

The Universal Right of Peoples to Self-Determination

Forum: 1st Committee (Human Rights)

Student Officers: Victoria Tsvetkova and Joel Chang



INDEX

Introduction	2
Definition of key terms	2
Background information	2
Major Organizations Involved	3
Relevant Treaties and UN Resolutions	4
Previous Attempts to Resolve the Issue.....	4
Possible solutions	5
Reliable and Useful Sources	5

Introduction

Unconditional respect for the rights of each person to freely choose ways and forms of his or her development is one of the basic pillars of international relations. This right is reflected in the principle of self-determination. The principle of self-determination has been repeatedly reflected in the UN documents, particularly the Declaration on the Granting of Independence to Colonial Countries and Peoples of 1960, the Covenants on Human rights 1966, the Declaration on Principles of International Law 1970. The subject of self-determination are not states, but nations. The right of nations to self-determination is closely associated with freedom of political choice. Self-determined nations freely choose their political status, foreign policy orientation. Respect for the freedom of political choice becomes a Foundation for cooperation rather than rivalry and confrontation. This, in particular, is the right of the liberated States to conduct a policy of nonalignment, to participate in resolving global and regional problems. Self-determination means the right of peoples to choose a development path that most closely match their historical, geographical, cultural, religious traditions and perceptions.

Definition of key terms

The United Nations - an international organization formed in 1945 by the victors of the World War II to promote peace

Political settlement - a complex of measures that are taken to achieve the elimination of internal strife within society in case of war or crisis.

Background information

The basic for the formation of the idea of self-determination were the ideas of the 1st French Constitution (3 September, 1791). Firstly, people are declared free and equal from birth; secondly, the purpose of each state is "to ensure natural and inalienable human rights" and, finally, "the source of sovereignty rests essentially in the nation". The Declaration of Independence, which was adopted in 1776, the year when the secession

from the UK 13 North American colonies was declared, can also be called one of the 'pioneers' among the documents that promoted self-determination. It affirmed the right of the people to revolt and overthrow an oppressive government. The government were forced to rely on the will of the people who can disagree with the government of their country; the example of American settlers was to have the opportunity to live on their own. This new approach meant that "the territorial element in a political entity lost his feudal superiority, giving way to the personal element; people were to cease to be a mere appendage to the earth".

The term "self-determination of Nations" was announced in 1878, the year of the Berlin Congress, and "the right of Nations to self-determination" was recognized by the London Congress of the Second International in 1896. All the facts indicate that until the beginning of XX century there was a large number of annexations, for example, in 1867, Prussia annexed Schleswig, Alsace and Lorraine in the 1860s and 1870s.

During and after World War I, the principle of self-determination was encouraged by both Vladimir Lenin and United States President Woodrow Wilson, who presented to Congress "14 points of Wilson" in 8 January 1918. It was recorded that the people is the main subject of the government having the right of self-determination.

The principle of self-determination was included in the draft, and then in the text of the UN Charter in 1945 of the United Nations Conference in San Francisco. The UN Charter refers to the "principle of equal rights and self-determination of peoples". This formulation unites the two principles, which can be interpreted as independent. All Nations have equal rights to self-determination and independence; peoples have the right, equally with other Nations, to rely on recognition of its statehood. The UN affirmed "equality and the right of peoples to self-determination" (principle VIII of the Declaration). It indicates that, based on the principle of equality and the right of peoples to self-determination, all peoples always have the right in full freedom to determine when and as they wish their internal and external political status without external interference.

Major Organizations Involved

- *Unrepresented Nations and Peoples Organization (UNPO)* is an international non-governmental organization whose purpose is to protect the interests of Nations and indigenous peoples that do not have their own state and/or live in the occupied or disputed territories.

- *The Commonwealth of Unrecognized States* is the union of unrecognized States on post-Soviet territory of the Republic of Abkhazia, Nagorno-Karabakh Republic, the Moldavian Republic and South Ossetia, which emerged during the collapse of the Soviet Union and the accompanying sharp ethnic conflicts.
- *National liberation movements*: Indian national Congress (INC); African National Congress (ANC); POLISARIO, which leads the struggle for the liberation of people from foreign domination.

Relevant Treaties and UN Resolutions

- Resolution adopted by the General Assembly on 19 December 2016 (Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, 71/182)
- The Declaration on principles of international law concerning friendly relations and cooperation among States in accordance with the Charter of the United Nations(adopted by the General Assembly on 24 October 1970)
- Declaration on the Granting of Independence to Colonial Countries and Peoples (adopted by General Assembly resolution 1514 (XV) of 14 December 1960)
- The Israel-PLO Agreement and Self-Determination

Previous Attempts to Resolve the Issue

Self-determination became officially sanctioned after 1945 when it was included in the United Nations Charter, though it applied to existing states, not to peoples or national groups. However, self-determination quickly evolved from a principle to a right, especially after the 1960 UN Declaration on the Granting of Independence to Colonial Peoples, when the term started to be used in order to denote decolonization. Still, self-determination is applied to territories rather than peoples.

Practical completion of the global process of decolonization, reunification of Germany and the collapse of the Soviet Union, Yugoslavia and Czechoslovakia led to a widely spread view that the "external" self-determination should not be linked only to the colonial situation. Many experts note the General trend of increasingly broad interpretation of the idea of the right of peoples to self-determination by international organizations and professional community of specialists in the field of international law.

Possible solutions

To achieve the peoples' right to self-determination in an appreciated and respected way, certain steps need to be taken. Although we have come a long way in achieving human justice, there still is a long way to go. One of the issues of self-determination is that the precise definition is missing. Nowhere it is stated what a person is, how to determine the borders of the possibly new country or autonomous region and when a person has or has not the right to use this principle. It must be ensured that there will be certainty about the statement 'peoples' right to self-determination'. Possible solutions to this issue could include better definitions of 'people' and when and why the right to self-determination is applicable. Another problem is the interests of the governing country. The country is therefore not willing to let the region go. The outcome is not stated in the Charter of the United Nations and so the governing country does not have to let it go. In most situations, compromises will have to be made between the rights to sovereignty and self-determination. In order for countries to open up and make progress on this issue, it is very likely that topics such as political systems, self-interests, compromises, and moral responsibilities will have to be debated on. The difficulty of this issue lies in the fact that the United Nations have to persuade Member States to possibly part with regions that are vital to their existence without breaching their sovereignty. Any solution on this issue will have to revolve around easing the pain of the affected Member State, while still thoroughly checking whether the right to self-determination is actually applicable.

Reliable and Useful Sources

<http://www.e-ir.info/wp-content/uploads/2015/10/Restoring-Indigenous-Self-Determination-New-Version-E-IR.pdf>

<http://unpo.org/article/20172>

<http://www.austlii.edu.au/au/journals/JlIndigP/2012/7.pdf>

<http://www.ejil.org/pdfs/4/1/1219.pdf>