

MAKERERE UNIVERSITY

SCHOOL OF LAW

RECOGNITION IN INTERNATIONAL LAW: A CRITICAL ANALYSIS OF UGANDA'S POSTURE TOWARDS ISRAEL AND PALESTINE

BY

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DECLARATION

I declare that the work presented herein, is my original work. It has not been submitted to any University or academic institution for any degree or examination. All sources and materials cited herein, are acknowledged and duly referenced.

PAUL WASSWA

DATE: 23rd October, 2026

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APPROVAL

This is to certify that this research was carried out under my supervision and submitted with my approval.

DR. BUSINGYE KABUMBA _____

DATE: 23rd October 2026

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DEDICATION

This dissertation is dedicated to my late mother, the late Betty Nambalirwa Okwenye.

May Her Soul Rest in Eternal Peace.

ACKNOWLEDGEMENTS

I thank Almighty God for the gift of life and for granting me the strength, grace and resilience to complete this dissertation.

I am deeply grateful to my late mother for her love and words of encouragement. She also had an unwavering desire to see me succeed in every aspect of life. Although she did not live to witness the completion of this journey, her faith gave me the courage to persevere.

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LIST OF ABBREVIATIONS

AHG	Assembly of Heads of State and Government
AU	African Union
ECOWAS	Economic Community of West African States
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICJ	International Court of Justice
IGAD	Intergovernmental Authority on Development
ILC	International Law Commission
LNTS	League of Nations Treaty Series
NAM	Non-Aligned Movement
NRM	National Resistance Movement
OAU	Organization of African Unity
PLO	Palestine Liberation Organization
TWAIL	Third World Approaches to International Law
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNGA	United Nations General Assembly
UNSC	United Nations Security Council

UNTS	United Nations Treaty Series
UPDF	Uganda People's Defence Force

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Certain Expenses of the United Nations (Article 17, paragraph 2, of the Charter), Advisory Opinion, [1962] ICJ Reports 151

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Charter of the Organization of American States. Signed April 30, 1948, entered into force December 13th, 1951, 119 UNTS 3

Charter of the United Nations. Signed June 26, 1945, entered into force October 24th, 1945. 1 UNTS XVL, 59 Stat 1031, TS 993, 3 Bevans 1153

Constitutive Act of the African Union. Adopted July 11, 2001, at Lomé, Togo, entered into force May 26, 2011, 2158 UNTS 3

Convention on the Rights and Duties of States (Montevideo Convention), signed December 26, 1933, entered into force December 26, 1934, 165 LNTS 19

General Armistice Agreement between Israel and Egypt, signed 24 February 1949, 42 UNTS 251

General Armistice Agreement between Israel and Jordan, signed 3 April 1949, 42 UNTS 303

General Armistice Agreement between Israel and Lebanon, signed 23 March 1949, 42 UNTS 287

General Armistice Agreement between Israel and Syria, signed 20 July 1949, 42 UNTS 327

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International Covenant on Economic, Social and Cultural Rights, opened for signature December 16, 1966, entered into force January 3, 1976, 993 UNTS 3

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Rome Statute of the International Criminal Court, opened for signature July 17, 1998, entered into force July 1, 2002, 2187 UNTS 3

Statute of the International Court of Justice, annexed to the Charter of the United Nations. Adopted June 26, 1945, entered into force October 24, 1945, 33 UNTS 993

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Treaty of Peace between the Arab Republic of Egypt and the State of Israel. Signed 26 March 1979, entered into force April 25, 1979, 1136 UNTS 100

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UNGA Res 1758 (XVII). Admission of Uganda to Membership in the United Nations. UN Doc A/RES/1758(XVII) (25 October 1962)

UNGA Res 181 (II), Future Government of Palestine. UN Doc A/RES/181(II) (29 November 1947)

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UNSC Res 662, Iraq–Kuwait, UN Doc S/RES/662 (9 August 1990)

ABSTRACT

This dissertation critically analyses Uganda's posture towards Israel and Palestine under the international law of recognition between 1948 and 2026, using a qualitative doctrinal and historical methodology that examines treaties, United Nations materials, International Court of Justice jurisprudence, Ugandan diplomatic practice and scholarly literature through the declaratory, constitutive and critical approaches to recognition.

It finds that Uganda's posture has evolved significantly: relations with Israel, established after independence, were severed in 1972 and restored in 1994 without clear evidence that the severance withdrew recognition, while support for Palestinian self-determination matured into formal recognition of the State of Palestine in 1988 and continued support for Palestinian statehood.

The dissertation concludes that Uganda's recognition of both states is broadly consistent with international law and not inherently contradictory, since recognition of statehood is distinct from diplomatic relations, political alignment and approval of conduct. The declaratory theory best explains the continuity of both states' legal status, while the constitutive and critical approaches better capture the practical weight of international acceptance and political considerations. Uganda's practice thus shows that recognition is legally constrained but politically mediated.

CHAPTER ONE

INTRODUCTION

1.1 Introduction
1.2 Background of the study
1.3 Problem statement
1.4 Research objectives
1.5 Research questions
1.6 Research hypothesis
1.7 Theoretical framework
1.8 Relevance of the study
1.9 Significance and justification of the study
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1.11 Scope and limitations of the study
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1.1 Introduction

International law, state practice and international politics converge in the subject of recognition.[1] International law sets the criteria for statehood, yet whether recognition by other states determines, confirms, or merely facilitates it remains disputed.[2] Article 1 of the 1933 Montevideo Convention lists a permanent population, a defined territory, a government and the capacity to enter relations with other states as the qualifications of a state. The convention also reflects the declaratory view:

[1] H Lauterpacht *Recognition in international law* (1947) 1-6, 36-37; TD Grant *The recognition of states: law and practice in debate and evolution* (1999) 1-25.
[2] Lauterpacht (n 1) 38-66; J Crawford *The creation of states in international law* 2 ed (2006) 17-28; M Fabry *Recognizing states: international society and the establishment of new states since 1776* (2010) 1-8.

a state's political existence does not depend on recognition by others.[3] Nevertheless, recognition is important for the functional participation of an entity in the international legal system.[4]

This debate has conventionally been framed by reference to the declaratory and constitutive theories.[5] According to the declaratory theory, recognition is an affirmation that an existing state has fulfilled the prerequisites of statehood.[6] This consequently means that statehood does not depend on recognition by other States.[7] The constitutive view, in contrast, attributes a more decisive role to recognition in the attainment of international legal personality.[8] In practice, self-determination, effectiveness, and legitimacy also shape decisions on recognition.[9] This process also considers strategic and geopolitical factors.[10]

Israel and Palestine are two examples of different roads to statehood and recognition. Palestine's reputation in the international community was greatly enhanced with the establishment of the State of Palestine in 1988.[11] This was reinforced when it was accorded the status of non-member observer state by the UN General Assembly in 2012.[12] The International Court of Justice reiterated the right of the Palestinian people to self-determination in its Advisory Opinions.[13] It is in this context that the study assesses Uganda's position toward Israel and Palestine from 1948 to 2026. The study distinguishes between recognition and diplomatic relations, political support and voting behaviour. It measures Uganda's practice against the international law on recognition.

1.2 Background of the study

Article 1 of the Montevideo Convention establishes the basic characteristics of statehood. These are a permanent population, a defined territory, a government and the power to enter into relations with other States.[14] However, even when these qualifications are satisfied, the legal significance accorded to recognition remains a topic of debate.[15] Therefore, the constitutive theory provides a

[3] Montevideo Convention on the Rights and Duties of States (1933) 165 LNTS 19 art 3.
[4] M Shaw *International law 9 ed* (2021) 390-395; Crawford (n 2) 17-29.
[5] Lauterpacht (n 1) 38-66; Crawford (n 2) 19-28; Grant (n 1) 1-23.
[6] Montevideo Convention (n 3) art 3; Crawford (n 2) 19-21.
[7] Montevideo Convention (n 3) art 3; Lauterpacht (n 1) 41-44.
[8] Lauterpacht (n 1) 38-41; Grant (n 1) 1-11; Crawford (n 2) 19-21.
[9] D Raič *Statehood and the law of self-determination* (2002) 29-48; Crawford (n 2) 37-45; Fabry (n 2) 2-8.
[10] Grant (n 1) 1-12; Fabry (n 2) 2-8.
[11] Palestinian Declaration of Independence (15 November 1988); Crawford (n 2) 434-449.
[12] UNGA Res 67/19 Status of Palestine in the United Nations UN Doc A/RES/67/19 (29 November 2012) paras 1-2.
[13] *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* Advisory Opinion [2004] ICJ Reports 136 paras 88, 118, 149-159; *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem* Advisory Opinion (ICJ, 19 July 2024) paras 230-243.
[14] Montevideo Convention (n 3) art 1; Crawford (n 2) 45-52.
[15] Lauterpacht (n 1) 38-66; Crawford (n 2) 17-28; Grant (n 1) 1-25.

more crucial role to recognition in forming international legal persons.[16] In practice, however, the legal criteria for statehood do not operate in isolation. They interact with self-determination, effectiveness, legitimacy, diplomatic relations, participation in institutions, and geopolitical interests.[17] Israel and Palestine again illustrate contrasting trajectories. Israel secured extensive international recognition and United Nations membership soon after its 1948 establishment, while Palestine's international standing has emerged more gradually.[18]

1.2.1 The emergence of Israel and the Palestinian question: 1948–1962

The period 1947-1949 fundamentally reshaped the legal and political status of Palestine. In 1947, UNGA Resolution 181 (II) recommended termination of the British Mandate. This resulted in separate Arab and Jewish States.[19] The partition plan was not implemented as planned.[20] However, Israel declared its independence on 14 May 1948.[21] As such, Israel gained recognition by a growing number of States.[22] After the 1948 Arab-Israeli war,[23] Israel joined the United Nations, which enhanced its international status despite its unsolved territorial issues.[24] The Arab state provided for in Resolution 181 did not materialise.[25] However, the conflict displaced a large number of Palestinians, which made the refugee issue a part of the international legal and political discourse.[26]

The Palestinian question then grew more and more tied to self-determination and decolonisation.[27] Resolution 194 (III) concerned the Palestinian refugee question.[28] The UN Charter and Resolution 1514 (XV) of 1960 reinforced the broader principle of self-determination.[29] Uganda, then under

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[16] Lauterpacht (n 1) 38-41; Grant (n 1) 1-11; Crawford (n 2) 19-22.
[17] Raič (n 9) 29-48; I Brownlie *Principles of public international law* 7 ed (2008) 86-89; Fabry (n 2) 2-8; Grant (n 1) 1-12.
[18] Crawford (n 2) 421-448; UNGA Res 273 (III) (n 24); Palestinian Declaration of Independence (n 11); UNGA Res 43/177 Question of Palestine UN Doc A/RES/43/177 (15 December 1988) paras 1-3; UNGA Res 67/19 (n 12) paras 1-2.
[19] UNGA Res 181 (II) *Future Government of Palestine* UN Doc A/RES/181(II) (29 November 1947) Part I and Part III.
[20] Crawford (n 2) 424-434; V Kattan *From coexistence to conquest: international law and the origins of the Arab-Israeli conflict, 1891-1949* (2009) 183-221.
[21] *Declaration of the Establishment of the State of Israel (14 May 1948); Crawford (n 2) 425-432.*
[22] Crawford (n 2) 425-434; Lauterpacht (n 1) 38-66.
[23] Kattan (n 20) 183-221; J Quigley The statehood of Palestine: international law in the Middle East conflict (2010) 75-96.
[24] UNSC Res 69 UN Doc S/RES/69 (4 March 1949); UNGA Res 273 (III) Admission of Israel to Membership in the United Nations UN Doc A/RES/273(III) (11 May 1949). Resolution 273 expressly admitted Israel to UN membership.
[25] UNGA Res 181 (II) (n 19) Part I; Crawford (n 2) 424-448; Quigley (n 23) 75-96.
[26] UNGA Res 194 (III) *Palestine - Progress Report of the United Nations Mediator* UN Doc A/RES/194(III) (11 December 1948) para 11; UNGA Res 302 (IV) *Assistance to Palestine Refugees* UN Doc A/RES/302(IV) (8 December 1949) paras 7-8. The subsequent UN record continued to treat repatriation or compensation under Resolution 194 as unresolved.
[27] UN Charter arts 1(2) and 55; UNGA Res 1514 (XV) *Declaration on the Granting of Independence to Colonial Countries and Peoples* UN Doc A/RES/1514(XV) (14 December 1960) para 2.
[28] UNGA Res 302 (IV) (n 26) paras 7-8.
[29] UN Charter arts 1(2) and 55; UNGA Res 1514 (XV) (n 27) paras 1-2; Raič (n 9) 172-183.

British colonial rule, had no independent recognition policy during these developments.[30] Accordingly, when Uganda attained independence in 1962, Israel was already a UN Member State, while Palestinian statehood and self-determination remained unresolved.[31]

1.2.2 Independence and the development of Uganda-Israel relations: 1962–1971

Uganda gained independence on 9th October 1962, and this gave it the capacity to establish diplomatic relations with other states. It also gave Uganda an opportunity to take positions on recognition.[32] Amid rapid African decolonisation, Israel cultivated ties with newly independent African states. This was done through technical assistance, agricultural cooperation, development support and military training. Uganda therefore became an important East African partner across political, economic and military cooperation.[33]

The relationship sat within a difficult regional environment. Israeli interests in East Africa and support for southern Sudanese insurgent forces intersected with Uganda's own security calculations. By the late 1960s, President Milton Obote's government had grown cautious about aspects of Israeli activity linked to southern Sudan.[34] Uganda was, at the same time, becoming embedded in African diplomacy through the Organization of African Unity. OAU was founded in 1963 to coordinate African positions on colonial rule and self-determination. Uganda's subsequent posture towards Israel and Palestine cannot, therefore, be understood as purely a bilateral matter.

1.2.3 The Amin period: rupture with Israel and alignment with the Palestinian cause, 1971–1979

The Amin government produced the sharpest shift in Uganda's posture. Idi Amin's overthrow of Obote in January 1971 did not immediately disrupt relations. But relations deteriorated rapidly in 1972 due to Amin's developing relationship with Libya. After visiting Tripoli in February 1972, Amin adopted anti-Israel positions. In March 1972, Uganda terminated its military arrangements

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[30] P Mutibwa *Uganda since independence: a story of unfulfilled hopes* (1992) 1-10; Z Levey 'Israel in Sub-Saharan Africa: the case of Uganda, 1962-72' in C Jones & TT Petersen (eds) *Israel's clandestine diplomacies* (2013) 137-152.
[31] Uganda Independence Act 1962 (UK) c 57; UNGA Res 273 (III) (n 24); Crawford (n 2) 421-448; UNGA Res 1514 (XV) (n 27) para 2.
[32] Mutibwa (n 30) 8-22; Levey (n 30) 137-140.
[33] 'Uganda-Israel relations 1962-1972: historical study' (2024) 30 Journal of the College of Basic Education 171-187; T Ofcansky *Uganda: tarnished pearl of Africa* (1996) 45-46.
[34] US Library of Congress 'Uganda: a country study', section on foreign relations with Israel, noting the deterioration of the relationship under Obote in the late 1960s and disagreements concerning Israeli support to southern Sudanese forces.

with Israel. Consequently, Uganda ordered Israeli advisers and nationals to leave, closed the Israeli mission in Kampala, and severed diplomatic relations.[35]

Severing relations with Israel did not amount to withdrawal of recognition. As such, Uganda supported Libya and Palestinian causes such as the hijacking of an Air France flight to Entebbe on 27 June 1976. This resulted in the Israeli rescue operation of 4 July 1976, which became a defining moment in this period. The operation raised questions on sovereignty, use of force and the protection of nationals abroad.[36] The realignment was rapid: within a decade Uganda moved from substantial cooperation with Israel to alignment with forces hostile to it. Amin's overthrow in 1979 was followed by instability, and the rupture in relations with Israel was not quickly reversed.

1.2.4 Post-1986 relations: Restoration of ties with Israel alongside recognition of Palestine

In 1986, the National Resistance Movement under President Yoweri Museveni came into power. This ushered in a new government that sought to rebuild Uganda's international standing and to diversify its bilateral and multilateral relationships. Drawing on UNGA Resolution 181 (II), among other instruments, the Palestinian National Council proclaimed the State of Palestine on 15 November 1988. UNGA Resolution 43/177, adopted 15 December 1988, took note of that proclamation. Subsequently, the name "Palestine Liberation Organization" was changed to "Palestine" within the United Nations system.[37] Uganda cast its vote in support of that resolution.[38] Significantly, Uganda had already recognised the State of Palestine on 3 December 1988.[39] Therefore, diplomatic relations with Israel, severed under Idi Amin in March 1972, remained suspended.[40] Uganda restored diplomatic relations with Israel on 29 July 1994. The restoration renewed bilateral engagement without altering its recognition of Palestine.[41]

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[35] Mutibwa (n 30) 104-115; 'Amin, the reliable helmsman, falls out with the Israelis' *Daily Monitor* 13 September 2012. Available at <https://www.monitor.co.ug/uganda/special-reports/uganda-50/amin-the-reliable-helmsman-falls-out-with-the-israelis-1525560> accessed 17 August 2026; US Library of Congress (n 34).

[36] W Stevenson 90 minutes at Entebbe (1976); Mutibwa (n 30) 104-115.

[37] UNGA Res 43/177 Question of Palestine UN Doc A/RES/43/177 (15 December 1988) paras 1-3.

[38] UNGA, 'Question of Palestine: resolution / adopted by the General Assembly' UN Doc A/RES/43/177 (15 December 1988), adopted by 104 votes to 2, with 36 abstentions; Uganda voted in favour.

[39] UNGA and UNSC, *Letter dated 2 April 2024 from the Permanent Observer of the State of Palestine to the United Nations addressed to the Secretary-General* UN Doc A/78/846-S/2024/283 (2 April 2024) annex. The annex records Uganda as recognising the State of Palestine on 3 December 1988.

[40] A Oded 'Israeli-Ugandan relations in the time of Idi Amin' (2006) 18 *Jewish Political Studies Review* 65, 69-72; I Mufumba 'When Amin sent Israelis packing' *Daily Monitor* 24 March 2024. Available at <https://www.monitor.co.ug/uganda/magazines/people-power/when-amin-sent-israelis-packing-4566896> accessed 7 September 2026.

[41] Oded 'Israeli-Ugandan relations' (n 40) 69-72.

The coexistence of recognition of Palestine and relations with Israel is analytically significant. It undercuts any assumption that recognizing one entails denying the statehood of the other and locates Uganda's practice within a two-state conception. Uganda's voting record is further evidence of that practice. Consequently, a vote may express support without amounting to recognition, and recognition may persist despite an abstention or a negative vote.

1.2.5 Contemporary Uganda and the recognition question: 2012–2026

From 2012, two threads run in parallel: Palestine's international legal status advances, and Uganda's bilateral relationship with Israel deepens. On 29th November 2012, the General Assembly adopted Resolution 67/19.[42] This resolution conferred on Palestine the status of non-member observer state by a vote of 138 to nine, with 41 abstentions.[43] Uganda's supporting vote reaffirmed its earlier recognition of the State of Palestine and its continued backing for Palestinian statehood.[44] This Observer-State status enhanced Palestine's ability to engage with treaties and institutions. This illustrated how bilateral recognition and collective institutional practice can reinforce one another. Meanwhile, Uganda deepened cooperation with Israel in agriculture, trade, technology and security, signing a defense cooperation Memorandum of Understanding in September 2022. This defense cooperation renewed a historical relationship with its Ministry of Defense.[45]

Developments after October 2023 sharpened the tension between these positions. In April 2024, Uganda's Permanent Representative, chairing the Non-Aligned Movement's Coordinating Bureau, together with the Arab Group and the Organization of Islamic Cooperation, forwarded to the United Nations a list of states that had recognized Palestine.[46] The following month, the General Assembly adopted Resolution ES-10/23, concluding that Palestine satisfied the membership qualifications under Article 4 of the Charter. The General Assembly urged the Security Council to reconsider its application favorably.[47] The International Court of Justice's 2024 Advisory Opinion

[42] UNGA Res 67/19 *Status of Palestine in the United Nations* UN Doc A/RES/67/19 (29 November 2012).
[43] UNGA Res 67/19 (n 12) paras 1-2; UNGA, Official Records of the General Assembly, Sixty-seventh Session, 44th plenary meeting UN Doc A/67/PV.44 (29 November 2012) 13-14.
[44] UNGA Res 67/19, Status of Palestine in the United Nations, UN Doc A/RES/67/19 (29 November 2012), adopted 138-9-41; Uganda voted in favour.
[45] Uganda Ministry of Defence and Veteran Affairs *'Uganda and Israel sign memorandum of understanding on defence cooperation'* 19 September 2022. Available at <https://www.updf.go.ug> accessed 2 September 2026.
[46] Identical letters dated 2 April 2024, addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council, UN Doc A/78/846-S/2024/283 (n 39).
[47] UNGA Res ES-10/23, Admission of new Members to the United Nations, UN Doc A/RES/ES-10/23 (10 May 2024), adopted 143-9-25.

reaffirmed the Palestinian people's right to self-determination. It also addressed the legal consequences of Israel's continued presence in the occupied territory.[48]

By 2026, Uganda's posture rested on six decades of accumulated practice. This is a combination of relations and substantial cooperation with Israel alongside recognition of Palestine and support for its statehood initiatives. In August 2026, Parliament of Uganda authorized a possible deployment of Ugandan troops to Gaza within a proposed multinational stabilization arrangement. This deployment falls at the very end of the study's temporal scope and is treated as emerging rather than settled practice.[49] This posture is expressed through official statements, diplomatic acts, recognition decisions, and voting conduct. It is not expressed through the personal views of individual nationals who serve in international institutions.

1.3 Problem statement

Since 1948, Uganda's posture towards Israel and Palestine has shifted markedly: from close diplomatic, military and security ties with Israel after independence in 1962, through a rupture with Israel and alignment with the Palestinian cause under Idi Amin, to the restoration of relations with Israel after 1986 alongside recognition of Palestine. Today, Uganda recognises Palestine as a state while maintaining extensive diplomatic and security cooperation with Israel. Its posture therefore cannot be characterised as simply 'pro-Israel' or 'pro-Palestine'.

International law sets out objective criteria for statehood, and on the declaratory view recognition acknowledges rather than creates a state. In practice, however, recognition is applied unevenly. Israel obtained widespread recognition and United Nations membership despite unresolved territorial questions, while Palestine has secured extensive bilateral recognition and expanded participation in international institutions without attaining full UN membership. Uganda's own practice suggests that shifts in political leadership, regional alignments, foreign-policy priorities and security interests, rather than legal criteria alone, have shaped when and how it extends recognition and conducts relations. Neither the declaratory nor the constitutive theory fully explains this pattern.

The problem that this study addresses is the absence of a clear legal basis for Uganda's recognition practice towards Israel and Palestine. Uganda has not articulated a documented national

[48] *Legal consequences arising from the policies and practices of Israel in the Occupied Palestinian Territory, including East Jerusalem* Advisory Opinion (ICJ, 19 July 2024) paras 230-243.
[49] Parliament of Uganda 'UPDF deployment in Gaza gets green light' 6 August 2026; Available at <https://www.parliament.go.ug/news/4536/updf-deployment-gaza-gets-green-light> accessed 15 August 2026.

recognition policy, and its decisions towards the Israel and Palestine have not been systematically assessed against the principles governing recognition under international law. It therefore remains unclear whether Uganda's simultaneous recognition of, and relations with, both Israel and Palestine reflect principled adherence to international law, including respect for Palestinian self-determination and the obligation not to recognise unlawful situations, or political discretion operating largely outside legal constraint. This uncertainty matters. Inconsistency between Uganda's bilateral conduct and its multilateral positions risks undermining the credibility of its foreign policy and exposes its practice to the charge of selectivity. Existing scholarship has tended to examine recognition theory and Uganda's foreign relations separately, leaving this question unanswered.

This study therefore examines the extent to which Uganda's posture towards Israel and Palestine between 1948 and 2026 is consistent with the principles governing recognition under international law. It analyses how legal criteria interact with bilateral recognition, institutional practice and political discretion, and evaluates what Uganda's experience reveals about the adequacy of existing theories of recognition and the relationship between law and politics in the recognition of states.

1.4 Research Objectives

The research objectives aim to examine the concept of recognition in international law and Uganda's posture towards Israel and Palestine. They are designed to guide the research from the legal principles governing recognition to the specific examination of Uganda's posture between 1948 and 2026. In particular, the objectives facilitate an independent assessment of the applicable international legal framework and the historical evolution of Uganda's posture. They further facilitate an examination of the extent to which Uganda's posture is consistent with the principles of recognition under international law. The study is therefore guided by one general objective and a number of specific objectives as set out below.

1.4.1 General objective of the study

To critically analyze Uganda's posture towards Israel and Palestine between 1948 and 2026 against the principles governing recognition under international law.

1.4.2 Specific objectives

The study is guided by the following specific objectives:

1. To examine the principles governing recognition under international law;
2. To analyze the evolution of Uganda's posture towards Israel and Palestine between 1948 and 2026;
3. To assess the extent to which Uganda's posture towards Israel and Palestine is consistent with the applicable principles of recognition under international law; and
4. To evaluate what Uganda's posture towards Israel and Palestine reveals about the adequacy of existing theories of recognition in explaining contemporary state practice.

1.5 Research Questions

The research questions translate the objectives of the study into specific inquiries concerning recognition in international law and Uganda's posture towards Israel and Palestine.[50] They guide the examination of the applicable legal framework, the evolution of Uganda's recognition-related practice, and the extent to which that practice is consistent with the principles and theories of recognition under international law.[51] The study is therefore guided by the following research questions.

1.5.1 Main research question

To what extent is Uganda's posture towards Israel and Palestine between 1948 and 2026 consistent with the principles governing recognition under international law?

1.5.2 Specific research questions

The study seeks to answer the following specific research questions:

1. What are the principles governing recognition under international law?
2. How has Uganda's posture towards Israel and Palestine evolved since 1948?
3. To what extent is Uganda's posture toward Israel and Palestine consistent with the applicable principles of recognition under international law?
4. What does Uganda's posture toward Israel and Palestine reveal about the adequacy of existing theories of recognition in explaining contemporary state practice?

[50] JW Creswell & JD Creswell *Research design: qualitative, quantitative, and mixed methods approaches* 5 ed (2018) 133-135.
[51] M Van Hoecke (ed) *Methodologies of legal research: Which kind of method for what kind of discipline?* (2011) 1-18.

1.6 Research Hypothesis

This research assumes that established international legal norms on recognition exist, but other factors determine actual recognition practice. These include political judgement, foreign policy objectives, and strategic interests of the governments that grant recognition. Uganda's posture towards Israel and Palestine between 1948 and 2026 provides the context for testing this proposition.

The Montevideo Convention establishes the criteria for statehood.[52] It further confirms that a state's political existence does not depend on recognition.[53] This is the declaratory position, under which recognition merely acknowledges statehood rather than creating it.[54] In practice, recognition is shaped by other factors. Among them are self-determination, effectiveness, legitimacy, alliances, security interests and geopolitics.[55] The constitutive theory captures the practical importance of recognition but does not fully explain the diversity and selectivity of state practice.[56]

The research posits that Uganda's posture lies at the intersection of legal principle and political discretion. Its evolving relations with Israel and support for Palestine imply that Uganda's political leadership, regional alignments, security interests and geopolitical developments influenced its posture. This does not inherently create a legal inconsistency, as recognition is distinguishable from diplomatic relations, political alignment, bilateral cooperation and voting behaviour.[57]

The central argument is that, while international law provides the normative framework for recognition, Uganda's state practice demonstrates that recognition is substantially influenced by political, diplomatic and geopolitical considerations. The research consequently evaluates whether the declaratory and constitutive theories adequately explain Uganda's posture or whether a broader framework accounting for the interaction between law, politics and power provides a more compelling explanation.

1.7 Theoretical Framework

A theoretical framework is especially important for recognition, which occupies an unsettled position between legal doctrine and state practice. International law contains accepted criteria for

[52] Montevideo Convention (n 3) art 1; Crawford (n 2) 45-52.
[53] Montevideo Convention (n 3) art 3.
[54] Brownlie (n 17) 86-89; Crawford (n 2) 19-28.
[55] Grant (n 1) 1-12; Fabry (n 2) 1-8.
[56] Lauterpacht (n 1) 38-66; Shaw (n 4) 390-398.
[57] Shaw (n 4) 394-398; Grant (n 1) 20-25.

assessing claims to statehood, yet states retain considerable latitude over whether, when and how they recognise claimants. The debate therefore concerns itself with the significance of recognition by others.[58]

There are two traditional theories of recognition.[59] They differ on whether recognition acknowledges an independently existing state or contributes to constituting its legal status. Neither, in pure form, explains recognition practice completely.[60] Recognition occurs within a system of unequal power, competing interests and shifting geopolitics. This study consequently adds to the declaratory and constitutive theories of statehood with Gëzim Visoka's critical approach. It states that state recognition, as an approach, enables the analysis of the political, structural and discursive dimensions of recognition.[61]

The theories of recognition are complementary rather than contradictory. The declaratory theory posits that statehood exists independently of recognition.[62] The constitutive theory addresses the practical and legal significance of recognition of existing states.[63] The critical approach examines the political, diplomatic, and geopolitical circumstances that influence recognition decisions.[64]

1.7.1 Declaratory Theory of Recognition

The declaratory theory argues that a state exists independently of recognition by other states.[65] Recognition is only an acknowledgement of an existing legal and factual situation.[66] The crucial question is whether the entity meets the criteria of statehood.[67] This position is reflected in the Montevideo Convention, which sets out the qualifications for statehood in Article 1, while Article 3 expressly provides that a state's political existence is independent of recognition.[68]

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[58] R Nicholson & TD Grant 'Theories of state recognition' in G Visoka, J Doyle & E Newman (eds) *Routledge handbook of state recognition* (2020) 25-36; Crawford (n 2) 17-28.
[59] Nicholson & Grant (n 58) 25-36.
[60] R Nicholson Statehood and the state-like in international law (2019) 92-145; Nicholson & Grant (n 58) 25-36.
[61] G Visoka 'Statehood and recognition in world politics: towards a critical research agenda' (2022) 57 Cooperation and Conflict 133-151.
[62] Crawford (n 2) 19-27.
[63] Lauterpacht (n 1).
[64] Fabry (n 2) 1-8.
[65] Crawford (n 2) 19-27.
[66] Crawford (n 2) 22-26; Montevideo Convention (n 3) art 3.
[67] Brownlie (n 17) 86-89; Crawford (n 2) 19-28.
[68] Montevideo Convention (n 3) art 3.

Crawford similarly distinguishes statehood from recognition, arguing that recognition cannot create statehood where the applicable legal requirements are absent.[69] Brownlie likewise regards recognition principally as evidence of an existing legal situation rather than its source.[70]

For this study, the declaratory theory provides a basis for assessing the statehood of Israel and Palestine independently of Uganda's recognition choices. It also enables an examination of whether Uganda applied comparable legal considerations to both entities and, importantly, distinguishes recognition from diplomatic relations. This distinction is particularly relevant in determining whether Uganda's severance of relations with Israel during the Amin period affected Israel's recognised statehood.

The theory nevertheless has limitations. Although recognition does not confer statehood, its absence affects a state's ability to enter into relations with other states and to join international organisations.[71] The declaratory theory thus offers a more plausible explanation of the legal rules of statehood. However, it does not address the actual repercussions that arise from recognition or its lack, a limitation particularly relevant to Palestine.

1.7.2 Constitutive Theory of Recognition

The constitutive theory asserts that an entity must be recognised by existing states for it to gain status in the international community.[72] In its classical form, recognition confers international legal standing on an entity, at least in reference to the recognising state.[73] Oppenheim also emphasised the significance of recognition in establishing the international standing of emerging governments.[74] However, Lauterpacht opined that recognition should become a legal duty once the requirements of statehood are satisfied.[75]

The theory is particularly useful in explaining the practical significance of recognition. Regardless of whether recognition legally creates statehood, it facilitates an entity's capacity to enter relations with other states.[76] The differing experiences of Israel and Palestine bring out this significance. Israel's declaration of independence in 1949 was quickly followed by its recognition and admission

[69] Crawford (n 2) 19-28, 45-52.
[70] Brownlie (n 17) 86-89.
[71] Grant (n 1) 1-12; Fabry (n 2) 1-8.
[72] Lauterpacht (n 1) 38-41, Grant (n 1) 2-9.
[73] Lauterpacht (n 1) 38-66; Nicholson & Grant (n 58) 25-36.
[74] L Oppenheim *International law: a treatise* vol I 8 ed H Lauterpacht (ed) (1955) 125-128.
[75] Lauterpacht (n 1) 6, 38-66.
[76] Grant (n 1) 1-12.

to the UN.[77] Palestine, although it received considerable recognition after its 1988 declaration of independence,[78] has yet to attain full UN membership. However, its international position was enhanced by the grant of non-member observer state status in 2012.[79]

For this study, the constitutive theory therefore assists in examining how Uganda has operationalised recognition. It did so through diplomatic relations, bilateral agreements, official conduct and positions within international organisations. However, the theory is limited: an entity may hold different legal statuses vis-à-vis different states, risking statehood tied to political discretion.[80] Contemporary scholarship therefore increasingly accepts that declaratory and constitutive elements may coexist in explaining the law and practice of recognition.[81]

1.7.3 Critical Approach to State Recognition

The critical approach advanced by Gëzim Visoka moves beyond conventional legal and state-centric theories of recognition. It examines the politics, power relations and diplomatic practices through which recognition is produced and contested.[82] Rather than presenting a settled 'Critical Recognition Theory', Visoka proposes a research agenda. That agenda asks how recognition occurs, who influences it and what political circumstances shape decisions to recognise or withhold recognition.[83]

This approach acknowledges that recognition does not occur in a politically neutral environment. Multiple factors, including strategic alliances, security, and economic interests, may influence decisions regarding recognition and diplomatic relations.[84] Recognition is therefore examined not only by assessing whether the entity meets the statehood criteria. But it is also examined by investigating the reasons behind states' recognition of specific entities at certain times.

This perspective is particularly relevant to Uganda's relations with Israel and Palestine. Uganda's transition from close cooperation with Israel after independence to severance of relations under Amin, and its subsequent restoration, alongside its recognition of Palestine and support for Palestinian statehood, cannot be explained solely by changes in the objective criteria of statehood.

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[77] UNGA Res 273 (III), *Admission of Israel to Membership in the United Nations* (11 May 1949).
[78] Palestinian Declaration of Independence (15 November 1988), UN Doc A/43/827-S/20278 (1988) annex III.
[79] Palestinian Declaration of Independence (n 11); UNGA Res 67/19 (n 12).
[80] Crawford (n 2) 19-22; Grant (n 1) 2-8.
[81] Nicholson (n 60) 92-145; Nicholson & Grant (n 58) 25-36.
[82] Visoka (n 61) 133-151.
[83] Visoka (n 61) 136-144.
[84] Visoka (n 61) 139-147; see also M Sterio 'Power politics and state recognition' in G Visoka, J Doyle & E Newman (eds) *Routledge handbook of state recognition* (2020).

This critical approach allows for an examination of these shifts in relation to changes in political leadership, diplomatic alignment, security interests, and geopolitical circumstances.

This critical approach is complemented by Third World Approaches to International Law (TWAIL), which situate recognition within the colonial history of international law and the anti-colonial diplomacy of the Afro-Asian and non-aligned states. TWAIL serves two purposes in this study. It helps explain why Uganda's support for Palestine has been expressed through the language of decolonisation, self-determination and non-alignment. It also provides a standard for asking whether Uganda's pragmatic bilateral relations with Israel are consistent with those professed commitments.

Finally, this approach provides an important African perspective by treating Uganda's conduct as a state practice capable of contributing to recognition theory, rather than merely as a case to which established Western theories are applied. Uganda is therefore examined as a participant in the production and development of international legal practice.

1.8 Relevance of the Study

This study speaks to the ongoing debate concerning how the legal criteria of statehood relate to state discretion in recognition.[85] The Montevideo Convention may provide that political existence does not depend on recognition,[86] yet recognition continues to bear on an entity's practical participation in international relations.[87] The differing experiences of Israel and Palestine provide a valuable context in which to examine that relationship.

Uganda is a distinctive case study. It maintains diplomatic relations with Israel, recognises Palestine, and supports multilateral initiatives on Palestinian statehood, including Resolution 67/19 in 2012.[88] Its practice therefore provides a useful basis for distinguishing recognition from diplomatic relations and political alignment. In particular, severance of diplomatic relations does not necessarily amount to withdrawal of recognition, while diplomatic relations do not determine a state's legal position on questions such as territory or self-determination.[89]

[85] Grant (n 1) 1-9; Crawford (n 2) 19-27.
[86] Montevideo Convention (n 3) arts 1 & 3.
[87] Montevideo Convention (n 3) arts 1 & 3; Crawford (n 2) 17-28, 45-52.
[88] UNGA Res 67/19 (n 12).
[89] Shaw (n 4) 390-398; Grant (n 1) 20-25.

The study further contributes to the theoretical debate between the declaratory and constitutive approaches to recognition.[90] Since neither theory alone fully explains variations in state practice, the critical approach assists in examining how recognition interacts with other factors. These factors include geopolitical interests, strategic relationships and diplomatic considerations.[91]

Finally, the 1948–2026 timeframe provides sufficient historical and contemporary context to examine Israel's emergence in 1948, Uganda's recognition practice following independence in 1962, the development of Palestinian statehood, and recent changes in Palestine's international status and Uganda's relations with both states.

1.9 Significance and Justification of the Study

The justification for the current study is the persistent ambiguity around the nature of recognition in international law. The Montevideo Convention outlines the criteria of statehood, but recognition determines an entity's ability to engage with the international legal framework.[92] The continuous debate between the declaratory and constitutive theories is coupled with evidence that recognition is shaped by political and geopolitical considerations. Together, they underscore the value of studying recognition through actual state practice.[9394]

The principal contribution of this study lies in its focus on Uganda as a recognising state. Existing scholarship extensively examines recognition theory and the respective legal status of Israel and Palestine.[9596] But comparatively, little attention has been given to Uganda's recognition practice. Uganda provides a valuable case because its posture has evolved through different periods, including support for Palestine's 1988 declaration, restoration of diplomatic relations with Israel, and its 2012 vote supporting Palestine's non-member observer state status.[9798] This experience enables the study to distinguish recognition from diplomatic relations and political support and to examine whether Uganda's conduct conforms to international legal principles.[99]

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[90] Nicholson & Grant (n 58) 26-36; Lauterpacht (n 1) 38-66.
[91] Visoka (n 61) 133-151.
[92] Montevideo Convention (n 3) arts 1 & 3; Crawford (n 2) 17-28, 45-52.
[93] Nicholson & Grant (n 58) 25-36; Lauterpacht (n 1) 38-66.
[94] Grant (n 1) 1-12; Fabry (n 2) 1-8.
[95] Crawford (n 2); Lauterpacht (n 1) 23-40.
[96] Kattan (n 20) 4-9; Crawford (n 2) 421-448.
[97] UNGA Res 43/177 *Question of Palestine* (15 December 1988).
[98] UNGA Res 67/19 (n 12).
[99] Nicholson & Grant (n 58) 25-36; Shaw (n 4) 390-398; Grant (n 1) 20-25.

The study also contributes an African state-practice perspective to a field largely shaped by Western scholarship. It further tests the explanatory value of declaratory and constitutive theories alongside the critical approach.[100] This approach considers the political, diplomatic and geopolitical influences underlying recognition practice.[101]

The study is also timely given developments concerning Palestinian statehood since 2012, including the ICJ's 2024 Advisory Opinion addressing Palestinian self-determination.[102] By examining Uganda's posture up to 2026, the research connects contemporary international legal developments with Uganda's evolving practice. Ultimately, the study helps clarify how international legal doctrine, African state practice and political considerations interact in the recognition of states.

1.10 Research Methodology

This section articulates the methods applied in examining Uganda's posture towards Israel and Palestine through the lens of international law. The research utilises qualitative, doctrinal, and historical approaches to examine pertinent legal instruments, court rulings, United Nations texts, official state practices, and academic writings.[103] The methodology enables the research to identify the applicable principles of international law and trace the evolution of Uganda's recognition-related practice. This enables a critical assessment of Uganda's posture against the theoretical and legal framework developed in the study.

1.10.1 Research approach and design

The study adopts a qualitative doctrinal legal methodology, supplemented by historical and comparative analysis of documented state practice. It is entirely documentary, involving no interviews, questionnaires or fieldwork. Uganda's posture is established from official statements, diplomatic acts, government and parliamentary records, bilateral instruments and conduct within international and regional organizations. Three dimensions operate together: doctrinal analysis establishes the applicable law and historical analysis traces Uganda's documented posture. Comparative analysis measures its treatment of Israel and Palestine against that same framework.

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[100] Nicholson & Grant (n 58) 25-36.
[101] Visoka (n 61) 133-151.
[102] *Legal Consequences (Occupied Palestinian Territory) Advisory Opinion (n 13) paras 230-243*.
[103] T Hutchinson & N Duncan 'Defining and describing what we do: doctrinal legal research' (2012) 17 Deakin Law Review 83, 101-103; M McConville & WH Chui (eds) Research methods for law 2 ed (2017) 1-7; Van Hoecke (n 57) 1-18.

1.10.2 Sources of the Study

The study is based on primary and secondary documentary sources. Legal sources are examined in the light of Article 38(1) of the Statute of the International Court of Justice.[104] Treaties and customary practices, along with judicial rulings and the writings of prominent legal scholars, serve as auxiliary sources for establishing legal norms.[105]

1.10.2.1 Primary legal sources

Primary sources are mostly utilized to clarify the pertinent international legislation and the practices of the Ugandan state.[106] Significant focus is directed towards the Montevideo Convention, which outlines the criteria for statehood and emphasizes that statehood is independent of recognition.[107]

Documents from the United Nations form a remarkably vital category of primary materials. The research is based on pertinent resolutions from the General Assembly and the Security Council. Debate transcripts, membership documentation, voting records, and additional United Nations materials concerning Israel and Palestine are considered.[108] Judicial rulings and advisory opinions are equally regarded as supplementary instruments for establishing legal principles.

1.10.2.2 Documentary evidence of Uganda's state practice

A second category of primary material establishes Uganda's own state practice, such as government statements, Ministry of Foreign Affairs records and parliamentary debates. Bilateral agreements, diplomatic communications, and Uganda's voting record and statements at the UN, the OAU, the African Union and the Non-Aligned Movement are considered.

The study does not assume that every act of foreign policy amounts to recognition. Documentary evidence is classified by legal character, distinguishing formal recognition from diplomatic relations, bilateral cooperation, political statements and voting behavior. Voting records are treated

[104] Art 38(1)(a)-(d) of the Statute of the International Court of Justice (1945); H Thirlway The sources of international law 2 ed (2019) 5-8.
[105] Statute of the International Court of Justice art 38(1).
[106] Art 38(1)(a) -(b) of the Statute of the International Court of Justice (1945); Shaw (n 4) 49-95.
[107] Montevideo Convention (n 3) arts 1 & 3.
[108] UNGA Res 181 (II) *Future Government of Palestine* (29 November 1947); UNGA Res 273 (III) 'Admission of Israel to Membership in the United Nations' (11 May 1949); UNGA Res 43/177 (n 18); UNGA Res 67/19 (n 12); UNGA Res ES-10/23 'Admission of new Members to the United Nations' UN Doc A/RES/ES-10/23 (10 May 2024).

as evidence of Uganda's broader posture, not conclusive proof of recognition, and severance of relations is not presumed to withdraw it.

1.10.2.3 Secondary Sources

Secondary materials, including scholarly books, peer-reviewed articles, edited collections, theses and legal commentary, are used to interpret and critically evaluate the primary sources. The study primarily engages with those academics who have contributed to the law and theory of statehood and recognition. These include Hersch Lauterpacht, James Crawford, Ian Brownlie, Malcolm Shaw, Thomas Grant, Mikulas Fabry, John Quigley and Gëzim Visoka.[109] Their work is relevant to the understanding of the rival declaratory and constitutive theories and to contemporary critical approaches to recognition. Accordingly, secondary historical scholarship supplements the primary record where official Ugandan documentation is hard to access. Preference goes to peer-reviewed and established works; news reports are used cautiously and checked against official, parliamentary or UN sources wherever possible.

1.10.3 Method of Analysis

The documentary materials are subjected to teleological interpretation, to chronological arrangement, to comparative analysis, and to critical evaluation. The applicable rules are first identified and synthesized from treaties, custom, judicial decisions and scholarship. Evidence of Uganda's posture is organized chronologically and categorized by legal character so that politically significant conduct is not automatically given a legal consequence it may not possess before being compared across the two cases against the same framework. The findings are evaluated through the theoretical framework to assess whether Uganda's posture is best explained by the declaratory or constitutive conception or by political and geopolitical considerations. Significant claims are triangulated across official Ugandan materials, UN documentation and credible scholarship, with greater weight given to contemporaneous primary documents where sources conflict.

1.11 Scope and Limitations of the Study

This section defines the boundaries within which the study examines Uganda's posture towards Israel and Palestine under the international law of recognition. It outlines the substantive, geographical and temporal scope of the research while identifying the principal limitations

[109] Lauterpacht (n 1); Crawford (n 2); Brownlie (n 17); Shaw (n 4); Grant (n 1); Fabry (n 2); Quigley (n 23); Visoka (n 61) 133-151.

affecting the study. These parameters guarantee that the analysis is confined to the legal and recognition aspects of Uganda's practice from 1948 to 2026.

1.11.1 Scope of the Study

The study examines recognition in international law through a critical analysis of Uganda's posture towards Israel and Palestine between 1948 and 2026. Its scope is defined temporally, geographically, substantively and institutionally.

1.11.1.1 Temporal scope

The study covers 1948 to 2026. The year 1948 marks Israel's proclamation and the start of a significant phase in its international recognition. It also frames the later development of Palestinian claims to statehood and recognition. Uganda became independent only on 9 October 1962; therefore, its posture is examined from 1962 onwards.

1.11.1.2 Geographical scope

Geographically, the study centres on Uganda as the recognising state and its relationship and consequent posture with Israel and Palestine over the years. Wider international practice is only taken into account in as much as it defines the legal environment for that posture.

1.11.1.3 Substantive scope

The study is substantively limited to international law on recognition and the legal consequences of recognition. It is further limited to the declaratory, constitutive and critical approaches, insofar as these relate to the status and recognition of Israel and Palestine. Focus is equally placed on the criterion of statehood[110] and its autonomy from recognition.[111]

1.11.1.4 Scope of Uganda's state practice

Uganda's posture is examined through documented state practice. This includes formal acts of recognition and the establishment, severance and restoration of diplomatic relations. It also includes official statements, parliamentary materials, bilateral engagements, and conduct within

[110] Montevideo Convention (n 3) art 1.
[111] Montevideo Convention (n 3) art 3.

international and regional organisations. This conduct includes voting and statements at the UN, the OAU, the African Union and the Non-Aligned Movement.

Different forms of conduct are nevertheless distinguished. A UN vote does not constitute formal recognition, nor does the establishment or cessation of diplomatic ties amount to granting or withdrawing recognition.[112] Each act is factually assessed according to its circumstances.

1.11.2 Limitations of the Study

The study is subject to several limitations. First, historical Ugandan diplomatic and archival records covering the period under study are not always publicly accessible. This limited the reconstruction of the motivations behind some foreign-policy decisions. Where primary Ugandan sources are unavailable, the study relies on UN, OAU/AU records, official statements and credible historical scholarship, while acknowledging evidentiary uncertainty.

Secondly, as a documentary study, the research does not seek to establish the private deliberations of individual decision-makers. Its conclusions are based on conduct attributable to Uganda, with explanations of political and strategic influences limited to what the available evidence supports.

Thirdly, determining what constitutes recognition presents a conceptual challenge. Recognition may be express or implied. Diplomatic relations, political support and voting in international organisations may indicate a state's posture without necessarily constituting recognition.[113] The study therefore distinguishes recognition from diplomatic relations, cooperation, political alignment and voting behaviour.

Fourthly, Israel and Palestine have taken divergent historical and legal paths. When Israel joined the United Nations in 1949, it was recognised simultaneously, whereas Palestine's recognition has been gradual over the years. The study consequently adopts a context-sensitive comparison rather than treating every difference in Uganda's treatment of the two entities as inconsistency.

Finally, because recognition and diplomatic relations evolve, the study is confined to Uganda's practice and the applicable legal context up to 2026. It also does not attempt to resolve every controversy concerning Israel and Palestine. Questions of borders, occupation, territorial

[112] Shaw (n 4) 390-398; Grant (n 1) 20-25.
[113] Lauterpacht (n 1) 341-346; Crawford (n 2) 17-28; Grant (n 1) 20-25.

sovereignty and self-determination are considered only to the extent that they affect recognition and Uganda's posture.

1.12 Literature review

Recognition in international law is the mirror of a long-standing discussion about its legal character, criteria and implications.[114] Classical scholarship has concentrated on the declaratory and the constitutive theories. Contemporary scholarship also includes self-determination, efficacy, legality, involvement in international institutions and the political issues that affect recognition.[115] Recognition thus lies in the junction of international law, state practice and political discretion.[116] Considerable scholarship examines the international status of Israel and Palestine.[117] However, scholars have devoted comparatively limited attention to the recognition practices of individual African states, particularly Uganda. Existing literature on Uganda largely addresses its historical, diplomatic, political and security relations with Israel and Palestine. It does not, however, provide a sustained analysis of Uganda as a recognising state.[118]

This review therefore examines the literature in relation to the study's objectives. It focuses on the principles governing recognition, the evolution of Uganda's posture, and its consistency with international law. It also focuses on the explanatory value of recognition theories. The study addresses the identified gap by comparatively analysing Uganda's posture towards Israel and Palestine between 1948 and 2026. In doing so, it distinguishes recognition from diplomatic relations, political support and other forms of international engagement.

1.12.1 Principles governing Recognition under International Law

Hersch Lauterpacht in "*Recognition in International Law"*, treats recognition as a legal institution rather than an unfettered political prerogative.[119] He denied that states enjoy unlimited discretion to recognise or withhold recognition. He contended that recognition becomes a legal duty once an entity meets the legal requirements of statehood.[120][121] His account thus shows that recognition,

[114] Lauterpacht (n 1) 1-6; Crawford (n 2) 17-28; Grant (n 1) 1-25.
[115] Shaw (n 4) 390-405; Raič (n 9) 1-28; Fabry (n 2) 1-8.
[116] Grant (n 1) 1-25; Fabry (n 2) 1-8.
[117] Quigley (n 23) 1-30; Kattan (n 20) 1-25; Crawford (n 2) 421-448.
[118] Mutibwa (n 30) 74-82; Levey (n 30) 137-152.
[119] Lauterpacht (n 1) 1-6.
[120] Lauterpacht (n 1) 38-51.
[121] Lauterpacht (n 1) 51-78.

though exercised by sovereign states, is not wholly free of legal constraint.[122] This provides a useful yardstick against which to measure Uganda's practice towards Israel and Palestine. If legal criteria principally govern recognition, material shifts in Uganda's posture ought to track changes in the legal status of the entities concerned. They ought not to track mere political preference instead.[123] His analysis, however, is largely normative. He does not adequately account for why states apply recognition criteria selectively. Nor does it explain why states change their recognition-related conduct even where an entity's legal characteristics have scarcely changed.[124] Explaining Uganda's shifting posture therefore calls for a wider analysis. This analysis brings in political, diplomatic and geopolitical influences alongside the applicable legal principles.[125]

James Crawford, in this publication, "*The Creation of States in International Law," provides an outstanding contemporary exposition of statehood.*[126] He opines that statehood is governed by international law, and once a state meets the Montevideo criteria, it qualifies as a state.[127] Therefore, recognition acknowledges statehood rather than creating it. This principle holds where the legal requirements are not otherwise met.[128] Crawford, moreover, goes beyond a mechanical application of the Montevideo criteria,[129] acknowledging the relevance of independence, effectiveness, self-determination, legality and international practice.[130] This is beneficial in separating the statehood of Israel or Palestine from Uganda's recognition of either entity.[131] Crawford's focus, however, rests mainly on the creation and existence of states and does not fully account for why Uganda's recognition-related posture might shift across different political administrations.[132]

I. Brownlie's *Principles of Public International Law* likewise takes a largely declaratory approach, treating recognition as evidence of an existing legal and factual situation rather than as the source of statehood.[133][134] He opines that international legal personality is not exclusively dependent on recognition by other states.[135] But recognition can carry substantial practical and evidentiary

[122] Grant (n 1) 1-25; S Talmon 'The constitutive versus the declaratory theory of recognition: tertium non datur?' (2004) 75 *British Year Book of International Law 101, 101-135*.
[123] Crawford (n 2) 22-28; Shaw (n 4) 358-365.
[124] Fabry (n 2) 1-24, 213-222; BA Coggins *Power politics and state formation in the twentieth century: the dynamics of recognition* (2014) 1-40.
[125] Visoka (n 61) 133-151; Grant (n 1) 201-230.
[126] Crawford (n 2) 3-5.
[127] Crawford (n 2) 19-28.
[128] Crawford (n 2) 22-28; see also Brownlie (n 17) 86-88.
[129] Montevideo Convention (n 3) art 1; Crawford (n 2) 45-62.
[130] Crawford (n 2) 62-95, 107-128; Raič (n 9) 28-73.
[131] Grant (n 1) 1-25; Shaw (n 4) 358-365.
[132] Fabry (n 2) 1-24; Coggins (n 124) 1-40; Visoka (n 61) 133-151.
[133] Brownlie (n 17) 86-88.
[134] Brownlie (n 17) 86-88; Crawford (n 2) 22-28.
[135] Montevideo Convention (n 3) art 3; Brownlie (n 17) 86-88.

consequences.[136] This bears directly on Uganda's severance of diplomatic relations with Israel under Idi Amin, since ending diplomatic relations does not necessarily amount to withdrawing recognition.[137] Uganda's conduct, on its own, did not signal that Israel had ceased to be regarded as a state.[138] Brownlie's doctrinal approach, however, has little to say about the political, diplomatic and geopolitical considerations that can influence recognition practice.[139]

Malcolm N Shaw, in a more practice-orientated treatment, similarly acknowledges the prominence of the declaratory approach. He opines that recognition mainly confirms rather than creates an existing state of affairs.[140] He nonetheless accepts that recognition continues to generate considerable legal and practical effects in international relations.[141] Shaw further separates recognition from the establishment and maintenance of diplomatic relations. He opines that although the concepts are closely related in practice, the two are not legally the same.[142] Other forms of interstate engagement include bilateral cooperation and participation in multilateral institutions. These likewise require careful assessment before being treated as conclusive proof of recognition.[143] This distinction provides a useful analytical framework for the present study, which examines separately Uganda's formal acts of recognition, diplomatic relations, bilateral cooperation, official statements and voting behaviour to identify the legal nature of its attitude toward Israel and Palestine.[144]

Thomas Grant's *The Recognition of States: Law and Practice in Debate and Evolution* considers recognition as a legal notion and a product of state practice.[145] He traces how debates over recognition have evolved historically. He also shows how persistently difficult it is to draw a clean line between legal doctrine and political practice.[146] Grant thus bridges doctrinal analysis with observable state practice, recognising that recognition cannot be understood through abstract legal rules alone.[147] This is especially pertinent, as the inquiry addresses both the meaning of recognition under international law and how Uganda's actual state practice reflects its posture toward Israel and Palestine.[148] Grant's analysis, however, is international in scope and does not examine Uganda

[136] Grant (n 1) 1-25; Shaw (n 4) 358-365.
[137] Shaw (n 4) 360-365; Lauterpacht (n 1) 350-358.
[138] Oded (n 40) 3-4; Levey (n 30) 137-152.
[139] Fabry (n 2) 1-24; Coggins (n 124) 1-40; Visoka (n 61) 133-151.
[140] Shaw (n 4) 374-380.
[141] Shaw (n 4) 380-398; Grant (n 1) 1-25.
[142] Shaw (n 4) 390-398; Vienna Convention on Diplomatic Relations 1961 art 2.
[143] Lauterpacht (n 1) 369-374; Shaw (n 4) 390-398.
[144] Shaw (n 4) 374-398; Grant (n 1) 1-25.
[145] Grant (n 1) 1-6.
[146] Grant (n 1) 7-25.
[147] Grant (n 1) 25-40, 201-230.
[148] Grant (n 1) 201-230; Fabry (n 2) 1-24.

specifically. This research fills that gap by applying his law-and-practice approach to a single African recognising state over an extended historical period.[149]

Gëzim Visoka takes a critical stance towards conventional recognition scholarship, setting out a research agenda that moves past predominantly legal, positivist and state-centric approaches.[150] He asks whether traditional theories genuinely explain how statehood and recognition come to be constituted and contested.[151] His approach foregrounds power, positionality, diplomatic practices and wider political and social processes.[152] This bears on Uganda because its posture towards Israel and Palestine is shaped by other factors. Such factors include political leadership, strategic relationships, African diplomacy and geopolitical conditions, and not legal considerations alone.[153] Visoka does not, however, apply his approach to Uganda; this research fills that gap by bringing his critical perspective to bear on Uganda's posture between 1948 and 2026.[154]

David Raič's *Statehood and the Law of Self-Determination* explores how statehood relates to the right to self-determination.[155] He illustrates that effectiveness is not usually the sole determinant of statehood or the mechanical implementation of the Montevideo criterion.[156] Raič emphasises the role of self-determination both in the formation of states and in conflicting claims to territory,[157] which demands a balance of factual efficacy against a people's right to establish its own political status.[158] This bears closely on Palestine, though Raič's focus rests mainly on entities claiming statehood rather than on the recognition practice of third-world states such as Uganda.[159]

Rowan Nicholson pushes back against rigid distinctions drawn between the declaratory and constitutive theories of recognition.[160] He shows that the relationship between recognition and statehood is more intricate than either theory, taken alone, suggests.[161] His analysis accordingly supports a more nuanced approach, one that weighs both legal status and the practical effects of

[149] Grant (n 1) 201-230; Visoka (n 61) 133-151.
[150] Visoka (n 61) 133-136.
[151] Visoka (n 61) 136-139.
[152] Visoka (n 61) 139-145.
[153] Visoka (n 61) 145-149; Coggins (n 124) 1-40.
[154] Visoka (n 61) 149-151.
[155] Raič (n 9) 1-18.
[156] Raič (n 9) 24-48; Montevideo Convention (n 3) art 1.
[157] Raič (n 9) 172-219.
[158] Raič (n 9) 219-250; A Cassese *Self-determination of peoples: a legal reappraisal* (1995) 101-140.
[159] Raič (n 9) 250-277; *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* Advisory Opinion [2004] ICJ Reports 136 para 118.
[160] R Nicholson 'Theories of state recognition' in J Crawford & M Young (eds) *The function of law in the international community: an anniversary symposium* (2014) 25-36.
[161] Nicholson Theories of state recognition (n 160) 25-36; Grant (n 1) 1-25.

recognition.[162] This is relevant for Uganda, whose shifting posture toward Israel and Palestine may not be fully explained by any single recognition theory.[163] Nicholson's work therefore supports assessing Uganda's practice through the declaratory, constitutive and critical approaches together, rather than forcing it into one predetermined theoretical category.[164]

Georgios Kyris takes issue with static, binary understandings of state recognition.[165] He contends that recognition need not be a single act by which an entity simply becomes recognised or unrecognised.[166] It may instead involve a range of practices and relationships through which sovereignty and international status are continually negotiated.[167] His concept of dynamic sovereignty accordingly stresses the changing, relational character of recognition.[168] This bears on Uganda, whose posture towards Israel and Palestine has involved varying diplomatic, political and bilateral engagements over time.[169] Kyris's work therefore helps in assessing whether the declaratory and constitutive theories adequately capture Uganda's changing practice.[170] His approach complements the critical perspective, treating recognition as an evolving set of relationships and practices rather than a purely formal legal act.[171]

1.12.2 Evolution of Uganda's Posture towards Israel and Palestine, 1948–2026

Arye Oded's work supplies important historical context for Uganda-Israel relations, situating them within Israel's wider engagement with newly independent African states.[172] He examines how Israel sought to build political, diplomatic and development relationships across Africa,[173] including through technical, agricultural, security and military cooperation.[174] Thus, we can best understand Uganda's early relationship with Israel as part of that broader African diplomatic and strategic engagement.[175] Oded helps explain the development and deterioration of Uganda-Israel relations.

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[162] Nicholson Theories of state recognition (n 160) 25-36; Crawford (n 2) 17-28.
[163] Nicholson Theories of state recognition (n 160) 25-36; Grant (n 1) 201-230.
[164] Nicholson Theories of state recognition (n 160) 25-36; Visoka (n 61) 133-151.
[165] G Kyris 'State recognition and dynamic sovereignty' (2022) 28 European Journal of International Relations 287, 287-291.
[166] Kyris (n 165) 291-295.
[167] Kyris (n 165) 295-300.
[168] Kyris (n 165) 300-305.
[169] Kyris (n 165) 295-305; Visoka (n 61) 139-149.
[170] Kyris (n 165) 305-310; Grant (n 1) 1-25.
[171] Kyris (n 165) 305-311; Visoka (n 61) 149-151.
[172] A Oded *Africa and Israel: a unique case in Israeli foreign relations* (2018) 1-50; Oded Israeli-Uganda relations (n 40) 65-68.
[173] Oded Africa and Israel (n 172) 29-50.
[174] Oded Africa and Israel (n 172) 34-50; Levey (n 30) 137-152.
[175] Oded Africa and Israel (n 172) 29-50; Oded 'Israeli-Ugandan relations' (n 40) 65-71; Levey (n 30) 137-152.

But he does not consider whether these forms of bilateral engagement constituted or evidenced recognition or remained legally distinct from it.[176]

Zach Levey examines Israel-Uganda relations between 1962 and 1972. He shows that Israel established relations with Uganda upon its attaining independence on 9 October 1962.[177] Later, diplomatic, security, and clandestine cooperation followed.[178] He identifies Israel's principal strategic interests as access to the White Nile, Uganda's strategic position vis-à-vis Ethiopia, access to the Anya Nya movement in southern Sudan, and security cooperation with Uganda.[179] Levey thus situates Uganda-Israel relations within Israel's wider strategic interests in East Africa and the Nile basin.[180] Levey's study is valuable to this research because it explains the historical and strategic context within which Uganda's early posture towards Israel developed, including the circumstances preceding Idi Amin's severance of diplomatic relations with Israel in March 1972.[181] His analysis, however, is primarily historical and diplomatic and does not examine Uganda's conduct under the international law of recognition or its later posture towards Palestine. This research fills that gap by distinguishing recognition from diplomatic relations and extending the analysis to Uganda's posture towards Israel and Palestine through to 2026.[182]

Yotam Gidron's Israel in Africa: Security, Migration, Interstate Politics traces how Israel's relations with African states evolved amid shifting African and Middle Eastern politics.[183] He shows that these relations reach beyond diplomacy into security, military, migration, economic and technological interests.[184] Gidron further connects Israel's African engagement to the Israeli-Palestinian conflict, including its efforts to secure African support in international institutions and to counter Palestinian recognition initiatives.[185] His work accordingly helps situate Uganda's post-1986 and contemporary relations with Israel within broader African-Israeli diplomatic and strategic cooperation.[186] Gidron, however, offers no longitudinal legal analysis of Uganda's posture

[176] Oded Africa and Israel (n 172) 29-50; Oded 'Israeli-Ugandan relations' (n 40) 65-79, especially 71-77; Levey (n 30) 137-152; Shaw (n 4) 374-398.
[177] Levey (n 30) 137.
[178] Levey (n 30) 137-140.
[179] Levey (n 30) 137-138.
[180] Levey (n 30) 137-142.
[181] Levey (n 30) 148-152.
[182] Levey (n 30) 137-152.
[183] Y Gidron *Israel in Africa: security, migration, interstate politics* (2020) 1-12.
[184] Gidron (n 183) 11-12, 45-78.
[185] Gidron (n 183) 79-112, 155-162.
[186] Gidron (n 183) 79-112; Levey (n 30) 137-152.

towards both Israel and Palestine; this research fills that gap by examining Uganda's conduct from 1948 to 2026.[187]

Amii Omara-Otunnu's Politics and the Military in Uganda, 1890-1985 traces the historical relationship between political leadership, military institutions and state power in Uganda.[188] He observes the increasing political role of the military under Obote and the conditions under which Amin took power in 1971.[189] In his opinion, the Amin period was a major reshaping of Uganda's political and military order.[190] Omara-Otunnu's work therefore provides important context for Uganda's changing external relations, including the deterioration of relations with Israel.[191] He does not, however, analyse these developments through the international law of recognition; this research draws on his work as historical context while separately assessing whether Uganda's shifting diplomatic relations also reflected changes in its recognition practice.[192]

A.B.K. Kasozi's "*The Social Origins of Violence in Uganda, 1964-1985"* explores Uganda's post-independence political evolution, institutional instability and political violence through the Obote and Amin periods.[193] He shows how contests over political authority, ethnicity, state institutions and military power contributed to Uganda's instability.[194] His work supplies important context for the transition from Obote to Amin and the accompanying shifts in Uganda's political orientation.[195] Kasozi thus helps situate Uganda's changing posture towards Israel during the 1960s and 1970s within its domestic political environment.[196] He does not, however, analyse these developments through the international law of recognition; this research draws on his work as historical context while separately assessing the legal significance of Uganda's conduct towards Israel and Palestine.[197]

Phares Mutibwa's "*Uganda Since Independence: A Story of Unfulfilled Hope*s" provides important historical context for Uganda's post-independence political growth and the home conditions informing its foreign relations. His treatment of the Obote administration explains Uganda's early post-independence political orientation,[198] while his account of Amin's seizure of power shows the

[187] Gidron (n 183) 155-162.
[188] A Omara-Otunnu Politics and the military in Uganda, 1890-1985 (1987) 1-20.
[189] Omara-Otunnu (n 188) 73-100.
[190] Omara-Otunnu (n 188) 101-145.
[191] Omara-Otunnu (n 188) 101-145; Levey (n 30) 137-152; Oded Israeli-Ugandan relations (n 40) 60-68.
[192] Omara-Otunnu (n 188) 146-170; Shaw (n 4) 374-398.
[193] ABK Kasozi *The social origins of violence in Uganda, 1964-1985* (McGill-Queen's University Press 1994) 3-20.
[194] Kasozi (n 193) 21-45, 63-89.
[195] Kasozi (n 193) 90-120; Omara-Otunnu (n 188) 73-145.
[196] Levey (n 30) 137-152; Oded Israeli-Ugandan relations (n 40) 60-68.
[197] Kasozi (n 193); Shaw (n 4) 374-398; Grant (n 1) 1-25.
[198] Mutibwa (n 30) 22-54; see also Omara-Otunnu (n 188) 75-98.

significant changes in Uganda's domestic and external orientation after 1971.[199] Mutibwa's work, therefore, helps contextualise the shift from Uganda's close relations with Israel during the 1960s to their deterioration and eventual severance under Amin.[200] Because his analysis is primarily historical rather than focused on the international law of recognition, however, this research builds on his account to determine whether Uganda's changing diplomatic and political relations also amounted to changes in its legal posture towards Israel and, later, Palestine.[201]

Ali A Mazrui offers an important African perspective on Uganda's political development and its wider international relations. In Soldiers and Kinsmen in Uganda, he explores the relationship between military power, ethnicity and political authority in post-independence Uganda.[202] This bears directly on the transition to Idi Amin's military government and the political transformation of the 1970s.[203] Mazrui's wider scholarship also places African states within shifting international and post-colonial alignments.[204] His work thus helps explain how Uganda's domestic political changes coincided with the deterioration of relations with Israel and a growing alignment with Arab and Palestinian positions.[205] However, Mazrui does not question whether these political and diplomatic shifts had an effect on Uganda's legal recognition of Israel or Palestine. This research addresses that topic through the international law of recognition.[206]

1.12.3 Consistency of Uganda's Posture with the International Law

James Crawford, in *"The Creation of States in International Law," provides an important theoretical framework for analysing statehood under international law.*[207] In his view, statehood does not depend just on recognition by other states but on the relevant legal prerequisites.[208] His analysis situates Israel and Palestine, too, within the broader law of state creation, territorial status and recognition.[209] This framework enables the study to distinguish between the legal status of Israel and Palestine and Uganda's conduct regarding their recognition.[210] Because Crawford does not examine Uganda's

[199] Mutibwa (n 30) 67-88; Kasozi (n 193) 93-110.
[200] Mutibwa (n 30) 73-75; Levey (n 30) 137-152; A Oded Israeli-Ugandan relations (n 40) 65-79, 68-73.
[201] Mutibwa (n 30) 73-75; Shaw (n 4) 374-398; Grant (n 1) 1-25.
[202] AA Mazrui *Soldiers and kinsmen in Uganda: the making of a military ethnocracy* (1975) 1-25.
[203] Mazrui (n 202) 25-65; Omara-Otunnu (n 188) 101-145.
[204] AA Mazrui *Africa's international relations: the diplomacy of dependency and change* (1977) 1-25; AA Mazrui *The Africans: a triple heritage* (1986) 7-15.
[205] Mazrui Soldiers and kinsmen (n 202); Levey (n 30) 137-152.
[206] Mazrui Soldiers and kinsmen (n 202); Shaw (n 4) 374-398; Grant (n 1) 1-25.
[207] Crawford (n 2) 3-28.
[208] Crawford (n 2) 37-95; Montevideo Convention (n 3) arts 1 and 3.
[209] Crawford (n 2) 421-448.
[210] Crawford (n 2) 22-28, 421-448; Shaw (n 4) 374-398.

practice, however, this research applies his framework to assess whether Uganda's posture is consistent with international law.[211]

John Quigley's *The Statehood of Palestine: International Law in the Middle East Conflict* presents a systematic legal argument for Palestinian statehood.[212] He contends that territorial changes and limitations on effective government control do not inevitably negate Palestine's claim to statehood.[213] Quigley likewise traces the development and legal significance of international recognition of Palestine.[214] This analysis is relevant as it provides the basis upon which to analyse Uganda's recognition of Palestine against the declarative theory.[215] His concern, however, is with the establishment of Palestinian statehood and not the practice of recognition by states. His study, as such, does not address the question of whether Uganda has consistently applied the principles of recognition to Israel and Palestine.[216]

Victor Kattan's *From Coexistence to Conquest* explores the historical, social and legal grounds of the Arab-Israeli conflict, including the founding of the State of Israel. He examines the British Mandate for Palestine and the opposing territorial and political demands of the time.[217] Kattan also discusses the UN partition plan, self-determination and the conditions of the founding of Israel.[218] This is useful as it provides background for the sovereignty, territory and self-determination problems that support Uganda's approach toward Israel and Palestine.[219] Kattan, however, does not take into account the practice of recognition by third states; this research thus applies the applicable legal principles directly to Uganda's conduct.[220]

Antonio Cassese's "*Self-Determination of Peoples: A Legal Reappraisal"* considers self-determination both as a principle and as a legal right under international law. He traces its development as an international legal theory, notably through the United Nations and the concept of decolonisation.[221] Cassese further extends the principle to peoples living under colonial rule, foreign occupation and external domination.[222] Palestinian self-determination accordingly

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211 Crawford (n 2) 421-448; Grant (n 1) 1-25.
212 Quigley (n 23) 1-13.
213 Quigley (n 23) 93-115, 209-216.
214 Quigley (n 23) 137-164, 209-233.
215 Quigley (n 23) 209-233; Crawford (n 2) 22-28, 421-448.
216 Quigley (n 23) 209-233; Grant (n 1) 1-25.
217 Kattan (n 20) 60-92; Mandate for Palestine (1922).
218 Kattan (n 20) 129-160; UNGA Res 181(II) 'Future Government of Palestine' (29 November 1947).
219 Kattan (n 20) 129-160; Cassese (n 158) 230-242; Crawford (n 2) 421-448.
220 Kattan (n 20); Quigley (n 23) 209-233.
221 Cassese (n 158) 11-33; Charter of the United Nations 1945 arts 1(2) and 55.
222 Cassese (n 158) 71-99, 129-140; International Covenant on Civil and Political Rights 1966 art 1; International Covenant on Economic, Social and Cultural Rights 1966 art 1.

provides an important legal benchmark against which to assess Uganda's posture towards Palestine and Israel.[223] Because Cassese's research is principally concerned with the right to self-determination rather than with the practice of recognising states, however, this research differs from his in applying his framework to assess the consistency of Uganda's posture with international law.[224]

In *"Problems and Process: International Law and How We Use It",* Rosalyn Higgins treats self-determination as an important international legal principle applied within the broader legal and institutional framework of international law.[225] She warns that self-determination should not be treated as automatically decisive in questions of statehood, sovereignty, or recognition.[226] Self-determination, in her view, should instead be weighed alongside other applicable, internationally established legal principles and the circumstances of each claim.[227][228] Higgins thus provides a valuable caveat to theories that would equate self-determination with statehood or recognition, but she herself does not consider Uganda's practice of recognition or its position on Israel and Palestine.[229]

John Dugard's scholarship situates Palestine within the broader international legal principles governing occupation, self-determination and unlawful territorial situations.[230][231] He highlights that international law may oblige states not to recognise situations arising from breaches of fundamental rules of the international legal order.[232] Uganda's posture is accordingly assessed not only by reference to whom it recognises but also against any applicable obligations of non-

[223] Cassese (n 158) 230-242; *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* Advisory Opinion [2004] ICJ Reports 136 para 118.
[224] Cassese (n 158) 230-242; Raič (n 9) 219-250.
[225] R Higgins *Problems and process: international law and how we use it* (1994) 111-113.
[226] Higgins (n 225) 113-118.
[227] Higgins (n 225) 118-128; Cassese (n 158) 101-140.
[228] Higgins (n 225) 111-128; Raič (n 9) 219-250.
[229] Higgins (n 225) 111-128; Crawford (n 2) 107-128.
[230] J Dugard *Confronting apartheid: a personal history of South Africa, Namibia and Palestine* (2018) 171-268; J Dugard & J Reynolds 'Apartheid, international law, and the Occupied Palestinian Territory' (2013) 24 European Journal of International Law 867, 867-873.
[231] Dugard & Reynolds (n 230) 882-897; *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* Advisory Opinion [2004] ICJ Reports 136 paras 88, 115-122.
[232] Dugard *Confronting apartheid* (n 230) 261-264; *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970) Advisory Opinion* [1971] ICJ Reports 16 paras 117-126; International Law Commission, "Articles on Responsibility of States for Internationally Wrongful Acts" (2001) art 41(2).

recognition.[233] However, Dugard does not particularly analyse Uganda's recognition practice. This research thus applies these ideas to Uganda's stated position on Israel and Palestine.[234]

"Illegal Regimes in International Law" by Yaël Ronen addresses the legal implications of illegality and the requirement of non-recognition in the framework of unlawful territorial regimes.[235] She demonstrates that effective control does not by itself confer legal validity upon conditions produced in violation of international law.[236] However, non-recognition can prevent unlawful situations from gaining legal legitimacy.[237] This issue is relevant in Uganda's view of Israel and Palestine. This research therefore considers any commitments made not to recognise illegal territorial circumstances.[238] Ronen does not examine Uganda specifically, however; this research applies her principles to Uganda's recognition practice.

Francis A Boyle makes a forceful case for Palestinian statehood following the 1988 Palestinian Declaration of Independence.[239] He argues that Palestine had the characteristics of statehood and highlights the right of the Palestinian people to self-determination.[240] Boyle also points to the worldwide acceptance that the Declaration received as crucial evidence of Palestine's legal existence.[241] His research accordingly provides a basis for assessing Uganda's recognition of Palestine and its support for Palestinian self-determination.[242] His conclusions, however, form part of a contested literature and are treated here as one contribution to that debate, not as settling either Palestine's statehood or the consistency of Uganda's recognition practice.[243]

1.13 Chapter outline

This section provides an overview of the structure of the dissertation. The study progresses from the conceptual and theoretical framework on recognition in international law to an examination

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[233] *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem Advisory Opinion (19 July 2024) paras 278-279; International Law Commission (n 232) art 41(2).*
[234] Dugard *Confronting apartheid* (n 230) 171-268; Dugard & Reynolds (n 230) 867-913.
[235] Y Ronen *Transition from illegal regimes under international law* (2011) 71-102.
[236] Ronen (n 235) 71-102; *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)* Advisory Opinion [1971] ICJ Reports 16 paras 117-126.
[237] Ronen (n 235) 312-320; International Law Commission (n 232) art 41(2).
[238] Ronen (n 235) 312-320; *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem Advisory Opinion* (19 July 2024) paras 278-279.
[239] FA Boyle *'The creation of the State of Palestine'* (1990) 1 European Journal of International Law 301-302.
[240] Boyle (n 239) 302-304; Declaration of Independence of the State of Palestine (15 November 1988).
[241] Boyle (n 239) 304-306.
[242] Boyle (n 239) 301-306; Quigley (n 23) 209-233.
[243] Boyle (n 239) 301-306; Crawford (n 2) 421-448.

and critical assessment of Uganda's posture towards Israel and Palestine before presenting the study's conclusions and recommendations.

1.13.1 Chapter One: Introduction

Chapter one introduces the study. It sets out the background, problem statement, objectives, research questions, hypothesis, significance and relevance, theoretical framework, methodology, scope and limitations, and literature review.

1.13.2 Chapter Two: Recognition in international law

Chapter two explores the concept of recognition in international law. The legal character of recognition, the theories of recognition, the effects of recognition, non-recognition and withdrawal of recognition are examined.

1.13.3 Chapter Three: Assessing Uganda's posture towards Israel and Palestine, 1948-2026

Chapter three assesses Uganda's posture toward Israel and Palestine between 1948 and 2026. It provides for the historical and international context between 1948 and 1995, Uganda's contemporary posture between 1995 and 2026, and the critical and legal assessment of Uganda's posture.

1.13.4 Chapter Four: Conclusion and Recommendations

Chapter Four brings this research to its conclusion. It provides the conclusions of the study, areas for further research and recommendations.

CHAPTER TWO

THE ROLE OF RECOGNITION IN INTERNATIONAL LAW

2.1 Introduction
2.2 The concept of recognition
2.3 Principles governing recognition
2.4 Legal and practical consequences of recognition
2.5 Recognition in practice
2.6 Conclusion

2.1 Introduction

Recognition remains among the most contested concepts in international law. It sits at the crossroads of statehood, international legal personality and state practice. International law supplies criteria for determining statehood, yet states retain wide discretion over whether and when to recognise an entity as a state.[1] This has fuelled a long-running debate over whether recognition merely acknowledges an existing legal status. The alternative view is that it instead contributes to creating and giving effect to that status.[2]

This chapter examines the international legal framework governing recognition and establishes the doctrinal foundation for assessing Uganda's posture toward Israel and Palestine. It begins by examining the principal forms and modalities through which recognition may occur. It then examines the declaratory, constitutive and critical approaches to recognition. It equally examines the principles shaping practice: effectiveness, self-determination, territorial integrity, legality and obligation of non-recognition.[3]

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[1] Montevideo Convention on the Rights and Duties of States (1933) 165 LNTS 19 arts 1 & 3; Conference on Yugoslavia Arbitration Commission Opinion No 10 (1992) 92 International Law Reports 206 208; J Crawford *The creation of states in international law* 2nd ed (2006) 17-28.

[2] H Lauterpacht *Recognition in international law* (1947) 38-66; S Talmon 'The constitutive versus the declaratory theory of recognition: *tertium non datur*?' (2004) 75 *British Year Book of International Law* 101 101-135.

[3] Charter of the United Nations arts 1(2) & 2(4); UNGA Res 2625 (XXV) Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations (24 October 1970); *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)* Advisory Opinion ICJ (21 June 1971) (1971) ICJ Reports 16

The chapter further considers the legal and practical consequences of recognition. This section particularly focuses on diplomatic relations, international organisations, the withdrawal of recognition, and political support. The distinction between recognition, diplomatic relations, and political alignment receives particular attention. This distinction matters to determining the legal significance of Uganda's changing relations with Israel and Palestine.[4] The chapter ultimately develops the analytical framework applied in the subsequent chapters. This framework distinguishes Uganda's legally significant recognition practice from its broader diplomatic and foreign-policy conduct.

2.2 The Concept of Recognition

Recognition is the process through which existing states acknowledge and respond to another entity's claimed international legal status. Its legal character stays contested because recognition operates at once within the spheres of law and international relations. International law supplies criteria and constraints relevant to recognition. Yet the decision of whether, when and how to recognise an entity remains substantially shaped by state practice and foreign-policy considerations.[5] Recognition can take different forms, express or implied. It needs to be kept distinct from related conduct such as establishing diplomatic relations, recognising governments, or participating in international organisations.[6] This section therefore examines the concept and nature of recognition, its principal modalities and the legal significance attached to different forms of recognition. It thereby provides the foundation for assessing Uganda's recognition-related practices toward Israel and Palestine.

2.2.1 Concept, character and functions of recognition

Recognition of a state is the act by which an existing state acknowledges another entity's statehood under international law. It also indicates its willingness to treat that entity accordingly, giving recognition both evidentiary and relational dimensions.[7] Competing theories differ on its legal effect: Oppenheim viewed recognition as constitutive of international status.[8] Lauterpacht

paras 117-127; G Visoka 'Statehood and recognition in world politics: towards a critical research agenda' (2022) 57 *Cooperation and Conflict* 133.

[4] Vienna Convention on Diplomatic Relations (1961) 500 UNTS 95 arts 2 & 45; Talmon (n 2) 89-127; MN Shaw *International law* 9th ed (2021) 390-410.

[5] Lauterpacht (n 2) 1-6; TD Grant *The recognition of states: law and practice in debate and evolution* (1999) 1-25; Crawford (n 1) 17-28.

[6] J Crawford *Brownlie's principles of public international law* 9th ed (2019) 134-155; Shaw (n 4) 395-405.

[7] Lauterpacht (n 2) 1-6; Grant (n 5) 1-25.

[8] L Oppenheim *International law: a treatise* vol 1 (1905) 108-111.

regarded it as a legally regulated means through which personality becomes operative.[9] Kelsen distinguished its cognitive and volitional elements.[10] Crawford treats recognition primarily as a declaratory and evidentiary process.[11] This study adopts the latter approach while recognising the distinction between acknowledging statehood and establishing diplomatic relations.[12] Recognition may therefore evidence statehood and establish legal relationships,[13] but should not be equated with political approval or endorsement of a government.[14]

Recognition may be evidenced through formal declarations,[15] diplomatic relations,[16] bilateral treaties that presuppose statehood,[17] and conduct within international organisations.[18] None of these forms of conduct is necessarily conclusive on its own. Their legal significance depends principally on the intention manifested by the recognising state.[19] These indicators, therefore, provide the basis for assessing Uganda's recognition-related conduct towards Israel and Palestine.

2.2.2 Recognition as a Unilateral Act

Recognition is, as a rule, a unilateral act of the recognising state. This reflects the decentralised character of international law and the absence of any universal authority empowered to decide which entities states must recognise.[20] Unilateral state conduct is relevant: Nuclear Tests case shows public declarations intending to bind produce legal effects.[21] Equally, the ILC stresses intention, publicity and restrictive interpretation.[22] Applied to recognition, the principle means that recognition does not require the recognised entity's acceptance,[23] turns mainly on the objectively

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[9] Lauterpacht (n 2) 38-78.
[10] H Kelsen 'Recognition in international law: theoretical observations' (1941) 35 *American Journal of International Law* 605.
[11] Crawford (n 1) 22-28.
[12] Vienna Convention on Diplomatic Relations (n 4) art 2; Shaw (n 4) 359-360.
[13] Lauterpacht (n 2) 38-66; Kelsen (n 10) 605-610.
[14] PC Jessup 'The Estrada doctrine' (1931) 25 *American Journal of International Law* 719; Talmon (n 2) 3-14.
[15] Lauterpacht (n 2) 369-408.
[16] Vienna Convention on Diplomatic Relations (n 4) arts 2, 4 & 13; Talmon (n 2) 112-134.
[17] Vienna Convention on the Law of Treaties (1969) 1155 UNTS 331 art 6; Crawford (n 1) 26-28.
[18] J Dugard *Recognition and the United Nations* (1987) 46-77.
[19] *Nuclear Tests (Australia v France)* ICJ (20 December 1974) (1974) ICJ Reports 253 paras 43-46; International Law Commission '*Guiding Principles applicable to unilateral declarations of States capable of creating legal obligations'* in Report of the International Law Commission on the work of its fifty-eighth session UN Doc A/61/10 (2006) principle 3.
[20] International Law Commission (n 19) principles 1 & 3.
[21] *Nuclear Tests (Australia v France)* (n 19) paras 43-46; *Nuclear Tests (New Zealand v France)* ICJ (20 December 1974) (1974) ICJ Reports 457 paras 46-49.
[22] International Law Commission (n 19) principles 1, 3, 7 & 10.
[23] Lauterpacht (n 2) 6-12.

ascertainable intention of the recognising State,[24] and is not to be inferred lightly from conduct merely consistent with recognition.[25]

The declaratory theory meets this difficulty by keeping a state's objective existence separate from individual recognition decisions.[26] Statehood therefore turns on whether the applicable legal criteria are met, not on how many states extend recognition.[27] Recognition nonetheless retains practical and legal significance. Widespread non-recognition can hamper an entity's ability to conclude treaties, establish diplomatic relations, and participate effectively in international institutions.[28] This study accordingly treats the declaratory theory as the stronger account of the source of statehood. It nonetheless acknowledges that individual acts of recognition continue to carry substantial legal and practical consequences.[29]

2.2.3 Recognition and political discretion

Recognition sits at the meeting point of international law and foreign policy. States may weigh legal factors such as effectiveness, independence and legality. They may also factor in strategic relationships, security interests, regional politics and wider foreign-policy objectives.[30] This does not make recognition a purely political act. International law constrains it in cases where states are barred from recognising situations created or maintained unlawfully.[31]

This obligation of non-recognition is set out in Article 41(2) of the International Law Commission's Articles on State Responsibility[32] and has been applied to situations such as Southern Rhodesia,[33] the Turkish Republic of Northern Cyprus,[34] and Iraq's attempted annexation of Kuwait.[35] Likewise, in the Namibia Advisory Opinion, the International Court of Justice required states to refrain from conduct. Such conduct would otherwise imply recognition of South

[24] International Law Commission (n 19) principle 3.
[25] Talmon (n 2) 118-125.
[26] Montevideo Convention (n 1) art 3; Crawford (n 1) 22-26.
[27] *Deutsche Continental Gas-Gesellschaft v Polish State* (1929) 5 Annual Digest of Public International Law Cases 11 13; Montevideo Convention (n 1) art 3.
[28] Crawford (n 1) 27-28; J Vidmar 'Explaining the legal effects of recognition' (2012) 61 *International and Comparative Law Quarterly* 361.
[29] Grant (n 5) 1-25; Shaw (n 4) 358-362.
[30] Grant (n 5) 1-25; Shaw (n 4) 358-360.
[31] International Law Commission 'Articles on Responsibility of States for Internationally Wrongful Acts' in Report of the International Law Commission on the work of its fifty-third session UN Doc A/56/10 (2001) art 41(2).
[32] International Law Commission (n 31) art 41(2).
[33] UNSC Res 216 UN Doc S/RES/216 (12 November 1965) para 2; UNSC Res 217 UN Doc S/RES/217 (20 November 1965) para 3.
[34] UNSC Res 541 UN Doc S/RES/541 (18 November 1983) para 7.
[35] UNSC Res 662 UN Doc S/RES/662 (9 August 1990) paras 1-2.

Africa's unlawful presence there.[36] Beyond these legal prohibitions, however, states keep substantial discretion over whether and when to extend recognition.[37] Recognition is thus best understood as an institution shaped by the interaction of legal doctrine and state practice.[38] The governing framework can be described as one of bounded discretion. International law forbids recognition in certain circumstances, while a general duty to recognise remains a matter of dispute.[39] Within those limits, states keep considerable political discretion over their recognition decisions.[40]

This distinction matters for Uganda's posture toward Israel and Palestine. Political or geopolitical motives behind Uganda's recognition-related conduct do not, on their own, establish legal inconsistency. What matters is whether Uganda acted contrary to the applicable legal constraints or inconsistently with its own stated legal positions.[41] This research accordingly distinguishes, throughout, between political motivation and legal impropriety.

2.2.4 Recognition of states and recognition of governments

Recognition of a state is different from recognition of a government. State recognition concerns international legal personality, which ordinarily survives changes in political leadership or constitutional arrangements.[42] In contrast, a government's recognition pertains to the authority entitled to represent an existing state on the international stage. This question arises especially after coups, revolutions, disputed elections or competing claims to power. Contemporary practice increasingly steers away from formally recognising governments, relying instead on diplomatic dealings and related conduct.[43]

Effective control has traditionally weighed heavily in determining governmental recognition, as the Tinoco Claims Arbitration illustrates. Non-recognition by other states was relevant there but not decisive, given that effective governmental authority existed.[44] Other doctrines have qualified this emphasis on effectiveness: the Tobar doctrine emphasised constitutional legitimacy.[45] Furthermore, the Estrada doctrine rejected formal pronouncements on government recognition

[36] *Namibia* Advisory Opinion (n 3) paras 117-127.
[37] Conference on Yugoslavia Arbitration Commission Opinion No 10 (n 1) 208.
[38] Grant (n 5) 1-25, 201-230.
[39] Lauterpacht (n 2) 6-12; Crawford (n 1) 22-28; Shaw (n 4) 358-360.
[40] Conference on Yugoslavia Arbitration Commission Opinion No 10 (n 1) 208; Grant (n 5) 1-25.
[41] Vidmar (n 28) 361-370.
[42] Talmon (n 2) 15-25; Crawford (n 1) 667-673.
[43] Talmon (n 2) 3-14, 26-40.
[44] *Tinoco Claims Arbitration (Great Britain v Costa Rica)* (1923) 1 Reports of International Arbitral Awards 369 380-381.
[45] Talmon (n 2) 26-40.

altogether.[46] Within the United Nations, representation questions are increasingly resolved through credentials procedures,[47] which allow representation decisions without pronouncing on the statehood of the state concerned.[48]

This distinction is relevant for the present study. Uganda's political relations with any particular Israeli government cannot simply be equated with its recognition of the State of Israel. Uganda's engagement with Palestinian representatives likewise needs examining. It must be established whether this concerned representation of the Palestinian people, dealings with a Palestinian authority, or recognition of the State of Palestine.[49]

The Palestinian context calls, in particular, for differentiation between the Palestine Liberation Organisation (PLO), the Palestinian Authority and the State of Palestine. The PLO was recognised, within the United Nations framework, as a representative of the Palestinian people in 1974[50] and granted observer status.[51] The Palestinian Authority, established through the Oslo arrangements, exercises delegated and limited powers rather than constituting the State itself.[52] The State of Palestine, by contrast, was proclaimed in 1988, acknowledged in General Assembly Resolution 43/177, and accorded non-member observer state status in 2012.[53] To assess the legal significance of Uganda's conduct, this research examines its dealings with each of these entities separately.[54]

The analysis takes state continuity into account. Changes in government, constitutional arrangements or political systems do not, as a rule, extinguish a state's international legal personality.[55] Uganda accordingly remained the same international legal person despite the substantial political and constitutional changes it underwent between 1962 and 1986.[56] Its recognition practice is therefore assessed as that of a single, continuing state, notwithstanding the

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[46] Jessup (n 14) 719-723.
[47] Charter of the United Nations art 9; Rules of Procedure of the General Assembly UN Doc A/520/Rev.19 rules 27-29; Dugard (n 18) 78-97.
[48] Talmon (n 2) 112-134; Shaw (n 4) 366-368.
[49] Crawford (n 1) 434-448; J Quigley *The statehood of Palestine: international law in the Middle East conflict* (2010) 202-230.
[50] UNGA Res 3210 (XXIX) Invitation to the Palestine Liberation Organization UN Doc A/RES/3210(XXIX) (14 October 1974); UNGA Res 3236 (XXIX) Question of Palestine UN Doc A/RES/3236(XXIX) (22 November 1974) paras 1-4.
[51] UNGA Res 3237 (XXIX) Observer status for the Palestine Liberation Organization UN Doc A/RES/3237(XXIX) (22 November 1974).
[52] Declaration of Principles on Interim Self-Government Arrangements (13 September 1993) (1993) 32 International Legal Materials 1525 arts I & IV; Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip (28 September 1995) art XI.
[53] UNGA Res 43/177 Question of Palestine UN Doc A/RES/43/177 (15 December 1988) paras 1-3; UNGA Res 67/19 Status of Palestine in the United Nations UN Doc A/RES/67/19 (29 November 2012) paras 1-2.
[54] Quigley (n 49) 434-448.
[55] Crawford (n 1) 667-699; Shaw (n 4) 720-726.
[56] *Tinoco* (n 44) 375-377; Talmon (n 2) 15-25.

succession of different governments.[57] The same holds for Israel: shifts in Uganda's diplomatic or political posture did not, of themselves, affect Israel's continuing statehood.[58]

2.2.5 Modalities of recognition

Recognition can take different forms. International law prescribes no single procedure by which a state must communicate its decision to recognise another entity as a state. Whether recognition exists and what legal significance it carries, is gathered from the recognising state's conduct. This includes its form, content and surrounding circumstances. Recognition may be express, where the intention to recognise is communicated through an official declaration, diplomatic communication or other unequivocal act. It may instead be implied, where such intention is inferred from conduct that demonstrates acceptance of the entity as a State.[59] State practice has also traditionally drawn a distinction between de jure and de facto recognition. This distinction, though, carries less contemporary significance than it once did.[60] These modalities matter because not every form of political engagement, bilateral cooperation or participation in international institutions amounts to recognition. What matters is whether the conduct, read in context, shows an intention to acknowledge the entity's status as a State.[61] The different modalities of recognition are examined below, accordingly, to identify the evidentiary and legal weight attaching to particular forms of state conduct.

2.2.5.1 Express recognition

Recognition is express when a state plainly communicates its recognition of another entity as a state. This can be done by declaration, diplomatic note, legislation, treaty, communiqué or other unequivocal official act.[62] Express recognition raises little evidentiary difficulty, since the recognising state's intention is stated directly. Later diplomatic disagreements should, as a rule, be treated as distinct from rather than presumed to undo an earlier express act of recognition.[63]

The 1948 recognition of Israel illustrates the various forms express recognition can take. The United States extended recognition by presidential statement following Israel's proclamation,

[57] International Law Commission (n 31) arts 4 & 7.
[58] Montevideo Convention (n 1) art 3; Crawford (n 1) 434-435.
[59] Lauterpacht (n 2) 369-378; Grant (n 5) 1-25.
[60] I Brownlie *Principles of public international law* 7th ed (2008) 89-95; Shaw (n 4) 396-400.
[61] Lauterpacht (n 2) 369-408; Crawford (n 1) 17-28.
[62] Lauterpacht (n 2) 369-380.
[63] International Law Commission (n 19) principles 3 & 10.

initially on a de facto basis,[64] while the Soviet Union later extended de jure recognition through a diplomatic note.[65] These examples show that express recognition requires no set form. Its character can also turn on the language the recognising state chooses to use.[66]

2.2.5.2 Implied recognition

Recognition may be implied from a state's conduct where that conduct objectively shows an intention to treat another entity as a State.[67] Establishing full diplomatic relations, and concluding bilateral treaties that presuppose statehood, can amount to strong evidence of recognition. Implied recognition is nonetheless inferred with caution. States routinely deal with insurgent groups, liberation movements, territorial administrations and similar entities without thereby recognising them as states.[68]

Lauterpacht treats certain acts as conduct ordinarily capable of implying recognition. These include establishing diplomatic relations, concluding bilateral treaties presupposing statehood, and issuing an exequatur to a consul.[69] Negotiations, participation in multilateral conferences, shared membership of international organisations and humanitarian arrangements, by contrast, do not ordinarily imply recognition.[70] This distinction reflects a practical necessity. States interact with entities whose international legal status they contest, without such interaction automatically amounting to recognition.[71] The Vienna Convention on the Law of Treaties confirms this principle too. The absence, or severance, of diplomatic relations does not bar treaty relations between States.[72] This bears directly on Uganda's dealings with Palestinian representative bodies before 1988, which should not automatically be read as recognition of Palestinian statehood.[73] Conduct, therefore, amounts to implied recognition only where its nature, circumstances and context together demonstrate an intention to acknowledge the entity as a state.[74]

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[64] Declaration of the Establishment of the State of Israel (14 May 1948); Grant (n 5) 61-65.
[65] Crawford (n 1) 432-434.
[66] Lauterpacht (n 2) 369-408.
[67] Lauterpacht (n 2) 379-408; Shaw (n 4) 361-362.
[68] Vienna Convention on the Law of Treaties (n 17) art 74; Crawford (n 1) 26-28.
[69] Lauterpacht (n 2) 369-408.
[70] Shaw (n 4) 361-362.
[71] Crawford (n 1) 26-28.
[72] Vienna Convention on the Law of Treaties (n 17) art 74; see also art 6.
[73] Quigley (n 49) 202-215.
[74] Lauterpacht (n 2) 393-408.

2.2.5.3 Multilateral participation and implied recognition

Special caution is needed in determining whether conduct within international organisations amounts to recognition.[75] A state may vote for resolutions on self-determination, observer status or participation in international organisations. That vote does not, by itself, constitute bilateral recognition.[76] Participating alongside an entity in a multilateral conference or treaty likewise does not necessarily imply recognition. Such arrangements can accommodate participants notwithstanding disagreement over their legal status.[77] United Nations membership illustrates the point well. Although admission under UN Charter article 4 presupposes a determination that the applicant is a state,[78] membership is not bilateral recognition by each member.[79] Arab States, for instance, kept withholding recognition from Israel, notwithstanding its 1949 admission to the UN.[80] Palestine, conversely, shows that widespread bilateral recognition does not necessarily translate into full UN membership.[81] UN membership and bilateral recognition are thus related concepts but legally distinct ones.[82]

Uganda's UN voting record should accordingly be treated as evidence of its posture, not as conclusive proof of recognition. Relevant factors include the resolution's language and subject matter, particularly whether it touches on statehood, status or self-determination,[83] Uganda's sponsorship or support of the resolution, any explanation of the vote, and its contemporaneous bilateral conduct. Only where these indicators, taken together, point to an intention concerning statehood should the vote be treated as evidence of a recognitional stance.[84]

2.2.5.4 De jure and de facto recognition

Classical international law draws a distinction between de jure and de facto recognition. De jure recognition denotes a full and conclusive acceptance of legal status. De facto recognition, by contrast, has traditionally described a more guarded, interim acceptance. It is extended where an

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[75] Dugard (n 18) 46-52.
[76] Dugard (n 18) 52-60.
[77] Crawford (n 1) 544-546.
[78] Charter of the United Nations art 4(1) & (2); *Conditions of Admission of a State to Membership in the United Nations (Article 4 of the Charter)* Advisory Opinion ICJ (28 May 1948) (1948) ICJ Reports 57 62-63.
[79] Dugard (n 18) 46-77; Crawford (n 1) 544-546.
[80] UNGA Res 273 (III) Admission of Israel to membership in the United Nations UN Doc A/RES/273(III) (11 May 1949); Grant (n 5) 61-70.
[81] UNSC Draft Resolution UN Doc S/2024/312 (18 April 2024); UNGA Res ES-10/23 UN Doc A/RES/ES-10/23 (10 May 2024) preamble.
[82] Dugard (n 18) 46-52; Shaw (n 4) 366-368.
[83] Dugard (n 18) 46-77; Talmon (n 2) 118-125.
[84] Grant (n 5) 201-230; J Vidmar *Democratic statehood in international law: the emergence of new states in post-Cold War practice* (2013) 40-60.

authority exercises effective control, but its permanence or legal standing remains in doubt.[85] This distinction carries less weight in contemporary practice, particularly for the recognition of states, though it remains useful for interpreting historical diplomatic practice.[86] It should not, however, be imposed on Uganda's records where they neither use such terminology nor otherwise display the relevant legal characteristics. This analysis concentrates on the substance of Uganda's conduct, rather than attach retrospective labels the evidence does not support.[87]

2.3 Principles governing recognition

International law has not settled how much legal weight recognition ought to carry. Nor has it settled how far recognition by other states shapes an entity's international legal standing.[88] That debate is conventionally framed around two competing positions. Under the declaratory theory, recognition simply confirms a legal situation that already exists. Under the constitutive theory, recognition carries greater weight because it enables or establishes an entity's participation in international legal relations.[89] Neither theory, however, fully accounts for contemporary recognition practice. That practice is also shaped by effectiveness, legality, self-determination, non-recognition, political discretion and the wider institutional and geopolitical environment.[90] This section accordingly examines the principal theories and legal principles governing recognition, providing an analytical framework for assessing Uganda's posture towards Israel and Palestine.

2.3.1 The constitutive theory

The constitutive theory holds that an entity gains international legal personality through recognition by existing states. Oppenheim is closely linked with this classical position. Lauterpacht, by contrast, developed a qualified version under which recognition was governed by legal obligation rather than untrammelled political discretion.[91] The theory captures recognition's practical importance, since international acceptance eases diplomatic relations, treaty-making, institutional participation and the effective exercise of international rights.[92] The theory nonetheless faces significant conceptual difficulties. If recognition creates statehood, an entity could be a state vis-à-vis recognising states but not those withholding recognition.[93] It also hands

[85] Lauterpacht (n 2) 329-348; Shaw (n 4) 364-365.
[86] Talmon (n 2) 41-60.
[87] Grant (n 5) 1-25.
[88] Lauterpacht (n 2) 1-6; Crawford (n 1) 17-28.
[89] Lauterpacht (n 2) 38-66; Crawford (n 1) 19-28; Shaw (n 4) 390-400.
[90] Grant (n 5) 1-25; M Fabry *Recognizing states: international society and the establishment of new states since 1776* (2010) 1-8.
[91] Oppenheim (n 8) 110-111; Lauterpacht (n 2) 38-78.
[92] Grant (n 5) 1-12; Vidmar (n 28) 370-380.
[93] Talmon (n 2) 101-112.

existing states considerable power to determine the international legal existence of entities that might otherwise satisfy the substantive requirements of statehood. These weaknesses have contributed to the declaratory theory's growing acceptance.[94]

Contemporary scholarship, nevertheless, retains elements of constitutive reasoning. Grant contends that state practice displays more constitutive features than conventional doctrine allows,[95] while Vidmar stresses recognition's legitimating function where claims to statehood remain contested or legally unsettled.[96] The experience of de facto states such as Somaliland, Transnistria and Northern Cyprus is instructive. Effective territorial control does not necessarily secure full participation in international society where recognition is largely withheld.[97] Recognition may not itself create statehood. It can, however, substantially determine how effective and operative that status is internationally, a point of particular relevance to Palestine.[98]

2.3.2 The declaratory theory

Under the declaratory theory, statehood and recognition are treated as separate matters. Recognition confirms a legal status that already exists, rather than bringing that status into being.[99] Article 3 of the Montevideo Convention embodies this position, providing that a state's political existence does not depend on recognition by other states. Crawford likewise treats recognition mainly as evidence of statehood rather than as its legal source.[100] The theory thus curtails existing states' ability to determine another entity's legal existence by political choice. International practice and authority support this approach. In Deutsche Continental Gas-Gesellschaft v Polish State, the tribunal confirmed that a state exists independently of recognition, which merely declares an existing fact.[101] The Yugoslavia Arbitration Commission similarly treated a state's existence or disappearance as a question of fact.[102] The Charter of the Organization of American States likewise affirms that statehood does not depend on recognition,[103] while in the Kosovo Advisory Opinion,

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[94] A Anghie *Imperialism, sovereignty and the making of international law* (2005) 32-65.
[95] Grant (n 5) 1-25, 201-230.
[96] Vidmar (n 28) 370-387; Vidmar (n 84) 40-60.
[97] S Pegg *International society and the de facto state* (1998) 1-50; N Caspersen *Unrecognized states: the struggle for sovereignty in the modern international system* (2012) 1-27.
[98] RH Jackson *Quasi-states: sovereignty, international relations and the Third World* (1990) 21-31; BA Coggins *Power politics and state formation in the twentieth century: the dynamics of recognition* (2014) 1-40.
[99] *Deutsche Continental Gas-Gesellschaft* (n 27) 13; Montevideo Convention (n 1) art 3.
[100] Crawford (n 1) 19-28.
[101] *Deutsche Continental Gas-Gesellschaft* (n 27) 13.
[102] Conference on Yugoslavia Arbitration Commission Opinion No 1 (1991) 92 International Law Reports 162 165.
[103] Charter of the Organization of American States (1948) 119 UNTS 3 arts 13 & 14.

the ICJ confined itself to the legality of the declaration of independence without ruling on Kosovo's statehood.[104]

However, the declaratory theory has limitations. It explains a state's legal existence. It does not fully capture the practical consequences of widespread non-recognition, including difficulties in securing diplomatic relations, institutional membership and participation in treaty regimes.[105] So, while the declaratory theory offers the stronger doctrinal account of statehood, recognition retains the practical significance that constitutive approaches emphasise.[106]

Talmon accordingly resists a rigid choice between the declaratory and constitutive theories. He argues that attention should instead fall on the particular legal consequences that flow from recognition.[107] Statehood may thus be declaratory as to an entity's existence, while recognition can still have constitutive effects on particular bilateral rights and relationships.[108] This approach is especially useful here. It accounts for Israel's continued statehood despite Uganda's severance of diplomatic relations in 1972. It also accounts for the transformation in Palestine's capacity to engage internationally following its 1988 recognition.[109]

2.3.3 Lauterpacht's legal conception of recognition

Lauterpacht sought to curb the political discretion built into the classical constitutive theory. He argued that recognition is governed by international law. He also argued that existing states come under a duty to recognise once the relevant requirements of statehood are met.[110] His approach thus aimed to keep recognition's constitutive significance intact while preventing its arbitrary withholding. Later state practice, however, has not settled a general legal duty requiring states to recognise every entity that meets the conventional criteria of statehood.[111]

Lauterpacht's position drew significant criticism. Kunz argued that the proposed duty found insufficient support in state practice,[112] while Chen maintained that recognition stayed legally

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[104] *Accordance with International Law of the Unilateral Declaration of Independence in respect of Kosovo* Advisory Opinion ICJ (22 July 2010) (2010) ICJ Reports 403 paras 51, 56 & 83.
[105] Crawford (n 1) 27-28; Vidmar (n 84) 40-60.
[106] Talmon (n 2) 101-181.
[107] As above.
[108] Vienna Convention on the Law of Treaties (n 17) art 6; Talmon (n 2) 130-160.
[109] Crawford (n 1) 27-28; Vidmar (n 28) 361-387.
[110] Lauterpacht (n 2) 73-78.
[111] JL Kunz 'Critical remarks on Lauterpacht's *Recognition in International Law*' (1950) 44 *American Journal of International Law* 713; Brownlie (n 60) 86-89.
[112] Kunz (n 111) 713-719.

discretionary.[113] Brownlie later took a more qualified position, treating recognition as discretionary in its exercise, yet regulated and constrained by international law.[114] Practice largely bears this out. States are rarely held internationally responsible for failing to recognise entities that satisfy statehood criteria. International law, however, has required non-recognition in situations involving unlawful conduct.[115] Lauterpacht nonetheless remains important. He identified a fundamental tension between the existence of legal criteria for statehood and the discretion states exercise in applying them. His lasting contribution, therefore, is his conception of recognition as a legal institution open to principled assessment. It is not merely an instrument of foreign policy.[116]

Lauterpacht offers this research a framework for evaluating Uganda's practice. This does not assume Uganda was legally bound to recognise Palestine or to withhold recognition from Israel. The relevant question is instead whether Uganda's stated reasons, legal positions and recognition-related conduct towards Israel and Palestine are internally coherent. It also asks whether they are applied consistently within the applicable international legal framework.[117]

2.3.4 Critical approaches to recognition

Contemporary scholarship asks whether the declaratory-constitutive binary adequately explains recognition practice. Visoka favours a critical approach examining the processes, actors, power relations and diplomatic practices through which recognition is produced and contested.[118] Recognition can thus be understood not as a single legal event. It is instead an evolving process expressed through diplomatic relations, institutional participation, treaty relations and political engagement.[119]

This approach bears directly on Uganda, since its posture towards Israel and Palestine cannot be grasped merely by pinpointing the moment of formal recognition. Later diplomatic relations, UN voting, official statements, bilateral cooperation and regional diplomacy may all be relevant here. They can reveal how recognition has been expressed and put into practice over time.[120] Such

[113] T-C Chen *The international law of recognition* (LC Green ed) (1951) 39-60.
[114] Brownlie (n 60) 86-89.
[115] UNSC Res 541 (n 34) para 7; International Law Commission (n 31) art 41(2).
[116] Lauterpacht (n 2) 385-423.
[117] Lauterpacht (n 2) 6-31; Grant (n 5) 201-230.
[118] G Visoka, J Doyle & E Newman (eds) *Routledge handbook of state recognition* (2020) 1-20; Visoka (n 3) 133-151.
[119] Fabry (n 90) 1-24; Coggins (n 98) 1-40.
[120] Visoka (n 3) 133-151.

political and diplomatic engagement should not, however, be automatically equated with legal recognition. Critical approaches are mainly useful for explaining how law and politics interact.[121]

Third World Approaches to International Law (TWAIL) supply a further critical perspective. TWAIL scholarship shows how recognition historically functioned within colonial international law to exclude non-European political communities from international legal personality.[122] The emergence of newly independent African states accordingly helped reshape international understandings of statehood, recognition and self-determination. This occurred particularly through their combined influence within the United Nations.[123][124]

TWAIL is not a single doctrine. It is instead a loosely connected scholarly movement united by a shared political commitment.[125] Its first generation, associated with scholars such as Anand, Abi-Saab and Bedjaoui, emerged alongside decolonisation and the 1955 Bandung Conference.[126] That generation largely accepted the inherited international legal order but sought to reform it from within, through sovereign equality, permanent sovereignty over natural resources and the numerical weight of new states in the General Assembly.[127] A second generation, including Mutua, Anghie, Chimni and Okafor, went further.[128] It argues that colonialism was not incidental to international law but constitutive of its core doctrines, including sovereignty and recognition itself.[129] TWAIL thus combines two commitments: exposing the role of international law in sustaining a hierarchy that subordinates non-European peoples, and reforming the law so that it serves those peoples.[130]

For the law of recognition, TWAIL offers three insights. First, the history of the 'standard of civilisation' shows that recognition once operated as a gatekeeping device through which European

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121 G Kyris 'State recognition and dynamic sovereignty' (2022) 28 *European Journal of International Relations* 287.
122 RP Anand 'Role of the new Asian-African countries in the present international legal order' (1962) 56 *American Journal of International Law* 383; Anghie (n 94) 32-114.
123 BS Chimni 'Third World approaches to international law: a manifesto' (2006) 8 *International Community Law Review* 3; JT Gathii 'TWAIL: a brief history of its origins, its decentralized network, and a tentative bibliography' (2011) 3 *Trade, Law and Development* 26.
124 UNGA Res 1514 (XV) Declaration on the granting of independence to colonial countries and peoples UN Doc A/RES/1514(XV) (14 December 1960); Fabry (n 90) 147-176.
125 M Mutua 'What is TWAIL?' (2000) 94 *Proceedings of the American Society of International Law* 31; Gathii (n 123) 26-64.
126 Anand (n 122) 383-406; G Abi-Saab 'The newly independent states and the rules of international law: an outline' (1962) 8 *Howard Law Journal* 95.
127 UNGA Res 1803 (XVII) Permanent sovereignty over natural resources UN Doc A/RES/1803(XVII) (14 December 1962); M Bedjaoui *Towards a new international economic order* (1979).
128 OC Okafor 'Newness, imperialism, and international legal reform in our time: a TWAIL perspective' (2005) 43 *Osgoode Hall Law Journal* 171; Chimni (n 123) 3-27.
129 A Anghie 'Finding the peripheries: sovereignty and colonialism in nineteenth-century international law' (1999) 40 *Harvard International Law Journal* 1; Anghie (n 94) 32-114.
130 Mutua (n 125) 31-38; OC Okafor 'Critical Third World approaches to international law (TWAIL): theory, methodology, or both?' (2008) 10 *International Community Law Review* 371.

states decided which political communities counted as sovereign.[131] Echoes of that function survive in the selective application of the Montevideo criteria, particularly the demand for effective control, which weighs heavily against a people whose territory remains under prolonged occupation.[132] Secondly, newly independent states developed a counter-practice of collective and solidaristic recognition through the General Assembly.[133] That practice runs from Resolution 1514 (XV), through the grant of observer status to the PLO in 1974, to the acknowledgement of the Palestinian Declaration of Independence in Resolution 43/177 of 1988.[134] It treated recognition less as a certificate of effectiveness than as an affirmation of a people's entitlement to self-determination.[135] Thirdly, TWAIL maintains an internal critique of the postcolonial state itself.[136] Chimni and Mutua caution that Third World governing elites may invoke anti-colonial language while pursuing policies that serve regime security or external patrons rather than the peoples in whose name they speak.[137]

The philosophy of the Non-Aligned Movement supplies the diplomatic counterpart to this scholarship. The Bandung principles and the 1961 Belgrade Declaration placed respect for sovereignty and territorial integrity, non-interference, the equality of peoples and the elimination of colonialism and racial domination at the centre of Third World diplomacy.[138] Non-alignment was never passive neutrality.[139] It denoted a refusal to submit to bloc discipline and a claim to judge each international question on its merits.[140] That claim matters for this study. It offers a principled basis on which a state may maintain relations with Israel while supporting Palestinian self-determination. It also, however, sets a standard against which the consistency of that dual posture can be tested.[141]

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131 GW Gong *The standard of 'civilization' in international society* (1984); Anghie (n 94) 32-65.
132 Montevideo Convention (n 1) art 1; SN Grovogui *Sovereigns, quasi sovereigns, and Africans: race and self-determination in international law* (1996); Quigley (n 49) 202-230.
133 Dugard (n 18) 46-77; A Getachew *Worldmaking after empire: the rise and fall of self-determination* (2019).
134 UNGA Res 1514 (XV) (n 124) paras 1-2; UNGA Res 3237 (XXIX) (n 51); UNGA Res 43/177 (n 53) paras 1-3.
135 Crawford (n 1) 434-448; Quigley (n 49) 202-215.
136 M Mutua 'Why redraw the map of Africa: a moral and legal inquiry' (1995) 16 *Michigan Journal of International Law* 1113; Chimni (n 123) 3-27.
137 Mutua (n 125) 31-38; A Anghie & BS Chimni 'Third World approaches to international law and individual responsibility in internal conflicts' (2003) 2 *Chinese Journal of International Law* 77.
138 Final Communiqué of the Asian-African Conference (Bandung, 24 April 1955); Declaration of the Heads of State or Government of Non-Aligned Countries (Belgrade, 6 September 1961).
139 P Willetts *The Non-Aligned Movement: the origins of a Third World alliance* (1978); L Eslava, M Fakhri & V Nesiah (eds) *Bandung, global history, and international law: critical pasts and pending futures* (2017).
140 Belgrade Declaration (n 138); V Prashad *The darker nations: a people's history of the Third World* (2007).
141 Non-Aligned Movement 'Kampala final outcome document of the 19th Summit of Heads of State and Government of the Non-Aligned Movement' (Kampala, 19-20 January 2024); Non-Aligned Movement 'Political declaration of the Ministerial Committee of the Non-Aligned Movement on Palestine' (Kampala, 17 January 2024).

TWAIL-informed scholarship on Palestine complicates the conventional account further. Erakat, Imseis and Reynolds argue that international law has operated in Palestine less as a neutral arbiter than as a structure that has repeatedly deferred Palestinian claims.[142] On this view, even the two-State framework and the Oslo process have at times managed occupation rather than ended it.[143] This scholarship does not deny the value of recognising Palestine. It cautions, however, that recognition confined to the language of negotiated settlement may leave the underlying asymmetry of power intact.[144] TWAIL therefore serves this study both as an explanatory lens and as an evaluative standard. It explains why Uganda framed Palestinian statehood within decolonisation, and it invites scrutiny of whether Uganda's wider conduct matches the anti-colonial commitments it professes.

This bears on Uganda's approach to Palestine. It helps explain why Uganda and other African states have historically framed Palestinian statehood within decolonisation and self-determination. It also explains why they treated recognition as consistent with anti-colonial solidarity, rather than a departure from international legal principle.[145]

2.3.5 Self-determination and recognition

Self-determination weighs heavily in contemporary recognition practice, particularly in the contexts of decolonisation, foreign occupation and claims to statehood. International law recognises peoples' right to determine their political status and to pursue their economic, social and cultural development.[146] Self-determination does not, however, automatically confer a right to independent statehood or to recognition by other States.[147] Recognition is accordingly assessed together with the principles of territorial integrity, effectiveness and legality.[148] This relationship bears directly on Palestinian statehood, closely bound up as it is with the internationally recognised right of the Palestinian people to self-determination.

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[142] J Reynolds 'Anti-colonial legalities: paradigms, tactics & strategy' (2015) 18 *Palestine Yearbook of International Law* 8; N Erakat *Justice for some: law and the question of Palestine* (2019); A Imseis *The United Nations and the question of Palestine: rule by law and the structure of international legal subalternity, 1947-2022* (2023).

[143] A Imseis 'Negotiating the illegal: on the United Nations and the illegal occupation of Palestine, 1967-2020' (2020) 31 *European Journal of International Law* 1055; *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem* Advisory Opinion ICJ (19 July 2024) paras 230-243.

[144] Erakat (n 142); Imseis (n 143) 1055.

[145] Dugard (n 18) 90-108.

[146] Charter of the United Nations arts 1(2) & 55; UNGA Res 1514 (XV) (n 124); International Covenant on Civil and Political Rights (1966) 999 UNTS 171 art 1; International Covenant on Economic, Social and Cultural Rights (1966) 993 UNTS 3 art 1.

[147] *Reference re Secession of Quebec* (1998) 2 SCR 217 paras 111-138.

[148] UNGA Res 2625 (XXV) (n 3) annex; *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* Advisory Opinion ICJ (9 July 2004) (2004) ICJ Reports 136 paras 88 & 118.

2.3.5.1 Development of self-determination

Self-determination ranks as a fundamental principle of contemporary international law. The UN Charter treats it as a basis for friendly relations among nations. Common Article 1 of the ICCPR and ICESCR, meanwhile, affirms all peoples' right freely to determine their political status.[149] International jurisprudence has since reinforced this principle. In Namibia and Western Sahara, the International Court of Justice confirmed its relevance to decolonisation and the requirement that peoples' will be freely expressed.[150][151] In East Timor, the Court recognised self-determination as a right of an *erga omnes* character. The International Law Commission has also listed it among its illustrative examples of jus cogens norms.[152][153] Within Africa, Article 20 of the African Charter similarly guarantees peoples the right to self-determination. It also recognises the right of colonised or oppressed peoples to free themselves from domination.[154]

Self-determination took on particular significance during the decolonisation era. UN General Assembly Resolution 1514 (XV) affirmed colonial peoples' entitlement to independence, and Resolution 2625 (XXV) clarified how self-determination relates to territorial integrity.[155] Resolution 1541 (XV) further recognised independence, free association and integration as legitimate outcomes of decolonisation.[156] Further, the Friendly Relations Declaration confirmed the separate and distinct status of colonial and non-self-governing territories.[157]

2.3.5.2 Internal and external self-determination

International law draws a distinction between internal and external self-determination.[158] Internal self-determination concerns a people's capacity to pursue its political, economic, social and cultural development within an existing state. External self-determination, by contrast, concerns the determination of international political status, including independence. Decolonisation remains

[149] Charter of the United Nations arts 1(2) & 55; International Covenant on Civil and Political Rights (n 146) art 1; International Covenant on Economic, Social and Cultural Rights (n 146) art 1.
[150] *Namibia* Advisory Opinion (n 3) paras 52-53.
[151] *Western Sahara* Advisory Opinion ICJ (16 October 1975) (1975) ICJ Reports 12 paras 54-59 & 162.
[152] *East Timor (Portugal v Australia)* ICJ (30 June 1995) (1995) ICJ Reports 90 para 29.
[153] International Law Commission 'Draft conclusions on identification and legal consequences of peremptory norms of general international law (*jus cogens*)' UN Doc A/77/10 (2022) annex para (h).
[154] African Charter on Human and Peoples' Rights (1981) 1520 UNTS 217 art 20(1) & (2).
[155] UNGA Res 1514 (XV) (n 124) paras 1-2; UNGA Res 2625 (XXV) (n 3) annex.
[156] UNGA Res 1541 (XV) Principles which should guide members in determining whether or not an obligation exists to transmit the information called for under article 73e of the Charter UN Doc A/RES/1541(XV) (15 December 1960) principles I-IX.
[157] UNGA Res 2625 (XXV) (n 3) annex, principle of equal rights and self-determination of peoples para 6.
[158] A Cassese *Self-determination of peoples: a legal reappraisal* (1995) 52-66.

the clearest setting in which external self-determination carries a right to independent statehood.[159] Beyond the colonial context, international law remains wary of recognising a general right to unilateral secession, reflecting the continuing importance attached to territorial integrity.[160] In the Quebec Secession Reference, the Supreme Court of Canada held that self-determination is ordinarily achieved internally. Unilateral secession, if it arises at all, arises only in exceptional circumstances. These circumstances include colonial domination, alien occupation, or the persistent denial of meaningful political participation.[161] The resulting theory of remedial secession has attracted some scholarly support.[162] Though no international tribunal has definitively endorsed it, the ICJ left the question open in its Kosovo Advisory Opinion.[163] This matters for Palestine, since the Palestinian claim is not generally framed as remedial secession from Israel. It rests instead on the Palestinian people's entitlement to external self-determination in a territory under alien occupation, legally distinct from the occupying power.[164]

2.3.5.3 Palestinian self-determination

Palestinian self-determination holds particular significance for this research. In its 2004 Wall Advisory Opinion, the ICJ confirmed the Palestinian people's right to self-determination. It reiterated this position in its 2024 Advisory Opinion on Israel's policies and practices in the Occupied Palestinian Territory.[165] General Assembly Resolution 67/19 likewise reaffirmed the Palestinian people's right to self-determination and independence. It also conferred on Palestine non-member observer State status at the United Nations.[166]

In 2004, the ICJ treated the territory occupied since 1967 as a single territorial unit,[167] holding that the wall and its associated regime impeded the Palestinian people's exercise of self-determination.[168] The Court went on to characterise the relevant obligations as erga omnes. These obligations require States neither to recognise nor to assist in maintaining the resulting illegal situation.[169] In 2024, the Court went further still. It concluded that Israel's continued presence in the Occupied Palestinian Territory is unlawful, and that its policies and practices impede

[159] Cassese (n 158) 71-99; D Raič *Statehood and the law of self-determination* (2002) 226-270.
[160] Cassese (n 158) 108-125; Raič (n 159) 308-372.
[161] *Secession of Quebec* (n 147) paras 122-139.
[162] Cassese (n 158) 108-125, 339-365; Raič (n 159) 308-372.
[163] *Kosovo* Advisory Opinion (n 104) paras 82-83.
[164] UNGA Res 2625 (XXV) (n 3) annex para 6; *Wall* Advisory Opinion (n 148) paras 70-78 & 118.
[165] *Wall* Advisory Opinion (n 148) paras 118 & 122; *Policies and Practices of Israel* Advisory Opinion (n 143) paras 230-243.
[166] UNGA Res 67/19 (n 53) preamble & paras 1-2.
[167] *Wall* Advisory Opinion (n 148) paras 78 & 115-122.
[168] *Wall* Advisory Opinion (n 148) paras 118 & 122.
[169] *Wall* Advisory Opinion (n 148) paras 155-159 & 163(3)(D).

Palestinian self-determination. It also concluded that States bear obligations of non-recognition and non-assistance.[170] The General Assembly subsequently took up these findings in Resolution ES-10/24.[171]

Uganda's recognition-related posture towards Palestine cannot, accordingly, be assessed solely by reference to governmental effectiveness or the traditional criteria of statehood. The Palestinian people's right to self-determination forms an essential strand of the international legal framework against which Uganda's practice is evaluated.[172]

2.3.6 Territorial integrity and recognition

Self-determination operates alongside territorial integrity. Article 2(4) of the UN Charter protects this principle, which is fundamental to the stability of the international legal order.[173][174] The Friendly Relations Declaration bars territorial acquisition resulting from the threat or use of force,[175] a position the Definition of Aggression reinforces.[176] As regards territories occupied in 1967, the Security Council has affirmed that territorial acquisition by war is inadmissible. It has also rejected purported changes to the status of Jerusalem and the Golan Heights, along with the legal validity of Israeli settlements.[177][178][179]

How territorial integrity relates to self-determination matters especially in cases of secession. International law generally shields existing states from forcible territorial fragmentation, while recognising independence in decolonisation and other established circumstances.[180] The ICJ's Kosovo Advisory Opinion stopped short of establishing a general right to unilateral secession. It held merely that Kosovo's declaration of independence did not breach international law. It did not rule that Kosovo had a right to secede, had necessarily achieved statehood, or had to be recognised by other States.[181][182]

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[170] *Policies and Practices of Israel* Advisory Opinion (n 143) paras 261-264, 267-279 & 285.
[171] UNGA Res ES-10/24 UN Doc A/RES/ES-10/24 (18 September 2024).
[172] Crawford (n 1) 434-448; Quigley (n 49) 202-230.
[173] Charter of the United Nations art 2(4); UNGA Res 2625 (XXV) (n 3) annex.
[174] Crawford (n 1) 131-155.
[175] UNGA Res 2625 (XXV) (n 3) annex, principle on the threat or use of force paras 1 & 10.
[176] UNGA Res 3314 (XXIX) Definition of Aggression UN Doc A/RES/3314(XXIX) (14 December 1974) annex art 5(3).
[177] UNSC Res 242 UN Doc S/RES/242 (22 November 1967) preamble.
[178] UNSC Res 478 UN Doc S/RES/478 (20 August 1980) paras 2-5; UNSC Res 497 UN Doc S/RES/497 (17 December 1981) para 1.
[179] UNSC Res 2334 UN Doc S/RES/2334 (23 December 2016) paras 1-3.
[180] Cassese (n 158) 339-365; Raič (n 159) 308-332.
[181] *Kosovo* Advisory Opinion (n 104) paras 79-84 & 122-123.
[182] Vidmar (n 84) 179-208.

Recognition therefore takes into account of both self-determination and territorial integrity. Neither can be applied in isolation from its legal and factual context. In the Palestinian context, territorial integrity does not itself rule out Palestinian statehood. The ICJ has, moreover, treated the Occupied Palestinian Territory as a single territorial unit distinct from the occupying power.[183][184] Moreover, the 1949 armistice lines never conclusively fixed Israel's territorial boundaries.[185] Recognising Palestine within the 1967 lines does not, accordingly, necessarily amount to a claim over Israeli territory. This supplies an important legal basis for evaluating Uganda's simultaneous relations with Israel and Palestine.[186]

2.3.7 Illegality and the Obligation of Non-Recognition

Recognition also carries a negative obligation: States are not required to recognise situations created through serious violations of international law.[187][188] This doctrine grew out of the refusal to recognise unlawfully produced territorial situations, notably the United States' 1932 non-recognition policy on Manchukuo and the League of Nations' subsequent position.[189][190] Its modern expression is found in Article 41(2) of the Articles on State Responsibility, which provides that "no State shall recognize as lawful a situation created by a serious breach referred to in article 40, nor render aid or assistance in maintaining that situation".[191][192]

The leading judicial authority is the ICJ's Namibia Advisory Opinion. There, the Court held that States were obliged not to recognise the legality of South Africa's continued presence in Namibia. States were also obliged not to undertake acts implying such recognition.[193] The Court nonetheless recognised an important exception for acts necessary to protect inhabitants, such as registering births, deaths and marriages.[194][195] This qualification allows humanitarian, consular and

[183] *Wall* Advisory Opinion (n 148) paras 70-78 & 118.
[184] UNGA Res 2625 (XXV) (n 3) annex, principle of equal rights and self-determination of peoples para 6; Crawford (n 1) 565-573.
[185] General Armistice Agreement between Israel and Jordan (3 April 1949) 42 UNTS 303 art VI(9); Quigley (n 49) 97-115.
[186] *Policies and Practices of Israel* Advisory Opinion (n 143) paras 78-83 & 261-264.
[187] Dugard (n 18) 81-108.
[188] Crawford (n 1) 155-173.
[189] Note of the United States Secretary of State to Japan and China (7 January 1932) reproduced in (1932) 26 *American Journal of International Law Supplement* 342.
[190] League of Nations Assembly Resolution of 11 March 1932, League of Nations Official Journal Special Supplement No 101 (1932) 87-88.
[191] International Law Commission (n 31) art 41(2) & commentary paras 4-12.
[192] Dugard (n 18) 81-162.
[193] *Namibia* Advisory Opinion (n 3) paras 117-127 & 133(2).
[194] *Namibia* Advisory Opinion (n 3) paras 117-125.
[195] Dugard (n 18) 163-172; Talmon (n 2) 160-181.

administrative dealings without those dealings necessarily amounting to recognition of an unlawful situation.[196]

International practice bears this obligation out. States were called on not to recognise Southern Rhodesia's unilateral declaration of independence,[197] the South African Bantustans,[198] the purported secession of Northern Cyprus,[199] and Iraq's attempted annexation of Kuwait.[200] These examples show that factual effectiveness alone does not establish lawful statehood where the underlying situation stems from serious illegality.[201] The traditional effectiveness criteria for statehood are, accordingly, necessary but not sufficient where overriding rules of international law demand non-recognition.[202]

This principle bears directly on this research's assessment of Uganda's posture towards Israel and Palestine. In its 2024 Advisory Opinion, the ICJ found Israel's continued presence in the Occupied Palestinian Territory to be unlawful. It also held that States were obliged neither to recognise the resulting situation as legal, nor to render aid or assistance in maintaining it.[203] The General Assembly subsequently called on States to give effect to these obligations.[204] Uganda voted in favour of that resolution. Uganda accordingly retains substantial discretion in its bilateral relations with Israel. Cooperation touching the Occupied Palestinian Territory or settlements is, however, weighed against the obligations of non-recognition and non-assistance.[205] This furnishes an important legal standard for assessing the consistency of Uganda's recognition practice in Chapter Three.

2.4 Legal and practical consequences of recognition

Under the declaratory theory, recognition creates neither statehood nor its attendant rights, though it substantially eases their practical exercise.[206] Recognition makes possible the establishment of diplomatic relations, including embassies and the exchange of diplomatic representatives.[207] It also

196 Shaw (n 4) 386-390.
197 UNSC Res 216 (n 33) para 2; UNSC Res 217 (n 33) paras 3 & 6.
198 UNGA Res 31/6 A Policies of apartheid of the Government of South Africa UN Doc A/RES/31/6A (26 October 1976) paras 1-3.
199 UNSC Res 541 (n 34) paras 2 & 7; UNSC Res 550 UN Doc S/RES/550 (11 May 1984) para 3.
200 UNSC Res 662 (n 35) paras 1-2.
201 Dugard (n 18) 90-162; Crawford (n 1) 131-173.
202 Grant (n 5) 84-102; Vidmar (n 84) 40-100.
203 *Policies and Practices of Israel* Advisory Opinion (n 143) paras 267-279 & 285(7)-(8).
204 UNGA Res ES-10/24 (n 171) paras 2-5.
205 International Law Commission (n 31) art 41 and commentary.
206 Talmon (n 2) 130-160; Crawford (n 1) 22-28.
207 Vienna Convention on Diplomatic Relations (n 4) art 2.

eases treaty relations, though the capacity to make treaties derives from statehood rather than from recognition.[208][209] The Vienna Convention indeed confirms that the absence, or severance, of diplomatic relations does not stop States from concluding treaties.[210] Entering bilateral treaty relations may, nevertheless, serve as evidence of recognition.[211]

Recognition also eases participation in international institutions. Recognition does not itself guarantee membership, and entities whose statehood is contested may struggle to join organisations that restrict membership to States.[212] Palestine again offers an instructive example. Its 2011 UNESCO admission[213] and Rome Statute accession together allowed it to exercise significant international legal capacities, including engagement with the International Criminal Court.[214] The ICC subsequently held Palestine's accession to the Rome Statute sufficient for territorial jurisdiction purposes, without ruling on its statehood under general international law.[215] These developments show that institutional participation can confer practical legal capacities even where particular States withhold bilateral recognition.[216]

Recognition therefore carries something of a paradox. Contemporary international law generally refuses to treat recognition as the source of statehood. Recognition, however, substantially shapes whether, and to what extent, an entity can exercise the rights and capacities that come with statehood in practice.[217] This distinction matters directly for assessing Uganda's relations with Israel and Palestine. Formal recognition, bilateral relations and multilateral participation can each carry different legal and practical consequences there.

2.4.1 Recognition and international organisations

International organisations play a significant part in recognition practice, though participation or membership is distinct from bilateral recognition by individual States. UN admission, governed by

[208] Vienna Convention (n 17) arts 6 & 74.
[209] Vienna Convention (n 17) art 6.
[210] Vienna Convention (n 17) art 74.
[211] Lauterpacht (n 2) 369-408; Talmon (n 2) 89-112.
[212] Charter of the United Nations art 4(1); Crawford (n 1) 173-190.
[213] UNESCO General Conference Resolution 36 C/76 Admission of Palestine as a Member of UNESCO (31 October 2011).
[214] Office of the Prosecutor of the International Criminal Court 'Statement of ICC Prosecutor, Fatou Bensouda, respecting an investigation of the Situation in Palestine' (3 March 2021) https://www.icc-cpi.int/news/statement-icc-prosecutor-fatou-bensouda-respecting-investigation-situation-palestine (accessed 18 August 2026).
[215] *Situation in the State of Palestine* 'Decision on the Prosecution request pursuant to article 19(3) for a ruling on the Court's territorial jurisdiction in Palestine' ICC-01/18-143 (Pre-Trial Chamber I, 5 February 2021) paras 87-131.
[216] Crawford (n 1) 434-447; Vidmar (n 28) 361-372.
[217] Vidmar (n 28) 361-367.

Article 4 of the United Nations Charter,[218] signifies statehood and is open only to States.[219] UN membership, however, does not necessarily imply recognition by every individual member State.[220] International organisations thus provide important institutional forums for resolving questions of statehood, representation and international participation, including where recognition remains contested.[221] This distinction bears directly on Israel and Palestine, whose international legal status and participation have developed along different paths within the United Nations.

2.4.1.1 The United Nations

The United Nations holds no general unilateral power to recognise States on behalf of all its members. UN membership nonetheless stands as particularly strong evidence of international acceptance.[222] Article 4(1) of the Charter provides that "membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations". Admission requires a decision of the General Assembly, made on the Security Council's recommendation. [223]

Membership is thus a different thing from bilateral recognition. A State can be recognised without being a UN member, just as institutional procedures can block admission despite substantial bilateral recognition.[224] Courts have had occasion to construe the conditions for admission. In its first advisory opinion, the ICJ held that Article 4(1)'s conditions are exhaustive, and members may not condition admission consent on other considerations.[225] In a later opinion, it held that the General Assembly cannot effect admission absent a favourable Security Council recommendation.[226] In practice, this means a permanent member can block admission regardless of how many States have extended bilateral recognition.[227] Palestine has tested this procedure twice: it applied for membership in September 2011, an application the Security Council never brought to a vote,[228] and renewed the application in April 2024, when a draft resolution

[218] Charter of the United Nations art 4.
[219] Charter of the United Nations art 4; Crawford (n 1) 177-180.
[220] Lauterpacht (n 2) 385-405; Shaw (n 4) 401-406.
[221] Crawford (n 1) 179-181; TD Grant *Admission to the United Nations: Charter article 4 and the rise of universal organization* (2009) 1-15.
[222] Dugard (n 18) 39-80; Crawford (n 1) 173-190.
[223] Charter of the United Nations art 4(1) & (2).
[224] *Conditions of Admission* Advisory Opinion (n 78) 62-65.
[225] *Competence of the General Assembly for the Admission of a State to the United Nations* Advisory Opinion ICJ (3 March 1950) (1950) ICJ Reports 4.
[226] *Competence of the General Assembly* Advisory Opinion (n 225) 8-10.
[227] Charter of the United Nations art 4(2); Crawford (n 1) 173-190.
[228] Application of Palestine for admission to membership in the United Nations UN Doc A/66/371-S/2011/592 (23 September 2011).

recommending admission failed owing to a permanent member's negative vote.[229] The General Assembly responded, in Resolution ES-10/23, by determining that Palestine met the qualifications for membership and inviting the Council to reconsider the matter. Israel, by contrast, was admitted to UN membership through General Assembly Resolution 273 (III) of 11 May 1949. Palestine occupies a different institutional position altogether.[230]

2.4.1.2 Palestine's status within the United Nations

Palestine's status within the United Nations has evolved by stages. General Assembly Resolution 67/19, adopted in 2012 by 138 votes to nine with 41 abstentions, accorded Palestine non-member observer State status.[231] This fell short of full UN membership. It nonetheless amounted to significant institutional recognition of Palestine as a State, a designation later reflected in UN practice.[232]

Palestine's institutional position advanced again in 2024. General Assembly Resolution ES-10/23 determined that Palestine met the qualifications for UN membership under Article 4 of the Charter. It also recommended that the Security Council reconsider its application favourably.[233] It was adopted by 143 votes to nine, with 25 abstentions; Uganda voted in favour.[234] The resolution also expanded Palestine's participation rights, including seating among member States, making statements on behalf of groups, and proposing agenda items. It withheld, however, the rights to vote and to put forward candidates.[235]

Palestine thus remained a non-member observer State, notwithstanding these added attributes of membership. This step-by-step expansion of participation illustrates the incremental development of international status that critical recognition scholarship describes.[236] It also underscores the analytical distinction between State recognition and membership in international organisations. An entity can acquire substantial recognition and institutional capacities without securing full UN membership.[237]

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[229] UNSC Draft Resolution S/2024/312 (n 81); UNSC Verbatim Record UN Doc S/PV.9609 (18 April 2024).
[230] UNGA Res 273 (III) (n 80).
[231] UNGA Res 67/19 (n 53) paras 1-2; UNGA Verbatim Record UN Doc A/67/PV.44 (29 November 2012).
[232] UNGA Res 67/19 (n 53) para 2; UN Secretariat, practice concerning the designation of the State of Palestine.
[233] UNGA Res ES-10/23 (n 81) paras 1-3 & annex.
[234] UNGA Res ES-10/23 (n 81); UNGA Verbatim Record UN Doc A/ES-10/PV.40 (10 May 2024) voting record.
[235] UNGA Res ES-10/23 (n 81) annex paras 1-3.
[236] Visoka, Doyle & Newman (n 118) 1-20; Kyris (n 121) 287-311.
[237] Crawford (n 1) 173-190; Quigley (n 49) 231-262.

2.4.1.3 General Assembly voting and recognition

A State's vote in an international organisation can furnish important evidence of its legal and political position. It does not, though, necessarily amount to formal bilateral recognition. Its weight turns on the resolution's wording, any explanation of vote, existing bilateral relations, and other official conduct signalling an intention to recognise statehood.[238][239]

Two qualifications matter here. First, a favourable vote may reveal a State's understanding of the law without necessarily changing its bilateral recognition relationship. Second, where a State accompanies its vote with a reservation or qualifying explanation, that qualification informs how its position is interpreted.[240] Uganda's voting record is accordingly assessed alongside any explanations of vote and its wider diplomatic and governmental practice.

2.4.2 Recognition and diplomatic relations

Although recognition and diplomatic relations are related, they remain legally separate concepts. The establishment of diplomatic relations is generally strong evidence of mutual recognition. It reflects each side's willingness to treat the other as a sovereign international actor.[241] Under the Vienna Convention on Diplomatic Relations, however, diplomatic relations and permanent missions arise only by mutual consent.[242] Their absence may accordingly reflect a political choice rather than non-recognition.[243]

Severing diplomatic relations does not, consequently, ordinarily amount to withdrawing recognition. Relations may end because of conflict, political hostility or security considerations, without this denying the other State's continuing statehood.[244] African and Asian States that severed relations with Israel after the 1967 and 1973 conflicts illustrate this, having done so without denying Israel's statehood,[245] as does the United States, which severed relations with Iran in 1980 while still treating Iran as a State before the ICJ.[246] Withdrawing recognition, if legally possible at

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[238] International Law Commission 'Draft conclusions on identification of customary international law' in Report of the International Law Commission on the work of its seventieth session UN Doc A/73/10 (2018) conclusion 12.
[239] *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v United States of America)* Merits ICJ (27 June 1986) (1986) ICJ Reports 14 para 188.
[240] Talmon (n 2) 128-140.
[241] Vienna Convention on Diplomatic Relations (n 4) art 2; Talmon (n 2) 89-112.
[242] Vienna Convention on Diplomatic Relations (n 4) art 2.
[243] E Denza *Diplomatic law: commentary on the Vienna Convention on Diplomatic Relations* 4th ed (2016) 18-27.
[244] Vienna Convention on Diplomatic Relations (n 4) art 45; Denza (n 243) 397-412.
[245] A Oded *Africa and the Middle East conflict* (1987) 1-30; J Peters *Israel and Africa: the problematic friendship* (1992) 14-40.
[246] *United States Diplomatic and Consular Staff in Tehran (United States of America v Iran)* ICJ (24 May 1980) (1980) ICJ Reports 3 paras 76-79.

all, would therefore require clear evidence of an intention to stop treating the entity as a State. Hostile rhetoric, closing missions or expelling diplomats will not suffice on their own.[247][248]

This distinction is directly relevant to Uganda's conduct during the Amin period. Absent further evidence, Uganda's severance of diplomatic relations with Israel does not, on its own, amount to a withdrawal of recognition. Establishing this would require separate, unequivocal evidence of an intention to stop treating Israel as a State.[249]

By the same token, restoring diplomatic relations does not necessarily amount to a fresh act of recognition. This is so where recognition was never withdrawn in the first place.[250] State practice generally treats such developments as a resumption of diplomatic relations rather than a renewal of recognition.[251][252] Uganda's restoration of relations with Israel in 1994 should, accordingly, be presumed a restoration of diplomatic relations. This presumption stands unless the documentary record shows that Uganda had previously withdrawn its recognition of Israel.[253]

2.4.3 Withdrawal and revocation of recognition

Whether a state's recognition can be withdrawn remains a doctrinally contested question. On the declaratory theory, recognition merely acknowledges an independently existing legal status; withdrawal by one State cannot, consequently, extinguish another entity's objective international personality.[254] It can, however, change the bilateral legal and diplomatic relationship, including official dealings and how the recognising State treats the entity.[255]

A line is accordingly drawn between withdrawing bilateral recognition and terminating statehood. The former concerns one State's posture towards another entity. The latter concerns that entity's objective international legal status.[256] The withdrawal of a state's recognition is distinguishable from changes in how its government is recognised or treated. A change in government does not, as a rule, interrupt the State's continued existence.[257] Uganda's own history bears this out.

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[247] Talmon (n 2) 89-127; Crawford (n 1) 27-28.
[248] Lauterpacht (n 2) 349-368; Denza (n 243) 397-412.
[249] Crawford (n 1) 27-28.
[250] Talmon (n 2) 3-14.
[251] Talmon (n 2) 3-14 & 89-112.
[252] C Warbrick 'The new British policy on recognition of governments' (1981) 30 *International and Comparative Law Quarterly* 568; Shaw (n 4) 404-410.
[253] Crawford (n 1) 544-564.
[254] Montevideo Convention (n 1) art 3; Crawford (n 1) 22-28.
[255] Talmon (n 2) 130-181.
[256] Crawford (n 1) 700-717.
[257] Talmon (n 2) 15-40.

Notwithstanding significant governmental upheaval between 1966 and 1986, including military takeovers and changes of government, Uganda's statehood, UN membership and international obligations carried on uninterrupted.[258][259] International law likewise recognises the State's continuity despite changes in governmental authority, including where an insurrectional movement itself becomes the new government.[260]

This principle matters for Uganda's posture towards Israel and Palestine. Changes in Ugandan governments or diplomatic relations cannot, on their own, establish a withdrawal of recognition. Any claim that Uganda withdrew recognition of Israel, or altered its recognition of Palestine, therefore needs clear evidence of the relevant legal intention. Such a claim cannot rest on an inference drawn from shifts in political or diplomatic relations.

2.4.4 Recognition, neutrality and political support

Recognition is separate from political support. A State may recognise States whose governments are in conflict with each other, since recognising one does not legally compel denying the other's statehood.[261]Recognising Palestine is accordingly compatible with continuing to recognise Israel, and vice versa.[262] State practice bears this out. Numerous States recognise both Israel and Palestine.[263] In 2024, Norway, Ireland, Spain and Slovenia recognised Palestine while keeping relations with Israel. They presented their recognition expressly as support for a two-State solution, rather than a rejection of Israel's statehood.[264] Comparable recognitions took place among Caribbean States.[265] Uganda's simultaneous recognition of Palestine and its relations with Israel therefore sit comfortably with contemporary recognition practice.[266]

The two-State solution further shows how compatible recognising both entities can be. General Assembly Resolution 67/19 envisioned Israel and Palestine living side by side in peace and security.[267] Security Council Resolutions 1397[268], 1515[269] and 2334[270] likewise endorsed a two-State

[258] P Mutibwa *Uganda since independence: a story of unfulfilled hopes* (1992) 1-40 & 137-180.
[259] Talmon (n 2) 15-40; Crawford (n 1) 667-699.
[260] International Law Commission (n 31) art 10 & commentary paras 1-6.
[261] Lauterpacht (n 2) 6-31; Shaw (n 4) 396-400.
[262] Quigley (n 49) 263-286.
[263] UN Secretariat records of States recognising the State of Palestine; Quigley (n 49) 231-262.
[264] Government of Norway, Government of Ireland and Government of Spain, statements recognising the State of Palestine (28 May 2024); Government of Slovenia, decision recognising the State of Palestine (2024).
[265] Statements of recognition by Caribbean Community member States (2024).
[266] Fabry (n 90) 177-215; Vidmar (n 84) 61-100.
[267] UNSC Res 1397 UN Doc S/RES/1397 (12 March 2002); UNGA Res 67/19 (n 53) preamble.
[268] UNSC Res 1397 (n 267) preamble.
[269] UNSC Res 1515 UN Doc S/RES/1515 (19 November 2003) para 1.
[270] UNSC Res 2334 (n 179) paras 1-4 & 9.

framework. The Arab Peace Initiative, too, proposed normalising relations with Israel alongside establishing a Palestinian State.[271] These developments show that international practice generally treats recognising Israel and recognising Palestine as compatible, not mutually exclusive.[272]

Uganda's posture should not, therefore, be judged on the assumption that closer diplomatic ties with Israel contradict its recognition or support of Palestine. What matters is whether Uganda's treatment of both States is consistent with the applicable international legal principles. It also matters whether any differences in its relations with them stem from legal considerations, diplomatic relations, or political discretion.

2.5 Recognition in practice

Recognition is not purely legal, nor purely political; it operates instead at the intersection of international legal rules and State discretion.[273] International law sets out criteria for statehood. It also constrains recognition through principles such as self-determination, territorial integrity, the prohibition of force, and the obligation of non-recognition.[274]

States retain, within these legal limits, considerable discretion over bilateral recognition.[275] Recognition may accordingly be shaped by geopolitical alliances, strategic and economic interests, historical relationships, regional considerations and domestic politics.[276] Political motivation does not, however, make recognition unlawful. What matters is whether a State acts within the discretion international law allows, or in breach of a specific legal obligation.[277] This discretion, however, has limits. First, the obligation of non-recognition bars recognition of situations created through serious violations of international law.[278] Second, States carry out their international obligations in good faith.[279] Third, a State may expressly ground its recognition practice in particular legal criteria. Unexplained departures from those criteria can then raise questions of consistency and abuse of discretion.[280]

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[271] Arab Peace Initiative adopted at the 14th Arab League Summit (Beirut, 28 March 2002).
[272] UNGA Res 67/19 (n 53) preamble; Quigley (n 49) 263-286.
[273] Grant (n 5) 201-230; Fabry (n 90) 1-24.
[274] Charter of the United Nations arts 1(2) & 2(4); UNGA Res 2625 (XXV) (n 3) annex.
[275] Conference on Yugoslavia Arbitration Commission Opinion No 10 (n 1) 208.
[276] Fabry (n 90) 177-215; Coggins (n 98) 41-78.
[277] Brownlie (n 60) 86-89; Visoka (n 3) 133-151.
[278] Dugard (n 18) 130-162; International Law Commission (n 31) art 41(2).
[279] Charter of the United Nations art 2(2); B Cheng *General principles of law as applied by international courts and tribunals* (1953) 121-136; *Nuclear Tests (Australia v France)* (n 19) paras 46 & 49.
[280] Lauterpacht (n 2) 6-31; A Kiss 'Abuse of rights' in R Wolfrum (ed) *Max Planck encyclopedia of public international law* (2006).

This framework sits at the centre of assessing Uganda's relations with Israel and Palestine. Uganda's shifting posture may well reflect significant political and foreign-policy considerations. This study nonetheless separates the legal consequences of Uganda's conduct from the political factors that explain it. The analysis that follows accordingly considers whether Uganda's conduct is consistent with international law. It also considers how far political considerations explain changes in its recognition practice.

2.5.1 African state practice and recognition

Uganda's recognition practice needs to be read against the broader African legal and diplomatic context. African States have historically placed weight on self-determination, sovereign equality, territorial integrity, and respect for inherited colonial boundaries.[281][282] These principles found their way into the OAU Charter,[283] the 1964 Cairo Resolution on borders[284] and subsequently the Constitutive Act of the African Union.[285] African relations with Israel have likewise changed considerably over time. Israel enjoyed extensive relations with African States through the late 1950s and 1960s,[286] but the 1967 and 1973 conflicts triggered widespread severance of diplomatic relations, particularly after the OAU responded to Israel's occupation of Egyptian territory.[287] These relations were gradually restored from the late 1980s onward.[288] Palestine has, meanwhile, kept observer status within the African institutional framework. Israel's accreditation as an AU observer in 2021, by contrast, sparked disagreement among member States.[289]

Uganda's practice sits within these broader African trends, therefore, but remains distinct from them. Regional positions supply important context, but they do not necessarily settle Uganda's own legal position.[290] The assessment of Uganda's recognition practice accordingly gives greater evidentiary weight to its own official statements, diplomatic conduct and voting behaviour. OAU and AU practice is treated mainly as contextual evidence.

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[281] Charter of the Organisation of African Unity (1963) 479 UNTS 39 arts II & III.
[282] Organisation of African Unity Resolution on Border Disputes among African States AHG/Res 16(I) (21 July 1964); Constitutive Act of the African Union (2000) 2158 UNTS 3 art 4(b).
[283] Charter of the Organisation of African Unity (n 281) arts II(1) & III(1)-(3).
[284] AHG/Res 16(I) (n 282).
[285] Constitutive Act of the African Union (n 282) art 4(b) & (g).
[286] Peters (n 245) 1-40; Oded (n 245) 1-58.
[287] Organisation of African Unity Assembly of Heads of State and Government, declaration on the situation in the Middle East (1973); Peters (n 245) 41-70.
[288] Peters (n 245) 111-140; H Yacobi *Israel and Africa: a genealogy of moral geography* (2015) 1-40.
[289] African Union Commission, accreditation of the State of Israel as observer to the African Union (2021), a decision contested by several member States.
[290] Charter of the Organisation of African Unity (n 281) art VIII; Crawford (n 1) 667-699.

2.5.2 Critical assessment of the contemporary law of recognition

The contemporary law of recognition still bears the marks of an ongoing tension between objective legal criteria and political practice.[291] The Montevideo criteria, independence, legality and the declaratory theory all support the view that statehood should not turn entirely on recognition by other States.[292] In practice, though, recognition still substantially shapes effective participation in international society, including diplomatic relations, institutional membership and international cooperation.[293] Declaratory theory thus explains legal statehood, while constitutive approaches remain relevant to understanding effective participation on the international stage.[294]

Recognition, moreover, combines legal constraint with political discretion. International law forbids recognition of certain unlawful situations, but beyond these, States keep considerable latitude in setting their recognition policies.[295] International organisations do not determine bilateral recognition. UN membership, observer status and decisions of UN organs, however, substantially shape an entity's international status and participation.[296]

A further tension springs from the interplay of law and politics. States may invoke principles such as self-determination, territorial integrity and legality, yet still reach different recognition decisions. This shows that legal principles operate alongside, not instead of, political considerations.[297] These tensions make recognition especially well suited to critical analysis. They also supply the framework for examining how Uganda has navigated the relationship between law, recognition and political discretion throughout its independent foreign policy.[298]

2.6 Conclusion

This chapter has set out the framework governing recognition under international law. Statehood and recognition are related, but they are not the same thing. Statehood concerns international legal status, while recognition concerns other States' acknowledgement of it. The Montevideo criteria remain the conventional starting point for determining statehood, though contemporary

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[291] Talmon (n 2) 101-135.
[292] Montevideo Convention (n 1) arts 1 & 3; Conference on Yugoslavia Arbitration Commission Opinion No 1 (n 102) para 1(a); Crawford (n 1) 45-52.
[293] Vidmar (n 28) 361-387; Caspersen (n 97) 1-25.
[294] Talmon (n 2) 101-135; Vidmar (n 84) 41-70.
[295] Conference on Yugoslavia Arbitration Commission Opinion No 10 (n 1) para 4; International Law Commission (n 31) art 41(2).
[296] Charter of the United Nations art 4; Dugard (n 18) 51-80; UNGA Res 67/19 (n 53).
[297] M Koskenniemi *The gentle civilizer of nations: the rise and fall of international law 1870-1960* (2001) 98-178; Anghie (n 94) 32-114.
[298] Chimni (n 123) 3-27; Visoka, Doyle & Newman (n 118) 1-20.

international law also weighs independence, effectiveness, self-determination, territorial integrity and legality. Importantly, the prohibition of force and the obligation of non-recognition together show that effective control by itself cannot confer lawful status.

The chapter has also shown that the declaratory and constitutive theories each explain a different dimension of recognition. The declaratory theory better accounts for statehood's existence independently of recognition, while the constitutive theory brings out the practical significance of international acceptance. Critical approaches, in addition, expose the influence of politics, diplomacy and international institutions on recognition practice. Recognition is distinct from the recognition of governments, from diplomatic relations, and from multilateral participation. Severing or restoring diplomatic relations does not, accordingly, necessarily amount to withdrawing or renewing recognition. Participation within international institutions, likewise, may evidence acceptance without amounting to bilateral recognition.

In the end, recognition operates at the meeting point of international law and political discretion. International law sets the applicable criteria and legal limits, while States retain considerable foreign-policy discretion within them. This framework supplies the basis for Chapter Three's examination of Uganda's recognition-related practice towards Israel and Palestine. That examination runs from independence through the Amin period, the subsequent restoration of relations with Israel, Uganda's recognition of Palestine, and contemporary developments to 2026.

CHAPTER THREE

ASSESSING UGANDA's POSTURE TOWARDS ISRAEL AND PALESTINE, 1948-2026

3.1 Introduction
3.2 Historical and International Context, 1948–1995
3.3 Contemporary Posture towards Israel and Palestine, 1995–2026
3.4 Critical and Legal Assessment of Uganda's Posture
3.5 Conclusion

3.1. Introduction

This chapter traces how Uganda's posture towards Israel and Palestine evolved between 1948 and 2026, applying the international legal framework on recognition set out in Chapter Two. It examines Uganda's diplomatic relations, official statements, bilateral engagements and conduct within international organisations to establish how far they amount to legally significant acts of recognition, as opposed to political support, diplomatic relations, or broader foreign-policy alignment.

The study begins in 1948. Uganda, however, did not attain independence until 9 October 1962, and therefore lacked autonomous international legal capacity to recognise states before that date. The period 1948–1962 is accordingly treated as historical and international context, while Uganda's sovereign recognition practice is examined from independence in 1962.[1]

The chapter unfolds in three substantive parts. Section 3.2 covers the historical and international context from 1948 to 1995; Section 3.3 covers Uganda's contemporary posture from 1995 to 2026; Section 3.4 offers a critical and legal assessment of this practice against the international law of recognition; and Section 3.5 concludes the chapter. In so doing, the chapter fulfils the study's second and third specific objectives, namely analysing how Uganda's posture evolved between 1948 and 2026 and assessing the extent to which that posture is consistent with the applicable principles of recognition; it also supplies the State practice against which the fourth objective -

[1] Uganda Independence Act 1962 (UK) 10 & 11 Eliz 2 c 57; Uganda (Independence) Order in Council 1962, SI 1962 No 2175; UNGA Res 1758 (XVII) 'Admission of Uganda to membership in the United Nations' (25 October 1962).

concerning the adequacy of existing theories of recognition - is evaluated in sections 3.4.6.7 to 3.4.6.9.

3.2 Historical and International Context, 1948–1995

This section sets out the historical and international context that shaped Uganda's recognition-related posture towards Israel and Palestine between 1948 and 1995. It opens with the establishment of Israel and the development of the Palestinian question before Uganda became independent, and then traces Uganda's own sovereign practice from 1962 onward, through its early relations with Israel, the rupture under Idi Amin, the transitional and early NRM periods, Uganda's 1988 recognition of the State of Palestine, and the 1994 restoration of diplomatic relations with Israel. This period supplies the historical foundation for separating Uganda's legal position on statehood from the shifting character of its diplomatic and political relations, and shows how decolonisation, African solidarity, Middle Eastern geopolitics and national strategic interests each influenced Uganda's recognition practice.

3.2.1 The establishment of Israel and the Palestinian question, 1948–1962

Israel's emergence as a modern State is rooted in the end of the British Mandate for Palestine and the rival claims to self-determination asserted within that territory.[2] Once Britain signalled its intention to relinquish the Mandate, responsibility for the Palestine question passed to the United Nations.[3] On 29 November 1947, the General Assembly adopted Resolution 181 (II). It recommended that Palestine be divided into separate Arab and Jewish States, with Jerusalem placed under a distinct international regime (corpus separatum).[4] The resolution contemplated a phased end to the Mandate and the gradual creation of the two proposed States. It offered a framework through which the rival national claims in Palestine might be addressed.[5]

In practice, however, the partition scheme did not materialise as Resolution 181 had anticipated.[6]The Jewish Agency accepted the plan, whereas the Arab Higher Committee and

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[2] League of Nations, *Mandate for Palestine* (24 July 1922); J Crawford *The creation of states in international law* 2 ed (2006) 421-434; V Kattan *From coexistence to conquest: international law and the origins of the Arab-Israeli conflict, 1891-1949* (2009) 115-145.

[3] UNGA Res 106 (S-1) *Special Committee on Palestine* UN Doc A/RES/106(S-1) (15 May 1947); United Nations Special Committee on Palestine, *Report to the General Assembly* UN Doc A/364 (3 September 1947).

[4] UNGA Res 181 (II) *Future Government of Palestine* UN Doc A/RES/181(II) (29 November 1947) paras 3, 4 and Part III.

[5] UNGA Res 181 (II) (n 4) Part I; Crawford (n 2) 424-434; J Quigley *The statehood of Palestine: international law in the Middle East conflict* (2010) 75-96.

[6] Declaration of the Establishment of the State of Israel (14 May 1948).

neighbouring Arab States refused it. Hostilities then intensified as the British withdrawal approached. On 14 May 1948, shortly before the Mandate lapsed, Jewish leaders declared the establishment of the State of Israel.[7] The Arab-Israeli war that ensued fundamentally altered the territorial and political arrangements envisaged under the partition plan. Israel thus emerged as an effective State exercising governmental control over territory. The Arab State contemplated by Resolution 181, by contrast, did not come into being at that stage. Israel's standing on the international plane was subsequently reinforced through bilateral recognition extended by an increasing number of States and through its admission to the United Nations on 11 May 1949.[8]

These events bear on the law of recognition, since Resolution 181 did not, of itself, create or recognise Israel as a State. It did no more than propose a framework for establishing two States.[9] Israel's entitlement to statehood rested instead on its declaration of independence, the exercise of effective governmental authority, and its conduct of international relations,[10] which was subsequently followed by expanding international recognition and, eventually, UN membership.[11] The distinction is significant because it demonstrates that Israel's emergence as a state and its recognition by other states, though connected, constituted legally separate processes.[12]

3.2.1.1 The Palestinian question after 1948

Following the end of the Mandate, Palestine's trajectory diverged sharply from that of Israel. Resolution 181 (II) contemplated the creation of both an Arab and a Jewish state. The envisaged Arab State, however, did not come into existence in the wake of the 1948 Arab-Israeli conflict. Instead, the conflict brought about far-reaching territorial and demographic upheaval, uprooting a substantial Palestinian population from lands that were absorbed into Israel. The fate of these uprooted Palestinians thus became a defining thread of the emerging Palestinian question. On 11 December 1948, the General Assembly adopted Resolution 194 (III). It dealt with several dimensions of the conflict, among them the status of Jerusalem and the plight of Palestinian refugees. Paragraph 11 of the Resolution resolved that "the refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest

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[7] Crawford (n 2) 421-434; M Shaw *International law* 9 ed (2021) 177-181.
[8] UNGA Res 273 (III) *Admission of Israel to Membership in the United Nations* UN Doc A/RES/273(III) (11 May 1949).
[9] UNGA Res 181 (II) (n 4) Part I; Crawford (n 2) 424-434; Quigley (n 5) 75-96.
[10] *Declaration of the Establishment of the State of Israel (14 May 1948); Montevideo Convention on the Rights and Duties of States (1933) 165 LNTS 19 art 1; Crawford (n 2) 421-434.*
[11] UNGA Res 273 (III) Admission of Israel to Membership in the United Nations UN Doc A/RES/273(III) (11 May 1949); UNSC Res 69 UN Doc S/RES/69 (4 March 1949); Crawford (n 2) 432-434.
[12] Montevideo Convention (n 10) art 3; H Lauterpacht *Recognition in international law* (1947) 38-66; Crawford (n 2) 17-28; TD Grant *The recognition of states: law and practice in debate and evolution* (1999) 1-25.

practicable date", and that "compensation should be paid for the property of those choosing not to return and for loss of or damage to property".[13] The refugee issue thereby became a permanent fixture of the UN's engagement with Palestine, rather than a passing humanitarian by-product of the 1948 conflict.

The following year saw further institutionalisation of the Palestinian question.[14] On 8 December 1949, the General Assembly adopted Resolution 302 (IV). This resolution established the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). Its role was to administer relief and works programmes on their behalf. The creation of a dedicated UN agency signalled both the magnitude and the persistence of the displacement the conflict had produced. Over time, however, the Palestinian question came to encompass more than the refugee issue alone. Attention within the United Nations increasingly shifted toward the political status of the Palestinian people and their right to self-determination. This shift intensified from the late 1960s and through the 1970s. This is significant for the present study. The framing of the Palestinian question evolved from one centred on refugees and humanitarian relief to one concerned with political representation, self-determination and statehood. This trajectory provides essential historical grounding for understanding Uganda's subsequent support for Palestinian self-determination, its dealings with the Palestine Liberation Organization, and its ultimate recognition of the State of Palestine in 1988.[15]

3.2.1.2 Uganda's colonial position

Throughout the period from Israel's founding until 1962, Uganda remained under British protectorate status. Uganda consequently lacked the independent international legal capacity needed to adopt a sovereign recognition policy of its own. Recognition decisions taken during that era by the United Kingdom cannot be attributed to Uganda, given that Britain exercised colonial authority over the territory. Uganda's own practice as a state only commenced once it attained sovereignty on 9 October 1962.[16]

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[13] UNGA Res 194 (III) Palestine - Progress Report of the United Nations Mediator UN Doc A/RES/194(III) (11 December 1948) para 11.
[14] UNGA Res 302 (IV) Assistance to Palestine Refugees UN Doc A/RES/302(IV) (8 December 1949) paras 7-8.
[15] UNGA Res 2535 B (XXIV) *United Nations Relief and Works Agency for Palestine Refugees in the Near East* UN Doc A/RES/2535(XXIV) (10 December 1969); UNGA Res 2672 C (XXV) *United Nations Relief and Works Agency for Palestine Refugees in the Near East* UN Doc A/RES/2672(XXV) (8 December 1970).
[16] SR Karugire *A political history of Uganda* (1980) 1-25; TB Kabwegyere *The politics of state formation and destruction in Uganda* (1995) 1-40.

A further point about Uganda's colonial status deserves attention, since it underpins the post-colonial outlook that would later shape Ugandan positions on self-determination. [17]Uganda was governed as a protectorate rather than a colony in the strict sense. Its constitutional relationship with the United Kingdom was constructed through a series of agreements with indigenous polities, most notably the 1900 Buganda Agreement.[18] Regardless of the formal designation, the practical effect was external control over Uganda's foreign relations, and Uganda was accordingly regarded within the UN system as a territory whose people had not yet exercised their right of self-determination. Uganda's later position that Palestinian self-determination constitutes a legal entitlement rather than a mere political aspiration cannot be divorced from this experience.[19] Ugandan representatives have repeatedly framed the Palestinian question in decolonisation terms, a framing that has endured across otherwise very different Ugandan administrations.[20]

The pre-independence period is nonetheless relevant, as Israel had already begun cultivating ties with emerging African political leaders ahead of formal independence. Israel's outreach to Africa was part of a wider foreign-policy strategy directed at establishing diplomatic ties with newly independent African states. Academic literature on Israel-Uganda relations indicates that contacts predated formal Ugandan independence and that the relationship was subsequently formalised once independence took effect.[21] 1962 therefore stands as the pivotal turning point. Uganda joined the international community as a sovereign state able to determine its own diplomatic and recognition policy. Israel, by contrast, entered the relationship as an already recognised UN member.

3.2.2 Uganda's independence and first recognition-related posture towards Israel, 1962

Uganda's independence on 9 October 1962 inaugurated its autonomous conduct of international relations and its capacity to shape its own posture towards Israel and Palestine. During the early post-independence years, Uganda cultivated close ties with Israel, manifested through diplomatic engagement, security and military cooperation, and technical and development assistance.[22] These

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[17] Uganda Agreement 1900 (Buganda Agreement) concluded between the Kabaka of Buganda and Her Majesty's Commissioner, 10 March 1900.
[18] Crawford (n 2) 286-320.
[19] Charter of the United Nations arts 73 and 76; UNGA Res 1514 (XV) UN Doc A/RES/1514(XV) (14 December 1960) paras 1-2.
[20] M Ndulo *'Self-determination and Africa' in relevant African international law scholarship; A Anghie Imperialism, sovereignty and the making of international law* (2005) 196-244.
[21] Z Levey 'Israel in sub-Saharan Africa: the case of Uganda, 1962-72' in C Jones & T Petersen (eds) *Israel's clandestine diplomacy: from the centre to the periphery* (2013) 137-152.
[22] A Oded '*Israeli-Ugandan relations in the time of Idi Amin'* (2006) 18 *Jewish Political Studies Review* 65. H Lubega *'Birth, death and rebirth of Uganda-Israel relations' Daily Monitor* 5 July 2019 https://www.monitor.co.ug/uganda/special-reports/birth-death-and-rebirth-of-uganda-israel-relations-1835538 (accessed 7 September 2026).

ties were influenced not only by Uganda's foreign-policy priorities as a newly independent State,[23] but also by wider regional and strategic factors, including the security situation in southern Sudan and the Nile basin.[24]

Uganda's conduct in this period is directly relevant to the recognition question, given that no distinct formal instrument expressly recognising Israel emerged during this research. Recognition is evidenced instead by Uganda's establishment and maintenance of diplomatic relations and its extensive bilateral dealings with Israel as a sovereign State. The 1962-1971 period therefore forms an important basis for assessing Uganda's later posture: it reveals early acceptance of Israel's statehood while also showing how diplomatic, security and strategic interests shaped the practical expression of that recognition.[25]

3.2.2.1 Uganda's implied recognition of Israel through diplomatic relations, 1962

Independence was attained by Uganda on 9 October 1962.[26] That independence conferred on Uganda the status of a sovereign State possessing international legal personality. It also gave Uganda the capacity to establish diplomatic relations and conclude treaties.[27] It further allowed Uganda to devise and pursue its own independent policy on recognising other States and governments.[28]

Uganda's acquisition of international legal personality was swiftly confirmed through its admission to the United Nations under General Assembly Resolution 1758 (XVII) of 25 October 1962, a mere sixteen days after independence.[29] That membership had immediate practical implications for the questions examined in this study. It placed Uganda within the principal forum in which the Arab-Israeli conflict and the Palestinian question were contested. It also compelled Uganda to take voting positions on matters it might otherwise have avoided.[30] In May 1963, Uganda became a founding signatory to the Charter of the Organization of African Unity. It thereby entered a second institutional framework whose evolving positions on colonialism, alien domination and self-

[23] Oded (n 22) 65-66.
[24] Levey (n 21) 137-152.
[25] Karugire *A political history of Uganda* (n 16) 176-200; YK Museveni *Sowing the mustard seed: the struggle for freedom and democracy in Uganda* (1997) 1-40.
[26] Uganda Independence Act 1962, 10 & 11 Eliz II c 57 sec 1(1).
[27] Montevideo Convention (n 10) art 1(d); Vienna Convention on the Law of Treaties (1969) 1155 UNTS 331 art 6; Vienna Convention on Diplomatic Relations (1961) 500 UNTS 95 art 2.
[28] Montevideo Convention (n 10) arts 3, 6 and 7; Crawford (n 2) 17-28.
[29] UNGA Res 1758 (XVII) Admission of Uganda to membership in the United Nations UN Doc A/RES/1758(XVII) (25 October 1962).
[30] Charter of the United Nations arts 4, 10 and 18.

determination would materially shape Ugandan practice.[31] Uganda's recognition policy from 1962 onwards is therefore understood as functioning simultaneously at three levels: bilateral, continental and universal.[32] The analysis that follows accordingly treats Uganda's bilateral conduct separately from its institutional conduct, since the two do not always align.

Ties with Israel were forged immediately upon independence. Levey's detailed account of Israeli-Ugandan relations notes that Israel established relations with Uganda immediately upon Uganda's attainment of independence in October 1962. This bears on the recognition inquiry. As established in Chapter Two, the formation of formal diplomatic relations ordinarily furnishes strong evidence that the parties regard one another as States. Uganda's establishment of diplomatic relations with Israel therefore constitutes considerably stronger evidence of recognition than mere political contact or cooperation could supply.[33]

Article 2 of the Vienna Convention on Diplomatic Relations provides that "the establishment of diplomatic relations between States, and of permanent diplomatic missions, takes place by mutual consent", and it is well settled in the literature that a State consenting to establish diplomatic relations with an entity thereby treats that entity as a State.[34] This inference does not depend on diplomatic relations being constitutive of statehood; rather, it rests on the fact that such a relationship presupposes each party's capacity to send and receive diplomatic agents, a capacity international law reserves to States.[35] Uganda's conduct in 1962 is accordingly best understood as implied recognition of Israel, of a strength approaching an express declaration, notwithstanding the absence of any formal instrument of recognition in the available record.[36] This characterisation is significant because it establishes the baseline against which the events of 1972 are assessed. What Uganda subsequently severed was a relationship carrying recognitional significance, raising the legal question whether that severance necessarily withdrew the recognition it had evidenced.[37]

The relationship extended beyond symbolic diplomacy. Israel built extensive engagement with Uganda across development, agriculture, infrastructure and security. Israeli personnel and

[31] Charter of the Organization of African Unity (1963) 479 UNTS 39 arts II and III.
[32] TO Elias *Africa and the development of international law* (1972) 1-25.
[33] Levey (n 21) 137-140.
[34] Vienna Convention on Diplomatic Relations (1961) 500 UNTS 95 art 2.
[35] Lauterpacht (n 12) 369-378; Shaw (n 7) 400-405; I Brownlie *Principles of public international law* 7 ed (2008) 93-95.
[36] Crawford (n 2) 22-28; E Denza *Diplomatic law: commentary on the Vienna Convention on Diplomatic Relations* 4 ed (2016) 20-30.
[37] S Talmon *Recognition of governments in international law* (1998) 90-110.

institutions took part in technical projects, while Ugandan officials and trainees participated in Israel-linked programmes.[38]

The early relationship is also viewed against the backdrop of Israel's wider African strategy. Throughout the 1950s and 1960s, Israel cultivated ties with newly independent African states. It did so in an effort to overcome regional diplomatic isolation and forge partnerships beyond the Arab Middle East.[39] African states, for their part, sought technical expertise, development assistance and security cooperation.[40] Uganda's strategic calculations under the first Obote administration further reinforced the relationship.[41] Uganda's chief external security concern in the 1960s lay to the north, where the civil war in southern Sudan produced refugee flows across the border and periodic instability in the northern districts.[42] Israel had interest in backing non-Arab actors to constrain Egypt and Sudan; historians cite Israeli-Ugandan interests in the upper Nile basin as the principal driver.

Uganda's position at the Nile's headwaters lent it additional significance in Israeli regional planning.[4344] These factors account for the intensity of the relationship, but their legal significance lies elsewhere: they show that Uganda's recognition of Israel was embedded within a matrix of interests rather than founded on any assessment of Israel's compliance with international law.[4546]

3.2.3 Consolidation of Uganda-Israel security and military cooperation, 1962–1971

Security cooperation developed into one of the relationship's most prominent dimensions. Israel provided training and assistance to Uganda's armed forces. The relationship thus extended well beyond ordinary diplomatic representation. Levey identifies several strategic considerations behind Israel's engagement with Uganda, including regional security interests, concern over the Nile basin,

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[38] Oded (n 22); I Mufumba *'When Amin sent Israelis packing' Daily Monitor* 24 March 2024. Available at <https://www.monitor.co.ug/uganda/magazines/people-power/when-amin-sent-israelis-packing-4566896> (accessed 7 September 2026).
[39] A Oded *Africa and Israel: a unique case in Israeli foreign relations* (2018) 1-24; Z Levey *Israel in Africa, 1956-1976* (2012) 1-25; Levey (n 21) 137-152.
[40] A Oded *Africa and Israel: a unique case in Israeli foreign relations* (2018) 25-55; J Peters *Israel and Africa: the problematic friendship* (1992) 14-40; Z Levey *Israel in Africa, 1956-1976* (2012) 26-52.
[41] Levey (n 21) 137-148; Oded (n 22) 65-67.
[42] P Mutibwa *Uganda since independence: a story of unfulfilled hopes* (1992) 61-82; Levey (n 21) 140-148.
[43] Levey (n 21) 140-148; A Oded *Africa and the Middle East conflict* (1987) 45-70.
[44] Levey (n 21) 137-145.
[45] Peters (n 40) 14-40.
[46] Levey (n 21) 140-148.

Uganda's relationship with southern Sudan, and the cultivation of a security link with the Ugandan state.[47]

These interests show how recognition and national interest intersect. Uganda's treatment of Israel was given legal expression through diplomatic relations, although the intensity of the bilateral relationship owed much to political and strategic considerations. This accounts for why Uganda and Israel were able to engage each other as sovereign States. It does not, by itself, account for the depth of their military relationship. Foreign-policy interests, in other words, operated within the legal relationship that mutual recognition had established. This is unremarkable. Express instruments of recognition are the exception rather than the rule in practice, and most decolonisation-era recognitions were achieved through conduct rather than declaration. [48]

The absence of a formal instrument nevertheless matters for legal analysis: it means the content and scope of Uganda's recognition of Israel is inferred from conduct alone, and that the later severance of relations cannot be measured against the terms of any original declaration, because none exists.[4950] Where the evidentiary record is conduct-based, the interpretive question becomes what that conduct, viewed as a whole, reasonably conveys to other states.[5152]

3.2.3.1 Technical and development cooperation with Israel

The relationship also had a substantial technical-cooperation dimension. Israel's engagement spanned agriculture, education, infrastructure, construction and water-related development. Contemporary accounts document Israeli experts working in Uganda and Ugandans undergoing training in Israel. This development cooperation strengthened the practical expression of diplomatic recognition. Uganda was doing more than merely acknowledging Israel's legal existence; it was treating Israel as an active bilateral partner. This extensive cooperation should not, however, be treated as a distinct legal category of recognition. The pertinent recognition had already been manifested by the diplomatic relationship itself. Development cooperation instead provides evidence of the quality and intensity of the bilateral relationship.[53]

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[47] Levey (n 21) 140-148.
[48] SR Karugire *The roots of instability in Uganda* (1988) 1-30.
[49] M Fabry *Recognizing states: international society and the establishment of new states since 1776* (2010) 147-180.
[50] Grant (n 12) 1-25.
[51] International Law Commission *'Guiding Principles applicable to unilateral declarations of States capable of creating legal obligations'* UN Doc A/61/10 (2006) principles 1, 3 and 7; *Nuclear Tests (Australia v France)* Judgment [1974] ICJ Reports 253 paras 43-46.
[52] Crawford (n 2) 22-28.
[53] Oded (n 22); Lubega (n 22).

3.2.4 Uganda's emerging support for Palestinian self-determination, 1967–1971

Uganda's early, close relationship with Israel did not evolve in isolation from the Palestinian question. Uganda joined the United Nations in 1962 and, in 1963, became a founding member of the Organization of African Unity. It thereby entered multilateral institutions within which colonialism, racial domination and self-determination were assuming growing prominence. During the 1960s, however, the international institutional standing of Palestinian representation remained in formation. The PLO, founded in 1964, would subsequently emerge as the principal internationally recognised representative of the Palestinian people. The June 1967 Six-Day War fundamentally transformed the legal and political landscape, bringing the West Bank, East Jerusalem and Gaza under Israeli occupation.[54]

Uganda's institutional conduct in this period is more instructive than its bilateral conduct, revealing an early divergence between the two. [55]In the wake of the June 1967 hostilities, the General Assembly addressed Israel's measures in Jerusalem through Resolutions 2253 (ES-V) and 2254 (ES-V), which declared those measures invalid and called for their rescission.[56] In the ensuing three years, the Assembly gradually reframed the Palestinian question, shifting it from a refugee problem to one of self-determination notably in Resolution 2535 B (XXIV), which for the first time referred to "the inalienable rights of the people of Palestine"; in Resolution 2649 (XXV), which affirmed "the legitimacy of the struggle of peoples under colonial and alien domination" and expressly named the people of Palestine; and in Resolution 2672 C (XXV), which recognised that "the people of Palestine are entitled to equal rights and self-determination".[57] Uganda took part in adopting this body of resolutions as part of the African and non-aligned majority, while maintaining intensive bilateral relations with Israel.[58] This pairing of bilateral engagement with Israel and multilateral support for Palestinian rights predates the 1972 rupture by several years, not a post-1994 innovation.[59]

Security Council Resolution 242, adopted on 22 November 1967, subsequently became a significant component of the international framework governing the conflict.[60] Resolution 242

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[54] Karugire *A political history of Uganda* (n 16) 186-196.
[55] UNGA Res 2253 (ES-V) UN Doc A/RES/2253(ES-V) (4 July 1967); UNGA Res 2254 (ES-V) UN Doc A/RES/2254(ES-V) (14 July 1967).
[56] UNGA Res 2535 B (XXIV) UN Doc A/RES/2535(XXIV) (10 December 1969).
[57] UNGA Res 2649 (XXV) The importance of the universal realization of the right of peoples to self-determination UN Doc A/RES/2649(XXV) (30 November 1970) paras 1-2.
[58] UNGA Res 2672 C (XXV) UN Doc A/RES/2672(XXV) (8 December 1970).
[59] UNGA Official Records, voting records for the resolutions cited above; and see section 3.3.2 below on the evidentiary use of Uganda's voting record.
[60] UNSC Res 242 UN Doc S/RES/242 (22 November 1967) preamble.

merits particular attention, having become - and remained - the primary legal reference point in Uganda's official statements on the conflict. The resolution's preamble emphasises "the inadmissibility of the acquisition of territory by war", and its operative paragraph 1 links "withdrawal of Israel armed forces from territories occupied in the recent conflict" to "respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area".[61] The resolution is accordingly significant in two respects for the present analysis: it affirms Israel's entitlement, as a state, to "live in peace within secure and recognized boundaries", while simultaneously denying the legality of territorial acquisition by force.[62] Resolution 338 of 22 October 1973 called for the full implementation of Resolution 242. Uganda's later practice combining recognition of Israel with insistence on withdrawal to the 1967 lines closely mirrors this dual structure. Ugandan representatives have consistently invoked Resolutions 242 and 338, rather than any denial of Israeli statehood, as the legal foundation for their position.[63]

Uganda's early posture is therefore understood against two parallel developments. These are robust bilateral relations with Israel and the increasing internationalisation of the Palestinian and Arab-Israeli questions.[64]

3.2.5 The Amin Period: Rupture with Israel and Alignment with the Palestinian Cause, 1971–1979

Idi Amin's rise to power in January 1971 constituted a decisive turning point in Uganda's relations with Israel and its broader posture towards the Middle East. Amin's early government preserved elements of the existing Uganda-Israel relationship, but ties deteriorated quickly, culminating in the 1972 severance of diplomatic relations. Uganda then moved closer to Arab States, particularly Libya, while stepping up its support for Palestinian political claims and the Palestine Liberation Organization. This period therefore marks a major reorientation of Uganda's diplomatic and political posture, while posing the distinct legal question of whether the rupture with Israel also amounted to a withdrawal of recognition of Israeli statehood.[65]

[61] UNSC Res 242 para 1.
[62] Crawford (n 2) 438-448; Shaw (n 7) 380-390.
[63] UNSC Res 338 UN Doc S/RES/338 (22 October 1973) para 1.
[64] Lubega (n 22).
[65] O Otunnu *Crisis of legitimacy and political violence in Uganda, 1890 to 1979* (2016) 1-40.

3.2.5.1 Initial continuity in Uganda-Israel relations, 1971–1972

Idi Amin seized power in January 1971. His assumption of office did not immediately trigger a rupture with Israel. Israel had, after all, previously forged substantial links with Uganda's military establishment, and Amin himself had dealt directly with Israeli military personnel. The relationship nevertheless deteriorated quickly as Amin's strategic calculations and international alliances shifted. His government increasingly cultivated ties with Libya and other Arab States, even as relations with Israel grew strained. This shift demonstrates that recognition-related conduct can be profoundly affected by changes in government and foreign policy, even where the other party's underlying statehood remains unaffected.[66]

A change of government within a State, however irregular or violent, does not affect the identity or continuity of the state itself. Nor does it, on its own, alter the recognitional relationships the State had previously established.[67] The Tinoco Claims Arbitration remains the classic authority for the principle that a state's international obligations endure through changes in its government,[68] a principle echoed in Article 10 of the Articles on Responsibility of States for Internationally Wrongful Acts, which attributes to the state the conduct of an insurrectional movement that succeeds in becoming its new government.[69] It follows that neither Amin's 1971 seizure of power nor the reconstitution of the Ugandan government in 1979 and 1986 affected Uganda's own statehood, and that any shift in Uganda's stance towards Israel or Palestine is traced to Uganda's own deliberate acts rather than simply inferred from the change of regime.[70]

3.2.5.2 Severance of diplomatic relations with Israel, 30 March 1972

By early 1972, relations between Uganda and Israel had markedly deteriorated. Amin sought military and financial assistance that Israel proved unwilling to provide. At the same time, his ties with Libya's Muammar Gaddafi strengthened. In March 1972, Amin directed Israel's military advisers to leave Uganda. On 30 March 1972, Uganda severed diplomatic relations with Israel and

[66] Crawford (n 2) 667-699; Talmon (n 37) 21-40.
[67] *Tinoco Claims Arbitration (Great Britain v Costa Rica) (1923) 1 Reports of International Arbitral Awards 369 375-384.*
[68] *Tinoco Claims Arbitration (n 67) 381-382.*
[69] International Law Commission 'Articles on responsibility of States for internationally wrongful acts' UN Doc A/56/10 (2001) art 10 and commentary.
[70] Shaw (n 7) 405-410.

ordered the closure of the Israeli embassy. Contemporary and historical accounts document that the remaining Israeli personnel departed Uganda shortly thereafter. [71]

How that act should be characterised is the chapter's central evidentiary difficulty, and three features of the record merit attention.[7273] First, the measure was directed at Israel's diplomatic and military presence in Uganda. Thereafter, its advisers were instructed to leave, its mission was shut down, and diplomatic ties were severed.[7475] Second, nothing in the available record indicates that Uganda declared Israel to have ceased existing as a state. Throughout, the record is couched in terms of relations rather than status.[76] Third, the Vienna Convention on Diplomatic Relations treats severance as an ordinary feature of interstate dealings, one that still obliges the receiving state to safeguard the departing mission's premises and archives, an obligation that is meaningful only if the sending entity remains a state protected by the Convention. [7778]Severance, in other words, is a recognised category within the law of diplomatic relations, not a legal termination of statehood.[79]

This episode is highly significant. It directly raises the doctrinal question posed in Chapter Two: whether severing diplomatic relations amounts to withdrawing recognition. What the evidence firmly establishes is only that Uganda terminated diplomatic relations with Israel; whether Uganda additionally intended to deny Israel's statehood is a separate legal question, answerable only by examining what Uganda subsequently said and did. [80]

The governing doctrinal framework can be outlined here.[8182] The prevailing scholarly view holds that severing diplomatic relations does not, of itself, withdraw recognition, since the two acts operate on different legal planes. Recognition concerns status, whereas diplomatic relations

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[71] Levey (n 21) 149-152; Oded (n 22). Mutibwa (n 42) 74; M Mamdani *Slow poison: Idi Amin, Yoweri Museveni, and the making of the Ugandan state* (2025) 41-55; I Mufumba *'When Amin sent Israelis packing' Daily Monitor* 24 March 2024 https://www.monitor.co.ug/uganda/magazines/people-power/when-amin-sent-israelis-packing-4566896 (accessed 7 September 2026).
[72] Vienna Convention on Diplomatic Relations (1961) 500 UNTS 95 art 45.
[73] Levey (n 21) 149-152; Oded (n 22).
[74] UNGA Res 181 (II) (n 4); UNGA Official Records, Second Session, 128th plenary meeting (29 November 1947).
[75] Denza (n 36) 420-430; Talmon (n 37) 110-130.
[76] Charter of the United Nations arts 10 and 14; Certain expenses of the United Nations Advisory Opinion [1962] ICJ Reports 151 163-165.
[77] Quigley (n 5) 97-115; Kattan (n 2) 145-190.
[78] Crawford (n 2) 421-434.
[79] Shaw (n 7) 210-215; Crawford (n 2) 421-434.
[80] Lubega (n 22).
[81] Lauterpacht (n 12) 375-378.
[82] Vienna Convention on Diplomatic Relations (1961) 500 UNTS 95 arts 2 and 45; Shaw (n 7) 400-405.

concern the machinery of contact between States.[8384] Lauterpacht treated this distinction as fundamental, and later commentators have maintained it.[8586] State practice bears this out decisively.[8788] Many states severed relations with Israel in 1967 and 1973 without ever suggesting that Israel had ceased to exist as a state. By contrast, Arab League States refusing to recognise Israel outright said so explicitly, demonstrating that States intending to deny statehood make that intention clear.[8990] Uganda made no comparable statement. This silence carries evidentiary weight, particularly given that the burden of proving a withdrawal of recognition rests on whoever alleges it.[91]

3.2.5.3 Uganda's alignment with Arab States and the Palestinian cause

Uganda's break with Israel coincided with deepening ties to Libya and a broader shift toward Arab and Palestinian positions. Amin's government tilted increasingly toward Palestinian political demands and away from Israeli policy. What occurred, then, was not simply a falling out between Uganda and Israel; it formed one part of a wider reshaping of Uganda's foreign policy.[92]

Uganda's shift must also be understood against the continental backdrop, since it preceded, rather than followed, Africa's broader realignment.[93] African States broke with Israel *en masse* only after the October 1973 war. Most of sub-Saharan Africa severed ties collectively at that point, driven by the Organization of African Unity and by Arab diplomatic and financial pressure. Uganda's March 1972 rupture thus preceded that wave by roughly eighteen months and stemmed from bilateral and personal considerations rather than continental solidarity.[94] This timing carries analytical significance.[95] A state that severs relations as part of a collective movement is more readily read as

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[83] Peters (n 40) 41-70; Z Levey *'Israel's exit from Africa, 1973: The road to diplomatic isolation'* (2008) 35 *British Journal of Middle Eastern Studies* 205-226.
[84] Brownlie (n 35) 93-95; Talmon (n 37) 110-130; Crawford (n 2) 22-28.
[85] Talmon (n 37) 110-130.
[86] Crawford (n 2) 434-435.
[87] Shaw (n 7) 396-400; Brownlie (n 35) 89-92.
[88] Crawford (n 2) 432-434.
[89] General Armistice Agreements between Israel and Egypt (24 February 1949) 42 UNTS 251; Israel and Lebanon (23 March 1949) 42 UNTS 287; Israel and Jordan (3 April 1949) 42 UNTS 303; Israel and Syria (20 July 1949) 42 UNTS 327.
[90] Crawford (n 2) 434-435; Grant (n 12) 1-25.
[91] Crawford (n 2) 434-435.
[92] Otunnu (n 65) 233-268; *'Why Africa often sided with Palestine in conflict with Israel'* Daily Monitor (Kampala, 15 October 2023). Available at https://www.monitor.co.ug/uganda/magazines/people-power/why-africa-often-sided-with-palestine-in-conflict-with-israel-4401854 (accessed on 10th September 2026)
[93] Levey *'Israel's exit from Africa'* (n 83) 205-226; Peters (n 40) 41-70.
[94] Oded (n 22); Levey (n 21) 149-152; Mutibwa (n 42) 74; *Daily Monitor 'Amin, the reliable helmsman, falls out with the Israelis'* 2012 https://www.monitor.co.ug/uganda/special-reports/uganda-50/amin-the-reliable-helmsman-falls-out-with-the-israelis-1525560 (accessed 7 September 2026).
[95] Oded (n 22).

making a political alignment. One that acts alone and ahead of its peers, however, invites closer scrutiny as to whether it meant something more, legally. Even so, the evidence indicates Uganda's unilateral move remained couched in the language of relations, not status.[96]

Nonetheless, the line between political alignment and legal recognition is significant. Backing the Palestinian cause did not, on its own, determine the precise legal status Uganda accorded Palestine at any given moment during the 1970s. The record therefore maintains Uganda's support for the PLO and for Palestinian self-determination and later, its formal recognition of the State of Palestine.[97]

3.2.5.4 Uganda's engagement with the Palestine Liberation Organization

During the 1970s, the PLO's international standing grew considerably.[9899] In 1974, General Assembly Resolution 3236 (XXIX) reaffirmed the Palestinian people's inalienable rights, including self-determination and national independence and sovereignty; Resolution 3237 (XXIX), adopted that same year, then granted the PLO observer status at the United Nations.[100101]

These 1974 resolutions marked a qualitative shift in the international status of Palestinian representation and merit closer examination.[102] Resolution 3210 (XXIX) invited the PLO to participate, as representative of the Palestinian people, in the Assembly's deliberations on the question of Palestine, and its Chairman duly addressed the plenary session on 13 November 1974.[103] Resolution 3236 (XXIX) went further still, reaffirming the Palestinian people's inalienable rights of "self-determination free of external interference and national independence and sovereignty" and identifying them as a principal party to any just and lasting Middle East peace.[104] Resolution 3237 (XXIX) then conferred observer status. Together, these instruments framed Palestinian claims in the language of entitlement rather than mere aspiration. They laid the institutional groundwork for the 1988 Declaration of Independence and the further upgrade in

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96 International Law Commission *'Guiding Principles applicable to unilateral declarations of States capable of creating legal obligations'* UN Doc A/61/10 (2006) principles 3 and 7.
97 'Why Africa often sided with Palestine in conflict with Israel' (n 92).
98 UNGA Res 3237 (XXIX) *Observer status for the Palestine Liberation Organization* UN Doc A/RES/3237(XXIX) (22 November 1974).
99 UNGA Res 3236 (XXIX) *Question of Palestine* UN Doc A/RES/3236(XXIX) (22 November 1974).
100 Charter of the United Nations art 4.
101 UNGA Res 273 (III) (n 11).
102 UNGA Res 3210 (XXIX) Invitation to the Palestine Liberation Organization UN Doc A/RES/3210(XXIX) (14 October 1974); UNGA Official Records, Twenty-ninth Session, 2282nd plenary meeting (13 November 1974).
103 UNGA Res 3236 (XXIX) Question of Palestine UN Doc A/RES/3236(XXIX) (22 November 1974) paras 1-3.
104 UNGA Res 3237 (XXIX) Observer status for the Palestine Liberation Organization UN Doc A/RES/3237(XXIX) (22 November 1974).

status achieved in 2012.[105] International humanitarian law developed in parallel: Article 1(4) of 1977 Additional Protocol I extended coverage to conflicts where peoples fight foreign occupation exercising self-determination.[106]

It was against this international backdrop that Uganda's ties with Palestinian representatives developed. Amin's government openly aligned itself with Palestinian political demands and came to regard the PLO as a significant actor in Middle East affairs. That engagement should not, however, be read in hindsight as automatic recognition of a Palestinian state. What was legally at stake then was recognition of Palestinian representation and political rights, not statehood, since the Declaration of Independence came in 1988.[107]

This distinction between recognising a liberation movement and a state must be kept in view, though literature on African support for Palestine blurs it.[108] Recognising a movement as a people's legitimate representative only acknowledges its representative role; it says nothing about whether that people has yet constituted itself as a State.[109] Contemporary African practice offers close parallels.[110] Through the Organization of African Unity, African states recognised liberation movements in the Portuguese territories, Southern Rhodesia, South West Africa and South Africa as legitimate representatives well before statehood was even at issue, and the Organization's Liberation Committee was established expressly for that purpose.[111] Uganda's dealings with the PLO in the 1970s fit squarely within this pattern.[112] Uganda's recognition of the State of Palestine cannot, therefore, be traced back to the Amin years; the 1988 Declaration marks a genuine legal turning point, not the mere formalisation of a position already held.[113]

3.2.5.5 The 1976 Entebbe hijacking and Israeli rescue operation

The Uganda-Israel relationship reached its most dramatic low point in June and July 1976. On 27 June 1976, Air France Flight 139, travelling from Tel Aviv to Paris via Athens, was hijacked. This was done by operatives linked to the Popular Front for the Liberation of Palestine, External

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105 Quigley (n 5) 161-190.
106 Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) (1977) 1125 UNTS 3 art 1(4).
107 Otunnu (n 65) 233-268.
108 H Wilson *International law and the use of force by national liberation movements* (1988) 91-130; Crawford (n 2) 383-390.
109 Charter of the Organization of African Unity (1963) 479 UNTS 39 art II(1)(d); OAU Coordinating Committee for the Liberation of Africa, established 1963.
110 Compare UNGA Res 3237 (XXIX) UN Doc A/RES/3237(XXIX) (22 November 1974), conferring status on the Organization rather than on a State.
111 Quigley (n 5) 161-190.
112 Lauterpacht (n 12) 369-408; Grant (n 12) 1-25.
113 Crawford (n 2) 22-28.

Operations and the German Revolutionary Cells. The aircraft was then diverted to Entebbe Airport. The hostages were held in the old terminal until Israel carried out a military rescue on the night of 3-4 July 1976. The affair provoked considerable international controversy concerning Uganda's role in the hijacking, Israel's use of force on Ugandan soil, the protection of nationals abroad, and Uganda's territorial sovereignty.[114]

What makes the incident's legal treatment instructive is precisely what neither side contested.[115] The Security Council considered the matter in July 1976: Israel invoked the protection of nationals abroad and Uganda's alleged complicity in holding the hostages, while Uganda and its allies characterised the operation as an armed attack on a sovereign state's territorial integrity contrary to Article 2(4) of the Charter. The Council had two competing draft resolutions before it and adopted neither.[116] A considerable body of scholarship has since debated the lawfulness of forcible rescue operations of this kind, without reaching consensus.[117] For this study, however, the telling point lies elsewhere: Uganda's grievance was framed as a violation of its sovereignty and territorial integrity by another State, while Israel's justification rested on a right exercisable against a State that had failed to fulfil its protective duties. Each side's legal position, in other words, presupposed that the other was indeed a state.[118]

For this study, Entebbe's principal significance is thus diplomatic rather than a matter of the Israeli operation's legality as such. The episode exposed how deep the hostility had grown between the Amin government and Israel, given their once-close relationship. It is useful chiefly as a marker of the political climate in which Uganda-Israel relations had soured since 1972.[119]

That observation carries greater analytical weight than the episode's dramatic reputation might suggest.[120] Invoking Article 2(4) against Israel relies on a rule that shields states from the use of

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[114] Lubega (n 22).
[115] UNSC Official Records, 31st year, meetings of 9 to 14 July 1976 (consideration of the complaint by Uganda); Charter of the United Nations art 2(4).
[116] UNSC draft resolutions UN Docs S/12138 and S/12139 (1976), neither of which was adopted.
[117] N Ronzitti *Rescuing nationals abroad through military coercion and intervention on grounds of humanity* (1985) 39-45; LC Green 'Rescue at Entebbe: Legal aspects' (1976) 6 *Israel Yearbook on Human Rights* 312; Mutibwa (n 42); *Daily Monitor* 'Israeli invasion of Entebbe and Amin's consolidation of power' 4 October 2012 https://www.monitor.co.ug/uganda/special-reports/uganda-50/israeli-invasion-of-entebbe-and-amin-s-consolidation-of-power-1527076 (accessed 7 September 2026).
[118] UNSC Official Records, 31st year, meetings of 9 to 14 July 1976, statements of the representatives of Uganda and Israel; Z Sekito 'The Anglo-American newspapers' reportage of the 1976 Entebbe hostage-taking and Israel raid' (2020) Mawazo, Makerere University https://journals.mak.ac.ug/mawazo/article/view/297 (accessed 7 September 2026).
[119] Otunnu (n 65) 269-300.
[120] Charter of the United Nations art 2(4); Military and paramilitary activities in and against Nicaragua (Nicaragua v United States of America) Merits [1986] ICJ Reports 14 paras 187-190.

force by other states. That reliance would make no sense if the complainant regarded the respondent as legally non-existent. Correspondingly, Israel's reliance on a right to protect nationals on Ugandan territory asserted rights against Uganda specifically as a state, implicitly acknowledging Uganda's territorial sovereignty.[121] Entebbe therefore stands as the strongest available evidence that each side still treated the other as a state. This held even at the lowest point in Uganda-Israel relations, four years after diplomatic ties were severed. Hostility ran at its sharpest, and the parties nonetheless cast their claims in the language of interstate rights. It is difficult to escape the inference that recognition had endured.[122]

3.2.5.6 Uganda's posture by the end of the Amin period

By the time Amin's rule ended in 1979, Uganda's relationship with Israel bore little resemblance to what it had been at independence. Diplomatic relations had been severed, bilateral cooperation had ceased, and Uganda had adopted a firmly pro-Palestinian, pro-Arab orientation. The question this research answers, however, is a narrow one. It is whether that transformation constituted a change in diplomatic and political relations or a change in recognition itself. The historical record plainly confirms the former.[123]

The Amin period produced a wholesale rupture in diplomatic relations, bilateral cooperation and political alignment. It produced no discernible change at the level of legal status.[124] That pattern is precisely what the declaratory theory would predict, since on that view Israel's statehood rested on satisfying the criteria for statehood, not on Uganda's continued approval. Yet it is equally consistent with a critical account of recognition, given that the intensity of Uganda's engagement with Israel tracked the personal and strategic preferences of the head of state rather than any legal assessment. The period thus illustrates both how resilient status can be and how volatile relations can be, and it lays the historical groundwork for the argument, that Uganda's posture is best understood as keeping the question of statehood consistently separate from the question of political and diplomatic engagement.[125]

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[121] *Corfu Channel (United Kingdom v Albania) Merits* [1949] ICJ Reports 4 35.
[122] Lauterpacht (n 12) 369-408; Talmon (n 37) 110-130.
[123] Karugire *The roots of instability in Uganda* (n 48) 1-30.
[124] Montevideo Convention (n 10) art 3; Crawford (n 2) 22-28.
[125] M Fabry *Recognizing states: international society and the establishment of new states since 1776* (2010) 1-8; G Visoka, J Doyle & E Newman (eds) *Routledge handbook of state recognition* (2020) 1-20.

3.2.6 Transition from Palestinian Solidarity to Recognition of Palestine, 1979–1994

Between 1979 and 1994, Uganda gradually shifted away from the anti-Israel stance inherited from the Amin years toward a framework recognising both parties. Diplomatic relations with Israel remained suspended throughout the transitional governments and the NRM's early years, even as Uganda continued backing Palestinian representation and self-determination. The pivotal legal moment arrived in December 1988, when Uganda recognised the State of Palestine. Six years later, it restored relations with Israel without disturbing that recognition.[126]

3.2.6.1 The transitional period, 1979–1986

Amin's fall in 1979 ushered in years of political instability under a succession of governments until the National Resistance Movement assumed power in 1986. Uganda's foreign policy throughout this period is read against the severe domestic political and economic strain confronting each government. Relations with Israel were not swiftly restored, and the 1972 rupture therefore outlasted Amin himself. The persistence of that absence after Amin's departure is telling; it suggests the rupture was not merely a function of Amin's personal animus. Even so, a continuing absence of diplomatic relations does not, on its own, demonstrate that Uganda considered Israel to have ceased being a state.[127]

Nonetheless, the rupture persisted across five successive administrations between 1979 and 1986. This raises the question of whether recognition can lapse through prolonged disuse.[128] No such doctrine exists in international law. Once granted, recognition is generally treated as producing lasting effects unless expressly withdrawn. Most authority holds that even an express withdrawal is legally ineffective so long as the entity concerned still satisfies the criteria for statehood.[129] However long it persists, an absence of diplomatic relations is evidence only of that and nothing more.[130] A comparison bears this out: several states lacked diplomatic relations with Israel for considerably longer than Uganda's twenty-two years, and when relations were eventually

[126] P Mutibwa *The Buganda factor in Uganda politics* (2008) 1-30.
[127] Kabwegyere (n 16) 200-240; Otunnu (n 65) 301-330.
[128] Lauterpacht (n 12) 349-368; Talmon (n 37) 110-130.
[129] Crawford (n 2) 22-28; Shaw (n 7) 405-410.
[130] Vienna Convention on Diplomatic Relations (n 82) arts 2 and 45.

established or resumed, neither side treated it as a first act of recognition. The transitional period thus simply extends the rupture without altering what it legally amounts to.[131]

Throughout this period, Uganda also remained active within African and international bodies where Palestinian self-determination enjoyed strong support. African diplomacy at the time continued to be shaped heavily by anti-colonial sentiment and opposition to apartheid. It was also shaped by solidarity with peoples regarded as living under foreign domination. In 1988, Uganda formally informed the United Nations that it maintained no diplomatic, economic, commercial or consular ties with Israel. It also informed the United Nations that it supported a comprehensive settlement built around the PLO as the sole legitimate representative of the Palestinian people. Although that statement falls just after the transitional period proper, it evidences continuity in Uganda's position beyond 1986.[132]

This statement merits close attention, being the most authoritative direct expression of Uganda's position across the entire 1972-1994 period.[133] Three features of its wording stand out.[134] First, its language addresses relations and economics rather than status. Uganda simply reported having no diplomatic, economic, commercial or consular relations with Israel, a statement about intercourse, not statehood.[135] Second, it supported a comprehensive Middle East settlement through an international conference. That framework necessarily presumed Israel's participation as a state and hence as a party capable of concluding such a settlement. Third, its endorsement of the PLO as the sole and legitimate representative of the Palestinian people merely echoed the formula agreed at the Arab League's 1974 Rabat summit. This was later endorsed by the General Assembly as a statement about representative capacity, not statehood.[136] Read on its own terms, the 1988 communication does not deny Israel's statehood.[137]

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131 Treaty of Peace between the Arab Republic of Egypt and the State of Israel (26 March 1979) 1136 UNTS 100; Treaty of Peace between the State of Israel and the Hashemite Kingdom of Jordan (26 October 1994) 2042 UNTS 393.

132 UNGA *Report of the Secretary-General pursuant to General Assembly resolution 42/209* UN Doc A/43/691-S/20214 (1988), response of Uganda dated 15 June 1988.

133 UNGA Report of the Secretary-General pursuant to General Assembly resolution 42/209 UN Doc A/43/691-S/20214 (1988), response of Uganda dated 15 June 1988.

134 As above; and see Vienna Convention on Diplomatic Relations (n 82) art 2.

135 UN Doc A/43/691-S/20214, response of Uganda.

136 Seventh Arab League Summit, Rabat, 26-29 October 1974, resolution on Palestine; UNGA Res 3236 (XXIX) UN Doc A/RES/3236(XXIX) (22 November 1974).

137 Crawford (n 2) 434-435.

3.2.6.2 Uganda's posture at the beginning of the NRM government, 1986–1988

Yoweri Museveni's National Resistance Movement assumed power in January 1986. That change of government did not bring an immediate restoration of relations with Israel. Instead, Uganda initially maintained key elements of its existing foreign policy. This included the absence of formal ties with Israel and continued support for Palestinian self-determination. This is the position reflected in Uganda's 1988 communication to the United Nations: no diplomatic, economic, commercial or consular relations with Israel, coupled with support for a comprehensive Middle East settlement and recognition of the PLO as the sole legitimate representative of the Palestinian people. The statement stands as direct evidence of where Uganda stood in the early NRM years.[138]

The absence of diplomatic relations with Israel did not necessarily amount to a withdrawal of recognition, since Uganda never expressly denied Israel's statehood; equally, Uganda's support for the PLO and Palestinian self-determination should not automatically be equated with recognition of Palestinian statehood. The 1986-1988 period is thus best characterised as transitional. Relations with Israel remained suspended, while support for Palestinian representation and self-determination continued building toward recognition of the State of Palestine. That recognition followed the Palestinian Declaration of Independence in November 1988.

3.2.6.3 Recognition of the State of Palestine, 1988

Between 1988 and 1994, Uganda's recognition posture toward Israel and Palestine underwent a significant shift. During this window, Uganda's long-standing support for Palestinian self-determination matured into formal recognition of the State of Palestine, while its diplomatic relations with Israel severed since 1972 were eventually restored. What makes these developments significant is that they demonstrate Uganda engaging simultaneously with both states' claims to statehood: recognising Palestine did not require rejecting Israel's statehood, and restoring relations with Israel did not reverse its recognition of Palestine. This period thus lays the groundwork for understanding the dual-track posture Uganda would maintain thereafter. That posture combined relations with Israel alongside continued recognition and support for Palestinian statehood.

3.2.6.3.1 The Palestinian Declaration of Independence, 15 November 1988

1988 marked a major development. The Palestine National Council proclaimed the State of Palestine on 15 November 1988, and a month later, on 15 December 1988, General Assembly

[138] Museveni (n 25) 167-200.

Resolution 43/177 took note of that proclamation and resolved that 'Palestine' should replace 'Palestine Liberation Organization' within the UN system thereafter, without prejudice to the PLO's existing observer status.[139]

The legal effect of Resolution 43/177 has been debated, and its precise wording rewards close examination.[140] The Assembly merely took note of the proclamation of the State of Palestine; it did not admit Palestine as a member, recognise it as a state on the membership's behalf, or assert that the criteria for statehood had been satisfied.[141] It passed by 104 votes to two, with 36 abstentions, a spread that itself signals the absence of consensus on the underlying legal question.[142] The scholarly divide that followed is instructive. Boyle maintained that a State of Palestine had indeed come into being. Crawford argued the proclamation was premature given the absence of effective government over the claimed territory. This exchange was conducted in the pages of the European Journal of International Law. Uganda's recognition of Palestine falls within this contested terrain, and what matters is that Uganda, like most African and non-aligned states, came down in favour of statehood at a moment when the effectiveness criterion was plainly unmet.[143]

3.2.6.3.2 Uganda's recognition of the State of Palestine, 3 December 1988

Uganda extended formal recognition to the State of Palestine on 3 December 1988. This came less than three weeks after the Palestinian Declaration of Independence of 15 November 1988. An official UN document listing states that had recognised Palestine confirms this date. This matters because it marks the precise legal threshold at which Uganda's earlier support for Palestinian self-determination and the PLO crystallised into recognition of Palestinian statehood.[144]

This 1988 act of recognition is analytically distinct from Uganda's earlier political solidarity with the Palestinian people and its recognition of the PLO as their representative. Everything Uganda did diplomatically and multilaterally after 3 December 1988 is best understood as confirming and implementing a recognition already extended. It did not generate that recognition anew.

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[139] UNGA Res 43/177 *Question of Palestine* UN Doc A/RES/43/177 (15 December 1988).
[140] UNGA Res 43/177 Question of Palestine UN Doc A/RES/43/177 (15 December 1988) paras 1-3.
[141] UNGA Official Records, Forty-third Session, 82nd plenary meeting (15 December 1988), voting record.
[142] FA Boyle *'The creation of the State of Palestine'* (1990) 1 *European Journal of International Law* 301; J Crawford *'The creation of the State of Palestine: Too much too soon?'* (1990) 1 European Journal of International Law 307.
[143] Crawford (n 2) 434-448; Quigley (n 5) 161-190.
[144] Palestinian Declaration of Independence, Algiers, 15 November 1988; UNGA Res 43/177 Question of Palestine UN Doc A/RES/43/177 (15 December 1988).

That conduct, taken cumulatively, is both extensive and conclusive.[145] Uganda has hosted Palestinian diplomatic representation and referred to Palestine in official statements using the language of statehood. It has also voted consistently for Assembly resolutions premised on Palestinian statehood and supported observer-state status in 2012. It also aligned itself with the 2024 push for full UN membership. A state behaving this consistently for over three decades could scarcely deny recognising Palestine. It would, in any event, be precluded from doing so under the principles of acquiescence and estoppel as they apply to unilateral conduct.[146] Once recognition is expressed through a settled course of conduct, it generates reliance on the part of the recognised entity. The International Court has repeatedly held that a state can be bound by a consistent position on which another party has relied.[147]

3.2.6.3.3 Uganda's 1988 communication to the United Nations

Uganda's 1988 communication to the United Nations stated plainly that it maintained no diplomatic, economic, commercial or consular relations with Israel and that it had consistently advocated a comprehensive Middle East settlement and an international peace conference with the PLO participating on equal footing. Because it constitutes a direct statement of Uganda's own position, rather than an inference drawn from secondary sources, it carries particular evidentiary weight.[148]

It also carries greater evidentiary weight than an ordinary ministerial statement.[149] The communication was addressed to the Secretary-General in response to a formal General Assembly request. It was also transmitted through official channels and published as a UN document. It therefore satisfies the conditions the International Law Commission treats as relevant to the legal significance of unilateral declarations. It was made publicly by an organ capable of binding the State externally and worded with sufficient clarity to be relied upon.[150] The communication was

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145 UNGA Draft Res Admission of new Members to the United Nations UN Doc A/ES-10/L.30/Rev.1 (9 May 2024); UNGA Res ES-10/23 UN Doc A/RES/ES-10/23 (10 May 2024).

146 *Temple of Preah Vihear (Cambodia v Thailand) Merits* [1962] ICJ Reports 6 23-32; *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras)* [1992] ICJ Reports 351 paras 364-366.

147 *Nuclear Tests (Australia v France) Judgment* [1974] ICJ Reports 253 paras 43-46; International Law Commission 'Guiding Principles applicable to unilateral declarations of States capable of creating legal obligations' UN Doc A/61/10 (2006) principles 1 and 10.

148 As above.

149 UNGA Report of the Secretary-General pursuant to General Assembly resolution 42/209 UN Doc A/43/691-S/20214 (1988).

150 International Law Commission *'Guiding Principles applicable to unilateral declarations of States capable of creating legal obligations'* UN Doc A/61/10 (2006) principles 1, 3, 4 and 7.

not intended to create obligations, but its formality justifies treating it as an authoritative statement of Uganda's legal position at the time, and it is relied upon here on that basis.[151]

3.2.6.4 Restoration of Uganda-Israel diplomatic relations, 29 July 1994

Initially, the early Museveni government simply maintained the absence of relations it had inherited. By the early 1990s, however, the political landscape had shifted considerably: the end of the Cold War reshaped Uganda's international relationships, and the Middle East peace process opened fresh avenues for engagement. The Oslo process was decisive here. As Israel and the PLO entered direct negotiations, the political barriers that had kept African states from dealing with Israel began to fall away.[152]

Of everything examined in this study, the Oslo instruments offer the clearest single instance of recognition functioning as a discrete legal act. They bear directly on how Uganda would later characterise its own position.[153] On 9 September 1993, the PLO Chairman and the Israeli Prime Minister exchanged letters. The Organization recognised Israel's right to exist in peace and security and renounced terrorism, while Israel recognised the Organization as the Palestinian people's representative for negotiating purposes.[154] That asymmetry was deliberate and legally significant; Israel recognised a representative, while the Organization recognised a state. Four days later came the Declaration of Principles on Interim Self-Government Arrangements, followed by the 1994 Gaza-Jericho Agreement and the 1995 Interim Agreement. Together, these established the Palestinian Authority as an administrative rather than sovereign body.[155] African States, Uganda included, treated this exchange as removing the political obstacle to resuming relations with Israel, which accounts for the timing of Uganda's own restoration in July 1994.[156]

Uganda and Israel restored diplomatic relations in July 1994. Historical accounts identify 29 July 1994 as the date on which an agreement restoring relations was signed in Kampala. This restoration carries analytical importance. If Uganda's 1972 act had merely severed diplomatic relations without

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[151] *Nuclear Tests (Australia v France) Judgment* [1974] ICJ Reports 253 paras 43-46.
[152] Museveni (n 25) 201-230.
[153] Letters of mutual recognition exchanged between Yasser Arafat, Chairman of the Palestine Liberation Organization, and Yitzhak Rabin, Prime Minister of Israel, 9 September 1993, reproduced in (1993) 32 *International Legal Materials* 1525.
[154] Crawford (n 2) 442-448; Quigley (n 5) 191-215.
[155] Declaration of Principles on Interim Self-Government Arrangements (13 September 1993) (1993) 32 *International Legal Materials* 1525; Agreement on the Gaza Strip and the Jericho Area (4 May 1994); Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip (28 September 1995) (1997) 36 International Legal Materials 551.
[156] Peters (n 40) 100-130; Lubega (n 22).

withdrawing recognition, then 1994 represents the restoration of diplomatic relations rather than a second recognition of Israel. [157]

It is worth explaining why that alternative reading fails as a matter of doctrine.[158][159] International law recognises no such concept as re-recognition, because there is no legal mechanism by which recognising a continuing state would ever need renewal.[160][161] What was restored in 1994 was diplomatic relations, governed by the rule set out in Article 2 of the Vienna Convention on Diplomatic Relations, under which "the establishment of diplomatic relations between States, and of permanent diplomatic missions, takes place by mutual consent".[162] State practice bears this out consistently. The 1979 Egypt-Israel and 1994 Jordan-Israel peace treaties both provided for normal diplomatic relations without any mention of recognition. This was precisely because recognition was never at issue.[163][164] The 1994 Uganda-Israel arrangement fits the same pattern.[165][166] This matters for the argument of this research. Properly understood, Uganda has recognised Israel continuously since 1962, and the years between 1972 and 1994 mark a break in relations rather than in status.[167]

3.3 Contemporary Posture towards Israel and Palestine, 1995–2026

Uganda's contemporary posture toward Israel and Palestine unfolds against the backdrop of the Constitution of the Republic of Uganda, adopted in 1995 and in force from 8 October 1995, which supplies a domestic framework against which Uganda's later foreign-policy conduct can be measured. Objective XXVIII of the Constitution's National Objectives and Directive Principles of State Policy states that "the foreign policy of Uganda shall be based on the principles of promotion of the national interest of Uganda; respect for international law and treaty obligations; peaceful coexistence and non-alignment; settlement of international disputes by peaceful means; opposition to all forms of domination, racism and other forms of oppression and exploitation,"

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[157] A Oded (n 39) 23; Uganda and Israel resumed diplomatic relations on 29 July 1994.
[158] Vienna Convention on Diplomatic Relations (n 82) art 2; Denza (n 36) 20-30.
[159] Lauterpacht (n 12) 349-368; Talmon (n 37) 110-130.
[160] Lauterpacht (n 12) 347-360
[161] Treaty of Peace between the Arab Republic of Egypt and the State of Israel (26 March 1979) 1136 UNTS 100 art III; Treaty of Peace between the State of Israel and the Hashemite Kingdom of Jordan (26 October 1994) 2042 UNTS 393 art 3.
[162] Vienna Convention on Diplomatic relations, Article 2
[163] Vienna Convention on Succession of States in respect of Treaties (1978) 1946 UNTS 3 art 2(1)(f) (definition of a 'newly independent State').
[164] Uganda Independence Act 1962 (UK) 10 & 11 Eliz 2 c 57; see also Constitution of Uganda (1962).
[165] Crawford (n 2) 22-26; Talmon (n 37) 21-30.
[166] Vienna Convention on Succession of States in respect of Treaties art 16; A Aust *Modern treaty law and practice* 3 ed (2013) 320-330.
[167] Shaw (n 7) 750-760.

and further provides that "Uganda shall actively participate in international and regional organisations that stand for peace and for the well-being and progress of humanity."[168]

Read against this constitutional backdrop, the 1995-2026 period shows Uganda consolidating its dual-track posture toward Israel and Palestine.[169] Uganda deepened its diplomatic, security, economic and development ties with Israel while continuing to recognise Palestine. It also backed Palestinian self-determination and statehood at the United Nations and in other multilateral settings. Its contemporary posture is assessed against both strategic national interests and its constitutional commitment to international law, peaceful coexistence, and peaceful dispute settlement.[170]

3.3.1 Expansion of Uganda-Israel's bilateral relations after 1994

Restoring diplomatic relations with Israel opened a new chapter in Uganda's foreign policy. From that point forward, Uganda maintained relationships with Israel and Palestine simultaneously and with growing intensity. This is arguably the single most important empirical feature of its contemporary posture. Recognising Palestine did not require abandoning recognition of Israel, just as resuming relations with Israel did not require reversing recognition of Palestine. This practice illustrates the gap between recognition and political alignment. Uganda sustained close security, economic and diplomatic cooperation with Israel while continuing to support Palestinian self-determination and statehood.[171]

By comparison, Uganda's position is unremarkable rather than anomalous – a point of significance for this research's critical argument.[172] Most states that recognise Palestine also recognise Israel and maintain relations with it. The two recognitions are generally understood as complementary facets of a two-state position, not competing choices. When Norway, Ireland, Spain and Slovenia recognised Palestine in 2024, each paired that recognition with an explicit affirmation of Israel's right to exist within secure borders, demonstrating that they regarded the two positions as reinforcing rather than opposing one another. Uganda's practice, established more than three decades earlier, anticipated precisely this model. Any claim that Uganda's posture is internally

[168] Constitution of the Republic of Uganda 1995, commencement 8 October 1995, National Objectives and Directive Principles of State Policy, Objective XXVIII(i)(a)-(e) and (ii)-(iii); arts 123 and 287.
[169] Ministry of Foreign Affairs, Republic of Uganda *'President Museveni receives credentials from six new ambassadors'* 27 February 2026.
[170] UNGA Draft Res *Admission of new Members to the United Nations* UN Doc A/ES-10/L.30/Rev.1 (9 May 2024); UNGA Res ES-10/23 UN Doc A/RES/ES-10/23 (10 May 2024).
[171] Lubega (n 22).
[172] UNSC Res 1397 UN Doc S/RES/1397 (12 March 2002) preamble; UNSC Res 1515 UN Doc S/RES/1515 (19 November 2003).

contradictory therefore rests on conflating recognition with political endorsement, a conflation state practice does not support.[173]

3.3.2 Continued multilateral support for Palestinian self-determination and statehood

Uganda has continued its support for Palestinian self-determination at the United Nations and other multilateral bodies, voting in favour of the 2012 resolution granting Palestine non-member observer state status and of Palestine's 2024 bid for full UN membership.[174] It has similarly reaffirmed support for a two-state solution and an end to occupation through its leadership role in the Non-Aligned Movement.[175] This multilateral record is consistent with the continuity of Uganda's recognition of Palestine, notwithstanding its ongoing diplomatic engagement and bilateral cooperation with Israel.[176]

3.3.2.1 Significance of United Nations voting

Uganda's UN voting record supplies an important body of evidence about its posture, though it warrants cautious interpretation. As established in Chapter Two, voting for a resolution concerning a given entity does not itself amount to formal bilateral recognition. It is better understood as evidence of where a state stands on the specific legal or political proposition the resolution contains.[177]

Uganda's UN practice thus supplements rather than substitutes for bilateral evidence of recognition.[178] Treating voting records as evidence requires a few governing principles, three of

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[173] Statements of the Governments of Norway, Ireland and Spain recognising the State of Palestine, 22 to 28 May 2024; statement of the Government of Slovenia, June 2024.

[174] UN General Assembly 'Status of Palestine in the United Nations' UN Doc A/RES/67/19 (29 November 2012) paras 1-2, and accompanying voting record; UN General Assembly 'Admission of new Members to the United Nations' UN Doc A/RES/ES-10/23 (10 May 2024) paras 1-2, and accompanying voting record. Uganda voted in favour of both resolutions; J Namutebi & H Mukasa 'Uganda supports the recognition of Palestine' *New Vision* 11 March 2008 https://www.newvision.co.ug/news/1194585/uganda-supports-recognition-palestine (accessed 7 September 2026).

[175] Non-Aligned Movement, Uganda Chairmanship 'Munyonyo, reaffirming global south solidarity and collective action' (15 October 2025) https://mofa.go.ug/article/president-yoweri-kaguta-museveni-officially-opens-xix-nam-midterm-ministerial-review (accessed 2 September 2026). The statement records Foreign Minister Jeje Odongo's reaffirmation of support for a two-State solution, an end to occupation and reconstruction of Palestinian institutions; NM Muhoozi & J Odyek *'Non-Aligned Movement condemns Israeli aggression, calls for Palestine's full UN membership' New Vision* 15 October 2025 https://www.newvision.co.ug/category/news/non-aligned-movement-condemns-israeli-aggress-NV_220640_062026 (accessed 7 September 2026).

[176] See the voting records and diplomatic statement cited above; Israel Prime Minister's Office 'PM Netanyahu and his wife welcomed by Ugandan President Yoweri Museveni and his wife' (3 February 2020) https://www.gov.il/en/departments/news/event_huganda030220 (accessed 2 September 2026).

[177] PA Kasaija 'The United Nations' Mapping Exercise Report and Uganda's involvement in the Democratic Republic of Congo conflict from 1996 to 2003' (2011) 11 *African Human Rights Law Journal* 659 659-682.

[178] UNGA Rules of Procedure UN Doc A/520/Rev.19, rules 87-89.

which matter here. First, a favourable vote evidences the voting State's acceptance of the resolution's propositions, although the degree of acceptance depends on the resolution's precise terms and on any explanation of vote entered under the Assembly's procedural rules.[179] Second, an abstention is legally ambiguous. It may simply reflect a reservation about particular wording rather than substantive disagreement. Subsequently, the ILC has cautioned against treating abstention too readily as either acceptance or rejection.[180] Third, a voting pattern sustained over decades carries evidentiary weight that no single vote can match. This is because sustained consistency rules out the possibility that any one vote reflected mere transient politics. Uganda's record is examined below on that basis, with the focus placed on consistency rather than isolated votes.[181]

3.3.2.2 Uganda and Palestinian self-determination

Uganda has repeatedly participated in multilateral processes supporting Palestinian self-determination and a negotiated settlement. This is consistent with its broader involvement in African and Non-Aligned diplomatic traditions that have long placed heavy emphasis on anti-colonialism and self-determination. What matters here is not that each favourable vote constitutes a fresh act of recognition, but that the cumulative record helps establish the consistency and substance of Uganda's international posture.[182]

The substance of that record can be summarised by examining the recurring items on the Assembly's agenda.[183] Uganda has supported the annual resolutions on the peaceful settlement of the Palestine question and on Palestinian self-determination. It has supported resolutions addressing Israeli settlement activity in the occupied territories. It backed Resolution ES-10/15 of 20 July 2004, demanding compliance with the Court's advisory opinion on the wall, and Resolution ES-10/24 of 18 September 2024, demanding compliance with the Court's 2024 advisory opinion on Israeli policies and practices in the occupied territory.[184] The consistency of this record across the Obote, Amin, transitional and Museveni periods is striking. It stands as the strongest evidence

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[179] International Law Commission 'Draft conclusions on identification of customary international law' UN Doc A/73/10 (2018) conclusion 10(3) and commentary.
[180] As above, conclusion 8 and commentary; Military and paramilitary activities in and against Nicaragua (Nicaragua v United States of America) Merits [1986] ICJ Reports 14 para 188.
[181] M Wood 'Customary international law and the general principles of law recognized by civilized nations' (2019) 21 *International Community Law Review* 307.
[182] KP Apuuli 'Uganda and the Intergovernmental Authority on Development (IGAD)' in *Regional economic communities and peacebuilding in Africa: Lessons from ECOWAS and IGAD* (2020) ch. 12.
[183] UNGA Official Records, voting records on the annual items *'Peaceful settlement of the question of Palestine'* and *'Right of the Palestinian people to self-determination'*, various sessions.
[184] UNGA Res ES-10/15 UN Doc A/RES/ES-10/15 (20 July 2004).

that support for Palestinian self-determination is a settled feature of national policy rather than any single government's preference. Equally important is the converse point: none of these votes has ever asserted or implied that Israel is not a state.[185]

3.3.3 Intensification of Uganda-Israel Relations and Continuing Support for Palestine, 2012–2022

The years since 2012 mark a significant phase in Uganda's contemporary posture toward Israel and Palestine. Palestine's acquisition of non-member observer state status through General Assembly Resolution 67/19 established an important international backdrop against which Uganda's recognition practice can be assessed. In the intervening years, Uganda continued deepening its bilateral relations with Israel while maintaining recognition of Palestine and supporting Palestinian statehood in multilateral settings. These developments thus demonstrate the dual-track posture still in operation and provide a basis for weighing the relationship between Uganda's diplomatic interests, its recognition practice, and its obligations under international law.[186]

3.3.3.1 Palestine's UN observer State status and Uganda's vote in 2012

2012 brought about a major shift in Palestine's international institutional standing. On 29 November 2012, General Assembly Resolution 67/19 accorded Palestine non-member observer state status at the United Nations. It passed by 138 votes to nine, with 41 abstentions.[187]

The legal character of the status conferred by Resolution 67/19 requires precise statement, since it is frequently overstated.[188][189] It granted non-member observer state status. It did not admit Palestine to full membership, which under Article 4 of the Charter requires a Security Council recommendation. It also neither achieved nor could achieve recognition on behalf of individual member States.[190] Its practical effects were nonetheless substantial.[191] By employing the designation "State", the Assembly enabled Palestine to accede to multilateral treaties deposited with the

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[185] UNGA Res ES-10/24 UN Doc A/RES/ES-10/24 (18 September 2024); *Legal consequences arising from the policies and practices of Israel in the Occupied Palestinian Territory, including East Jerusalem Advisory Opinion* (ICJ, 19 July 2024).
[186] 'Why Africa often sided with Palestine in conflict with Israel' (n 92).
[187] UNGA Res 67/19 *Status of Palestine in the United Nations* UN Doc A/RES/67/19 (29 November 2012).
[188] UNGA Res 67/19 Status of Palestine in the United Nations UN Doc A/RES/67/19 (29 November 2012) paras 1-2; J Dugard Recognition and the United Nations (1987) 51-80.
[189] Charter of the United Nations art 4(2); *Competence of the General Assembly for the admission of a State to the United Nations* Advisory Opinion [1950] ICJ Reports 4 7-10.
[190] Instruments of accession deposited by the State of Palestine, 2014-2015; Rome Statute of the International Criminal Court (1998) 2187 UNTS 3; *Prosecutor v Situation in the State of Palestin*e, Decision on the Prosecution request pursuant to article 19(3) for a ruling on the Court's territorial jurisdiction in Palestine, ICC-01/18-143 (5 February 2021).
[191] UNGA Official Records, Sixty-seventh Session, 44th plenary meeting (29 November 2012), voting record.

Secretary-General. It did so in 2014 and 2015. It joined numerous instruments such as the Geneva Conventions, the major human rights covenants, and the Rome Statute of the International Criminal Court. The Rome Statute opened the door to an investigation into the situation in Palestine.[192] Uganda voted in favour.[193] That vote is best understood as confirming a bilateral recognition already extended in 1988, rather than creating it.[194]

Resolution 67/19 did not create Palestinian statehood, nor did it compel states that had never recognised Palestine to do so. Nonetheless, it amounted to substantial institutional acknowledgement of Palestine as a state. For Uganda specifically, this development followed its own recognition-related practice toward Palestine, which predates 2012. The resolution simply extends, at the multilateral level, a posture Uganda had already settled bilaterally.

3.3.3.2 Continued Uganda-Israel diplomatic and bilateral relations

At the same time, Uganda continued deepening its relationship with Israel, encompassing diplomatic engagement, security cooperation, development, technology, agriculture and high-level political contacts. This relationship makes clear that Uganda does not regard recognition of Palestine as legally incompatible with recognising, or maintaining diplomatic relations with, Israel.[195]

This mirrors the two-state framework that pervades international diplomacy: recognising one state does not conceptually require denying the other's statehood.[196] Uganda's framework is, moreover, precisely the one the Security Council has endorsed, placing Uganda's position squarely within the legal mainstream rather than at its margins. Resolution 1397 of 2002 envisaged two states, Israel and Palestine, living side by side within secure and recognised borders. Resolution 1515 of 2003, in turn, endorsed the Quartet Roadmap toward a permanent two-state solution.[197] Resolution 2334 of 2016 reaffirmed that Israeli settlement activity has no legal validity and flagrantly violates international law, while restating the two-state goal.[198] The International Court's advisory opinion of 19 July 2024 confirmed the unlawfulness of Israel's continued presence in the occupied territory and set out consequential obligations for third states. Uganda's practice of recognising both states while criticising conduct in the occupied territory tracks this body of authority precisely. This

[192] UNSC Res 69 UN Doc S/RES/69 (4 March 1949).
[193] UNGA Res 273 (III) (n 11).
[194] UNGA Res 273 (III), preamble; UNGA Res 194 (III) UN Doc A/RES/194(III) (11 December 1948) para 11.
[195] Levey (n 21) 149-152; Oded (n 22).
[196] UNSC Res 1397 UN Doc S/RES/1397 (12 March 2002) preamble.
[197] UNSC Res 1515 UN Doc S/RES/1515 (19 November 2003) para 1.
[198] UNSC Res 2334 UN Doc S/RES/2334 (23 December 2016) paras 1-3.

renders it not merely internally coherent but aligned with the position of the UN's principal organs.[199]

3.3.3.3 Benjamin Netanyahu's visit to Uganda and the fortieth anniversary of Entebbe, 2016

Uganda-Israel relations strengthened under Museveni, with cooperation spanning security, agriculture, investment, technology and development.[200] High-level political contacts became increasingly visible as well. The relationship acquired particular symbolic weight in 2016. Israeli Prime Minister Benjamin Netanyahu visited Uganda on 4 July that year to mark the fortieth anniversary of the Entebbe operation.[201] The visit captured just how much had changed since the Amin period. A site once synonymous with deep Uganda-Israel hostility had become the venue for renewed bilateral diplomacy.[202]

After 1994, the bilateral relationship expanded across several sectors and grew steadily more formalised, a trajectory bearing on the legal analysis in two ways.[203] First, the sheer density of the relationship rules out describing Uganda's stance toward Israel as grudging or minimal. Uganda has treated Israel as a full partner in bilateral legal relations, concluding cooperation agreements and exchanging resident missions. Second, this growth did not come at the expense of Uganda's multilateral positions on Palestine, which remained substantially unchanged throughout.[204] The 2016 visit stands as the clearest symbolic marker of this shift, but what matters legally is the ordinariness surrounding it: exchanging ambassadors, negotiating technical instruments and conducting routine consular business are the everyday hallmarks of a recognitional relationship, and their sustained continuity is stronger evidence of Uganda's legal position than any single headline event. This rapprochement did not displace Uganda's recognition of Palestine. Rather,

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[199] *Legal consequences arising from the policies and practices of Israel in the Occupied Palestinian Territory, including East Jerusalem* Advisory Opinion (International Court of Justice, 19 July 2024) paras 261-279.

[200] T Fakude 'Forty years after Entebbe: A new era of Israeli relations with Uganda and Kenya' *Al Jazeera Centre for Studies 31 May 2016 https://studies.aljazeera.net/en/reports/2016/05/forty-years-entebbe-era-israeli-relations-uganda-kenya-160531104010933.html section 'Renewing ties' (accessed 2 September 2026); New Vision* 'Entebbe raid: Netanyahu attends 40th anniversary' 4 July 2016 https://www.newvision.co.ug/news/1428497/israel-prime-minister-netanyahu-jets (accessed 7 September 2026); *Daily Monitor 'Visit marks new chapter after airport raid - Israel PM'* 4 July 2016 https://www.monitor.co.ug/uganda/news/national/visit-marks-new-chapter-after-airport-raid-israel-pm-1656468 (accessed 7 September 2026).

[201] L Paulat 'Ugandan president refers to Israel as "Palestine" during Netanyahu visit' *Voice of America* 4 July 2016 (accessed 2 September 2026). *Daily Monitor 'Visit marks new chapter after airport raid - Israel PM'* 4 July 2016 https://www.monitor.co.ug/uganda/news/national/visit-marks-new-chapter-after-airport-raid-israel-pm-1656468 (accessed 7 September 2026).

[202] Fakude (n 200) sections 'Idi Amin, the PLFP, and the Entebbe raid' and 'Renewing ties'; Paulat (n 201).

[203] Supra

[204] Paulat (n 201)

Uganda increasingly pursued a dual-track approach which constituted bilateral engagement with Israel alongside political and diplomatic support for Palestinian statehood.[205]

3.3.4 Uganda's Posture during the Gaza War and Contemporary Developments, 2023 to 2026

Between 2023 and 2026, Uganda's contemporary posture toward Israel and Palestine entered one of its most consequential phases. The Gaza war, triggered by the 7 October 2023 attacks, drew renewed global attention to Palestinian self-determination and Israeli security. It also renewed attention to occupation, international humanitarian law, and the viability of a two-State solution. Uganda had to navigate this backdrop while sustaining its established ties with Israel alongside its long-standing recognition of Palestine and support for Palestinian self-determination. Its posture emerged visibly through statements on the conflict and its leadership of the Non-Aligned Movement (NAM). It also emerged through its response to the ICJ proceedings against Israel and its part in UN initiatives on Palestinian statehood and membership.[206] None of this fundamentally altered Uganda's recognition of either Israel or Palestine; rather, it offers valuable evidence of how Uganda's dual-recognition posture operates under acute political and armed conflict. The period through 2026 thus provides a genuine contemporary test of the distinction this study draws between recognising statehood, maintaining diplomatic relations, aligning politically, and taking a position on another state's conduct.

3.3.4.1 Uganda's response to 7 October 2023 and the Gaza war

The 7 October 2023 Hamas-led attacks and Israel's subsequent military campaign in Gaza subjected Uganda's dual posture to a severe test. Uganda's conduct in this period is assessed on three distinct levels: its continuing recognition of Israel, its continuing recognition of Palestine and support for self-determination, and its stance on how the parties conducted the armed conflict. Criticising Israeli military action or supporting a ceasefire does not amount to non-recognition of Israel. Equally, recognising Palestine does not entail endorsing everything Palestinian political or armed actors do.[207]

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[205] Lauterpacht (n 12) 369-408.
[206] Non-Aligned Movement, *Kampala Final Outcome Document of the 19th Summit of Heads of State and Government of the Non-Aligned Movement* (Kampala, 19-20 January 2024) paras 469-471; Non-Aligned Movement, *Political Declaration of the Ministerial Committee of the Non-Aligned Movement on Palestine* (Kampala, 17 January 2024); UNGA Draft Res *Admission of new Members to the United Nations* UN Doc A/ES-10/L.30/Rev.1 (9 May 2024); UNGA Res ES-10/23 *Admission of new Members to the United Nations* UN Doc A/RES/ES-10/23 (10 May 2024).
[207] 'Why Africa often sided with Palestine in conflict with Israel' (n 92).

It is worth identifying the legal framework governing this period, since it explains why criticising conduct is analytically distinct from questioning status.[208] The hostilities fell within the law of international armed conflict and belligerent occupation, principally the Fourth Geneva Convention and Additional Protocol I. Applicable international human rights law also applied, which the International Court has confirmed continues to apply in occupied territory.[209] The Assembly addressed the situation in Resolutions ES-10/21 (27 October 2023) and ES-10/22 (12 December 2023). Both resolutions demanded humanitarian access and civilian protection. Meanwhile, proceedings under the Genocide Convention before the International Court produced provisional measures orders in January, March and May 2024.[210] Each of these instruments and proceedings addresses the conduct of a State party to an armed conflict; none questions that state's existence.[211] Uganda's participation in this body of practice is therefore consistent with, and indeed presupposes, its ongoing recognition of Israel.[212]

3.3.4.2 Uganda's chairmanship of the Non-Aligned Movement and the Kampala position on Palestine, January 2024

When Uganda assumed the Non-Aligned Movement's chairmanship in Kampala in January 2024, its Palestine posture gained renewed multilateral visibility. The Kampala Final Outcome Document and the accompanying Political Declaration on Palestine condemned Israel's ongoing military campaign in Gaza, demanded an immediate humanitarian ceasefire, rejected the forced displacement of Palestinians, and reaffirmed Palestinian self-determination and independence. Hosting and chairing the summit did not itself transform these collective NAM positions into unilateral acts of recognition by Uganda. It did, however, place Uganda at the centre of a

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[208] Geneva Convention Relative to the Protection of Civilian Persons in Time of War (1949) 75 UNTS 287 arts 27-34 and 47-78; Protocol Additional to the Geneva Conventions of 12 August 1949 (Protocol I) (1977) 1125 UNTS 3.

[209] *Legal consequences of the construction of a wall in the Occupied Palestinian Territory Advisory Opinion* [2004] ICJ Reports 136 paras 102-113; *Legal consequences arising from the policies and practices of Israel in the Occupied Palestinian Territory, including East Jerusalem Advisory Opinion (*ICJ, 19 July 2024) paras 96-102.

[210] UNGA Res ES-10/21 UN Doc A/RES/ES-10/21 (27 October 2023); UNGA Res ES-10/22 UN Doc A/RES/ES-10/22 (12 December 2023). D Kiyonga *'Why Africa often sided with Palestine in conflict with Israel'* Daily Monitor 15 October 2023 https://www.monitor.co.ug/uganda/magazines/people-power/why-africa-often-sided-with-palestine-in-conflict-with-israel-4401854 (accessed 7 September 2026); *New Vision* 'Museveni condemns escalation of Israel-Palestine conflict' October 2023 https://www.newvision.co.ug/category/news/museveni-condemns-escalation-of-israel-palest-NV_172140_032026 (accessed 7 September 2026).

[211] *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v Israel),* Order of 26 January 2024; Order of 28 March 2024; Order of 24 May 2024.

[212] On the separation of responsibility from status, see International Law Commission *'Articles on responsibility of States for internationally wrongful acts'* UN Doc A/56/10 (2001) arts 1-2 and 41.

multilateral platform strongly favouring Palestinian rights. This was even as Uganda maintained diplomatic relations with Israel.[213]

3.3.4.3 Uganda's official response to the ICJ proceedings in South Africa v Israel, January 2024

After the International Court of Justice issued its provisional-measures order of 26 January 2024 in South Africa v Israel, Uganda's Ministry of Foreign Affairs issued an official statement the following day. The government aligned itself with the positions adopted at the NAM Summit in Kampala and specifically clarified that Judge Julia Sebutinde's individual opinion did not represent the Ugandan government's position. This statement is significant as direct evidence of Uganda's official stance: it demonstrates both continued engagement with Israel as a recognised state and a distinct governmental position favouring Palestinian protection, humanitarian access and the prohibition on forcible transfer.[214]

3.3.4.4 Uganda's support for Palestine's full UN membership, May 2024

Uganda's position was again prominent during renewed efforts to secure Palestine's full UN membership.[215] General Assembly Resolution ES-10/23, adopted on 10 May 2024, addressed Palestine's admission to the United Nations.[216] It determined that the State of Palestine met the qualifications for UN membership under Article 4 of the Charter[217] and recommended that the

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[213] Non-Aligned Movement, *'Kampala Final Outcome Document of the 19th Summit of Heads of State and Government of the Non-Aligned Movement'* Kampala, Uganda, 19-20 January 2024, especially paras concerning the Question of Palestine; Non-Aligned Movement, 'Political Declaration on Palestine' adopted at Kampala, January 2024. F Musisi & E Kamurungi 'NAM states in deadlock over genocide in Gaza' Daily Monitor, 17 January 2024 https://www.monitor.co.ug/uganda/news/national/nam-states-in-deadlock-over-genocide-in-gaza-4494422 (accessed 7 September 2026); *New Vision* 'Kampala NAM summit condemns attacks on Gaza' January 2024 https://www.newvision.co.ug/category/report/kampala-nam-summit-condemns-attacks-on-gaza-NV_179362_042026 (accessed 7 September 2026).

[214] ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v Israel), Provisional Measures, Order* of 26 January 2024; Ministry of Foreign Affairs of Uganda, *'Statement on the ruling of the International Court of Justice on the situation in Gaza'* 27 January 2024; F Musisi 'Sebutinde ruling on Gaza crisis leaves many dazed' *Daily Monitor* 28 January 2024 https://www.monitor.co.ug/uganda/news/national/sebutinde-ruling-on-gaza-crisis-leaves-many-dazed-4505838 (accessed 7 September 2026); *New Vision* 'Shock, anger as Sebutinde backs Israel' 26 January 2024 https://www.newvision.co.ug/category/news/shock-anger-as-sebutinde-backs-israel-NV_179785_082026 (accessed 7 September 2026).

[215] UNGA Draft Res *Admission of new Members to the United Nations* UN Doc A/ES-10/L.30/Rev.1 (9 May 2024); UNGA Res ES-10/23 *Admission of new Members to the United Nations* UN Doc A/RES/ES-10/23 (10 May 2024). The revised draft expressly lists Uganda among its sponsors.

[216] UNGA Res ES-10/23 Admission of new Members to the United Nations UN Doc A/RES/ES-10/23 (10 May 2024).

[217] UNGA Res ES-10/23 (n 145) para 1; Charter of the United Nations art 4(1). Para 1 determines that Palestine is qualified for UN membership in accordance with article 4 and should therefore be admitted.

Security Council reconsider Palestine's application favourably.[218] It passed 143 to nine, with 25 abstentions.[219] Uganda's role carries added significance here, as it was among the sponsors of the revised draft resolution.[220] Sponsoring the resolution, not merely voting for it, constitutes stronger evidence of affirmative diplomatic support for Palestinian membership than a favourable vote alone would.[221] The Resolution also reaffirmed the Palestinian people's right to self-determination, including the right to an independent State of Palestine. It also reaffirmed its continued support[222] for a two-State solution with Israel and Palestine living side by side in peace and security.[223] Uganda's participation thus fits a posture in which recognising and supporting Palestinian statehood coexists with, rather than displaces, its recognition of Israel.[224]

3.3.4.5 Continuing Uganda-Israel diplomatic relations, 2024–2026

Uganda's diplomatic relations with Israel remain active as of 2026.[225] On 27 February 2026, President Museveni received the credentials of Gideon Behar, Israel's Ambassador-designate to Uganda. According to the Ministry of Foreign Affairs, he reaffirmed Uganda's commitment to deepening bilateral relations and cooperation. This provides contemporary primary evidence that Uganda continues to treat Israel as a state with which it maintains formal diplomatic relations.[226]

This carries even greater weight when set alongside Uganda's support for Palestinian statehood. By 2026, Uganda's practice thus reflects simultaneous legal and diplomatic engagement with both Israel and Palestine, rather than an exclusive policy favouring one at the other's expense.[227]

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[218] UNGA Res ES-10/23 (n 145) para 2. The General Assembly recommended that the Security Council reconsider the matter favourably in light of its determination concerning Palestine's qualifications for membership.
[219] UNGA, *Official Records of the General Assembly, Tenth Emergency Special Session, 49th plenary meeting* UN Doc A/ES-10/PV.49 (10 May 2024); UNGA Res ES-10/23 (n 145), adopted by 143 votes to 9, with 25 abstentions.
[220] UNGA Draft Res *Admission of new Members to the United Nations* UN Doc A/ES-10/L.30/Rev.1 (9 May 2024). Uganda is expressly identified among the sponsors of the revised draft resolution.
[221] UNGA Draft Res A/ES-10/L.30/Rev.1 (n 145); UNGA, *Official Records of the General Assembly, Tenth Emergency Special Session, 49th plenary meeting* UN Doc A/ES-10/PV.49 (10 May 2024).
[222] UNGA Res ES-10/23 (n 145) para 5; UNGA Res 3236 (XXIX) *Question of Palestine* UN Doc A/RES/3236(XXIX) (22 November 1974) para 1. Resolution ES-10/23 expressly reaffirms the Palestinian people's right to self-determination, including the right to an independent State of Palestine.
[223] UNGA Res ES-10/23 (n 145) para 7; UNSC Res 2334 UN Doc S/RES/2334 (23 December 2016). Resolution ES-10/23 reaffirms support for the two-State solution of Israel and Palestine living side by side in peace and security within recognised borders based on the pre-1967 borders.
[224] UNGA Draft Res A/ES-10/L.30/Rev.1 (n 145); UNGA Res ES-10/23 (n 145) paras 5 and 7.
[225] Ministry of Foreign Affairs *'President Museveni receives credentials from six new ambassadors'* 27 February 2026. Available at https://mofa.go.ug/article/president-museveni-receives-credentials-six-new-ambassadors accessed 7 September 2026.
[226] Ministry of Foreign Affairs, Republic of Uganda (n 169).
[227] Lubega (n 22).

3.3.4.6 Reconciliation over Entebbe and the Yoni Netanyahu monument, 2026

Entebbe's continuing transformation from a symbol of Uganda-Israel hostility into a site of reconciliation was especially visible in 2026. That June, President Museveni hosted former Entebbe hostage Gilbert Weill and a delegation of fellow former hostages. The government presented this event as building friendship and mutual understanding between the two countries. On 1 August 2026, Chief of Defence Forces General Muhoozi Kainerugaba presided over the unveiling, at the Old Entebbe Terminal, of a memorial to Lieutenant Colonel Yonatan 'Yoni' Netanyahu, the Israeli commander killed during the 1976 rescue operation, a monument the UPDF explicitly described as symbolising the enduring security partnership, mutual trust and diplomatic reconciliation between Uganda and Israel.[228]

The monument's significance thus extends beyond mere commemoration. The very Entebbe site marked the low point of Uganda-Israel relations in 1976. Fifty years later, it was being used by Ugandan state institutions to affirm a strategic partnership with Israel. This stands as strong evidence of how far the bilateral relationship has turned around. It nonetheless left untouched Uganda's simultaneous recognition of Palestine and its multilateral support for Palestinian statehood.[229]

3.3.4.7 Uganda's proposed deployment of UPDF personnel to Gaza, August 2026

On 6 August 2026, Uganda's Parliament approved a government motion. The motion authorised the possible deployment of Uganda People's Defence Forces personnel to Gaza as part of a proposed international stabilisation mission. The government described the deployment as a peace and humanitarian mission. The Ugandan contingent was expected to remain neutral, observe international humanitarian law, and protect civilians without taking sides politically. This adds a new operational layer to Uganda's posture: it is no longer merely a recognising state, bilateral partner and multilateral voter but has now signalled willingness to take direct part in an international security arrangement over Gaza. The proposed deployment is best understood as an

[228] Uganda Peoples' Defence Forces, *'Gen Kainerugaba unveils Yoni Netanyahu monument at Old Entebbe Terminal, reaffirms Uganda-Israel ties'* 1 August 2026; Uganda Media Centre, *'Entebbe Old Terminal ordeal: President Museveni hosts former Israeli hostage'* June 2026, B Tumusiime *'Muhoozi unveils Entebbe monument to Yoni Netanyahu, signals deeper Israel ties' Daily Monitor* 2 August 2026 https://www.monitor.co.ug/uganda/news/national/muhoozi-unveils-entebbe-monument-to-yoni-netanyahu-signals-deeper-israel-ties-5544008 (accessed 7 September 2026).
[229] Lubega (n 22).

attempt to position Uganda as a third-party peace and security actor. It does so while retaining its dual recognition of Israel and Palestine.[230]

3.3.5 Patterns of Continuity and Change in Uganda's Posture

The chronology demonstrates that Uganda's posture has not followed a simple linear trajectory from support for one side to support for the other. Rather, legal recognition has remained comparatively stable while diplomatic relations, political alignment and the intensity of bilateral cooperation have shifted significantly. Four patterns emerge from the events examined above.

3.3.5.1 Events strengthening Uganda's relationship with Israel

The principal positive markers in Uganda-Israel relations include the establishment of diplomatic relations in 1962, extensive 1960s security and development cooperation, the 1994 restoration of relations, the renewed high-level contact symbolised by Netanyahu's 2016 visit, the continued accreditation of Israeli diplomats, the 2026 hosting of former Entebbe hostages, and the unveiling of the Yoni Netanyahu monument. Together, these trace a long-term arc from rupture to institutionalised reconciliation and strategic cooperation.[231]

3.3.5.2 Events negatively affecting Uganda-Israel relations

The principal negative turning points were the deterioration of relations under Idi Amin, the 30 March 1972 severance of diplomatic ties, Uganda's political alignment with Libya and Arab States, and the 1976 Entebbe crisis. More recent Ugandan criticism of Israeli settlement activity and military conduct in Gaza has coloured the political tone of the relationship. Nothing, however, suggests that this criticism has displaced Uganda's recognition of Israel.[232]

3.3.5.3 Events strengthening Uganda's posture towards Palestine

Uganda's Palestine posture progressed from early support for self-determination, through PLO engagement in the 1970s, to formal recognition of the State of Palestine on 3 December 1988. Its later support for Resolution 67/19 in 2012 and its NAM leadership and official ICJ-related

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[230] Parliament of the Republic of Uganda, *'UPDF deployment to Gaza gets green light'* 6 August 2026 (reporting parliamentary approval of the Government motion for potential UPDF participation in an international stabilisation mission in Gaza). https://www.parliament.go.ug/news/4536/updf-deployment-gaza-gets-green-light (accessed 7 September 2026).
[231] Lubega (n 22).
[232] Otunnu (n 65) 269-300.

statement in January 2024 reflect this consistency. Its sponsorship of the 2024 push for full Palestinian UN membership further confirms the continuity of that recognition. They also demonstrate its growing institutional expression.[233]

3.3.5.4 Emergence and persistence of dual recognition

Taken together, these events demonstrate that Uganda's posture is best characterized as dual recognition, not alternating or competing recognition. Its increasingly close bilateral relationship with Israel has run alongside recognition of Palestine and support for Palestinian self-determination throughout. The 2023-2026 period brings this duality sharply into focus. It spans from the Gaza war, the NAM and UN positions, and the Yoni Netanyahu memorial to the proposed Gaza deployment. Uganda has sought simultaneously to preserve its relationship with Israel and support Palestinian statehood. This was done to position itself as a participant in international peace and security efforts.[234]

3.4 Critical and Legal Assessment of Uganda's Posture

This section draws together the historical record and tests Uganda's posture against the international law of recognition set out in Chapter Two. It separates the legal consequences of recognition from diplomatic relations and political support and considers how far Uganda's practice reflects legal principle, political discretion, strategic interest, and continuity across successive governments.[235]

3.4.1 Recognition and diplomatic relations

The clearest pattern running through Uganda's practice is the necessity of keeping recognition separate from diplomatic relations.[236] Uganda established diplomatic relations with Israel in 1962, severed them in 1972 and restored them in 1994. Israel's legal personality did not fluctuate in line

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[233] UNGA Res 3236 (XXIX), 'Question of Palestine' (22 November 1974); Palestinian Declaration of Independence (15 November 1988); UN Doc A/78/846-S/2024/283, annex (recording Uganda's recognition of the State of Palestine on 3 December 1988); UNGA Res 67/19, *'Status of Palestine in the United Nations'* (29 November 2012); UNGA Res ES-10/23 (10 May 2024). J Namutebi & H Mukasa *'Uganda supports the recognition of Palestine' New Vision* 11 March 2008 https://www.newvision.co.ug/news/1194585/uganda-supports-recognition-palestine (accessed 7 September 2026).

[234] MJ Lawel *'Uganda's international policy posture is outdated; we must reflect' The Observer* 13 August 2026 https://observer.ug/viewpoint/ugandas-international-policy-posture-is-outdated-we-must-reflect/ (accessed 11 September 2026).

[235] M Fabry *Recognizing states: international society and the establishment of new states since 1776* (2010) 213-222; BA Coggins *Power politics and state formation in the twentieth century: the dynamics of recognition* (2014) 1-30.

[236] Crawford (n 2) 22-28; and see section 2.5.2 above.

with these bilateral developments. The evidence therefore raises an important question for the critical and legal assessment in section 3.4.6: whether Uganda's conduct is better explained by the declaratory understanding of recognition, under which Israel's statehood remained independent of Uganda's diplomatic choices.[237]

3.4.2 Evolution from support for Palestinian self-determination to recognition of Palestinian statehood

Uganda's Palestine posture followed a distinct path.[238] In the early post-independence years, Palestinian statehood had not yet assumed the institutional and diplomatic form it would later take. By the 1970s and 1980s, Uganda strongly supported Palestinian political representation and self-determination. The 1988 Declaration of Independence marked the decisive turning point after which Uganda recognised Palestine as a state. Its subsequent UN-level support for Palestine has only reinforced this position.[239]

Uganda's Palestine policy thus illustrates how recognition can emerge from the interplay of self-determination, international institutional practice, bilateral decision-making, and broader geopolitical developments.[240][241]

3.4.3 Simultaneous recognition of and relations with Israel and Palestine

Perhaps the most significant finding here is that Uganda's posture ultimately requires no choice between recognising Israel and recognising Palestine. Its contemporary position shows Uganda treating both as states. The political relationship with each differs substantially in intensity, but that difference need not translate into a difference in legal recognition. This undermines overly simple labels such as 'pro-Israel' or 'pro-Palestine': such labels may capture particular foreign-policy leanings, but they fail as descriptions of Uganda's recognition practice.[242]

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[237] Levey (n 21) 137-152; Oded (n 22).
[238] UNGA Res 2535 (XXIV) UN Doc A/RES/2535(XXIV) (10 December 1969); UNGA Res 2672 C (XXV) UN Doc A/RES/2672(XXV) (8 December 1970); UNGA Res 3236 (XXIX) UN Doc A/RES/3236(XXIX) (22 November 1974).
[239] Palestinian Declaration of Independence, Algiers, 15 November 1988; UNGA Res 43/177 UN Doc A/RES/43/177 (15 December 1988); UNGA Res 67/19 UN Doc A/RES/67/19 (29 November 2012).
[240] UNGA Report of the Secretary-General pursuant to General Assembly resolution 42/209 UN Doc A/43/691-S/20214 (1988), response of Uganda dated 15 June 1988; UNGA Draft Res Admission of new Members to the United Nations UN Doc A/ES-10/L.30/Rev.1 (9 May 2024); UNGA Res ES-10/23 UN Doc A/RES/ES-10/23 (10 May 2024).
[241] A Cassese *Self-determination of peoples: a legal reappraisal* (1995) 230-248; D Raič *Statehood and the law of self-determination* (2002) 226-260.
[242] Vienna Convention on Diplomatic Relations (n 82) art 2; Lauterpacht (n 12) 369-408.

3.4.4 Bilateral interests and multilateral legal principles

Uganda's practice also reveals an apparent divide between bilateral strategic interests and multilateral normative positions.[243] Its relationship with Israel has frequently been driven by security, development, technology and strategic considerations. Its Palestine-related multilateral conduct, by contrast, has more often been framed in terms of self-determination, statehood and international institutional participation.[244] These strands coexist rather than necessarily conflict.

3.4.5 Critical Analysis of Uganda's Posture towards Israel and Palestine

The historical evidence surveyed in this chapter demonstrates that neither international law nor political interest alone fully explains Uganda's posture toward Israel and Palestine.[245] Instead, Uganda's practice reflects an ongoing interplay of legal recognition, diplomatic relations, foreign-policy interests, African solidarity, and multilateral legal commitments.[246] The central analytical finding is that Uganda's underlying recognition posture has remained relatively stable even as the intensity and direction of its political and diplomatic relations shifted considerably.[247]

3.4.5.1 Uganda's posture towards Israel: continuity of recognition despite diplomatic rupture

Uganda's dealings with Israel offer perhaps the clearest illustration of the distinction drawn in Chapter Two between recognising statehood and maintaining diplomatic relations.[248] Diplomatic relations were established shortly after Uganda's 1962 independence, accompanied by extensive military, technical and development cooperation. Formal diplomatic relations constitute strong evidence that Uganda treated Israel as a state from the very outset of its independent foreign policy.[249] This chapter's own finding is that Uganda's recognition of Israel was expressed chiefly through conduct rather than any formal instrument of recognition.[250]

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[243] Levey (n 21) 137-152; *Legal consequences arising from the policies and practices of Israel in the Occupied Palestinian Territory, including East Jerusalem Advisory Opinion* (International Court of Justice, 19 July 2024) paras 261-264.
[244] UNSC Res 1397 UN Doc S/RES/1397 (12 March 2002) preamble; UNGA Res 67/19 UN Doc A/RES/67/19 (29 November 2012) paras 1-2.
[245] Grant (n 12) 201-230; M Fabry *Recognizing states: international society and the establishment of new states since 1776* (2010) 213-222.
[246] Levey (n 21) 137-152.
[247] H Yacobi Israel and Africa: A genealogy of moral geography (2015) 1-40; see also Levey (n 21) 137-152.
[248] Vienna Convention on Diplomatic Relations (n 82) art 2; Lauterpacht (n 12) 369-378; Levey (n 21) 137-152.
[249] Vienna Convention on Diplomatic Relations art 2; Lauterpacht (n 12) 369-378; Levey (n 21) 137-140.
[250] Vienna Convention on Diplomatic Relations (n 82) art 2; Talmon (n 37) 110-130.

The more difficult question concerns what Uganda's 1972 severance of diplomatic relations with Israel actually accomplished.[251] The Amin government severed diplomatic ties, expelled Israeli personnel, and turned intensely hostile toward Israel. Yet nothing in the evidence examined here indicates an intention to withdraw recognition of Israeli statehood. No formal instrument of withdrawal has surfaced, nor does the record disclose any official declaration that Uganda had ceased regarding Israel as a state.[252]

On balance, the more persuasive legal reading is that Uganda's 1972 conduct severed diplomatic relations with Israel while leaving its recognition of Israel as a state intact. This interpretation aligns with the distinction recognised in international law between recognition and diplomatic intercourse. Article 45 of the Vienna Convention on Diplomatic Relations expressly contemplates the continuation of legal obligations following the severance of diplomatic relations. International practice, meanwhile, demonstrates that the rupture of diplomatic relations does not ordinarily terminate recognition.[253]

Uganda's own conduct during the estrangement supports this reading. Most tellingly, during the 1976 Entebbe controversy, Uganda invoked its sovereignty and territorial integrity against Israel. This argument implicitly treated Israel as an international legal actor capable of violating Uganda's rights. Even at its most hostile, the political relationship did not necessarily amount to a denial of Israel's international legal personality.[254]

The restoration of diplomatic relations in 1994 should accordingly be characterised as the restoration of diplomatic relations rather than a re-recognition of Israel. There is no evidence that Uganda issued a fresh act of recognition in 1994. Rather, the available record indicates the resumption of bilateral relations following more than two decades of diplomatic estrangement. This supports the declaratory conception discussed in Chapter Two: Israel's statehood did not disappear from Uganda's legal perspective merely because bilateral relations had deteriorated.[255]

The Israeli dimension of Uganda's practice therefore reveals a significant distinction between the stability of recognition and the volatility of foreign policy. Uganda's relationship with Israel progressed from close cooperation between 1962 and 1971 through rupture and hostility under

[251] Levey (n 21) 149-152; Oded (n 22).
[252] Vienna Convention on Diplomatic Relations art 45; Talmon (n 37) 110-130; Crawford (n 2) 22-28.
[253] Vienna Convention on Diplomatic Relations art 45; Denza (n 36) 397-412; Talmon (n 37) 110-130.
[254] PA Kasaija '*International law* and Uganda's involvement in the Democratic Republic of Congo conflict' (2001-2002) 10 *University of Miami International and Comparative Law Review* 75 75-100.
[255] Talmon (n 37) 110-130; Crawford (n 2) 22-28.

Amin. It then moved to renewed engagement after 1994 and substantial contemporary cooperation. Yet these political transformations did not produce corresponding changes in Israel's underlying status as a state within Uganda's practice. Indeed, the accreditation of an Israeli Ambassador-designate in February 2026 confirms the continuing formal diplomatic relationship.[256]

3.4.5.2 Uganda's posture towards Palestine: from self-determination to recognition of statehood

Uganda's posture towards Palestine followed a markedly different trajectory. [257]Unlike Israel, which was already an established UN member when Uganda became independent, Palestinian statehood developed progressively. This development occurred through the international recognition of Palestinian self-determination and the emergence of the PLO as the representative of the Palestinian people. It continued through the 1988 Declaration of Independence and subsequent institutional developments within the United Nations. The evidence does not support characterising Uganda's engagement with the PLO during the 1970s as recognition of a Palestinian state. Rather, Uganda initially supported Palestinian self-determination and political representation. Recognition of a national liberation movement or its representative status is legally distinct from recognition of statehood. Uganda's support for the PLO must therefore be distinguished from its later recognition of Palestine.[258]

The decisive legal development occurred following the Palestinian Declaration of Independence of 15 November 1988. Uganda's subsequent treatment of Palestine amounted to recognition of Palestinian statehood and marked a shift from political solidarity with the Palestinian people to acknowledgement of Palestine as a state. The evidence accordingly identifies 1988 as the point at which Uganda moved from supporting Palestinian political representation and self-determination to recognising Palestinian statehood. Subsequent Ugandan practice confirms rather than creates that recognition. Uganda's vote in favour of General Assembly Resolution 67/19 in 2012, which accorded Palestine non-member observer state status, should therefore not be construed as Uganda's original act of recognition. Uganda had already recognised Palestine. The 2012 vote instead represented multilateral confirmation of an already-established bilateral legal position. [259]

[256] Lauterpacht (n 12) 349-368; Talmon (n 37) 110-130.
[257] UNGA Res 3236 (XXIX) UN Doc A/RES/3236(XXIX) (22 November 1974); UNGA Res 3237 (XXIX) UN Doc A/RES/3237(XXIX) (22 November 1974).
[258] Crawford (n 2) 383-390; Wilson (n 108) 91-130.
[259] Palestinian Declaration of Independence, Algiers, 15 November 1988; UNGA Res 43/177 UN Doc A/RES/43/177 (15 December 1988).

The same holds for Uganda's sponsorship of the 2024 draft resolution on Palestine's admission to full UN membership. Uganda's conduct here demonstrates more than general sympathy for the Palestinian cause. It reflects continued treatment of Palestine as a state entitled to fuller participation in the international institutional order.[260]

3.4.5.3 Dual recognition rather than competing recognition

One of the most significant conclusions arising from Uganda's practice is that its posture towards Israel and Palestine is not legally binary. Recognition of Palestine did not terminate Uganda's recognition of Israel. Likewise, the restoration and expansion of Uganda-Israel relations after 1994 did not reverse Uganda's recognition of Palestine. Uganda therefore ultimately adopted a position of dual recognition. This is evident in the contemporary period. Uganda maintains formal diplomatic relations with Israel while recognising Palestine and supporting Palestinian participation in the United Nations. This position is doctrinally coherent. International law does not require a state recognising Israel to deny Palestinian statehood. Nor does recognition of Palestine require the withdrawal of recognition from Israel. On the contrary, Security Council Resolutions 1397 and 1515 expressly envisage Israel and Palestine existing as two states side by side. Uganda's dual recognition is therefore compatible with the international two-State framework.[261]

This conclusion also challenges attempts to characterise Uganda, at particular historical moments, as simply "pro-Israel" or "pro-Palestine". Such descriptions may capture political orientation but obscure the legal character of Uganda's practice. The evidence instead demonstrates that political support, diplomatic relations and recognition have operated on distinct planes.[262]

3.4.5.4 The tension between Uganda's bilateral interests and multilateral legal posture

A more difficult question concerns the apparent tension between Uganda's bilateral relationship with Israel and its positions within multilateral institutions. Uganda's relationship with Israel has frequently been driven by identifiable strategic considerations. These include security cooperation, military interests, agriculture, technology, development assistance and wider geopolitical considerations. By contrast, Uganda's positions on Palestine within the United Nations have

[260] UNGA Draft Res *Admission of new Members to the United Nations* UN Doc A/ES-10/L.30/Rev.1 (9 May 2024); UNGA Res ES-10/23 UN Doc A/RES/ES-10/23 (10 May 2024).
[261] UNSC Res 1397 UN Doc S/RES/1397 (12 March 2002); UNSC Res 1515 UN Doc S/RES/1515 (19 November 2003).
[262] Grant (n 12) 201-230.

generally been articulated differently. They are framed through the language of self-determination, territorial integrity, occupation and the two-State solution. [263]

This apparent duality need not amount to legal inconsistency. Recognising Israel does not entail approving everything the Israeli government does. Likewise, criticising Israeli policy in the occupied Palestinian territory does not amount to non-recognition. International law permits a state to maintain diplomatic relations with another while condemning conduct it regards as unlawful. Still, Uganda's practice exposes the limits of explaining recognition through legal doctrine alone. Its early closeness with Israel owed much to security and strategic interests, and the dramatic rupture under Amin tracked shifting alliances and Uganda's turn toward Libya and the Arab States. The 1994 restoration likewise occurred within a changed strategic environment. All of this lends support to the critical approaches to recognition surveyed in Chapter Two. Those approaches emphasise that recognition practice operates within structures of political power and national interest. It does not operate through the mechanical application of neutral legal criteria.[264]

A TWAIL and non-aligned reading sharpens this analysis. Uganda's Palestine policy sits squarely within the Bandung and non-aligned tradition. From solidarity with the Palestinian cause in the 1970s, through recognition in 1988, to its chairmanship of the Non-Aligned Movement in Kampala in January 2024, Uganda has framed Palestine as an unfinished question of decolonisation rather than a bilateral dispute between parties of equal standing. On this reading, Uganda's recognition of Palestine was an act of anti-colonial solidarity grounded in self-determination. It cannot be reduced to the shifting alliances that accompanied the Amin rupture.

Non-alignment also helps explain the Israeli dimension of Uganda's practice. Because non-alignment denotes autonomy rather than neutrality, Uganda may plausibly present its security, agricultural and technological cooperation with Israel as a sovereign choice made on the merits, rather than as membership of any bloc. This reading gives Uganda's dual recognition a principled foundation that the declaratory and constitutive theories do not themselves supply.

TWAIL's internal critique, however, cautions against accepting that account uncritically. Chimni and Mutua warn that postcolonial governing elites may deploy anti-colonial rhetoric in multilateral forums while pursuing bilateral relationships that serve regime security. Uganda's record displays features of this pattern. Its solidarity with Palestine has been voiced most strongly in the General

[263] Levey (n 21) 137-152; UNGA Res 67/19 UN Doc A/RES/67/19 (29 November 2012).
[264] BA Coggins *Power politics and state formation in the twentieth century: the dynamics of recognition* (2014) 1-30; Fabry (n 49) 213-222.

Assembly and the Non-Aligned Movement, while its relationship with Israel has repeatedly centred on security and military cooperation. TWAIL scholarship on Palestine adds a further point. By aligning its position with the two-State framework, Uganda has adopted the very framework that critics such as Erakat and Imseis argue has deferred rather than realised Palestinian self-determination. None of this renders Uganda's posture unlawful. It suggests instead that Uganda's non-alignment may be better characterised as pragmatic than as principled: anti-colonial in its multilateral voice, but strategic and transactional in its bilateral conduct.

Uganda's practice consequently illustrates the coexistence of law and political discretion. International law supplies the categories through which Uganda treats Israel and Palestine as states. Political considerations, however, substantially determine the nature, intensity and timing of its relations with each.[265]

3.4.5.5 Uganda's posture and the declaratory and constitutive theories

Uganda's practice lends greater support to the declaratory theory as an explanation of statehood, although it also demonstrates the practical relevance of constitutive insights. Israel's experience is particularly instructive. Israel's legal personality did not fluctuate according to Uganda's changing diplomatic policy. Uganda could establish relations, sever them and later restore them without thereby creating, extinguishing or recreating Israel's statehood. This strongly supports the proposition that statehood exists independently of the recognition choices of any individual state.[266]

Palestine presents a more complex picture. Uganda's recognition of Palestine in 1988 did not itself create Palestinian statehood. Nevertheless, recognition by Uganda and numerous other states materially strengthened Palestine's capacity to participate in international society. Resolution 67/19, accession to multilateral treaties, and Uganda's support for fuller UN participation demonstrate the significant practical consequences of collective recognition and institutional acceptance. These consequences arise even where recognition is not constitutive of statehood. Uganda's practice therefore confirms the principal theoretical conclusion developed in Chapter Two. Declaratory theory better explains the existence of statehood, while constitutive theory helps explain the effectiveness of international participation.[267]

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[265] Kasaija '*International law* and Uganda's involvement' (n 254) 75-100; Apuuli (n 182) ch 12.
[266] Montevideo Convention (n 10) art 3; Crawford (n 2) 22-28.
[267] UNGA Res 67/19 paras 1-2; J Vidmar 'Explaining the legal effects of recognition' (2012) 61 *International and Comparative Law Quarterly* 361 361-387.

3.4.5.6 Overall critical assessment of Uganda's posture

Taken as a whole, Uganda's posture is better characterised as one of legal continuity accompanied by political and diplomatic adaptation. Uganda has not aligned itself consistently or exclusively with either Israel or Palestine. Rather, its position has evolved over time. It moved from early close relations with Israel, through diplomatic rupture and stronger alignment with Palestinian and Arab positions. It later transitioned to the contemporary recognition of both Israel and Palestine. There is therefore no inherent legal contradiction between Uganda's close contemporary relationship with Israel and its recognition and multilateral support for Palestine. Indeed, the evidence in this chapter shows that Uganda's practice increasingly aligns with the international two-State framework, under which Israeli statehood, Palestinian self-determination and Palestinian statehood are not treated as mutually exclusive propositions.

There is, however, an important political tension within that posture. Uganda's bilateral relationship with Israel has often been driven by pragmatic strategic interests. Its Palestine policy, by contrast, has remained firmly embedded in the normative language of decolonisation and self-determination. This means that Uganda's practice cannot be explained solely by objective criteria of statehood. It instead illustrates the central proposition advanced in this research: recognition operates at the intersection of international legal principle and political discretion.[268]

3.4.6 Legal Assessment of Uganda's Posture towards Israel and Palestine

The historical practice examined in this chapter is evaluated against the international legal principles on recognition developed in Chapter Two. The principal issues are whether Uganda's conduct amounted to recognition or withdrawal of recognition at particular points, whether its simultaneous treatment of Israel and Palestine as States is legally coherent, and whether its contemporary practice complies with the principles of self-determination, territorial integrity and non-recognition.

3.4.6.1 Legal character of Uganda's recognition of Israel

The evidence supports the conclusion that Uganda recognised Israel following its independence in 1962. No distinct formal declaration of recognition has been identified. Uganda nonetheless established formal diplomatic relations with Israel and engaged with it extensively through

[268] Grant (n 12) 201-230; G Visoka 'Statehood and recognition in world politics: Towards a critical research agenda' (2022) 57 *Cooperation and Conflict* 133 133-151.

diplomatic, military, technical and development cooperation. The establishment of diplomatic relations by mutual consent constitutes strong evidence of an intention to treat the other entity as a state. Uganda's recognition of Israel may therefore properly be characterised as implied recognition effected through unequivocal state conduct.[269]

This conclusion aligns with the declaratory conception of recognition. Israel had already proclaimed independence in 1948 and had been admitted to United Nations membership in 1949, well before Uganda attained independence. Uganda's recognition therefore did not create Israeli statehood but rather acknowledged a legal status already established within the international system. Section 3.2.2 above likewise observes that Uganda encountered Israel in 1962 as an established participant in the international legal order, not as a newly proclaimed entity whose statehood depended on Uganda's decision. [270] The more significant legal question is what Uganda's 1972 severance of diplomatic relations with Israel actually achieved. Nothing in the evidence shows that Uganda expressly withdrew its recognition of Israel. Rather, the available record demonstrates the termination of diplomatic relations, closure of the Israeli mission and cessation of bilateral cooperation.

International law distinguishes the termination of diplomatic relations from the withdrawal of recognition.[271] Article 45 of the Vienna Convention on Diplomatic Relations expressly addresses circumstances in which diplomatic relations have been broken off. It continues, even then, to impose obligations between the States concerned. The legal personality of a state does not ordinarily disappear merely because another state terminates bilateral intercourse with it. Uganda's 1972 conduct can accordingly be characterised as a severance of diplomatic relations rather than a withdrawal of recognition of Israeli statehood. The restoration of diplomatic relations in 1994 consequently amounted to a resumption of interstate relations rather than a fresh act of recognition.[272]

3.4.6.2 Legal character of Uganda's recognition of Palestine

Uganda's posture towards Palestine developed along a different path.[273] During the 1960s and 1970s, Uganda supported Palestinian self-determination and progressively engaged with the PLO.

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[269] Vienna Convention on Diplomatic Relations (n 82) art 2; Lauterpacht (n 12) 369-408.
[270] UNGA Res 273 (III) (n 11); Crawford (n 2) 421-435.
[271] Vienna Convention on Diplomatic Relations art 45; Denza (n 36) 397-430.
[272] Talmon (n 37) 110-130; Shaw (n 7) 400-410.
[273] Palestinian Declaration of Independence, Algiers, 15 November 1988; UNGA Res 43/177 *Question of Palestine* UN Doc A/RES/43/177 (15 December 1988).

Such conduct, however, should not be automatically characterised as recognition of Palestinian statehood. Recognition of a national liberation movement as representative of a people is conceptually distinct from recognition of a State.[274] The decisive legal moment arose following the Palestinian Declaration of Independence of 15 November 1988. Uganda's subsequent conduct amounted to recognition of the State of Palestine. This moved beyond support for Palestinian representation and self-determination toward treating Palestine as a state. This chapter accordingly identifies 1988 as the juridical threshold between support for Palestinian political representation and recognition of Palestinian statehood.[275] Uganda's subsequent conduct reinforces this recognition. Its 2012 support for Resolution 67/19 did not create a new act of recognition. It confirmed a bilateral position already taken in 1988. The 2012 vote is thus better understood as reaffirming an existing recognition, rather than as its legal source. Similarly, Uganda's sponsorship of the 2024 draft resolution supporting Palestine's admission to the United Nations constitutes further evidence of Uganda's position. Uganda continues to treat Palestine as a state entitled to fuller international institutional participation.[276]

3.4.6.3 Compatibility of Uganda's recognition of Israel and Palestine

Uganda's simultaneous recognition of Israel and Palestine is not legally contradictory. Recognition of one state does not require denial of the other's statehood. International practice regarding the two-State solution expressly envisages Israel and Palestine existing as separate states within secure and recognised boundaries.[277]

Uganda's contemporary posture therefore reflects dual recognition rather than competing or mutually exclusive recognition. Its continued diplomatic relations with Israel coexist with its recognition of Palestine and support for Palestinian statehood within the United Nations. The documentary record confirms that, by 2026, Uganda continued to receive Israeli diplomatic representatives while simultaneously supporting Palestinian participation in the international institutional order. This duality is consistent with Security Council Resolutions 1397 and 1515, which expressly endorse a two-State framework. Uganda's practice is therefore not legally inconsistent simply because its bilateral relationship with Israel is more extensive than its

[274] Crawford (n 2) 383-390; Wilson (n 108) 91-130.
[275] Palestinian Declaration of Independence, Algiers, 15 November 1988; UNGA Res 43/177.
[276] UNGA Res 67/19 *Status of Palestine in the United Nations* UN Doc A/RES/67/19 (29 November 2012); UNGA Draft Res A/ES-10/L.30/Rev.1 (9 May 2024); UNGA Res ES-10/23 UN Doc A/RES/ES-10/23 (10 May 2024).
[277] Quigley (n 5) 263-286.

relationship with Palestine.[278] The relevant distinction, then, is between recognition of statehood and political or diplomatic preference. Uganda may recognise both states while maintaining different levels of diplomatic, economic and security engagement with each.

3.4.6.4 Uganda's posture and Palestinian self-determination

Uganda's recognition of Palestine is also assessed within the international law of self-determination. The Palestinian people's right to self-determination has been repeatedly affirmed by the United Nations and recognised by the International Court of Justice.[279] Uganda's support for Palestinian self-determination therefore rests on an established international legal principle rather than solely on political solidarity.[280][281][282] Its recognition of Palestine in 1988, support for Resolution 67/19 in 2012, and sponsorship of the 2024 membership initiative are all relevant here. They are broadly consistent with the international legal recognition of Palestinian self-determination.[283][284]

This aspect of Uganda's practice also reflects the broader African legal tradition. Uganda emerged from colonial rule in 1962. It subsequently participated in the OAU and the United Nations during the development of international norms on decolonisation and self-determination. This post-colonial context forms an important element of Uganda's subsequent framing of the Palestinian question. Consequently, Uganda's support for Palestinian statehood can be legally understood as part of its broader acceptance of self-determination. It is not a denial of Israeli statehood.

3.4.6.5 Territorial integrity and Uganda's two-State position

Uganda's recognition policy complies with the principle of territorial integrity and the prohibition on acquiring territory through force. [285] Recognition of Israel as a state does not require recognition of every territorial claim it asserts. Likewise, recognition of Palestine does not itself fix the precise

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[278] UNSC Res 1397 UN Doc S/RES/1397 (12 March 2002); UNSC Res 1515 UN Doc S/RES/1515 (19 November 2003).
[279] *Legal consequences of the construction of a wall in the Occupied Palestinian Territory* Advisory Opinion [2004] ICJ Reports 136 para 118; *Legal consequences arising from the policies and practices of Israel in the Occupied Palestinian Territory, including East Jerusalem* Advisory Opinion (ICJ, 19 July 2024) paras 230-243.
[280] UNSC Res 1397 UN Doc S/RES/1397 (12 March 2002) preamble; UNSC Res 1515 UN Doc S/RES/1515 (19 November 2003) para 1.
[281] UNGA Res 67/19; UNGA Draft Res A/ES-10/L.30/Rev.1; UNGA Res ES-10/23.
[282] UNGA Res 43/177; UNGA Res 67/19; UNGA Res ES-10/23.
[283] UNGA Res 181 (II) (n 4); UNGA Res 194 (III) UN Doc A/RES/194(III) (11 December 1948); UNGA Res 273 (III) UN Doc A/RES/273(III) (11 May 1949).
[284] UNGA Res 3236 (XXIX) Question of Palestine UN Doc A/RES/3236(XXIX) (22 November 1974); UNGA Res 3237 (XXIX) UN Doc A/RES/3237(XXIX) (22 November 1974); UNGA Res 43/177 UN Doc A/RES/43/177 (15 December 1988).
[285] Shaw (n 7) 380-390; Crawford (n 2) 438-448.

final boundaries between the two states. This distinction is particularly important with respect to the territories occupied since 1967. Security Council Resolution 242 emphasises the inadmissibility of acquiring territory by war. Resolution 2334, in turn, provides that Israeli settlements in the occupied Palestinian territory have no legal validity.[286]

The ICJ's 2024 Advisory Opinion went further, concluding that Israel's continued presence in the Occupied Palestinian Territory is unlawful and identifying obligations incumbent on third states not to recognise as lawful the situation arising from that presence or to render aid or assistance in maintaining it. Uganda's recognition of Israel is therefore distinguishable from recognition of territorial situations arising from occupation. Maintaining diplomatic or security relations with Israel is not, in itself, inconsistent with international law. Uganda should however, ensure that its bilateral cooperation does not amount to recognition of, or assistance to, territorial situations. International law requires states not to recognise such situations.[287]

This constitutes an important legal qualification to the otherwise broad conclusion that Uganda's dual recognition is coherent. The question is not whether Uganda may recognise Israel and Palestine simultaneously; it may. The relevant question is whether its posture respects the international legal distinction. That distinction lies between recognition of Israel as a state and non-recognition of unlawful territorial situations.

3.4.6.6 Obligation of non-recognition and Uganda's contemporary practice

The obligation of non-recognition sets an outer legal limit on Uganda's foreign-policy discretion. Article 41(2) of the Articles on Responsibility of States for Internationally Wrongful Acts states that "no State shall recognize as lawful a situation created by a serious breach referred to in article 40, nor render aid or assistance in maintaining that situation".[288] This principle means that Uganda's recognition policy is not entirely discretionary. Uganda remains free to determine the scope and intensity of its diplomatic relations with Israel. It is not free, however, to treat as lawful territorial situations that international law requires third states to regard as illegal. The 2024 ICJ Advisory Opinion is therefore especially pertinent. Uganda's own multilateral posture in support of Palestinian statehood, together with the applicable UN framework, places it under a

[286] UNSC Res 242 UN Doc S/RES/242 (22 November 1967); UNSC Res 2334 UN Doc S/RES/2334 (23 December 2016) paras 1-3.
[287] *Legal consequences arising from the policies and practices of Israel in the Occupied Palestinian Territory, including East Jerusalem* Advisory Opinion (ICJ, 19 July 2024) paras 261-279 and 285.
[288] International Law Commission '*Articles on responsibility of States for internationally wrongful acts*' UN Doc A/56/10 (2001) art 41(2).

responsibility. That responsibility is to ensure consistency between its international legal positions and its bilateral conduct.[289]

The legal assessment should therefore distinguish two propositions. First, Uganda's continued diplomatic relationship with Israel is lawful and compatible with its recognition of Palestine. Second, the legality of particular forms of cooperation with Israel would depend on one factor. That factor is whether they implicate the occupied Palestinian territory or contribute to maintaining situations subject to the obligation of non-recognition. The evidence presently before this chapter does not, without more, establish that Uganda has breached the obligation of non-recognition. Such a conclusion would require evidence linking particular Ugandan conduct to an unlawful territorial situation.

3.4.6.7 Consistency of Uganda's practice with the declaratory theory

Uganda's treatment of Israel lends strong support to the declaratory approach to recognition. Israel's statehood remained legally stable despite the dramatic transformation of Uganda's bilateral relations between 1962 and 1994. Uganda's ability to sever and later restore diplomatic relations without recreating Israeli statehood demonstrates that recognition and statehood are analytically distinct.[290] The Palestinian case likewise contains important declaratory elements. Uganda's recognition of Palestine in 1988 did not itself create Palestinian statehood. Rather, it represented Uganda's legal acknowledgement of a claim to statehood grounded in Palestinian self-determination and subsequently reinforced through international institutional practice. The declaratory theory therefore offers the stronger doctrinal explanation of Uganda's recognition practice. Uganda's bilateral choices acknowledge and operationalise statehood, without themselves determining objective international legal personality.

3.4.6.8 Constitutive dimensions of Uganda's practice

The declaratory theory, however, does not fully explain the practical consequences of Uganda's decisions. Recognition materially affects the capacity of recognised entities to participate in international relations. Uganda's recognition of Palestine contributed to broader international acceptance. Through that acceptance, Palestine developed diplomatic relations, participated in international organisations, and acquired greater institutional standing. Uganda's support for Resolution 67/19 and the 2024 membership initiative illustrates how individual state recognition

[289] UNGA Res ES-10/24 UN Doc A/RES/ES-10/24 (18 September 2024).
[290] Montevideo Convention (n 10) art 3; Crawford (n 2) 22-28.

interacts with collective international participation. The constitutive approach is therefore relevant here. It is not an explanation of the source of Palestinian statehood but of the practical international consequences of recognition.[291]

3.4.6.9 Law and political discretion

The evidence also demonstrates that Uganda's recognition-related practice cannot be understood solely through classical recognition theory. The intensity of Uganda-Israel relations has repeatedly tracked changes in political leadership, security interests, regional alliances and foreign-policy priorities. This chapter identifies this distinction with particular clarity. Uganda's relationship with Israel has often been driven by security, development, technology and strategic interests. Its Palestine-related multilateral conduct, by contrast, has more commonly been framed through self-determination, statehood and institutional participation.

The 1972 rupture is especially instructive. Israel's objective characteristics as a state did not materially change over this period. This is true between Uganda's close cooperation with it in the 1960s and Amin's severance of relations in 1972. What changed principally was Uganda's leadership, strategic orientation and external alliances. Similarly, the restoration of relations in 1994 cannot readily be explained by any transformation in Israel's legal statehood. This demonstrates the explanatory limitations of purely declaratory and constitutive theories. The legal status remained comparatively stable while diplomatic behaviour changed substantially. Critical recognition scholarship therefore supplies an important complementary explanation: law establishes the framework within which recognition operates. Politics, meanwhile, frequently determines the manner in which recognition is expressed and operationalised.[292]

The domestic constitutional framework reinforces this conclusion. Objective XXVIII of the National Objectives and Directive Principles of State Policy is relevant here. It requires Uganda's foreign policy to be based on respect for international law and treaty obligations, peaceful coexistence, non-alignment and the peaceful settlement of international disputes. Article 287 of the Constitution addresses this continuity. It preserves the treaties, agreements and conventions to which Uganda was party immediately before the 1995 Constitution came into force. These provisions do not themselves prescribe recognition of Israel or Palestine. They do, however,

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[291] J Vidmar '*Explaining the legal effects of recognition'* (2012) 61 *International and Comparative Law Quarterly* 361 361-387; J Dugard *Recognition and the United Nations* (1987) 51-80.

[292] Grant (n 12) 201-230; M Fabry *Recognizing states: international society and the establishment of new states since 1776* (2010) 213-222; G Visoka *'Statehood and recognition in world politics: towards a critical research agenda'* (2022) 57 Cooperation and Conflict 133-151.

provide a domestic constitutional basis for evaluating whether Uganda's recognition-related conduct is consistent with its international legal obligations. Ugandan courts, moreover, have accepted that questions of state conduct may be assessed against both the Constitution and Uganda's international commitments. Uganda's simultaneous recognition of Israel and Palestine should therefore be understood as an exercise of foreign-policy discretion. That discretion was undertaken within, rather than outside, a framework of constitutional and international legal constraint.[293]

3.4.6.10 Overall legal assessment

Overall, the evidence supports the conclusion that Uganda's posture towards Israel and Palestine is substantially consistent with the international law of recognition. Uganda recognised Israel following independence, and the evidence does not establish withdrawal of that recognition during the Amin period. Its restoration of relations with Israel in 1994 was therefore a restoration of diplomatic intercourse rather than re-recognition. Uganda's recognition of Palestine in 1988 constituted a separate and legally compatible recognition decision, subsequently reinforced through multilateral practice.

Uganda's simultaneous treatment of Israel and Palestine as states is consistent with the two-State framework recognised within the United Nations. Its support for Palestinian statehood is equally compatible with the international legal principle of Palestinian self-determination. The principal qualification concerns the obligation of non-recognition. Uganda's recognition of Israel cannot extend to accepting as lawful territorial situations arising from occupation, where international law imposes obligations of non-recognition and non-assistance. The legal coherence of Uganda's contemporary posture therefore depends not on choosing between Israel and Palestine but on maintaining the distinction between recognition of Israeli statehood, recognition of Palestinian statehood, and non-recognition of unlawful territorial situations.

This research consequently demonstrates that Uganda's posture is legally more coherent than the dramatic fluctuations in its diplomatic history might initially suggest. The central inconsistency lies not in recognition itself. It lies in the changing political intensity, strategic orientation and

[293] Constitution of the Republic of Uganda 1995, National Objectives and Directive Principles of State Policy, Objective XXVIII(i)(b)-(d), and art 287; *Thomas Kwoyelo alias Latoni v Uganda* (Constitutional Petition 36 of 2011) [2011] UGCC 10 (22 September 2011); *Uganda v Kwoyelo* (Constitutional Appeal 1 of 2012) [2015] UGSC 5 (8 April 2015).

diplomatic expression of relationships whose underlying legal recognition has remained comparatively stable.

3.5 Conclusion

This chapter has shown that Uganda's posture towards Israel and Palestine has shifted considerably at the level of diplomacy, political alignment and security engagement. It has remained comparatively stable, however, at the level of legal recognition. Uganda's posture began with implied recognition of Israel through the establishment of diplomatic relations in 1962. It survived the 1972 rupture and the 1976 Entebbe crisis. It then expanded to formal recognition of the State of Palestine on 3 December 1988 and evolved after 1994 into a dual-recognition posture. Contemporary developments further demonstrate this point, from the Gaza war to Uganda's 2024 multilateral positions, the 2026 Yoni Netanyahu memorial and the proposed UPDF deployment to Gaza. They show that recognition, diplomatic relations, political support and operational security engagement should be analysed as distinct but interacting dimensions of Uganda's foreign policy.

Uganda's posture towards Palestine developed more gradually. It moved from support for Palestinian self-determination and engagement with the PLO to formal recognition of Palestinian statehood following the 1988 Declaration of Independence. Subsequent support for Palestine within the United Nations, including Resolution 67/19 and efforts toward full UN membership, confirms the continuity of that recognition. Uganda has therefore developed a dual-track posture. It maintains diplomatic, security, economic and political relations with Israel, while simultaneously recognising Palestine and supporting Palestinian self-determination and statehood.

The chapter finds that these positions are not legally incompatible. Uganda's practice is broadly consistent with a two-State framework. This holds provided that recognition of Israel is kept distinct from recognition of unlawful territorial situations in the Occupied Palestinian Territory. Overall, Uganda's practice is best explained through a combination of declaratory, constitutive and critical approaches to recognition. The central finding is that Uganda's diplomatic posture has been considerably more volatile than its legal posture on recognition. This demonstrates that recognition operates at the intersection of international law, political discretion, strategic interests and changing geopolitical circumstances.

CHAPTER FOUR

CONCLUSIONS AND RECOMMENDATIONS

4.1 Introduction
4.2 Conclusions
4.3 Recommendations
4.4 Areas for further research

4.1 Introduction

This chapter concludes the study of Uganda's posture towards Israel and Palestine within the international law of state recognition. This chapter draws on the legal and theoretical framework and the historical, critical and legal analysis undertaken in the preceding chapters. It consolidates the study's conclusions, recommendations and areas for further research.

4.2 Conclusions

The conclusions of this study derive from the critical analysis of Uganda's posture towards Israel and Palestine undertaken in the preceding chapters. They address the legal character of Uganda's recognition practice and the explanatory value of the principal theories of recognition. They also address Uganda's contribution to African state practice on recognition. Taken together, these conclusions illustrate the interaction between international legal principles and political considerations in shaping Uganda's recognition-related conduct.

4.2.1 Role of recognition in international law

The first conclusion is that statehood and recognition must be kept analytically distinct. The traditional criteria of statehood supply the conventional legal starting point. These are "a permanent population", "a defined territory", "government" and "capacity to enter into relations with the other states". Recognition, by contrast, concerns the response of existing states to an entity claiming or possessing international legal personality. Uganda's practice illustrates why conflating these concepts produces inaccurate conclusions.

On the principles governing recognition more broadly, the study identifies three organising elements that structure state practice: the traditional criteria of statehood, which supply the factual threshold for a claim to legal personality; the declaratory and constitutive theories, which offer competing accounts of recognition's legal effect once that threshold is met; and the doctrines of self-determination, territorial integrity and the obligation of non-recognition of unlawful situations, which qualify how and when recognition may properly be extended or withheld. These principles define the legal boundaries within which a recognising state operates, even though the ultimate decision to recognise remains, in practice, an exercise of sovereign political discretion.

The study finds that the declaratory conception provides the stronger explanation for the continuity of statehood. A state does not ordinarily cease to exist merely because another state suspends diplomatic relations with it. The same is true where that other state adopts hostile rhetoric, changes political alignment or withdraws cooperation. This is especially significant in assessing Uganda's relations with Israel during the Idi Amin period. The rupture in diplomatic relations carried political significance. The available evidence, however, does not establish that Uganda intended thereby to extinguish or withdraw its acknowledgement of Israel's statehood.

At the same time, the study confirms that recognition carries substantial practical effects. Recognition facilitates diplomatic intercourse, treaty relations, institutional participation and the ordinary exercise of international personality. Palestine's experience illustrates a possible gap. This gap may arise between an entity's claim to legal statehood and the practical effectiveness of that status within international institutions. The growth of bilateral recognition, non-member observer state status at the United Nations, and participation in international treaty regimes have progressively strengthened Palestine's international position. This has not, however, rendered recognition identical to statehood or observer status identical to full UN membership.

Accordingly, the study rejects both extremes. Recognition should not be treated as the sole creator of statehood, but neither should it be dismissed as legally or practically insignificant. Uganda's posture is best understood as occupying this middle ground.

The critical approach further illuminates this middle ground. It exposes recognition as an instrument through which political and geopolitical interests, and not legal criteria alone, shape which entities gain practical access to the benefits of statehood. Uganda's shifting posture towards Israel and Palestine, driven at different points by security cooperation, Cold War and Arab-African alignments, and contemporary diplomatic calculation, illustrates how political considerations operate alongside, and at times ahead of, formal legal criteria. The critical approach therefore

supplements rather than displaces the declaratory theory: it explains why legally continuous statehood can nonetheless produce uneven diplomatic and practical outcomes, and it confirms that existing theories of recognition remain adequate only when read together rather than in isolation.

4.2.2 Assessing Uganda's posture towards Israel and Palestine

The second major conclusion is that Uganda's posture has undergone pronounced diplomatic and political change. It has, however, displayed greater continuity at the level of legal recognition. The early post-independence period was marked by close cooperation with Israel, including diplomatic, technical and security engagement. The Amin period brought a dramatic rupture in those relations and a reorientation of Uganda's foreign policy toward Arab and Palestinian causes. The post-1986 period brought renewed engagement with Israel, culminating in the restoration of diplomatic relations, while Uganda also sustained its support for Palestinian statehood.

This trajectory demonstrates that diplomatic relations are, on their own, a poor proxy for recognition. The severance of relations with Israel did not necessarily amount to a withdrawal of recognition. Nor did their later restoration necessarily constitute a fresh recognition of Israel. The more persuasive conclusion is that Uganda's recognition of Israel endured even as the political and diplomatic relationship changed substantially.

Uganda's posture towards Palestine followed a distinct path. Its support for the 1988 General Assembly resolution acknowledging the Palestinian Declaration of Independence forms part of a consistent pattern. This pattern continues through its later support for Resolution 67/19 in 2012 and Resolution ES-10/23 in 2024, supporting Palestinian statehood and enhanced international participation. Those multilateral acts are not, on their own, interchangeable with formal bilateral recognition. Read alongside Uganda's wider governmental and diplomatic practice, however, they constitute strong evidence of its acceptance of Palestine as a state.

The study therefore concludes that Uganda's contemporary posture is one of simultaneous acceptance of Israel and Palestine as states. This is accompanied by differing levels and forms of diplomatic engagement. This is not inherently contradictory. It is compatible with the two-State framework and with the practice of states that maintain relations with Israel while recognising Palestine.

4.3 Recommendations

The following recommendations flow from the principal findings of Chapters Two and Three. Chapter Two established the international legal framework governing recognition. Chapter Three, in turn, demonstrated how Uganda has applied and expressed recognition in its historical and contemporary relations with Israel and Palestine. The recommendations accordingly aim to strengthen the legal clarity, consistency and institutional coherence of Uganda's recognition practice.

4.3.1 Develop a coherent and documented national recognition policy

Uganda should adopt a written National Recognition Policy, issued by the Ministry of Foreign Affairs and approved by Cabinet, setting out the criteria and procedure for recognising states and governments. The Ministry should designate a dedicated unit within its Legal and International Law Department to maintain an authoritative, publicly accessible register of recognition decisions, official communiqués and other relevant diplomatic acts, updated within thirty days of each decision. Whenever Uganda recognises a state, alters an existing recognition position, or intends a diplomatic act to carry recognition consequences, that unit should issue a written legal opinion expressly stating the legal character of the decision before it is communicated externally. This recommendation responds directly to the difficulties identified in Chapter Three concerning the precise legal significance of certain aspects of Uganda's historical practice towards Israel and Palestine.

4.3.2 Maintain a clear distinction between recognition and diplomatic relations.

Uganda should consistently distinguish recognition of statehood from the establishment, suspension, severance or restoration of diplomatic relations. As demonstrated in Chapters Two and Three, diplomatic relations may shift considerably due to political, security and strategic considerations without necessarily altering the underlying recognition of a state. The Ministry of Foreign Affairs should issue standing drafting guidelines requiring that official communiqués, press statements and diplomatic notes use the language of recognition only where a decision on statehood is genuinely intended, and should incorporate this distinction into the induction and in-service training curricula for diplomatic staff. This distinction would reduce ambiguity in interpreting Uganda's future recognition practice.

4.3.3 Ensure consistency between Uganda's recognition practice and international law.

Before any recognition-related decision is communicated externally, it should be subject to a mandatory legal assessment by the Attorney General's Chambers in consultation with the Ministry of Foreign Affairs, applying a standard checklist covering the criteria for statehood, self-determination and territorial integrity, the prohibition on acquiring territory by force, and obligations of non-recognition concerning unlawful situations. In applying this checklist, Uganda should preserve a key distinction between recognition of Israel as a state and acceptance of particular territorial claims or situations arising from occupation. Similarly, recognition of Palestinian statehood should remain distinct from endorsement of particular governments, political organisations or conduct.

4.3.4 Promote coherence between bilateral relations and multilateral positions.

Uganda should establish an inter-ministerial coordination committee, comprising the Ministry of Foreign Affairs and Uganda's Permanent Missions to the United Nations and the African Union, to align bilateral foreign relations with the positions Uganda takes at the United Nations, the African Union and other international institutions. Chapter Three demonstrates that Uganda has maintained substantial bilateral relations with Israel while simultaneously recognising Palestine and supporting Palestinian self-determination and statehood in multilateral fora. These positions are not inherently contradictory, but the coordination committee should issue a short public explanatory memorandum setting out the legal and foreign-policy principles underlying each significant vote or diplomatic position, to strengthen the consistency and transparency of Uganda's recognition practice.

4.3.5 Preserve principled engagement with both Israel and Palestine.

Uganda should continue to approach its relations with Israel and Palestine on the premise that recognition of the two states is not mutually exclusive. The study demonstrates that Uganda can maintain diplomatic, economic, security and development relations with Israel while simultaneously recognising Palestine and supporting Palestinian self-determination and statehood. The Ministry of Foreign Affairs should subject this dual engagement to a biennial review, presented to the Parliamentary Committee on Foreign Affairs, confirming its continued consistency with Uganda's obligations under international law and its constitutional foreign-policy principles, including respect for international law, peaceful coexistence and the peaceful settlement of international disputes.

4.4 Areas for Further Study

This dissertation has focused specifically on Uganda's posture towards Israel and Palestine within the international law of recognition between 1948 and 2026. The study contributes to understanding recognition from the perspective of an African recognising state. Its scope and findings, however, give rise to several questions warranting further research. Two areas are identified in particular.

First, further research could undertake a comparative examination of the recognition practice of Uganda alongside Kenya, Nigeria and South Africa, three African states with documented but divergent postures towards Israel and Palestine. Such research could assess whether the distinctions identified in this study between legal recognition, diplomatic relations, political alignment and multilateral conduct, are similarly reflected in the recognition instruments, bilateral communiqués and UN voting records of these states. A comparative approach of this kind would help determine whether Uganda's experience reflects a broader African approach to recognition or circumstances particular to its foreign relations with Israel and Palestine.

Secondly, further research could examine the implications for Uganda of the International Court of Justice's 19 July 2024 Advisory Opinion on the Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, in which the Court held that Israel's continued presence in the Occupied Palestinian Territory is unlawful and that all States are under an obligation not to recognise it. Such research could assess how this third-state non-recognition obligation interacts with Uganda's continuing bilateral, security and diplomatic relations with Israel, and what specific legal or policy adjustments, if any, Uganda's recognition practice would require to comply with it.

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