# Contents

**Introduction**  
xiii  

**Abbreviations and Periodicals**  
xvii  

1 Recognition in General  
1.1 Bibliographies  
1.2 Monographs  
1.3 Articles  
1.4 General Courses of the Hague Academy  
1.5 Recognition as Unilateral Act  

2 Recognition of States  
2.1 Codification Attempts  
   (1) International Commission of American Jurists (1927)  
   (2) Seventh International Conference of American States (1933)  
   (3) Institut de Droit International (1936)  
   (4) International Law Commission (1949)  
2.2 General Studies  
   (1) Monographs  
   (2) Articles  
2.3 Case Studies (1776-1999)  

*United States of America (1776), French Republic (1793), Spanish Colonies in the Americas (1810-1830), Belgium (1830), Greece (1832), Texas (1836), Confederate States (1863), Congo Free State (1885), Cuba (1902), Panama (1903), Finland (1917), Ireland (1917), Transcaucasian States (1918), Kingdom of the Serb-Croat-Slovene State (1918), Baltic States (1918), Czechoslovakia (1918), Poland (1918), Ukraine (1918), Tannu-Tuva People's Republic (1921), Outer Mongolia (1921), Slovakia (1939), Croatia (1941), Constituent Republics of the USSR (1944), Indonesia (1945), Kurdish Republic (1946), Israel (1948), South Moluccas (1950), Katanga (1960), Kuwait (1961), Biafra (1967), Principality of Sealand (1967), Bangladesh (1971), Republic of Minerva (1972), Guinea-Bissau (1973), Saharan Arab Democratic Republic (1976), Palestine (1988), Bougainville (1990), Dnestr Republic (1990), Republic of Kosovo (1990), Baltic States (1991), Chechenia (1991), Somaliland (1991), Former Soviet and Yugoslav Republics (1991), Nagorno-Karabakh (1992), Anjouan (1997)*
3 Recognition of States and Governments in the Context of Divided Nations

3.1 General Studies

3.2 China

   (1) Recognition of the Government of the People’s Republic of China (PRC)
       (i) General Studies
       (ii) Recognition of the PRC by Individual States

       Australia, Austria, Canada, France, Germany, India, Israel, Japan, Netherlands, New Zealand, Philippines, South Africa, Sri Lanka, United Kingdom, United States of America

   (2) Legal Status and International Relations of the Republic of China (ROC)

   (3) Relations in Spite of De-Recognition: ROC-US Relations under the Taiwan Relations Act 1979

3.3. Germany

   (1) Recognition and Legal Status of the German Democratic Republic

   (2) Hallstein Doctrine (1955)

3.4 Korea

3.5 Vietnam

4 Recognition of Governments

4.1 Codification Attempts

   (1) International Law Association (1923)
   (2) Institut de Droit International (1936)
   (3) International Law Conference London (1943)

4.2 General Studies

4.3 Special Questions

   (1) De Facto Governments
   (2) Revolution, Coup d’Etat and Recognition
   (3) Recognition and Intervention
   (4) Recognition and Governmental Legitimacy
   (5) Withdrawal of Recognition and Severance of Diplomatic Relations

4.4 Case Studies

## 5 Recognition of De Facto Governments in the Americas

### 5.1 Codification Attempts

1. American Institute of International Law (1925)  
2. International Commission of American Jurists (1927)  
3. Emergency Advisory Committee for Political Defence of the American States (1943)  
4. Ninth International Conference of American States (1948)  
5. Inter-American Juridical Committee (1949)  
6. Inter-American Council of Jurists (1950)  
7. Organization of American States (1965)

### 5.2 General Studies

### 5.3 Doctrines on Recognition of De Facto Governments

1. Tobar Doctrine (1907)  
2. Wilson Doctrine (1913)  
3. Estrada Doctrine (1930)  
4. Betancourt Doctrine (1963)

### 5.4 United States Recognition Policy in the Americas

1. General Studies  
2. United States Policy of Recognition Towards Mexico

## 6 Recognition of Governments in Exile

### 6.1 General Studies

### 6.2 Case Studies of Authorities in Exile Recognized as Governments

- Belgium (1914-18), Serbia (1915-18), Montenegro (1916-18), Poland (1939-90), Belgium (1940-44), Czechoslovakia (1940-45), Netherlands (1940-45), Yugoslavia (1941-45), Spain, Including Basque Region and Catalonia (1945-77), Algeria (1958-62), Angola (1962-71), Cambodia (1970-75), Bangladesh (1971), Western Sahara (1976-present), Cambodia (1978-91), Afghanistan (1989), Kuwait (1990-91)

### 6.3 Recognition and the Exercise of Governmental Functions in Exile

1. Maritime and Military Courts  
2. Legislation  
3. Treaties  
4. Privileges and Immunities

## 7 Recognition of National Liberation Organizations

### 7.1 General Studies

### 7.2 Recognition by the Organization of African Unity

### 7.3 Recognition by the United Nations

### 7.4 Recognition and Locus Standi in International Humanitarian Law
7.5 Case Studies

African National Congress (ANC), Eritrean People's Liberation Front (EPLF), Frente Popular para la Liberacion de Saguita el-Hamra y Rio de Oro (Polisario Front), Palestine Liberation Organization (PLO), South West Africa People's Organization (SWAPO), União Nacional para Independência total de Angola (UNITA)

8 Recognition of Authorities and Entities Sui Generis

8.1 Diplomatic Missions of Extinct Governments

8.2 Nations, National Councils, and National Committees
   (1) Czecho-Slovak Nation, National Council, and Army (1917-18)
   (2) Polish Nation, National Committee, and Army (1917-18)
   (3) Free French Authorities (1940-44)
   (4) Polish Committee of National Liberation (1944)

8.3 Jewish People and Jewish Agency

8.4 United Nations Council for Namibia

8.5 Holy See

8.6 Sovereign Order of Malta

8.7 International and Supranational Organizations

9 Recognition of Belligerency and of Insurgency

9.1 Codification Attempts
   (1) Institut de Droit International (1900, 1975)
   (2) Sixth International Conference of American States (1928)

9.2 General Studies

9.3 Case Studies

Greece (1823), Chile (1891), Cuba (1895), Spain (1936-39)

10 Modes of Recognition

10.1 Express and Implied Recognition
   (1) General Studies
   (2) Consular Relations
   (3) Treaty Relations
   (4) Trade Relations

10.2 De Facto, De Jure, and Diplomatic Recognition

10.3 Premature Recognition

10.4 Conditional Recognition
## Contents

11 Legal Effects of Recognition and Non-Recognition  
11.1 Legal Status of Unrecognized States and Governments  
11.2 Recognition in Municipal Law and Before National and International Courts  
   (1) General Studies  
   (2) Practice of National Courts  
   (3) Court Access  
   (4) Privileges and Immunities  
   (5) Judicial Cognizance of Legal Acts of Unrecognized Governments  
   (6) State Property Abroad  
   (7) Legal Status of Nationals of Unrecognized States and Governments  
   (8) The Terms ‘State’ and ‘Government’ in Treaties, Statutes, and Contracts  
   (9) Statute of Limitations  
11.3 Relation of Judiciary and Executive in Matters of Recognition  
11.4 Retroactivity of Recognition  
11.5 State Responsibility for Unrecognized De Facto Authorities  

12 Recognition and Membership/Representation in International Forums  
12.1 General Studies  
12.2 League of Nations  
   (1) Recognition and Admission to Membership  
   (2) Continued Recognition and Representation: Ethiopia (1937-39)  
12.3 United Nations  
   (1) Membership/Representation and the Question of Recognition in General  
   (2) Chinese Representation (1949-71)  
   (4) South African Representation (1974-94)  
   (5) Membership of the Palestine Liberation Organization/‘Palestine’ in Specialized Agencies  
   (6) Russian Succession to Soviet Membership (1991)  
12.4 Partial Non-Recognition and Participation in International Forums  
   (1) Israel  
   (2) German Democratic Republic  
   (3) Other States and Governments  
12.5 Membership of Taiwan in International Forums
12.6 OAU Membership of the Saharan Arab Democratic Republic 277

13 The Principle of Non-Recognition 279
13.1 Codification 279
   (1) Inter-American Convention on Rights and Duties of States (1933) 279
   (2) Anti-War Treaty (Non-Aggression and Conciliation) (1933) 279
   (3) Charter of the Organization of American States (1948) 279
13.2 Codification Attempts 280
   (1) International Law Association (1934) 280
   (2) Eighth International Conference of American States (1938) 280
   (3) International Law Commission (1949) 280
   (4) United Nations General Assembly (1970) 280
13.3 General Studies 281
13.4 Stimson Doctrine (1932) 283
13.5 Collective Non-Recognition of De Facto Authorities 285
   (1) Manchukuo 285
   (2) Southern Rhodesia 290
   (3) South African Presence in Namibia 295
   (4) South African Homelands (Transkei, Ciskei, Bophuthatswana, Venda) 296
   (5) Turkish Federated State of Cyprus/Turkish Republic of Northern Cyprus 299
13.6 Recognition and Non-Recognition of Illegal Territorial Acquisitions 302
   (1) General Studies 302
   (2) Case Studies 305

   *Ethiopia (1936), Austria (1938), Albania (1939), Bohemia and Moravia (1939), Baltic States (1940), Hyderabad (1948), Tibet (1951), Goa (1962), East Jerusalem (1967), Sikkim (1974), East Timor (1975), Golan Heights (1981), Kuwait (1990)*

14 Recognition Policy and Practice of States 331
14.1 General Sources of Recognition Practice 331
14.2 Sources of Recognition Practice of Individual States 333

   *African States, Asian States, Australia, Austria, Belgium, Brazil, Canada, People's Republic of China, Republic of China, European (Union) States, France, Germany, Greece, India, Ireland, Israel, Italy, Japan, Netherlands, New Zealand, Philippines, Poland, Scandinavian Countries, Singapore, South Africa, Soviet Union, Spain, Switzerland, United Kingdom, United States of America, Vatican*

Author Index 353
Subject Index 381