

LAW CAPSULE

FOR LAW COMPETITIVE EXAMS STATE RECOGNITION



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According to Phillip Jessup, 'State Recognition' means that an existing State acknowledges the political entity of another State, by overt or covert act. However, Montevideo Convention in 1933 laid down four qualifications of a State for its recognition:-

Sl. No.	Qualifications
1.	Permanent Population
2.	Definite Territory
3.	Government
4.	Capacity to enter into relations with other States

Forms of Recognition

In practice a State can be recognized by other States in various forms. Following are the main forms of State Recognition:-

Sl. No.	Forms of Recognition
1.	Express Recognition – by written agreement / treaty etc.
2.	Implied Recognition – An implied recognition can be by (a) unilateral act(s) of the other States or (b) collective act(s) of the other States
3.	Conditional Recognition
4.	Precipitate Recognition

Modes of Recognition

There are two modes of recognition (1) *De facto* Recognition and (2) *De jure* Recognition. It will not be out of place to mention that Estrada doctrine is that there is no need of any recognition, however, States use the forms and modes of recognition to extract advantages from newly formed States.

Retroactivity of Recognition

All acts of newly recognized State are treated as valid dating back to the commencement of the activities of the authority thus recognized. In a landmark case of *Civil Air Transport Inc. v. Central Air Transport Corporation* the Court held as follows:

- (a) Retroactivity of recognition depends upon intention.
- (b) Where there is a clear date mentioned, recognition takes effect from that date.
- (c) Acts of previous *De jure* government cannot be invalidated by subsequent *De jure* recognition of government.
- (d) *Prima facie*, recognition operates retrospectively not to invalidate the acts of a former government, which has become the new *De jure* government.