cambridge University Press, Ninth Edn, 2021, p.1287.
[3] Article 3 of Montevideo Convention, 1933.

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