

Is self determination absolute?

The existence of self-determination and nationalism are inescapably intertwined. Deriving from 18th century nationalism, a desire for sovereignty and democratic control can be traced back centuries. The idea was contemporized through the post-WWI Wilsonian Moment, championed in the famous Fourteen Points speech which advocated for the independence of individual ethnic groups in the Austro-Hungarian and Ottoman empires.¹ International law is notoriously consistent, leading to the conclusion that self-determination is not absolute, rather dependent on the governments with the most power. These governments justify recognition through strategic interests, but public support for self-determination depends on a moral narrative.

Mention of self-determination in a political sense arose first in the League of Nations Atlantic Charter, later solidifying itself into the UN Charter.² When understanding the history of the term itself, it's important to acknowledge the historical usage largely as a principle rather than a right, pointing towards the implication that self-determination was never supposed to be used as loosely and overarchingly as one may assume.³ Only after the solidification of the UN Charter, did that categorization redefine itself into a right.⁴ To be frank, it was considered more of an idealistic goal rather than an enforceable aspect.

Currently the term exists in only two legally binding documents, providing somewhat of a broad definition. The first paragraph of common article 1 states, "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".⁵ The problem here lies in the utilization of "peoples". What constitutes the categorization of a group of individuals as "peoples"? The usage of this term at first was devoid of any intention to bestow rights upon marginalized ethno-cultural groups or indigenous peoples, even during the decolonization era in which borders were not allowed to be redrawn.⁶ However, the release of the 1960 Colonial Declaration and 1970 Friendly Relations Declarations sparked a new debate of whether self-determination extended beyond the western sphere of influence to people under racist regimes or undergoing forceful occupation.⁷ A contemporary example like Palestine illustrates the complexity of this point and obvious lack of consistency when applying the right.

Contrarily, Western powers often take positions completely opposite if it meant furthering self serving government agendas. The Cold War struck the world with an era of ideological warfare in which the USA and USSR, each championing differing beliefs on governance and economic policies.⁸ Each

¹ "The Right of Self-Determination Is a Moral and Legal Right," *LawTeacher.net*, February 2, 2018, <https://www.lawteacher.net/free-law-essays/international-law/the-right-of-self-determination>

² "The Right of Self-Determination Is a Moral and Legal Right."

³ Hurst Hannum, "The Right of Self-Determination in the Twenty-First Century," *Washington and Lee Law Review* 55, no. 3 (1998): 773–780, <https://scholarlycommons.law.wlu.edu/wlulr/vol55/iss3/8>.

⁴ Antonio Cassese, *Self-Determination of Peoples: A Legal Reappraisal* (Cambridge: Cambridge University Press, 1995), 43; James Summers, *Peoples and International Law: How Nationalism and Self-Determination Shape a Contemporary Law of Nations* (Leiden: Martinus Nijhoff, 2007), 198–99.

⁵ *International Covenant on Civil and Political Rights*, December 16, 1966, art. 1, 999 U.N.T.S. 171; *International Covenant on Economic, Social and Cultural Rights*, December 16, 1966, art. 1, 993 U.N.T.S. 3.

⁶ Natalie Jones, "Self-Determination and the Right of Peoples to Participate in International Law-Making," *British Yearbook of International Law* (2021), <https://doi.org/10.1093/bybil/brab004>.

⁷ United Nations General Assembly, *Vienna Declaration and Programme of Action*, UN Doc. A/CONF.157/23 (June 25, 1993).

⁸ Maximilian Stefan Engartner, *Cold War Sovereignty* (2025), <https://www.diva-portal.org/smash/get/diva2:1966171/FULLTEXT01.pdf>.

country scrambled to “convert” surrounding nations and form strong alliances, engaging in proxy wars on multiple occasions. The constant involvement of foreign powers all aiming to seize ideological control violated the peoples’ ability to choose their own form of government. Manifestations included initial refusal to support Dominican resistance against Trujillo in the early 1960s, to violent Soviet missions in Hungary and Czechoslovakia to maintain communist rule.⁹ Not to mention, Australia still fails to recognize self-determination as a right, making it the only UN country that has not done so. To specify, Australia views it as equal access, voting rights, and participation in political processes rather than a right to secession.¹⁰ In 1970, the indigenous peoples of Australia attempted to govern their own communities as a means of culture preservation.¹¹ They submitted multiple requests to the government, only to be denied on the basis of maintaining national unity. It was an effort to avoid a situation in which increasing numbers of marginalized groups would try and establish their own separate rights, something that applied not just to Australia but also other contemporary nations built on settlers and colonization. As a result, the government argued that indigenous people didn’t have the right to self determination, a factually incorrect statement according to Article 3 of the Draft Declaration on the Rights of Indigenous People.¹² Neither power demonstrated consideration towards the universal right of self-determination, yet never faced consequences internationally.

The only instance when self-determination was near absolute was during Decolonization, when European powers ceded control over their African colonies. Hand in hand with the rise of the Enlightenment movement, colonies began gaining cultural and political autonomy one by one. During this time, self-determination was seen as synonymous with secession.¹³ However, there was of course a catch. In an attempt to protect European interests, the Principle of Territorial Integrity was utilized. The principle ensured that the process of decolonization would not lead to the abandonment of the European drawn borders in favor of ethno-centric divisions.¹⁴ Clearly, there are limits to the power of self-determination as a right.

Self determination’s success depends on the approval of powerful nations/parties. The highly controversial creation of Israel post WWII came from a multitude of factors, including the unwillingness of countries like the USA and Britain to accept Jewish refugees.¹⁵ Doubled with the huge amount of refugees in need of shelter and housing, and the large Jewish populations in each country, the state was created with the undeniable international support which extends to the present day. To put it into perspective, if a large prosperous city suddenly decided to secede from their parent nation/union, they wouldn’t automatically be granted autonomy. If New York tried to withdraw from the United States, or Shanghai from China, there would be an uproar. Even in the unlikely situation that many other countries

⁹ “Self-Determination: The Cold War,” *American Foreign Relations*, accessed May 30, 2026, <https://www.americanforeignrelations.com/O-W/Self-Determination-The-cold-war.html>.

¹⁰ United Nations Office of the High Commissioner for Human Rights, “International Covenant on Economic, Social and Cultural Rights,” accessed May 30, 2026, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>.

¹¹ “The Right of Self-Determination Is a Moral and Legal Right.”

¹² “The Right of Self-Determination Is a Moral and Legal Right.”

¹³ Jenny Nguyen, “Whose Self-Determination?” (master’s thesis, Lund University, 2016), <https://lup.lub.lu.se/luur/download?func=downloadFile&recordId=8874246&fileId=8882896>.

¹⁴ “The Right of Self-Determination Is a Moral and Legal Right.”

¹⁵ “Postwar Refugee Crisis and the Establishment of the State of Israel,” *United States Holocaust Memorial Museum*, accessed May 30, 2026, <https://encyclopedia.ushmm.org/content/en/article/postwar-refugee-crisis-and-the-establishment-of-the-state-of-israel>.

supported it, New York and Shanghai would likely remain unofficial states due to the international power of both China and the USA. Though the million dollar question boils down to, what criteria needs to be fulfilled in order to gain approval? The answer is simple; economic or strategic benefit, ideological similarity, neutrality (wouldn't trigger conflict with other powers), and moral obligation.

One of the most popular examples of territorial struggle concerning large powers is Taiwan. The USA and China currently stand in what can be best described as somewhat resembling a second Cold War.¹⁶ Partly as an extension of the earlier Sino-Soviet-American standoff, and partly as a result of new developments. Either way, their relationship remains increasingly tense, especially concerning Taiwan. Despite all complications, the USA remains heavily in support of Taiwan for all of the above. Taiwan is situated at an optimal position on the first island chain, producing semiconductors for nearly half the world, and best of all, they're democratic.¹⁷ Taiwan checks off all of the boxes, but America avoids direct involvement to maintain peace with China. The interesting aspect regarding Taiwan though, is the perception of the American public.

Throughout the past two decades, Americans have looked increasingly favorably upon Taiwan regardless of political affiliation. 61% of citizens recognize Taiwan as an independent country while 62% say the US-Taiwan security relationship does more to strengthen US national security than to weaken it.¹⁸ Clearly, the public impression leans heavily positive, understandable considering the numerous benefits Taiwan provides strategically and economically. However, the vast majority of Americans are unfamiliar with concerned politics, with only 15% being familiar with China-Taiwan relations, pointing towards a deeper and more complex reason behind their affiliation.¹⁹

If any pro-Taiwan American citizen were to be randomly approached and interviewed on the street regarding reasons behind their affiliation, the likelihood of someone outright saying, "we want their semiconductors" is extremely low. Instead, they'd likely say something along the lines of "because its their right". This situation refers to the Taiwanese fight for independence (self determination) as a right. Decades of anti-Chinese propaganda have conditioned the American perception to be extremely polarized.²⁰ The situation is perceived similar to a classic bully vs weakling relationship. Americans, as the "responsible adult" feel compliant, like they have a duty to protect Taiwan. Despite completely ignoring the nuance Chinese-Taiwanese relationship actually entails. A similar phenomenon involves Ukraine and Russia. Within the past few years Russia has taken military action to reclaim Ukraine after the fall of the Soviet Union. Large numbers of Americans believe in Ukrainian independence, also partially a result of persistent anti-Russian propaganda.²¹

¹⁶ Seth Schindler, Ilias Alami, Jessica DiCarlo, Nicholas Jepson, Steve Rolf, and Mustafa Kemal Bayırbağ, "The Second Cold War: US-China Competition for Centrality in Infrastructure, Digital, Production, and Finance Networks," *Geopolitics* (2023), <https://doi.org/10.1080/14650045.2023.2253432>.

¹⁷ "Taiwan: Why China-Taiwan Relations Are So Tense," *BBC News*, January 10, 2022, <https://www.bbc.com/news/world-asia-china-59900139>.

¹⁸ "Taiwan Public Opinion Survey," *Chicago Council on Global Affairs*, accessed May 30, 2026, <https://globalaffairs.org/research/public-opinion-survey/taiwan-americans-favor-status-quo>.

¹⁹ "Americans Who Are Familiar with Taiwan Tend to Be More Supportive of Taiwan," *Global Taiwan Institute*, September 2022, <https://globaltaiwan.org/2022/09/americans-who-are-familiar-with-taiwan-tend-to-be-more-supportive-of-taiwan/>.

²⁰ Marcus Stanley, "House Passes \$1.6 Billion to Deliver Anti-China Propaganda Overseas," *Responsible Statecraft*, accessed May 30, 2026, <https://responsiblestatecraft.org/china-cold-war-2669160202/>.

²¹ "How Americans View the Russia-Ukraine War," *Pew Research Center*, April 17, 2025, <https://www.pewresearch.org/2025/04/17/how-americans-view-the-russia-ukraine-war/>.

This perception however is entirely conditional. If any random American were to be questioned on New York seceding from the rest of the country, they'd say "you're insane". Although all of these situations involve self determination, only some of them are considered right while others are simply...ridiculous. This frankly demonstrates the fickle nature of public opinion, easily shaped by propagandist forces and subject to continual change. The practical realization of self-determination depends upon international recognition and support. As a result, it cannot be regarded as an absolute right. Instead, its application is contingent upon the approval of powerful states and institutions, whose decisions stem from ever changing interests.

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