

Coast Colony and Ashanti Letters Patent, 1954 and 1955, shall retire on the date at which any unexpired leave earned at such date expires.

“(b) An officer to whom sub-paragraph (a) of this paragraph applies shall be entitled on the date of his retirement to such pension and gratuity or to such gratuity as an ‘entitled officer’ is eligible to receive and in addition at his option either to compensatory pension or to compensation for loss of career.

“ . . . ”

THE SECOND SCHEDULE

(Section 77)

[Text not reproduced here. This Schedule contains detailed provisions relating to the entitlement of certain overseas officers (who were appointed, on or before 4 May 1954, Judges of the Supreme Court of the Gold Coast) to the compensatory pension, compensation for loss of career, earned pension or gratuity and so forth.]

Guatemala

Transmitted by a letter dated 10 January 1963 of the Permanent Mission to the United Nations¹

OBSERVATIONS

[Requirements for recognition of new States and Governments]

1. In the course of the past few years the Government of Guatemala has recognized new States in a simple and straightforward manner, in no case imposing any conditions and, in the case of recognition of new States in succession to others, stipulating only the satisfaction of the requirements which have traditionally been considered essential for that purpose and abiding as a general rule by the declaratory doctrine.

2. The essential elements for the existence of a State have been considered to be that the State should possess the following:

- (a) The human element, in the form of a distinct population;
- (b) Its own territory;
- (c) A constituted Government;
- (d) Economic resources;
- (e) A complete legal system;
- (f) Independence and the capacity to enter into relations with other States.

3. In the case of recognition of Governments, Guatemala has likewise granted such recognition without imposing any obligations or securing any special advantages, confining itself to simple recognition and stipulating only that the requirements which have traditionally been considered essential for that purpose should be satisfied in each case.

4. Guatemala has maintained the traditional view that the recognition of new Governments requires that such entities should be able to show the following characteristics:

¹ Original Spanish. Translation by the Secretariat of the United Nations.

- (a) Control of the administration of the State;
- (b) The consent of the population, which is proved if the governed obey the orders of the Government;
- (c) Acceptance by the new Government of its international obligations;
- (d) That the Government was formed in accordance with international law, for where a Government is set up through the use of force by a foreign army of occupation there is no obligation to recognize it.

5. To the foregoing, the following might be added:

(1) Recognition should be granted only to States constituted in territories which are not the subject of controversy or dispute on the part of a third Power and concerning which no territorial claim is outstanding;

(2) Before recognition is granted, the new State should show that, in addition to being viable and satisfying the requirements prescribed by international law, it does not remain subject in any way to the former metropolitan Power if it was constituted in a colonial territory;

(3) Before recognition is granted, the instruments which the new State signed with the former metropolitan Power at the time of attaining independence should be examined, since such instruments indicate any limitations imposed on its external and internal sovereignty;

(4) Before recognition is granted, the political constitutions of new States should be examined, since any limitations imposed on their political sovereignty are reflected in such constitutions.

Indonesia

*Transmitted by a note verbale dated 14 January 1964 of
the Permanent Representative to the United Nations*

A. TREATIES

I. TEXTS

1. DRAFT AGREEMENT ON TRANSITIONAL MEASURES ATTACHED TO THE COVERING RESOLUTION ACCEPTED AT THE SECOND PLENARY MEETING OF THE ROUND TABLE CONFERENCE BETWEEN THE GOVERNMENT OF THE KINGDOM OF THE NETHERLANDS AND THE GOVERNMENT OF THE REPUBLIC OF INDONESIA, AT THE HAGUE, ON 2 NOVEMBER 1949¹

¹ United Nations, *Treaty Series*, vol. 69, p. 266. The following footnotes appear in said volume: (a) "The ratification of the Agreement provided for in paragraph IV of the Covering Resolution, was recorded in The Protocol signed at Amsterdam on 27 December 1949. In accordance with paragraph V of the Covering Resolution, the Agreement came into force on 27 December 1949, upon the transfer of sovereignty executed by the Act of Transfer of Sovereignty and Recognition, signed on that date at Amsterdam." [See *op. cit.*, p. 200, footnote 1.] (b) "Note from the Netherlands Government: The Covering Resolution with attached draft agreements and exchanges of letters has been adopted by the Round Table Conference at The Hague in plenary session on 2 November 1949. As this resolution has been accepted on the one hand by the Kingdom of the Netherlands and on the other hand by the territories which have entered into the former Republic of the United States of Indonesia and therefore the documents affixed to this resolution have been ratified — as was