

THE DISCRETIONARY CHARACTER OF RECOGNITION

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ABSTRACT

Introduction and its definition. Recognition granted during 20th Century. Contradictory theories of recognition. Criticism as to constitutive and declaratory theories of recognition. Present day practice of different states as to recognition. Points of distinction between de jure and de facto recognition. Different ways of recognition. Results and consequences of recognition. First concept of recognition in Islam.

INTRODUCTION

Recognition is one of the most burning topics in international law. It is a confusing mixture of politics and international law. While giving or withholding recognition, the states are influenced more by political than by legal considerations but their acts do have legal consequences. The policy of the recognizing state mostly depends upon the necessity of protecting its own interests which lie in maintaining proper relation with any new state or new Government that is likely to be stable and permanent. Besides this, other political considerations, such as trade, strategy, etc; may influence a state in giving recognition. Hence, the reasons why recognition is a difficult subject is because it deals with a wide variety of factual situation.

WHAT IS RECOGNITION?

According to Jessup recognition of states is the act by which another state acknowledges that the political entity to be recognised possesses the attributes of state-hood [1]. Thus, when the existing states of the world community acknowledges the status of newly born state or Government as International person enabling it for effective participation in the sphere of international dealings with that of recognising states is called recognition. The states as subject of international law may change