
TERRITORIAL INTEGRITY AND THE RIGHT TO SELF-DETERMINATION: AN INTERNATIONAL LEGAL DILEMMA UNDER THE UN CHARTER

Vijayalakshmi Vedavinayagam, School of Excellence in Law, TNDALU

ABSTRACT

Territorial integrity and the right to self-determination are two foundational yet frequently conflicting principles of international law that shape state behaviour, sovereignty, and responses to secessionist movements. The right of peoples to freely choose their political status and form of government is affirmed by self-determination, whereas territorial integrity stresses the inviolability of state borders and forbids outside intervention in internal affairs. The United Nations Charter contains both of these concepts and seeks to uphold both at the same time. Significant legal and political problems have been brought about by their actual use, nevertheless, especially when a group's claim of self-determination calls into question the territorial unity of an established state.

The doctrinal and structural ambiguities that result from the UN framework's dual acknowledgement of these principles are critically examined in this research article. In order to assess how international law resolves—or fails to resolve—such conflicting claims, it examines important legal documents, International Court of Justice case law, and pertinent state actions. The paper illustrates the disparities in global reactions and the impact of geopolitical interests on legal results using case studies from places including Kosovo, South Sudan, and Western Sahara. In the end, the study aims to determine whether a more logical and binding legal norm that balances the integrity of states with the rightful ambitions of peoples under international law can be created to direct future conflicts.

Keywords: Territorial integrity, self-determination, right, UN Charter.

INTRODUCTION

International law and world politics are based on the core ideas of territorial integrity and self-determination, which influence how governments interact, especially when it comes to sovereignty and boundary disputes. While territorial integrity requires nations to refrain from supporting boundary modifications or separatist movements in other countries, considering such activities as aggression, self-determination gives peoples the freedom to determine their political status and sovereignty without outside intervention. Despite the importance of these concepts, their implementation can cause conflict, particularly when a group's quest for self-determination jeopardises an existing state's geographical unity.

The United Nations Charter serves as the cornerstone of the post-World War II international legal order, which is based on two fundamentals but opposing ideas: the right of peoples to self-determination and the territorial integrity of sovereign states. Theoretically, the Charter allows both values to live peacefully. But in reality, when they are used simultaneously, doctrinal uncertainties and legal tensions arise, especially when separatist movements and internal disputes are involved. This legal dilemma has been made more difficult by the current geopolitical environment, since international legal organizations—most notably the International Court of Justice (ICJ)—continue to take a case-specific approach rather than providing consistent normative advice.

To determine the precise situations in which these principles' application could conflict, a more thorough analysis is required. The detailed nature of territorial integrity and self-determination will be examined in this research, along with instances in which these ideals clash and potential practical priorities. This study evaluates the structural inconsistencies in international law, critically analyses the legal framework established by the UN Charter, and investigates the feasibility and desirability of striking a cogent balance between these conflicting rights.

STATEMENT OF THE PROBLEM

The two principles right to self-determination and territorial integrity clash frequently—especially in the case of secession by one state unilaterally or in non-colonial situations like in Kosovo or South Sudan. The absence of hierarchy between these principles has created ambiguity in how states and international institutions respond to secessionist claims. This ambiguity has been exploited by political interests, leading to inconsistent recognition of new

entities and selective interventions by powerful states. While the ICJ, in its advisory opinions, has acknowledged the right to self-determination, it has stopped short of defining the legal criteria for *external* self-determination or *remedial secession*, leaving much to the discretion of states and regional organizations.

This article is designed to critically analyse the UN Charter and its interpretation through international judicial decisions, state practice, and UN action (or inaction), to determine whether international law offers a consistent mechanism to reconcile these competing norms.

SCOPE AND LIMITATIONS OF THE STUDY

The research is limited to a doctrinal legal examination within the scope of pertinent international law instruments and the United Nations Charter. It mainly concentrates on how the concepts of territorial integrity and the right to self-determination are interpreted legally and applied in modern international law. We'll examine case studies like South Sudan, Kosovo, and Crimea to highlight the legal voids and contradictions. While acknowledging their impact on legal advancements, the study does not go into great detail into political science or international relations viewpoints. Furthermore, this study will focus on the self-determination movements that are most legally relevant to the discussion rather than looking at all of them.

However this study is subject to limitations, First, since the study is primarily based on secondary sources relying on the interpretation of legal texts, international case law, and UN instruments academic literature, UN reports,; hence, it may not capture and incorporate empirical fieldwork, interviews, or region-specific political dynamics beyond selected case studies. Additionally, only publicly accessible legal sources are included in the research, and classified diplomatic discussions that could affect state policy are not taken into consideration. Furthermore, the study does not include all worldwide self-determination movements, and as a result, it may not fully capture the range of geopolitical or regional variances in legal application, even though important cases like Kosovo, South Sudan, and Western Sahara are covered.

RESEARCH OBJECTIVE

The primary objectives of this study are:

- i. to investigate the legal underpinnings of the UN Charter's values of territorial integrity and the right to self-determination.
- ii. to locate and examine any inconsistencies or unclear areas in international law pertaining to the implementation of these principles.
- iii. To evaluate severely how the United Nations and the International Court of Justice handle disputes involving territorial claims and separatist claims.
- iv. to determine whether territorial integrity and self-determination are ranked in a legal hierarchy and in what situations either may take precedence over the other.
- v. to suggest normative and legal changes that might aid in bringing these conflicting ideas into line with international law in a fair, consistent, and logical way.

RESEARCH QUESTIONS

1. How does the UN Charter interpret and safeguard the principles of territorial integrity and self-determination, and to what extent do each have scope under international law?
2. Where there is conflict between these two principles, what (if any) guidance does international legal jurisprudence provide on balancing them?
3. To what degree has the United Nations, by means of its organs and resolutions, shaped or defined the prioritization of territorial integrity against self-determination or vice versa?

RESEARCH METHODOLOGY

This study is based on Doctrinal method. The work is relied upon the primary and secondary sources which includes various research articles, journals and books. This research adopts a qualitative, doctrinal, and analytical legal methodology. It primarily focuses on the interpretation of international legal principles, norms, and case law through a critical analysis of authoritative texts, jurisprudence, and state practice. The study also incorporates comparative and evaluative methods where appropriate, especially when examining how different legal systems or geopolitical contexts interpret the principle of self-determination vis-

à-vis territorial integrity.

This study also involves Case studies such as Kosovo, South Sudan, and Timor are compared to evaluate how international law has been applied inconsistently in practice.

Descriptive and Analytical Method: Describing the legal evolution of these principles and analysing how they conflict or coexist within the broader international legal framework.

LITERATURE REVIEW

Malcolm Shaw's authoritative textbook *International Law* offers balanced doctrinal insight into the principles of sovereignty, self-determination, and *uti possidetis juris*, further elaborating on how these concepts interact in practice.

Chibike Oraeto Amucheazi, *Territorial Integrity: The Right to Self-Determination and the People to Whom the Right Accrues*, 4 Int'l J. L., Policy & Soc. Rev. 24 (2022).

This article in the International Journal of Law, Policy and Social Review explores the entitlement question—i.e., to whom the right of self-determination accrues—highlighting the challenges in defining "peoples" under international law.

Raic, David (2002) "The Law of Self-Determination and Statehood" Raic addresses the connection between self-determination and statehood. Statehood is briefly covered in the book's introduction, which covers ideas like "subject of law," "personality," the State as an international legal entity, and the conventional standards for statehood. This is followed by a detailed study of the historical development of self-determination during the decolonisation phase and beyond. The final and stimulating part is on the issue of secession and its place in the present rubric of international law.

CHAPTERIZATION

The study will be structured into the following main chapters:

CHAPTER I: CONCEPTUAL AND NORMATIVE FOUNDATIONS

CHAPTER II: JUDICIAL INTERPRETATION AND CASE STUDIES

CHAPTER III: THE ROLE OF THE UNITED NATIONS AND STATE PRACTICE**CHAPTER IV: DOCTRINAL TENSIONS AND LEGAL GAPS****CHAPTER V: CONCLUSION AND RECOMMENDATIONS****CHAPTER I: CONCEPTUAL AND NORMATIVE FOUNDATIONS****INTRODUCTION**

Territorial integrity refers to the principle that a state's borders should not be altered without consent. It is crucial for maintaining national sovereignty. This concept is vital in international law. It protects nations from external aggression and internal fragmentation. In India, territorial integrity is enshrined in the Constitution. It reflects the commitment to unity amidst diverse cultures and regions.

The principles of territorial integrity and sovereignty strive towards establishing the fact that states are in control of their geography and have the capacity to govern independently without interference from a third party. The principles originate from the diplomatic treaties enacted such as the United Nations Charter, which grants sovereignty for states but with a provision in that it disallows any form of force towards territorial integrity.¹

Self-determination denotes the legal right of people to decide their own destiny in the international order. Self-determination is a core principle of international law, arising from customary international law, but also recognized as a general principle of law, and enshrined in a number of international treaties. Self-Determination is a term widely used in contemporary international relations. Stated simply, it means the determination by a nation of its own polity.²

The concept of self-determination is far more central to the structure of the United Nations than it was ever to the League of Nations. In contrast to the League Covenant, the UN Charter uses the word "self-determination" specifically in two important clauses. The development of "friendly relations among nations based on respect for the principle of equal rights and self-

¹ Edita Gzoyan; Lilit Banduryan, *Territorial Integrity and Self Determination: Contradiction or Equality?* 2011, 11.

² Concise Oxford Dictionary.

determination of peoples" is listed as one of the main goals of the UN in Article 1(2), which connects this principle to the preservation of global peace and stability. The right of a people to freely pursue their political, economic, social, and cultural development inside the borders of an existing state—often through autonomy or political participation—is known as internal self-determination. External self-determination, which is usually claimed in situations of colonialism or extreme persecution, is the right of a people to decide their international status, including the potential for secession and the creation of an independent state. Both approaches seek to balance national sovereignty while enabling organisations to manage their own affairs.

EVOLUTION OF THE PRINCIPLES

Evolution of territorial integrity

The pre-modern nations' erratic territorial claims, where power frequently overlapped and was disputed, gave rise to the concept of territorial integrity gradually. State sovereignty was established as a fundamental idea by the 1648 Peace of Westphalia, but geographical changes by treaties or invasion were still often made. From a dependence on force to a legal framework that acknowledged governments' rights to defend their boundaries, legal academics started defining territorial inviolability as a formal norm by the 19th century. The foundation for the contemporary view of territorial integrity as a defence against outside assault was established during this time.

In order to preserve the post-war territorial order following World War I, the League of Nations codified territorial integrity; yet, its enforcement mechanisms were insufficient to counteract the rise of militarism. The 1945 UN Charter, in especially Article 2(4), which expressly forbade the use of force against a state's territorial integrity, gave the idea strong legal standing. This clause became a pillar of international law after being supported by minor nations looking to defend themselves against strong aggressors.

A balance between stability and legal adaptability was reflected in later documents, such as the Helsinki Final Act of 1975, which upheld the idea by denouncing forcible boundary modifications while allowing for peaceful amendments with mutual consent. Essentially, these provisions substantially link territorial integrity to the prohibition of external force. The explicit scope of such provisions is confined to states' conduct inside their international relations.

Evolution of Self- determination

Historically, the concept of self-determination can be traced back to the Declaration of Independence of the United States of America.³ Although the idea of self-determination has philosophical antecedents, the right of peoples to choose their political standing, direct their economic course, and claim their cultural identity—became significantly recognised in international law throughout the 20th century. Despite having conceptual roots in the Enlightenment and the French Revolution, American President Woodrow Wilson's support during World War I marked the beginning of its current legal development.⁴

However, during the interwar years, the idea remained mostly aspirational because of political opposition, especially from colonial countries. Self-determination didn't start to solidify as a legal right until the United Nations was established during World War II. Despite being contentious at the time, the Soviet Union's persistence led to the principle's eventual inclusion in the UN Charter under Articles 1(2) and 55. The foundation for its further evolution was established by these clauses.

A key legal rationale for national liberation movements in Asia, Africa, and the Caribbean, self-determination gained significant traction during the decolonisation wave of the 1960s and 1970s. The right was firmly established in international practice by UN General Assembly Resolution 1514 (XV) on the Granting of Independence to Colonial Countries and Peoples. The legal International Covenant on Civil and Political Rights (ICCPR) and the non-binding worldwide Declaration of Human Rights (UDHR) were established as a worldwide formulation of human rights in 1948 and 1966, respectively, marking the fast growth of human rights. However, self-determination was elevated from merely a "watchword" in international politics to an international legal principle that already had *erga omnes*⁵ and customary international law status thanks to the ICCPR (and ICESCR), which included it as a fundamental human right. The principle's inclusion in the twin International Covenants on Civil and Political Rights and Economic, Social, and Cultural Rights (ICESCR) in 1966, where it was acknowledged as a human and collective right, significantly strengthened its legal standing. This, according to academics like Hurst Hannum, signalled the shift of self-determination from a political goal to

³ Daniel Thürer and Thomas Burri, 'Self-Determination' in Max Planck Encyclopaedia of Public International Law (OUP 2008).

⁴ Malcolm N. Shaw, *International Law*, (5 edn Cambridge University Press, 2003) 225

⁵ International Court of Justice, *East Timor (Australia v. Portugal)*, Judgement, [1995], ICJ Reports 1995, para. 90.

a human right guaranteed by international law. The idea is still developing despite its colonial roots, especially in light of disputed separatist claims.

INTERPRETATION OF THE UN CHARTER PROVISIONS: ARTICLES 1(2), 2(4), AND 55

The principle of territorial integrity appears in Article 2(4) within the United Nations Charter as a central provision, stating that “all Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.” This article is specifically concerned with how states interact with each other and does not directly address people or peoples.

Article 1(2) establishes self-determination as a core UN purpose, aiming to foster friendly relations by recognizing the "equal rights and self-determination of peoples."

This principle served as the foundation for decolonisation, which allowed colonised areas to become independent. ⁶But the word "peoples" is still vague, which leads to confusion. Although colonised peoples' right to self-determination was given priority in the 1960 Declaration on Decolonisation (Resolution 1514), acts that endangered a state's territorial integrity were expressly prohibited. This illustrates the conflict between maintaining current state borders and strengthening marginalised people.

Article 2(4), which emphasises sovereignty and non-interference, forbids the threat or application of force against a state's territorial integrity. According to the International Court of Justice (ICJ), this concept safeguards territory that is effectively under a state's authority and regulates interactions between states. Notably, the addition of "territorial integrity" in 1945 did not exclude peaceful boundary adjustments by mutual consent; rather, it was intended to deter aggressive expansions. For instance, the Helsinki Final Act of 1975 forbids unilateral separatist acts but permits territory modifications by legal, non-coercive measures.

This principle has been particularly emphasised by developing countries and also by other

⁶ United Nations General Assembly Resolution 1514 (XV), Declaration on the Granting of Independence to Colonial Countries and Peoples (1960)

regions.⁷

Article 55 urges governments to advance "universal respect for human rights" as a basis for peace and links self-determination to more general socioeconomic and human rights objectives. Instruments such as the 1966 International Covenants, which present self-determination as a means of achieving political, economic, and cultural advancement, are consistent with this. Article 2(7), which restricts UN intervention in internal affairs unless there are risks to peace, governs how Article 55 functions. This makes it difficult to strike a balance between defending state sovereignty and promoting internal self-determination.

These provisions collectively establish a conditional balance. Self-determination is endorsed for decolonization and internal governance but subordinated to territorial integrity when stability is at risk. The UN Charter implicitly favours state sovereignty, permitting external

self-determination (independence) only in extreme cases of oppression or colonial rule. Contemporary challenges, such as Indigenous rights movements or separatist conflicts, test this balance, requiring case-specific assessments of whether state actions meet the threshold for legitimate secession under international law.

RECONCILING COLLECTIVE RIGHTS WITH STATEHOOD

The international system acting through organs such as UN bodies and regional organisations often decides on the legitimacy and legality of self-determination claims and attempts to create a new state. Self-determination is only one among many norms, values and interest that may be affected and thus taken into consideration in this context; usually it cannot by itself determine the establishment of a new state.⁸

These significant and intricate political procedures involve more than merely international decision-makers determining if a people have the right to self-determination and, if so, recognising that right as a right to independence and statehood. The other standards, values, and interests of the international system that are frequently impacted would be totally disregarded in such an approach. At least as important our peace, security, territorial integrity and stability. It is only in the right cases by the legitimising principles, concise with reinforced

⁷ Malcolm N. Shaw, *International Law*, (5 edn Cambridge University Press, 2003) 225.

⁸ Elizabeth Rodriguez-Santiago, "The Evolution of Self-Determination of Peoples in International Law," in *The Theory of Self-Determination*, Fernando Teson, ed. (Cambridge University Press, 2016), 211.

by these claims that claims for independence statehood attacked by international institution instead, the principal legitimising, the creation of a state tend to be balanced against the other most stability-and status—oriented norms and interests of the international system.

Decolonisation, which has been identified as an international legal entitlement for a certain class of territories to establish their own states, is the main exception to the norm that the international criteria supporting statehood claims are standards of legitimacy rather than legality. In other exceptional cases, the creation of a state can be clearly illegal. In general, there are legality as well as legitimate standards, legitimising or demising claims for independent statehood.

Doctrine of uti possidtis

The influence of the principle of territorial integrity maybe seen in the latin American idea of uti possidtis, whereby the administrative divisions of the Spanish empire in South America were deemed to constitute the borders for the newly independent successor states, the sterically, excluding any gaps, and so, which might per precipitate hostilities and encourage for an intervention.

The principle of uti possidtis developed to help regulate territorial issues. Its main function is to demarcate market, upon the creation of a new state, the boundaries between the new state and its neighbours, including the Metropolitan state, clearly, if not def in-state boundaries between provinces or other state entities become international boundaries at the moment of Independence of a territory.

The application of uti possidtis is not independent on the consent and or the recognition of the parties involved. It is the general interest, as it may contribute considerably to stability and the preservation of peace. It was revived during colonisation and was confirmed outside the colonial context in the 1990s uti possidtis now days be applied as part of an international conflict management. The non-colonial context, its importance lies in its freezing boundaries until they are fixed by consent, that is by recognition or agreement.

The question of uti possidetis was discussed by a Chamber of the International Court in the Burkina Faso/Mali case,⁹ where the compromise (or special agreement) by which the parties

⁹ ICJ Reports, 1986, p.554:80 ILR, p. 459.

submitted the case to the Court specified that the settlement of by which parties submitted the case to the Court specified that the settlement of the dispute should be based upon respect for the principle of the 'in tangibility of the frontiers inherited from colonisation'. It was noted, however, that the principal had in fact developed into a general concept of contemporary customary international law, and was unaffected by the emergence of the rights of people of self-determination.

CHAPTER II: JUDICIAL INTERPRETATION AND CASE STUDIES

INTRODUCTION

In international law, the relationship between territorial integrity and self-determination has been significantly influenced by state practice and court interpretations, especially in the examples of South Sudan and Kosovo. These instances serve as examples of how political processes and courts resolve conflicts between the inviolability of state borders and a people's freedom to choose their own political status. Despite being lawful, Kosovo's UDI is still disputed diplomatically, and South Sudan's statehood is a contentious issue after independence. Collectively, they demonstrate the changing understanding that territorial integrity is not always absolute and that, in certain situations, self-determination may be sufficient justification for secession—a paradigm changes in post-colonial international law.

KOSOVO- UNILATERAL DECLARATION OF INDEPENDENCE¹⁰

Kosovo's 2008 unilateral declaration of independence (UDI) from Serbia stands as a landmark case at the intersection of the principles of territorial integrity and self-determination in international law. Decades of ethnic violence and tension, as well as Serbia's 1989 revocation of Kosovo's autonomy and subsequent years of persecution of the Kosovar Albanian community, provided the backdrop for Kosovo's UDI. Following the dissolution of Yugoslavia, when other republics gained independence on the basis of *uti possidetis* and self-determination, these developments heightened calls for self-determination.

The International Court of Justice (ICJ) in its 2010 advisory opinion, found that the declaration of independence by Kosovo did not contravene general international law. The Court explained

¹⁰ Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo, Advisory Opinion, 2010 I.C.J. Rep. 403,

that declarations of independence are not prohibited by international law and that the UN Charter's Article 2(4) on territorial integrity pertains to dealings between states rather than non-state actors like the assembly of Kosovo. The ICJ limited its finding to the specific issue of the declaration's legality, avoiding a decision on whether Kosovo had a positive right to secede or whether it was a state.

The ICJ has highlighted, in the case of declarations of independence outside the context of the international law of self-determination (even during the second half of the twentieth century), the practice of the states does not point to the emerge in international law of a new rule prohibiting the making of a declaration of independence in such cases. The ICJ considers that there is no emerging prohibition of secession as arising from the principle of territorial integrity.

The International Court of Justice emphasises the significant importance of the territorial integrity concept in international law in the Kosovo AO.¹¹ and interprets its subjective scope using as a basis two relevant texts: the General Assembly resolution 2625 (XXV) of 1970, entitled “Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in Accordance with the Charter of the United Nations” and the Final Act of the Helsinki Conference on Security and Co-operation in Europe of 1 August 1975 (the Helsinki Conference). The conclusion of the International Court is that “the scope of the principle of territorial integrity is confined to the sphere of relations between States”.¹²

The Kosovo case shows that although territorial integrity is still a fundamental principle guiding state-to-state relations, it does not always preclude internal movements for self-determination, particularly when there have been grave violations of human rights or when significant autonomy has been denied. The more general question of whether or not self-determination may support unilateral secession in non-colonial situations was left unanswered by the ICJ's limited approach. Thus, the experience of Kosovo underlines the continuous conflict and ambiguity in international law between the desire of peoples for self-government and the defence of current borders.

¹¹ Affirming “[t]he Court recalls that the principle of territorial integrity is an important part of the international legal order and is enshrined in the Charter of the United Nations, in particular in Article 2, paragraph 4” (Kosovo AO, *supra* note 5, at paragraph 80).

¹² Kosovo AO, *supra* note 5, at paragraph 80.

SELF-DETERMINATION OF SOUTH SUDAN

South Sudan's path to independence is a landmark example of the tension and evolving relationship between the principles of territorial integrity and self-determination in international law¹³. Like many other African countries, it was only after the establishment of British colonial rule in late 19th century that the Sudan region came into existence as a political entity. In order to avoid conflict and disintegration, the Organisation of African Unity (OAU) and the United Nations have historically upheld the integrity of inherited boundaries, which served as the foundation for Africa's post-colonial order. As dangers to the territorial integrity of existing governments, secessionist movements were generally denounced.

The situation in South Sudan, however, represented a substantial break from this convention. The people of southern Sudan affirmed their right to self-determination after decades of civil conflict, egregious violations of human rights, and the continued denial of meaningful political involvement by successive Sudanese administrations. The southern populace was given the freedom to choose independence owing to the 2005 Comprehensive Peace Agreement (CPA) between the Sudanese government and the Sudan People's Liberation Movement, which established the institutional and legal foundation for a referendum. South Sudan gained its independence on July 9, 2011, after a resounding majority of voters decided to secede in January 2011.

This approach received broad support from the international community, including African governments, indicating an understanding that the concept of territorial integrity is not unqualified. The independence of South Sudan showed that the right to self-determination may take precedence over the rule of territorial integrity under extraordinary situations, such as protracted conflict, systematic exclusion, and inability to ensure the rights and security of all inhabitants.¹⁴

As a result, the South Sudan case sets a precedent in both African and international law, showing that, in some exceptional circumstances, the realisation of self-determination may support boundary redrawing. It emphasises that self-determination is a continuous process that needs constant institutional, political, and legal guarantees for progress, security, and

¹³ UN Charter, Article 2(4).

¹⁴ Oliver Albino, *The Sudan: a southern viewpoint*, London: Oxford University Press, 1970, 16–23.

participation. The South Sudanese experience demonstrates how the legal system is changing, with sovereignty and territorial integrity being weighed against peoples' basic rights and goals more and more. Self-determination is not an event, but rather a continuous process. Neither South Sudan's referendum nor its declaration of independence on 9 July 2011 can fully encompass the right of southern Sudanese to self-determination.

UN-SUPERVISED SELF-DETERMINATION PROCESSES: CASE STUDIES OF TIMOR-LESTE AND WESTERN SAHARA

An important illustration of how the UN, especially its Security Council and peacekeeping forces, handled a crisis that was influenced more by popular pressure and humanitarian needs than by the conventional strategic interests of the world's superpowers is the East Timor instance. At first, the permanent members of the Security Council did not actively support East Timor's predicament.¹⁵ While Indonesia, which had invaded and occupied East Timor in 1975, remained a vital regional ally, particularly for Western powers like the United States and Australia, the territory had little strategic significance to them.

Despite numerous human rights abuses, the UN's relative silence during the early years of occupation was influenced by this geopolitical alignment. As a result of a proposal to postpone a vote for further 10 years by Australian Prime Minister John Howard, there was enough domestic pressure on the Australian government to provide leadership of an international force that was supported by the UN.

A rare instance of forceful international action based on both humanitarian concerns and changing legal standards resulted in the creation of INTERFET (International Force East Timor) in 1999, which was approved by UN Security Council Resolution 1264.

Strategic interests, particularly in regard to Timor Sea oil riches, continued to exist even if Australia's foreign policy shifted towards promoting moral and legal ideals like self-determination.¹⁶ The UN's involvement in East Timor, however, from setting up the 1999 referendum under UNAMET to managing the transitional governance framework through

¹⁵ De Wet, Erika. 2004. *The Chapter VII Powers of the United Nations Security Council*. Portland: Hart Publishing.

¹⁶ McDougall, Derek. 2007. "'Intervening' in the Neighbourhood: Comparing Australia's Role in East Timor and the Southwest Pacific." *International Journal* 62(4): 867–885.

UNTAET, highlights the organization's ability to support self-determination in challenging post-colonial situations when global political circumstances allow.

Western Sahara¹⁷

The Western Saharan situation highlights the UN's shortcomings and inconsistencies in upholding the right to self-determination in the face of well-established, powerful state interests. Since Spain's withdrawal from the Western Sahara in 1975, the region has been in political and legal limbo. Following the emergence of competing claims from Morocco and Mauritania, the Polisario Front violently opposed them and declared the Sahrawi Arab Democratic Republic (SADR) in 1976. After Mauritania left in 1979, Morocco took control of about 80% of the territory, with Polisario managing refugee camps in Algeria and a government-in-exile.

The International Court of Justice (ICJ) upheld the Sahrawi people's right to self-determination in its 1975 Advisory Opinion¹⁸, rejecting Morocco's claim of historical sovereignty. After mediating a truce, the UN created the Mission for the Referendum in Western Sahara (MINURSO) in 1991 with the goal of holding a referendum that would give voters the option of independence or merger with Morocco.

Nevertheless, conflicts have caused the process to remain permanently frozen, especially with regard to voter eligibility requirements and Morocco's opposition to independence being a referendum option. The referendum is still on hold even though the UN General Assembly and international human rights organisations have repeatedly affirmed the Sahrawi people's right to self-determination.

The African Court on Human and Peoples' Rights declared in 2022 that Morocco's ongoing occupation of the Sahrawi people is a violation of their international legal rights. However, when major governments resist resolution, the UN's institutional weakness is exposed as it has failed to implement its mission. This protracted impasse shows how political power and state sovereignty may obstruct the UN's normative objectives and emphasises the selective application of self-determination. In contrast to East Timor, where a transition to independence

¹⁷ Advisory Opinion, I.C.J. Reports 1975, pp. 31-32, paras. 52-53; and Western Sahara,.

¹⁸[1975] ICJ Rep 12, ICJ 214

was made possible by coordinated international support, Western Sahara remains one of the most important unresolved decolonisation issues, highlighting the UN's inadequate enforcement capabilities and the political nature of applying international law.

Therefore, the case studies of East Timor, South Sudan, Kosovo, and Western Sahara are crucial for comprehending the intricate connection between territorial integrity and self-determination. Every case demonstrates how the results of separatist movements and decolonisation initiatives are influenced by historical background, political reality, and international law. We may learn more about the legal doctrines, difficulties, and changing state practices that affect whether peoples can exercise self-determination without jeopardising the geographical integrity of current states by looking at these varied situations.

In order to balance the conflicting ideals of territorial integrity and self-determination, these case studies highlight the necessity for a more coherent and transparent international legal framework. Although these ideals are upheld by international law, its selective and sometimes politically driven uses result from its lack of hierarchy and definitional clarity. The UN Charter's Article 2(4) precludes the use of force against any state's political independence or territorial integrity, while Article 1(2) affirms self-determination as one of the organization's core goals. However, there is a doctrinal gap that permits selective interpretation depending on geopolitical interests because the Charter does not create a legal hierarchy between these sections. Both values are reaffirmed in the Declaration on Friendly Relations (G.A. Res. 2625 (XXV)), which qualifies self-determination by saying that it shouldn't result in the dissolution of sovereign governments that uphold human rights.

The International Court of Justice has taken a cautious stance in the absence of legally enforceable interpretation tools, avoiding direct pronouncements on the validity of unilateral secession, as seen by its Kosovo Advisory Opinion. Comparably, in non-colonial settings like Western Sahara, UN General Assembly Resolution 1514 (XV) encourages decolonisation but offers no legal procedures. A UNGA-led proclamation or treaty outlining more precise standards for secession or a Security Council resolution under Chapter VI encouraging preventative diplomacy and institutional mediation in disputes over self-determination are two possible measures to close these gaps

CHAPTER III: THE ROLE OF THE UNITED NATIONS AND STATE PRACTICE

INTRODUCTION

Following World War II, the UN was established with the goal of preserving international order in order to restore and uphold world peace.¹⁹ The UN aimed to build upon the League of Nations' structure. 8. The United Nations is an essential force in international law because it establishes legal standards and acts as a political organisation that strikes a balance between state sovereignty and collective rights. Articles 1(2) and 55 of the UN Charter expressly recognise the idea of self-determination, which is further developed in human rights documents as the UN Declaration on the Rights of Indigenous Peoples (2007) and the International Covenants of 1966. On the other hand, Article 2(4) of the Charter, which forbids the threat or use of force against a state's geographical or political independence, also enshrines the ideal of territorial integrity.

ROLE OF UNITED NATIONS

The United Nations Charter delineates its fundamental goals, which are to maintain world peace and promote international collaboration. Its primary goal is to maintain peace and security by implementing effective group actions to deter and eliminate threats, stifle aggressiveness, and settle conflicts amicably while upholding justice and international law.

In order to enhance world peace, the UN is also entrusted with fostering amicable relations between countries, based on the ideas of equal rights and peoples' right to self-determination. The Charter also highlights the need of international collaboration in tackling global issues in the fields of economics, society, culture, and humanitarianism. It promotes adherence to fundamental freedoms and human rights without regard to a person's gender, race, language, or religion.

This is a reflection of the UN's larger commitment to equality and human dignity. Lastly, the organisation serves as a focal point for coordinating national efforts to achieve these common goals. These interrelated objectives represent a comprehensive view of global governance, according to which international stability and sustainable development depend on equality, human rights, peace, and collaboration. But putting these ideas into practice in the actual world

¹⁹ History of the United Nations, U.N.,

is still difficult, especially when political considerations take precedence over the law. However, the Charter offers a set of norms for resolving international conflicts and advancing a global order founded on fairness, respect for one another, and state accountability.

The role of UN in different instances is illustrated below: -

i. The Decolonisation Context and UN Resolutions

An important turning point was reached in 1960 when the UN General Assembly declared the right to self-determination to be essential to the decolonisation process in Resolution 1514 (XV). Article 6 of the resolution, however, also warns against secession that jeopardises the "national unity and territorial integrity" of current nations. Similar to this, Resolution 2625 (XXV) (1970) declares that peoples can attain self-determination by integrating, gaining independence, or freely associating, but not by taking steps that split up sovereign states. Therefore, unless in situations of colonial or foreign subordination, UN precedent suggests a preference for domestic self-determination.

ii. Inconsistencies in State Recognition and UN Responses

UN practice has been uneven, frequently influenced by political and geographical agendas, notwithstanding the Charter's guiding principles. While some situations, like Kosovo (2008), are still only partially recognised, others, like Eritrea (1993), South Sudan (2011)²⁰, and post-Soviet states, have received widespread recognition. When independence is not jointly agreed upon or UN-supervised, as in the case of Kosovo against Timor-Leste, the UN has generally taken a cautious approach. The UN appears to favour negotiated or consent-based approaches, as evidenced by the same ideas that underlay peaceful unifications like those of Vietnam, Yemen, and Germany.

iii. Human Rights Tensions, Sovereignty, and Non-Interference

Additionally, non-intervention in issues that are fundamentally within a state's internal authority is reinforced by Article 2(7) of the Charter. However, when there are risks to the peace or human rights are violated, there are exceptions. This raises concerns about

²⁰ Oliver Albino, *The Sudan: a southern viewpoint*, London: Oxford University Press, 1970, 16–23.

how far the UN may go without jeopardising governments' sovereign integrity, especially when addressing claims of restorative secession brought on by egregious human rights abuses.

iv. **Political Selectivity and the Role of Powerful States**

The way that self-determination claims are handled has been greatly influenced by the influence of major countries, particularly the US, Russia, China, and the EU. New state recognition is frequently influenced by geopolitical alignment, strategic interests, and Security Council vetoes rather than being regulated by uniform legal standards. This promotes the selective application of international law principles and erodes legal consistency.

THE POLITICS OF RECOGNITION: COMPARATIVE PERSPECTIVES FROM GLOBAL POWERS

Recognition is essential to international law because it validates claims to self-determination and legitimises statehood. Despite not being a formal component of statehood as defined by the Montevideo Convention, recognition has significant legal and political ramifications, especially when it comes to unilateral secession. Strategic interests, alliances, and geopolitical factors all have a significant impact on governments' practices when it comes to giving or refusing recognition, which frequently leads to legal fragmentation and selective application of international standards.

United States and Kosovo

Many analysts think Kosovo has made great strides in bolstering its democratic institutions, free-market economy, and Euro-Atlantic goals, despite the country's considerable economic, rule-of-law, and corruption issues.

From the 1990s Balkan conflicts to Kosovo's declaration of independence, which the US has recognised, the US has been involved in the country for a considerable amount of time. The people of Kosovo and their dedication to democratic ideals have always received assistance from the US. Over the years, Kosovo has benefited greatly from U.S. foreign aid aimed at

bolstering human rights, institutions, and the rule of law. More recently, the aid has also been used to promote reconciliation with Serbia and possible EU membership.²¹

Another component of the United States' commitment to Kosovo is the new "threshold agreement" that was concluded in September 2017 between the U.S. Millennium Challenge Corporation (MCC) and Kosovo.

International Legal Coherence

Notwithstanding Serbia's protests and the lack of unanimity within the EU, the United States' 2008 recognition of Kosovo serves as an example of how recognition may be used as a political instrument to support particular interpretations of self-determination.

Russia, on the other hand, undermined the territorial integrity of Georgia and Ukraine by recognising Abkhazia and South Ossetia and then annexing Crimea, both of which were motivated by geopolitical considerations. Since recognition decisions are frequently made in accordance with foreign policy goals rather than just legal standards, these selective methods to recognition call into question the impartiality of international legal norms.

State sovereignty and territorial integrity are selectively upheld based on internal political sensitivities, as evidenced by China's strict adherence to not acknowledging Taiwan as an independent state and its categorical rejection of any kind of external self-determination for Tibet or Xinjiang. Internal differences among member states are reflected in the European Union's lack of a cohesive stance on Kosovo, while becoming more circumspect and legality-focused.

These contradictions weaken the legitimacy of multilateral organisations like the UN, promote forum shopping by separatist groups, and obfuscate the normative distinction between legal and illegal secession, all of which contribute to the incoherence of international law., they Moreover, they erode trust in the principle of equal application of international law. Clearer standards or international rules on recognition—based on legality rather than expediency—are desperately needed to overcome these issues and guarantee that the concepts of territorial

²¹ How the US Broke Kosovo and What That Means for Ukraine, Politico EU (Feb. 15, 2024),

integrity and self-determination be maintained consistently and reliably in international relations.

THE INFLUENCE OF SECURITY COUNCIL VETO POWER

The legitimacy and results of UN activities are significantly impacted by the Security Council's veto power, which is exercised by its five permanent members- the United States, United Kingdom, France, Russia, and China (P5). This is especially true when it comes to striking a balance between the values of territorial integrity and self-determination. Despite the fact that the UN Charter was created to uphold global peace and security, the veto power frequently prevents swift action, particularly when a P5 member's or its allies' interests are involved. This is seen in many instances where one or more P5 members have used or threatened to use their veto power to defend client states or their own strategic interests, preventing the Council from addressing or resolving conflicts involving self-determination movements, such as those in Syria, Palestine, and Western Sahara.²²

For instance, despite chemical attacks and humanitarian catastrophes, Russia has consistently blocked international action and responsibility in Syria through its vetoes. Regardless of the desires of the impacted peoples or the larger international community, such acts not only thwart attempts to defend communities claiming self-determination but also uphold the territorial integrity of states accused of serious atrocities. Member states may be deterred from seeking Security Council action simply by the threat of a veto, so preventing discussions on territorial disputes and self-determination from ever starting.

Vetoes are frequently used to safeguard strategic interests or allies, which results in the selective application of international law. For example, despite broad international backing, significant action has been thwarted by Russia's repeated vetoes on Syria and the U.S. vetoes on measures pertaining to Palestine. This damages the UN's reputation, jeopardises its attempts to maintain peace, and prolongs the legal stalemate in cases that need for immediate action. As a result, the veto continues to be a significant obstacle to the fair application of international legal standards and impartial dispute settlement. Ultimately, Because of this, the Security Council's—and thus, the UN's—legitimacy is declining, particularly when the veto is used to halt action in blatant

²² Johnstone, I., 2008. Legislation and Adjudication in the UN Security Council: Bringing down the Deliberative Deficit. *The American Journal of International Law*, 102 (2), 275–308.

instances of human rights abuses or to defend disputed territorial integrity claim.

CHAPTER IV: DOCTRINAL TENSIONS AND LEGAL GAPS

INTRODUCTION

The UN Charter was created with the intention of fostering international peace in which nation-states respect one another's territorial integrity and sovereignty. However, the Charter's contradictory claims to territorial integrity and the right to self-determination cannot be reconciled.

Additionally, it ignores challenges to national sovereignty that emerge from within a country's borders when people exercise their right to self-determination. When powerful states continue to violate the territorial integrity of other nations and coerce people into exercising their right to self-determination, these antiquated and ambiguous rules are at their most ineffective.

The right of self-determination refers to a group of individuals' ability to make "choices free from the force of the institutional framework within which they live."²³

The current world order is directly threatened by the legal gaps in international law to resolve the conflict between peoples' rights to self-determination and territorial integrity. This chapter will discuss (1) how the UN Charter's wording contradicts its fundamental goals, and (2) how this is demonstrated by the international community's participation in secession movements and the conflicting approaches taken by the International Court of Justice in resolving those disputes.

IS THERE A HIERARCHY BETWEEN THE PRINCIPLES?

Whether territorial integrity has normative precedence over the right to self-determination, or whether the opposite may be true in extraordinary situations, is one of the most enduring questions in international law. Although these are fundamental tenets of the UN Charter, no specific legal document clearly delineates a hierarchy between the two. Rather from making

²³ Robert Trisotto, *Seceding in the Twenty-First Century: A Paradigm for the Ages*, 35 BROOK. J. INT'L L. 419, 425 (2010).

firm rulings on this matter, international legal organizations—especially the International Court of Justice (ICJ)—have continuously taken a case-by-case approach.

One notable instance is the 2010 ICJ Advisory Opinion on Kosovo, in which the Court focused only on determining whether the declaration of independence was illegal under international law rather than evaluating the legitimacy of secession *per se*.²⁴ The Court avoided addressing whether Kosovo had the right to secede under the concept of self-determination, but it did determine that the statement did not violate international law. The legal validity of unilateral secession remained unclear as a result of this cautious and minimalist approach.

As a result, governments and separatist organisations function in a legal void, juggling broad ideas without clear direction. The normative clarity and predictability that international law should offer are diminished by this doctrinal ambiguity, which also frequently results in politically driven interpretations that undermine the legitimacy and coherence of the system.

STRUCTURAL CONTRADICTIONS IN LEGAL INTERPRETATION

The UN was the pioneer of the principles of territorial integrity and the right of self-determination. The UN was successful for many years in keeping its commitment to preserve territorial integrity. But as globalised and capitalist ideas proliferated, people's ideas of equality and nations' ambitions for dominance changed. The effects of unclear regulations and processes are more common than ever before.

Since the UN Charter has not changed to reflect the circumstances, its ideas of territorial integrity and the right to self-determination are still inert.²⁵ The goal and premise outlined in Chapter I, Article 1 is predicated on the idea that countries will act effectively as a group to protect and eliminate threats to world peace in order to sustain international peace and security. In the lack of international regulations to regulate human conduct, these remarks present an idealised vision of a society driven by political influence and avarice.

A paradigm shift has been facilitated by the absence of clear international legislation preserving states' territorial integrity and guiding the right to self-determination. Fear of foreign invasion

²⁴ Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo, Advisory Opinion, 2010 I.C.J. Rep. 403, ¶ 122 (July 22),

²⁵ Michele Capeleto, Does Self-Determination Entail an Automatic Right to Secession?, E-INT'L. REL. (May 2, 2014).

was a major issue for nations prior to the conclusion of the Cold War. A huge external danger to countries' territorial integrity was the animosity and struggle for global power and influence. These days, governments face threats from both internal and external forces simultaneously. Internal disputes within a country have replaced disputes between nation states as the paradigm of today.

Similar to the League of Nations, the UN is unable to offer a reliable defence for establishing a global guarantee of territorial integrity and the right of individuals to self-determination. International law now empowers governments to defend their territorial integrity and the people to determine their right to self-determination.²⁶

CONSEQUENCES OF VAGUE AND AMBIGUOUS PROVISIONS

The world community saw the traditional global governance systems completely fail in 2014 and 2015. Russia emerged from the shadows of the post-Cold War order in 2014 after announcing its national interests and acting swiftly to defend them. ISIS was a marker of the evolution of extremism in 2015. The vague legal framework of our international political system has a direct impact on the "conceptual and structural problems" that haunt the promises of peace-making and territorial integrity. At the moment, persons living inside nations' borders who were granted the right to self-determination without a set framework to follow pose a threat to those nations' territorial integrity in addition to their neighbours.

The UN Charter necessitates that territorial integrity and unity be maintained.²⁷ People are free to select their own political statuses under the principles of self-determination acknowledged in several essential international instruments. The principles of territorial integrity, unity, and preservation are likewise acknowledged by those same international institutions. An unavoidable gap in the international law system was formed by the UN and the ICJ's inability to consistently and directly handle the problem of secession. There must be a mechanism to stop one right from infringing on the other if people are to accept the idea that both the right to self-determination and territorial integrity are vested rights.

²⁶ Abdelhamid El Quali, TERRITORIAL INTEGRITY IN A GLOBALIZING WORLD: INTERNATIONAL LAW AND STATES 141 (2012).

²⁷ Steven Blockmans, Crimea's Secession from Ukraine: Illegal but Legitimate?, Centre For European Pol'y Studies (March 17, 2014), *supra* note 30.

The UN Charter's Articles 1, 2, and 55, which successively outline the rights of people to self-determination and the protection of territorial integrity, are in grave conflict.²⁸ Like the League of Nations, the UN assumed that broad and ambiguous laws might provide the essential framework for two opposing values to successfully coexist, presenting a utopian expectation for nation states' behaviour.

The UN Charter only contains ambiguous clauses that let its intent to be misunderstood. Without well-developed rules, an international political organisation like the UN cannot promote and uphold the rights of self-determination and territorial integrity. Without creating comprehensive guidelines free of conflicting clauses that particularly address secession movements, it is impossible for an international organisation to accomplish its goals.

The international community, according to scholars, prioritises territorial integrity over the right to self-determination. Based on current events and the positions taken by international legal bodies in contemporary secession movements, the assertion has turned out to be untrue. Rather, a hazy distinction between these two ideas is made, which enables certain organisations to exploit the UN's uncertainties.²⁹

The principle of territorial integrity is directly “interwoven with the fundamental principle of the prohibition of the threat or use of force. The unsettling reality in the modern world order is that the principle of territorial preservation is being overcome by the guaranteed principle of self-determination and humanitarian responses to the issue.

The UN Charter is obsolete and incapable of addressing the evolution of modern society.

Human rights advocates have changed the legitimacy of claims of territorial integrity and national boundary respect. Kosovo's independence campaign demonstrates that secession is a political as well as a legal matter. The circumstances in Kosovo called into doubt the idea that a sovereign state's borders should only be altered with the consent of all parties.³⁰ The United States and other Western nations backed Kosovo's unilateral independence, and other UN

²⁸ U.N. Charter art. 1, ¶ 4, art. 2, art. 55, ¶ 1.

²⁹ Lea Brilmayer, *Secession and Self-Determination: A Territorial Interpretation*, 16 YALE J. INT'L L. 177, 181-84 (1991),

³⁰ Henrique Santos Costa de Souza, *The Principle of Self-determination and the Right of Territorial Integrity: A Legal and a Political Issue*, MUNDORAMA (Feb. 22, 2011),

members—aside from Russia—did not oppose it.³¹

CHAPTER V: CONCLUSION AND RECOMMENDATIONS

OVERVIEW OF THE STUDY

This study examines how territorial integrity and self-determination have changed in international law, offering a complex viewpoint based on judicial, legal, and historical trends.

Chapter 1 begins by tracing the evolution of territorial integrity and self-determination from Enlightenment thought to its codification in the post-World War II era. Although it began in the context of decolonisation, it has subsequently broadened to encompass internal elements (autonomy and democratic government, for example). There is an inherent conflict between state sovereignty and self-rule because the UN Charter, particularly Articles 1(2) and 55, emphasises sovereign equality and non-interference while enshrining self-determination. The chapter also explores how the idea of *uti possidetis juris* has historically maintained colonial borders, thereby restricting the revolutionary possibilities of self-determination.

Chapter 2 focuses on Judicial interpretation and important case studies- Kosovo and South Sudan Secession. The Court's minimalist approach was emphasised in the 2010 ICJ Advisory Opinion on Kosovo³², which narrowly decided that Kosovo's declaration of independence did not violate international law rather than evaluating the validity of secession. On the other hand, South Sudan serves as an example of a successful, globally recognised independence based on a negotiated referendum and structural oppression. These instances highlight the ICJ's case-by-case methodology, which adds to the lack of precedent and legal uncertainty.

Chapter 3 evaluates the role of the **United Nations** in this legal ambiguity. The international community's hesitancy to operationalise the right to self-determination is shown by the situation in Western Sahara, where a UN-mandated referendum has not been completed decades later. Effective interventions are frequently hampered by the political limitations of the Security Council, particularly the veto power of permanent members. In fact, the UN puts

³¹ Id

³² Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo, Advisory Opinion, 2010 I.C.J. Rep. 403, ¶ 122 (July 22).

state stability ahead of popular sovereignty, especially in areas where geopolitical interests predominate, even if it ostensibly supports both self-determination and territorial integrity.

Chapter 4 Legal Gaps and Doctrinal Tensions explores in greater detail the normative and structural inconsistencies present in international law and the UN Charter. Although the Charter asserts that it supports both territorial integrity and self-determination, its ambiguous language fails to bring these ideals together when they directly clash. The incapacity of the Charter to control internal separatist movements or stop powerful nations from using claims to self-determination for political ends undercuts its lofty goals.

The chapters together illustrate the political complexities and legal ambiguities that arise when two fundamental tenets of international law—the right of peoples to choose their own political destiny and the inviolability of borders—are reconciled and emphasising the role of UN Charter to bring order and peace.

RECOMMENDATIONS

Treaty law, institutional mandates, and international adjudication all require significant legal reforms in order to resolve the ongoing conflict between territorial integrity and self-determination.

1) UN Charter Revision

To provide a clearer definition of self-determination, including acceptance of internal self-determination and standards for legitimate external self-determination (secession), amend Article 1(2) of the UN Charter. When protracted persecution, denial of autonomy, or humanitarian catastrophes need restorative secession, provisions might be introduced to meet these situations. Likewise, amending Article 2(4) may make it clear that non-state actors' peaceful assertions of independence do not always constitute violations of territorial integrity.

2) Treaty-Making and Codification of Customary Law

Establish a Multilateral Treaty on Self-Determination that codifies legal norms derived from General Assembly pronouncements, state practice, and ICJ jurisprudence. This pact ought to make a distinction between peaceful referenda, secession brought on by serious human rights abuses, and decolonisation. Additionally, like in South Sudan, it can formalise the concepts of

"earned sovereignty" by providing a phased autonomy that eventually leads to independence under international supervision.

3) ICJ Role and Advisory Opinions

Increase the International Court of Justice's (ICJ) required authority to render legally binding rulings in cases involving territorial violations and separatist claims. States or regional organisations (such as the EU or AU) might have the authority to ask for pre-emptive advisory views in order to direct political settlements before hostilities worsen. The ICJ must express a forward opinion on sub-states' right to secede in order to emerge from the shadows of neutrality and avoidance.

4) UN Security Council Veto Reform

By adding a "Responsibility to Protect" provision, which restricts the use of the P5 veto in situations involving territorial disputes or self-determination that are connected to mass crimes. This would increase legitimacy and operationalise the Responsibility to Protect (R2P) paradigm. As an alternative, provide the General Assembly the authority to override veto paralysis in humanitarian emergencies using the Uniting for Peace option.

5) Regional Mechanisms

Promote the recognition and adjudication of self-determination claims by regional human rights commissioners and tribunals, such as the African Court. In their geopolitical context, regional accords ought to include more precise criteria for legal secession. In order to ensure amicable settlements and legal certainty in a changing international system, these changes seek to strike a balance between sovereignty and justice.

CONCLUSION

Unquestionably, domestic laws do have a significant impact on secessionist movements. But occasionally, internal disputes grow and change to the point where they have the power to alter international relations, national and international borders, and the global order. Because there is no international law that can balance a country's territorial integrity with its citizens' right to self-determination, Kosovo's territorial integrity was ignored.

It is imperative that international legislation addressing independence aspirations be created right away in order to uphold global peace and the current system. People occasionally mobilise for justifiable reasons. At other times, individuals are coerced into secession movements and conflicts by strong international forces that have the ability to alter the trajectory of people's lives. This is especially true when foreign organisations start domestic disputes that turn into upheavals and endanger a country's territorial integrity.

Currently, secessionist movements can arise through political manipulation because to the conflicting clauses in Articles 1, 2, and 55 of the UN Charter. When people are encouraged to exercise their right to self-determination, the territorial integrity of a country cannot be maintained. These days, political, social, cultural, and religious divides feed people's avarice, resulting in uprisings and secessionist movements that alter the frontiers of established nation states.

It is essential to have a corpus of legislation outlining precise rules that would safeguard a country's territorial integrity as well as peoples' right to self-determination. As the international organisation tasked with maintaining world peace, the UN must radically adapt and implement its mandate in accordance with the times. To avoid its predictable failure and the possible emergence of a global conflict that would alter the current international order, the UN must amend its Charter.

Additionally, for the countries following the law, and, for that matter, international law becomes burdensome when doing so entails directly or indirectly aiding a regime that participates in actions similar to those previously listed. In this situation, the requirement to successfully defend and uphold essential interests owed to the international community dictates the acceptance of a customary norm allowing solidarity measures in violation of other international duties. The protection of territorial integrity and self-determination forms a core principle of international law and is – together with the prohibition of the use of force – one of the foundations of the UN Charter's attempt to secure international peace and stability.

Ultimately, finding a balanced approach must be based on the understanding that both values are crucial—self-determination protects peoples' rights and identities, while territorial integrity maintains stability and sovereignty. The development of a fair and cohesive international order depends on a legal system that effectively takes into account both without compromising one for the other.

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