



Iowa High Model United Nations  
Legal Committee  
Right of People to Self-Determination  
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## **Background**

The Merriam-Webster dictionary gives two definitions for self-determination, both of which are pertinent to this topic. The first defines self-determination as “free choice of one’s own acts or states without external compulsion.” The second, and more pertinent to this topic, defines self-determination as “determination by the people of a territorial unit of their own future political status.” Similarly, according to the Cornell University Law School Legal Information Institute, self-determination may be considered in two ways, internal self-determination and external self-determination. Internal self-determination refers to the political and social rights of the individual, while external self-determination refers to secession and legal independence of a particular nation from the larger state. Or otherwise said, external self-determination refers to the members of a nation asserting their right to self-determination and thus becoming their own state.

It is likely necessary to define some other terms important to this topic. Firstly, as defined by Hague and Harrop, a nation is a group of people that holds a claim to a specific piece of land. This definition is directly tied with self-determination:

Second, when a group claims to be a nation, it asserts a right to self-determination within its homeland. It seeks sovereignty over its land, using or inventing a shared culture to justify this claim to autonomy. The assertion of self-rule gives the nation its political character. A group becomes a nation by achieving or seeking control over its own destiny, whether through independence or devolution. Nations have either achieved statehood or are states in waiting. (17)

A state, again as defined by Hague and Harrop, is a political community formed by a group of people living within a specific piece of land and subject to one government.

In spite of the complexities of definition, self-determination is considered a natural right all people possess and are entitled to exercise. Yet, for obvious reasons, this does not always coincide with political situations.

## **What Has Been Done/Past U.N. Actions**

Given its nature, self-determination has been the whole or partial subject of many actions by the United Nations; though likely incomplete, hopefully the description provided below presents a decent background concerning past United Nations actions. Self-determination is considered a fundamental enough right to be enshrined in the Charter of the United Nations. The Charter of the United Nations establishes that the purposes of the United Nations are to be, in part, “to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace” (Chapter 1, Article 1, Paragraph 2) and, with this, “to achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion” (Chapter 1, Article 1, Paragraph 3). The Universal Declaration of Human Rights does not explicitly declare a right self-determination, however it does declare that people have the right to a nationality and that no

one should be arbitrarily denied a nationality or the ability to change nationality (Article 15). Self-determination has also been considered with regards to treaties, such as the International Covenant on Civil and Political Rights, which explicitly states that all people have the right to self-determination and elaborates on what this right entails (Part I, Article 1, Paragraphs 1 – 3).

Self-determination is the partial subject of many bodies within the United Nations. There is both the United Nations Conciliation Commission for Palestine, established by GA Resolution 194 (III), and the Advisory Commission on the United Nations Relief and Works Agency for Palestine Refugees in the Near East, established by GA Resolution 302 (IV). There are also several committees, such as the Human Rights Committee, established by GA Resolution 1472 A (XXI), the Committee on the Exercise of the Inalienable Rights of the Palestinian People, established by GA Resolution 1472 A (XIV), the Ad Hoc Committee on the General Assembly for the Announcement of Voluntary Contributions to the United Nations Relief and Works Agency for Palestine Refugees in the Near East, established by GA Resolution 1729 (XVI), the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, established by GA Resolution 3349 (XXIX), the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, established by GA Resolution 1654 (XVI), and the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, established by GA Resolution 2443 (XXIII). There is also the Working Group on the Finance of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, established by GA Resolution 2656 (XXV). Lastly, there is the Human Rights Council, established on March 15, 2006, by GA Resolution 60/251 for the purpose of “addressing situations of human rights violations and make recommendations on them.”

The right to self-determination is perhaps of particular importance when considering issues that impact indigenous people, as many groups of indigenous people could likely qualify as nations. Thus, the United Nations has drafted the Declaration on the Rights of Indigenous Peoples, which states explicitly that indigenous people have the right to self-determination and elaborates that this also means a right to “freely determine their political status and freely pursue their economic, social and cultural development.” Additionally, the Declaration states that autonomy or self-government, possibly as an alternative to full statehood, in internal and local affairs should be as option, as should financing for these functions (Article 3). Furthermore, the report State of the World’s Indigenous Peoples discusses self-determination as an inherent right that all indigenous people should be entitled to exercise.

### **Possible Solutions**

Balancing the right of people to self-determination with the concerns of other states is often a delicate and difficult matter. Nevertheless, the committee should remain mindful of previous actions the United Nations has taken concerning the right of people to self-determination, most specifically those that in some way define it as a natural right. Although a resolution that attempts to resolve specific situations concerning the right of people to self-determination would be more desirable, these situations are often examples of long-standing conflict in which the members of the nation seeking to exercise self-determination may have goals that are at odds with those of the larger state. Conversely, the larger state may be benefitting from members of the nation not fully exercising self-determination and wishes to maintain these benefits. Thus, perhaps the committee could work toward a general resolution that

maintains the importance of the right of people to self-determination when considering certain political situations and the concerns of other states. However, in spite of the difficulties of these political situations involving the right of people to self-determination, agreement could be reached as to some possible solutions. It depends on the nature of the situation, as some are more long-standing and difficult to resolve than others. Therefore, all hope should not be lost when trying to draft a resolution that discusses possible solutions to certain situations involving the right of people to self-determination. Rather, representatives of the Member States should remain mindful of the complexities involving these situations and that a resolution that addresses them would be best; yet if any consensus concerning the matter proves too difficult than a general resolution should be considered.

The right of people to self-determination is considered a natural right that all people possess and are entitled to exercise. However, this is often difficult to realize given current political situations and the balance between the right of a particular nation to self-determination with the concerns of the larger state as well as other states. Yet it is crucial that international organizations such as the United Nations maintain the importance of the right to self-determination as well as cooperation, even if a general resolution, rather than one that refers to specific situations, is the most feasible.

### **Questions to Consider**

1. How may attempts to exercise the right to self-determination interfere with both concerns of the larger state and states in general?
2. How should the right of people to self-determination be balanced with the concerns of both the larger state and states in general?
3. Do international organizations such as the United Nations have a responsibility to define the right to self-determination as a natural right? If so, how is this responsibility to be articulated?
4. How may the United Nations balance the concerns of individual Member States with regards to the right to self-determination when drafting a resolution that not only represents the organization as a whole, but that also reinforces the status of self-determination as a natural right?
5. How realistic do representatives of the Member States feel is a resolution that attempts to provide solutions to specific situations involving the right of people to self-determination? How may compromise be reached when considering these suggested solutions to specific situations?

### **Consulted/Recommended Sources**

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