

Self-determination

Concept: Self-determination

Author: Julie Sunday , McMaster University

Date Entered: 2005-04-05

Description Self-determination is one of the most ambiguous and controversial terms of the past century. Woodrow Wilson suggested this principle in 1919 as a way to divide territory along lines of "nationality" following World War I. What Wilson meant by "nationality" and, by implication, what groups were entitled to self-determination has been a topic of wide debate. Did Wilson mean that self-determination was simply a feature of democratic government, expressed through shared citizenship; or did he mean that all groups that define themselves as nations should have a right to form their own state? Although self-determination was considered the basis for the division of territories following World War I, the linguistic, ethnic, and religious pluralism of many regions meant that there was little clarity on how this principle would be applied.

In general terms, self-determination is the right of a national group to be sovereign within a given territory. Although this definition appears to be straightforward, applying it consistently has proved extremely difficult. Are only nation-states allowed to be self-determining or are national minorities within states also entitled to self-determination? Self-determination can therefore be interpreted in two distinct and conflicting ways. On the one hand, all national groups should be entitled to self-determination. On the other hand, the state is sovereign over all groups within its territory.

Despite ambiguity over what groups have the "right" to self-determination, the "principle" of self-determination has status within international law. For example, self-determination is mentioned in the United Nations Charter. It is also the first article in both Covenants on Human Rights adopted by the UN General Assembly in 1966. Although Article 1 of these Covenants refers to the "self-determination of all peoples," in practice, the right to self-determination has only been granted to former colonial peoples.

Self-determination became a component of international law in the context of decolonization. As an element of decolonization, self-determination reinforced state structures and was interpreted as a right for national groups to participate in governance rather than a right to secede from the state. How the right to self-determination should be interpreted beyond decolonization remains open to debate. Despite consistent mention of this principle, the priority of the international community has been to maintain national unity and the territorial integrity of the state. Therefore, within international law it is the self-determination of states rather than the self-determination of peoples that has taken priority.

Although international law gives priority to the state and its territorial integrity, the principle of self-determination has been criticized for destabilizing culturally diverse regions by feeding into minority aspirations of secession. Because power is a function of the sovereign state, self-determination has traditionally been contingent upon a given territory becoming an independent state. Self-determination is therefore a right exerted within a particular territory. Since the state is the legitimate territorial unit, it is the nations that are represented by states that are self-determining. A paradox therefore emerges for national minorities in the convergence of sovereignty, territory and nationality within the principle of self-determination: national minorities are concretely excluded from power at the same moment that their claims to power are legitimized.

Minority groups are increasingly basing their claims to autonomy and self-government on the principle of national self-determination. These national minorities argue that the right to self-determination justifies their autonomy within the state. Frequently, minority nations and indigenous groups argue these claims in international forums to increase their legitimacy and apply further pressure on the state.

Suggested
Reading:

Bishai, Linda. 1998. Sovereignty and minority rights: Interrelations and implications. *Global Governance* 4: 157-82.

Crawford, James and Susan Marks. 1998. The global democratic deficit: An essay in international law and its limits. In *Re-imagining political community: Studies in cosmopolitan democracy*. ed. D. Archibugi, D. Held, and M. Kohler, 72-90. Stanford: Stanford University Press.

Cuthbertson, Ian and Jane Leibowitz. 1993. *Minorities: The New Europe's old issue*. Prague: Institute for East West Studies.

Hannum, Hurst. 1990. *Autonomy, sovereignty and self-determination: The accommodation of conflicting rights*. Philadelphia, PA: The University of Pennsylvania Press.

MacMillan, Margaret. 2001. *Paris 1919: Six months that changed the world*. New York: Random House Press.

Margalit, Avishai and Joseph Raz. 2003. National self-determination. *The Journal of Philosophy* 87 (9): 439-461.