

## CHAPTER 24

---

### RIGHT TO SELF-DETERMINATION AS HUMAN RIGHT AND DEVELOPMENT

---

**Yuvraj Sharma**

BA.LLB, NMIMS (Deemed-to-be-University), Hyderabad Campus

**Prithivi Raj**

Assistant Professor (Law), NMIMS (Deemed-to-be-University), Hyderabad Campus

#### **Abstract**

*Human rights and fundamental freedoms ideas include equal rights and people's self-determination. Acceptance is an unavoidable logical consequence of human rights acceptance. It's not going to be possible to separate them. Civil rights cannot be fully protected without political freedom, and human equality before the law cannot be guaranteed unless the nations to which they belong are likewise equal. As a result, the right of peoples to self-determination, like other human rights, has universal validity. The idea of equal rights and self-determination of peoples has a long and historic history at the United Nations, and it has been invoked more frequently than any other Charter fundamental of international law. It has become one of the world's guiding ideals and a potent motivator for political action in a variety of scenarios. All peoples who have been subjected to colonial or alien oppression have a deep desire for equality and self-determination. This study will examine the notion of self-determination over time to see how it has evolved. The authors will try to link the right to self-determination to human rights and development.*

**Key Words:** Right to Self-Determination, Right to Development, Human Rights, Civil Rights, Political Rights.

#### **1. Introduction**

There are numerous features of self-determination that have been articulated on various legal platforms, making it a contentious issue in public international law. Self-practical determination's use has always been more contentious than its theoretical underpinning. It has served as a powerful slogan and a critical rationale for colonial peoples' independence since their independence. The colonial aspect of the right to self-determination is undeniable, because the right to self-determination is made up of several parts and dimensions. The right of people to make their own decisions in the international system is referred to as "self-determination". Self-determination has been formalised as an overarching legal notion by various international treaties and conventions, with roots in customary international law. The right of people to self-determination is a key premise of modern international law (commonly regarded as *jus cogens* rule). The most important and fundamental notions in public international law are linked to this right, as is the concept of peoples' freedom to choose their own path without outside intervention or enslavement, presuming that all peoples are equal. The right to self-determination strengthens the fundamental underpinnings of public international law, such as sovereignty, equality, and territorial integrity, as well as the prohibition of force and the principle of non-interference. While using "self-determination" as a rallying cry, ethnic minorities and indigenous peoples push for independence or secession from an existing sovereign state. Equal rights for all citizens within a state are included in this right, which is recognised by both public international law and human rights law. In fact, the right to self-determination is extremely useful in a wide variety of global contexts. An essential element is that the right to self-determination might be internal or external. External expressions of colonialism reveal a desire to gain independence from other countries and the world community. The feature of self-external determination requires and sets obligation on states to support and facilitate a people's desire for independence. Self-determination takes on an internal dimension outside of decolonization and entails the freedom to develop one's economic, social, and cultural assets through

democratic means. According to researchers such as Ove Bring, internal self-determination also involves the right to be free from outside influence and action in accordance with UN principles and international law. When it comes to internal self-determination, bring up the fact that the most common definition is that of non-interference, which is a negative responsibility imposed on the States (as opposed to the positive obligation imposed regarding external self-determination).

Individuals have the freedom to select their own political position and pursue their own personal, economic, social, and cultural interests under the umbrella concept of "right to self-determination." The right to self-determination refers to a people's power to make decisions regarding their own fate. The notion also allows people to choose their own political perspective, as well as their own economic, cultural, and social growth. This right can result in a wide range of results, from political independence to full absorption into a state. The ability to make judgments is crucial, and the results of a popular vote should have no bearing on this privilege. In reality, governments' perceptions of a people's or nation's legitimate claim are often impacted by the anticipated outcome of a self-determination exercise. As a result, while nations are more willing to accept claims of cultural autonomy, they are less likely to accept claims of independence. International law recognises the right to self-determination as a process right rather than a result right that applies to peoples rather than nations or governments.

### **United Nations involvement in Self Determination**

As an authorised interpretation of the Charter's requirements, self-determination is binding on the United Nations as a basic principle of international law. Nations that adhere to the ideals of equal rights and equal opportunity have the option to select their level of sovereignty and international political position, according to the Atlantic Charter. The right to self-determination was a key component of the United Nations' founding texts when it was created in 1945. When the United Nations Charter was adopted in 1945, following World War II, self-determination became a part of international law and diplomacy. "To establish friendly relations among States based on respect for equal rights and self-determination of peoples, and to take other relevant steps to strengthen global peace," is stated in the United Nations Charter's Chapter 1, Article 1(2). As part of the UN's mission, the organisation proceeded to elaborate on the notion of self-determination. The United Nations General Assembly adopted Resolution 1514 (XV) on December 14, 1960, which stated that the goal of decolonization necessitated a new international law-based right of freedom in economic self-determination, which was to be based on a new international treaty, the Declaration on the Granting of Independence to Colonial Countries and Peoples. A Special Committee on Decolonization was established by the General Assembly to monitor the implementation of General Assembly Resolution 1514, which stated that self-determination is a core principle of the United Nations (XV). In 1966, the United Nations adopted an international treaty on civil and political rights, as well as an international convention on economic, social, and cultural rights. Both conventions begin with the following in their introductory paragraphs: "As long as there are people, there is the right for them to decide how they choose to live their lives. This right gives them the freedom to make their own political decisions and pursue their economic, social, and cultural growth."

The Declaration on the Rights of Indigenous Peoples, adopted by the United Nations General Assembly in 2007, also recognises self-determination as a right of indigenous peoples. Indigenous peoples' rights to culture, identity, language, work, health care, and education are all outlined in the statement. "Promotes their full and effective participation in all matters that concern them, and their right to remain distinct and to pursue their own visions of economic and social development," it reads. The declaration's Articles 3, 4, and 5 are as follows:

- (a) The right to self-determination of indigenous peoples is a cornerstone of human rights. As a result of this right, they have the freedom to make their own political decisions and seek economic, social, and cultural development.
- (b) According to self-determination, indigenous peoples have the right to autonomy or self-government in matters relevant to their internal and local affairs, as well as the means to support their independent tasks.

- (c) Indigenous peoples have the right to preserve and build their own political and legal institutions, as well as to actively participate in the state's political, economic, and social life, for as long as they want.

### **UN Charter**

The principles of self-determination are specifically mentioned in the UN Charter's Articles 1(2) and 55.20. The trustee states of Non-Self-Governing and Trust Areas are expected to help such territories in gaining self-government under Chapters XI, XII, and XIII of the UN Charter, recognising the principle. Although the United Nations Charter recognises the importance of self-determination, it provides only a limited amount of information. Self-determination and the way it is viewed now.

### **UN Agreement on section of 1970 declaration**

The Declaration on the Principles of International Law Concerning Friendly Relations and Cooperation among States in Consonance with the United Nations Charter (General Assembly Resolution 2625 (XXV), 1970) lays out the principles of international law that govern inter-state relations. The right to self-determination is an important aspect of international public law, and this statement is an important part of that body of law. Its immense significance is due to a number of factors. First and foremost, the information contained within this declaration is solely legal in nature. As a second point, the declaration was adopted unanimously (with no vote) and thus expresses the opinion of the States on the themes it addresses. It is one of the few UN resolutions that have a distinct legal character, despite the fact that it is not legally binding as such, as was the case with the Declaration on Colonial Peoples (Resolution 1514). The character of international customary law, on the other hand, is preserved in this text. To become customary international law, Ove Bring argues that a Broad Assembly resolution must meet two criteria: first, it must be adopted by agreement or "without a vote," and second, the language must explicitly assert legal concepts of a general scope and applicability. The Charter of the United Nations' legal principles were, to some extent, affirmed or interpreted and clarified in a legally authoritative manner by the adoption of this proclamation. The scope of non-intervention is better defined in the statement, which is an example of one of these principles. Article 2(4) of the Charter prohibits the use of force as another option. Although the Charter is legally binding in and of itself, the declaration's elucidation of the Charter's principles are equally so. Because of their consensual nature and authoritative manner in which they interpret and articulate principles of international law, these two GA resolutions, the Declaration on Colonial Peoples' Independence and the Friendly Relations Declaration, are clear examples of GA Resolutions that are not legally binding but help develop customary law. It's possible that there are parts of the declaration that don't express themselves clearly because of the need to compromise on the international stage. As long as the more ambiguous statements are correctly interpreted, the entire declaration will remain legally enforceable due to the fact that it was agreed upon by all parties involved. State practice or statements are needed to fill in the gaps in this understanding. Because of its role in both affirming and interpreting key international law concepts, the declaration is important in and of itself. Also, the declaration perfectly reflects the two areas of tension regarding the right to self-determination.

To begin with, if one examines the writing process leading up to the approval of the declaration, it highlights the incompatibility of the two sides of the right to self-determination. The sovereignty, geographical integrity, political independence, and unity of a state, for example, are not only considered fundamental elements in international law, but they are also seen virtually as hallowed ideals. While this may seem counterintuitive to some, the declaration goes into great detail about the right for people to self-governance, which can run afoul of the territorial unity required by an independent state. Second, there is disagreement over the divergent stances taken by the developed and developing worlds. At first look, the proclamation does not appear to have any major distinctions. At the time of the declaration's preparation, the world's political landscape was still divided along a dividing line between western countries and socialist and Third World nations. As a result of this contradiction, the Friendly Relations Declaration and its contents were drafted differently. However, the rising consensus on decolonization has narrowed the gap between the West and the Third World on most of the topics addressed in the statement.

According to GA Resolution 1514, as a clarification and expansion of the UN Charter, the 1960 Declaration on Colonial Peoples (GA Resolution 1514) aided in turning the UN Charter's principle of self-determination into a legal right in international law. From the perspective of the Third World, this increase of the external part of self-determination might be seen as a victory. Contrary to popular belief, Westerners' belief that the internal right-wing debate over democratic principles deserves greater attention and universal application was largely ignored in the proclamation and relegated to a supporting role. The ambiguity of the language in these parts of the proclamation has led to a number of different interpretations. Under the header "The principle of equal rights and self-determination of peoples," the section of the statement that causes the most concerns reads as follows: "Nothing in the foregoing paragraphs shall be construed as authorizing or encouraging any action which 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 government representing the whole people belonging to the territory without distinction to race, creed or colour."

The Third World's perspective can be taken into consideration in this paragraph. Since territorial integrity is so crucial, this could be seen as an additional endorsement. To be fair, "...conducting themselves..." in the second section of the paragraph can be interpreted as a saving clause and an exemption to the previously established principle of territorial integrity. It's possible that a Western-style interpretation would imply that the principle of territorial integrity has an exception. The situation is far from straightforward, as this paragraph contains an additional intriguing feature. As a result, internal self-determination receives some consideration. This clause has been "missed or played down" by certain critics, according to one author, despite its importance. As a starting step, this paragraph challenges the concept that territorial integrity is practically absolute, if not by Third World advocates, then by Third World regimes, if not by the regimes of Third World nations. Also in this context of the right to self-determination, it might be seen as highlighting the interior part of the right. However, it does not appear to resolve the problem of the right to self-inherent determination's contradictions. Instead, it seems to amplify this conundrum by allowing for a large range of possible interpretations.

### **Right to Self Determination in International Law**

Article I of the United Nations Charter emphasises the right of peoples to self-determination. It had already received support from Woodrow Wilson, Vladimir Lenin, and others, and it was the driving force behind Europe's reconstruction after World War I. This idea was endorsed by both the Atlantic Charter of 1941 and the Dumbarton Oaks proposals, which subsequently became the United Nations Charter. It must be included in the United Nations Charter for the concept to be recognised as important to the maintenance of friendly relations and peace among nations. Article 1 of both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights, which both came into effect in 1976, recognises this as a universal human right. This Article's first paragraph explains: Self-determination is a fundamental human right. Because of that right, individuals are able to make their own political decisions and pursue their own economic, social, and cultural advancements without interference from anybody else.

The Declaration of Principles of International Law Concerning Friendly Relations and Cooperation Among States was adopted by the United Nations General Assembly in 1970, the Helsinki Final Act of the Conference on Security and Co-operation in Europe (CSCE) was adopted in 1975, the African Charter of Human and Peoples' Rights was adopted in 1981, and the CSCE Charter for Self-Determination was adopted in Paris in 1985. The International Court of Justice has confirmed its erga omnes character in the instances of Namibia, Western Sahara, and East Timor. The right to self-determination was recognised at the International Meeting of Experts for the Elucidation of Concepts of Peoples' Rights, which was convened by UNESCO from 1985 to 1991, the above-mentioned International Covenants on Human Rights and the Vienna Declaration and Program of Action emphasise that self-determination is an important feature of international human rights law. All other human rights and freedoms, whether civil, political, economic,

social, or cultural, are contingent on one's ability to exercise one's right to self-determination; this is a universally acknowledged fact.

The power of self-determination cannot be overstated. The concept of self-determination is "nothing more powerful, visceral, emotional, turbulent, as steep in developing dreams and hopes than self-determination," Wolfgang Danspeckgruber wrote. It elicits strong feelings, which might lead to conflict and violence. Experts suggested that international law should or already does limit the rights of title holders. All or some groups of titleholders should be limited in their ability to win. Finally, the best way to approach the right to self-determination is to understand it in its broadest sense, as a process that allows for a wide range of possible outcomes depending on the specific circumstances of the people involved. International law affirms the principle and fundamental right of all peoples to self-determination.

### **Importance of right to self-determination in international law & Regulation**

There is a general consensus that plebiscite monitoring should consider the entire process, not just the results of the election itself. As Elklit and Svensson point out, the preconditions for a democratic plebiscite must not be overlooked. Coercion stands in stark contrast to freedom. It is mostly concerned with the game's regulations, such as the legal/constitutional foundation and the timing; Fairness entails impartiality and consistency, i.e., the unbiased application of norms and reasonableness; the distribution of appropriate resources among competitors that is not excessively unequal.

### **International Parameters in Right to Self Determination**

A plebiscite is a kind of democratic decision-making that can be either legally binding or not. It is commonly used in connection with new legislation, constitutional amendments, and other major public issues. When it comes to big issues like whether or not a country should join another or whether it should amend its constitution, international law requires a popular vote. There are two main types of plebiscites: constitutional referendums, which are required by law and are always binding, and government or parliament-initiated consultations, which are mostly non-binding because government or parliament-initiated consultations are institutional packages and, as a dynamic process, can limit the power of already existing institutions.

Direct democracy has a feature called plebiscite. People's views are solicited on all issues of national significance pertaining to their government under a direct democracy. Direct democracy's success or failure can't be judged solely on the results of the political process. With direct democracy, the general public is given the opportunity to participate in the decision-making process to the fullest extent possible in modern nations. There should be no doubt that this is a fundamental human right. Unlike other fundamental human rights, the acknowledgment of the right to political co-determination is not conditional on whether or not the outcomes of plebiscites suit a person's own personal interests. Such a conclusion would actually be anti-democratic in nature. As a result, the actual results of direct democracy must be evaluated in light of this context. Direct democracy makes it easier to participate in plebiscites by keeping oneself informed about current events and concerns in politics. Direct democracy is likely to reduce negative attitudes toward taxation and tax avoidance, as people have the opportunity to participate in public spending decisions and tax hikes must be approved by the public. When it comes to modern representative democracy, it's important to know exactly what the advantages of an indirect and direct system are over the old and dominating model of parliamentary democracy. As a result, basic democratic principles such as responsibility, transparency, and participation cannot be met in a satisfactory manner in the EU, because national governments operate as European lawmakers and thus hold dual power. Social innovation with positive economic effects can be defined as combining indirect democracy with direct forms of co-determination. As a result of this social innovation, citizens have a stronger connection to government policies, feel less alienated from politics, and have a better understanding of the programmes themselves. Per capita income and tax efficiency are directly connected to a plebiscite, as proven by reduced tax rates and a decrease in the number of people who evade paying their taxes. Direct democracy has the potential to improve a society's well-being if it is implemented according to carefully crafted rules. Plebiscitary processes, however, must meet the basic prerequisites of 'freedom' and 'fairness' in order to accomplish these favourable results. Plebiscites have become the

buzzword of the people, but what really makes a 'free and fair' one? There is a general consensus that plebiscite monitoring should take into account the entire process, not just the results of the election itself. Furthermore, Elklit and Svensson argue that the preconditions for a democratic plebiscite must not be overlooked. Coercion is the opposite of freedom. Most of the discussion focuses on game rules, such as legal/constitutional basis and timing; "fairness" refers to impartial application of rules and consistency, which means that the rules must be applied consistently and fairly; the distribution of relevant resources among competitors must be equitable but not excessively so.

### **Right to Self Determination in India**

For India, self-determination is a fundamental right for peoples under foreign rule, but not for Indian citizens; the Indian Constitution does not explicitly mention self-determination and is quiet in that regard. Technically, this privilege does not apply to Indian soil. Re: The Berubari Union and the Exchange of Enclaves References the Supreme Court of India ruled that under Article 143(1) of the Indian Constitution, the acquisition and cessation of territory is not covered by the Constitution. The Berubari region was partitioned between India and Pakistan as a result of the war; nevertheless, the Parliament has no jurisdiction to give Indian land to a foreign country. The Indian Constitution's Article 1(3)(c) only pertains to territory that can be acquired and not to areas that can be relinquished. It has been argued that Article 1 does not give the government the power to buy land; rather, the article's goal is to assist in the absorption of foreign lands. As a result, if the Constitution does not provide for it, the ability to transfer a portion of national territory should not have been included in the Constitution's provisions. For sovereignty, two powers are required, and they can only be exercised by a sovereign state like India. Despite the Constitution's prohibition on self-determination, the right to do so is unalienable. It can still be claimed by the people, but the Union has the final say on whether or not to allow it. The current criminal laws in India do not penalize anyone for calling for the right to self-determination. When a group's right to self-determination is recognised as a sovereign right, secession becomes legal. Legally speaking, however, if it is followed with the use of violence, those involved will be prosecuted. According to Indian law, the right to self-determination is only applicable in conditions of foreign rule and colonialism, not in post-colonial or other circumstances. Its statutory and constitutional foundations are deafeningly mute on the subject. Based on the applicable constitutional values, the Supreme Court held that land purchase and cession are sovereign rights and so outside the Constitution. To sum up, a sovereign authority's decision to transfer territory does not preclude a sovereign's right to self-determination from leading to secession. Secession and the right to self-determination cannot be deemed crimes. Whether such demands succeed or fail is largely determined by the political system in which they are made. India believes that the right to self-determination is limited to conditions of foreign rule and colonialism under international law, and so refuses to apply it to postcolonial and other contexts. Its legal and constitutional frameworks are deafeningly silent on the issue. Based on the associated fundamental principles, the Supreme Court concluded that land purchase and cession are sovereign privileges that are not protected by the Constitution. According to this opinion, as long as the state has the sovereign authority to cede its territory, the right to self-determination that leads to secession cannot be restrained. As a result, secession as a means of exercising one's right to self-determination cannot be considered a crime. The political process determines whether such requests succeed or fail.

### **Where Does India Stand on the Right to Self-determination?**

The recent arrests of a few students at the Jawaharlal Nehru University drew national and international attention. It was claimed that these students organized an event in which slogans regarding India's breakup and the Kashmiri people's suffrage were uttered. Section 124A of the Indian Penal Code was invoked against several of the students involved in this incident to prosecute them for sedition. To determine whether or whether the chants constitute sedition, the courts of law must be consulted. When it comes to a demand for self-determination, what comprises a nation and what constitutes nationalism? Self-determination has evolved over time at the international level, passing through a number of distinct historical stages. Since its inception, it has always been a contentious idea, with political processes ultimately determining its

applicability and usefulness in a given situation. As a result, asserting it as a legally enforceable right has legal consequences. However, political pressure to put it into practice persists.

### **Right to Self Determination as a Human Right**

GA Res 1514 and 1541, the initial resolutions that paved the way for self-determination to become a legal norm, were passed in 1960. Self-determination wasn't explicitly recognised as a human right until 1966, when the two UN human rights agreements were signed, according to Wilde. Although it has been criticised for being a human right, it is not a contentious issue in international law. Even while self-determination was accepted as a human right, rather than as an international legal standard, it has not been without consequences for the norm's character. According to Wilde, the idea that self-determination was a human right impacted the prerequisites for exercising an entitlement to self-determination in the colonial setting. Consultation was only required when a more related to colonialism option was being considered, and this emphasis was placed solely on delegitimizing colonialism in the earlier legal norm. The emphasis on a people's right to define their external status was shifted in the norm when self-determination was articulated as a human right. A lack of substantial support for independence meant that various types of integration with foreign states were no longer a strong priority. The result was that all solutions open to a people who had been under colonial control required consultation.

As soon as self-determination is recognised as a human right, it is included in the human rights legal framework. McCorquodale has identified and summarized the key rules of this legal framework that have influenced the norm's evolution. Self-determination, as a non-absolute human right, has to be limited in some way. Among these are Article 5(1) of the Human Rights Covenants, which states that "nothing in the present Covenant may be understood as indicating for any State, group, or person a right to engage in any activity or conduct any act intended to destroy any of the rights and freedoms recognised herein." There must be a proper balance between self-determination and other rights, such as freedom of expression and freedom of religion based on Article 5. However, a group of citizens who claim to be entitled to self-determination may not always end up breaking away from their home state. In light of the need to accommodate the individual rights of inhabitants within a territory, other solutions, such as the formation of a federation, may be deemed more appropriate. The introduction of the concept of self-determination as a human right led to the development of internal self-determination as an alternative to external self-determination.

The legal ramifications of the recognition of self-determination as a human right are not good chance this is not the case at all. The human rights framework, for example, assigns the state responsibility for striking a balance between the right to self-determination and other human rights. The obligation to balance the right would remain with states regardless of whether the right to self-determination were made more specific. This would allow states to avoid any unintended consequences that may result from a more specific right. Furthermore, official procedures for enforcing international human rights law may be lacking. In these cases, other states parties may have to raise the issue with the state in question in order to ensure adequate implementation. This is something that hasn't always been pursued by states, which may be due to the fact that human rights have traditionally been viewed as a domestic concern by states. 103 States' interests are aligned with those of self-determination, which is why they have accepted it as a human right. Certain higher characteristics of normative status attributed to the right have received little attention by states, as will be shown.

### **Right to Self Determination as Basic Right**

Regardless of whether or whether they are useful in achieving or attaining other rights, basic human rights generate claims. Non-fundamental rights' derivatives give rise to claims because they help secure or realise basic rights or are prerequisites to doing so. What a person might claim as a matter of human right may include things that are not vital to safeguarding human dignity on their own (i.e., aside from the contribution

they make to other rights). The right to due process, for example, is frequently treated as a fundamental right: it is valued in and of itself, regardless of its contribution to the protection or promotion of other rights such as the right to free expression. As a result, it is sufficient to prove that a state has violated my human rights by failing to provide me with due process. During judicial procedures, on the other hand, the right to an interpreter is frequently viewed as a derived right: it is treated as a right that one has since it contributes to the right to due process. So, if a state can show that supplying me with an interpreter was not necessary for me to enjoy due process in a particular set of circumstances, it will have demonstrated that it did not breach my human rights in those circumstances ( even though , in In most cases, refusal to provide an interpreter is rights-violating). Reading indigenous peoples' human right to self-determination as a special case of the general principle in international law that all peoples have the right to self-determination suggests that the legal norms governing states' obligations to one another and the legal norms governing states' obligations to persons as such should be read as mutually informing one another that the norms governing behaviour toward persons are neither completely separate nor completely similar. People are named as subjects of human rights in the declaration, and self-determination is included as one of the basic rights.

## **Conclusion**

India takes a firm stance on self-determination, claiming that the right has no place in the post-colonial era. When a sovereign right can be exercised in this regard, however, demands asserting the right to self-determination should be heard and legitimised. Oppressed peoples' identities should be allowed to evolve, and the Union of India should respect and preserve their collective rights. If that is not the case, the State's only option is to refrain from taking any violent action that would deny those people their right to enjoy it. The primary feature is people's right to self-determination, which includes the right to form their own state, the freedom to unify with other states, and the right to unrestricted economic, social, and cultural development. The duty to respect and promote the right to self-determination requires nations to not only respect and promote the right, but also to refrain from any violent action that denies individuals their right to self-determination. The use of force to prevent individuals from exercising their right to self-determination is especially illegal, as the international community has repeatedly stated. International law recognises the principle and fundamental right of all peoples to self-determination. If nations recognised the power of the human rights approach to reform their relationship to the concept of self-determination, it would be mutually advantageous for governments, claimant peoples, and all others whose rights are implicated by a self-determination claim. As a result of the emergence of human rights cultures in domestic settings, international legal standards on self-determination and human rights have significantly enhanced their constructive potential. To summarise, "National aspirations must be recognised; people can no longer be ruled or governed without their agreement. Self-determination is not just a slogan; it is an actionable principle." As a result, the phrase "self-determination" has evolved to refer to the ability to choose one's own actions without being coerced by others. Everyone has the right to self-determination. They have the freedom to select their political stance and pursue their economic, social, and cultural development as a result of this right. As seen by the preceding summary of modern international law norms, the notion of self-determination and human rights legislation are inextricably intertwined. Despite its status as a universal human right, the right to self-determination must be investigated and evaluated in a much broader context. Its fulfilment is required for the proper exercise, promotion, and development of all individual human rights as defined by international human rights law norms. The position has been advanced in UN debates, as evidenced by a number of General Assembly resolutions and the Human Rights Committee's excellent general comments on the International Covenant on Civil and Political Rights. Despite the fact that opportunities for exercising the right to self-determination are significantly fewer today than they were in the second half of the twentieth century, the principle of self-determination will continue to play an important role in the implementation of international human rights law. India claims that under international law, the right to self-determination is limited to conditions of foreign dominion and colonialism, and so refuses to apply it to postcolonial and other contexts. Its legal and constitutional systems are deafeningly



silent on the matter. As a result, secession used to exercise one's right to self-determination is not a crime. The political process decides whether such demands are granted or denied.