

Democratic Statehood in International Law

The Emergence of New States
in Post-Cold War Practice



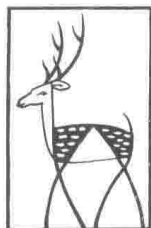
Jure Vidmar

STUDIES IN INTERNATIONAL LAW

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The Emergence of New States in
Post-Cold War Practice

Jure Vidmar



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DEMOCRATIC STATEHOOD IN INTERNATIONAL LAW

This book analyses the emerging practice in the post-Cold War era of the creation of a democratic political system along with the creation of new states. The existing literature either tends to conflate self-determination and democracy or dismisses the legal relevance of the emerging practice on the basis that democracy is not a statehood criterion. Such arguments are simplistic. The statehood criteria in contemporary international law are largely irrelevant and do not automatically or self-evidently determine whether or not an entity has emerged as a new state. The question to be asked, therefore, is not whether democracy has become a statehood criterion. Rather, the emergence of new states is a law-governed political process in which certain requirements regarding the type of government may be imposed internationally. And in this process the introduction of a democratic political system is equally as relevant or irrelevant as the statehood criteria. The book demonstrates that via the right of self-determination, the law of statehood requires for state creation to be a democratic process, but that this requirement should not be interpreted too broadly. The democratic process in this context governs independence referenda and does not interfere with the choice of a political system.

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It is my intention that the research is current as of 31 October 2012.

Jure Vidmar

St John's College, Oxford
1 March 2013

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