

WHAT IS A NATION? : LIMITS OF SELF-DETERMINATION

BY V.T. THAMILMARAN*

INTRODUCTION

We live in a world of nations. The idea of nationhood has such a hold on our minds and tongues that we find it very difficult to think of the world in any other way. If we want to emphasize the importance of something, for good or ill, we call it a national treasure or national disgrace. "The international order", "the family of nations" - such phrases fly unbidden to our lips when we wish to speak larger than our own polity.

In many contexts, if we stop and examine our use of the word nation it is in fact synonymous with State. The most striking instance, perhaps, is the very name "United Nations", which actually denotes a union of sovereign States, indeed of governments. The unspoken assumption is that the human race is divided into nations, or peoples. Each sovereign State represents a nation, and each nation is - or should be - represented by a sovereign State.

How nations become States Or Should be? There is the rub. In a historical perspective, neither the number of States in the world, nor the extent of each State's territory, is a constant one. Over the past 200 years many new States have come into existence, not to create new nations *nihilo*, but to represent nations which were deemed to exist already, their people being until then under the rule of one or more other States. This process is usually characterized, by the founders of the new State and their heirs, as an act of national self-determination. The pre-existing nation is held to have willed its own statehood, although it often had to wait for a favourable conjuncture, usually brought about by developments in the relations among already existing States, for this real or imagined national will to be translated into concrete reality.

Thus, starting from the Greek Statehood, as example, realization of national self-determination has been a continuous process which has reached a critical stage and also taken an interesting turn with the end of the Cold-War in 1989. In this context, this study attempts to analyze what a nation really is and how to limit the use of national self-determination within that new understanding of a nation.

* Senior Lecturer in Law, Faculty of Law, University of Colombo, Sri Lanka; So etime Visiting Fellow, Law School, State University of New York at Buffalo, New York, USA.