
RECOGNITION OF GOVERNMENTS VS. RECOGNITION OF STATES: LEGAL DISTINCTION, CONTEMPORARY RELEVANCE, AND CHALLENGES

Mirza Nazim Beg, Research Scholar, Galgotias University, Greater Noida, UP

ABSTRACT

This research paper explores the legal and political distinctions between the recognition of states and the recognition of governments under Public International Law. While recognition of states is a legal act based on objective criteria such as territory, population, effective government, and the capacity to engage in foreign relations, recognition of governments is a discretionary and inherently political decision with far-reaching legal implications. Drawing on doctrinal analysis and contemporary case studies—including Afghanistan (Taliban), Myanmar (military junta), Venezuela (Guaidó vs. Maduro), and Palestine—the paper demonstrates how modern practice often blends criteria of effectiveness with demands for legitimacy, such as democratic governance and respect for international norms.

The paper highlights the legal consequences of recognition, such as access to international courts, diplomatic privileges, and treaty-making capacity, while also emphasizing the risks posed by inconsistent or politically motivated recognition practices. It concludes by recommending the establishment of international guidelines to govern recognition of governments, emphasizing that legitimacy and adherence to international norms must supplement, if not outweigh, mere effectiveness in recognition decisions.

Keywords: Recognition of States, Recognition of Governments, Public International Law, Statehood, Legitimacy, Effectiveness, International Legitimacy

1. Recognition in Public International Law

Recognition in Public International Law refers to the formal acknowledgment by one state of the legal status or factual condition of another entity under international law. It serves as a mechanism through which a state or government gains acceptance in the international community, facilitating legal relations such as treaty-making, diplomatic exchanges, and participation in international organizations. Recognition is generally divided into two categories: recognition of states and recognition of governments, each with distinct legal implications.

2. Recognition of States vs. Recognition of Governments

A. Recognition of States

The recognition of a state is the acknowledgment that an entity meets the legal criteria of statehood. According to the Montevideo Convention on the Rights and Duties of States (1933), four key criteria must be satisfied:

- A permanent population
- A defined territory
- A functioning government
- The capacity to enter into relations with other states

Recognition of a state affirms its legal personality under international law and its capacity to be a subject of rights and obligations.

B. Recognition of Governments

In contrast, the recognition of a government involves acknowledgment that a particular regime or authority represents the state and is capable of exercising sovereign functions. Recognition may depend on factors such as:

- Effectiveness (actual control over the territory and population)

- Legitimacy (democratic origin, adherence to constitutional norms)
- International obligations (respect for treaties, human rights, etc.)

Unlike the recognition of states, the recognition of governments is more susceptible to political considerations and may be granted, withheld, or withdrawn without affecting the state's international personality.

3. Research Question

What is the legal significance of recognizing a government versus a state, and how does this distinction affect international relations, diplomatic practice, and state obligations under Public International Law?

4. Research Objectives

- To examine the legal criteria and theoretical basis for the recognition of states and governments.
- To analyse the differences in legal consequences of recognizing a state versus recognizing a government.
- To explore recent case studies (e.g., Afghanistan, Myanmar, Venezuela, Palestine) illustrating the practical application and challenges of recognition.
- To evaluate the role of international organizations, especially the United Nations, in matters of recognition.
- To identify the political and legal dilemmas arising from non-recognition or selective recognition.
- To recommend guidelines or principles for a more consistent and legally grounded recognition policy in international practice.

5. Research Methodology

This research adopts a doctrinal legal methodology combined with case study analysis,

focusing on the following:

- Primary Sources: Treaties (e.g., Montevideo Convention), UN Charter, ICJ rulings, state practice, and official statements.
- Secondary Sources: Scholarly commentary, academic articles, books, and expert opinions in Public International Law.

II. Recognition of States: Elements & Legal Tests

The recognition of states in international law is primarily governed by customary principles, with the Montevideo Convention on the Rights and Duties of States (1933) often cited as the authoritative source outlining the minimum criteria for statehood. Article 1 of the Convention provides that:

“The state as a person of international law should possess the following qualifications: (a) a permanent population; (b) a defined territory; (c) government; and (d) capacity to enter into relations with the other states.”¹

These four elements are broadly accepted as reflecting customary international law and form the basic legal threshold for the recognition of a new state.

A. Permanent Population

A state must have a stable community of people living within it. There is no minimum population requirement, but there must be a consistent group that considers the territory as its home.

B. Defined Territory

While precise borders are not required, a state must exercise sovereignty over a specific geographical area. Border disputes (e.g., between India and China or Israel and Palestine) do not disqualify an entity from achieving statehood.²

¹ Montevideo Convention on the Rights and Duties of States art. 1, Dec. 26, 1933, 165 L.N.T.S. 19.

² James Crawford, Brownlie’s Principles OF Public International Law 447 (9TH ED. 2019).

C. Government

An entity must possess a functioning government with the ability to exercise effective control over its territory and population. However, the presence of an unstable or transitional regime does not necessarily negate statehood.³

D. Capacity to Enter into Relations with Other States

This refers to the external sovereignty of the entity—the ability to conduct foreign affairs independently. It implies a degree of autonomy and recognition of authority by other states or international organizations.⁴

1. Theories of Recognition

A. Declaratory Theory

The Declaratory Theory posits that an entity becomes a state if it meets the objective criteria for statehood, regardless of whether other states recognize it. Recognition under this view is a political acknowledgment of an existing legal reality, not a requirement for statehood.⁵ This theory is widely supported by the International Law Commission (ILC) and most legal scholars.

B. Constitutive Theory

By contrast, the Constitutive Theory holds that an entity does not acquire statehood unless it is recognized by existing states. Under this theory, recognition itself confers legal personality in international law.⁶ Critics argue this allows political interests to override legal principles and undermines consistency in international relations.

III. Recognition of Governments: Legitimacy vs. Effectiveness

Unlike the recognition of states—which is guided by relatively well-established criteria such as those codified in the Montevideo Convention—the recognition of governments remains a

³ Thomas D. Grant, *The Recognition of States: Law And Practice in Debate And Evolution* 55–57 (1999).

⁴ *Id.* at 60.

⁵ Ian Brownlie, *Principles of Public International Law* 89–91 (7th ed. 2008).

⁶ Hersch Lauterpacht, *Recognition in International Law* 41–42 (1947).

politically sensitive and legally ambiguous process under international law. There is no universally binding legal framework governing how and when governments should be recognized. Instead, state practice and political considerations play a significant role, with countries and international organizations adopting divergent approaches that reflect a balance between effectiveness and legitimacy.

A. Effectiveness

The effectiveness criterion refers to the factual control a regime exercises over the state's territory and population. According to this view, a government may be recognized if it:

- Exercises stable and exclusive authority within the state.
- Has control over the state's administrative institutions and security apparatus.
- Demonstrates the capacity to maintain internal order and engage in foreign relations.

This approach is rooted in the doctrine of effectiveness, traditionally followed in British practice, where the United Kingdom has moved away from formal recognition of governments and instead assesses whether a regime exhibits "effective control" for the purpose of engaging in state-to-state relations.⁷ The UK Foreign Office stated in 1980 that it would no longer accord formal recognition to governments, but instead determine practical dealings based on control and stability.⁸

B. Legitimacy

The legitimacy criterion emphasizes the constitutional, democratic, and legal origin of the government. Under this approach, recognition may depend on:

- Whether the government came to power through constitutional or democratic means.
- Its commitment to international obligations (e.g., treaties, human rights standards).

⁷ Christopher Staker, Government Recognition: The British Experience, 9 MICH. J. INT'L L. 219, 221–23 (1988).

⁸ 1980 British Foreign Office Statement, reprinted in 51 BRIT. Y.B. INT'L L. 394 (1980).

- Its respect for the rule of law and popular will.

The United States, for example, has historically varied in its recognition policy. At times, it has prioritized national interest, while in other instances, it has withheld recognition from regimes that overthrew democratic governments, even if they exercised effective control.⁹ Notably, the U.S. recognized Juan Guaidó as interim President of Venezuela in 2019 based on his claim to constitutional legitimacy, despite Nicolás Maduro's de facto control over the country.¹⁰

C. UN and International Institutional Practice

The United Nations does not formally “recognize” governments; however, it indirectly performs a recognition function through:

- The credentials process for Member State representatives to the General Assembly.
- Admission to or exclusion from international organizations.
- The de facto recognition inherent in conducting official relations with government representatives.

For example, after the Taliban takeover of Afghanistan in August 2021, the UN General Assembly’s Credentials Committee continued to recognize the ambassador of the previous Afghan government, effectively withholding recognition from the Taliban regime.¹¹ Similarly, Myanmar’s military junta has not been formally recognized by the UN following the 2021 coup, and the seat remains held by the National Unity Government (NUG) nominee.¹²

IV. Key Distinctions Between Recognition of States and Recognition of Governments

The legal distinction between **recognizing a state** and **recognizing a government** is fundamental in Public International Law. While both acts carry political and legal implications, they **differ in purpose, consequence, and permanence**. The recognition of a state pertains to

⁹ Sean D. Murphy, U.S. Practice in International Law, Volume 1: 1999–2001 369–75 (2002).

¹⁰ Press Release, U.S. Dep’t of State, U.S. Recognizes Interim President of Venezuela (Jan. 23, 2019).

¹¹ U.N. Doc. A/76/548 (2021) – Report of the Credentials Committee regarding Afghanistan.

¹² Edith M. Lederer, UN Delays Action on Myanmar, Afghanistan Seats, ASSOCIATED PRESS, Dec. 1, 2021.

its **existence as a subject of international law**, whereas the recognition of a government concerns the **entity exercising authority** on behalf of the state.

The table below outlines the **core differences**:

Aspect	Recognition of State	Recognition of Government
Legal Personality	Grants or affirms international legal personality	Does not affect state's personality; focuses on authority representation
Criteria	Based on factual conditions (Montevideo Convention)	Based on political and legal tests (effectiveness, legitimacy, constitutional origin)
Impact	Entitles the entity to enter into diplomatic relations, treaties, and join international organizations	Determines who occupies international seats (e.g., UN), signs treaties, and receives foreign aid or sanctions
Revocability	Generally permanent once recognized; difficult to revoke without denying statehood	Can be easily suspended or withdrawn, especially after coups or regime change
Nature Of Recognition	Declaratory in theory; reflects legal status	Often constitutive in effect; confers political legitimacy or denies it
Example	Recognition of South Sudan as a state in 2011	Refusal to recognize the Taliban (2021–present) as Afghanistan's government

A. Legal Personality

Recognition of a state grants or affirms its legal personality under international law. This includes the capacity to sue or be sued, enter into treaties, and maintain diplomatic relations. In contrast, recognition of a government pertains to who may exercise that personality, but does not alter the fact of the state's existence.

For example, despite changes in government (e.g., coups or revolutions), the state of Myanmar continues to exist in law, even if the legitimacy of its rulers is contested.¹³

¹³ Stefan Talmon, Recognition of Governments in International Law: With Particular Reference to Governments in Exile 43–45 (1998).

B. Criteria for Recognition

Recognition of states is largely objective, following the Montevideo criteria: population, territory, government, and foreign relations capacity. By contrast, recognition of governments is subjective, and depends not only on effectiveness (control over territory), but increasingly on legitimacy, such as democratic origin or constitutional process.¹⁴

This subjectivity makes recognition of governments vulnerable to political bias or selective application, leading to inconsistency in state practice.

C. Impact and Consequences

While recognition of a state enables it to join the community of nations, recognition of a government determines who speaks for that state internationally. It affects:

- Representation in the UN and other international bodies,
- Access to state assets held abroad (e.g., foreign reserves),
- Authority to sign binding treaties, and
- Eligibility for foreign aid, arms deals, and sanctions.

For instance, Venezuela's crisis (2019–2023) illustrated this: several countries recognized Juan Guaidó's government, but Maduro retained UN representation, causing a dual-recognition dilemma.¹⁵

D. Revocability

Recognition of a state, once granted, is rarely revoked, as doing so implies the denial of its sovereign existence. Recognition of a government, however, is more fluid. It may be suspended, revoked, or granted conditionally, especially when there is a regime change via unconstitutional means (e.g., coups in Mali, Myanmar, or Guinea).¹⁶

¹⁴ James Crawford, *Brownlie's Principles OF Public International Law* 107–111 (9th ed. 2019).

¹⁵ Sean D. Murphy, *U.S. Practice in International Law: 2019–2022*, 118 *AJIL* 492 (2023).

¹⁶ International Crisis Group, *Responding to the Coup in Myanmar*, Crisis Group Briefing No. 166 (Mar. 2021).

The United States and European Union, for example, have withheld or withdrawn recognition of governments that came to power undemocratically, even where such regimes exercise de facto control.

E. Legal vs. Political Recognition

While recognition of states is generally seen as a legal act grounded in international law, recognition of governments is more political in nature, although it carries legal implications such as treaty validity and diplomatic immunity.

V. Case Studies: Practical Application of Recognition in International Law

The complexities of recognizing states and governments are best illustrated through recent case studies. These examples reflect how international law, state practice, and geopolitical interests intersect in the recognition process. The following cases—Afghanistan, Myanmar, Venezuela, and Palestine—demonstrate both the legal ambiguity and the political flexibility that accompany recognition decisions.

A. Afghanistan (Taliban, 2021–Present)

In August 2021, the Taliban overthrew the democratically elected Afghan government and assumed control over most of the country. Despite its de facto control, the Taliban has not been formally recognized as the legitimate government of Afghanistan by the United Nations or most states.

The UN Credentials Committee—tasked with determining the representatives of member states—rejected the Taliban’s request to replace the ambassador appointed by former President Ashraf Ghani.¹⁷ The Taliban’s designation of Suhail Shaheen as UN envoy was neither endorsed nor acted upon, effectively preserving recognition of the former government’s representative.

This reflects a clear case where effectiveness alone has not translated into recognition. The international community has hesitated, citing human rights concerns, particularly regarding

¹⁷ U.N. Doc. A/76/548 (2021) – Report of the UN Credentials Committee regarding Afghanistan.

women's rights, and the Taliban's past as a designated terrorist group.¹⁸

Legal Implication: Recognition of the Afghan state remains intact, but recognition of the Taliban government has been withheld, leaving Afghanistan in a form of legal limbo in diplomatic and financial engagements.

B. Myanmar (Military Junta, 2021)

On February 1, 2021, Myanmar's military, the Tatmadaw, overthrew the civilian government led by Aung San Suu Kyi and assumed control. The coup was widely condemned, and mass protests erupted across the country. Like Afghanistan, the UN has not recognized the military regime as Myanmar's legitimate representative.

The UN General Assembly's Credentials Committee has deferred a decision on the junta's request to replace Myanmar's ambassador.¹⁹ As of the latest session, Kyaw Moe Tun, the envoy appointed by the former democratic government, remains Myanmar's representative, despite the junta declaring him a traitor.

The situation has resulted in a divided international response:

- Western countries, including the United States and EU member states, refuse to recognize the junta.
- Some neighboring states, such as China, India, and Russia, engage with the junta pragmatically without formal recognition.

Legal Implication: This is an example of the selective application of effectiveness and legitimacy. Despite controlling territory, the junta lacks widespread international legitimacy, especially within multilateral institutions.

C. Venezuela (Guaidó vs. Maduro, 2019–2023)

Venezuela presents a particularly instructive example of the dispute over governmental legitimacy. In 2019, opposition leader Juan Guaidó declared himself interim president, citing

¹⁸ Human Rights Watch, *Afghanistan: Taliban Policies Crush Women's Rights* (July 2022).

¹⁹ U.N. General Assembly, *Committee on Credentials Report*, U.N. Doc. A/76/548/Add.1 (2022).

constitutional grounds and alleging that Nicolás Maduro's 2018 re-election was fraudulent.

Initially, over 50 countries (including the U.S., most EU members, and several Latin American states) recognized Guaidó as the legitimate head of state.²⁰ However, Maduro retained control of Venezuela's institutions, armed forces, and foreign policy, and he continued to occupy the country's seat at the United Nations.

By 2023, many states—including the EU bloc—withdrawed their recognition of Guaidó, acknowledging the political and legal complexities on the ground.²¹

Legal Implication: This case underscores how recognition of governments can be conditional, temporary, and reversible. While the state of Venezuela was never in question, the contest over its government reveals the political nature of recognition.

D. Palestine

The recognition of Palestine highlights the distinction between recognition of states and state membership in international organizations. The Palestinian Authority has been recognized as a state by over 140 countries, and in 2012, the UN General Assembly granted Palestine “non-member observer state” status.²²

Despite these developments, Palestine is not a full member of the United Nations due to the lack of consensus in the Security Council, where permanent members like the United States continue to oppose its admission.

However, Palestine:

- Has joined multiple UN agencies (e.g., UNESCO, WHO),
- Is a party to the Rome Statute of the ICC,
- Has initiated legal proceedings at the ICJ and ICC.

²⁰ U.S. Dep't of State, Press Release, United States Recognizes Interim President of Venezuela (Jan. 23, 2019).

²¹ BBC News, EU No Longer Recognizes Juan Guaidó as Interim President of Venezuela (Jan. 2021).

²² G.A. Res. 67/19, U.N. GAOR, 67th Sess., U.N. Doc. A/RES/67/19 (Nov. 29, 2012).

Legal Implication: This is a case where state recognition has occurred without full UN membership. The UNGA's recognition reflects a declaratory view of statehood, while Security Council dynamics reveal the political constraints on formal state admission.

VI. Legal Consequences of Recognition

Recognition, whether of a state or of a government, carries profound legal consequences under international law. Once an entity is recognized—either as a state with international legal personality, or as a government acting on behalf of a state—it obtains rights, obligations, and access to key international legal mechanisms. These consequences influence the entity's capacity to engage with other states and international institutions, as well as the validity of actions it undertakes on behalf of its people.

A. Diplomatic Immunity and Legal Personality

Recognition allows states and governments to enjoy immunities and privileges under international diplomatic law, most notably those codified in the Vienna Convention on Diplomatic Relations (1961).²³ Recognized governments may:

- Appoint diplomatic envoys and ambassadors;
- Receive full diplomatic immunities for officials abroad;
- Claim sovereign immunity before foreign courts.

Unrecognized governments or de facto regimes may be denied such protections. For instance, assets of unrecognized regimes may be frozen or challenged in foreign jurisdictions, as occurred with Libyan and Afghan central bank reserves following regime changes in 2011 and 2021, respectively.²⁴

B. Access to International Courts and Tribunals

Recognition impacts standing before international courts:

²³ Vienna Convention on Diplomatic Relations art. 1–5, Apr. 18, 1961, 500 U.N.T.S. 95.

²⁴ U.S. Dep't of Treasury, Statement on Blocking Afghan Central Bank Assets, Feb. 2022.

- Only recognized states may bring claims before the International Court of Justice (ICJ) under Article 34 of its Statute.²⁵
- Recognition as a state also enables participation in treaty-based courts such as the International Criminal Court (ICC) and Permanent Court of Arbitration (PCA).

The State of Palestine, following its recognition as a non-member observer state at the UN, was able to accede to the Rome Statute and initiate proceedings before the ICC.²⁶ Conversely, non-recognized entities (e.g., Somaliland) lack locus standi at international forums.

C. Capacity to Enter into Treaties and Conduct Diplomatic Relations

Recognition of a state affirms its treaty-making capacity under the Vienna Convention on the Law of Treaties (1969).²⁷ Similarly, recognition of a government validates its ability to:

- Conclude bilateral and multilateral treaties;
- Issue binding declarations on behalf of the state;
- Appoint consular and diplomatic officials.

In situations of competing governments (e.g., Venezuela or Libya), international actors must determine which representative has the legal authority to sign agreements or access treaty-based benefits.

Failure to recognize a government often leads to non-enforceability of treaties signed by that entity. States may refuse to honor agreements signed by a de facto authority lacking international recognition.

D. Membership in International Organizations (IGOs)

Recognition is often a prerequisite for admission into intergovernmental organizations (IGOs) such as:

²⁵ Statute of the International Court of Justice art. 34, June 26, 1945, 59 Stat. 1031.

²⁶ International Criminal Court, Situation in the State of Palestine, ICC-01/18.

²⁷ Vienna Convention on the Law of Treaties art. 6, May 23, 1969, 1155 U.N.T.S. 331.

- The United Nations (UN Charter, Art. 4),
- International Monetary Fund (IMF) and World Bank,
- World Health Organization (WHO) and other UN agencies.

For example, Palestine's observer status has enabled it to join bodies like UNESCO, the WHO, and the ICC, but it cannot become a full UN member due to lack of consensus at the Security Council.²⁸ Likewise, Taiwan, despite functioning as a de facto state, has been excluded from the UN and IGOs due to the lack of widespread recognition and China's opposition.

E. Legitimacy of Governmental Acts and Agreements

Recognition of a government confers legitimacy on:

- The signing and ratification of international agreements,
- Domestic legal acts with transboundary implications,
- The use of state funds and access to foreign-held assets.

In contested transitions, foreign courts and financial institutions may deny a regime access to state accounts or assets if it is not recognized. For instance, the Taliban's inability to access Afghan foreign reserves held in the United States is partly due to the lack of official recognition by the U.S. government.²⁹

Similarly, foreign aid programs, defense partnerships, and international loan arrangements are often contingent on recognition to ensure legal accountability and enforceability.

VII. Challenges & Criticisms

While the legal doctrine of recognition is a vital tool in international law, its application has long been criticized for being inconsistent, politicized, and prone to undermining legal principles in favor of strategic interests. The following are key criticisms that continue to

²⁸ G.A. Res. 67/19, U.N. Doc. A/RES/67/19 (Nov. 29, 2012).

²⁹ The White House, Executive Order on the Unfreezing of Certain Afghan Assets, Feb. 2022.

complicate the legal landscape of recognition in practice:

A. Politicization of Recognition

One of the most enduring criticisms of recognition is its highly politicized nature. Rather than being based strictly on objective legal criteria, decisions to recognize states or governments often reflect geopolitical interests, ideological alignments, or economic considerations.

For instance:

- The recognition of Kosovo as an independent state was supported by the United States and most EU members but opposed by Russia, China, and Serbia, leading to deep divisions within the UN system.³⁰
- The case of Venezuela demonstrated how regional and political alliances shaped recognition of rival governments, rather than any neutral legal standard.

Such politicization undermines the declaratory nature of statehood and fosters perceptions of selective legitimacy.

B. Lack of Uniform Criteria

There is no codified international legal framework for recognizing governments, and even recognition of states is guided more by custom than by treaty law. The absence of universally accepted criteria leads to:

- Inconsistency in state practice, where similar situations (e.g., Crimea vs. Kosovo) receive different treatment.
- Legal confusion in international organizations, where different organs may adopt conflicting positions (e.g., UN General Assembly vs. Security Council).
- Difficulty in determining which entity can represent a state in treaties, legal proceedings, or global governance.

³⁰ Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo, Advisory Opinion, 2010 I.C.J. Rep. 403.

As Crawford notes, the lack of clear standards “renders recognition a matter of discretion, not law.”³¹ This lack of uniformity creates a fragmented and unpredictable system, weakening legal certainty.

C. Risks of Legitimizing Unconstitutional Changes of Government

Another critical concern is the potential legitimization of governments that come to power through unconstitutional means, including coups, civil wars, or foreign intervention. Recognition of such regimes:

- Risks encouraging undemocratic seizures of power, especially in fragile states.
- Undermines the UN Charter's emphasis on democratic governance, self-determination, and rule of law.
- Creates legal dilemmas regarding the validity of treaties, debt obligations, and acts of prior (or parallel) governments.

For example, early international engagement with military regimes in Egypt (2013) or Thailand (2014) drew criticism for normalizing unconstitutional transitions, even when such governments lacked domestic legitimacy.³²

To address this, the African Union has developed a "zero tolerance" policy for unconstitutional changes, but this has not been universally adopted.³³

D. Disconnection Between Legality and Realpolitik

There is often a fundamental disjunction between the legal principles underlying recognition and the realpolitik that shapes state behavior. This tension results in:

- Recognition without legality, where regimes that violate international norms are still recognized for pragmatic reasons (e.g., Taliban, post-coup regimes).
- Legality without recognition, as seen in Palestine or Taiwan, which meet many criteria for

³¹ James Crawford, *Brownlie's Principles Of Public International Law* 140–143 (9th ed. 2019).

³² Tom Ginsburg, *Constitutional Courts and Unconstitutional Coups*, 2016 U. ILL. L. REV. 1635.

³³ African Union, *African Charter on Democracy, Elections and Governance* (2007), arts. 23–25.

statehood but are denied full recognition due to strategic interests of powerful states.

Such disjunctions erode the authority of international law, suggesting that recognition remains a function of power politics, rather than legal coherence or normative consistency.

VIII. Conclusion

The distinction between the recognition of states and the recognition of governments remains one of the most significant yet under-regulated aspects of public international law. As this paper has shown, recognition of a state is fundamentally a legal act, grounded in objective criteria such as territory, population, government, and capacity to enter into relations. It confirms an entity's legal personality and statehood within the international order. In contrast, the recognition of a government is inherently a political act, one that carries substantial legal consequences despite its discretionary nature.

This duality has created legal ambiguity and geopolitical inconsistency. The absence of universally accepted norms for recognizing governments has allowed political interests to override legal standards, as evidenced by divergent international responses to cases like Venezuela, Myanmar, and Afghanistan. Such inconsistency undermines the rule of law, destabilizes diplomatic practice, and risks legitimizing unconstitutional regimes.

To reduce such unpredictability, there is a pressing need for international guidelines—preferably under the auspices of the United Nations or a multilateral legal body—that establish clear, principled benchmarks for recognizing governments. These benchmarks should include not only effectiveness (control over territory and institutions) but also legitimacy—such as adherence to constitutional norms, democratic origin, and respect for international obligations including human rights and the rule of law.

Recognition should no longer serve as a tool of convenience in power politics. If international law is to promote order, stability, and justice, then recognition practices must reflect and reinforce these values. Effectiveness alone should not suffice. Rather, a principled approach that foregrounds legitimacy and respect for international norms is essential to ensure that recognition upholds, rather than undermines, the foundational ideals of the international legal system.

Bibliography

1. African Charter on Democracy, Elections and Governance arts. 23–25 (2007).
2. BBC News, *EU No Longer Recognizes Juan Guaidó as Interim President of Venezuela* (Jan. 2021).
3. Ian Brownlie, *Principles of Public International Law* 89–91 (7th ed. 2008).
4. James Crawford, *Brownlie's Principles of Public International Law* 107–11, 140–43, 447 (9th ed. 2019).
5. James Crawford, *The Creation of States in International Law* (2d ed. 2006).
6. G.A. Res. 67/19, U.N. GAOR, 67th Sess., U.N. Doc. A/RES/67/19 (Nov. 29, 2012).
7. Tom Ginsburg, Constitutional Courts and Unconstitutional Coups, 2016 U. Ill. L. Rev. 1635.
8. Thomas D. Grant, *The Recognition of States: Law and Practice in Debate and Evolution* 55–57, 60 (1999).
9. Human Rights Watch, *Afghanistan: Taliban Policies Crush Women's Rights* (July 2022).
10. International Criminal Court, *Situation in the State of Palestine*, ICC-01/18.
11. International Crisis Group, *Responding to the Coup in Myanmar*, Crisis Group Briefing No. 166 (Mar. 2021).
12. Hersch Lauterpacht, *Recognition in International Law* 41–42 (1947).
13. Edith M. Lederer, *UN Delays Action on Myanmar, Afghanistan Seats*, Associated Press (Dec. 1, 2021).
14. Montevideo Convention on the Rights and Duties of States art. 1, Dec. 26, 1933, 165 L.N.T.S. 19.
15. Sean D. Murphy, *U.S. Practice in International Law: Volume 1, 1999–2001* 369–75 (2002).

16. Sean D. Murphy, U.S. Practice in International Law: 2019–2022, 118 Am. J. Int'l L. 492 (2023).
17. Statute of the International Court of Justice art. 34, June 26, 1945, 59 Stat. 1055, T.S. No. 993.
18. Christopher Staker, Government Recognition: The British Experience, 9 Mich. J. Int'l L. 219, 221–23 (1988).
19. Stefan Talmon, *Recognition of Governments in International Law: With Particular Reference to Governments in Exile* 43–45 (1998).
20. U.N. Charter art. 4, June 26, 1945, 59 Stat. 1031, T.S. No. 993.
21. U.N. Doc. A/76/548 (2021).
22. U.N. Doc. A/76/548/Add.1 (2022).
23. U.S. Dep't of State, *Press Release, United States Recognizes Interim President of Venezuela* (Jan. 23, 2019).
24. U.S. Dep't of Treasury, *Statement on Blocking Afghan Central Bank Assets* (Feb. 2022).
25. The White House, *Executive Order on the Unfreezing of Certain Afghan Assets* (Feb. 2022).
26. Vienna Convention on Diplomatic Relations arts. 1–5, Apr. 18, 1961, 500 U.N.T.S. 95.
27. Vienna Convention on the Law of Treaties art. 6, May 23, 1969, 1155 U.N.T.S. 331.
28. 1980 British Foreign Office Statement, reprinted in 51 Brit. Y.B. Int'l L. 394 (1980).
29. Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo, Advisory Opinion, 2010 I.C.J. 403 (July 22).