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International Peace Academy Conference Report, Competing Claims: Self-determination and Security in the United Nation , 29 Nov.- 1 Dec. 2000, p.2, available in:

www.ipacademy.org/PDF-Reports/COMPETING-CLAIMS.pdf

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www.tamilnation.org/selfdetermination/0archibgi

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Claudia Saladin, Self-determination, minority rights and constitutional accommodation: The examples of the Czech and Slovak Federal Republic, 13 MICH. J.Int. Law, p. 172, 173 (1991)

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⁵ Gamini Keerawella, Formless as water, flaming as a fire: Some observations on the theory and practice of self-determination, Oct. 2004, p. 1, available in: www.ide.go.jp/Japanese/Publish/Dp/PDF/013-keerawella.pdf

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⁷ Article (1): All peoples have the right of self-determination. By virtue of that right, they freely determine their political status and freely pursue their economic, social and cultural development.

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The Principle VIII of the Final Act provides that "By virtue of the principle of equal rights and self-determination of peoples, all peoples have the right , in full freedom, to determine, when as they wish, their internal and external political

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status, without external interference and to pursue as they wish their political and economic and social and cultural development".

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Every people have the fundamental and inalienable right to self-determination. It defines its political status in all freedom, without any external foreign interference."

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The subsequent development of international law in regard to non self-governing territories enshrined in the charter of the United Nations, made the principle of self-determination applicable to all of them.

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Cited in: Ved P. Nanda, Revisiting Self-determination as an International Law Concept: A major Challenges in the post-cold war era. P.5, available in: www.tamilnation.org/selfdetermination/96nanda.htm

The right of the population of the Western Sahara to determine their future political status by their own freely expressed will.
Cited in: Ibid.

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¹⁶ Robert McCorquodale, Self-Determination: A Human Rights approach Self-determination: Human rights, note no.11, at p.18, available in: <http://www.eleves.ens.fr/home/blondeel/law.html>

I. Brownlie, Principles of public International law (4th edn. 1991), p.513. Argues that combatants fighting for realization of self-determination should be granted a higher status under armed conflict law due to application of the jus cogens to the principle of self-determination.

A. Cassese, International Law in a divided world (1986), p.136

J. Crawford (ed.), The rights of peoples (1998), p.166

H. Gros Espiell, The right to self-determination, implementation of United Nation Resolutions (1978), UN. Doc.E/CN.4/Sub.2/Rev.1/UN. Sales No E.79.xiv.5, Para 85. He view that" No one can challenge the fact that, in light of contemporary international realities principle of self-determination necessarily posses the character of jus cogens"

And for more see:

Karen Parker & Lyn Nylon, Jus Cogens: Compelling the law of Human rights, 12 Hastings International and Comparative Law Review, 411, at p. 440-441

¹⁷ Karen Parker Understanding Self-Determination: The Basics, presentation to first International Conference on the right of self-determination, UN, Geneva, August 2000, p.1-2, available in: www.webcom.com/hrin/parker/selfdet.htm

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"Is both inalienable and indivisible, it is fundamental to

¹⁸ Michael C. Van Walt Van Praaq with Onno Seroor (editors), UNESCO International Conference of Experts, Barcelona 1998, Report and Analysis, Future of Self-determination, Implementation of the right to self-determination as a Contribution to Conflict Prevention. P.2, available in: www.tamilnation.org/selfdetermination/98unesco.htm

¹⁹ Ibid

²⁰ Yves Beigbeder, International Monitoring of Plebiscites, Referenda and National Elections: Self-determination and transition to Democracy, p.145, 1994. in Halim Moris, op, cit, p.1

²¹ Thomas M. Franck, Rosalyn Higgins, Alain Pellet, Malcolm N. Shaw, Christian Tomuschat, THE FOURTH WORLD , NATIONS WITHOUT A STATE, The Territorial Integrity of Québec in the event of the attainment of sovereignty. Para. 3.04 Available in: www.tamilnation.org/

²² Robert McCorquodale, op, cit, p.3

International peace and security, and to the protection of national integrity, as nation-states, all of us have a vital interest in it. We cannot be selective in its application".

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1514 :26 1541
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1541 " :3-2
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²³ C. Lloyd Brown- Jon, Self-determination and separation, options politiques, Sep. 1997, p.2, available in: www.tamilnation.org/selfdetermination/97brown.htm

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²⁶ Gamini Keerawella, op, cit, p. 9
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non-colonial context

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²⁸ James Crawford, State Practice and International Law in relation to Unilateral Secession, report to government of Canada concerning unilateral secession of Quebec (19 Feb. 1997), Para. 61, p. 20, available in: www.tamilnation.org/selfdetermination/97crawford.htm

²⁹ International Peace Academy Conference Report Nov. 29- Dec. 1, 2000, op, cit, p.5

³⁰ James Crawford, op, cit, Para. 6.

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Internal Self-determination

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www1.umn.edu/humanrts/Arabic/21dis.htm1

³⁴ Catherine J. Irons, *Indigenous peoples and self-determination: Challenging state sovereignty* (1993), cited in: Halim Moris, *op, note no. 14, p. 22*

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³⁶ uti posseditis jureis

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³⁵ Ved. P. Nanda, Self-determination under International Law: validity of claiming to secede (1981), cited in, Halim Moris, op, cit, note no. 21, p.14

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³⁷ Angela M. Lloyd, the Southern Sudan: A Compelling Case for Secession, 32 Colum, J. Transnat. I L. 419, 422 (1994), cited in: ibid

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³⁸ Halim Moris, op, cit, p.19

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³⁹ UN publication, E/CN.4/Sub.2/L.404/Rev.1, Para 288
Leo Kuper, The Right to Self-Determination: Issues raised in the prevention of Genocide, 1985, p.2, available in:
www.tamilnation.org/selfdetermination/85kuper.htm

⁴⁰ **Judge Dillard in Western Sahara case (1975)**

It is for the people for decide the territory and not the territory to decide the people.

Hurst Hannum, Professor of Int. Law, The Fletcher School Law, Tufts University

Members of a group must think of themselves as distinct (subjective) and have common characteristics (objective) e.g.: ethnicity, language, history and religion.

Michael Kirby, Professor , PhD, Brown University

Require commonality of history, ethnicity, language, religion, culture, geo connection, commerce, philosophy and sufficient number.

Helen Quane, The Lecturer in Law (1991-2002), Westminster University

Peoples = people living in State, inhabitants of non self governing territories, or inhabitants of trust territories

i.e.: means entire inhabitants of state or territory

Rosalyn Higgins, Member of ICJ

Peoples could mean entire people of State or persons comprising distinctive groupings on the basis or race, ethnicity and perhaps religion

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Webster

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"The entire body of persons who constitute a community or other group by virtue of a common culture, religion, or the like."

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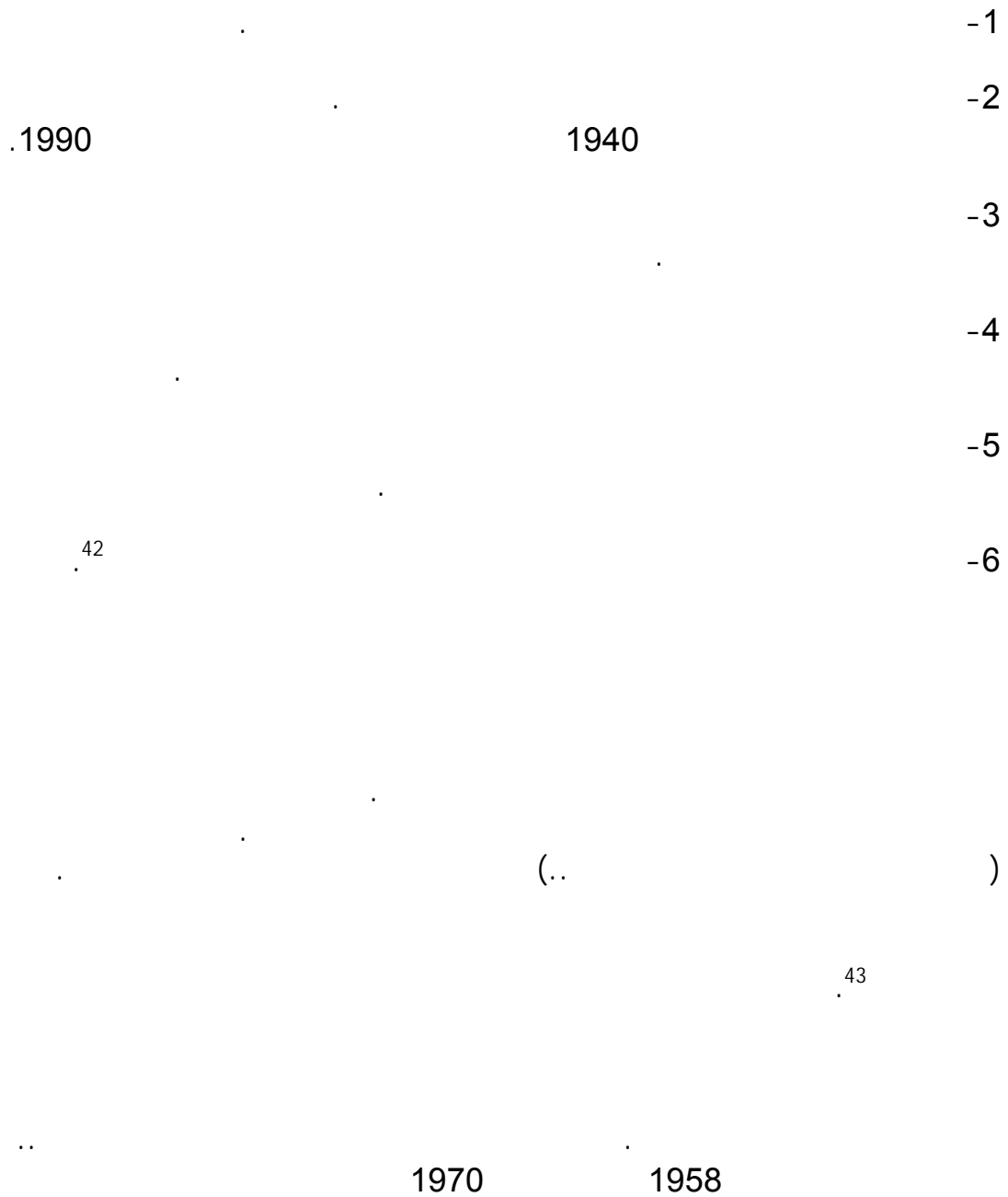
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⁴¹ United Nations Economic and Social Council, International Meeting of Experts on Further Study of the Concept of the rights of Peoples: Final Report and recommendations, 1990. Cited by, Kasur Lodi G. Gyari, Tibet: The Right to Self-Determination, p. 42. available in: www.unpo.org/Downloads/Selfdetermination%20Conference1996.pdf



⁴² Sabyasachi Ghoshray, Resolving Conflict between Self-determination of Peoples and the Sovereignty of Nations: Analyzing the Case of Kashmir in India, 2003, p.4, available in: www.con.court.am/hr/ccl/vestnik/1.3.2004/ghoshary.htm

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⁴⁵ Audrey Jane Roy, *Sovereignty and decolonization: Realizing indigenous self-determination at the United Nations and in Canada*, 2001, University of Victoria, p. 25, available in: <http://web.uvic.ca/igov/research/audrey-roy-thesisfinal-pdf>

⁴⁶ James Crawford, *op, cite*, p.7

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⁴⁷ Ibid, p.7

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⁴⁸ Robert McCorquodale, op, cit. p.28

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⁴⁹ Robert McCorquodale, op, cit. p.29

Opinion No. 2: it determines with greater precision the consequences of this right: it entails the right of minorities "to recognition of their identity",

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⁵⁰ Ibid, p.30

⁵¹ Ibid, p.31

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⁵³ Louis Belanger, Erick Duchesne and Jonathan Paquin, Foreign Intervention and Secessionist Movements: The Democratic Factor, p.5, available in: www.mcgill.ca/politicalscience/gradstudents/paquin

⁵⁴ ICJ Report, In the Burkina Faso and Mali (Frontier Dispute) case of 1986, the International Court of Justice held that the principles of uti possidetis "is a general principle, which is logically connected with the phenomenon of the obtaining of independence, wherever it occurs, 554,567

(3) (⁵⁵)
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⁵⁵ Ei Kreptul, The Constitutional Right of Secession in Political Theory and History, Mises Institute Working Paper, Aug. 18, 2003, p.40, available in: www.mises.org/journals/s/scholar/kreptul.pdf

:(1924) ⁵⁶

The Union is a voluntary association of peoples with equal right that each republic is assured of the right of free secession from the Union.

:1977 (72)

Each Union Republic shall retain the right to freely secede from the USSR
: (69)

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Ibid, p.37

: (1) (1987) 1974

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Every nation, nationality, and people in Ethiopia has the unconditional right to self-determination, including the right to secession.

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The Nations of Yugoslavia, preceding from the right of every nation to self-determination, including the right to secession... have, together with the nationalities with which they live, united in a federal republic of free and equal nations and nationalities... the socialist Federal Republic of Yugoslavia.

Cited in:

Tim Potier, Conflict in Nagorno-Karabakh, Abkhazia and South Ossetia, A legal Appraisal, p.15, available in:

www.karabakh-doc.gen.az/ru/law/law031-3php
(1947) ⁵⁸

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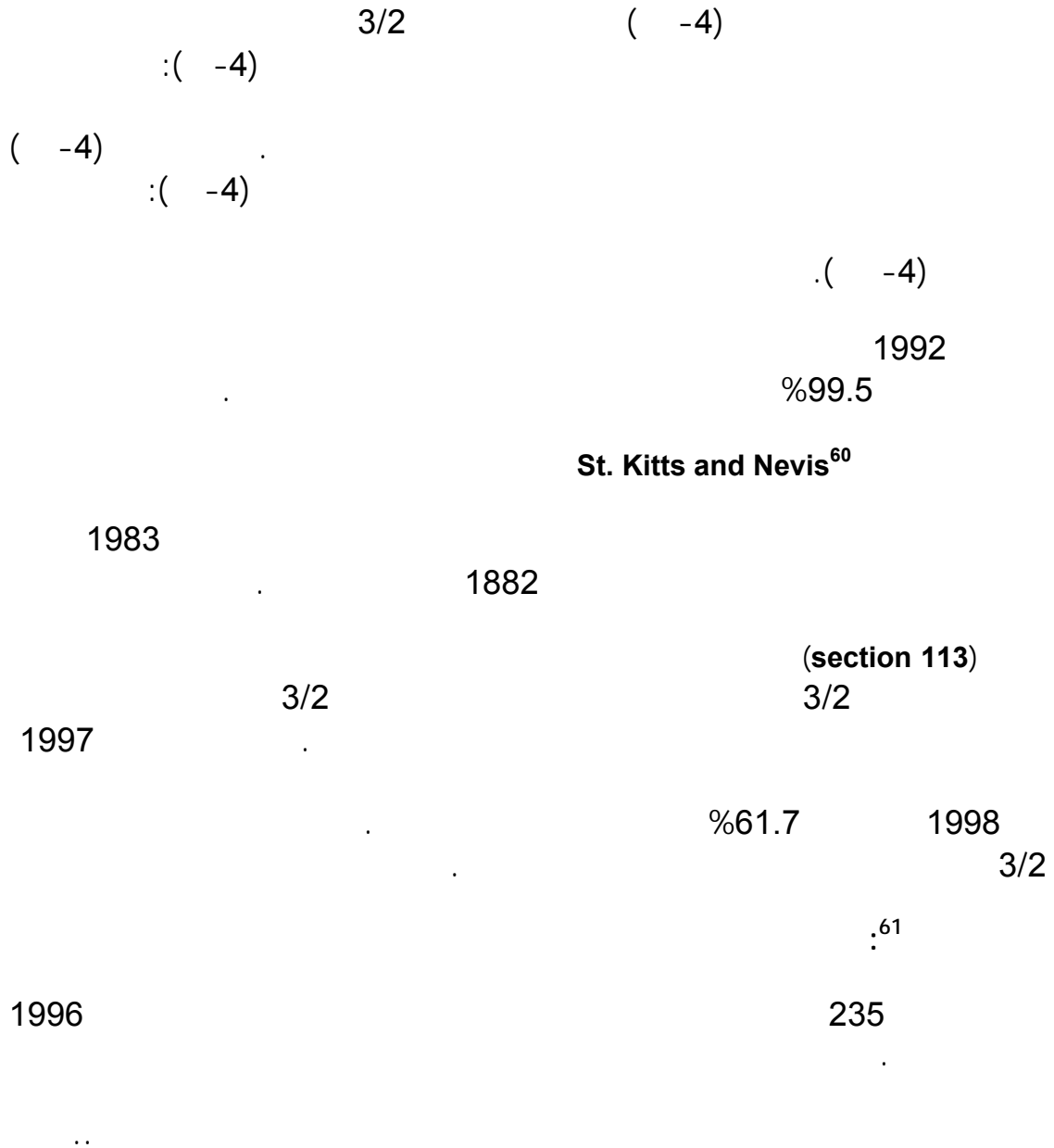
Ei Kreptul, op, cit., p.39

Also, see: B.K.Sen. Secession and self-determination in the context of Burma's transition, note no.9, p.9, available in:

www.ibiblio.org/obl/docs/LI0B10.BKSen.htm

⁵⁹ Ei Kreptul, op, p.41

Group of people who have or share large measure of a common culture or similar customs, mutual intelligibility of language, belief in psychological make-up, and who inhabit an identifiable, predominantly contiguous territory.



⁶⁰ Ibid, p.43-45

⁶¹ Constitution of Republic of South Africa 1996 as adopted on 8 May 1996 and amended on 11 Oct. 1996 by the Constitutional Assembly.

The right of the South African people as a whole to self-determination, as manifested in this Constitution, does not preclude, within the framework of this right, recognition of the notion of the right of self-determination of any community sharing a common cultural and language heritage, within a territorial entity in the Republic or in any other way, determined by national legislation.

Clarity Act

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In a non-colonial context, a people has a right to secede under international law if it is “subject to alien subjugation, domination or exploitation” or is “blocked from the meaningful exercise of its right to self-determination internally”.

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⁶² Ibid, p.48

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At the end of the six (6) year interim period there shall be an internationally monitored referendum, organized jointly by the GOS and the SPLM/A, for the people of South Sudan to: confirm the unity of the Sudan by voting to adopt the system of government established under the Peace Agreement; or to vote for secession.

310 309 2001 "

1987 1975

: 370 ⁶⁶

Gary Sussman, When the Demos Shapes the Polis- the Use of Referendums in Settling Sovereignty Issues, available in: www.

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⁶⁹ Machokas Protocol, "Secretariat on peace in the Sudan", available in: <http://www.irinnews.org/webspecials/sudan/sudanMachakos.htm>

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⁷⁰ UNESCO International Conference of Experts, Barcelona 1998, Future of Self-Determination, p.22

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⁷² UNESCO International Conference of Experts, Barcelona 1998, op, cit, p.22

⁷³ Ibid

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1- International Peace Academy Conference Report, Competing Claims: Self-determination and Security in the United Nation, 29 Nov., 1 Dec. 2000, p.2, available in:

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www.tamilnation.org/selfdetermination/98unesco.htm

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www.tamilnation.org/selfdetermination/97brown.htm

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www.ibiblio.org/obl/docs/LI0B10.BKSen.htm

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<http://www.irinnews.org/webspecials/sudan/sudanMachakos.htm>

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<http://web.uvic.ca/igov/research/audrey-roy-thesisfinal-pdf>