

SELF-DETERMINATION : A MINORITIES' PERSPECTIVE

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I consider it a privilege to contribute this article to the Sri Lanka Journal of International Law felicitating Dr. J. A. L. Cooray, a great legal scholar and a human rights activist.

INTRODUCTION

"At the end of the First World War international protection of minorities assumed greater importance: there were treaties in abundance, conferences, activities of the League of Nations and a large volume of literature. Recently, this trend has become nearly extinct. Today, the well dressed international lawyer wears human rights" observed Kunz as far as back as in 1954.¹ There is a marked shift of emphasis from minority rights to human rights. At the same time, the concept of self-determination, although not exactly as interpreted by President Woodrow Wilson of the United States started to dominate the activities of the international forum and an attempt was made in the recent past to link the notion of human rights with the principle of self-determination. Subsequent state practice, however, shows the reluctance of some conservative scholars successfully to accept the inter-relation between these two principles. This reluctance is largely due to their political inclinations.²

ORIGINS OF THE PRINCIPLE

The history of self-determination is bound up with that of the doctrine of popular sovereignty, as proclaimed in the French and American Revolutions. Governments should be based on the will of the people. This concept has been vigorously promoted or widely accepted since the post revolutionary periods. Progressive recognition led Rupert Emerson to observe that "self-determination is having universal applicability and potential revolutionary slogans".³ Indeed all the wars fought out in the post-world War II period have been either for or against the commitment to the principle of self determination. But, never, has been an attempt made to link self-determination struggles with a recognition of minority rights. Rights of minorities have been considered not as a separate body of rights but well within the context of fundamental rights.

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