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General Assembly 4 – Special Political and Decolonisation

Securing peoples' right to self determination



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Introduction

Within the history of international cooperation, there are little dates with the importance of the 26th of June 1945, the day 50 delegates signed the United Nations charter. The basic principles encompassed in this document described the way in which we would ensure future peace. Mostly regarding established idealisms and sovereignty, this very important paper also included a fairly new idea: 'self-determination'. The idea that every group of people that feels different from the other human beings inhabiting our planet should be able to decide upon their own future. It was agreed upon that in order to secure everlasting peace, every people should determine for themselves how they allocate their way of living. But as with many other essential ideas, theory usually simplifies reality. Economic and political problems prove to be huge hurdles in securing the right to self-determination. Sadly, when these issues collide, an armed conflict will follow and in a world that still knows too many armed conflicts, solving this issue could very well be a major step towards world peace.

Definition of Key Terms

Autonomy

An autonomous state is a state that has the right to govern itself.

Referendum

A vote of the people in a state or country on a particular issue.

Colonialism

To conquer large areas in Asia and Africa by European countries with the purpose to benefit from it economically.



Imperialism

The striving of countries for a larger empire by conquering other regions or to have influence in these other regions otherwise.

Nationalism

The striving of people to unite their group, territory in a sovereign state.

General Overview

History

Around 11.500 years ago, humanity discovered something that would change the lifestyle of the humans once and for all. In Mesopotamia, the land between the rivers the Euphrates and the Tigris in the Middle East, humanity started developing agriculture. It allowed them to form ever increasing communities, expanding to unimaginably huge empires, like the Roman or Byzantine. These empires were forged through a rather simple principle; he who holds the resources and power decides what happens. Through ages and ages of warfare and bloodshed, villages became nations and empires became countries. Over the course of 10.000 years, people have been bonding together in these political entities. It is this history that tells us the origins of what we call a 'people'. Because the persons within these 'peoples' have been trading, fighting and living their daily lives with each other for centuries they feel connected through their common interests and have become conscious of its coherence and unity.

A nation, on the other hand, is legal. Written in laws and international agreements, these unities are based upon paperwork and not on feelings. Nations arose through uniting villages and cities with violence and oppression. Nations did not take peoples into account by deciding its borders, but were established by the one with the utmost power. Even throughout the 20th, there were nations still expending their territories and wealth. Only in 1941 the idea came up that it could be that it is not a nation that deserves borders, but people. That was when the Atlantic Charter was signed by Allies of World War II in which the principle of self-determination was stated and so those principles were accepted. However, these principles did not insist on full independence or did not include an enforcement mechanism. It did however enable 36 nations to free themselves from colonial status in Asia, Africa and the Middle East between 1946 and 1960. On the other hand, many countries have been annexed during the World War II. By solving one problem, the United Nations had



created another: The world had better sense of justice, but was left with the ruins it had created over the course of 10.000 years.

Conflicts

The legitimatization of the principle of self-determination has led to an increase of conflicts within states, because sub-groups are looking for self-determination. These conflicts start with friendly protests but can escalate into violent riots. Sometimes violence is used to oppress the population but sometimes even by the people themselves who are striving to self-determination.

Peoples

One of the issues on the self-determination principle is that there is no legal definition of peoples. There are some suggestions but they differ a lot. One of them is looking at international law and UN resolutions, in cases of non-self-governing peoples and a foreign military occupation, that a “people” is the complete population of the occupied territorial unit, no matter what differences. In cases there is a lack of representation by a state’s government of the people, they are unrepresented and so a separate people. Ethnic minorities and separate people are not regarded as separate people by international law unless they are abandoned by the government of the state they live in. A complete different definition is that a ‘people’ are self-evident (requiring no proof or evident) and so differ a lot from the governing country by for example language, ethnicity and history. Or another is that the people are a group of persons who unanimously choose to separate.

Borders

Another issue is that there is nothing stated in law about the borders these people, that are claiming self-determination, should get or if they will even get their own borders. Principally, in the right of self-determination there is nothing stated about the outcome, so the people could get an independent state or just only an autonomous region or something else. But most of the times the people want to get a region for their group because they do not feel they belong in the borders of the governing country or they feel oppressed. In almost every outcome, if it will be an independent state or an autonomous region or something else, borders are inescapable. But there is nothing stated about where these borders should be. It could be that every person that belongs to the people will live inside their new region and the borders are set up this way. However, there is always a mixed region where the people are living together with other societies. The next question would be what should be done with this region. Another idea is to hold referenda in the regions the people live. If the majority is for,



the region will become a part of the new region or country. Sadly, this will always cause disappointment and so dissatisfaction. This could lead to more protests and could escalate into a violent riot.

Interests

There are many times that it is not possible to get self-determination for a person because of the interests of the country that is governing it. There are some motives why a country does not want to lose the part where the people are living. One is economical. For example when a country has many resources or the region is really profitable. Another could be a strategic motif. When the part has a good strategic position, it strengthens the governing country by defending its land from possible attacks and so the country is probably not willing to let it go.

A person may also not get their self-determination because they are not able to look after themselves. For example when their complete economy is relying on the governing country. If they then will claim independency, the established country will collapse in a minimum of time. An autonomous region or something else that will still have good economic connections however, will not be a problem. Another example is when there is no leader or governing rule in the people that are claiming self-determination. The people that want to rule over themselves should show and have proof that they will have no issues with governing itself. Otherwise it will become a mess and possibly another conflict.

Major Parties Involved and Their Views

United States of America

The native American peoples were endangered by the colonization of North America. It has caused many fights since the early 19th century. They now have got a certain degree of autonomy within the United States and their own land, the reservations. Their culture is protected and saved. However, still certain Chicano nationalists are looking for the creation of an ethnic-based state, which name is Aztlán, a homeland of the Aztecs in the South-western US. There are also Black nationalists who want to form an independent African-American state of New Africa and therefore claim the black belt region of the US.

Not only on the continent peoples are claiming independence or autonomy, but also on the islands, for example the Hawaiian Islands and Puerto Rico. There are several Hawaiian movements for independence or autonomy with each their own district. They have



different purposes varying from complete independence, an autonomous region but still a part of the US and even territorial units similar to Indian reservations. Puerto Rico is also a state of the US but the representative in the government has no voting right. However, the US government has held several referenda whether Puerto Rico wants to be independent. The most of the people who voted wanted to change the relationship with the US but because a large number did not vote they did not get the majority.

Russian Federation

The Russian Federation is a country with 160 different ethnic groups in its borders. Some regions have already separated, for example Lithuania and Estonia. At the moment, Russia does not respect the right to self-determination of peoples. For example the current crisis in the Crimea. Russia has invaded it for its own interests, especially the strategic position and uses as excuse that the Crimea should have their self-determination. Following the international law, Russia was not in the position to annex the Crimea. Also in Chechnya Russia does not listen to the right to self-determination. They want independency because Russia treated the inhabitants badly. Chechnya declared independence but Russia has restored the control over Chechnya.

China

There are many peoples living in China, some attempting to claim self-determination, while others have no trouble whatsoever with the current situation. Some regions have already separated themselves from China. The government of China has accepted the two International Covenants on human rights. These endorse peoples' rights to self-determination but China has not obeyed them. For example the current situation in Taiwan and Tibet.

Human Rights Watch

Human Rights Watch is a non-profit, nongovernmental human rights organization established in 1978. Their mission is to defend the human rights worldwide guided by international human rights and humanitarian law and respect for the dignity of each human being.

Timeline of Events

Date	Description of event
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1450-1950	Colonialism and Imperialism
1914-1918	World War I
16 February 1918	Lithuania gained independence of the Russian Federation
24 February 1918	Estonia gained independence of the Russian Federation
1940-1945	World War II
26 June 1945	Charter of the United Nations
15 August 1947	India gained independence from the British Empire
27 December 1949	Indonesia gained independence from the Netherlands
25 March 1971	Bangladesh gained independence from Pakistan
20 May 1980	Referendum on whether Quebec should pursue a path toward sovereignty
Since 1990's	The legitimatization of the principle of self-determination has led to an increase in the number of conflicts within states
November 1991	Chechen separatists declared independence of the Russian Federation
30 October 1995	Second referendum in Quebec
29 September 1999	The forces of the government of the Russian Federation invaded Chechnya and restored its control
11 September 2012	Catalan independence demonstration which was a protest march that demanded the independence of Catalonia which has been a part of Spain since Spain was founded in 1469
6 November 2012	Referendum on the political status of Puerto Rico which has been an unincorporated territory of the United States since 1898
10-11 March 2013	Referendum on the political status of the Falkland Islands that have been British since 1833
18 March 2014	Annexation of the Crimea by the Russian Federation
18 September 2014	Scottish independence referendum on whether or not it should be independent of the United Kingdom
9 November 2014	Catalan referendum for self determination

UN involvement, Relevant Resolutions, Treaties and Events

- Charter of the United Nations, Article 1, 26 June 1945
- The African Charter on Human and Peoples' Rights, Article 20, 27 June 1981
- International Covenant on Civil and Political Rights, Article 1, 16 December 1966
- General Comment No. 12 on self-determination, Human Rights Committee, 1984



- International Covenant on Economic, Social and Cultural Rights, Article 1, 16 December 1966
- International Convention on the Elimination of All Forms of Racial Discrimination, 21 December 1965
- General Recommendation No. 21 on right to self-determination, Committee on the Elimination of Racial Discrimination, 8 March 1996, **(A/51/18)**
- Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States, 24 October 1970 **(A/RES/25/2625)**
- UN Declaration on the Granting of Independence to Colonial Countries and Peoples, 14 December 1960, **(A/RES/1514(XV))**
- Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, 18 December 1992, **(A/RES/47/135)**
- The Helsinki Final Act, Declaration on Principles Guiding Relations between Participating States, Article VIII, 1 August 1975
- UN General Assembly resolution 1803 (XVII) of 14 December 1962, "Permanent sovereignty over natural resources".

Evaluation of Previous Attempts to Resolve the Issue

No definite resolutions regarding the particular issue 'securing people's right to self-determination' have yet passed the general assembly. However, each and every resolution that aimed to solve a situation which involved a breach of the right to self-determination is in fact an attempt to resolve this issue, as every debate, every consensus on the issue has brought us closer to a clear definition of self-determinism. Due to the complexity of the problem, it is of vital importance that each particular case has its particular solution. There are a few common traits these attempts had though.

One of these traits is a referendum. Seemingly the ultimate democratic solution, problems often arise regarding the legitimacy of such events. Corrupt officials, resulting in illegitimate counting, are one side of these problems. Subjective media, distorting the thought process of voters and thereby wrongly changing the outcome of the referendum, are the other. A recent example of this is the situation in the Crimea.



Another trait is the inability of a UN document to change the economic or political interests a country has in a certain region, without impinging on their sovereignty. Usually severe breaches of human rights are necessary to warrant a proper intervention, whereas it would have been better to prevent one through clever diplomacy.

Possible Solutions

Humanities history left us with a world divided by borders that do not necessarily represent what is within. In order to fix this situation, the members of the United Nations put their signatures under what we call 'The United Nations Charter' and invented the term 'self-determination'. To achieve that the peoples' right to self-determination is appreciated and respected small 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.

To conclude, the difficulty of this issue lies in the fact that we, as 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.

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Appendices

Appendix I

Charter of the United Nations, Article 1 & 2:

<http://www.un.org/en/documents/charter/chapter1.shtml>

