

Erik Castrén Institute of International Law and Human Rights (ECI)
UNIVERSITY OF HELSINKI

European Master's Degree in Human Rights and Democratisation
A.Y. 2014/2015

CURRENT IMPLICATIONS OF THE RIGHT TO SELF-DETERMINATION

An analysis on Eastern Ukrainian territorial secessionist claims

Author: Alberto Fontenla Pita-Baamonde

Supervisor: Jan Klabbers

ABSTRACT

The annexation of Crimea by Russia and the secessionist tendencies in the east of the Ukraine, among other places, highlight the need to clarify once and for all the implications of the right to self-determination. Even though treaties and leading international instruments implement numerous regulatory regulations on the right and where, no doubt, there is an almost uniform practice of the states in terms of its application in colonial territories, this is not the case when referring to situations in a different context, this being one of the most unsettled regulations in international law. The automatic identification between self-determination and secession should be left aside since this can adopt other practices, in accordance with the provisions set out in the UNGA Resolution 2625 (XXV), reserving the secessionist option for highly exceptional cases where human rights are violated. Any conception of self-determination that fails to take into consideration the numerous models of association and human interdependence is, in the best of cases, incomplete and distorted¹. This observation does not retract from the value of the different cultures or local authorities, but rather, it lends support to the fact of increasing the common links, and the interdependencies between nations, economies and the spheres of power².

¹ Anaya 1996 pp. 75-96.

² Idem.

TABLE OF CONTENTS

INTRODUCTION.....	1
CHAPTER 1: REGULATORY ASPECTS OF LAW PRINCIPLE	4
CHAPTER 2: PRINCIPLE INTERPRETATION.....	15
CHAPTER 3: SELF-DETERMINATION ¿A HUMAN RIGHT?	28
CHAPTER 4- THE QUEBEC-CANADA CASE	38
CHAPTER 5: UKRAINIAN CONTEXT	45
CHAPTER 6: SECESSION CLAIM ANALYSIS IN EASTERN UKRAINE.....	53
CONCLUSION:.....	61
BIBLIOGRAPHY	65