

Right to Self Determination and Territorial Integrity

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ABSTRACT

Since the close of the colonial period, the right to self-determination has been a fundamental principle of general applicability and has emerged as the foundation for the enjoyment of other human rights. However, this evolution has not been uniform or smooth. This is because the Socialist and newly liberated Third World States that promoted self-determination as the basis for decolonisation, resisted its development in the post-decolonisation era. But the opportunity was utilised by the West to push the right to self-determination as a potent weapon against autocratic and socialist States. These developments can be evidenced in what has become one of the most influential legal instruments: Declaration on Principles of International Law.

Keywords: Rights, Self-determination, Territorial Integrity.

INTRODUCTION

The principles of territorial integrity and self determination are two important principles which apply to international law and politics. These principles define the relationships which a country should have with others especially regarding global politics. The principle of self determination explains that countries have the right to freely determine their international politics status and sovereignty without outside or external interference. The principle of territorial integrity on the other hand explains that countries should avoid promoting border changes or secessionist movements in other countries. Such movements or changes are viewed as acts of aggression. Although these two principles play an important role in international politics, they sometimes come into conflict due when being applied.

It is important to assess these principles in more detail in order to understand the areas in which conflict may be experienced when implementing these two principles of international law. This paper aims at analyzing the principles of territorial integrity and self determination in more detail as well as establishing circumstances under which the two principles may come into conflict.¹

Right to Self Determination

The right to self-determination refers to the right of an individual to determine his own destiny. The right allows people to choose their own political status and to determine their own form of economic, cultural and social development. Exercise of this right can result in a variety of different outcomes ranging from political independence to full integration within a state. The importance of the right lies in the right of people to make a choice. In practice, however, the possible outcome of the exercise of self-determination often determines the attitude of governments towards the actual claim by a person or nation. Nevertheless, the right to self-determination is a right that is recognized in international law as a right of the process belonging to people and not to states or governments².

Article I of the Charter of the United Nations explains the principle of self-determination. The principle was first incorporated under the 1941 Atlantic Charter and the Dumbarton Oaks proposals which subsequently evolved into the United Nations Charter. Its inclusion in the United Nations Charter marks the universal recognition of the principle of self-determination as a fundamental to the maintenance of friendly relations and peace among the states. It is a right which is recognized in the first article common to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights which both entered into

¹Thomas D. Musgrave (2000). *Self-Determination and National Minorities*. Oxford University Press. p. 123. ISBN 978-0-19-829898-4.

² Stefan Wolff and Annemarie Peen Rodt, 'Self-Determination after Kosovo' (2013) 65 *Europe-Asia Studies* 799, 805-6.

force in 1976. Paragraph 1 of this Article provides that every person has the right to self-determination. By virtue of the said right, people can freely determine their own political status and freely pursue their economic, social and cultural development.

Self-determination, which is a controversial issue in public international law, has many characteristics formulated on different legal platforms. The implementation of self-determination has always been more controversial than its content. It has served as a powerful slogan and a vital justification for the independence of many peoples, most significantly the independence of colonial peoples. In fact, the colonial context is what specifically comes to mind when the right to self-determination is brought up and it is the colonial aspect of the right to self-determination that is uncontested, for the right to self-determination consists of many elements and it has several aspects.³ Self-determination represents the absolute legal right people have 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 codified under a number of international conventions and protocols. The right of people to self-determination is a cardinal principle in modern international law (commonly regarded as *jus cogens* rule). The interesting thing about this right is the fact that it is linked to many of the most important and fundamental principles of public international law and that it incarnates the concept of the right of peoples to determine their own destiny without outside interference or subjugation, presupposing all peoples are equal.⁴

Evolution of the Right to Self-Determination

The notion and opinion that people have a right to decide their own fate in matters of politics, territory, livelihood, and thus have a right to self-determination has probably existed since the dawn of mankind, but as to the practicability of the ideal, it can be traced back to the French revolution and the awareness created by its emergence. It then continued to take shape on the international scene as the modern Nation States emerged as a result of a growing awareness of national identity in Europe during the nineteenth century, not only by virtue of the bourgeois nationalism but also by virtue of socialist forces, as in Russia in the beginning of the twentieth century. While this was happening European colonial powers still had a firm grip of control over their respective colonial territories and During World War I manipulators found the term or the principle of self-determination useful for propaganda of the allied forces to gain advantage with the different minority groups, for instance within the Ottoman Empire. The initial appearance of the principle of self-determination as it has come to be known today was materialized after the First World War.⁵ It is possible to state that; self determination was “the touchstone for peacemakers at Versailles”. The President of United States of America (hereinafter referred to as “US”) Woodrow Wilson described the national self-determination as “an imperative principle of action”.⁶ The American president Woodrow Wilson was a strong advocator of the principle of self-determination and in 1918 he presented his famous Fourteen Points to the Congress. However, Wilson’s attempt aiming to incorporate self-determination into the Covenant of the League of Nations in order to “universalize the principle applied in the post war settlements” has failed⁷, and therefore this principle could not obtain the status of legal principle at that era. As a result, in Shaw’s words; *in the ten years before the Second World War, there was relatively little practice regarding self-determination in international law*. In spite of the vagueness of his views on self-determination and despite the fact that his text was criticized and didn’t succeed at the time, self-determination as a principle began to gain momentum and importance as a principle, and later as a right, in international law.

At the end of World War I the League of Nations was created and with that the mandate system which was intended to eventually grant independence to the colonies of the defeated powers, Germany and Turkey. History would later have it that the League of Nations collapsed, the United Nations was created instead after World War II and national liberation and independence claims and struggles would take place in all of the colonies, including those of the States who landed victory in the war. When the UN was formed in 1945 the right to self-determination was already an established term on the international scene and the fact that it was included in the UN Charter was therefore not surprising. Nevertheless, according to some commentators the inclusion of the right to self-determination in the UN Charter was not an obvious move for the UN to make, since the issue of self-determination was still controversial at the early stages of development of the right. Some States were reluctant to its inclusion in the charter even though the Americans and the British had already proclaimed the right to self-determination in the

³ Maya Abdullah, *The Right to Self-Determination in International Law: Scrutinizing the Colonial Aspect of the Right to Self-determination* (University of Gøteborg, 2006) 4 available at <<https://gupea.ub.gu.se/bitstream>>agu...pdf

⁴ *Ibid*

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

⁶ Henry J. Steiner and Philip Alston, *International Human Rights in Context*(Oxford University Press, 2000) 1252-1253

⁷ The proposal made by President Wilson was challenged by a ‘powerful opposition, not least among some of Wilson’s own advisors, and was defeated’

Atlantic Charter.⁸ Finally, primarily due to Soviet pressure, self-determination was included in the UN Charter. This right would eventually develop into a more established and accepted right under international law and it would even come to include the notion of a human right with the adoption of the two International Covenants on human rights in 1966. One writer, Hurst Hannum, makes a distinction between the period prior to the adoption of these texts and the period after, where in his view, this right is seen more as a human right.⁹

The emergence of an actual right to self-determination took place in a colonial context. Conversely, one could argue that the right to self-determination was used to justify decolonization. Thus, during the 60's and 70's it was at its strongest position as far as the right to liberation from colonial powers and issues of development go. It was in the period after the First World War, with the League of Nations and President Wilson's visions that the rights of the colonial peoples really started to gain significance.¹⁰ Later on and as the colonial peoples fought for their independence the right to self-determination became a self-evident right and the newly formed UN recognized and established this right in the Charter of the UN, first and foremost in its article 1(2). It has since been reaffirmed in numerous declarations and other texts by the UN.

Principle of Territorial Integrity

The notion of territorial integrity is one of the founding principles of the UN and an integral part of the jus cogens norm of the prohibition on the use of force. The principle of territorial integrity entitles a nation to exercise sovereignty over the area within its borders, without unwanted incursions by other States¹¹. It finds a place in Art.10 of the Covenant of the League of Nations, the Stimson Note of 7 January 1932 and the FRD. A similar reference is made to the concept in the 1948 and 1963 Charters of the Organisation of African Unity, Helsinki Final Act, 1975 amongst others.

This principle seeks to empower countries to freely determine their international politics status and sovereignty without outside interference. This principle can be traced to the mid-19th Century although past historical events such as the American Revolution are seen as roots of self-determination principle. There are three important theories which are linked to national determination. The realist theory of liberal internationalism promotes liberty within states and supports abolition of war (Betty 23-28). The realist theory which was applied during the Cold War supports the view that territorial integrity is more important than self-determination. Cosmopolitan liberalism on the other hand supports the shift of political power to a global government, which would facilitate easy changing of boundaries.

Territorial integrity is the material expression of State sovereignty and jurisdiction¹². International law fiercely guards it. It facilitates the functioning of a legal order and prevents anarchy. It does not merely serve the self-interest of States but also furthers the legitimate interests of the individuals and groups in the preservation of their rights, the security of their persons, and the stability of their expectations. It gives citizens an incentive to invest themselves sincerely and cooperatively in the existing political processes. This is because when the option to exit a political unit is too easy, there is little incentive for sincere and constructive criticism, or for committed and conscientious political participation. However, the principle of territorial integrity, just like the principle of sovereignty, is being slowly eroded by *inter alia* self-determination¹³.

Interrelation between the Principles

The relationship between the right to self-determination and territorial integrity is delicate and complex. The international community has tried to minimise overlaps and conflicts as far as possible. It is for that reason that for 60 years, the international community sought to regulate and limit the right of self-determination except in situations of salt-water decolonisation. In the post-decolonised era, the territorial integrity of States and the inviolability of their internationally recognised borders have traditionally been placed higher than the principle of self-determination.

⁸ The Atlantic Charter, in which President Wilson and Prime Minister Churchill expressed the right to self-determination, was adopted in 1941. In 1942 the charter was made a part of the Declaration by United Nations and was signed by 26 allied nations, <<http://www.un.org/av/photo/subjects/hrhis.htm>> 20 March, 2012

⁹ McCorquodale Robert, *Self-determination in international law*, (Vermont Publishers, 2000) xiv

¹⁰ *Ibid*

¹¹ Ian Brownlie, *The Rule of Law in International Affairs* (Brill 1998) 53-54; S Neil MacFarlane, 'Normative Conflict – Territorial Integrity and National Self-Determination' (Lecture at the Centre for Social Sciences, 16 December 2010)

¹² W.E. Butler, 'Territorial Integrity and Secession: The Dialectics of International Order' in Julie Dahlitz (ed), *Secession and International Law: Conflict Avoidance - Regional Appraisal* (TMC Asser Press 2003) 111.

¹³ Allen Buchanan, 'Theories of Secession' (1997) *Philosophy and Public Affairs* 26, 47 (Buchanan Theories)

This can be evidenced from the pronouncements of the ICJ. The ICJ stressed on the primacy of self-determination over territorial integrity during the decolonisation phase¹⁴ whereas reversed the order post decolonisation.

Even the HRC¹⁵ and regional organisations like the African Commission on Human and Peoples' Rights (ACHR)¹⁶ favour territorial integrity as long as internal self-determination is respected. This raises a question on the legal status of external self-determination in the post-decolonisation era and the legality of unilateral non-colonial secession.

The main interrelation between the principle of self-determination of peoples and the principle of territorial integrity is that a claim to external self-determination covers a claim to territory. The question of secession is the most closely related to the principle of territorial integrity. Secession is a territorial change, which occurs when part of an independent state or non-self-governing territory separates itself for becoming a new independent state. The principle of self-determination is usually invoked in connection to unilateral secession that is the secession undertaken without the consent of the existing state and without constitutional sanction. Since all land area is claimed by some state and use of force is prohibited, according to P. Treanor, "secession is the only real method of new state formation, and a prohibition of secession is equivalent to a veto on new states"¹⁷. But the possibility to merge also should not be forgotten.

Although the principle of territorial integrity is applied in the relations between states and, by contrast, the principle of self-determination is the right of peoples, the international community (states) while interpreting and applying the principle of self-determination is bound to the principle of territorial integrity. The principle of territorial integrity was straightforwardly connected to the principle of self-determination in the UN General Assembly Declaration on the Granting of Independence to Colonial Countries and Peoples (1960); the Declaration of Principles of International Law Concerning Friendly Relations and Cooperation Among States (1970); the Helsinki Final Act adopted by the Conference on Security and Cooperation in Europe (1975) and the Vienna Declaration and Programme of Action (1993). However, it must be admitted that resolutions and declarations are not generally binding on states. First, resolutions are not enumerated as a formal source of law in the Statute of the International Court of Justice¹⁸. Second, under the UN Charter the General Assembly does not have the legal power to make law or to adopt binding decisions except for organizational matters¹⁹. But many commentators regard resolutions adopted by the UN General Assembly as evidence of customary international law, especially when a resolution was adopted unanimously. Then the declaration purports to express the *opinio juris communis*, not a recommendation, and if it relates to state practice (*usus*), that norm qualifies as a customary law. But according to A. Cassese, "strictly speaking, these resolutions are neither *opinio juris* nor *usus*" in themselves. Although the *travaux préparatoires* of the UN Charter do not clarify whether external self-determination is a part of self-determination of peoples, the consistent state practice in conformity with the UN resolutions formed the international customary rules on the external self-determination of colonial peoples and peoples under foreign military occupation. The United Nations Millennium Declaration upholds the right to self-determination of peoples under colonial domination and foreign occupation.

Conflict between the Principles

There is a conflict between the principles of territorial integrity and self determination. The self determination principle which advocates for countries to freely determine their international politics status and sovereignty without outside interference challenges the territorial integrity principle. This is because states are made legitimate by people, which means that people should be given freedom to choose territorial boundaries and states as they wish. Self determination therefore conflicts which territorial integrity which advocates for fixed territories among states which should be respected by the rest of the world to avoid acts of aggression.

When both principles come into conflict, it is my opinion that the self determination principle should be upheld since it possesses superior qualities to the territorial integrity principle. The self determination principle empowers states to determine their future through internal decision making as opposed to external interference. This is a principle which is consistent with democracy which supports decision making by the majority in order to determine the future of a country. The territorial integrity principle is weaker since it defines territories as a means of determining sovereignty as opposed to the will of the people. Democracy advocates for the will of the people hence

¹⁴ Western Sahara (n 146) para 162

¹⁵ Michael M. Gunter, 'Self-Determination or Territorial Integrity: The United Nations in Confusion' (1978) 141(3) World Affairs 203 208

¹⁶ Katangese Peoples' Cong. v. Zaire, Comm. No. 75/92, (2000) Afr. Hum. Rts. L. Rep. 72, para. 4 (Zaire case)

¹⁷ Paul Treanor, The ethics of secession//

¹⁸ Statute of the International Court of Justice (26 06 1945, 59 Stat. 1055, TS No.993), article 38

¹⁹ Schachter, "International Law in Theory and Practice", quotation in: Barry E. Carter, Phillip R. Trimble, International Law, Third Edition (New York: Aspen Law & Business, 1999), p.139.

if they decide to change their territory or borders, the will should be respected. The self-determination principle can be seen to be one of the roots of democracy in the modern world.

National self-determination appears to challenge the principle of territorial integrity (or sovereignty) of states as it is the will of the people that makes a state legitimate. This implies a people should be free to choose their own state and its territorial boundaries. However, there are far more self-identified nations than there are existing states and there is no legal process to redraw state boundaries according to the will of these peoples²⁰. According to the Helsinki Final Act of 1975, the UN, ICJ and international law experts, there is no contradiction between the principles of self-determination and territorial integrity, with the latter taking precedence.

Allen Buchanan, author of seven books on self-determination and secession, supports territorial integrity as a moral and legal aspect of constitutional democracy. However, he also advances a "Remedial Rights Only Theory" where a group has "a general right to secede if and only if it has suffered certain injustices, for which secession is the appropriate remedy of last resort." He also would recognize secession if the state grants, or the constitution includes, a right to secede²¹.

Vita Gudeleviciute holds that in cases of non-self-governing peoples and foreign military occupation the principle of self-determination trumps that of territorial integrity. In cases where people lack representation by a state's government, they also may be considered a separate people, but under current law cannot claim the right to self-determination. On the other hand, she finds that secession within a single state is a domestic matter not covered by international law. Thus there are no on what groups may constitute a seceding people.

A number of states have laid claim to territories, which they allege were removed from them as a result of colonialism. This is justified by reference to Paragraph 6 of UN Resolution 1514(XV), which states that any attempt "aimed at partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter". This, it is claimed, applies to situations where the territorial integrity of a state had been disrupted by colonisation, so that the people of a territory subject to a historic territorial claim are prevented from exercising a right to self-determination. This interpretation is rejected by many states, who argue that Paragraph 2 of UN Resolution 1514(XV) states that "all peoples have the right to self-determination" and Paragraph 6 cannot be used to justify territorial claims. The original purpose of Paragraph 6 was "to ensure that acts of self-determination occur within the established boundaries of colonies, rather than within sub-regions". Further, the use of the word *attempt* in Paragraph 6 denotes future action and cannot be construed to justify territorial redress for past action²². An attempt sponsored by Spain and Argentina to qualify the right to self-determination in cases where there was a territorial dispute was rejected by the UN General Assembly, which reiterated the right to self-determination was a universal right.

REVIEW OF LITERATURE

Christian Tomuschat (1993) "Modern Law of Self-Determination" It is a collection of papers presented at a Bonn symposium in 1992 on the role of the principle of self-determination in the post-colonial era. The underlying thread behind the work is the tension between state sovereignty and the right of self-determination. The collection also deals with the self-determination of specific groups like indigenous people and aspects relating to internal self-determination. An important question taken up by many authors is whether the right to self-determination necessarily translates into the right of secession. There is a general consensus amongst the contributors that a strict proscription of secession is not advisable and that secession under international supervision in response to gross and systematic breaches of human rights is preferable.

Balraj Puri (2001)²³ in short the principle of right of self-determination need not be inconsistent with the enlightened national interest of India. It can draw comfort from the latest thinking on the subject in the corridors of the only superpower in the world. Speaking on behalf of "the power most often expected to step in when, in far corners of the world, forces yearning for self-determination clash with those defending sovereignty", US deputy secretary of state, Strobe Talbot, has said: "we are trying to define and apply the concept of self-determination in a way that is conducive of integration and not disintegration; in a way that will lead to lasting peace than recurrent

²⁰ Pavkodic, Aleksander; Radan, Peter. "n Pursuit of Sovereignty and Self-determination: Peoples, States and Secession in the International Order". *Macquarie Law Journal*.

²¹ Vita Gudeleviciute, Does the Principle of Self-determination Prevail over the Principle of Territorial Integrity?, *International Journal of Baltic Law*, Vytautas Magnus University School of Law, Volume 2, No. 2 (April 2005).

²² Thomas D. Musgrave (2000). *Self-Determination and National Minorities*. Oxford University Press. p. 239. ISBN 978-0-19-829898-4.

²³ Balraj Puri (2001), Rights of Self-determination, *Economic and Political Weekly*, Vol. 36(4), 27 Jan., 2021.

war". Indian democracy and federalism have become mature enough to lay firmer basis of national unity – emotional, political and cultural – through acceptance of the right of self-determination of people and thus recover its moral elan internationally also.

David Raic's (2002)²⁴ *Statehood and the Law of Self-Determination*. Raic deals with the inter-relationship between statehood and self-determination. The opening part of the book succinctly discusses statehood, including concepts such as 'subject of law', 'personality', the State as an international legal person, and the traditional criteria 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.

Marcelo G. Kohen's (2006)²⁵ "Secession and Self-determination" Tomuschat asserts that oppressed minorities cannot be stopped by the international community under the garb of territorial integrity. At the same time, he insists that third parties to the conflict must not take sides in what he categorises as an "internal power struggle". He calls for the adoption of a reasonable framework to govern ethnic secessionist conflicts to avoid devastating consequences. Tomuschat openly acknowledges that there is no legal sense in denying that ethnic groups are peoples.

Alfred Cobban *The Nation State and National Self determination*, Author Alfred Cobban gives an insight into the formation, development and the culmination of 'Nation states'. The text adopts a method of historical assessment to analyse the principle of self determination. The author points out that at the heart of national assertion was the desire for self-determination. Such movements for self-determination gave rise to events that tore apart empires, fought discrimination and demanded democratic participation. In the process, many states were created and some were torn apart into different smaller states. Ideas develop in historical contexts, and therefore, a thorough understanding of it is essential. In the case of self-determination, the turbulent eighteenth and nineteenth centuries have been indicated to be very significant. According to the author, the concept of popular sovereignty amongst individuals of state and its rise is what eventually transformed into a notion of nation state. As per the text, popular sovereignty signifies that a government must be founded upon the shared will or consciousness of the people or as the greater masses. It may be said that in any society it is the people or the masses who collectively hold the sovereign power. The idea of masses holding the power collectively was considered to be radical in a world that based the legitimacy of its rulers from divine sanction, hereditary or dynastic rights. In popular perception, the demand for self determination has usually been the demand for independent statehood. This has also influenced academics and some well-known definitions of self-determination link it with an independent state. According to Cobban, self-determination is the "right of a nation to constitute an independent state and determine its own government for itself." Author states the point that with the notion of popular will coming into prominence, nation states were born and that eventually led to the growth of peoples right to self determine their political system. Different international events have been referred to in the text in order to expound and explain the principle of 'self determination' and more prominently the colonial system has been discussed in detail and its relation with the native people's feelings of being *in charge of their own political destiny and decision making*.

Milena Sterio (2012), *"The Right to Self-determination under International Law: "Selfistans," Secession, and the Rule of the Great Powers"* This text elaborates in details the origin, reasons and consequences of secessionist movements. It also discusses the concept of secession in light of different international and national legal sources. Secessionist movements of the past which are now non-existent has been referred to in order to understand the relation between secession and self-determination. Further, with the burning issues of Catalonian independence, Abkhazian conflict and Quebec movement in Canada, the textbook gives a detailed insight into the challenges, solutions and factors concerning the people's right of self determination in the background of their claims for secession from their current state.

PROBLEM PROFILE

The principle of self-determination ought to be used in a more meaningful way to support and protect the ethnicity, cultures of specific community or group than being used recklessly and diminishing the potential of the principle. It is suggestive that the states should be more participative and make use of the opportunities to publicize their views and determinate the concept. The determination and demarcation of fixed territories and the subsequent allegiance between those territories and the individuals or groups of individuals that inhabit them is arguably the prime factor that creates room for individuals and groups within international and human rights law.' In this sense, international society consists of individuals and groups that ostensibly gain legitimacy and

²⁴ David Raic, *Statehood and the Law of Self-Determination* (Kluwer Law International 2002)

²⁵ Marcelo G. Kohen (ed), *Secession: International Law Perspectives* (Cambridge University Press 2006) (Tomuschat, Secession)

locus standi in international law by virtue of being part of a sovereign state. Thus the present study focusses on Right to Self Determination and Territorial Integrity.

SCOPE OF THE STUDY

The researcher aims to present a detailed study regarding the evolution of the right to self determination from its genesis as a principal to its transformation into a right as in the contemporary world. The principle of self determination is so vaguely defined that it is nearly impossible to adjudicate legal claims and deliver justice in real sense. Moreover, the conflicting interests of nations are a major source of turmoil in settling the claims for self determination. This study aims to discuss about the Right to Self Determination and Territorial Integrity.

OBJECTIVES OF THE STUDY

1. To study the Right to Self-Determination.
2. To analyze the Evolution of the Right to Self-determination.
3. To discuss the Principle of Territorial Integrity

RESEARCH QUESTIONS

1. What is the concept of Right to Self Determination?
2. How the Right to Self-Determination is being evaluated?
3. What is the principle of territorial Integrity?.
4. How principles are interrelated?
5. What is the conflict between the Principles?

HYPOTHESIS

The principle of self determination explains that countries have the right to freely determine their international politics status and sovereignty without outside or external interference, while the principle of territorial integrity on the other hand explains that countries should avoid promoting border changes or secessionist movements in other countries. There are various weaknesses and benefits of both laws. However, there is clear conflict in the application of the two principles since the self determination principle may override the territorial integrity principle as long as it is the will of the people. In the case of conflict between the two principles, the self determination principle should prevail since it promotes democracy among states.

RESEARCH METHODOLOGY

Doctrinal research strategy is method applied for conducting investing and research work. This method of research helped in pointing out that how and in which way research is conducted and also find out the techniques applied to get analysis of research work done. Secondary sources are used to conduct this research work for data collection such as books, magazines, newspapers, websites etc.

RESEARCH GAP

There has been no research conducted on the topic exclusively dealing with right to self determination in the past years. Therefore, it is safe to state that this topic requires due consideration as there is a steep rise in disputes relating to it in today's conflicting time. There has been no clear cut criteria adopted under the law to define the parameters for claiming the right of self determination. The present research aims to address the process of right to self determination and territorial integrity.

CONCLUSION

The self determination and territorial integrity principles have been evaluated in detail. Both principles are important when defining international politics and law. The principle of self determination explains that countries have the right to freely determine their international politics status and sovereignty without outside or external interference, while the principle of territorial integrity on the other hand explains that countries should avoid promoting border changes or secessionist movements in other countries. There are various weaknesses and benefits of both laws and these have been discussed in detail.

However, there is clear conflict in the application of the two principles since the self determination principle may override the territorial integrity principle as long as it is the will of the people. In the case of conflict between the two principles, it is my opinion that the self determination principle should prevail since it promotes democracy

among states. In conclusion, the UN and international community should address these two principles in order to prevent the conflict of interest and ambiguity especially when it comes to definitions of terms relating to them.

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