



## Universal Realization of the Right of Peoples Self-Determination

*ODU Model United Nations Society*

### Introduction

National Self-Determination is basic principle of international relations, enshrined in principles—if not in international law—for over a century. Under the Treaties of Westphalia, agreed in Germany on 24 October 1648, the international system is based on sovereign states. Ever since then, people without countries of their own have sought recognition of their claims to have a sovereign state of their own. When the UN was established in 1945, there were 51 sovereign Member States. The rest of the world was colonies and territories, without independent self-rule.

Most recently, in 1991 the Soviet Union disintegrated, allowing 14 nations to establish their independence. In the 1990s self-determination led to the collapse of Yugoslavia. Instead, there are 7 sovereign states in its former territory. In 2011 Sudan split to form Sudan and South Sudan. Today the UN has 193 Member States, as a result of de-colonization. That shows the rise of self-determination

But self-determination also is among the most controversial of all international principles. Since new states always must be carved from existing states, new states only can be created with the acceptance of existing states. Even when self-determination is achieved through war, the losing side must accept the peace agreement that respects in establishment of the new state, or the issue remains unresolved.

No issue is more important to most of the 193 Member States of the UN, especially for the 120 Member States of the Non-Aligned Movement (NAM), most of whom are former colonies, who achieved self-determination often through

violent revolutionary war. Colonial territories with independence movements today include territories of France (such as New Caledonia), United States (Puerto Rico), United Kingdom (Northern Ireland and Scotland), Spain (Catalonia), Eastern Ukraine, Russia (Chechnya), and Central European Hungarian minorities.

The issue has been changed by Russian pressure on Ukraine to give up much of its territory to Russia or become part of Russia completely. Self-determination usually means countries breaking away, becoming smaller, independent countries. In this case it means creating a larger country. In 1914 Russia conquered Ukraine's province of Crimea, claiming that the majority Russia-speaking population were winning self-determination. The cause of unification has support among Ukraine's Russian-speaking minority, but is opposed by most Ukrainian speakers and other minorities.

For many Member States, the most popular issue of self-determination is the right of Palestine an Gaza to self-rule. Their cause is accepted throughout the Middle East, in much of Africa, Asia and Latin America. It is strongly opposed by a few countries, especially Israel and the United States, and it is regarded cautiously by Europe and countries everywhere facing separatist movements of their own. Even supporters recognize that self-determination of Palestine, if not handled carefully, could ignite an unresolvable war throughout the Middle East.

Other self-determination issues tend to be treated more cautiously. Among the most visible are supporters for independence of the Kurds, but this will be opposed by the states that would lose territory; Iran, Iraq, Syria and Turkey. India



controls most of Kashmir and refuses to consider autonomy or independence. But Kashmiri autonomy—if not outright independence—is strongly supported by Pakistan other Muslim countries. European separatist movements such as Catalonia, Scotland and Hungarian minority territories in Romania, Serbia and Slovakia, are less likely to lead to warfare, but will be strongly opposed by any Member State that fears the precedent for their own secessionists.

### Some Possible for Actions by the General Assembly

The Member States at ODUMUNC have an important responsibility to address the right of national self-determination. But the Member States are divided on who exactly who to apply recognition to. They are divided on how far the right extends. Does it include all claimants? Just groups of a certain size of means? Can self-determination be granted if the country controlling their territory refuses to grant independence Some possible paths for UN action include:

**Establish universal principles** stating when the international community will recognize the self-determination of particular groups. Criteria might include permission of Member States losing territory, having a certain threshold for size, population or wealth, establishing procedures to mediate or provide peacekeeping in case self-determination creates a threat of war. For many Member States, the most important step is a popular vote or referendum, justifying independence. How such votes should be supervised, to permit voting without intimidation or violence, to establish minimum thresholds for participation, and determining how to deal with the results, all are major issues.

Finally, the General Assembly would have to create a legal process for recognizing the independence and sovereignty of groups claiming national self-determination.

**Refuse to resolve the issue generally.** Instead, the General Assembly could choose to focus only on self-determination of a specific group. Possibilities include Palestine and Gaza, Kashmir, and separatist movements in Europe. These initiatives will be popular among their supporters, but might be opposed by Member States worried about the precedent for their own territorial integrity.

**Focus on less controversial cases.** The United Nations have agreed to take a special interest in 17 territories who have been promised special consideration by the international community. The 17 officially recognized *Non-Self-Governing Territories* are: American Samoa, Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands (Malvinas), French Polynesia, Gibraltar, Guam, Montserrat, New Caledonia, Pitcairn, Saint Helena, Tokelau, Turks and Caicos Islands, United States Virgin Islands and Western Sahara. The administering Powers are France, New Zealand, the United Kingdom and the United States.

**Commit the international community to oppose** further national self-determination, accepting the principle as applied and recognized so far, by refusing to recognize new claimants. This might be popular with states facing separatist movements. Others will agree the issue must only be decided liberally, through popular consent and agreement, and refuse to support such a prohibition. And others, who champion a particular cause, will be strongly opposed.



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The Free Encyclopedia

## Self-determination

Complete text and citations: <https://en.wikipedia.org/wiki/Self-determination>

The right of a people to self-determination is a cardinal principle in modern international law, binding, as such, on the United Nations as authoritative interpretation of the Charter's norms. It states that peoples, based on respect for the principle of equal rights and fair equality of opportunity, have the right to freely choose their sovereignty and international political status with no interference

The concept was first expressed in the 1860s, and spread rapidly thereafter. During and after World War I, the principle was encouraged by both Soviet Premier Vladimir Lenin and United States President Woodrow Wilson. Having announced his Fourteen Points on 8 January 1918, on 11 February 1918 Wilson stated: "National aspirations must be respected; people may now be dominated and governed only by their own consent. 'Self determination' is not a mere phrase; it is an imperative principle of action."

During World War II, the principle was included in the Atlantic Charter, declared on

14 August 1941, by Franklin D. Roosevelt, President of the United States, and Winston Churchill, Prime Minister of the United Kingdom, who pledged The Eight Principal points of the Charter. It was recognized as an international legal right after it was explicitly listed as a right in the UN Charter.

The principle does not state how the decision is to be made, nor what the outcome should be, whether it be independence, federation, protection, some form of autonomy or full assimilation. Neither does it state what the delimitation between peoples should be—nor what constitutes a people. There are conflicting definitions and legal criteria for determining which groups may legitimately claim the right to self-determination.

Broadly speaking, the term self-determination also refers to the free choice of one's own acts without external compulsion.



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# United Nations Support for Self-Determination Remains Source of Pride, Crucial Pillar, Says Secretary-General

21 February 2020

United Nations support for the right to self-determination — while slower than it was at its historic peak in the twentieth century — remains both a source of pride for the Organization and a crucial pillar of its work going forward, Secretary-General António Guterres told the Special Committee on Decolonization today.

The Secretary-General was delivering opening remarks as the 24-member body — known formally as the Special Committee on the Situation with regard to the implementation of the Declaration on the Granting of Independence of Colonial Countries and Peoples — launched its 2020 session. He said decolonization is one of the Organization’s most significant historical chapters, recalling that the United Nations list of Non-Self-Governing Territories stood at 72 in 1946. Today, it is 17.

While that achievement is a source of pride, more work remains since the remaining 17 Territories are still waiting to realize the promise of self-government, he emphasized. He recalled that Timor-Leste was the last Territory removed from the list, in 2002, saying: “It is reasonable to ask: has the decolonization agenda reached an impasse?” The answer is no, he added, noting that the South Pacific Territory of New

Caledonia will hold its second referendum on independence in September.

Outlining recent successes, he pointed out that an unprecedented number of participants from Non-Self-Governing Territories, administering Powers and other stakeholders attended the Special Committee’s regional seminar in 2019. In addition, a Special Committee delegation visited the Territory of Montserrat to gather first-hand information on its political and socioeconomic situation.



He went on to emphasize that decolonization is a process that must be guided by the aspirations and needs of the communities living in the Non-Self-Governing Territories, who face

very real and pressing challenges. Many of the Territories are small islands on the front lines of climate change, facing devastating natural disasters or struggling to build sustainable and self-sufficient economies, he said, pledging to work alongside the Special Committee “as you make another push to eradicate colonialism once and for all”.

Newly-elected Chair Keisha McGuire (Grenada) also delivered remarks, agreeing that decolonization is still in progress. Against the backdrop of the seventy-fifth anniversary of the United Nations and the impending close of the Third International Decade for the Eradication

of Colonialism, she said, the Special Committee’s members must push forward the four priorities of her chairmanship: promoting the Special Committee’s mandate, collaboration, pragmatism, and agility.

“But we need to move faster,” she emphasized, calling upon Member States to accelerate the recent momentum. Recalling that the Special Committee’s 2019 visit to Montserrat was carried out through a creative mix of funding sources in light of the liquidity crisis plaguing the United Nations, she said visiting missions are among the body’s most valuable tools.



# Palestinians appeal for support for UN member-state bid

14 August 2012

Palestinian officials want a state of Palestine to have full member status at the UN

A senior Palestinian official has asked foreign diplomats in Jerusalem to support a renewed bid for member-state status at the United Nations.

Hanan Ashrawi, a Palestine Liberation Organization (PLO) executive committee member, said such an effort was a “test of global consensus and rule of law”.

She also said the Palestinian Authority needed a financial “safety net” in case the US cut off aid because of the bid.

The US and Israel are opposed to making Palestine a full UN member state.

Washington says the move would further remove the possibility of a permanent peace deal, and last year suspended its funding of Unesco after it accepted a membership request.

‘Co-ordinating efforts’

In a speech to envoys from countries in Europe, Latin America, Asia and the Middle East in East Jerusalem on Monday, Ms Ashrawi urged them to support the Palestinians’ bid to be admitted to the UN as a “non-member observer state”, an upgrade from the PLO’s current status as a “permanent observer”.

The request would be put to the UN General Assembly, where approval would require a simple majority of those present. There is no



threat of veto, as there would be at the Security Council if the Palestinians sought full member-state status.



Being a non-member observer state - a status held by the Vatican - would improve the Palestinians' chances of joining UN agencies and the International Criminal Court, although the process would be neither automatic nor guaranteed.

"In light of the failed peace process and the inability of the international community to hold Israel accountable for its illegal occupation of Palestine and its countless unilateral violations of international and humanitarian law, Palestinians will persist in their efforts to seek state status, whether in the UN Security Council or in the UN General Assembly," Ms Ashrawi said.

"We reserve the right to undertake diplomatic and non-violent means to approach UN agencies and organisations for membership, and such efforts, consistent with the Palestinian people's right to self-determination and freedom, are a test of global consensus and rule of law."

"Even though the timing has yet to be determined, we are co-ordinating our efforts with Arab and Muslim countries, as well as with the international community," she added.

The Palestinians have long sought to establish an independent, sovereign state in the West Bank, including East Jerusalem, and the Gaza Strip.

However, two decades of on-and-off peace talks have failed.

The latest round of negotiations broke down in late 2010 over the issue of Jewish settlement building in the West Bank and East Jerusalem. Attempts to restart direct talks have failed.



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# Iraqi Kurds decisively back independence in referendum

27 September 2017



Kurds took to the streets of Kirkuk on Monday to celebrate after voting in the referendum. Image source, Getty Images

People living in northern Iraq voted overwhelmingly in favour of independence for the Kurdistan Region in Monday's controversial referendum.

The electoral commission said 92% of the 3.3 million Kurds and non-Kurds who cast their ballots supported secession.

The announcement came despite a last-minute appeal for the result to be "cancelled" from Iraq's prime minister.

Haider al-Abadi urged Kurds to instead engage in dialogue with Baghdad "in the framework of the constitution".

Kurdish leaders say the "Yes" vote will give them a mandate to start negotiations on secession with the central government in Baghdad and neighbouring countries.

Iraq's parliament meanwhile asked the prime minister to deploy troops to the oil-rich region of Kirkuk and other disputed areas held by Kurdish forces.

Kurdish Peshmerga fighters took control of Kirkuk, a multi-ethnic region claimed by the Kurds and Arab-led central government, when jihadist militants from so-called Islamic State (IS) swept across northern Iraq in 2014 and the Iraqi army collapsed.



The referendum was held in the three Iraqi provinces that make up the Kurdistan Region, as well as "areas of Kurdistan outside the region's administration".

Electoral commission officials told a news conference in Irbil on Wednesday afternoon that 2,861,000 people had voted "yes" to independence and 224,000 had voted "no". Turnout was 72.61% among those eligible to vote.

In a speech to parliament before the result was announced, Mr Abadi insisted that he would "never have a dialogue" about the referendum's outcome with the Kurdistan Regional Government (KRG).

The vote was vehemently opposed by Baghdad and much of the international community, which expressed concern about its potentially destabilising effects, particularly on the battle against IS.

Mr Abadi said his priority now was to "preserve citizens' security" and promised to "defend Kurdish citizens inside or outside" the Kurdistan Region.

"We will impose Iraq's rule in all districts of the region with the force of the constitution," he added.

Media caption,

Iraq's Kurdish region foreign affairs minister says independence is 'inevitable'



Mr Abadi has demanded that his government be given control of Irbil international airport. Image source, Getty Images

The prime minister also reaffirmed his threat to prevent direct international flights to the Kurdistan Region if Baghdad was not given control of Irbil and Sulaimaniya airports by Friday afternoon.

The KRG's transport minister said he was seeking clarification from Baghdad.



"We don't understand how to give them the two airports," Mowlud Murad told reporters. "They are already subject to the Iraqi Civil Aviation Authority."

The United States, which was "deeply disappointed" that the referendum was held, has also questioned Mr Abadi's threat to ban international flights.

State department spokeswoman Heather Nauert said on Tuesday that such a move "would not be an example of engaging constructively".

Lebanon's Middle East Airlines and EgyptAir meanwhile warned customers they would halt flights to Irbil from Friday until further notice.

Mr Abadi has also demanded control of all border crossings and oil revenues.

Kurds are the fourth-largest ethnic group in the Middle East but they have never obtained a permanent nation state.

In Iraq, where they make up an estimated 15% to 20% of the population of 37 million, Kurds faced decades of repression before acquiring autonomy in 1991.



## Tough road ahead for Kashmir separatist movement after Geelani

*Al Jazeera asks region's analysts and officials about the future of separatist politics after iconic leader Syed Ali Shah Geelani's death.*



The late Syed Ali Shah Geelani, wearing a mask, with Ashraf Sehrai, who died in jail earlier this year, after their Friday prayers in Srinagar in this 2018 photo [File: Farooq Khan/EPA]

Earlier this month, Indian-administered Kashmir lost its most powerful voice demanding freedom from New Delhi's rule: [Syed Ali Shah Geelani](#).

Geelani [died](#) on September 1 after a prolonged illness at his residence in the main city of Srinagar, where he had been under house arrest for years. He was 92.

For decades, Geelani headed the Kashmiri separatist group, All Parties Hurriyat Conference (APHC), which campaigns for either the region's merger with Muslim-majority Pakistan or the creation of an independent nation out of the Himalayan territory.

Fearing a mass funeral procession over the iconic leader's demise, Indian authorities ["snatched his body"](#) shortly after his death and hurriedly buried it in at night – without even the presence of his family members.

New Delhi also imposed a security lockdown and cut off internet and telephone services in anticipation of demonstrations and protests in the disputed region over Geelani's death.

His grave continues to be ring-fenced by a contingent of Indian police and paramilitary troops, with multiple vehicles permanently stationed outside the graveyard in Srinagar.

Three weeks after Geelani's death, there are questions in Indian-administered Kashmir over the future of its separatist movement against a backdrop of a series of repressive steps taken by Prime Minister Narendra Modi's Hindu-nationalist government, especially since 2019.

In August that year, India unilaterally scrapped [Articles 370 and 35A](#) of the Indian constitution, which had granted the country's only Muslim-majority region – also claimed by neighbouring Pakistan – a degree of autonomy, turning it into a federally governed territory.

New Delhi's most far-reaching move in seven decades of Kashmir struggle was followed by a months-long security lockdown imposed in the valley and the arrests of hundreds of Kashmiri politicians, rights activists, separatists, lawyers and others.

Since then, the Indian government has imposed new laws governing property and land rights, which the Kashmiris fear aim to change the demographics of the region.

Geelani, many Kashmiris believe, was the last powerful separatist leader in the region, who openly challenged Indian rule and enjoyed overwhelming local support.

He [quit the APHC](#) last year but the organisation did not appoint his successor until his death. The new APHC head is 50-year-old Masarat Alam Bhat, who has spent 17 years of his life in prison.

Since Bhat remains in jail, many political commentators in Indian-administered Kashmir think his appointment as the new APHC chief will hardly have a significant effect on the ground.

## Who is Masarat Alam Bhat?

Bhat, a Geelani loyalist, is a staunch anti-India leader who believes Kashmiris should be given the right to self-determination. He was expected to succeed Geelani after Ashraf Sehrai,

the 77-year-old second in command, [died in jail](#) in May this year.

Sehrai was in detention under the draconian Public Safety Act (PSA), a law that allows a person to remain imprisoned for up to a year without trial.

Bhat, a science graduate, had a brief stint with armed rebellion against India in his teenage years before he was arrested and released two years later in 1993. After walking free, he co-founded the Muslim League, a pro-freedom group that was a part of the APHC.



Bhat is considered the brainchild behind the division of the umbrella organisation into two factions – hardliners and moderates – in 2003. After the split, Bhat joined the hardline faction led by Geelani.

The hardliners advocated for the resolution of the Kashmir dispute under a United Nations

Security Council resolution and refused to engage with New Delhi.

In April 1948, the UNSC had passed a resolution, asking the governments of India and Pakistan to “create proper conditions for a free and impartial plebiscite to decide whether the State of Jammu and Kashmir is to accede to India or Pakistan”.

The Hurriyat moderates, on the other hand, used to take part in dialogue with India and Pakistan and were open to unconditional talks with the Indian government.

While Bhat has been a part of the separatist politics for over two decades, he gained widespread popularity in 2010 when he led thousands of youths in Srinagar who protested against the killing of Tufail Mattoo, a teenager, by the Indian security forces.

The agitation continued for months and saw the killing of more than 100 civilians by Indian forces. As India’s crackdown intensified, Bhat went underground from where he secretly issued protest calendars until he was arrested in October 2010.

The uprising turned him into a charismatic leader, mainly among the youth in Indian-administered Kashmir.

Bhat has been imprisoned since 2015 after he was booked under the PSA, legislation Amnesty International has described as a “lawless law”. Frequently, the PSA against him would be revoked and he would be immediately booked in another case under the same law.

He is currently jailed under a case related to alleged “terror funding”, like many other separatist leaders from the region.

## ‘Resistance did not die’

For the last two years, New Delhi has been successful in maintaining a tight grip on the portion of Kashmir it governs. A crackdown by the National Investigation Agency (NIA) on separatist groups resulted in many of their leaders being thrown into jails over alleged “money laundering” and other cases.

Meanwhile, groups such as the socio-religious Jamaat-e-Islami and the Jammu

Kashmir Liberation Front (JKLF) have been banned for their “secessionist” ideologies.



The beleaguered separatist groups faced another setback with the death of Geelani, who was referred to as “Bab” (Father in Kashmiri) by his supporters.

Sheikh Showkat Hussain, political analyst and academic based in the region, says Kashmir’s history has witnessed several moments wherein a group’s survival was seen through the lens of a popular leader.

But, he says, popular sentiments for the right to self-determination among the region’s residents have always overshadowed their leaders.

“Sheikh Abdullah abandoned separatism and joined the state as chief minister in 1975 when Pakistan had lost its eastern wing but resistance did not die. Rather, Sheikh’s abdication made separatism more profound and more mobile,” Hussain told Al Jazeera.

In 1975, Kashmiri nationalist Sheikh Abdullah signed an accord with the then Indian Prime Minister Indira Gandhi, under which he gave up the demand for independence and took over the reins of the state.

“I don’t think the death of a leader or any individual or changing sides by an individual



will impact the resistance in a big way,” Hussain said.

Husain believes Bhat’s appointment as Geelani’s successor was “an obvious and expected move”.

“The situation is such that if they appoint someone who is outside (a jail), he would be arrested. There were two options for the new incumbent if he was outside: either go underground or get arrested,” he said.

“They can’t afford to go underground because Hurriyat professes to be an above-ground organisation and not involved in underground activities.”

Government officials in the region say the appointment of a jailed leader to head the Hurriyat Conference does not make any difference on the ground.

“In the 2010 agitation, Bhat was a mass leader. Because of his hawkish stand on certain issues, he was close to Pakistani circles or those who subscribed to that ideology,” an official, who refused to be named, told Al Jazeera, calling Bhat “a very honest and upright man”.

“But with time the rigidity in his stance on Kashmir has slowly diminished. We can’t call him moderate but the rigid mindset that he had in the beginning has slowly changed a little bit,” he added.

The official said in the current political scenario in Indian-administered Kashmir, Bhat’s

appointment “means nothing” and “hardly counts”.

“He is in jail and he can’t do anything. And on the ground, the Hurriyat is dismantled.”

Ajai Sahni, executive director of New Delhi-based Institute for Conflict Management, told Al Jazeera the new APHC leadership cannot meet the “towering influence” of Geelani.

“I don’t think separatists would be able to make any significant impact on the ground due to factors such as the loss of Geelani, loss of popular support, and the constraints under which all political activities are operating,” he said.

Sahni, however, added that it would be premature to start making predictions about Hurriyat’s future.

“Given the political situation, the centre’s policies and the degree with which political activities remain constrained, all these factors would influence what the Hurriyat will be able to do,” he said.

“Also, Bhat and many Hurriyat leaders are now involved in criminal cases which will automatically limit their capacities for an open political activity.”

But Siddiq Wahid, a former vice-chancellor of the Islamic University of Science and Technology and political commentator from the disputed region, thinks Hurriyat’s “demise has been predicted many times before but such predictions reflect more a wish on the part of the predictors and less the situation on the ground”.