

DIPLOMATIC MEMORANDA OF KAHARAGIA

Diplomatic Memorandum on the Doctrine of Free Self-Determination

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Diplomatic Memorandum on the Doctrine of Free Self-Determination

Recognition, statehood, external control and the rights of peoples

SECRETARIAT OF STATE, SECTION II — FOREIGN AFFAIRS

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Issued by the Secretariat of State, Section II — Foreign Affairs. A Diplomatic Memorandum states the position of the State of Kaharagia on a question of recognition or contested sovereignty, the grounds on which that position rests, and the reservations to which it is subject. Recognition, accreditation, immunity and privilege are conferred by the appropriate Sovereign instrument; this publication records the position those instruments give effect to.

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The Determination

POSITION OF THE STATE

Kaharagia adopts this doctrine as the governing basis for every determination in this series on recognition and contested sovereignty

STATE RECOGNITION	Determined separately for each case. No case is decided by this instrument.
GOVERNMENT RECOGNITION	Distinct from recognition of a state, and never implied by it.
DIPLOMATIC RELATIONS	Established only by separate decision or agreement.
DUTY OF NON-RECOGNITION	Where it arises, it displaces discretion and cannot be cured by attaching reservations.

CORE MAXIM

Self-determination means determining one's own future, not exchanging one external sovereign for another.

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1. Purpose, Scope and the Instruments Relied On

The State of Kaharagia affirms the equal right of peoples to determine their political status and to pursue their economic, social, cultural, and institutional development. That right is applied consistently. Neither the power of a parent state nor the patronage of a foreign state substitutes for the freely expressed will of the people concerned.

The right is not a Kaharagian invention and this doctrine does not treat it as one. Article 1, paragraph 2 of the Charter of the United Nations states the purpose of developing friendly relations among nations “based on respect for the principle of equal rights and self-determination of peoples”, and Article 55 repeats the formula as the basis of international economic and social co-operation. Article 73 binds members administering territories whose peoples have not yet attained a full measure of self-government to recognise that the interests of the inhabitants are paramount. Common Article 1 of the two International Covenants adopted by General Assembly resolution 2200 A (XXI) of 16 December 1966 states it as a right held by peoples rather than a policy owed by governments: “All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.”

Two further characteristics fix the weight Kaharagia gives it. The International Law Commission’s conclusions on peremptory norms of general international law, adopted in 2022, annex a non-exhaustive list of such norms which includes the right of self-determination alongside the prohibitions of aggression, genocide, crimes against humanity, racial discrimination and apartheid, slavery and torture. The International Court of Justice, in its judgment of 30 June 1995 in *East Timor (Portugal v. Australia)*, described Portugal’s assertion that the right has an *erga omnes* character as irreproachable, while holding that it could not adjudicate the claim without the consent of a state that was not before it. The right binds against all, and no agreement disposes of it. Those are the floor of this doctrine and nothing below appeals against them.

This doctrine governs Kaharagian assessments of territories whose status is disputed, incompletely recognised, subject to occupation, or dependent upon an external power. It does not assume that every separatist claim must produce an independent state. Self-determination is exercised through independence, free association, federation, confederation, autonomy, integration, or another status freely chosen by the people concerned.

That list is the law’s own and not a Kaharagian softening of it. The Declaration on Principles of International Law concerning Friendly Relations, adopted as General Assembly resolution 2625 (XXV) on 24 October 1970, provides that “the establishment of a sovereign and independent State, the free association or integration with an independent State or the emergence into any other political status freely determined by a people constitute modes of implementing the right of self-determination by that people”. Principle VI of the annex to resolution 1541 (XV) of 15 December 1960 had already set out three routes by which a Non-Self-Governing Territory reaches a full measure of self-government: emergence as a sovereign independent State, free association with an independent State, or integration with an independent State. Independence is one answer among several, and a memorandum that treats it as the only answer

has misread the instruments.

The decisive requirement is that the choice be genuine. In its advisory opinion of 16 October 1975 on Western Sahara the International Court of Justice applied the principle of self-determination through the free and genuine expression of the will of the peoples of the territory. In its advisory opinion of 25 February 2019 on the Chagos Archipelago the Court found that the detachment of 1965 was not based on the free and genuine expression of the will of the people concerned, and that the decolonisation of Mauritius was accordingly not lawfully completed when the country acceded to independence in 1968. Both are advisory opinions. Neither binds any state as a judgment binds parties. Kaharagia adopts the test they state and adopts it as a test, not as a holding against any government.

The doctrine rejects the choice between treating inherited borders as permanently sacred and treating every declaration of independence as conclusive. Territorial integrity remains an important rule of peace and stability, and resolution 2625 (XXV) does not state it unconditionally. Its safeguard clause withholds the protection from any state not “conducting themselves in compliance with the principle of equal rights and self-determination of peoples as described above and thus possessed of a government representing the whole people belonging to the territory without distinction as to race, creed or colour”. Territorial integrity is therefore not a licence for a state to deny a people representation, security, culture, equality, or any peaceful means of altering its political status.

This doctrine binds Kaharagian reasoning and says nothing about what other governments must conclude. Its discipline is internal. Every case memorandum names the test it applies, applies it to the territory before it, states what follows, and names the evidence that would have produced a different answer. Where a memorandum reaches a conclusion the doctrine does not support, either the memorandum is wrong or the doctrine is amended in the open.

1.1 The Four Decisions That Must Not Be Confused

Kaharagian policy distinguishes four decisions that are often collapsed into a single word. Firstly, recognition of a people’s right to self-determination acknowledges that the community has a legitimate political claim. Secondly, recognition of statehood accepts that an entity is a state in international relations. Thirdly, treatment of a government concerns whether particular institutions are accepted as entitled to act for that state. Fourthly, diplomatic relations concern whether Kaharagia and the other state exchange representatives or maintain official channels.

Recognition of a state does not endorse every act of its government, every territorial claim it makes, or every foreign military arrangement imposed upon it. Withholding recognition from a present regime does not deny the dignity, identity, or future political choices of the people living under it. Diplomatic relations may be absent where statehood is recognised, and practical communication may occur without recognition.

The four take independent values. Answering one leaves the others undecided, and implication decides nothing. Treatment of a government admits of more than two answers. Kaharagia may recognise a state’s constitutional institutions without en-

dorsing the administration in office; treat authorities as the de facto administration of a territory without conceding sovereign status; recognise a body as the international representative of a people separately from the executive authority of its state; or withhold all of these and still maintain contact. Each memorandum records which applies.

1.2 Foundational Principles

The following principles govern every Kaharagian determination:

- **Universality.** Self-determination belongs equally to peoples favoured by powerful states and to peoples ignored by them. Recognition shall not be bought, traded, or granted merely to reward a patron.
- **Free and genuine choice.** A valid choice requires political pluralism, freedom of expression and association, credible electoral or consultative procedures, and freedom from military intimidation or decisive external control.
- **No acquisition by force.** Invasion, annexation, military occupation, and the implantation of dependent authorities do not create lawful sovereign title.
- **No demographic manufacture.** Ethnic cleansing, forced displacement, population transfer, discriminatory settlement, or the exclusion of displaced residents cannot be used to manufacture the electorate whose vote is then invoked as self-determination.
- **Rights of present residents.** People living in a disputed territory possess individual rights regardless of ethnicity, religion, citizenship, date of arrival, or political preference. No status settlement shall impose collective punishment, statelessness, or mass expulsion.
- **Rights of displaced people.** Refugees and displaced persons retain claims to return, property, restitution, compensation, family unity, and political participation. Practical implementation may be negotiated, but their existence may not be erased.
- **Genuine sovereignty.** A nominally independent state must possess a meaningful capacity to govern, choose its alliances, control its security institutions, and alter its foreign policy without the permission or coercion of an external patron.
- **Minority security.** Independence cannot be justified as liberation for one group while becoming domination for another. Constitutional guarantees, local self-government, language rights, religious freedom, and international monitoring may be required.
- **Recognition is not endorsement.** Recognising a state does not ratify its government's conduct, historical narrative, borders beyond those expressly accepted, or any foreign military presence.
- **Peaceful review.** Recognition determinations may be reviewed where a people later chooses another status, where independence is extinguished by annexation, or where conditions necessary for a free decision materially change.

The third of those principles is not a Kaharagian preference, and the doctrine does not present it as one. Resolution 2625 (XXV) states that “no territorial acquisition resulting from the threat or use of force shall be recognized as legal”. Article 5, paragraph 3

of the Definition of Aggression annexed to General Assembly resolution 3314 (XXIX) of 14 December 1974 states that “no territorial acquisition or special advantage resulting from aggression is or shall be recognized as lawful”. Article 11 of the Montevideo Convention on the Rights and Duties of States, signed on 26 December 1933, binds its parties to “the precise obligation not to recognize territorial acquisitions or special advantages which have been obtained by force”. Kaharagia is party to none of those instruments and adopts the rule the three of them share.

The fourth principle has instruments behind it in the same way. Article 49 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 prohibits individual or mass forcible transfers and deportations of protected persons from occupied territory, regardless of their motive, and provides that “the Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies”. Article 8, paragraph 2 (b) (viii) of the Rome Statute of the International Criminal Court makes that transfer a war crime within the Court’s jurisdiction. Article 7, paragraph 1 (d) makes deportation or forcible transfer of population a crime against humanity, defined at Article 7, paragraph 2 (d) as forced displacement by expulsion or other coercive acts from an area in which the persons concerned are lawfully present.

2. Three Families of Claim

Status claims do not begin in the same place, and the claimant’s burden differs according to where it begins. Kaharagia places each case in one of three families before applying any further test. Most disagreement about self-determination is disagreement about classification conducted in the language of principle.

- **Unfinished decolonisation.** A territory administered as non-self-governing whose people have never completed a free and genuine act of choice. The right is an outstanding obligation, not a new claim against a settled sovereign. Delay does not discharge it, and administration by the power that prevented the choice does not ripen into title.
- **Restored statehood or a dissolved union.** A territory separately sovereign, or separately constituted, before entering a union whose terms or whose working are contested. The claim resumes a former status and draws no new frontier. Because it invokes a boundary that already existed, it does not carry the precedential danger of redividing a state along ethnic lines.
- **Separation from a settled state.** A community seeking to leave a state whose sovereignty is not otherwise in question. This claim carries the heaviest burden. It must show that internal self-determination has been denied and that no rights-respecting constitutional remedy remains.

The first family has a text of its own. Resolution 2625 (XXV) provides that “the territory of a colony or other Non-Self-Governing Territory has, under the Charter, a status separate and distinct from the territory of the State administering it”, and that the separate status “shall exist until the people of the colony or Non-Self-Governing Territory have exercised their right of self-determination”. Resolution 1514 (XV) of 14 December 1960 required immediate steps to transfer all powers to the peoples of those territories

“without any conditions or reservations”. Time does not discharge that obligation. The Court’s finding that a detachment carried out in 1965 had still not been cured by 2019 is the same point stated in a case rather than in a resolution.

Classification is a question of history, and neither party chooses it. A parent state cannot convert an unfinished decolonisation into a domestic secession by administering the territory for long enough, and a claimant cannot convert an ordinary separation into a restoration by asserting an older sovereignty it cannot demonstrate. Classification does not wait on statehood. The first family is named for its commonest instance and is fixed by a right of self-determination never freely exercised, so it reaches a territory held under occupation as it reaches one administered as non-self-governing, and a people may hold a state while that right remains unexercised. This amendment is made in the open, as this doctrine requires, and it disturbs no determination already adopted.

2.1 Inherited Boundaries and What the Presumption Actually Settles

Inherited administrative and colonial boundaries carry a strong presumption, and Kaharagia does not treat them lightly. A Chamber of the International Court of Justice stated the principle in its judgment of 22 December 1986 in *Frontier Dispute (Burkina Faso/Republic of Mali)*. *Uti possidetis juris* accords pre-eminence to legal title over effective possession as a basis of sovereignty, and its object is respect for the territorial boundaries which existed at the moment when independence was achieved. Where the colonial lines were delimitations between administrative divisions or colonies all subject to the same sovereign, the principle converts them into international frontiers.

The presumption serves peace, not title. It settles which line is the starting point, not whether the people inside it have consented. Paragraph 6 of resolution 1514 (XV) states that “any attempt aimed at the 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 of the United Nations”, and it sits in the same resolution as paragraph 2, which states the right of all peoples to self-determination. Read together, paragraph 6 protects a territory undergoing decolonisation from being dismembered on the way out. It does not convert an administering power’s convenience into title. The same principle may therefore support a claim to restore a former external boundary and defeat a claim to draw a new internal one.

3. Assessment Framework

The Secretariat of State assesses each case on its facts, not by analogy alone. The Kosovo, Abkhazian, Sahrawi, Palestinian, Somaliland, Cypriot, Transnistrian, and Ossetian questions arise from different histories, and this series has already reached different answers on them.

The assessment considers the continuity of the political community; its relationship to the territory; prior constitutional or colonial status; the clarity and persistence of popular will; the representativeness and effectiveness of institutions; the degree of foreign military, political, and economic control; the treatment of minorities and opponents;

the position of refugees and displaced people; the legality of territorial acquisition; and the availability of a peaceful negotiated settlement.

No single factor is conclusive. Effective institutions do not cure conquest. Historical identity does not authorise ethnic expulsion. International non-recognition does not erase a people. Foreign support does not by itself invalidate a claim, but foreign effective control may prevent the present authorities from demonstrating that the claim is freely expressed.

3.1 The Constituency Question

Before asking what a people has chosen, Kaharagia asks who was permitted to choose.

The body entitled to decide status and the body entitled to ordinary civil rights need not be identical. It does not follow from a lawful right to live somewhere that a population introduced by a controlling power during the period of control acquires a decisive voice over whether that control becomes sovereignty. Nor does it follow that people expelled from the territory lose their voice because the expulsion succeeded.

- Displaced persons and their descendants with a demonstrable connection to the territory shall not be excluded from a status process because return has not yet been achieved.
- Present residents shall not be disqualified from civil and political life on grounds of origin, ethnicity, religion or date of arrival.
- Settlement organised or encouraged by a controlling power shall not decide the status question it was designed to foreclose.

The procedural standard is old and it was written for the easiest case. Principle IX of the annex to resolution 1541 (XV) required, before a territory could be treated as having integrated with an independent State, that the wishes of its peoples be expressed “through informed and democratic processes, impartially conducted and based on universal adult suffrage”, and contemplated that the United Nations could supervise those processes where it deemed supervision necessary. Principle VII required that free association be the result of a free and voluntary choice expressed through informed and democratic processes, and that the associated people retain the freedom to modify that status later. A process that cannot meet the standard set for the least contested transition cannot carry a contested one.

The General Assembly has applied the constituency rule to an occupation within living memory. Resolution ES-11/4 of 12 October 2022 condemned the organisation of what it called illegal so-called referendums held from 23 to 27 September 2022 in parts of the Donetsk, Kherson, Luhansk and Zaporizhzhia regions of Ukraine that were or had been under temporary military control, declared that those votes and the attempted annexation which followed “have no validity under international law and do not form the basis for any alteration of the status of these regions”, and called upon all States not to recognise any alteration of status. A resolution of the General Assembly is a recommendation and not a binding decision. Kaharagia records it as the clearest recent statement of the rule that a vote held on ground the voting authority took by force settles nothing.

Registration rules, eligibility and the framing of the question are settled before a process begins, by a body no interested party controls. A vote taken on an electorate defined by the winner of the last war is evidence of the war, not of consent.

3.2 Population Movement, Residence and Sovereignty

A person's residence in a territory and a state's sovereign title to that territory are different legal and moral questions. Residents may be entitled to safety, due process, family life, property adjudication, and a path to lawful status even where the settlement policy that brought them there was unlawful. Their presence does not transfer sovereignty to the state that settled or protected them.

The rights of people living under occupation do not wait on the status question, and the parties cannot trade them away. Article 47 of the Fourth Geneva Convention provides that protected persons in occupied territory "shall not be deprived, in any case or in any manner whatsoever, of the benefits of the present Convention" by any change introduced into the institutions or government of the territory, "nor by any agreement concluded between the authorities of the occupied territories and the Occupying Power, nor by any annexation by the latter of the whole or part of the occupied territory". Article 8 provides that protected persons "may in no circumstances renounce in part or in entirety" the rights secured to them. Kaharagia treats those two articles as the model for every settlement it is asked to endorse, whether or not the territory in question is under occupation.

Accordingly, Kaharagia rejects both collective expulsion and permanent privileged enclaves. A sovereign successor or newly recognised state may regulate citizenship, immigration, residence, landholding, and public security without religious or ethnic discrimination. It is not required to preserve foreign military protection, extraterritorial law, segregated infrastructure, or title obtained through confiscation. Restitution, compensation, land exchange, residency, naturalisation, and voluntary relocation may all form part of a lawful settlement.

3.3 External Patronage and the Puppet-State Problem

Small and emerging states often require security or economic assistance. Dependency alone does not make a state unreal, and many widely recognised states depend heavily upon allies. The decisive question is whether the people and institutions retain meaningful freedom to refuse, renegotiate, or terminate the relationship.

Kaharagia therefore avoids the indiscriminate label "puppet state", which erases the identity and agency of an entire population. Where courts or credible evidence demonstrate foreign effective control, the memorandum says so precisely. It also identifies local dissent, independent political interests, and movements that seek sovereignty from both the parent state and the patron state.

The Kaharagian position is neither forced reintegration nor disguised annexation. Kaharagia does not accept that a people must exchange Tbilisi for Moscow, Chişinău for Moscow, Nicosia for Ankara, Mogadishu for another patron, or one military dependency for another. Sovereignty must be capable of becoming real.

3.4 Dependency, Effective Control and Absorption

External influence is a matter of degree, and recognition policy fails when it treats the whole range as one condition. Kaharagia locates each case on a scale of three.

- **Dependency.** The entity relies on another state for security, budget, trade or diplomatic cover, but its institutions can refuse, renegotiate or end the relationship at a cost they are capable of bearing. Dependency is ordinary among recognised states and does not defeat statehood.
- **Effective control.** Another state's forces, security services, finance or administration determine the political environment, to the degree that a court or comparable body may attribute conduct in the territory to that state. Effective control does not by itself defeat a claim. It shifts the burden, and the entity must then show that the will it expresses is its own.
- **Absorption.** The relationship is being converted into incorporation: by treaty, by the merger or transfer of state functions, by mass conferral of the patron's citizenship, or by the progressive replacement of local institutions. Absorption is the condition the core maxim forbids. An entity travelling toward it cannot demonstrate a free choice of independence, because the choice is being taken out of its hands.

Effective control is a term with legal content and Kaharagia uses it in that sense. The International Law Commission's commentary on attribution records the holding in *Military and Paramilitary Activities in and against Nicaragua*, decided on the merits on 27 June 1986, that for the conduct of an irregular force to engage a state's responsibility "it would in principle have to be proved that that State had effective control of the military or paramilitary operations in the course of which the alleged violations were committed". Other tribunals apply their own tests to their own questions, and the threshold for attributing a particular operation is not the threshold for holding a state answerable for a territory. Where a memorandum in this series relies on a finding of control, it names the body, the case and the test that body applied, and does not merge one standard into another.

Four indicators locate a case on that scale. Whether the claim to self-government predates the patron's involvement or was produced by it. Whether the population and its institutions have demonstrably refused the patron something the patron wanted. Whether the trajectory over time runs toward greater independence or toward incorporation. Whether a party, a newspaper or a candidate may campaign against the relationship with the patron and survive doing so.

The obvious objection is that a scale licenses inconsistency: two territories under one patron treated differently, the difference explained afterwards. The answer is that the indicators are set in advance and can produce an unwelcome result. A territory whose claim long predates its patron, whose institutions have refused that patron on questions the patron cared about, and whose politics still contain a live argument about the relationship, is not in the condition of a territory whose state functions are being merged into the patron's by treaty and whose population has been issued the patron's passports. Treating those two alike would be the inconsistency. Cases sharing a patron may therefore end differently in this series, and each memorandum states the degree

it found.

GOVERNING PROPOSITION

Recognition must answer two questions at once: whether a people is entitled to choose its political future, and whether the institutions claiming to embody that choice are themselves free, representative and genuinely sovereign.

4. Statehood, Separation and the Reach of Recognition

Statehood is neither a prize bestowed by other governments nor a conclusion established by a flag, constitution, referendum or declaration alone. Kaharagia considers a permanent population, a reasonably identifiable territory, institutions capable of public government, and the capacity to conduct external relations. Those four *indicia* are the qualifications listed at Article 1 of the Montevideo Convention, which names a permanent population, a defined territory, government, and capacity to enter into relations with the other states. They are not applied mechanically. A state may survive occupation or the temporary collapse of government, while an entity with functioning ministries may remain so controlled by an external patron that its asserted independence is largely nominal.

Article 3 of the same convention states the proposition that matters more here: “The political existence of the state is independent of recognition by the other states.” Recognition records a judgment about a thing that either exists or does not. It does not manufacture the thing judged, and it does not extinguish it by being withheld. That is why non-recognition in this series is drafted as a Kaharagian position and never as an assertion that a population has ceased to exist.

Effectiveness is therefore read together with legality and popular legitimacy. Military conquest cannot manufacture title merely because it creates effective control. A people does not lose its statehood or its right to statehood merely because an occupying power obstructs the ordinary exercise of authority. The doctrine keeps apart the existence of a state, the lawfulness of territorial acquisition, the legitimacy of a government, and the practical degree of independence actually enjoyed.

The most cited modern authority on declarations of independence decides less than it is made to carry. On a request made by the General Assembly in resolution 63/3 of 8 October 2008, the International Court of Justice found by ten votes to four, on 22 July 2010, that the declaration of independence of Kosovo adopted on 17 February 2008 did not violate international law. The Court set out what it was not deciding. It was not asked whether Kosovo had achieved statehood, nor about the validity or legal effects of recognition by other states, and it did not decide whether international law confers a positive entitlement to declare independence or any right of remedial secession. That is an advisory opinion given on a request under Article 96 of the Charter, and it binds nobody. The absence of a prohibition on declaring independence is not a title to territory, and a Kaharagian memorandum that cites the opinion for more than it holds is wrong on its face.

4.1 Internal Self-Determination, Separation and Exhausted Remedies

The ordinary expression of self-determination is internal: equal citizenship, democratic participation, cultural and language rights, meaningful local government, and access to lawful constitutional change. Independence is not the only legitimate answer. In many cases, autonomy, federation, free association or a guaranteed power-sharing settlement can protect both the community seeking self-government and the wider state.

The Supreme Court of Canada put the ordinary case plainly in *Reference re Secession of Quebec*, decided on 20 August 1998 on a reference by the Governor in Council. The right “is normally fulfilled through internal self-determination, a people’s pursuit of its political, economic, social and cultural development within the framework of an existing state”, and a right to external self-determination “arises in only the most extreme of cases and, even then, under carefully defined circumstances”. The Court treated colonial peoples and peoples subject to alien subjugation as the recognised cases. It described a third as asserted rather than settled: that a people “blocked from the meaningful exercise of its right to self-determination internally” is entitled, as a last resort, to exercise it by secession. It declined to decide whether that third proposition reflects an established standard of international law, holding that Quebec came nowhere near the threshold in any event. That is a domestic court answering a domestic reference. Kaharagia cites it for the structure of the argument and not as an international ruling.

Kaharagia rejects the proposition that territorial integrity gives a parent state an unlimited veto. The textual anchor is the safeguard clause of resolution 2625 (XXV), which conditions the protection of a state’s territorial integrity on that state possessing a government representing the whole people belonging to the territory without distinction. Where a people has been systematically excluded, violently repressed, denied meaningful internal self-determination, or left without a credible constitutional remedy, external self-determination may become a legitimate remedy. The relevant inquiry is not whether separation is convenient for powerful states, but whether a durable, rights-respecting and freely chosen political order remains possible within the existing state.

4.2 Nested Claims and the Limits of a Recognised Boundary

Recognising a state is not recognising every boundary that state claims. Kaharagia may recognise that a state exists while expressly reserving the status of territory at or within its asserted limits, and a reservation of that kind is a determination in its own right, not an evasion of one. A people asserting self-determination against a parent state acquires no licence to deny it to a community inside the territory it claims, and recognition authorises nothing by way of force, siege or the imposition of administration on a population that rejects it.

Kaharagia does not accept ethnic partition as a default remedy. Dividing territory to match populations rewards the coercive movement of people and endangers every community left on the wrong side of the new line. Boundary change may be legitimate where it is freely negotiated between the states concerned, accepted by the residents affected, and accompanied by protection for those who stay. Contested localities are

matters for local consent, negotiation and, where necessary, supervised consultation.

5. Atrocity Crimes and Duties of Non-Recognition

Recognition policy is not insulated from genocide, crimes against humanity, war crimes, aggression, annexation or apartheid. Kaharagia does not treat diplomatic convenience as a reason to recognise territorial acquisition produced by force, to legitimise an unlawful settlement programme, or to provide political cover for the destruction or forcible removal of a protected population.

Recognition of a state does not grant immunity to its leaders or institutions. Kaharagia may continue to recognise the legal personality of a state while refusing official contact with a government, imposing targeted measures upon responsible persons, supporting international criminal proceedings, or determining that particular conduct constitutes an international crime. The continuity of a state and the criminal responsibility of those governing it are separate questions.

A duty of non-recognition is not an exercise of the discretion described elsewhere in this doctrine. Where a situation is the product of a serious breach of a peremptory norm, and in particular where the competent international organs have called upon states to withhold recognition, Kaharagia shall withhold it and shall not attempt to cure the position by attaching reservations. That rule is taken from instruments and not composed here. Article 41 of the articles on responsibility of States for internationally wrongful acts, of which the General Assembly took note in resolution 56/83 of 12 December 2001, provides that “no State shall recognize as lawful a situation created by a serious breach” of an obligation arising under a peremptory norm, “nor render aid or assistance in maintaining that situation”. Article 40 defines such a breach as a gross or systematic failure by the responsible state to fulfil the obligation. The Commission’s commentary states that the duty applies to situations such as the attempted acquisition of sovereignty over territory through the denial of the right of self-determination of peoples, and that it “not only refers to the formal recognition of these situations, but also prohibits acts which would imply such recognition”. The Commission restated the same rule in 2022 as Conclusion 19 of its conclusions on peremptory norms.

The organs have applied it, and the instruments can be read. In its advisory opinion of 21 June 1971 on Namibia the International Court of Justice held that States were bound to recognise the illegality of South Africa’s presence and to refrain from any acts implying recognition of the legality of, or lending support or assistance to, that presence and administration. By resolution 541 (1983), adopted at its 2500th meeting on 18 November 1983, the Security Council considered the declaration of the Turkish Cypriot authorities of 15 November 1983 “legally invalid”, called for its withdrawal, and called upon all States “not to recognize any Cypriot State other than the Republic of Cyprus”. By resolution 662 (1990), adopted unanimously on 9 August 1990, the Council decided that annexation of Kuwait by Iraq “under any form and whatever pretext has no legal validity, and is considered null and void”. In its advisory opinion of 9 July 2004 on the wall in the occupied Palestinian territory the Court held that all States were under an obligation not to recognise the illegal situation resulting from the construction and not to render aid or assistance in maintaining it.

The instruments say in terms that the duty reaches past the formal act. Resolution 662 (1990) called upon all States to refrain from “any action or dealing that might be interpreted as an indirect recognition of the annexation”. Resolution ES-11/4 called upon all States, international organizations and specialized agencies to refrain from “any action or dealing that might be interpreted as recognizing any such altered status”. Kaharagia therefore applies the duty to the acceptance of documents, the treatment of the territory as part of the acquiring state for purposes of trade, procurement, address or origin, and any agreement whose performance would consolidate the unlawful position. Where such a duty arises, Kaharagia withholds recognition and does not attempt to cure the position by attaching reservations.

5.1 Legal Character of Kaharagian Findings

A Diplomatic Memorandum reaches a reasoned governmental conclusion on questions of international law and foreign policy. It may determine, for Kaharagian purposes, that a state is committing genocide, that an office-holder is responsible for war crimes, or that an organisation is extremist or terrorist. Such a conclusion may govern recognition, sanctions, entry, procurement, official contact and public terminology.

The memorandum also describes the procedural status accurately, and the standards it is distinguishing are written down. A Pre-Trial Chamber of the International Criminal Court issues a warrant of arrest where it is satisfied that “there are reasonable grounds to believe that the person has committed a crime within the jurisdiction of the Court”, under Article 58, paragraph 1 (a) of the Rome Statute. A conviction requires the Court to be “convinced of the guilt of the accused beyond reasonable doubt”, under Article 66, paragraph 3, and Article 66, paragraph 1 presumes every person innocent until guilt is proved before the Court. The distance between those two thresholds is the reason a Kaharagian finding is never presented as a criminal conviction where no competent court has entered judgment.

The same discipline applies to the character of every source relied on. An advisory opinion is given at the request of an organ competent to seek one under Article 96 of the Charter and is not a judgment between parties. A resolution of the General Assembly is a recommendation. A commission of inquiry reports and a court adjudicates. A sanctions designation, an investigative submission and a final judicial determination carry different evidentiary and legal weight, and each memorandum in this series identifies which it is relying on.

Proceedings pending elsewhere do not suspend Kaharagian judgment, and the law of prevention is drafted on that assumption. Article I of the Convention on the Prevention and Punishment of the Crime of Genocide, adopted on 9 December 1948 and in force from 12 January 1951, confirms genocide as a crime under international law which the parties “undertake to prevent and to punish”. In its judgment of 26 February 2007 in the case brought by Bosnia and Herzegovina, the International Court of Justice held that the obligation to prevent arises when a state is aware, or should normally have been aware, of the serious danger that acts of genocide would be committed, and requires it to employ all means reasonably available within the limits permitted by international law. An obligation framed that way attaches to a risk, not to a verdict. The converse binds equally. A Kaharagian determination creates no criminal liability, es-

establishes nothing before any court, and does not become a conviction by repetition. Where a memorandum names a person, the basis of the finding and the procedural status of any related proceeding appear in the same passage, so that the two cannot be quoted apart.

5.2 Extremist and Terrorist Classifications

Kaharagia uses a graduated classification rather than treating every objectionable movement as legally identical. **Extremist organisation** describes a group that advocates or facilitates systematic supremacy, political exclusion, forced population transfer, authoritarian violence or the denial of equal civic membership. **Violent extremist organisation** adds a demonstrated association with violence or its operational encouragement. **Terrorist organisation** is reserved for an organisation that commits, attempts, directs, knowingly supports or is constituted around politically motivated violence against civilians or other protected persons.

Political-party status does not preclude an extremist classification. Electoral participation cannot cleanse an ideology of ethnic supremacy or forced transfer. The extremist classification of an organisation is never converted into collective blame against a religion, nationality or ethnic community. The subject of the finding is the organisation and its conduct.

5.3 Deference to the People Concerned

On questions belonging to a people rather than to Kaharagia, Kaharagia follows that people's recognised representative. Which state a people recognises, which boundary adjustments it accepts and which final-status agreement it authorises are decisions Kaharagia has no standing to take on its behalf. Neither the parent state nor the patron state supplies the answer, and neither does Kaharagian preference.

Deference runs to the people and to the body recognised as representing them internationally, not to whichever administration holds office, and it is not withdrawn by criticism of that administration. It has limits the representative cannot waive. No consent authorises what peremptory law forbids, and no agreement extinguishes the individual rights of residents, minorities, refugees or displaced people, who are not parties to it. Articles 8 and 47 of the Fourth Geneva Convention state that limit for occupied territory in express terms, and Kaharagia applies the same limit to any settlement negotiated over the heads of the people it governs.

6. The Five Dispositions

Every case memorandum closes on one of five dispositions and names it.

- **Recognition.** The claim is established and no reservation of substance is required.
- **Recognition with reservations.** The state exists and is recognised, but identified questions of boundary, government, foreign presence, displacement or minority protection are expressly excluded from the effect of the act.

- **Deferral.** The claim is not rejected. The conditions under which a free choice could be shown are absent, and Kaharagia records what would have to change. Deferral is not denial, and the memorandum says so in terms, so that its subject is not described as having lost.
- **Non-recognition on the merits.** The claim as presently constituted is not made out, while the underlying rights of the people concerned continue undiminished.
- **Non-recognition required.** Recognition is foreclosed by a duty of the kind described above, independently of the merits of any local claim.

The five differ in what they decide, not in what they owe. None authorises the removal of a population, the withdrawal of humanitarian access, the treatment of individuals as instruments of the authority governing them, or the closing of the question against the future. None authorises reprisal, retaliation or adverse treatment of any person or community on account of a Kaharagian recognition decision or the recognition policy of any other state. Two further limits follow, and neither is available to be traded away: no recognition decision is a warrant for force, and one people's rights shall not be exchanged for another people's recognition.

A disposition tells Organs of State what Kaharagia has decided. It does not by itself tell them what to do. Recognition makes it possible for Organs of State to give effect to a recognised state's public documents in the ordinary way; it does not by itself direct any Organ of State to do so.

6.1 Recognition with Reservations, Conditions and Review

Recognition may be accompanied by express reservations concerning boundaries, foreign bases, displaced persons, minority rights, governmental legitimacy, annexation claims or the establishment of diplomatic relations. Reservations are drafted concretely enough to prevent recognition from being misused as endorsement of unlawful conduct.

A reservation is worth what it can be tested against. Conditions attached to recognition or to future engagement are capable of being satisfied by the entity addressed and capable of being assessed by an observer. A condition no government could ever meet is a refusal wearing the language of encouragement, and Kaharagia does not draft one.

- **Periodic review.** Every contested-status memorandum is reviewed when control, borders, democratic conditions or the position of the people materially changes.
- **No purchase of recognition.** Financial assistance, diplomatic patronage or security guarantees do not determine the legal conclusion.
- **Reversibility where necessary.** Recognition may be suspended, qualified or withdrawn if an entity ceases to be independent, is annexed, or was recognised on materially false premises.
- **Continuity of human rights.** No change of recognition extinguishes the rights of residents, minorities, refugees or displaced persons.

Recognition is not a poll. The number of states recognising an entity, the identity of the most recent to do so and any later withdrawal are facts about those states rather

than answers to the question this doctrine asks. Article 3 of the Montevideo Convention makes the point from one side: the political existence of the state is independent of recognition by the other states. The Supreme Court of Canada made it from the other, observing that international law may adapt to recognise a political or factual reality regardless of the legality of the steps leading to its creation, while holding that effectivity of that kind answered no question about right. Kaharagia takes both halves. A count of recognitions is not a title, and a fact established on the ground is not one either.

6.2 Engagement Without Recognition

The standing objection to any refusal of status is that it punishes ordinary people for the conduct of the authorities above them. That objection holds wherever non-recognition is allowed to become isolation. A refusal of status is not a refusal of contact, and no Kaharagian instrument makes the daily life of a population an instrument of pressure on its government.

Kaharagia therefore deals with authorities it does not recognise. Humanitarian access, cultural and educational contact, preservation of evidence, missing persons, family reunification and the technical business of ordinary life do not require a decision on status and are not held hostage to one. Such contact is expressly without prejudice to recognition and strengthens a community's own institutions rather than the reach of a controlling power. It does not extend to acts that would consolidate an unlawful acquisition, and no party may represent it as recognition by conduct.

7. Operative Doctrine

The State of Kaharagia supports peaceful, rights-respecting processes through which peoples may determine their status free from foreign coercion. It does not treat diplomatic recognition as a reward for geopolitical alignment. It recognises statehood where the evidence supports a durable and legitimate claim, attaches express reservations where territory or government legitimacy remains disputed, and withholds or defers recognition where present conditions do not permit a free determination.

In every case, Kaharagia opposes annexation, ethnic cleansing, forced displacement, demographic engineering, collective punishment, and the permanent denial of minority or refugee rights. Its recognition policy gives legal and diplomatic meaning to self-determination while refusing to dignify domination as independence.

This doctrine decides no case. It settles how cases are to be decided, and it operates on Kaharagian conduct rather than on any territory. Each memorandum in the series states its family of claim, the degree of external control found, its disposition among the five, and the conditions on which it falls to be reviewed. Kaharagian publications, terminology, procurement, entry decisions and official contact conform to the dispositions actually adopted and do not describe territory in terms the Sovereign has not accepted. No existing determination was disturbed by the adoption of this doctrine, and nothing in it recognises or refuses anything by itself.

8. Publication and Legal Effect

This memorandum is a public statement of the foreign policy of the State of Kaharagia. Under Kaharagian constitutional practice, the recognition or non-recognition of a state, the recognition of a government, the establishment of a diplomatic mission, the imposition of sanctions and the entry into formal diplomatic relations remain decisions reserved to the Sovereign and implemented through the appropriate instrument. This memorandum states the grounds, scope, reservations and consequences of the doctrine adopted; it does not by itself confer accreditation, immunity or privilege, and the doctrine it states was adopted by Sovereign instrument.

This memorandum is published in the Diplomatic Memorandum Series by the Office of the Sovereign's Printer. Its serial reference shall be preserved in every separate or electronic edition. Material changes in facts, control, legal proceedings or the formally expressed position of a people concerned shall trigger review of the case memorandum affected, and an amendment to this doctrine shall be made in the open and published in the same series.

Selected Authorities and Official Materials

Every authority listed was retrieved and read by the Secretariat of State in the week of publication. Titles are followed by the issuing body, the date and a source link. Treaties, resolutions of the General Assembly, decisions of the Security Council, judgments, advisory opinions, texts of the International Law Commission and decisions of domestic courts are identified according to their actual legal character, and none is described as more than it is. Where a source could not be retrieved at the address previously held, the entry gives the address at which the same document was obtained and records why the earlier address failed.

1. *Charter of the United Nations*. United Nations, 1945; Article 1, paragraph 2 and Article 55 on "the principle of equal rights and self-determination of peoples", Article 2, paragraph 4 on the threat or use of force, Article 73 on territories whose peoples have not yet attained a full measure of self-government, and Article 96 on requests for advisory opinions.
<https://www.un.org/en/about-us/un-charter/full-text>
2. *Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations*. United Nations General Assembly resolution 2625 (XXV), adopted at the 1883rd plenary meeting, 24 October 1970; the modes of implementing self-determination, the separate and distinct status of a colony or other Non-Self-Governing Territory, the safeguard clause on territorial integrity and representative government, and the rule that "no territorial acquisition resulting from the threat or use of force shall be recognized as legal". A recommendation of the General Assembly. Official United Nations text retrieved from the document server; the previously held Digital Library address returned HTTP 403.
[https://documents.un.org/api/symbol/access?s=A/RES/2625\(XXV\)&l=E&t=pdf](https://documents.un.org/api/symbol/access?s=A/RES/2625(XXV)&l=E&t=pdf)
3. *Declaration on the Granting of Independence to Colonial Countries and Peoples*. United Nations General Assembly resolution 1514 (XV), adopted at the 947th plenary meeting, 14 December 1960; paragraph 2 on the right of all peoples to self-determination, paragraph 5 requiring immediate steps to transfer all powers "without any conditions or reservations", and paragraph 6 on the disruption of national unity and territorial integrity.
[https://documents.un.org/api/symbol/access?s=A/RES/1514\(XV\)&l=E&t=pdf](https://documents.un.org/api/symbol/access?s=A/RES/1514(XV)&l=E&t=pdf)
4. *Principles which should guide Members in determining whether or not an obligation exists to transmit the information called for under Article 73 e of the Charter*. United Nations General Assembly resolution 1541 (XV), adopted at the 948th plenary meeting, 15 December 1960; Principle VI on the three ways a Non-Self-Governing Territory reaches a full measure of self-government, Principle VII on free association, and Principle IX requiring that integration be expressed "through informed and democratic processes, impartially

- conducted and based on universal adult suffrage”, with provision for United Nations supervision.
[https://documents.un.org/api/symbol/access?s=A/RES/1541\(XV\)&l=E&t=pdf](https://documents.un.org/api/symbol/access?s=A/RES/1541(XV)&l=E&t=pdf)
5. *International Covenant on Civil and Political Rights*, adopted and opened for signature by United Nations General Assembly resolution 2200 A (XXI) of 16 December 1966; common Article 1 on the right of all peoples to self-determination, Article 25 on participation in public affairs and genuine periodic elections, and Article 27 on the rights of minorities. Official United Nations text of the adopting resolution; the previously held Office of the High Commissioner for Human Rights address returned HTTP 403.
[https://documents.un.org/api/symbol/access?s=A/RES/2200\(XVI\)&l=E&t=pdf](https://documents.un.org/api/symbol/access?s=A/RES/2200(XVI)&l=E&t=pdf)
 6. *Convention on Rights and Duties of States adopted by the Seventh International Conference of American States (Montevideo Convention)*. Signed at Montevideo, 26 December 1933; in force 26 December 1934; League of Nations Treaty Series vol. 165 p. 19, registration no. 3802. Treaty record of the United Nations Treaty Collection.
<https://treaties.un.org/pages/showDetails.aspx?objid=0800000280166aef>
 7. *Montevideo Convention on the Rights and Duties of States: text*. Article 1 on the qualifications of a state, Article 3 that “the political existence of the state is independent of recognition by the other states”, and Article 11 on the obligation not to recognise territorial acquisitions or special advantages obtained by force. Treaty text reproduced by the Faculty of Law of the University of Oslo; the United Nations Treaty Collection serves the record at authority 6 without a retrievable English text page.
<https://www.jus.uio.no/english/services/library/treaties/01/1-02/rights-duties-states.html>
 8. *Western Sahara*. International Court of Justice, Advisory Opinion, 16 October 1975; the application of self-determination through the free and genuine expression of the will of the peoples of the territory, and the finding that the ties found did not affect the application of resolution 1514 (XV). An advisory opinion, not a judgment.
<https://www.icj-cij.org/case/61>
 9. *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)*. International Court of Justice, Advisory Opinion, 21 June 1971; the obligation of States to recognise the illegality of South Africa’s presence and to refrain from any acts implying recognition of its legality or lending support or assistance to it. An advisory opinion, not a judgment.
<https://www.icj-cij.org/case/53>
 10. *Frontier Dispute (Burkina Faso/Republic of Mali)*. International Court of Justice, Judgment of a Chamber, 22 December 1986; *uti possidetis juris* accords pre-eminence to legal title over effective possession, secures respect for the boundaries existing at the moment independence is achieved, and converts former administrative delimitations into international frontiers. A judgment, binding between the parties.
<https://www.icj-cij.org/case/69>
 11. *East Timor (Portugal v. Australia)*. International Court of Justice, Judgment, 30 June 1995; the Court described as irreproachable the assertion that the right of peoples to self-determination has an *erga omnes* character, while holding that it could not adjudicate without the consent of a State not party to the case. A judgment on jurisdiction and admissibility, not a ruling on the merits of the underlying claim.
<https://www.icj-cij.org/case/84>
 12. *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*. International Court of Justice, Advisory Opinion, 9 July 2004; all States are under an obligation not to recognise the illegal situation resulting from the construction and not to render aid or assistance in maintaining that situation. An advisory opinion, not a judgment.
<https://www.icj-cij.org/case/131>
 13. *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*. International Court of Justice, Judgment on the merits, 26 February 2007; the obligation to prevent genocide arises when a State is aware, or should normally have been aware, of the serious danger that acts of genocide would be committed, and requires it to employ all means reasonably available within the limits permitted by international law. A judgment.
<https://www.icj-cij.org/case/91>
 14. *Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo*. International Court of Justice, Advisory Opinion, 22 July 2010, on a request made by General Assembly resolution 63/3 of 8 October 2008. An advisory opinion, not a

judgment.

<https://www.icj-cij.org/case/141>

15. *Summary of the Advisory Opinion of 22 July 2010 in the Kosovo case*. International Court of Justice; records the finding by ten votes to four that the declaration of 17 February 2008 did not violate international law, and the Court's statement that it was not asked whether Kosovo has achieved statehood, was not asked about the validity or legal effects of recognition by other States, and did not decide whether international law confers a positive entitlement to declare independence or any right of remedial secession.
<https://www.icj-cij.org/node/103912>
16. *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965*. International Court of Justice, Advisory Opinion, 25 February 2019; the detachment "was not based on the free and genuine expression of the will of the people concerned", the decolonisation of Mauritius was not lawfully completed on accession to independence, and the United Kingdom is under an obligation to bring its administration of the Archipelago to an end as rapidly as possible. An advisory opinion, not a judgment.
<https://www.icj-cij.org/case/169>
17. *Draft articles on Responsibility of States for Internationally Wrongful Acts, with commentaries*. International Law Commission, adopted at its fifty-third session, 2001; Article 40 on serious breaches of obligations under peremptory norms, Article 41 on the consequent duties of cooperation and non-recognition, and the commentary to Article 41 stating that the obligation applies to situations such as attempted acquisition of sovereignty over territory through the denial of the right of self-determination of peoples and "not only refers to the formal recognition of these situations, but also prohibits acts which would imply such recognition". The commentary to Article 8 records the Court's effective-control formulation in the Nicaragua case. Articles of the Commission, not a treaty in force.
https://legal.un.org/ilc/texts/instruments/english/commentaries/9_6_2001.pdf
18. *Responsibility of States for internationally wrongful acts*. United Nations General Assembly resolution 56/83, adopted at the 85th plenary meeting, 12 December 2001; takes note of the articles, annexes their text, and commends them to the attention of Governments "without prejudice to the question of their future adoption or other appropriate action". Taking note is not adoption as a convention.
<https://documents.un.org/api/symbol/access?s=A/RES/56/83&l=E&t=pdf>
19. *Draft conclusions on identification and legal consequences of peremptory norms of general international law (jus cogens)*. International Law Commission, 2022; Conclusion 19 on the duty of cooperation and the duty of non-recognition, Conclusion 23 on the non-exhaustive list, and the annex listing the prohibitions of aggression, genocide, crimes against humanity, breaches of the basic rules of international humanitarian law, racial discrimination and apartheid, slavery and torture, together with the right of self-determination. Conclusions of the Commission, not a treaty.
https://legal.un.org/ilc/texts/instruments/english/draft_articles/1_14_2022.pdf
20. *Convention on the Prevention and Punishment of the Crime of Genocide*. Adopted by the United Nations General Assembly on 9 December 1948; in force 12 January 1951. Article I confirms genocide as a crime under international law which the parties undertake to prevent and to punish; Article II defines the crime; Article IX confers jurisdiction on the International Court of Justice over disputes as to interpretation, application or fulfilment. Text published by the United Nations; the previously held Office of the High Commissioner for Human Rights address returned HTTP 403.
<https://www.un.org/en/genocide-prevention/1948-convention>
21. *Rome Statute of the International Criminal Court, Part 2: Jurisdiction, admissibility and applicable law*. Article 6 on genocide; Article 7, paragraph 1 (d) and paragraph 2 (d) on deportation or forcible transfer of population as a crime against humanity; Article 7, paragraph 1 (j) and paragraph 2 (h) on the crime of apartheid; Article 8, paragraph 2 (b) (viii) on transfer by an Occupying Power of parts of its own civilian population into occupied territory. Official text hosted by the United Nations Office of Legal Affairs.
https://legal.un.org/icc/statute/99_corr/2.htm
22. *Rome Statute of the International Criminal Court, Part 5: Investigation and prosecution*. Article 58, paragraph 1 (a): a Pre-Trial Chamber issues a warrant of arrest where satisfied that "there are reasonable grounds to believe that the person has committed a crime within the jurisdiction of the Court". A warrant is not a conviction.
https://legal.un.org/icc/statute/99_corr/5.htm
23. *Rome Statute of the International Criminal Court, Part 6: The trial*. Article 66: everyone is

- presumed innocent until proved guilty before the Court, the onus is on the Prosecutor, and conviction requires the Court to be “convinced of the guilt of the accused beyond reasonable doubt”.
- https://legal.un.org/icc/statute/99_corr/6.htm
24. *Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention)*, 12 August 1949. Article 8 on non-renunciation of rights; Article 47 on the inviolability of rights notwithstanding any change of institutions, any agreement between the authorities of the occupied territory and the Occupying Power, or any annexation; Article 49 on deportations, transfers and evacuations, including the prohibition on the Occupying Power transferring parts of its own civilian population into the territory it occupies. Official text as published by the International Committee of the Red Cross; the Committee’s per-article database pages serve their text through a script the Secretariat could not retrieve.
<https://www.icrc.org/sites/default/files/external/doc/en/assets/files/publications/icrc-002-0173.pdf>
 25. *Definition of Aggression*. United Nations General Assembly resolution 3314 (XXIX), adopted at the 2319th plenary meeting, 14 December 1974; Article 5, paragraph 3 of the annex: “No territorial acquisition or special advantage resulting from aggression is or shall be recognized as lawful.” A recommendation of the General Assembly.
[https://documents.un.org/api/symbol/access?s=A/RES/3314\(XXIX\)&l=E&t=pdf](https://documents.un.org/api/symbol/access?s=A/RES/3314(XXIX)&l=E&t=pdf)
 26. *Security Council resolution 541 (1983)*. United Nations Security Council, adopted at the 2500th meeting, 18 November 1983; deplores the declaration of the Turkish Cypriot authorities of 15 November 1983, considers it “legally invalid” and calls for its withdrawal, and calls upon all States “not to recognize any Cypriot State other than the Republic of Cyprus”. A decision of the Security Council. Cited for the duty of non-recognition and applied in DM-2026-008.
[https://documents.un.org/api/symbol/access?s=S/RES/541\(1983\)&l=E&t=pdf](https://documents.un.org/api/symbol/access?s=S/RES/541(1983)&l=E&t=pdf)
 27. *Security Council resolution 662 (1990)*. United Nations Security Council, adopted unanimously at the 2934th meeting, 9 August 1990; decides that annexation of Kuwait by Iraq “under any form and whatever pretext has no legal validity, and is considered null and void”, and calls upon all States not to recognise that annexation “and to refrain from any action or dealing that might be interpreted as an indirect recognition of the annexation”. A decision of the Security Council.
[https://documents.un.org/api/symbol/access?s=S/RES/662\(1990\)&l=E&t=pdf](https://documents.un.org/api/symbol/access?s=S/RES/662(1990)&l=E&t=pdf)
 28. *Territorial integrity of Ukraine: defending the principles of the Charter of the United Nations*. United Nations General Assembly resolution ES-11/4, adopted at the 14th plenary meeting of the eleventh emergency special session, 12 October 2022; condemns the organisation of the referendums held from 23 to 27 September 2022 in parts of the Donetsk, Kherson, Luhansk and Zaporizhzhia regions that are or have been under temporary military control, declares that those votes and the attempted annexation “have no validity under international law and do not form the basis for any alteration of the status of these regions”, and calls upon all States to refrain from “any action or dealing that might be interpreted as recognizing any such altered status”. A recommendation of the General Assembly, not a binding decision.
<https://documents.un.org/api/symbol/access?s=A/RES/ES-11/4&l=E&t=pdf>
 29. *Reference re Secession of Quebec*, [1998] 2 S.C.R. 217. Supreme Court of Canada, File No. 25506, decided 20 August 1998 on a reference by the Governor in Council; paragraph 126 on internal self-determination as the normal fulfilment of the right and external self-determination as arising “in only the most extreme of cases”, paragraphs 134 and 135 on the asserted third circumstance where a people is blocked from the meaningful exercise of the right internally and the Court’s refusal to decide whether it reflects an established standard, and paragraphs 140 and 141 on the effectivity argument. A domestic court answering a domestic reference, not an international tribunal. Judgment text reproduced by the University of Milano-Bicocca; the Supreme Court of Canada, Lexum and CanLII addresses all returned HTTP 403 to retrieval.
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