RETHINKING THE HISTORY: DOES THE PRINCIPLE OF SELF-DETERMINATION ENTAIL A POSITIVE ENTITLEMENT TO SECESSION?

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Abstract

This paper aims to examine further the principle of self-determination as one of the rights in international affairs. It is to identify whether the principle of self-determination provides an automatic right for an integral part of a State to unilaterally secede from the Parent State. This research uses normative and theoretical research. Data collection methods are conducted by tracing and reading through international conventions, laws and regulations, legal literature, international cases, documents, journals, research reports, and online media. The results of this research stated that international law does not provide any legal remedies for people that they may use to exercise their right to self-determination. The reasons are, first, the lack of any basis for such change in international law, and second, there is no point in the rejection to recognize facts not drawn on in the violation of international law. The territorial integrity principle, considered one of the fundamental principles of international law, is the antithesis of secession. Because it involves the capacity of a State to operate and control the functions of the State within its own territory.

Keywords: international law, secession, self-determination.

INTRODUCTION

The concept of Self-Determination has long been one of the most influential ideas in international affairs. Many ethnic minorities, linguistic, religious and indigenous groups have been born as a state since the nineteenth and twentieth centuries.[1] The concept of self-determination, what was once only a political concept, has now emerged as a legal right and still existed beyond the decolonization era.

Article 1 of the Human Rights Covenants has clearly stated that: "All peoples have the right to self-determination." Visibly, it can be concluded that this principle of self-determination may open the way for an integral part of a State to exercise secession from its Parent State. However, as one a matter of international law, this can not be directly approved. Some basic principles of international law, such as the respect for the territorial integrity of the States, must be considered to resolve this issue. Since the principle of territorial integrity itself is one of the fundamental principles on which international law was built.[2] Whether the principle of self-determination encompasses the right to secession under international law or in what kind of condition of secession is permissible, it is one of the main issues that international lawyer should examine further.[3]

The purpose of this paper is to identify whether the principle of self-determination provides an automatic right to secede, by reviewing the basic principle of self-determination in advance, including the definition of 'self', what self determines, the distinction between internal and external self-determination. Furthermore, the next chapter will be examined further the right to unilaterally secede, especially beyond the decolonization era, and consider the concept of territorial integrity, which often seems to be preferred by international law.

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[1] TD. Musgrave, 'Self Determination and National Minorities' (New York: Oxford University Press Inc., 1997), p. 1
[2] S.F van den Driest, 'Remedial Secession: A Right to External Self-Determination as a Remedy to Serious Injustices?' (Cambridge: Intersentia Ltd, 2013), p. 157
[3] K. Knop, 'Diversity and Self-Determination in International Law' (Cambridge: Cambridge University Press, 2002), p. 1

METHOD

This paper uses normative[4] and pure theoretical research. Methods of collecting, examining, and analyzing data and information are carried out by reading through international conventions, laws and regulations, legal literature, international cases, documents, journals, research reports and online media that are relevant to the concerned problems.

DISCUSSION

The Principle of Self – Determination

The concept of self-determination was originally stimulated only as a political aspiration, carried out by Woodrow Wilson and the socialist leaders of the American Declaration of Independence and the French Revolution, which demonstrated a very influential role in the settlement of the territorial settings within Central and Eastern Europe, during the post-World War I, and it was embodied into a legal right after the World War II.[5] Subsequently, the idea of self-determination as a legal right was taken to a further application by incorporating the principle into the United Nations (UN) Charter.[6] It has been mentioned more specifically in article 1 (2) as one of the purposes of the UN itself, which is "to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take another appropriate measure to strengthen universal peace," and this expression was also restated in the Article 55 of the UN Charter. [7]

In the beginning, the idea of self-determination as a legal right was refused by some of the colonial powers. However, after going through several phases, their rejection of this idea was slowly altering, until they finally embraced their duties as members of the UN which was stipulated in Article 73, Chapter XI Declaration Regarding Non-Self-Governing Territories.[8]

However, Article 1 (2) and 55 do not explicitly tackle the issue of self-determination at all, but only refers to the subordinate clause added to the two articles as amendments. Later in the 1946, the Economic and Social Council of the UN entrenched the Commission on Human Rights to formulate the principle of self-determination in more detailed.[9] The provisions concerning the principle of self-determination was eventually formed in the identical language in the Article 1 of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant of Economic, Social and Civil Rights (ICESCR), which perhaps constitute the most essential stage in the development of this concept.[10] Furthermore, in 1970, the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States of the UN General Assembly, also ratified the right to self-determination, which involves the right of all peoples "have the right freely to determine, without external interference, their political status and to pursue their economic, social, and cultural development, and every State has the duty to respect this right in accordance with the provisions of the Charter."[11]

However, the essential content of the principle of self-determination lies in the question on who was entitled to the right of self-determination? What exactly the people in this context determines? And the most controversial matter, is whether the principle of self-determination gives rise to secession?

Definition of "self"

Article 1 paragraph 1 of the ICCPR states that "All peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."[12] There is no further explanation nor limitation about 'who' the people are in the article. The definition of 'self' or more easily described as 'peoples' is very crucial to understand to be able to process the application of self-determination.

The term 'people' have been tried to be translated by Hans Kelsen in 1951, by taking into

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[4] Kadarudin, *Penelitian di Bidang Ilmu Hukum (Sebuah Pemahaman Awal)*, (Semarang: Formaci Press, 2021), p. 211

[5] C. Walter, and A. von Ungern-Sternberg, and K. Abushov (ed), 'Self-Determination and Secession in International Law' (Oxford: Oxford University Press, 2014), p. 2

[6] M.N. Shaw, 'International Law 7th Edition' (Cambridge: Cambridge University Press, 2014), p. 183

[7] Charter of the United Nations, Chapter I 'Purposes and Principles' Article 1 (2)

[8] R. Higgins, 'Problem & Process International Law and How We Use It' (Oxford: Oxford University Press, 1994), p. 113

[9] T.D. Musgrave, n 1 above, p. 66

[10] *ibid,* p. 68

[11] United Nations General Assembly, 'Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations' Res 2625(XXV) (24 October 1970), Principle 5

[12] United Nations Human Rights 'International Covenant on Civil and Political Rights' (adopted 16 December 1966, entry into force 23 March 1976) Part I, Article 1 (1)

account the reference in article 1(2) of the United Nations Charter, which refers to the association among States, he arrived at the conclusion that ‘people’ are in the same connotation with ‘states’ as customarily only States could carry equal rights in International law.[13] However, it has been confirmed by the *travaux repertoires* to the charter that the term ‘people’ is on a different level with ‘states’. In paragraph 1 the subsequent interpretation of Charter principles by Resolution 2625 (XXV) which stated that “all peoples had the right to self-determination and that every state had the duty to respect this right”, has implied that the interpretation of Hans Kelsen was inaccurate because ‘people’ and ‘states are two independent and disassociated characters.[14]

However, the Declaration on the principle of International Law concerning Friendly Relations and Co-operation among States has stated that:

> “Every State has a duty to promote, through joint and separate action, the realization of the principle of equal rights and self-determination of peoples, in accordance with the provisions of the Charter, to render assistance to the United Nations in carrying out the responsibilities entrusted to it by the Charter regarding the implementation of the principle, in order:
> a. To promote friendly relations and cooperation among States; and
> b. To bring a speedy end to colonialism, having due regard to the freely expressed will of the peoples concerned;
>
> and bearing in mind that subjection of peoples to alien subjugation, domination, and exploitation constitutes a violation of the principle, as well as a denial of fundamental human rights, and is contrary to the Charter.”[15]

It has been mentioned that the term ‘people’ includes, namely: peoples under the colonial empire, alien domination, and peoples under any form of exploitation.

Correspondingly, the definition of ‘people’ has also been translated by the United Nations Economic and Social Cooperation Organization (UNESCO) by illustrating the individuals who associate with each other based on mutual awareness and also to an entity that describes their identity, in addition, they also mentioned a number of qualities which signify the connotation of ‘people, viz. “a) a common historical tradition; b) racial or ethnic identity; c) cultural homogeneity; d) linguistic unity; e) religious or ideological affinity; f) territorial connection; and g) common economic life.”[16]

In line with the interpretation expressed by UNESCO, Daniel Turp also clarifies that ‘people’ is a society that decided to pursue their own future, that the process of deciphering ‘self’ can be determined from a common language, culture, and religion, yet in defining ‘people’, the aspiration to live together plays an important role.[17] Subsequently, by connecting the intent of the term ‘people’, together with the *travaux repertoires*, also the contents of Article 1, and the Covenants as a whole, Daniel Turp concludes that all of them represent the right of self-determination, including the right of secession applies to all peoples.[18]

What self “determines”

The further content of article 1 of the Covenants declares that all peoples reserved the right to “freely determine their political status…”, explicitly described by distinguishing between internal and external self-determination.[19] James Summers clarified that one of the fundamental distinctness of both contexts is that internal self-determination contains such concerns as democracy, individual rights, also the supremacy of law and the security of various groups in a State, whilst external self-determination concerns the people’s right to attain independence and statehood. In short, internal self-determination is related to liberal principles, and on the other hand external self-determination is connected to the

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[13] See T.D. Musgrave, n 1 above, p. 148
[14] *ibid,* p. 149
[15] United Nations General Assembly, ‘Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations’ Res 2625(XXV) (24 October 1970)
[16] See P. Thornberry, *The Democratic or Internal Aspect of Self-Determination*, in ‘Modern Law of Self-Determination 102, 126, as quoted in D. Demissie, ‘Self-Determination Including Secession VS. The Territorial Integrity of Nation-States: A Prima Facie Case for Secession’ (Hein Online: 1996) Citation: 20 Suffolk Transnat’l L. Rev. 165 1996-1997, 172 < http://heinonline.org/HOL/Page?handle=hein.journals/sujtnlr20&div=10&g_sent=1&collection=journals>
[17] D. Turp, ‘Quebec’s Democratic Right to Self-Determination: A Critical and Legal Reflection’ in S.H. Hartt, A.L.C. de Mestral, J.McCallum, V. Loungernarath, D. Morton and D. Turp, *Tangled Web: Legal Aspects of Deconfederation* (Toronto: C.D. Howe Institute, 1992), pp. 99-124 at p. 110, as quoted in K. Knop, n 2 above, 57
[18] D. Turp, ‘Le droit de Secession en droit International Public’ (1982) *20 Canadian Yearbook of International Law 24* as quoted in K. Knop, n 2 above, p. 58
[19] M. Pomerance, ‘Self-Determination in Law and Practice’ (The Hague: Martinus Nijhoff Publishers, 1982), p. 24

principle of nationalists.[20]

The key feature of internal self-determination content may be seen in the *Western Sahara* case by the International Court of Justice (ICJ), and it was "defined as the need to pay regard to the freely expressed will of peoples".[21] Specifically, according to Antonio Cassese, one must review the other provisions of the ICCPR to be able to comprehend the exact frameworks of internal self-determination. Internal self-determination gives an impression that all members of the population are able to exercise the rights and freedoms which consent the expression of the popular will.[22]

On the other hand, the external self-determination may particularly be contemplated through the (1) dissolution of a State, which refers to the creation of the new independent State by separation of one or more elemental parts of the territory of a State, leading to the termination of the legal personality of the previous sovereign; (2) the (re)union or merger of one State with another State, and by that they forming a new sovereign State; or (3) through secession, which indicates by the withdrawal of the elemental part of the territory of a State, either with or without the approval of the parent State or domestic constitutional organization, which undertaken directly by the residents of the part of the territory.[23]

From Self-Determination to Secession

As was mentioned previously, the external self-determination may be implemented through secession. The term of Secession, has been suggested to be defined by Peter Radan as "the creation of a new State upon territory previously forming part of, or being a colonial entity of, an existing State."[24] Clearly, this definition illustrates that the process of the secession allows the formation of the State. On the other hand, James R. Crawford interprets secession in a more limited scope, "the creation of a State by the use or threat of force without consent of the former sovereign."[25] The form of unilateral secession, may be interpreted as a separation of a part of territory of a State which commenced without the consent of the parent State.[26]

The right of self-determination has been witnessed as a right that remained exist after the decolonization era. Beyond the colonization, the self-determination is a continuing right, as long as it is still in the internal context. Furthermore, in the context of external self-determination, there is no hesitation that the peoples may exercise this right through the dissolution of the State, or through the (re)union or merger of one State with another State.

On the other hand, what about the secession? So far, it has been known that self-determination was considered as sanctioning unilateral secession in the periods of World War I and II, but it was limited in the scope of the defeated Central Power and the dismantling of the colonial empire.[27] However, in the post colonial area, does the principle of self-determination entails a positive entitlement to the secession?

A Right to Secede

Allen Buchanan mentions that there are two main theories of secession, which are Primary Right theories, which illustrates that the unilateral secession may carried out by the group because of the absence of past injustice; and the Remedial Right Only theories, which gives the contrary overview that the unilateral secession may only be justified when if the origin State is proven to have committed

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[20] J. Summers, 'Peoples and International Law: How Nationalism and Self-Determination Shape a Contemporary Law of Nations' (Martinus Nijhoff Publishers: 2007), p. 32-33

[21] International Court of Justice, *Western Sahara* case, Advisory Opinion, Judgment, ICJ Reports 1975, para 59, p. 25

[22] Correspondingly, Antonio Cassese has identified the provisions in the ICCPR which are best explained the "manifestation of the totality of rights": freedom of expression (Article 19); the right of peaceful assembly (Article 21); the right to freedom of association (Article 22); the right to vote (Article 25b), and the right to take part in the conduct of public affairs, directly or through freely chosen representative. *See,* A. Cassese, 'Self Determination of Peoples: A Legal Appraisal' (Cambridge: Cambridge University Press, 1995), p. 53

[23] D. Raič, 'Statehood and the Law of Self-Determination' (The Hague: Kluwer Law International, 2002), p. 289

[24] P. Radan, 'The Definition of Secession' (Macquarie University, 2007) Macquarie Law Working Paper Series, 2 <http://poseidon01.ssrn.com/delivery.php?ID=186110029069008090069075097125018081054087021052029007119071073009004020071023067065016043025056016121004087013124123001087095027086028018020074003014087121116022051001051081070102126112105103101123122115016113106077085123089104068003097094119079114&EXT=pdf>

[25] J.R. Crawford, 'The Creation of States in International Law' (Oxford: Oxford University Press, 1979) 247

[26] D. Raič, n 22 above, p. 308

[27] *ibid,* p. 309

serious violations to the seceding group. [28]

A right to unilateral secession is often regarded by most of the legal scholar, as a way to implement the right to self-determination. David Raic has also affirmed that the existence of a qualified right of secession is recognized as the integral and necessary component of the right of self-determination, he added that:

"Indeed, given the fact that self-determination, is firstly, recognized as a legal right by the international community, secondly, that its principal objective is to guarantee the effective development and preservation of the collective identity of a people as well as the effective enjoyment of the individual human rights of its members, and thirdly, that the guarantee of that people's freedom and existence, it is difficult to accept that self-determination would not encompass a conditional right of unilateral secession."[29]

On this regard, he recalls that international law does not contribute any of the legal remedies for peoples which they may used as a tool to enforce their right to self-determination. Therefore, if the right is violated by the parent State, only little would remain of the right and its objective, whereas no effective and realistic remedy for a peaceful settlement would be available for people within the frame of that State.[30]

Indeed, there are some arguments that questioned whether international law tends to move to another direction, towards some form of prohibition, despite the fact that most of the expert reports deflated this. Even the casual study of the UN Resolutions indicates that the main issue is often addressed to the secession, and the aspiration of many States not to provide any admission to the possibility of secession. The fact that the State practice has been relatively persistent and exceptionally conservative since the 1945, has raised the concern whether this practice and the evident aversion of the international community to all matters relating to the support of secession has made unilateral secession actually unlawful. According to James Crawford, it probably has not done so for two reasons: "First, the lack of any articulated basis for such change in international law; secondly, because there is ultimately no point in the refusal to recognize facts not brought about in violation of international law. But this does not mean that the post-1945 practice is legally irrelevant. How rules of law are applied in practice is relevant in determining their meaning and predicting their likely application in future cases." [31]

Perhaps, the most essential and difficult question about self-determination that leads to secession was barely touched on in the expert reports of the State practice, even though this was ever become on of the considerations in the practices initiated in the opinions proposed by the Solicitor-General for Canada. This question constitutes a measure of to what extent that the so-called 'proviso' in the Friendly Relations Declaration, really corresponds to international law sanctioning the possibility of secession in extreme cases. This 'proviso' refers to as follows:

"Nothing in the foregoing paragraphs shall be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples as described above *and thus possessed of a government representing the whole people belonging to the territory without distinction as to race, creed or colour*.[32]

Throughout history, there have been many unsuccessful attempts in a unilateral secession, and even though it succeeded, it took a very long time for it. [33] This matter was hugely debated in the Supreme Court of Canada with the case *Reference: Secession of Quebec* in 1998. At the time, Quebec refused to appear before the Supreme Court of Canada and instead appointed a senior lawyer from Quebec assisted by some international legal advisers. There were also some interventions from other Provinces and several organizations. With regard to international law, the question put to the Court was as follows:

"Does international law give the National Assembly, legislature or government of Quebec the right to effect the secession of Quebec from Canada unilaterally? In this regard, is there a right to self-determination under international law that would give the National Assembly, legislature or government

[28] M. Seymour, 'Secession as a Remedial Right' (Routledge: 2007) 395-396 < http://www.tandfonline.com/doi/pdf/10.1080/00201740701491191>
[29] D. Raic, n 22 above, p. 326
[30] *ibid,* p. 326
[31] J.R. Crawford, 'The Right of Self-Determination in International Law: Its Development and Future' in P. Alston (ed) *Peoples' Rights* (Oxford: Oxford University Press, 2001), p. 55
[32] *ibid,* p. 56
[33] J.R Crawford, 'State Practice and International Law in Relation to Secession' (ProQuest: 1999) 86 < http://search.proquest.com/docview/1564013447?pq-origsite=gscholar>

of Quebec the right to effect the secession of Quebec from Canada unilaterally?"[34]

> "Question 1 asked whether Quebec could lawfully secede unilaterally from Canada as a matter of Canadian constitutional law; and Question 3 asked which, of Canadian constitutional law and international law, would take precedence in Canada'[i]n the event of a conflict between domestic and international law on the right of the National Assembly, legislature or government of Quebec to effect the secession of Quebec from Canada unilaterally?"[35]

The Supreme Court affirmed that the legal right for the integral parts of the sovereign States to unilaterally secede from their parent State is not awarded by international law. Secession in the eyes of international law, either legal or illegal, was rather simply a political action, which was to be determined by a State in conformity with its domestic law. Regardless of the situation during the decolonization era, the Supreme Court pointed out that there may be two circumstances in which a right of self-determination will encapsulate a right of secession. The Supreme Court also mentioned that these two circumstances would emerge when 'a people are oppressed' and when 'a definable group is denied meaningful access to government to pursue their political, social, and cultural development.' [36] In the case of Quebec itself, the Supreme Court stated that the population of the province was not stood under those two circumstances, either in the oppressed situation or not represented in the State government. Therefore, the National Assembly has not authorized at international law the unilateral secession of Quebec from Canada under International law.

It is undisputed that the people have the right to secede if the rights are granted directly by the Parent State. Neither in the case of Kosovo nor the representatives of Serbia and legislation passed in Serbia's parliament firmly rejected the independence of Kosovo and that Kosovo's secession is unilateral.[37] It was not until 22 July 2010, the Advisory Opinion was issued by the International Court of Justice in relation to this case. The Advisory Opinion concluded by ten votes to four that the declaration of Kosovo did not breach International Law. Before reaching this conclusion, the Court had to resolve some jurisdictional hurdles that had been developed by the State. The request by General Assembly was asserted to be beyond the scope of its competence under the UN Charter since the Security Council had already secured the Kosovo situation.[38] However, during the process, it had been asserted by several States that such prohibition is contained in the principle of territorial integrity of the States. This principle of territorial integrity protects the border of the State, which has been deeply embedded in international law and reflected in the UN Charter, as well as some other international legal and political instruments. Thus, at the end of the case, the territorial integrity of Serbia was not breached since the independence of Kosovo was declared by a non-State entity within the border of the State.[39]

After all, there is always the possibility for the group to separate from its Parent State to attain the freedom to determine its own destiny. However, International law does not provide for any special rights to unilaterally secede; it is because international law has always been more inclined to the concept of the territorial integrity of States.

The Principle of Territorial Integrity

The principle of respect for the territorial integrity of States is contemplated as one of the fundamental attributes of the statehood system on which international law is assembled. It is accommodated in Article 2(4) of the UN Charter, which expresses it as one of the principles of the organization and attaches it to the prohibition of the threat of force. In addition, the principle of territorial integrity is put forward in other regional legal and political documents, such as the Charter of the Organization of American States (Articles 1, 12 and 20), the Charter of the Organization of African Union (Preamble), the Helsinki Final Act (Principles I,II, IV and VIII), and the Charter of Paris (Principle III: Friendly Relations among Participating States). Further, the principle of territorial integrity is included in the Friendly Relations Declaration (Principle I, V, paragraphs 7 and 8, and Principle VI(d)), in which case, it is believed as one of the components of the sovereign equality principle.[40]

Thomas Musgrave affirmed that; secession is the antithesis of the principle of territorial integrity.

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[34] Reference re. Secession of Quebec [1998] 2 Supreme Court Reports (Canada) as quoted J. Crawford, 'The Right of Self-Determination in International Law: Its Development and Future' in P. Alston (ed) *Peoples' Rights* (Oxford: Oxford University Press, 2001), p. 47
[35] *Ibid,* p. 47
[36] T.D. Musgrave, n 1 above, p. xv
[37] J. Summers, 'Kosovo: A Precedent? The Declaration of Independence, the Advisory Opinion and Implications for Statehood, Self-Determination and Minority Rights' (Leiden: Martinus Nijhoff Publishers, 2011) 154
[38] S.F van den Driest, n 2 above, p. 143
[39] *ibid*, p. 144-145
[40] S.F. van den Driest, n 2 above, p. 157-158

It arises when the integral part of an independent state or a non-self-governing territory, in order to become an independent state, exercises the separation from the whole.[41]

To intensify the content of the principle, the territorial integrity is often associated and can hardly be severed from the related concept, such as the state sovereignty, political independence and the stability of borders. In more specific term, the principle involves the capacity of a State to operate and control the functions of the State within its own territory, which indicates that no other State may intervene and take control of the power over (part of) a territory of another State, without the consent of the State concerns.[42]

On the first impression, the right to the territorial integrity of States and peoples' right to self-determination seems to stand together uneasily, especially when dealing with external self-determination by means of unilateral secession.[43] The explicit acceptance of the principle of territorial integrity and the deliberate prohibition of the separation, in whole or in part, of the unity of the State show every sign of non-recognition of a right to unilateral secession.

However, despite the obvious tension between the principle of territorial integrity on the one hand and the efforts of unilateral secession, on the other hand, all of the contexts that have been discussed above do not consequently inhibit the existence of remedial secession. Even after balancing the demands of the principle of respect for the territorial integrity of States and self-determination at the same time, some excuses appear to be open for the right to remedial secession. Altogether, the principle of territorial integrity does not give a conclusive answer on whether or not a right to remedial secession does not endure under contemporary international law.

CONCLUSION

A right to secession is often regarded as a way to implement the right to self-determination. However, International law does not provide any legal remedies for people that they may use to exercise their right to self-determination. Even a casual study of the United Nations Resolutions signified that the main issue is often addressed to the secession and the desire of many States not to provide any entrance to the possibility of secession. The reasons are, first, the lack of any basis for such change in international law, and second, there is no point in the rejection to recognize facts not drawn on in the violation of international law. The territorial integrity principle, considered one of the fundamental principles of international law, is the antithesis of secession. Because it involves the capacity of a State to operate and control the functions of the State within its own territory, which indicates that no other State may intervene and take control of the power of the State. Although the principle of territorial integrity of States and the right to self-determination on people are against each other, and international law would be more inclined towards the principle of territorial integrity, it does not necessarily restrict the existence of the remedial secession but also does not give a conclusive and definite answer on whether a right to remedial secession will be granted by the international law.

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[41] T.D.Musgrave, n 1 above, p. 181
[42] S.F. van den Driest, n 2 above, p. 158-159
[43] H. Hannum, ‘Rethinking Self-Determination’ 42 as quoted in S.F. van den Driest, n 2 above, p. 159

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