

CRITICAL OVERVIEW OF PRINCIPLE OF TERRITORIAL INTEGRITY UNDER INTERNATIONAL LAW

Sami Ur Rahman*

Associate Professor of Law, The University of Faisalabad
hod.law@tuf.edu.pk

Muhammad Shahid Sultan

Lecturer in Law, GC University Faisalabad

Nasir Zaman

Freelancer/Academic Writer (Law Graduate from Bahria University Islamabad)

ABSTRACT

The tapestry of world affairs in the post-Westphalian era has introduced various multifaceted concepts for the protection and preservation of the territorial integrity of states around the world. Unlike in the medieval ages when the rule of ‘might is right’ was prevalent, the concept of territorial integrity has provided an impeccable locus standi to all the big and small legitimate countries. The protection of the inviolability of their territorial jurisdiction is guaranteed under the auspices of an effective international legal framework. In the following lines, various aspects of the “principle of territorial integrity” have been critically evaluated in considerable detail. The facets about evolution, interpretations, differences with other resembling concepts under the principles and theories of international law have been construed herein below. Moreover, the use of the “principle of territorial integrity” for the resolution of past disputes has also been mentioned at great length. The prospects and recommendations for using this principle for settlement of present international territorial disputes for the collective peace and serenity of the world have also been elaborated in the final part.

Keywords: Territorial integrity, international law, UN Charter, ICJ, Unilateral annexation, Threat or use of force, UNSC Resolution, Sanctions.

INTRODUCTION

Since the incorporation of the “principle of territorial integrity” in article 2 (4) of the UN charter, many international disputes have been solved by the UN and its principal organs. Resultantly, a broader international acceptance has been built for the “principle of territorial integrity” since the creation of the UN charter which continues to this day (Scudder, n.d).

The concept of territorial integrity has proved to be immensely efficacious for the preservation and protection of nation-states around the world which is the primary function of international law in many cases. During the last couple of decades, efforts for unilaterally changing the territory of any country by acts of aggression and war have been condemned mainly due to the provisions of international law which protect the territorial integrity of states. Resultantly, the political independence of many states across the world has remained intact during the recent decades due to the domestic and international legal documents which protect it.

The chapters of this research work include an overview of the “principle of territorial integrity” and its comparison with the principle of territorial sovereignty and the right of self-determination (chapters 1 and 2). In the later part of this work, this principle has been critically overviewed under the relevant provisions of international law which provide impetus to it. For a better critical analysis of the concept of territorial integrity, prominent acts of illegal unilateral annexation through the use of force by India, Russia, and Israel during recent times have been overviewed in chapter three to understand legal questions raised

* Corresponding Author

by these anomalies. The efficacy of this principle in the restoration of territorial integrity of various states during the past decades has been elaborated in considerable length in the subsequent chapter 5. Recommendations have been given in the final part of this research paper for territorial disputes which have not been solved so far which include Israel's breach of territorial integrity of Palestine, India's outrageous extra-constitutional annexation of IIOJK, and other such ongoing conflicts.

REVIEW OF LITERATURE

For this research, the most important primary document is the '*United Nations Charter*'. According to *article 2 (4)* of this charter, threat or use of force that can prove to be detrimental to the territorial integrity of a country is forbidden and discouraged. These provisions expect member states to respect the territorial integrity and sovereignty of other States. Chapter VII of the UN charter has laid down a mechanism for countering situations when the threat or use of force from a country is on the cards.

A good example in this regard can be of '*Advisory opinion on Kosovo's declaration of independence*' given by ICJ which will be referred to repeatedly during the course of this research. In this regard, the writing '*Territorial Integrity in International Law – Its Concept and Implications for Crimea*' by Christian Marxsen has been read for the preparation of this research work (Marxsen, 2015).

These concepts have also been discussed and analyzed in other publications side by side for a better understanding of this topic. The comparison between both of these has been elaborated in research titled '*Unilateral Secession v. Territorial Integrity of States*' by Sara Vedel which has been used for better comprehension of this sub-topic (Vedel, 2018).

On a more general level, many jurists and legal scholars have written valuable documents and books for comprehending the multi-dimensional and multi-faceted topic of territorial integrity. In the acclaimed book, '*International Law*' by Malcolm N. Shaw, the "principle of territorial integrity" has been elaborated in considerable length along with the ideas of self-determination.

Many articles shed ample light on this topic. In the article titled "*Territorial Integrity*" by *Commission on Security and Cooperation in Europe* (*Tiersky, n.d*) regard for regional uprightness has been mentioned as a core value among OSCE partaking states under article 4 of the Helsinki Final Act of 1975. This provision goes hand to hand with article 8 which manages equivalent rights and the standards of self-assurance.

These standards are frequently invoked, which permits states to ignore one for the sake of the other. Resultantly, independence movements, border disputes, interferences, and even intrusions and annexations in different places more than once exhibit that the OSCE has an essential task to carry out in settling regional questions.

It has been mentioned in Sir Michael Wood's article titled "Territorial Integrity" that for the international legal order, it is imperative that the "principle of territorial integrity" is seen as important, as envisaged in the article 2, paragraph 4 of the United Nations Charter." (the prevention of the use of force), as well as in other important texts. The concept of territorial integrity, inter alia, encapsulates the inviolability of a state's territory, which includes the territory under the actual and functional control of a state.

Furthermore, the article "*Territorial Integrity: Rethinking the Territorial Sovereign Right of the Existence of the States*" written by *Abdelhamid El Ouali* explains that the contemporary legal doctrine has a concrete way to deal with the state (El Ouali, 2006). This situation has prompted the discernment that territorial integrity is the wholeness of state territory. International relations and political geography scholars have not made inquiries about the connection between territoriality and regional honesty. Generally, the rule of territorial integrity is the expounded and refined legitimate articulation vis-à-vis legal expression of territoriality.

Lastly, in the analytical article named "The International Court of Justice's Advisory Opinion on Kosovo's declaration of independence: an exercise in the art of silence" by Christian Pippan, the perspective of this writer, the solidity of this averment is mostly neither dynamite nor questionable (Pippan, 2010). A vital perspective in this work is that affirmations as per the "guide and guidance manual for secessionist groups the world over" appear to be incredibly overstated. The ICJ purposely leaves open whether or not Kosovo's universal declaration of independence has prompted the making of another state. Also, it doesn't

take any firm stance on the lawfulness under international law of the acts of acknowledgment extended towards Kosovo until now. Toward the end of its verdict, the Court affirms that overall international law is generally uninterested towards attempted secessions; despite the presence of thin and flimsy zones of legal interpretation, inside which secession is either disallowed or explicitly permitted.

Many research works in acclaimed international journals also elaborate on various aspects of this topic in considerable length. In the article published by Oliver Corten in *Leiden Journal of International Law* titled *Territorial Integrity Narrowly Interpreted: Reasserting the Classical Inter-State Paradigm of International Law* by Oliver Corten, facets about the narrow interpretation of the “principle of territorial integrity” have been explained. The significant article found in this journal reveals adequate insight into the restricted understanding of international law by giving frequent references to the Kosovo case and the advisory opinion on the lawful outcomes of the development of a wall in the Palestinian territory given by the ICJ. By demanding the highway character of the guideline of regional trustworthiness, the ICJ denied challenging the old contention of the neutrality of international law regarding secession.

The research paper titled “*The Concept of Territorial Integrity in International Law – What Are the Implications for Crimea?*” By Christian Marxsen; *Max Planck Law Network - Max Planck Institute for Comparative Public Law and International Law*” elaborates the international law on territorial safeguard and brings up the issue of whether and how Ukraine's regional respectability has been abused by Crimean separatist elements and Russia. Aside from the overall presentation, it also examines the aspects of laying out the elements of territorial protection under the provisions of international law, applying the previously mentioned ideas to the instance of one-sided addition of Crimea, the aspects related to restrictions of territorial protection. In the end, this work discusses how states by and large and Ukraine, specifically, may respond to infringement of their territory per international law.

The research work titled “*Territorial Integrity and the "Right" to Self Determination: An Examination of the Conceptual Tools*” by Joshua Castellino. *Brooklyn Journal of International Law* sheds light on the facets related to the significance of the territorial state and the perception of the idea of territory in international law, outlines the standards administering the procurement of territory in international law. It also recognizes their recorded forerunners and gives openness to the strategies legitimized by these efficacious doctrines (Pippan, 2010).

In its later part III, understandings regarding the advancement of the doctrinal tools that oversee issues of territoriality and territorial integrity in international law have been mentioned. Part IV at that point thinks about the degree to which international organizations have hence fostered these doctrinal instruments, with an extraordinary spotlight on their treatment by the ICJ. Lastly, Part V analyzes what the international laws overseeing territoriality can mean for the privilege and right of self-determination.

“*The Territorial Integrity Norm: International Boundaries and the Use of Force*” written by Mark W. Zacher. *International Organization Foundation and the Massachusetts Institute of Technology* construes the dramatic change in attitude and practices of states in the Westphalian international order concerning the utilization of power to modify highway limits is interpreted. The components that have molded this recorded change have been referenced in considerable length as well (Zacher, 2003).

In the primary segment, the writer has momentarily laid out the state practices regarding territorial limits from the seventeenth century until the Second World War. While in the subsequent segment, the researcher has zeroed in on the exceptional changes in beliefs and practices from World War II until today. In the end part, the foundations of the regional integrity norm have been discussed.

Overview of “principle of territorial integrity”: Evolution of concept of territorial integrity

The inception of the idea or concept of territorial integrity can be traced back to the presence of sovereign states in world history. Over the course of past centuries, this concept became more pragmatic and well-formed by the introduction of various bilateral and multilateral agreements, treaties, and conventions for the perfect preservation of this inherent right of states.

The "guideline of regional trustworthiness" turned into a basic principle of global regulation during the nineteenth century C.E. In his 1844 work on European public global regulation, A.W. Heffter inspects the provincial rule (*ius territorii*), which gives a right to uprightness or holiness of states. This concept was also incorporated into state procedures at the same time. The states that signed the "General Treaty for the

re-foundation of Peace between Austria, France, Great Britain, Prussia, Russia, Sardinia, Turkey, and Russia" in 1856 promised to "respect the autonomy and regional respectability of the Ottoman Empire" (2015 Marxsen).

During the first half of the 20th century, the now-defunct League of Nations took certain steps in this regard for creating a consensus for upholding the territorial integrity of states around the world. In due course of time, the Kellog-Briand Pact was introduced in the year 1928 C.E. under which states repudiated war as a tool of national policy. Although the implementation of this agreement proved to be unsuccessful, yet it provided the credible impetus for future agreements to safeguard the territorial sovereignty of states. The events of World War II provided yet another chance of collective introspection to the international community regarding the failure of previous conventions and agreements vis-à-vis their duty of ensuring the safeguard of the principle of territorial sovereignty during the events of the war. Consequently, it was added in article 2 (4) of the UN Charter created after this war that there will be a prohibition on member states' use of force except with the due permission of the SC or under the right of self-defense universally upheld and accepted by the states around the world (Wood, n.d).

By critically over-viewing this evolution, a student of international law understands the sheer significance and inviolability of the principle of territorial sovereignty under the wide-ranging implications disseminating from it. It becomes clear that how war and peace have concurrently led to the development of the "principle of territorial integrity" in the post-Westphalian era, especially during the last two centuries.

Broad and Narrow Interpretations of "principle of territorial integrity"

While going through the understanding of the "principle of territorial integrity", a reader finds out the presence of a customary rule under the auspices of international law according to which there is neither prohibition nor authorization of secession. This phenomenon is commonly known as 'legal neutrality'. However, some states believe that the "principle of territorial integrity" can be applied in secessionist conflicts as manifested in the Security Council Resolutions on Serbia/Kosovo, Georgia/Abkhazia, Bosnia-Herzegovina/ Republika Srpska, Azerbaijan/Nagorno-Karabakh, and other similar conflicts.

Under the aforementioned averments, the narrow interpretation of the "principle of territorial integrity" can be construed as the upholding of the principle of legal neutrality in cases of secession of states. This principle was upheld by the ICJ in its Kosovo advisory opinion in which it ruled that despite the presence of Security Council resolutions and other international instruments for the applying the "principle of territorial integrity", the legal substance for overturning classical interpretation of the concept of territorial integrity regarding the Kosovo dispute is just not enough.

On the other hand, there is a remedial secession doctrine that has been presented as a counterargument for invoking an external right of self-determination in cases when severe discrimination and acts of human rights violations have been conducted by an aggressive state. Moreover, it has also been argued that the internal right of self-determination and unilateral power for declaring cessation should be given to non-state parties as well because of the changing international dynamics. In other words, it has been surmised under this broader interpretation that albeit the "principle of territorial integrity" should on a basic level be regarded by the secessionist party, nonetheless, such entity ought to be incredibly entitled to contravene or circumvent this guideline as a 'remedy' to a past infringement of its worldwide right to self-assurance (Corten, 2011).

The understanding of both these interpretations provides an invaluable and deep insight into the fact that on one hand, the principle of legal neutrality can be upheld under the auspices of customary international law. While on the flip side, modern dynamics on the international political and legal spectrum demand that the internal right of self-determination and unilateral power for declaring cessation should be given to non-state parties.

Difference between Territorial Integrity, Territorial Sovereignty, and Right of Self-determination

There are multiple other resembling concepts within the auspices of international law which uphold the rights of governments and citizens of a state for having complete sovereignty and impartial democratic elections respectively for the enforcement of the righteous will of these people. These principles have been elaborated in the following lines:

Definitions and overview of the principle of territorial sovereignty and right of self-determination

Understanding Concept of Territorial Sovereignty

The term territorial sovereignty refers to a legal and political expression of the relationship between an actor, i.e. the state and the territory, which works as an object. When both these elements, i.e. actor and object work in a correlative manner, the concept of territorial sovereignty emerges (Milano, 2006).

The title to any piece of land is based on sovereignty, so it is necessary to indicate exactly what sovereignty will encompass regarding a certain territory. Since no country can survive without territory, this concept has far-reaching implications vis-à-vis questions on unlawful and disputed territorial situations within the ambit of international law (Rothwell, 2018).

Interpreting the Right of Self-Determination

The legal right of individuals to choose their path and future within the international legal system is the subject of the concept of the right to self-determination. This significant right is protected by modern international legal statutes like the UN Charter, the International Covenant on Civil and Political Rights, and customary international law.

The UN's charter, Article 1(2), states that the organization's mission is to ensure that nations cultivate friendly relationships. This can be accomplished with the goal of achieving universal peace under the auspices of equal rights and individual self-determination. The ensuing article 55 likewise expresses the need for genial relations between country states in light of the rule of self-assurance and equivalent freedoms for individuals.

Comparing Principles of territorial integrity, territorial sovereignty, and right of self-determination

To grasp a better understanding of these three concepts, it is important that the differences and similarities in a precise manner as given herein below.

As far as definitions are concerned, territorial integrity refers to the territorial oneness or wholeness of a State (Blay, 2010). Meanwhile, territorial sovereignty pertains to the exclusive right of a State to govern and manage its territory both externally and internally. On the other hand, the right of self-determination determines the right of people to decide their future democratically under the international order (Milano, 2006).

While analyzing the comparison between these three concepts, a researcher finds various overlapping correlations within these ideas. Territorial integrity is an essential foundation of any state and protects and preserves territorial sovereignty and the right of self-determination (Blay, 2010). While on the other hand, the principle of territorial sovereignty complements and protects the territorial integrity of a state as it envisages exclusive powers for itself to protect its territorial integrity through various means. In this regard, the right of self-determination also plays a key role as no state can exercise the aforementioned two principles without the implementation of the right of self-determination in its letter and spirit.

These three tenets are elaborated upon in great detail in numerous sources. Article 2 (4) of the United Nations charter, the 1960 Colonial Declaration, the 1966 International Convention on Human Rights, the 1970 Declaration on Principles of International Law, and a slew of other declarations shed light on the significance of the principle of territorial integrity. Article 2 (1) of the United Nations Charter is based on various UN resolutions and ICJ precedents, Roman legal provisions governing ownership and possession (Shaw, 2008), and other sources. give legitimate locus standi to the rule of regional sway. Regarding the right to self-determination, numerous UN declarations and resolutions, including article 1(2) of the United Nations Charter, the Declaration of Friendly Relations adopted by the United Nations General Assembly, endorsement by the United Nations Committee on the Elimination of Racial Discrimination, and others, are unwavering in their support of this principle.

All in all, the “principle of territorial integrity” and territorial sovereignty ensure wholeness and legitimate right to the title of a territory, respectively. On the other hand, the right of self-determination is a pivotal right given to general masses around the world. It helps to choose the leadership of their choice through fair and democratic means.

The comparison of these three concepts sheds ample light on the fact that all three of these concepts are interlinked and are pivotal for upholding a state. While territorial integrity and territorial sovereignty uphold the territory and jurisdiction of a State, the right of self-determination manifests the true will of the

people within a state regarding their adequate representation and the subsequent implementation of this will through their representatives.

Understanding “principle of territorial integrity” under Sources of International Law

Historical Role of customary international law in upholding the “principle of territorial integrity”

The historical evolution of the “principle of territorial integrity” can be traced back to the presence of sovereign states in ancient times. Until medieval times, states were very often inclined to defend or attack the territorial integrity of each other through the use of force. However, this concept remained mostly fluid until the Treaty of Westphalia in 1648 which is considered as the turning point for the modern evolution of this concept.

Right after the cessation of hostilities in the aftermath of the First World War, the League of Nations intended to uphold the territorial integrity of its member States. However, its statutes and implementation mechanism fell short of holding countries accountable for the breach of the territorial sovereignty of smaller nations. Consequently, the UN charter was formed in the aftermath of the Second World War which ensured the presence of a series of laws and organizations for upholding it. The Helsinki Final Act 1975 is also an important document in this regard (Helsinki Final Act, 2015).

This gradual evolution of the “principle of territorial integrity” provided an opportunity for countries across the globe to address their territorial disputes rationally and lawfully under the ever-improving principles of international laws and norms.

International treaties and conventions upholding the “principle of territorial integrity”

United Nations Charter

The “principle of territorial integrity” has been incorporated in article 2 (4) of the UN charter according to which threat or use of force against the territorial integrity and political independence of any state in contravention of the purposes of UN charter is forbidden (United Nations Charter, 1945).

Declaration on the Granting of Independence to Colonial Countries and Peoples 1960

It has been postulated in articles 6 and 7 of this declaration respectively that there should be no attempt against the territorial integrity and national unity of any country after decolonization. Furthermore, states are obliged to follow the Universal Declaration of Human Rights for ensuring non-interference and inequality regarding any intrusion into the affairs of the decolonized states (McWhinney, 1960).

The 1970 Declaration pertaining to Principles of International Law

Under this declaration, states have been given the duty of refraining from any type of coercion towards the political independence and territorial integrity of any State and any act in contravention of such obligation has been deemed incompatible vis-à-vis the principles of this charter. These sources of international law contain all the important elements and internationally accepted locus standi for upholding the “principle of territorial integrity”.

ICJ Case Laws vis-à-vis “principle of territorial integrity”

Kosovo Advisory Opinion

Brief Facts

- A warning assessment was mentioned in 2008 by the UNGA from the ICJ in regard to the legitimacy of the one-sided statement of freedom from Kosovo under worldwide regulation.
- ICJ referenced that goal 63/3 was embraced by the Overall Get together of the Unified Countries on 8 October 2008 under which this assessment was looked for.
- The inquiry with respect to which warning assessment was looked for was: " Is the tentative government of Kosovo acting in accordance with international law when it unilaterally declares Kosovo's independence?

The ICJ's Decision

The main question of this advisory opinion was answered after the questions about the Court's jurisdiction and discretion in relation to this opinion were addressed. The Court asserted that the motivation behind this warning locale is to permit organs of the Unified Countries and other approved bodies to get conclusions from this Court which will help them in the activity of their capabilities at the appointed time of time.

It was ruled in the main part by the ICJ regarding this case that there exists no lawlessness concerning the assertion of autonomy from Kosovo because there isn't anything overall in international law that restricts such an affirmation of freedom. The illicitness appended to the announcement of freedom by

specific states in the past was mainly because of the unlawful utilization of power or other such infringement of norms of international law, most importantly the ‘jus cogen’ norms.

This advisory opinion opened ways for a better interpretation of principles of international law regarding the secession of states under altering international circumstances. The broader interpretation of the “principle of territorial integrity” upheld in this judgment allows an amicable declaration of independence from states that are peacefully demanding independence.

ICJ’s advisory opinion on the separation of the Chagos archipelago from Mauritius

Brief Facts

- The Court first recalled that on June 22, 2017, the General Assembly of the United Nations adopted resolution 71/292, which outlined the questions for which the Court requested an advisory opinion.
- When Mauritius gained independence in 1968, it was also questioned whether the decolonization process was legitimately and legally completed.
- Have a question about the international law implications of the Chagos Archipelago's continued administration by the United Kingdom, including the obligations reflected in the aforementioned resolutions?
- On February 25, 2019, the ICJ issued an advisory opinion regarding the legal consequences of the 1965 separation of Mauritius and the Chagos archipelago.

Final Advisory Opinion

The ICJ decided for this situation that to save the regional respectability and conservativeness of Mauritius, the UK should cling to one side of self-assurance of individuals of the Chagos Archipelago which it had colonized until that point.

It was masterfully stated in this case that the “principle of territorial integrity” should be upheld following the apt implementation of the right of self-determination of the people of a State and no colonial power should be allowed to usurp or contaminate this right.

Application of “principle of territorial integrity” on Unilateral Annexations by States

The following lines explain a few unilateral annexations to have a clear view of the relevant circumstances and legal anomalies found in them.

Russia’s unilateral annexation of Crimea

Right before the end of the USSR in 1991, a document was signed between the Russian Soviet Federative Socialist Republic and the Ukrainian Soviet Socialist Republic in late 1990 in which both parties pledged to honor each other’s territorial integrity. A treaty of similar nature, known as “Treaty on Friendship, Cooperation, and Partnership between Ukraine and the Russian Federation”, superseded this aforementioned agreement in 1997. According to article 2 of this treaty, both sides once again accepted to honor each other's territorial integrity (Geiß, 2015).

However, relations between Russia and Ukraine abruptly went downhill when Russia unilaterally annexed Crimea between February and March 2014. Both the Republic of Crimea and Sevastopol were declared federal subjects of the Russian Federation in no time. Thus, the state of Russia became the de facto ruler of Crimea in the aftermath of these dramatic events.

The UNGA passed resolution 68/262 to nullify this illegal act and invalidated the referendum held earlier in the Republic of Crimea. The general impression of the international community vis-à-vis this act of annexation still resonates with the fact that unlawful use of force to annex lands is a legally tainted phenomenon and that Crimea remains the de jure part of Ukraine (Geiß, 2015).

The overall reaction of the UN and its member states against this aggressive unilateral annexation once again proved the efficacy of the international legal framework for upholding the “principle of territorial integrity” even though it proved to be ineffective to turn around the ground realities in Crimea.

India’s Unlawful Unilateral Annexation of IIOJK

On 5th August 2019, the BJP led majority government attempted to abruptly annex Indian illegally occupied Jammu and Kashmir by revoking its special status under article 370 of the Indian constitution.



(Ellis-Petersen, 2019).

By doing so, the policy of evasive denial and utter benign neglect and contempt for its constitutional provisions and UNSC resolution 47 became clear on part of the hardline Modi government. Article 370 of the Indian constitution had previously granted special rights to the citizens of IIOJK regarding land acquisition and special autonomy which were completely taken away from them (Ellis-Petersen, 2019). Under the provisions of the constitution of India, assent from the Constituent Assembly of IIOJK was a quintessential condition for such revocation which was never met.

This illegal annexation is an ongoing occurrence that has adversely affected the already fragile geopolitical landscape of the sub-continent region. Once again, the superfluous and unreliable nature of certain principles in international law has been exposed by this event. The illogical and negligent use of veto power by France (which is a permanent member of UNSC) in the aftermath of this illegal annexation has proved to be the main hurdle in the path towards lasting peace in this region. These events have unfortunately been unfolded at the expense of the credibility of the UN as an organization that aims to ensure credible international protection of the “principle of territorial integrity”.

Israel’s unilateral annexations of Palestinian lands

The UN had previously agreed before the proclamation of independence by the so-called state of Israel that Palestine will be equally divided between Jews and Palestinian Arabs after the end of the British mandate in Palestine. However, Israel surreptitiously started to unilaterally seize Arab lands after its independence and this situation became more and more open after each of its victories against neighboring Arab states in 1948, 1967, 1973, and 1982. This situation became more intense when Jordan renounced its claims on the disputed West Bank (except for the guardianship of Muslim and Christian holy sites therein) and left the Palestinian Liberation Organization alone to fend for itself against the state of Israel (Anonymous, 2020).

The international community has collectively and overwhelmingly negated Israel’s right on the Palestinian land which it has occupied after winning the 1967 six-day war. The UNSC resolutions 242 and 337 have demanded warring sides in the 1967 Arab-Israel war and Israeli forces violating Lebanon’s territorial integrity in the 1982 Lebanon-Israel war to honour the territorial integrity of the states involved in these conflicts.

Most importantly, according to UNSC resolution 2334, Israel’s unilateral occupation and constructions of illegal settlements in the occupied West Bank are utterly illegal. Under the locus standi provided by the provisions of this resolution, the rational voices in the international community have persistently demanded Israel to withdraw its presence from the occupied Palestinian territories (Resolution 2334, 2016).

Unilateral declaration of independence from the minority Rhodesian government in 1964, Turkey’s unilateral annexation of Cyprus through use of force, and Iraq’s unilateral annexation of Kuwait in 1991 are also relevant examples under this heading.

Overview of past resolutions of territorial disputes through the “principle of territorial integrity”

Resolution of Nagorno-Karabakh dispute

Armenia occupied large swathes of the Nagorno-Karabakh region with the use of sheer force and brutality during the first Nagorno-Karabakh war (Zeidan, 2020). However, even before this war finally ended in 1994, Azerbaijan started to build its case before the valid international legal forums to uphold valid *locus standi* for upholding its dismembered territorial integrity. Resolutions 822, 844, 853, and 874 were passed by the UNSC in 1993 which upheld Azerbaijan's right to territorial integrity vis-à-vis this area. Moreover, resolution 62/243 was passed in 2008 by the UNGA to uphold the same principle for Azerbaijan.

Subsequently, when the second Nagorno-Karabakh conflict started in September 2020, the world community never responded positively to Armenia's pleas regarding violations of its territory because the reality of this paradoxical claim was out in the open. The Ministry of Foreign Affairs of Azerbaijan has played quite a vigilant role in negating Armenia's negative propaganda against Azerbaijan's territorial integrity over the Nagorno-Karabakh region. Moreover, it has also played a crucial role in gathering worldwide support which has provided great dividends for the state of Azerbaijan. These efforts for a peaceful and long-lasting solution for this conflict are going on to this day (Crisis Group Europe Briefing N°91, 2020).

Nevertheless, a paradoxical situation regarding the upholding of the “principle of territorial integrity” still exists in this conflict. This can be averred because, on one hand, Azerbaijan does have right over the contentious Nagorno-Karabakh enclave under UN resolutions. However, the threat or use of force is utterly despicable in any circumstances under the provisions of the UN charter even though the UN failed to implement its resolutions regarding Azerbaijan's territorial integrity.

German Reunification after fall of Berlin Wall

After the cessation of hostilities after the World War II, the territory of modern-day Germany has ripped apart into two independent western and eastern parts. However, German people always felt resentment towards this separation. Finally, on 9th November 1989, the German nation was reintegrated when the Berlin wall which divided East and West Germany was hammered down by people from both sides (History.com, 2009).

The international community accepted this reintegration of German territory in due course of time. The demolition of this wall manifests the fact that when people of a country want to be reunited to protect their territorial integrity, their right of self-determination finally overwhelms and sweeps aside any foreign actors who want to divide and rule them like in the case of division of Korean Peninsula.

Restoration of Iraq's Territorial Integrity against ISIS and Kurdish insurgency

Within a few months after ISIS took control of vast swathes of Iraq's territory, the international coalition against this radical organization was successful in destroying ISIS's territorial presence in Iraq which it had gained with illegal use of force. The international community showed its complete support towards the eradication of this terrorist outfit and any other attempts by isolated factions like the Kurd militia to break away from Iraq. Consequently, Iraq's territorial integrity was completely restored (bundesregierung.de, 2017).

This restoration of Iraq's territorial integrity proves the importance of upholding the territorial integrity of an internationally organized government despite its apparent fragility and biases against some sections of its society.

How the concept of Territorial Integrity and its associated mechanisms can solve ongoing disputes about the Territorial Integrity of States?

A closed examination and understanding of the “principle of territorial integrity” manifest the fact that international law and its dispute resolution mechanism can prove to be decisive for solving modern legal disputes if implemented properly. The following lines describe how modern territorial disputes can be solved through these means.

Kashmir Dispute

The Kashmir dispute is primarily associated with the right of self-determination of the people of the Kashmir valley as per their rightful wishes under a neutral plebiscite still to be conducted. Nevertheless, the illegal Indian occupation of the Jammu & Kashmir region has adversely affected its territorial integrity.

At the moment, Kashmir is divided into three parts between Pakistan, China, and India. Because of India's stubborn insistence on occupying the majority of this disputed valley, efforts for providing Kashmiris their due right of self-determination and have been stalled for around seven decades now.

To break this stalemate situation, the UN must devise new strategies and mechanisms for an amicable resolution of this dispute through international arbitration and mediation as done in the late 1940s and early 1950s C.E. The UNSC resolution 47, adopted on 21st April 1948, provides ample locus standi for conducting this whole process to determine the will of the Kashmiri people.

Palestine-Israel Dispute

The map according to which Palestine and Israel were divided by the UN divided the land equally between both parties to pave the way for a potential two-state solution in due course of time. However, after the 1967 six-day war between Israel and its neighboring Arab countries, Israel annexed much of the Palestinian territory in the occupied West Bank and has continued to rupture Palestinian territorial integrity to this day as shown in the maps herein below.



(Villanueva & Pineda, 2020).

For the resolution of this dispute according to valid provisions of international law, UNSC resolution 2334 should be implemented which demands Israel to stop its illegal incursions into Palestinian territories by use of force. Much depends upon the USA which has played a key role in the Middle East peace process by providing its high offices to Palestinian and Israeli leaders in the 1990s. The resolution of disputes about the territorial integrity of the Korean Peninsula and China's demand of completion of its territorial integrity by the inclusion of Taiwan into its territory are also relevant cases under this topic.

CONCLUSION

The “principle of territorial integrity” has profoundly impacted modern nation-states over the course of the last few centuries. This concept encapsulates rules about the protection of countries that are susceptible to breach of their territorial integrity by powerful states in the significant statutes within the pale of international law. Consequently, the concept of territorial integrity has come a long way from being a norm within the ambit of customary international law and has been incorporated in many important international statutes in the modern era.

This concept for the protection of territorial integrity has come into the limelight more persistently since its incorporation into the UN charter. Many countries have utilized this provision to provide impetus to their lawful rights on disputed areas and unsurprisingly, some of these states have managed to liberate the lands which they rightfully own. On the other hand, many countries have violated the territorial integrity of vulnerable countries and disputed regions which have allowed us to understand and observe the apt implementation of this concept from the highest legal forums in the world.

To sum it up, the “principle of territorial integrity” has proved its worth time and again. To keep its efficacy intact, all the decisions made for its preservation must be implemented in their letter and spirit so that the world can become a more secure and stable place in the times to come according to the purposes of international law.

RECOMMENDATIONS

- **Vigilant implementation of means of Peaceful Dispute Settlement**

The main role of international law and the significant ideas inside its area like the rule territorial integrity is to guarantee the safeguarding and assurance of collective world harmony and security. Conciliatory techniques for question settlement like arrangement, great workplaces, and intercession, request, placation can be put to use in instances of debates about regional uprightness referenced hereinabove. Regional organizations inside the system provided to them by article 52 (1) of Chapter VIII of the UN contract can likewise play a viable part in dispute settlements. Significant local associations like the Organization of the American States, the Arab League, and the African Union have had their reasonable influence in mitigating and resolving their regional disputes before.

- **Role of UN and its member States in the implementation of “principle of territorial integrity”**

Under the chapter VII of the UN Charter, the UNSC and its members have the prerogative to put economic, diplomatic, and in most extreme cases, military sanctions against countries that are showing tendencies towards threat or use of force against other nations. Under the averments of this relevant chapter, the Security Council can take steps to determine the existence of unusual situations like any threat to the peace, breach of the peace, an act of aggressive nature, and may or may not impose mandatory sanctions to try to change the situation.

The UNSC has used this authority on many occasions when the threat or use of force has been shown by hostile states. However, it has fallen short of doing enough in many cases like India's unilateral revocation of IIOJK's special status on 5th August 2019 due to the undue privilege of veto power given to its permanent members. Consequently, the UNSC must do more to make powerful states answerable for their violation of the “principle of territorial integrity” vis-à-vis other nations and disputed areas by all means possible.

- **Making States accountable for failing to meet requirements of ICJ judgments:**

Under the provisions of Article 94 (2) of Chapter III of the UN charter, it is stated that any party to a case that fails to perform its obligations under a judgment given by the ICJ can be executed in due course of time upon by an application to the Security Council that the defaulting party (the party not following the decision) has refused to comply with the aforesaid judgment.

For better implementation of ICJ's present and future verdicts about the “principle of territorial integrity”, these provisions need to be implemented more effectively and with due diligence.

- **Role of the wider international community for implementing the “principle of territorial integrity”:**

Over the course of the last century, there have been many instances when prominent countries and coalitions have joined hands to sanction countries that have violated the territorial integrity of countries around the world. In the aftermath of the Yum Kippur war of 1973, Arab countries imposed an oil embargo towards the western countries which had supported Israel's breach of territorial sovereignty and territorial integrity of its neighboring countries (Brosche, 1974).

Similarly, heavy sanctions were imposed on Iraq after it unilaterally occupied Kuwait in the year 1990 C.E. More recently, the state of Iran has been constantly tormented by eye-watering sanctions by the western countries during the past couple of decades due to the perceived threat its nuclear arsenal imposes towards the territories of the allies and interests of the USA in the Middle East. Such sanctions and proactive steps can deliver far-reaching results for world peace if it is implemented in a bonafide manner against countries like India which has a territorial dispute with almost all of its neighbors.

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