

Contents

Part I Rethinking Territorial Integrity

1 The State's Sovereign Right to Existence	5
1.1 The Need for a New Approach to Territorial Integrity	5
1.1.1 The De-Reification of the Legal Approach of Territorial Integrity	5
1.1.2 The Production of Territorial Integrity	11
1.2 The Institutionalization of Territoriality	15
1.2.1 The State's Right to Sovereignty	16
1.2.2 The State's Right to Survival	23
1.2.3 The Right of People to Sovereignty: The Emergence of Self-Determination	33
1.3 Conclusion: Defining Territorial Integrity	42
References	44
2 The State's Ability to Ensure Its Own Survival	49
2.1 The States' Drive Towards Disintegration	51
2.1.1 The Concomitant and Correlative Birth of States and Ethnic Heterogeneity	52
2.1.2 The Deepening of Ethnic Heterogeneity	61
2.2 The Flexibility of Territoriality Across History: How to Make States Survive	68
2.2.1 The Premodern State: Inventing Territorial Autonomy	69
2.2.2 The Modern State: Making Effective Its Territoriality	78
2.2.3 The Postmodern State: Going Back to Territorial Autonomy in Order to Address the Crisis of Territoriality Produced by Globalization	92
References	102

Part II The Protection of Territorial Integrity Against External Threat

3	The Ambiguous Protection of State Territory	113
3.1	The Prohibition of Unilateral Territorial Changes	113
3.1.1	The Principle of the Necessary Consent of the State to Territorial Changes	113
3.1.2	The Non-consecration of the <i>uti possidetis</i> as an Exception to the Principle of the Necessary Consent of the State to Territorial Changes	131
3.2	The Limited Protection of State's Territory	141
3.2.1	The Lack of an International Guarantee to Territorial Integrity	141
3.2.2	The Prohibition and Non-recognition of Territorial Changes Through the Use of Force	151
	References	162
4	The Weakening of States' Territorial Sovereignty	167
4.1	The Contraction of Domestic Jurisdiction	168
4.1.1	Extraterritoriality	169
4.1.2	The Extension of United Nations' Competencies to the Detriment of Domestic Jurisdiction	180
4.2	The Resurgence of Humanitarian Intervention	196
4.2.1	Humanitarian Intervention: An Instrument in The Hegemonial Approach to International Law	196
4.2.2	The Non-endorsement of Humanitarian Intervention by International Law	207
4.2.3	The Need for Reconceptualizing Humanitarian Intervention	219
	References	228

Part III Protection of Territorial Integrity Against Internal Threat

5	The Self-Determination Classical Paradigm: Making Peripheral States Disintegrate	241
5.1	The Foreign Manipulation of Self-Determination	242
5.1.1	The Invention of the Manipulation of Self-Determination	243
5.1.2	The Emergence of Self-Determination as a Destabilizing Arm in the Struggle Between Major Powers	251
5.1.3	The Transformation of Self-Determination: From Democracy to Dependent Independence	260
5.1.4	The Politicization of State Recognition	271
5.2	The Effects of the Manipulation of Self-Determination	285
5.2.1	The Creation of Non Viable States	286
5.2.2	The Rise of Ethnonationalism	290
	References	295

6 The Self-Determination Postmodern Paradigm: Preventing States' Disintegration	303
6.1 The New Functions of Self-Determination	305
6.1.1 Preventing Secession: The Democratic Imperative	305
6.1.2 Power Sharing with Local Communities Through Territorial Autonomy	316
6.2 The Ambivalent Character of Territorial Autonomy	327
6.2.1 The Consensual Character of Territorial Autonomy	328
6.2.2 The Conflictual Character of Territorial Autonomy	331
6.2.3 Breaking the Vicious Circle of Conflictuality	340
6.3 The Self-Determination Changing Paradigm and the Western Sahara Conflict	345
6.3.1 The Failure of Self-Determination/Independence	347
6.3.2 The United Nations Recommendation for Territorial Autonomy	356
References	369
Conclusion	375
Index	381