

**FORUM:** Legal committee (GA6)

**QUESTION OF:** Examining principles of public international law in the context of self-determination and national sovereignty

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**POSITION:** Main Chair

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## INTRODUCTION

The concepts of national sovereignty and self-determination are both considered fundamental in regard to international law, a lot of times considered complex and controversial. Self-determination alludes to the rights that the people must have to choose their own personal political beliefs and status. Most importantly though, it refers to free will. National sovereignty has the authority to govern a country without any strings attached and no outside factors playing any sort of role. The five main principles of self-determination are; freedom, which means that the people can decide how they should want to live. Authority, because the people like to know that a nation can legitimately have the power to govern itself. Support means that a nation can receive assistance from external or internal entities, in numerous ways to achieve autonomy and national sovereignty. Responsibility refers to a state's duty to uphold the integrity of law, democracy and human rights, to create a just society and the principle of confirmation pertains to the official acknowledgment and endorsement of a state's independently determined status by both the global community and its populists. All five play a very important role in how society views the term self-determination because the principles shape the international community's view on how newly emerging sovereign states govern and determine themselves and their cultural and political image. Public international law is a legal framework, which addresses both self-determination and national sovereignty.

Self-determination refers to a state's right to determine its own political fate, whether this includes deciding the form of government or the progression of the economy of the nation. Meanwhile, national sovereignty is defined by a state's power to be able to govern itself without external interference.

The topic of this year's CGSMUN conference, titled: "Ethos vs. Progress- Reassessing our values in a fragile world" is connected with this topic through its ethical aspects. A

question that could be posed is if it would be considered ethical for a nation to take control of other nations' governance.

## **DEFINITION OF KEY TERMS**

### **International law**

“International law, the body of legal rules, norms, and standards that apply between sovereign states and other entities that are legally recognized as international actors.”<sup>1</sup>

### **National sovereignty**

“Sovereignty, in political theory, the ultimate overseer, or authority, in the decision-making process of the state and in the maintenance of order. The concept of sovereignty is closely related to the difficult concepts of state and government and of independence and democracy.”<sup>2</sup>

### **Public international law**

“International Law, also known as Public International Law and Law of Nations, is the set of rules, norms, and standards generally accepted in relations between nations. It establishes normative guidelines and a common conceptual framework to guide states across a broad range of domains, including war, diplomacy, trade, and human rights. International Law thus provides a means for states to practice more stable, consistent, and organized international relations.”<sup>3</sup>

### **Self-Determination**

“Self-determination, the process by which a group of people, usually possessing a certain degree of national consciousness, form their own state and choose their own government.

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<sup>1</sup> Shaw, Malcolm. “International Law.” Encyclopædia Britannica, 7 Dec. 2016, [www.britannica.com/topic/international-law](http://www.britannica.com/topic/international-law).

<sup>2</sup> ---. “Sovereignty | Politics.” Encyclopædia Britannica, 2 June 2014, [www.britannica.com/topic/sovereignty](http://www.britannica.com/topic/sovereignty).

<sup>3</sup> <https://peacepalacelibrary.nl/research-guide/public-international-law>

As a political principle, the idea of self-determination evolved at first as a by-product of the doctrine of nationalism”.<sup>4</sup>

## **BACKGROUND INFORMATION**

### **Historical Background**

This topic has a very deep-rooted history, and therefore a rich background. The concept of self-determination dates back, during the Peace of Augsburg, also called the Augsburg Settlement, was a treaty between Charles V, the predecessor of Ferdinand II, and the Schmalkaldic League signed on September 25, 1555, at the imperial city of Augsburg. It officially ended the religious struggle between the two groups and made the legal division of Christendom permanent within the Holy Roman Empire, allowing rulers to choose either Lutheranism or Roman Catholicism as the official confession of their state.<sup>5</sup> The principle was “Cuius regio, eius religio”, which means whose realm is his religion. This principle was an early perception of the term state sovereignty. This was the beginning of the principles of public international law in the context of self-determination and national sovereignty.

Moreover, an important aspect of the historical background is the Treaty of Westphalia. The Treaty of Westphalia was signed in 1648, this treaty ended the Thirty Years War in Europe, which was a conflict that stemmed from religious and political issues. This treaty has established the basic principles of state sovereignty, which have turned out to be the foundation of today’s international system. The Treaty as well as many others has specific principles, specifically four; National self-determination, Precedent for ending wars through diplomatic congresses, Peaceful coexistence among sovereign states as the norm and maintaining a balance of power among sovereign states and acceptance of principle of non-interference in the internal affairs of other sovereign states.<sup>6</sup>

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<sup>4</sup> The Editors of Encyclopaedia Britannica. “Self-Determination | Definition, History, & Facts.” Encyclopædia Britannica, 2019, [www.britannica.com/topic/self-determination](http://www.britannica.com/topic/self-determination).

<sup>5</sup> “Peace of Augsburg.” Www.holy roman empire association.com, [www.holyromanempireassociation.com/peace-of-augsburg.html](http://www.holyromanempireassociation.com/peace-of-augsburg.html).

<sup>6</sup> Timberman, Tom . “The Peace of Westphalia and Its 4 Principles for Interstate Relations Isn’t Failing | Small Wars Journal.” Smallwarsjournal.com, 16 Nov. 2015, [smallwarsjournal.com/jrnl/art/the-peace-of-westphalia-and-its-4-principles-for-interstate-relations-isnt-failing](http://smallwarsjournal.com/jrnl/art/the-peace-of-westphalia-and-its-4-principles-for-interstate-relations-isnt-failing).

Furthermore, a significant time in history is right after the First World War, when the Ottoman Empire lost its power and with other nations seeking self-determination. At that point, President Woodrow Wilson created his Fourteen Points in 1918. The purpose of this was to set down a blueprint for all the nations around the world in order to be used for peace negotiations after the First World War. They were designed as guidelines for the rebuilding of the postwar world, the points included Wilson's ideas regarding nations' conduct of foreign policy, including freedom of the seas and free trade and the concept of national self-determination.<sup>7</sup>

Additionally, the League of Nations was also created around that time in 1920. The League of Nations' goal was to maintain peace around the world after the war, which was not successful. Nevertheless, the League of Nations created a Mandate that was supposed to help nations with their power, to manage other nations who were not economically strong enough to stand on their own and lead themselves. These methods were not effective since it took the right of the people to their national sovereignty and self-determination, which led to conflicts between the nations.

The next significance in history was at the end of the Second World War in 1945. The United Nations Charter included articles that were created to tackle the issue of self-determination, Article 1 (2)<sup>8</sup>. This article included case studies on how the question of self-determination and independence should be. Lastly, an important aspect of the historical part took place in 1948, with the Declaration of Human Rights (UDHR), which not only included the declaration of human rights but also the right to self-determination.

### **Legal framework**

The legal framework of the issue consists of different and a lot of articles and treaties. Firstly, as aforementioned, in the year 1945, the United Nations Charter was adopted. Specifically, regarding article 1 (2), it is emphasized that on the topic of self-determination, the United Nations' goal is to keep friendly relations with all of the Member States, because its main purpose is to maintain peace. In the specific article, it states case studies from the year 1959 to 2022. In each of these case studies, the progress

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<sup>7</sup> The National WWI Museum and Memorial. "The Fourteen Points." National WWI Museum and Memorial, 31 May 2019, [www.theworldwar.org/learn/peace/fourteen-points](http://www.theworldwar.org/learn/peace/fourteen-points).

<sup>8</sup> United Nations. CHARTER of the UNITED NATIONS and STATUTE of the INTERNATIONAL COURT of JUSTICE. 1945.

that has been made as well as the reasons why the Security Council has determined if these years are successful or not regarding the issue of self-determination are stated. All in all, it states that nations should refrain from using violence against one another and try to resolve things in a diplomatic way.

Furthermore, another legal framework that is important is the Universal Declaration of Human Rights which was adopted in 1948. In Article 21(3), it is stated that the basis of the state should lie in the hands of the people. This highlights the importance of self-determination. Even though it is not legally binding, this article has influenced a lot of treaties, by clarifying that the people play a significant role in the government's elections.

Moreover, in 1966 the International Covenant on Civil and Political Rights (ICCPR), was adopted. Article 1<sup>9</sup> recognizes the right to self-determination of all people. It states that all people should have the right to choose their political beliefs and status, while also being able to determine their development.

Additionally, the Declaration on the Granting of Independence to Colonial Countries and Peoples adopted in 1960 also plays a very important role in this topic. The resolution 1514<sup>10</sup> which is contained in this treaty is of utmost importance since it asserts the right to self-determination for all people. It creates peaceful and friendly relations based on respect for the principles of equal rights and self-determination of all peoples, and of universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.<sup>11</sup>

## Case studies

### Gaza Strip

The Gaza Strip was part of the Ottoman Empire until the end of the First World War. After that during the Arab-Israeli war, Palestine was under Egyptian reign. Twenty years later In 1967, the Gaza Strip was occupied by Israel during the Six-Day War, which was the

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<sup>9</sup> ---. "International Covenant on Civil and Political Rights." OHCHR, United Nations, 16 Dec. 1966, [www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights](http://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights).

<sup>10</sup> United Nations. "Declaration on the Granting of Independence to Colonial Countries and Peoples." OHCHR, 14 Dec. 1960, [www.ohchr.org/en/instruments-mechanisms/instruments/declaration-granting-independence-colonial-countries-and-peoples](http://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-granting-independence-colonial-countries-and-peoples).

<sup>11</sup> Ibid

beginning of a four-decade-long military occupation of the Palestinian territories and has remained under Israeli control since. The Gaza Strip has been through a lot of hardships, firstly in the year 2006, when the political and military party Hamas won the elections and has been governing Gaza since then. The Palestinian people have sought self-determination as they want Palestine to be a sovereign state. The control of Hamas over the Gaza Strip is considered to be a form of self-determination since in the other Palestinian territories, other political organizations are in charge, despite this not being recognized by Israel. Even with the numerous conflicts and disagreements, Israel has control of the borders and therefore Gaza's sovereignty seems to be reduced and limited. In October 2023, Hamas decided to put an end to the limitations that had been put into place by the Israeli government and led an attack on Israel during a peace festival where a large number of civilians were killed. After that attack, Israel struck back forcefully, thus declaring a very violent and saddening war. As of 17 July 2024, over 40,000 people, 39,145 Palestinian and 1,478 Israeli, have been reported as killed in the ongoing Israel–Hamas war, including 108 journalists, 103 Palestinian, 2 Israeli and 3 Lebanese, and over 224 humanitarian aid workers, including 179 employees of the United Nations Relief and Works Agency, or otherwise known as UNRWA.<sup>12</sup>

## Crimea

Crimea has a very rich history since it has been part of a lot of countries: the Russian Empire, the Soviet Union and Ukraine. Crimea has been annexed by Russia, which is a breach of the principles of public international law. Under international law, annexation is when one country forcibly asserts control and sovereignty over another country's territory.<sup>13</sup> The situation in Crimea has a complicated connection with the terms self-determination and national sovereignty since it has been clearly breached through the Annexation under public international law.

Nowadays, Crimea's situation seems to be still ongoing with the Russo-Ukrainian conflict, since it is still considered a case study for the limitations on what the breaches under international law are and how self-determination and national sovereignty would be

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<sup>12</sup> Thomas, Merlyn. "Israel Gaza: What Gaza's Death Toll Says about the War." [www.bbc.com](http://www.bbc.com), 20 Dec. 2023, [www.bbc.com/news/world-middle-east-67764664](http://www.bbc.com/news/world-middle-east-67764664).

<sup>13</sup> "What Is Annexation?" [The Economist](http://www.economist.com/the-economist-explains/2022/09/30/what-is-annexation), [www.economist.com/the-economist-explains/2022/09/30/what-is-annexation](http://www.economist.com/the-economist-explains/2022/09/30/what-is-annexation).

applied.<sup>14</sup> The current situation in Crimea is an ongoing geopolitical tension and concerns Human Rights and the economic situation. External self-determination of the people operates in three principles identified in case law: former colonies, foreign military occupation and government that practices apartheid or racial discrimination.<sup>15</sup>

### **The intersection of self-determination and national sovereignty**

Self-determination and national sovereignty are both principles of international law and are recognized within it. They are ingrained in significant documents such as the United Nations Charter,<sup>16</sup> yet their definitions proffer differences. On one hand, the self-determination of a state may involve the right to reach important decisions regarding the government, economic development and cultural image of a nation, to attain autonomy and independence from external forces. On the other, a sovereign state is defined by its power to govern itself entirely, without any interference or practices of national authority by superior nations. Both proffer the importance of a nation attaining autonomy and the right to choose the political and economic path of a state.

Whereas self-determination focuses on the rights and power of peoples and groups in a state, and frequently comes forth in contexts of colonialism, occupation and the rights of minority groups, national sovereignty refers to the state itself, emphasizing on the duties and rights granted to it. The term has a broader application as a principle, in the context of national governance and global relations. Its goal is the preservation of the territorial cohesion of a nation.

## **MAJOR COUNTRIES AND ORGANIZATIONS INVOLVED**

### **Kosovo**

Kosovo being a region in the Balkans used to be an autonomous region in the Serbian territory when Yugoslavia still existed. During the 1990s at the time of the breakup of

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<sup>14</sup> Mirovalev, Mansur. "Ten Years Ago Russia Annexed Crimea, Paving the Way for War in Ukraine." Al Jazeera, 20 Feb. 2024, [www.aljazeera.com/news/2024/2/20/crimea-anniversary-war-ukraine](http://www.aljazeera.com/news/2024/2/20/crimea-anniversary-war-ukraine).

<sup>15</sup> "Self-Determination of Ukrainian People and Russian Aggression - Groupe d'Études Géopolitiques." <https://geopolitique.eu/geopolitique.eu/en/articles/self-determination-of-ukrainian-people-and-russian-aggression/>.

<sup>16</sup> ---. "UN Charter." United Nations, 26 June 1945, [www.un.org/en/about-us/un-charter](http://www.un.org/en/about-us/un-charter).

Yugoslavia, a lot of conflicts took place Inevitably leading to the Kosovo War from 1998 to 1999 serious human rights violations such as torture and cruel inhumane and degrading actions. took place and even the North Atlantic Treaty Organization (NATO) had to intervene. NATO's intervention in Kosovo aimed to reverse the Serbian campaign of ethnic cleansing in the province and ensure the safe return of Kosovar Albanians<sup>17</sup>. Fundamental principles of international relations - state sovereignty, non-use of force and respect for human rights-were brought into conflict with each other, sparking off considerable debate. After that, Kosovo was taken under the supervision of the United Nations which led through the Security Council's Resolution 1244.<sup>18</sup> Serbia's sovereignty was acknowledged and Kosovo would partly be provided with self-governance. In 2008, Kosovo officially declared independence from Serbia and is now being recognized by over 100 Member States. Their declaration of independence was an act of self-determination which also highlights that it is very important for their cultural identity, which marked the departure from a past subjugation and a move towards safeguarding and honoring Kosovo's distinct cultural legacy. On February 17, 2008, the declaration by the Parliament of Kosovo stating "Kosovo to be an independent and sovereign state" received a mixed reaction from other countries. The reason for this was because a variety of countries thought that Kosovo gaining independence would be a breach of international law<sup>19</sup>, because in regard to international law, it violated the principle of territorial integrity and sovereignty of Serbia<sup>20</sup>, which was disproven on the 22nd of July 2010 by the international court of justice.<sup>21</sup>

## South Sudan

<sup>17</sup> "NATO's Response to the Kosovo Crisis." *Ciaotest.cc.columbia.edu*, [ciaotest.cc.columbia.edu/olj/sa/sa\\_sep00chs01.html#:~:text=NATO](http://ciaotest.cc.columbia.edu/olj/sa/sa_sep00chs01.html#:~:text=NATO).

<sup>18</sup> "Security Council Resolution 1244 (1999) on the Situation Relating Kosovo | UN Peacemaker." Un.org, 2018, [peacemaker.un.org/kosovo-resolution1244](http://peacemaker.un.org/kosovo-resolution1244).

<sup>19</sup> "350. Is Kosovo a Precedent? Secession, Self-Determination and Conflict Resolution." Wilson Center, 7 July 2011, [www.wilsoncenter.org/publication/350-kosovo-precedent-secession-self-determination-and-conflict-resolution](http://www.wilsoncenter.org/publication/350-kosovo-precedent-secession-self-determination-and-conflict-resolution).

<sup>20</sup> All Answers Ltd. "Is Kosovo Legally Recognised as a State?" *Lawteacher.net*, LawTeacher, 26 Aug. 2021, [www.lawteacher.net/free-law-essays/international-law/is-kosovo-legally-recognised-as-a-state-international-law-essay.php](http://www.lawteacher.net/free-law-essays/international-law/is-kosovo-legally-recognised-as-a-state-international-law-essay.php).

<sup>21</sup> "Kosovo's Declaration of Independence Did Not Violate International Law – UN Court | UN News." *News.un.org*, 22 July 2010, [news.un.org/en/story/2010/07/345532](http://news.un.org/en/story/2010/07/345532).



South Sudan was part of the Anglo-Egyptian Sudan which was colonized by Great Britain. The first Sudanese War took place during the years 1955 and 1972. During this war, the Addis Ababa Agreement was signed on February 27th, 1972. This Agreement ended the seventeen-year conflict between the Anya Nya and the Sudanese Army. There was limited autonomy given to the Southern part. After that, the citizens knew that something had to be done and from the 5th until the 11th of January of 2005 a vote about independence took place where with an overwhelming majority the country was in favor of independence. South Sudan became officially independent on July 9th, 2011. Despite its independence, South Sudan suffered a lot of struggles. Human rights violations as well as political instability. Some Human rights that were violated are the right to freedom of expression, peaceful assembly, and movement. Journalists, activists, and political opposition members faced arbitrary arrest, and torture.<sup>22</sup> Political instability has not been resolved yet, even though there have been multiple attempts with ceasefires in 2015, 2017 and 2018 the political leaders in both head parties are still in conflict.<sup>23</sup> All in all, South Sudan's journey to independence has been hard but they have persevered and have managed to fight through everything and through self-determination have managed to get through everything.<sup>24</sup>

### **Amnesty International**

Amnesty International is a Non-Governmental Organization (NGO) that focuses on protecting Human rights all around the world. Self-determination and national sovereignty are both foundational principles of public international law. Amnesty International focuses on the aspect of self-determination and national sovereignty. It frequently tries to address situations where the sovereignty of a state is being used in order to justify human rights violations. Amnesty International has advocated for the rights of minorities and generally frequently expresses their concern about how human rights are being violated.<sup>25</sup>

### **Human Rights Watch**

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<sup>22</sup> Amnesty International. "South Sudan 2020 Archives." *Amnesty International*, 2024, [www.amnesty.org/en/location/africa/east-africa-the-horn-and-great-lakes/south-sudan/report-south-sudan/](https://www.amnesty.org/en/location/africa/east-africa-the-horn-and-great-lakes/south-sudan/report-south-sudan/)

<sup>23</sup> Center for Preventive Action. "Civil War in South Sudan." *Global Conflict Tracker*, 12 May 2020, [www.cfr.org/global-conflict-tracker/conflict/civil-war-south-sudan](https://www.cfr.org/global-conflict-tracker/conflict/civil-war-south-sudan)

<sup>24</sup> United States Institute of Peace. "Independence of South Sudan." United States Institute of Peace, 19 Jan. 2017, [www.usip.org/programs/independence-south-sudan](https://www.usip.org/programs/independence-south-sudan).

<sup>25</sup> Amnesty International. "Amnesty International." Amnesty.org, 2017, [www.amnesty.org/](https://www.amnesty.org/).

The Human Rights Watch also tends to focus on the intersection of self-determination and national sovereignty via protecting human rights. The Human Rights Watch tries to look into Human Rights violations and tries to report them as much as they can. Their job is even though they respect the principles of self-determination they would do anything in their power to prevent Human Rights from being violated. That includes the prevention of ethnic cleansing and the protection of minorities.<sup>26</sup> Human Rights Watch is an international organization that works as part of an active movement to uphold human dignity and advance the cause of human rights for all.<sup>27</sup>

### TIMELINE OF EVENTS

Date	Description of Event
25 September 1555	The Peace of Augsburg was adopted. Through their principle which is "Cuius regio, eius religio", which means whose realm is his religion, it was the beginning of a ruler having the power to determine the religion of their state.
24 October 1648	The Treaty of Westphalia was adopted. The Treaty has established the principles of national sovereignty.
28 July 1914	The start of World War 1 with the assassination of Archduke Franz Ferdinand, heir to the Austro-Hungarian throne by Bosnian Serb student Gavrilo Princip during his visit in Sarajevo.
8 January 1918	President Woodrow Wilson's 14 Points. A point system that was meant to try and help with the negotiation process after the First World War.
10 January 1920	Creation of the League of Nations, the predecessor to the United Nations, after the end of WW1, "to promote international cooperation and to achieve international peace and security". <sup>28</sup>

<sup>26</sup> Watch and Amnesty Inter "Human Rights national Submissions to the European Court of Human Rights." *Human Rights Watch*, 12 Nov. 2019, [www.hrw.org/news/2019/11/12/human-rights-watch-and-amnesty-international-submissions-europe-an-court-human](http://www.hrw.org/news/2019/11/12/human-rights-watch-and-amnesty-international-submissions-europe-an-court-human).

<sup>27</sup> Human Rights Watch. "Human Rights Watch." Human Rights Watch, 4 Dec. 2018, [www.hrw.org/](http://www.hrw.org/).

<sup>28</sup> The League of Nations | The United Nations Office at Geneva. (n.d.). The United Nations Office at Geneva. <https://www.ungeneva.org/en/about/league-of-nations/overview>

1929	The start of the Great Depression in the United States of America.
1 September 1939	The start of World War 2 with the German invasion of Polish territory.
10 December 1948	Declaration of Human Rights and the right to self-determination
14 December 1960	The Declaration of the acceptance for the Colonial countries and people to be independent. The General Assembly Resolution 1514 gave the right to self-determination and led to the end of colonialism which also led to the independence of many former colonies.
17 April 2008	Kosovo declared independence. Kosovo officially declared independence from Serbia, which created an altercation about whether it is legal under international law and the principles of self-determination.
22 July 2010	The International Court of Justice (ICJ) determined that Kosovo's actions did not cause a breach of international law.
9 July 2011	South Sudan declared independence from Sudan and then became the newest sovereign state in the world.
16 March 2014	Crimea gained independence
12 September 2018	The Addis Ababa Agreement was reviewed by the heads of the two political parties that are in conflict with each other in Sudan.

## UN INVOLVEMENT: RELEVANT RESOLUTIONS, TREATIES AND EVENTS

### United Nations Charter (1945)

The Charter of the United Nations<sup>29</sup> was signed on 26 June 1945. The Charter is meant to promote the principle of self-determination. Its goal is to create friendly relations with other states. The United Nations Charter has multiple articles that are related to self-determination. Specifically article 1 (2), whose purpose is to create equal rights and self-determination for the people. These case studies show that the Security Council has discussed situations with a bearing on the principle of self-determination and the right of peoples to decide their own government, which may relate to the questions of

<sup>29</sup> United Nations. "UN Charter." *United Nations*, 26 June 1945, [www.un.org/en/about-us/un-charter](http://www.un.org/en/about-us/un-charter).

independence, autonomy, referenda, elections, and the legitimacy of governments.<sup>30</sup> The case studies seem to start being documented from 1959 to 2022.

### **Declaration on the Granting of Independence to Colonial Countries and Peoples (1960)**

The Declaration on the Granting of Independence to Colonial Countries and Peoples, A\_RES\_1514(XV)-E, which was signed in 1960, is the resolution 1514 from the Office of the High Commissioner for Human Rights, otherwise known as OHCHR. All peoples have the right to self-determination; under that right, they freely determine their political status and freely pursue their economic, social and cultural development. Insufficiency of political, economic, social or educational preparedness should never serve as a pretext for delaying independence.<sup>31</sup> By granting the right of self-determination seeks to promote the evolution of sovereign, autonomous states.

## **PREVIOUS ATTEMPTS TO SOLVE THE ISSUE**

### **The Mandate System created by the League of Nations**

After World War 1 before the UN was created for there to be peace in store, the League of Nations was created. The League of Nations was unsuccessful in the main reason it was created, which was to maintain peace. Due to numerous factors such as lack of military power and economic issues, due to the Great Depression of the 1930s, which also had a tremendous impact on numerous European nations, it sadly did not manage to maintain peace for long and shortly after World War 2 took place. The League of Nations created a Mandate system to try and manage former territories that had lost power and felt defeated. This system was created to help these countries get their power back. The Mandate System

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<sup>30</sup> Purposes and Principles of the UN (Chapter I of UN Charter) | Security Council. [main.un.org/securitycouncil/en/content/purposes-and-principles-un-charter](https://www.un.org/securitycouncil/en/content/purposes-and-principles-un-charter). Accessed 3 Aug. 2024.

<sup>31</sup> ---. "Declaration on the Granting of Independence to Colonial Countries and Peoples." OHCHR, 14 Dec. 1960, [www.ohchr.org/en/instruments-mechanisms/instruments/declaration-granting-independence-colonial-countries-and-peoples](https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-granting-independence-colonial-countries-and-peoples).

was an internationally sanctioned form of colonialism that granted control over most parts of Africa, the Middle East, and the South Pacific to European powers.<sup>32</sup> The effects of the mandate system were that it basically deprived colonies of their right to both sovereignty and self-determination. The outcome was that the growth of those countries did not evolve, and conflicts took place.<sup>33</sup> This Mandate has proven both advantages and disadvantages. It revolutionized the approach of European powers toward Imperialism, which was disastrous as the mandate's goal was to lend support to nations who were economically weak after the First World War to govern themselves. The mandate was supposed to have their development as a priority and this action contradicts what the whole mandate stands for. However, despite its flaws, the mandate did have successes. For instance, it promoted the human rights and welfare of the people and although it sometimes wasn't always implemented it was an early attempt to increase the development in the colonies regarding their human rights.<sup>34</sup>

### **The Treaty of Westphalia**

The Treaty of Westphalia was a series of peace treaties signed between May and October 1648 in the Westphalian cities of Osnabrück and Münster. The treaties ended the Thirty Years' War and the Eighty Years' War. This treaty is very important for the topic since it recognizes sovereign states, which has contributed to the legal equality of states. Furthermore, it is the foundation of the shaping principles of state sovereignty and non-interference that are key to discussions about self-determination.<sup>35</sup> The treaty highlights how important it is to maintain boundaries between states and their territories. Therefore, this treaty has principles that seem to be of vital importance for the issue of national sovereignty and self-determination.<sup>36</sup>

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<sup>32</sup> Venter, Rachel. "What Was the Mandate System? - Definition & WWI - Video & Lesson Transcript." Study.com, 21 Nov. 2023, [study.com/academy/lesson/what-was-the-mandate-system-definition-wwi.html](https://study.com/academy/lesson/what-was-the-mandate-system-definition-wwi.html).

<sup>33</sup> Ibid

<sup>34</sup> "Journal of Military and Strategic Studies." Jmss.org, jmss.org.

<sup>35</sup> "Index - GlobaLex." Www.nyulawglobal.org, www.nyulawglobal.org/globalex. Accessed 13 Oct. 2021.

<sup>36</sup> "Avalon Project - Treaty of Westphalia." Yale.edu, 2019, [avalon.law.yale.edu/17th\\_century/westphal.asp](https://avalon.law.yale.edu/17th_century/westphal.asp).

## **POSSIBLE SOLUTIONS**

### **Autonomy**

Autonomy in the context of self-governance principles refers to granting a state a degree of independence to govern itself, in relation to political affairs and national authority. By bestowing power upon it to handle internal and external affairs on a national basis and assert its own interests without correlation to those of the government of the nation, the state is able to protect itself from unfavorable exercises of national power. The extent of a state's autonomy is not limited to decision-making, meaning it could also be backed by the strengthening federal systems for the government to allow regional self-governance. However, there are limitations to this solution, such as excessive autonomy of a nation and leaving an organization which would lead to conflict.

### **Cultural Recognition and appreciation**

A state that is under the occupation and governance of a nation may not remain in contact with its cultural heritage and traditions, as these gradually become overridden by its occupants' cultural practices and characteristics. The ruling nation may be responsible for the preservation and protection of the cultural wealth of an occupied state, e.g. region-specific dialects and unique cultural practices, to prevent degradation. This way, the people of the said state can uphold their own cultural traditions and rich heritage, resting assured that these are respected and protected. This would be achieved through collaboration with other organizations such as UNESCO, and maybe establishing cultural and heritage departments whose aim would be to protect and oversee that those traditions do not get lost with time.

### **Protection of Human Rights**

The protection of the Human Rights of all people would grant national communities a sense of security and boost public morale, therefore ensuring that trust and reliance on the government is maintained and boosted. This can be achieved through several measures, such as financially and politically supporting the NGOs that are specifically created to protect Human Rights and the safety of citizens of the nation, or establishing press organizations to document progress in the protection of and expose the abuse and violation of said Human

Rights to the national community, in order for the public to be informed of the abuses and preservation of their rights. The Universal Declaration of Human Rights otherwise known as UDHR<sup>37</sup>, has principles that are a universal standard for human rights. It highlights the right to freedom and the protection of Human rights. The UDHR is worldwide known for having inspired and led the way toward, the adoption of more than seventy human rights treaties.

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