

MONTEVIDEO CONVENTION  
ON  
RIGHTS AND DUTIES OF STATES

Signed at Montevideo, December 26, 1933

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# Montevideo Convention On The Rights And Duties Of States

**D. Rai\*c**

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Montevideo Convention On The Rights And Duties Of States

*Convention on Rights and Duties of States Adopted by the Seventh International Conference of American States ,1934*

**Foundations of Public International Law: Examine critically the requirements for the creation of a state in modern**

**international law.** Timo Hohmuth,2004-11-09 Essay from the year 2000 in the subject Law European and International Law Intellectual Properties grade 2 B University of Newcastle upon Tyne Law School course Foundations of Public International Law language English abstract The orthodox positivist doctrine has been explicit in the affirmation that only States are subjects of international law 1 However since international law is primarily concealed with the rights and duties of states it is necessary to have a clear idea of what a state is Problems of definition of statehood and of its application thus occupy an important place in the structure of international law The disputes on this topic tend to be focused on factual issues rather than on the relevant legal criteria The question of the criteria is a mixed fact and law question though To create a state entities must fulfil certain criteria of statehood There are different opinions on the essential criteria which will be examined critically hereafter 1 Lauterpacht International Law p 489

Draft Declaration of the Rights and Duties of American States, Formulated Pan American Union,1948

**Analysing the Practice of State Recognition as an Exclusionary Mechanism from the International Community of States**

Brian Khisa,Hussain Roba,2023-11-21 Essay from the year 2022 in the subject Politics Topic Public International Law and Human Rights language English abstract The law on statehood and state recognition is aptly captured in the Montevideo Convention on the Rights and Duties of States 1933 The Convention lists the criterion for the achievement of Statehood which includes the requirement of a permanent population a well defined territory a stable government and the ability to enter relations with other states This article argues that despite entities satisfying the criteria of statehood under the Montevideo Convention the issue of state recognition remains a major legal hurdle to be crossed towards the ultimate realization of a people s right to self determination It is contended that to achieve statehood state recognition must be granted by the international community of states and given the difficulty the exercise of the right to self determination has been greatly hindered therefore making the right to self determination nothing more than empty rhetoric The article begins by introducing the concept of state recognition and statehood before embarking on a critical analysis of the practice of state recognition and statehood The article then shifts focus to the nexus between statehood and state recognition through the lenses of the right to self determination and secession The next part focuses on the effect of the non recognition of entities as states and how it acts to the exclusion of admission of the entities that have duly qualified for statehood under the Montevideo Convention to the international community of states By providing practical case studies on the practice of state recognition in respect of the states of Somaliland South Sudan and Eritrea the Article concludes that the criterion under the Montevideo Convention is grossly ignorant of the existing practice of state recognition especially by failing to expressly address the legal existence of a state

**Statehood, Effectiveness and the Kosovo Declaration of Independence** Demola Okeowo, 2008 Although many attempts States failed to find a general definition of statehood The most authoritative description of the constitutive elements of statehood is contained in Article 1 of the 1933 Montevideo Convention on the Rights and Duties of States in which four criteria must be satisfied in judging statehood They include the requirements that the putative state must occupy a defined territory must operate effective government over the extent of such territory and must be in possession of a permanent population Finally the claimant to statehood must have the capacity to engage in international relations taken to include the ability to fulfill treaty obligations These criteria are also referred to as the traditional criteria for statehood The traditional criteria of statehood are based on effectiveness and such on the Latin maxim *ex factis jus oritur* which means that certain legal consequences are attached to particular facts However the relevance of effectiveness is not always complete State practice shows that a new criterion based on legality has to be taken into consideration in exceptional cases On 20 February 2008 Kosovo unilaterally declared itself independent This declaration has been followed by its recognition from a number of States Nonetheless the formation of statehood is independent of recognition In order to become a State Kosovo has firstly to effectively fulfill the requirements of statehood stated in the Montevideo Convention and secondly to have been created lawfully

*International Law Documents* Jan Klabbers, 2016-10-06 Montevideo Convention on Rights and Duties of States Charter of the United Nations Statute of the International Court of Justice Vienna Convention on the Law of Treaties Articles on the Responsibility of States for Internationally Wrongful Acts Vienna Convention on Diplomatic Relations United Nations Convention on Jurisdictional Immunities of States and their Property Articles on Diplomatic Protection G20 Brisbane 2014 Communique Convention on the Prevention and Punishment of the Crime of Genocide Convention Relating to the Status of Refugees Protocol Relating to the Status of Refugees Convention for the Protection of Human Rights and Fundamental Freedoms ECHR first protocol ECHR fourth protocol ECHR sixth protocol ECHR seventh protocol ECHR twelfth protocol ECHR thirteenth protocol ECHR fifteenth protocol ECHR sixteenth protocol International Covenant on Civil and Political Rights International Covenant on Economic Social and Cultural Rights American Convention on Human Rights African Charter of Human and Peoples Rights Protocol on the Rights of Women in Africa Protocol on the Establishment of an African Court on Human and Peoples Rights ASEAN Human Rights Declaration ILO Declaration on Fundamental Principles and Rights at Work Accord on Fire and Building Safety in Bangladesh Agreement between New Zealand and Turkey Relating to Air Services Extradition Treaty Kenya and Rwanda Armenia India Agreement for the Promotion and Protection of Investments US Recognition of South Sudan United Kingdom Optional Clause Declaration US Ratification of International Covenant on Civil and Political Rights Denmark's Objection to the US Reservation to ICCPR Convention on the Privileges and Immunities of the United Nations Agreement Regarding the Headquarters of the United Nations Basel Committee on Banking Supervision Charter Constitutive Act of the African Union Resolution 1267 Resolution 1373 Resolution 1540 Resolution 2140 Resolution 217 A III Universal Declaration of Human Rights Resolution 337A V Uniting for Peace Resolution 1514 XV Declaration on the Granting of Independence to Colonial Countries and Peoples Resolution 1803 XVII Permanent Sovereignty over Natural Resources Resolution 2625 XXV Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among States in Accordance with the Charter of the United Nations Resolution 41 128 Declaration on the Right to Development Treaty on the Non-proliferation of Nuclear Weapons Geneva Conventions first three common articles Rome Statute of the International Criminal Court United Nations Convention on the Law of the Sea excerpts Antarctic Treaty Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space including the Moon and other Celestial Bodies Rio Declaration on Environment and Development Kyoto Protocol to the United Nations Framework Convention on Climate Change Marrakesh Agreement Establishing the World Trade Organization General Agreement on Tariffs and Trade 1947 excerpts Understanding on Rules and Procedures Governing the Settlement of Disputes WTO

International Law as a Belief System Jean d'Aspremont, 2018 Offers a new perspective on international law and international legal argumentation to what extent is international law a belief system

International Law in Domestic Courts André Nollkaemper, 2018 The Oxford ILDC online database an online collection of domestic court decisions which apply international law has been providing scholars with insights for many years This ILDC Casebook is the perfect companion introducing key court decisions with brief introductory and connecting texts An ideal text for practitioners judges government officials as well as for students on international law courses the ILDC Casebook explains the theories and doctrines underlying the use by domestic courts of international law and illustrates the key importance of domestic courts in the development of international law

**The Cambridge Companion to International Law** James Crawford, Martti Koskeniemi, Surabhi Ranganathan, 2012-01-26 A concise intellectually rigorous and politically and theoretically informed introduction to the context grammar techniques and projects of international law

*Unrecognized Entities*, 2021-12-28 The book comprehensively discusses legal and political issues of non recognized entities in the context of international and European Law combining perspectives of international and European law with those of the non recognized entities themselves

**Can Palestine be considered a state under International Law, today?** Tanya Keswani, 2020-03-27 Essay from the year 2019 in the subject Politics International Politics Topic Public International Law and Human Rights grade Distinction School of Oriental and African Studies University of London language English abstract This paper critically assesses whether Palestine is a state under International Law today It observes the extent to which Palestine meets the traditional criteria of statehood set out in the 1933 Montevideo Convention on Rights and Duties of States In order to determine whether Palestine is a state we must first identify what makes a state under international law IL The Montevideo Convention on Right and Duties of States MC 1933 sets out the traditional criteria for statehood Apart from the four conditions set out in Article 1 Article 3 and 6 on recognition are equally significant Palestine statehood is in question because MC has no mention of putatively relevant matters such as independence legitimacy democracy or self determination These post 1933 concepts apply to state practice over time and need to be taken into consideration when assessing Palestine s statehood today The first two conditions of MC have mostly remained the same The latter two when applied to state practice alter the criteria for a state under IL This paper will observe to what extent Palestine meets the MC criteria and how it has altered post 1933 The last condition with reference to Article 3 brings into question the current role recognition plays towards the legality of a state

**A Principled Approach to State Failure** Chiara Giorgetti, 2010 This book is the first legal study of state failure in international law Dr Giorgetti specifically analyses health environmental and human rights emergencies and suggests concrete instruments for international actors facing emergencies in failing states Her Principles for Action are an important contribution to the development of international law

**International Law** Boleslaw Adam Boczek, 2005 The system of public international law has reached a major turning point in its history and is confronting serious challenges generated by a variety of developments unfolding in the structure of the international society This Dictionary acquaints legal and other professionals students and interested general readers with the basic tenets of public international law combining the features of both a brief encyclopedic dictionary and a textbook in clear understandable language A list of acronyms and abbreviations a glossary of Latin phrases a chronology that offers a historical perspective by listing major developments relating to international law throughout the centuries a table of cases with references to entries and a list of the 373 entries precede the main text The survey of international law is organized into nine chapters Chapter I contains the usual introductory topics found in international law textbooks the nature of this law its sources the relationship between international and national municipal law and some other general problems Chapters II VIII deal with matters coming within the scope of the law of peace organized according to the framework consisting of states individuals spatial context and interaction Chapter IX whose subject unfortunately becomes ever more relevant describes the rules governing the conduct of warfare that is international humanitarian law Numerous cross references in bold lead the reader to appropriate entries and the abundant references to primary sources mostly treaties and court cases enable the reader to locate the materials needed for research The selective bibliography includes books research aids textbooks and casebooks as well as recent books on special international law topics This Dictionary is a useful addition to both public and academic libraries including in particular libraries of law schools The format of the book allows it to be used as a reference guide for legal professionals scholars inter

*Threatened Island Nations* Michael B. Gerrard, Gregory E. Wannier, 2013-01-21 This book addresses legal issues of rising seas endangering the habitability and existence of island nations in the Pacific and Indian oceans

**Sovereignty, Statehood and State Responsibility** Christine Chinkin, Freya Baetens, 2015-02-12 A timely thought provoking and innovative reappraisal of the core actors on the international stage states

*The Progressive Development of International Law* American Bar Association. Standing Committee on Peace and Law Through United Nations, Manley Ottmer Hudson, 1947

International Law and Self-Determination Joshua Castellino, 2000-09-14 TABLE OF UN DOCUMENTS

Statehood and the Law of Self-Determination D. Rai\*c, 2002-09-25 Although most international lawyers assumed that the distribution of the land surface of the earth between States was more or less final after the end of decolonization recent practice has disproved this assumption Eritrea separated from Ethiopia and new States were created out of the former Soviet Union the former Yugoslavia and the former Czechoslovakia There is no reason to believe that these events form the end of the creation of new States Numerous communities within existing States claim a right to full separate statehood on the basis of their entitlement to an alleged right to self determination However in most cases the international community rejected such claims to statehood even if the territorial entity satisfied the traditional criteria for statehood On the other hand in other cases including some of those mentioned above the international community acknowledged the statehood of entities which clearly failed to meet these criteria In the light of the above mentioned developments this book examines the modern law of statehood and in particular the role of the law of self determination in the process of the formation of States in international law The study shows that the law of statehood has changed considerably since the establishment of the United Nations It is argued that the law of self determination is particularly relevant for explaining the international community's position regarding the general recognition or the general denial of statehood of different territorial entities under contemporary international law

**New Knowledge and Changing Circumstances in the Law of the Sea** Tomas Heidar, 2020-09-07 New Knowledge and Changing Circumstances in the Law of the Sea focuses on the challenges posed to the existing legal framework in particular the United Nations Convention on the Law of the Sea and the various ways in which States are addressing these challenges

**Participants in the International Legal System** Jean d'Aspremont, 2011-04-20 The international legal system has weathered sweeping changes over the last decade as new participants have emerged International law making and law enforcement processes have become increasingly multi layered with unprecedented numbers of non State actors including individuals insurgents multinational corporations and even terrorist groups being involved This growth in the importance of non State actors at the law making and law enforcement levels has generated a lot of new scholarly studies on the topic However while it remains uncontested that non State actors are now playing an important role on the international plane albeit in very different ways international legal scholarship has remained riddled by controversy regarding the status of these new actors in international law This collection features contributions by renowned scholars each of whom focuses on a particular theory or tradition of international law a region an institutional regime or a particular subject matter and considers how that perspective impacts on our understanding of the role and status of non State actors The book takes a critical approach as it seeks to gauge the extent to which each conception and understanding of international law is instrumental in the perception of non State actors In doing so the volume provides a wide panorama of all the contemporary legal issues arising in connection with the growing role of non state actors in international law making and international law enforcement processes

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## **Table of Contents Montevideo Convention On The Rights And Duties Of States**

1. Understanding the eBook Montevideo Convention On The Rights And Duties Of States
  - The Rise of Digital Reading Montevideo Convention On The Rights And Duties Of States
  - Advantages of eBooks Over Traditional Books
2. Identifying Montevideo Convention On The Rights And Duties Of States
  - Exploring Different Genres
  - Considering Fiction vs. Non-Fiction
  - Determining Your Reading Goals
3. Choosing the Right eBook Platform
  - Popular eBook Platforms
  - Features to Look for in an Montevideo Convention On The Rights And Duties Of States
  - User-Friendly Interface
4. Exploring eBook Recommendations from Montevideo Convention On The Rights And Duties Of States
  - Personalized Recommendations
  - Montevideo Convention On The Rights And Duties Of States User Reviews and Ratings
  - Montevideo Convention On The Rights And Duties Of States and Bestseller Lists
5. Accessing Montevideo Convention On The Rights And Duties Of States Free and Paid eBooks
  - Montevideo Convention On The Rights And Duties Of States Public Domain eBooks
  - Montevideo Convention On The Rights And Duties Of States eBook Subscription Services
  - Montevideo Convention On The Rights And Duties Of States Budget-Friendly Options
6. Navigating Montevideo Convention On The Rights And Duties Of States eBook Formats



- ePub, PDF, MOBI, and More
  - Montevideo Convention On The Rights And Duties Of States Compatibility with Devices
  - Montevideo Convention On The Rights And Duties Of States Enhanced eBook Features
7. Enhancing Your Reading Experience
    - Adjustable Fonts and Text Sizes of Montevideo Convention On The Rights And Duties Of States
    - Highlighting and Note-Taking Montevideo Convention On The Rights And Duties Of States
    - Interactive Elements Montevideo Convention On The Rights And Duties Of States
  8. Staying Engaged with Montevideo Convention On The Rights And Duties Of States
    - Joining Online Reading Communities
    - Participating in Virtual Book Clubs
    - Following Authors and Publishers Montevideo Convention On The Rights And Duties Of States
  9. Balancing eBooks and Physical Books Montevideo Convention On The Rights And Duties Of States
    - Benefits of a Digital Library
    - Creating a Diverse Reading Collection Montevideo Convention On The Rights And Duties Of States
  10. Overcoming Reading Challenges
    - Dealing with Digital Eye Strain
    - Minimizing Distractions
    - Managing Screen Time
  11. Cultivating a Reading Routine Montevideo Convention On The Rights And Duties Of States
    - Setting Reading Goals Montevideo Convention On The Rights And Duties Of States
    - Carving Out Dedicated Reading Time
  12. Sourcing Reliable Information of Montevideo Convention On The Rights And Duties Of States
    - Fact-Checking eBook Content of Montevideo Convention On The Rights And Duties Of States
    - Distinguishing Credible Sources
  13. Promoting Lifelong Learning
    - Utilizing eBooks for Skill Development
    - Exploring Educational eBooks
  14. Embracing eBook Trends
    - Integration of Multimedia Elements
    - Interactive and Gamified eBooks

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