



Diploma Thesis Evaluation Form

Author: Chetan Chowdary

Title: Unilateral Secession in International Law: The Cases of Kashmir and Catalonia

Programme/year: MAIN / 2018

Author of Evaluation (supervisor/external assessor): JUDr. Milan Lipovský, Ph.D.

Criteria	Definition	Maximum	Points
Major Criteria			
	Research question, definition of objectives	10	10
	Theoretical/conceptual framework	30	19
	Methodology, analysis, argument	40	15
<i>Total</i>		80	44
Minor Criteria			
	Sources	10	8
	Style	5	3
	Formal requirements	5	3
<i>Total</i>		20	14
TOTAL		100	58



Evaluation

Major criteria:

Though it may seem outdated, the topic of unilateral secession is still relevant for current international law. Actually, the case-studies chosen by the author prove it quite strongly.

The topic offers a unique combination of issues of international law and international relations combined together and thus perfectly fits to the option of finalizing the studies in the MAIN program by focusing on it. The submitted thesis managed to achieve some of the possible outcomes.

The most coherent part of the whole text is the conclusion. Surprisingly however, the preceding text is often full of contradictory statements (contradictory to each other as well as to the conclusions), misunderstandings and sometimes the reader is overwhelmed with (interesting but) irrelevant information.

Furthermore, sometimes I felt that the author approached legal instruments more like politological or sociological concepts opened to discussions from every angle. Though statehood is indeed highly political legal tool of international law influenced by political power, there are certain "hard" limits that should not be treated so liberally.

As stated above the conclusions reflect the realities of the topic the most and so it seems that the author addressed the criticisms of his statements by the supervisor during the work on the thesis at the end of the text (sometimes even at the end of chapters or its parts) without actually altering the previous text that the criticisms were directed at.

The author should also refrain from opening new topics that have either huge implications to his argumentation or are in fact irrelevant. I am referring to the EU law and the case-law of the ECHR. Either he should explain why he mentioned it or not mention it at all (as was suggested to him).

To finish the major criteria, the author's interest in the topic is clear and in the end he proved he understands relevant areas of law. He should have however reflected his new research results in the already written text as well.



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Minor criteria:

The author has identified relevant international law sources (case-law as well as doctrine) needed to grasp the topic.

There are some problem in the way the author works with sources though. I would suggest more accuracy in quotation system and definitely be more careful when using sources. For example, the whole text in footnote no. 79 is taken over from article by Pamela Epstein but not denoted as such!

Structure of the thesis is logical. It starts with introduction and description of the legal framework, then goes on to introduce the interpretation of relevant legal instruments and finally applies the law to case-studies chosen.

Overall evaluation:

Overall and unfortunately (as mentioned above), I have to say that the author didn't deal with the suggestions I gave him throughout work on the thesis properly. It is clear for example in some statements he made that I criticised before he submitted the work but the author then didn't address them everywhere in the text. There is a vast amount of matters I would like to comment on but I will limit myself to examples and will try to generalize them in the questions submitted to the author (see below) to be answered during the defense.

An example of surprising statement is the author's claim that international law only allows unilateral secession in the context of decolonization. That is not correct and though it was supported by source, the source was not up to date as I warned the author. If it was true, his whole thesis could be finished at the very beginning where he stated this claim. Afterall the author himself correctly proves his previous claim to be false later when discussing the Kosovo DOI.

Similarly, to claim that the right of self-determination leads either to independence or integration (!) (page 19) is highly problematic. The author has also several times referred to the UN as an authoritative source in situations where it does not act so.

To generalize, though the work often goes the right way when it comes to final or semi-final results, it is contradictory in statements leading to them. The reader is also often overwhelmed with irrelevant information while the important issues are left aside.



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I would like the author to answer following questions:

- *What is the role of recognition for the existence of a state? Does it have constitutive or declaratory effects? And what are the consequences?*
- *Taking the results of the research, how would you evaluate the legality of integration of Crimea into Russia following referendum?*
- *Though the thesis often speaks of remedial secession, it doesn't describe it, though the previous versions did. It should be explained what the term means.*

Suggested grade:

Based on the above-stated I propose to grade the thesis "3".

Signature:

JUDr. Milan Lipovský, Ph.D.