

Abstract

According to International Law, "Government in Exile" refers to the situation where a government of one state is operating in the territory of the other state. Where there is a decision to form the government in exile, the issue that must be taken into consideration is the "recognition of government". This issue can be divided into two aspects, namely the government who has "effective control over territory and people" and the other government that establishes "the government in exile" in another state. However, since the establishment of government in exile is conducted by way of the "unconstitutional means". Therefore, a number of international law issues arise in respect of recognition of such government, arguing the legitimacy whether which government shall be recognised, or the actions from the state which has recognised, or the observation of the state which is not yet to recognize because of the political factors as well as the issue of a status in relation to the abilities and rights of the government in exile.

This independence research begins with the meaning of "government in exile" and "the establishment of government in exile" accompanied with some examples. The next chapter concentrates on the principle of recognition of such government which is an essential element to legalise the government in exile into existence under international community. In such recognition, states do not need to express the recognition but it is truly their own discretion to recognise the government in exile. The consequences of establishing the government in exile will be presented at the end of research. The rights and obligations within the scope of international law will be critically discussed in order to provide the academic guidance for the situation where the discretion is needed to be made in determining the recognition of the government in exile.