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Democratic Statehood in International Law: The Emergence of New States in Post-Cold War Practice (Studies in International Law)

Jure Vidmar

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This book analyzes 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. However, 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. The emergence of new states is rather a law-governed political process in which certain requirements regarding the type of a 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. (Series: Studies in International Law - Vol. 46)

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