

## *What is State?*

- State as a "community of person, more or less numerous, permanently occupying a definite territory, independent of external control and possessing an organized government to which the great body of inhabitants render habitual obedience."

### ***THE ESSENTIAL ELEMENT OF STATE***

**1. People** - refers to the large number of people living within the state. It must be small enough to be ruled, and it must be big enough to be self-sufficient.

#### **CHARACTERISTIC OF PEOPLE OF THE STATE**

Culture, which includes: Belief, Art, Moral, Laws, Customs, Mores, and any capabilities acquired by man as a member of society.

**2. Territory** - refers to the constitutes all the land and water within its external boundaries, the sea within the three-mile limit of its shores, the bay and estuaries and islets bordering its coast.

### ***THE ESSENTIAL ELEMENT OF STATE***

**3. Government** - which is the aggregate of authorities that rule society and must be obeyed by its people.

#### **STANDARD FORM OF A GOVERNMENT**

Republic  
Communist or Dictatorship  
Monarchy

**4. Sovereignty** - this is a supreme and independent power of the state to manage its internal affairs and to be free from external control.

#### **FEATURES OF SOVEREIGNTY**

**INTERNAL SOVEREIGNTY** - which means the complete power to rule over the people in the state.

**EXTERNAL SOVEREIGNTY** - which is the freedom from foreign rule.

## *THE THEORETICAL BASIS OF STATE ORIGIN*

- 1. Divine Theory** - It postulate that the state is divine origin, all political authority emanates from God. The rulers asserted that their power to govern was derived, not from the people, but lent from God, and therefore, they could govern absolutely and without any accountability to anybody except to God.
- 2. Contract Theory** - This theory assumed that there was a time when men lived in a "state of nature" without any political organization whatsoever, and the only laws governing their actions were those dictated by the instinct of reason.
- 3. Natural or Instinctive Theory** - this theory asserted that the state originated from it tendencies of men to live in organized society. Perhaps it is in this premise that Aristotle said "Man is by nature a political animal."
- 4. Patriarchal or Matriarchal Theory** - This theory view regards the expansion of the first family to grow by virtue of intermarriage.
- 5. Force Theory** - this theory asserts that the state is looked upon as a result of man's inherent desire for self-protection.
- 6. Historical or Evolutionary Theory** - this theory purports to explain that the state is an outcome of a gradual processor evolutionary growth and development that has been as part in the whole history of mankind.

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## *GENERAL RIGHT OF STATE*

### **1. The right to exist as a political sovereign entity**

- the inherent right of the state to exist is a fundamental right of every state, irrespective of its size, population, wealth, prestige or power.

### **2. The right of independence**

- this is the right of a state to manage all its affairs, internal or external, without any control or restraint from other states, as long as it respects the rights of the other states.

### **3. Natural or Instinctive Theory**

- All member of the nations, regardless of their size, population, wealth, origin, and form of government are legally equal and enjoy similar privileges, immunities and duties under international law.

### **4. The right of property**

- The state has a vested right over land within its territorial domain.

### **5. The right of jurisdiction**

- this is the right of the state to exercise authority over all persons and material possession within its territorial boundaries

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## *Intervention*

- is takes place when a state interferes with the relations of two other states, without the consent of both or either of them or when it interferes with the domestic affairs of another state, irrespective the will of the latter, for the purpose of either maintaining or altering the actual condition of thing within.

**INTERNAL INTERVENTION** - refers to the interference by on state between disputing section of the community in another state.

**EXTERNAL INTERVENTION** - refers to the interference in relation to other state, which is generally hostile.

**PRIMITIVE INTERVENTION** - refers to primitive measure adopted by one state against another in order to compel the latter to observe its treaty agreement or to redress some breach of law which it has committed

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## *Intervention, Mediation and Arbitration Distinguished*

**Intervention** is interposition or interference of one state in the affair of another, while

**mediation** designates a process for bringing about agreement or reconciliation between opposing states in a dispute.

**Arbitration** is the hearing and determining of a dispute on a formal deliberation.

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## *JUSTIFICATION OF INTERVENTION*

### **1. Intervention for self-preservation**

- is an act of interposition of one state in the affairs of another may be undertaken for self-preservation

### **2. Intervention to preserve international relations**

- It also been justified, when necessary to make a state adopt policy standards set by the civilized world especially in dealing with the nationals of foreign states.

### **3. Intervention to carry out treaty stipulations**

- The intervention by a state in another state may also be justified when such condition is violated and explicitly spelled out in the treaty entered into between the two states.

### **4. Intervention by general sanction**

- There are certain intervention sanctioned by the general body of nations composed of a fairly considerable number of them.

### **5. Intervention on the grounds of humanity and religion**

- Social and political thinkers assert that if intervention by the state on the ground of self-preservation was justifiable; by the same token, intervention on the ground of humanity and religion should likewise be justified.