
THE RIGHT TO SELF-DETERMINATION CONTEMPORARY PERSPECTIVES AND CASE STUDIES: CATALONIA, KURDISTAN, TAIWAN, WESTERN SAHARA

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ABSTRACT

This research analyses the difficulties and prospects attributed to the right to self-determination, examining four geopolitical regions of concern: Catalonia, Kurdistan, Taiwan, and Western Sahara. Bound to encounter difficulties in garnering recognition at the international level, regions with similar quests for independence face challenges including geopolitics, diverse recognition, and internal strife. Nevertheless, pathways toward resolution through the promotion of negotiation, international mediation, and human rights principles still exist. The role played by important states and the UN in this situation is critical in determining outcomes. In summary, the findings provide a good understanding of how the right to self-determination operates today, focusing on rights-based approaches to addressing the different practices and particulars these regions seek regarding human rights and international law.

KEYWORDS

Self-determination, UN, Spain, Catalonia, Kurdistan, Taiwan, Western Sahara.

INTRODUCTION

As an international principle, self-determination is defined as people's right to shape their political destinies and choose their political futures. It is prominently featured in international law and is most easily recognized

when considering questions of secession. It is seen as a basic human right and one of the foundational ideas of democracy and strains of Marxism, held dearly by people worldwide. The idea arose during World War I, with its main champion being President Woodrow Wilson, who included it in his famous Fourteen Points in 1919 (Throntveit, 2011). This notion was also included in several treaties with various states at Versailles. Not until the formation of the United Nations in 1945 was self-determination given general recognition as both a principle and a goal of international law, now protected by the UN Charter. Many territories whose status had been a legacy of nineteenth-century colonialism embraced the principle readily, leading to the relinquishment of colonies and the declaration of independence by many Asian and African states between 1945 and 1960. The principle became a guiding force for the foreign policies of many newly independent states. International agreements and declarations maintain the inalienable importance of the right to self-determination in maintaining global peace and respecting human beings, even though these principles have only been partially honoured.

International law has established the legal context of the right to self-determination, as it pertains to the defence of universal human rights wherein the foremost principles that are essential in this framework are respect for the territorial integrity of states, the prohibition on the employment of force in international relations, and the superiority of the peaceful coexistence of nations. The Charter of the United Nations functions as a basis for this legal structure in its Article 2(4) which forbids the threat or exercise of force against the political freedom or national sovereignty of any country, simultaneously, Article 2(7) reinforces the principle of non-interference in the internal affairs of states. Also, in Article 1 of the International Covenant on Civil and Political Rights (ICCPR), the right to self-determination is enshrined, underlining that all people enjoy the right to decide their political standing at liberty and liberally pursue their economic, social and cultural development. In the context of decolonization, this right is affirmed, and as a basic right inherent to all people, it is also universally recognized. Moreover, the legal infrastructure intersects with other human rights, including rights of political participation, freedom of expression, and minority rights. Nowadays, the vexed problem of self-determination still looms large in international politics as various cases have

emerged in the world such as Catalonia, Kurdistan, Taiwan, and Western Sahara. These cases show a real picture of how self-determination has been challenged and complex in today's globalized world. This article seeks to unveil the complexities of self-determination by critically examining these cases, contributing to the ongoing discourse of what self-determination is, and what it is not, and revealing what claims of self-determination are legitimate and right, and what claims are not. By looking at the issues from the historical, the theoretical, and the contemporary perspectives we can truly understand the integrated and multifaceted nature of self-determination and its far-ranging impact on the international stage.

SIMILARITY IN EACH CASE

Similar to each other due to their shared grounding in the right to self-determination, the affairs of Catalonia, Kurdistan, Taiwan, and Western Sahara have featured movements aspiring to greater independence or self-governance from the national leaders of the nations they are formally incorporated into.

Culture & Ethnicity

Catalonia has deep historic roots in cultivating its own cultural and linguistic identity which has contributed to Catalonia's desire for self-determination. The Catalan language has created a significant identity for itself with its literature and traditions. Likewise, the Kurds share a common ethnicity and language, along with distinct cultural traditions that foster a collective aspiration for self-government. Taiwan's identity continues to draw from a confluence of Aboriginal cultures, as well as Hakka, Hokkien, and mainland Chinese influences. The Sahrawis of Western Sahara possess a rich heritage, linguistically and otherwise, which strengthens their separate identity and fuels their insistence on self-determination.

Historical Background

Catalonia's history is filled with semi-autonomous stages, such as the Generalitat, throughout the medieval Crown of Aragon (Rodriguez, 2022). Nonetheless, Catalan identity was particularly reinforced during the War of Spanish Succession in the early 18th century. The Kurds have suffered historical injustices since the aftermath of World War I and the Treaty of

Sèvres, leading to their dispersal across Iraq, Iran, Turkey, and Syria. In the case of Taiwan, its history begins with Japanese colonial rule, followed by the retreat of the Chinese Nationalist government to the island after the defeat in the Chinese Civil War. In Western Sahara, history is entangled with the Spanish colonial regime and subsequent strife with Morocco.

Political Disturbance

In Catalonia, political disturbance emerged because many people perceived the central Spanish government to have neglected Catalonia on fiscal policy and cultural autonomy. The political instability in Kurdistan reflects the historical marginalization of the Kurds, the denial of their cultural rights, and attempts by the Turkish, Syrian, Iraqi, and Iranian governments to suppress Kurdish identity. Concerns regarding the gradual deterioration of democratic institutions in Taiwan, coupled with the imminent imposition of mainland Chinese policies, contribute to the distinct political differences between Taiwan and the People's Republic of China. In Western Sahara, dissent primarily arises from discontent with the Moroccan government, problems concerning the implementation of self-governance, and the unresolved status of the territory.

Democratic Movements

When Catalonians held a referendum in 2017, declared illegal by the Spanish government, they sought to determine how many people were interested in declaring independence from Spain. Kurds' dream of creating a democratically governed state from scratch, emphasizing the participation of all in politics. Taiwan developed into a vibrant democracy independent from mainland China, and any step toward independence is likely to involve democratic decision-making, with the question of independence determined by the will of the Taiwanese people through referendums or similar means. Western Sahara advocated for an open and fair election to decide the political fate of the territory, as outlined in the United Nations resolution plan.

International Acceptance

Catalonia's attempt to obtain recognition on the world stage faced challenges, with some nations, including key European countries,

withholding recognition of Catalonia's bid for independence. The Kurdistan Regional Government in Iraq obtained diplomatic recognition from some nations, but the wider struggle for Kurdish independence faced geopolitical complexities. The "One China" policy limits the number of countries that acknowledge Taiwan's statehood. There is a global dispute about the international legal status of Western Sahara, and the level of recognition and support for the Sahrawi people's right to self-determination varies widely.

Conflict and Hostility

The 2017 referendum intensified Catalonia's dispute with the Spanish government, resulting in political and legal consequences. Multiple conflicts throughout history, such as the Kurdish–Iraqi War, have escalated tensions in Kurdistan. The geopolitical issues in Taiwan, particularly its sensitive reunification with China, are prominent. In Western Sahara, long historical fights with Morocco, including the Western Sahara conflict and the Western Sahara War, have prolonged hostilities and conflicts in their struggle against control.

THEORETICAL FRAMEWORK

The theoretical foundation upon which this investigation is based comprehensively synthesizes legal, political, and philosophical frameworks to achieve a sophisticated understanding of the right to self-determination. The core of the theoretical framework is built on international legal building blocks, framing the conversation within the parameters set by the United Nations Charter, customary international law, and various instruments of human rights. The principle of self-determination is explicitly recognized by the UN Charter and highlighted as central to the promotion of peace, security, and cooperation among nations, constituting a key human right for all peoples. This legal foundation provides a space to delve into the work of eminent legal scholars, exploring the evolving course of the right to self-determination. In his pioneering work, Hersch Lauterpacht (2012) probed into the legal intricacies of self-determination, emphasizing its delicate balance with the principles of territorial integrity and non-intervention. Antonio Cassese then took up this subject, investigating situations where the collision of self-determination and state autonomy pushed the world to a standstill. The increasing number of equations from several international

courts and tribunals, no less important, serve as guiding lights for this image, prompting one to consider the way we perceive and apply self-determination in law today. At the same time, theoretical inquiry continued to look to political theory to support national self-determination. The ideal of self-determination that Woodrow Wilson campaigned for at the end of World War I can still be heard in the political arena today. As an analytical framework, Karl Marx's contributions continue to enrich the theoretical dimensions of self-determination by providing a socio-economic perspective with which to approach self-determination. Marx's analysis of colonialism and imperialism in conjunction with his idea of a classless society brings about a level of analysis beyond mere statehood. This socio-economic lens demonstrates that self-determination overlaps political boundaries to include economic and social liberation, as political and economic autonomy are intertwined quantities.

Additionally, the article engages with contemporary political theories addressing concerns of sovereignty, nationhood, and statehood. By examining the ethics of national self-determination, Margaret Moore identifies the set of normative feasibilities determining when and how claims for self-determination are legitimate. Will Kymlicka (2001) introduces the concept of multicultural citizenship to illuminate the difficulties that cultural diversity in states can present, adding a new dimension to the understanding of self-determination in multicultural contexts. The interplay of self-government and independence is integral to his theory. Theories of autonomy and independence share similarities with theories of federalism, decentralization, secession, and statehood. Autonomy, as defined, implies the devolution of certain powers to subnational entities within an existing state, while independence implies a radical assertion of sovereignty and the creation of a new state. This article explores the ways various communities seek political autonomy, suggesting that the question of whether to devolve authority is inseparable from the question of how to do so. By considering historical, cultural, legal, and geopolitical factors, one can begin to map the terrain on which claims for political autonomy are fought. By integrating these legal, political, and philosophical perspectives, the broader theoretical framework seeks to establish a solid basis for the subsequent examination of the right to self-determination through the case studies of Catalonia, Kurdistan, Taiwan, and

Western Sahara, respectively. The various theoretical approaches outlined above demonstrate that an understanding of self-determination cannot be confined to legal discourse alone but is best captured, as Dixon argues, as a complex, multidimensional concept challenging the traditional notion of developing an autonomous, independent state within the contemporary universal framework.

LITERATURE REVIEW

The literature review encompasses a wide range of academic discourse that sets the groundwork for the exploration of the right to self-determination, with a focus on cases in Catalonia, Kurdistan, Taiwan, and Western Sahara. Given its broad and interdisciplinary nature, the review brings together contributions from legal scholars, political scientists, historians, and international relations experts from around the world. Reviewing the seminal works that have shaped the legal discourse on the right to self-determination is crucial. One of the key legal scholars to study is Martti Koskenniemi, who taps into the rich texture of international law as a starting place for critically examining how self-determination as a principle evoked a rhetorical shift and explosion of significance in the modern era. Koskenniemi's account of how tensions between state sovereignty and the desires of discrete communities centered on the founding impulse influence how we understand self-determination in a fuller context. The primary importance lies in the works of legal specialists concentrating on the specific cases being considered. The works of legal experts who have focused on the specific cases under consideration are of paramount importance. In the case of Catalonia, the work of Carles Boix helps us understand the legal complexities that arise from Catalonia's quest for autonomy inside the framework of the Spanish constitution. Boix successfully explores the intricate balance among regional autonomy, national identity, and the constitutional framework imposed by Spain, to provide a subtle analysis of the legal position of Catalonia within the Spanish State. The unique standing of Taiwan that exists due to the creation of a One-China policy requires a thoughtful examination of the legal and political status of Taiwan. The analysis provided by experts such as Jacques deLisle and Shelley Rigger allows for a greater understanding of Taiwan's search for international acknowledgement as well as maintaining the

delicate balance that ensures its autonomy. The combination of DeLisle's (2016) legal analysis and Rigger's (2011) concepts helps to give a better idea of the complicated nature and the possibilities of Taiwan's self-determination. Akram (2010) looks at Western Sahara to understand the legal and political dilemmas that the Sahrawi people had to go through. Akram looks at the historical background, the international legal paradigms and the regional practice to understand the constantly changing self-determination in Western Sahara. Besides these legal insights, political theories have been reviewed to get a “philosophically grounded interpretation of self-determination” that would help understand the ethical and normative aspects of self-determination. Margaret Moore’s (2001) essays on the ethics of national self-determination provide a normative scheme that might be useful to make the justification of claims for self-determination more transparent. Situating the issue of self-determination at the crossroads of international politics and moral reasoning, these theories also broaden the debate beyond strategic and instrumental calculus and invite us to think in terms of ethical values. The literature is further broadened by Will Kymlicka’s (2001) theory of multicultural citizenship, which looks into how cultural diversity inside states interacts with the doctrine of self-determination. The literature review also benefits from historical accounts, such as those of Judy and Mazower, which provide an inkling about how historical legacies affect the contemporary dynamics of self-determination. To comprehend the intricacies of identity, territoriality, and political agency in the case studies, it is necessary to comprehend the historical context. By synthesizing these various strands of research that together constitute the literature on self-determination, the literature review's comprehensive nature serves as a base for the analysis of self-determination in four distinct geopolitical contexts: Catalonia, Kurdistan, Taiwan, and Western Sahara. The article uses the extensive, multidisciplinary literature to detail some of the challenges, complexities, and implications of self-determination in the present age in a nuanced and comprehensive way.

RESEARCH METHODOLOGY

This research draws on a comparative study method, supported by qualitative analysis to comprehensively explore the right to self-

determination in four stateless nations: Catalonia, Kurdistan, Taiwan, and Western Sahara. The research design combines legal analysis with a political science approach and also involves historical investigation and the aspect of international relations. To draw legal analysis, a systematic examination of legal documents such as national constitutions, international treaties and legal frameworks is carried out to establish the legal standing and recognition of the claims of self-determination in each case.¹ For qualitative examination regarding the political dynamics within each region, an accumulation of historical, cultural, and geopolitical factors is evaluated and correlated through detailed analytical investigation to determine and rationalize the eruptive conclusion to pursue self-determination. This examination involves reviewing scholarly works, policy papers, and expert analyses within each political landscape located within the regions of Catalonia, Kurdistan, Taiwan, and Western Sahara.²

Comparative analysis is also used to determine which methods of political strategy, movement, or challenge are the same or opposite (difference) in each case of self-determination pursuit. This allows us to understand the political context of each situation to give them deeper meaning.³ To discover how the contemporary dynamics of self-determination have been shaped, a comprehensive review of historical narratives about each case is carried out. To comprehend the historical context of self-determination movements at present, it is important to search historical documents, academic publications and archive documents.⁴ Additionally, a particular emphasis is placed on the historical effects of colonization on the concerned territories demanding self-determination (where colonial legacies are applicable). This involves studying how colonialism continues to shape political independence and territorial conflicts.⁵ Different patterns, challenges, and unique features across Catalonia, Kurdistan, Taiwan, and Western Sahara are identified through a cross-case comparative approach, synthesized from

¹ The Spanish Constitution of 1978, including further amendments.

² One China Policy.

³ Political strategies employed by both the Kurdish Regional Government in Iraq and the Kurdistan Workers' Party (PKK) in Turkey.

⁴ The historical events of the Spanish colonization and Moroccan and Mauritanian demands.

⁵ The Sykes-Picot Treaty.

legal, political, and historical analyses to uncover overarching findings regarding the complexities of self-determination in diverse geopolitical contexts.⁶ Correspondingly, the study analyses the trajectories of these cases to address the following questions: what trends characterize the international response to self-determination claims, what differences exist among the various legal approaches, and how internal and external actors shape the outcome of self-determination struggles?⁷ This research conforms to ethical norms by ensuring that the study honours the rights and perspectives of the communities concerned (APA, 2017).

CATALONIA

Located in north-eastern Spain, Catalonia boasts a distinct cultural and historical identity that sets it apart from other regions of the country. This unique identity has played a central role in Catalonia's quest for independence. The roots of Catalonia's drive for self-governance trace back to the Spanish Civil War (1936-1939), when Catalonia aligned with the Republicans in opposition to the Nationalists led by Francisco Franco (Lawson, 2021). However, Franco's victory marked a dark period for Catalonia, as his regime sought to suppress Catalan language and cultural expressions. The post-Franco era witnessed the resurgence of democracy in Spain, leading to the enactment of the Statute of Autonomy of Catalonia in 1979. This statute granted Catalonia significant powers, including full jurisdiction over healthcare and education. However, tensions between Catalan officials and the Spanish central authorities persisted, ranging from financial policies to language rights, ultimately shaping Catalonia's aspirations for independence. In the early 21st century, Catalonia's push for independence gained momentum, particularly in the wake of the Great Recession of 2008. Economic grievances, coupled with historical and cultural factors, fuelled demands for greater autonomy and eventual independence. This culminated in the highly contentious 2017 referendum for Catalan independence (Poole, 2017). Carles Puigdemont, then the leader of the Catalan government, viewed the referendum as a legitimate exercise of self-determination. However, the Spanish government, led by Prime

⁶ Historical and geopolitical backgrounds of Catalonia and Taiwan

Minister Mariano Rajoy, vehemently opposed the referendum, citing its violation of the Spanish constitution. In response, the Spanish government invoked Article 155 of the constitution to suspend Catalonia's autonomy, leading to the dissolution of the Catalan parliament and the arrest of key Catalan leaders. Despite the Spanish government's efforts to prevent the referendum, over 2 million Catalans defiantly turned out to vote, with an overwhelming majority expressing support for independence (Reid, 2023). The aftermath of the referendum saw legal actions taken against prominent figures (Larkin, 2018) involved in its organization, including Puigdemont and Oriol Junqueras (Ponsati, 2020). Junqueras, the former Vice President of Catalonia, was sentenced to thirteen years in prison on sedition charges (Bambery & Kerevan, 2020).

The legal trial of Catalonia's leaders in 2019 highlighted the complexities surrounding the right to self-determination within a constitutional framework (Waugh, 2020). While proponents of independence argued for the democratic exercise of self-determination, the Spanish judiciary contended that their actions violated the rule of law (Encarnacion, 2014). Catalonia's journey towards independence underscores the intricate interplay between legal, political, and historical factors, reflecting broader debates surrounding self-determination within constitutional boundaries.

KURDISTAN

Kurdistan spans parts of Iran, Iraq, Syria, and Turkey, serving as the homeland of the Kurdish people who have long struggled for independence due to political, geopolitical, and historical factors. The Kurds, distinct from the rest of the Middle East in language, culture, and history, have sought to establish themselves as a separate country from their Arab neighbours. After World War I, when the Kurds were not granted national status, the Treaty of Sèvres promised them the right to choose their form of government. The boundaries drawn by the Treaty were later changed in 1923 by Turkey without the will of the Kurds, which split the Kurdish population into four separate nation-states.

For the Kurds, the drive for autonomy gained significant traction since the 1991 Gulf War, particularly the Kurdish Regional Government (KRG) was borne out of the post-Gulf War reconfiguration of the Iraqi state, and figures like Massoud Barzani were able to work within the framework of the Iraqi

state while simultaneously challenging it to achieve a greater level of self-governance. The KRG eventually held an independence referendum in 2017 that sought popular support for an independent Kurdish state, the pinnacle of the Kurdish pursuit for self-determination in Iraq. The referendum was opposed by the ruling elite and others. The Iraqi Government called the referendum illegitimate, and Haider al-Abadi, the Iraqi Prime Minister, called it a regional and international mistake and emphasized the importance of keeping the unity of the states. While the Kurds had voted by over 90% for independence, The Kurdish Regional government had to bear severe punitive actions from the Iraqi Government. The intervention from the Iraqi military backed by some foreign governments recaptured areas in dispute with the KRI, particularly the city of Kirkuk. Kirkuk was previously controlled by Iraqi Kurdistan as a result of the Peshmerga and Iraqi Security forces driving ISIS out in 2014. The situation became further complex as neighbours of the KRI also waded into the crisis. Turkey, fearing any move towards an independent Kurdistan would encourage its large Kurdish population to demand independence consequently potentially affecting its national integrity strongly objected to the referendum taking place and Turkish President Recep Tayyip Erdoğan's government announced it would be imposing economic and military sanctions. Iran also voiced strong opposition to the vote due to its sizable Kurdish minority, the creation of an independent Kurdish state was considered not only a threat to its territorial integrity but also to its regional influence. The complex nature of the Kurdish quest for autonomy is exemplified by Turkey's decision to intervene militarily in Afrin, Syria, in 2018 which was under the control of the Kurdish-led Syrian Democratic Forces (SDF), which Turkey views as a terrorist group linked to the Kurdish Workers' Party (PKK), a banned group in Turkey. The fact the Kurds had control of Afrin was seen as exerting an informal claim on that part of the border by Turkey and this in turn was seen as a threat to Turkey's national security, so it decided to militarily intervene as Operation Olive Branch and remove the Kurds from that area by taking it militarily. Afrin, a region in north-western Syria, has long been a focal point for Kurdish aspirations for autonomy. Predominantly inhabited by Kurds, Afrin came under the control of the Syrian Democratic Forces (SDF), a militia comprising Kurds and Arabs, primarily dominated by the People's Protection Units (YPG). Turkey stated operational aims to clear

the region of Kurdish militias, primarily the YPG, and to establish a "safe zone" along the border to address security interests. The operation involved ground forces consisting of both the Turkish Armed Forces and Turkish-backed Syrian rebels, as well as airstrikes targeting YPG positions in the area later the military incursion resulted in significant displacement of the local population, and raised significant humanitarian concerns. Operation Olive Branch received a mixed response on the international stage. This presented a challenge for the United States, a key ally in the fight against ISIS as the U.S. had to balance its support for Turkish security concerns with its strategic partnership with Kurdish forces in the broader Syrian conflict (Gunter, 2019). This highlighted the complexity of geopolitical relationships and the challenges international actors face in forming alliances. Turkey's military intervention emphasized the inherent vulnerability of Kurdish-controlled territories and their susceptibility to external interference, as well as the complex manoeuvring required to navigate the region's diverse geopolitical interests (Tejel, 2018). Furthermore, it revealed the precarious position of the Kurds in balancing their aspirations for self-determination with their relationships with neighbouring nation-states. Following the Turkish bombardment, Kurdish aspirations for autonomous entities ceased to be a priority for Turkey, which remained focused on preventing the emergence of an autonomous Kurdish entity along its border to mitigate potential Kurdish insurgencies and uphold national security. The events of the Olive Branch further complicated the intricate web of alliances and enmities that have solidified throughout the Syrian civil war.

TAIWAN

Nestled in East Asia, Taiwan boasts an intricate and tumultuous history. Few countries have undergone such rapid evolution, marked by colonization, wars, and numerous pivotal moments. In 1895, following the First Sino-Japanese War, Taiwan was ceded to Japan (Huang, 2019). However, it was not until 1945, after Japan's defeat in World War II, that Taiwan returned to Chinese control. The Chinese civil war and the victory of the Chinese Communist Party subsequently compelled the Republic of China (ROC) to retreat, making Taiwan its new base. Thus, a mere seventy years ago, the division began. Taiwan is administered by a government separate from the

People's Republic of China (PRC), with its military and constitution. However, Beijing regards Taipei as a renegade province that must eventually reunify with the PRC, even if by force. Geopolitics in the Taiwan Strait are highly complex, resulting in Taiwan's contested international status. The events of 1971, culminating in the PRC replacing the ROC in the UN, were a significant turning point. One response has been the adoption of the "One-China" policy. Most countries worldwide have embraced a policy of recognizing only the People's Republic as the legal government of China, thereby acknowledging Taiwan as part of China. Internationally, this stance has harmed Taiwan's formal diplomatic recognition and participation in international organizations because most countries only recognize the PRC as China's legitimate government, and recognizing Taiwan as a separate country would contradict the PRC's stance. Despite its robust democracy and prosperous economy, Taiwan remains marginalized by the international community due to the One-China policy of the PRC.

The country's exclusion from international organizations is perhaps most glaring in Taiwan's inability to join the World Health Organization. This has become particularly problematic during the COVID-19 pandemic. Despite its effective management of the virus, Taiwan did not officially have access to information on the virus from the WHO and could not utilize many of the resources such as coverings, ventilators, and knowledge of the disease itself. Taiwan is not only geographically limited in making meaningful contributions to solving global problems but also cannot take full advantage of the knowledge of the disease and puts its citizens at unnecessary health risk. In this context, the earnest aspiration of the Taiwanese people for a global voice and self-determination comes into conflict with the geopolitical realities that limit their options to function as an international actor. However, a more nuanced understanding will realize the need to acknowledge the reality of Taiwan while fully comprehending its association with other actors in the region. The Taiwanese possess a unique cultural, linguistic, and political identity different from the indigenous peoples of the other islands. This philosophical, cultural, and geographical gap has historically resulted in discrimination, alienation, and even violence between the Taiwanese and Chinese populations. As a result, the Taiwanese have fought extremely hard for independence, enabling the territory to grow

into a highly functioning democracy with a high standard of living, strong technological capabilities, and a vibrant economy, especially when compared to China. Political obstacles may have hindered the Taiwan government's work, but it has consistently emphasized that Taiwan is a democratic country. Taiwan has worked hard to get Taiwan to be recognized as a democratic country and to be treated as such.

WESTERN SAHARA

The historical context of Western Sahara is characterized by its colonial past, the decolonization process, and the competition between Morocco and the Polisario Front to control the territory. After years under Spanish colonial rule, Western Sahara became the subject of Spain's decolonization efforts in the early 1970s. Tension heightened when the territory did not become independent after the Spanish withdrawal, especially since the International Court of Justice (ICJ) found in its advisory opinion in 1975 that there was no tie of territorial sovereignty between Western Sahara and Morocco or Mauritania. Nevertheless, both countries claimed parts of the territory following Spain's, leading to armed conflict. The Polisario Front, advocating for Sahrawi self-determination, officially proclaimed the Sahrawi Arab Democratic Republic (SADR) in 1976. Morocco effectively annexed the entire territory and constructed a berm for defensive purposes, and a ceasefire was settled in 1991 leaving the dispute unresolved. However, the future status of Western Sahara remains undetermined due to disagreements over voter eligibility, as well as the methodology and implementation of the promised referendum. Besides, the United Nations Mission for the Referendum in Western Sahara (MINURSO) was established to monitor the ceasefire and prepare for the referendum. Negotiations dragged on for so long, and the politics were so complex that the people of Western Sahara felt as if they had no other options to achieve self-determination.

The geopolitical importance found in the Western Sahara lies in its significant phosphate reserves and potential offshore oil and gas resources (Smith, 2018). The issue of exploiting these resources is major as the Polisario Front was asking for any activities to benefit the Sahrawi people. For economic gain in the area, Morocco began to attract foreign direct investment and made economic partnerships (Arbia et al., 2023). The move

made legal and ethical implications for resource exploitation in the region, being the status of the territory under dispute. A secondary effect of the conflict has been a large-scale refugee crisis with many Sahrawi people relocated to refugee camps in Algeria. These harsh conditions and long-term displacement have sparked widespread humanitarian concern and drawn focus to the Sahrawi cause.

Human rights abuses have been reported both in the Moroccan-controlled areas and in the refugee camps, including curbs on freedom of expression and assembly. Tangibly, the most visible sign of the problem is the failure to hold a self-determination referendum, like the Sahrawi people have the right, according to the preamble of the UN Charter, to decide their future through a referendum. The various international initiatives to help solve the dispute have not been able to succeed simply because the interested parties have been unable to agree on the modalities of the democratic vote. The example is also indicative of the larger, underlying geopolitical dynamics at work; for instance, Western Sahara is considered strategically significant and possesses natural resources, the two main factors that complicated peace negotiations in the past. Furthermore, aside from the monetary cost, the human cost of the conflict is apparent in the form of a refugee crisis and human rights concerns, which makes its resolution that much more urgent. All of this prompted renewed efforts to achieve a diplomatic resolution to the issue in recent years. The United States made a similar move, recognizing Morocco's sovereignty over the Western Sahara as part of a broader deal to normalize Moroccan-Israeli relations during the Trump administration. The decision was controversial and was seen as potentially undermining the ongoing peace process. The role of regional and global powers in influencing negotiations also continued to affect the current geopolitical landscape in the region.

DISCUSSION

COMMON CHALLENGES

Geopolitical Constraints

All four regions faced geopolitical constraints that complicated their efforts toward self-determination. Spain staunchly opposed Catalonia, mostly due to fears of secessionist movements in the EU, presenting a significant

barrier. Kurdistan faced opposition from a variety of neighbouring states including, but not limited to, Iraq, Turkey, Syria, and Iran—all of which have varying Kurdish populations. China opposed Taiwan because of the "One-China" policy. Western Sahara was not exactly geopolitically constrained, but Morocco, because of Western Sahara's strategic importance in the region—as well as all of the countries that support Morocco in that region, made the region more difficult to resolve.

International Recognition

Additionally, the absence of international recognition is the barrier that each case faced. Catalonia found it difficult to garner international support for its independence efforts since the major superpowers were sceptical of supporting separatist movements inside well-established countries. Kurdistan also struggled even though it played a major role in fighting ISIS, but it met significant opposition. The Iraqi government refused to recognize the legitimacy of the independence referendum. Taiwan's exclusion from the United Nations and a lack of diplomatic recognition from most countries kept it at the periphery of international affairs. Western Sahara was stuck in disagreements and clashes between the international parties.

Internal Dissent

Internal divisions within the populaces seeking self-determination complicate the pursuit of a unified approach like Catalonia demonstrated internal discontent within pro-independence factions, further showing the difficulty of unifying this hopeful region. Kurdistan remained divided internally with groups such as the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK), complicating the ability to project a united front. Taiwan faced its internal identity conundrums, such as how to best deal with mainland China, which made its quest for self-determination more complicated. Western Sahara also grappled with internal divisions, as the Polisario Front separatist group battled against pro-Morocco forces to gain independence.

OPPORTUNITIES FOR PEACEFUL RESOLUTION

Negotiation and Dialogue

Another opportunity for a peaceful resolution can be found through negotiations and dialogue for instance successful peaceful negotiation could be the case of Catalonia and the peaceful negotiations between the regional and national authorities may help fully resolve the problem and allow them to explain their grievances. An opportunity for dialogue in Kurdistan is that the Kurdish Regional Government can negotiate with the government in Iraq to discuss how the Kurdish north in Iraq could maintain some autonomy within the state of Iraq. Taiwan's efforts to open a peaceful dialogue with the mainland demonstrate that diplomatic means for resolving the issues remain viable whereas in Western Sahara, renewed commitment by the United Nations to enable negotiations might be fruitful.

International Mediation

Another possible route to resolution is the involvement of international actors in mediating conflicts. Catalonia may benefit from a neutral mediator to help mitigate the gaps in regional aspirations and national concerns. International mediation may be useful in facilitating discussions between the various Kurdish factions and the governments of Iraq, Turkey, Iran, and Syria. In the case of Taiwan, diplomatic initiatives involving third-party mediation may be able to ease tensions with China. Western Sahara requires the continued mediation of the United Nations to overcome the obstacles to the promised referendum.

Human Rights Promotion

Anchoring the right to self-determination within the principles contained in human rights represents an important opportunity for generating a more inclusive framework and addressing pertinent concerns related to minority rights and political freedoms. The commitment to respect human rights, regardless of contexts or situations, can undoubtedly lead to a more comprehensive perspective of self-determination and ultimately result in the betterment of the involved populations.

INTERNATIONAL RESPONSE

UN and Global Organizations

While Catalonia is considered an internal matter within Spain, the situations in Kurdistan and Western Sahara have received more active mediation from the UN. Missions such as MINURSO are dedicated to upholding self-determination globally. However, the effectiveness of these missions depends on the cooperation offered by member states worldwide.

Influential States

The stance of influential states significantly influences the geopolitical landscape. In the case of Catalonia, major global powers have refrained from supporting Catalonia's independence, instead aligning themselves with Spain. Similarly, in Taiwan, the positions of key players, especially the United States, impact the response of the international community. Morocco's strategic alliances also shape the international response to its claims on Western Sahara, as its friendly relations with powerful states affect how other states respond.

CONCLUSION

The case studies provide valuable insight into the contemporary context of the right to self-determination. The range of challenges and opportunities each of these regions is experiencing highlights the complex dynamics at play and the need for a rights-based approach to their aspirations. The diverse nature of each of these case studies at a range of different stages of the process, whether dealing with geopolitical constraints or internal dissent, highlights the need for a well-rounded and nuanced understanding of each of these cases. The study illustrates the complicated interaction between the self-determination aspirations in the regions and the response from the international community. It suggests the requirement for diplomacy, adherence to human rights principles and inclusion in the pathways to self-determination aspiration. The cases also underline the ever-elaborating international law and norms – the role of international organizations and major powers are still central in shaping the developments. A broader implication of human rights and international law is the realization that the advancement of the “right to self-determination” presents many theoretical and practical challenges to the global community. The complex interplay of geopolitics, historical context, and

internal/external actors, necessitates constant dialogue, diplomacy, and dedication to human rights principles within regional self-determination movements. As these specific case studies evolve, the international community must be nimble and responsive to promote fair and just solutions for all stakeholders.

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