

The Shift In the Legal Concept of the Right to Self-Determination Between Independence and Secession (With Empirical Study of the Secession of South Sudan)

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Abstract

This paper deals with the transition, which is noted in the concept of the right to self-determination under the influence of the increasing interest in the issues of democracy and human rights and the accompanying growing globalization of problems, And notably those arising from the relationship of ethnic or religious minorities with the governments of its mother, which is now rising in many voices calling to go towards the prevention of such minorities the right to secession and legitimize public international law on such a separation under the title of the right to self-determination , This prompted some scholars and researchers for a shift in the concept of this right from the fact that he want international mechanism to achieve the independence of States under the yoke of colonialism and to ensure undertaken to full sovereignty over its national territory to a means of settling internal conflicts waged by some minorities with the governments of its countries Which requires to shed light on this transformation and its compatibility statement with the concept and content of the right to self-determination, with the study of the contemporary situation of those cases, namely the secession of southern Sudan to give as much vitality to the research and its results.

For the Paper in Arabic Language See the Pages (457-485).