The emergence of the principle of self-determination in international law is informed by liberalism and nationalism.\(^1\) Liberal theory, as expressed in American and French revolutions, concerns individual freedom and places political legitimacy of a lawful government upon the consent of the governed,\(^2\) while nationalism represents the demand of “nations” to legitimately establish their own states.\(^3\) Both doctrines emerged in the seventeenth and eighteenth centuries,\(^4\) and their interaction with international law “has defined the context in which self-determination has developed”.\(^5\)

Although the doctrine of nationalism was asserted to disintegrate “artificial” multinational empires in Europe,\(^6\) it was, and still is, employed to justify that China is the state for the Chinese nation. Faced with challenges posed by foreign forces, Chinese political elites chose nationalism as the foundation for building an independent modern Chinese state since the late Qing era. Yu Ying-Shih has noted that nationalism is the driving force behind the changes

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4. David Raic, supra note 1, pp. 175–176; James Summers, supra note 1, p. 133.
5. James Summers, ibid, p. 132.
of China over the last hundred years. Indeed, the familial metaphor of the nation as claimed by the nationalists, to a certain extent, corresponds with traditional Confucian norms and values. The history of multi-ethnic Chinese empires also leaves a legacy to define the Chinese nation through historical, territorial, and racial ties. Despite the fact that the Soviet ideology has been adopted by the Communist Party to build the “new” state, as Hobsbawm rightly points out, China has tended “to become national not only in form but in substance”. Since nationalism concerns the interests and values of a nation, the understanding of the Chinese nation is central to Chinese nationalism and therefore defines the proposed Chinese state.

Self-determination as a right is defined by the features of the people who exercise it. Similarly, the minorities and their rights are commonly defined by the relation with a majority culture. China's sense of nationhood and the Han-minority relation rest on a civilisation that stretches back thousands of years. Chinese civilisation not only provides the basis for the invention of the Chinese

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10 Various definitions of nation have been proposed. Gellner defines nation by will and culture; Smith argues that nation could be understood from territorial and ethnic aspects; a nation, according to Seton-Watson, “is a community of people, whose members are bound together by a sense of solidarity, a common culture, a national consciousness”; and Anderson considers nation as “an imagined political community”. Ernest Gellner, supra note 3, pp. 1–7, 53–62; Anthony Smith, supra note 3, pp. 134–138; Hugh Seton-Watson, supra note 3, p. 1; Benedict Anderson, supra note 3, pp. 6–7.
11 Eric Hobsbawm, as cited in Benedict Anderson, ibid, p. 2.