

Self determination (international law)

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Self-determination denotes the legal right of people to decide their own destiny in the international order. Self-determination is a core principle of international law, arising from customary international law, but also recognized as a general principle of law, and enshrined in a number of international treaties. For instance, self-determination is protected in the United Nations Charter and the International Covenant on Civil and Political Rights as a right of “all peoples.”

The scope and purpose of the principle of self-determination has evolved significantly in the 20th century. In the early 1900's, international support grew for the right of all people to self-determination. This led to successful secessionist movements during and after WWI, WWII and laid the groundwork for decolonization in the 1960s.

Contemporary notions of self-determination usually distinguish between “internal” and “external” self-determination, suggesting that "self-determination" exists on a spectrum. *Internal self-determination* may refer to various political and social rights; by contrast, *external self-determination* refers to full legal independence/secession for the given 'people' from the larger politico-legal state.

See, e.g.:

- Independence of Kosovo (from Serbia), advisory proceedings currently pending before the ICJ.
- Independence of Abkhazia (from Georgia).

See also:

uti possidetis juris, requiring the maintenance of the territorial status quo to preserve stability, order and traditional legal boundaries (and hence possibly conflicting with principle of self-determination) (Burkina Faso/Mali, ¶¶25-26, pp.16-17 ("At first sight this principle [UPJ] conflicts outright with another one, the right of peoples to self-determination."))