



RIGHT OF SELF DETERMINATION AS AN INALIENABLE RIGHT *

Introduction

In brief, Human Rights may be regarded as the rights which are inherent to all human beings, irrespective of their place of birth, color, race, religion, national and ethnic origin or any other status¹. It may also be described as those rights which are basic and inalienable, and every person possesses it by virtue of them being human.

Human Rights are also termed as Fundamental rights, basic rights, inherent rights, natural rights and birth rights. As fundamental or basic rights these are the rights which can't and rather must not be taken away by legislation or any Law-Making authority and which are often set out in the Constitution. It may also be described as 'common rights', the rights which all men and women in the world would share, just as the common law in England, for example, was the body of rules and customs which, unlike local customs, governed the whole country.²

These rights become operative with the birth of a human, and are very essential for all the individuals as they are consonant with their freedom and dignity and are conducive to physical, moral, social and spiritual welfare.³

Chief Justice of India, J.S. Verma rightly stated that '*Human dignity is the quintessence of Human Rights*'.⁴ The world conference on Human Rights held in 1993 in Vienna stated in the Declaration⁵ that human person is the central subject of Human Rights and fundamental freedoms, and these human rights are derived from the dignity inherent in the human person.

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¹United Nations Human Rights Principles, *Human Rights Principles*, UNFPA, (2005) www.unfpa.org/resources/human-rights-principles

² J.E.S. Fawcett, *The Law of Nations* (Alien Lane, The Penguin Press, London, 1968), at 151.

³ DR. H.O. AGARWAL, *INTERNATIONAL LAW AND HUMAN RIGHTS* 754, (20th ed. 2014) at 754

⁴ Justice J.S. Verma, *The New Universe of Human Rights*, Journal of NHRC, Vol. 1 , p.3. (2002)

⁵ World Conference on Human Rights, Vienna, <http://www.ohchr.org/EN/ABOUTUS/Pages/ViennaWC.aspx>

Human rights are inalienable, indivisible and interdependent. These rights are inherited by birth and as being human no one can lose these rights, because of this it is inalienable. Indivisible because these rights are important and essential and can never be denied or taken away. These rights are not separated by other rights, all rights- social, economic, political, civil and cultural are equal in importance and none of them can be fully enjoyed alone without any reliance.⁶

➤ **Human rights - Historical Perspective**

One of the characteristic trait of the human rights is that it creates entitlements and these resulting entitlements have been addressed in the Euro-American tradition since the Enlightenment by reference to the inherent freedom and intrinsic rights of the individual.⁷ The root for the protection of the rights of man may be traced as far back as in the form of Babylonian Laws (282 B.C.) in the form of Hammurabi's Codes of Law.⁸ From this Babylon, the idea of human rights spread vigorously to India and Greece. Assyrian laws, Hittite Laws and Dharm of the Vedic Period which forms an significant source of law in India also devised different sets of similar rights.

The Hindu Vedas, the Babylonian Code of Hammurabi, the Bible, the Quran and the Analects of Confucius are five of the oldest written sources which address the questions of rights and duties of people.⁹ All the major religions of the World have a humanist perspective that supports human rights despite the differences in the contents.¹⁰ While studying the concept of Human Rights, one of the main instruments which has been persistently referred and taken into consideration is the instrument of Magna Carta in 1215 AD¹¹.

There are other important modes which signify the existence and importance of Human Rights, USA Constitution (1787) and Bill of Rights (1791) which protects Freedom of Speech, Freedom of Religion, Freedom of Assembly and Freedom to petition. French Declaration on the Rights of Man and Citizen (1789) and English Bill of Rights (1791) are the written forerunners to many of today's human rights documents.¹²

➤ **Human Rights: Present Context**

⁶ www.oxfordjournals.org/page/6670/13

⁷ KÄLIN AND KUNZII, THE LAW OF INTERNATIONAL HUMAN RIGHTS PROTECTION, OXFORD UNIVERSITY PRESS.

⁸ DR. H.O. AGARWAL, *supra* note 4, at 760.

⁹ Nancy Flowers, *Human Rights Here And Now*, University of Minnesota, <https://www1.umn.edu/humanrts/edumat/hreduseries/hereandnow/Part-1/short-history.htm>

¹⁰ DR. H.O. AGARWAL, *supra* note 9.

¹¹ JUSTICE HOSBET SURESH, "ALL HUMAN RIGHTS ARE FUNDAMENTAL RIGHTS", (2nd ed. 2010), Universal LAW PUBLISHING PVT. LTD., NEW DELHI at 2.

¹² Nancy Flowers, *supra* note 10.

The concept of human rights of justice and of human dignity as such date back to antiquity, but the institutionalization of human rights penetrated into the international system at the end of the 18th Century¹³. The main document which lays emphasis on the expression of Human Rights can be found in the purposes of Charter of United Nations which was adopted after the World War II. Later on the major step taken by the UN in pursuance of the human rights came in as the Universal Declaration of Human Rights on December 10, 1948. Subsequent developments made in the field of human rights by United Nations made clear two different kinds of Human Rights *viz.*-

- (1) Civil and Political Rights.
- (2) Economic, Social and Cultural Rights.

Civil and Political Rights- Civil rights are those rights which are related to the protection of right to life and personal liberty.¹⁴ Political rights referred to those which allow to participate in the Government of a State. These both right may be different in its terms but are interrelated and interwoven to each other. These rights are the rights of first generation which derived from the 17th and 18th Century reformist theories which are associated with the English, American and French revolutions.¹⁵ Civil and Political Rights are the rights which may be termed as negative rights in the sense that a Government is require to abstain from doing those activities that would violate them.¹⁶

Economic, Social and Cultural Rights are based fundamentally on the concept of social rights. These rights sometimes called positive rights which require active intervention on the part of the State. They are related to the guarantee of the basic and minimum necessities of life of human beings. This is because of the above two kinds of rights which resulted into the development of two segments of documents or covenants in international scenario i.e. International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR), came into existence in 1966.

In addition to the above rights there are additional kinds of rights which may be enjoyed by individuals or collectively such as right of Self-determination and physical protection of group through prohibition of genocide.

New international law-based is based on right of freedom. The importance of freedom lies in the right of choice, so that the outcome of a people's choice should not affect the existence of the

¹³ MANOJ KUMAR SINHA, IMPLEMENTATION OF BASIC HUMAN RIGHTS, LEXIS NEXIS 4-5, (1st ed. 2013).

¹⁴ IAN BROWNLIE, PRINCIPLES OF PUBLIC INTERNATIONAL LAW, (7th ed.).

¹⁵ French Jurist Karel Vasak, "A 30 Year Struggle: The Sustained Efforts to Give Force to the Universal Declaration on Human Rights", at 29-30.

¹⁶ DR. H.O. AGARWAL, *supra* note 9.

right to make a choice. The right of self-determination is an integral part of human rights law which has a universal application. The principle and fundamental right to self-determination of all peoples is firmly established in international law. At the same time, it is recognized that compliance with the right of self-determination is a fundamental condition for the enjoyment of other human rights and fundamental freedoms, be they civil, political, economic, social or cultural. The prominence of these rights can't be underestimated as they supported the granting of independence to colonial countries and peoples in providing an inevitable legal linkage between self-determination and its goal of decolonisation.

➤ **Right of Self-Determination and it's Codification**

Self-determination denotes the legal right of people to decide their own destiny in the international order¹⁷. One Area where the role of an individual could be viewed as a challenge to the State-based system and where individuals had been involved in the creation, development and enforcement of international law is with respect to the right of self-determination.¹⁸ Right of Self Determination is a collective human right and it has been recognised as an established principle of international law¹⁹. The concept of self-determination was developed by the United Nations through its resolutions and conventions²⁰.

Initial references are often made to the declaration of Atlantic charter of 14th August 1941²¹, which is the key development of the appearance to the references of the “principle of equal rights and self-determination nation of people”. Many jurists and government were prepared to interpret these references as hortatory effect, but the practice of United Nations organs has established the principles as a part of the law of the United Nations especially in resolution 637A of 16 December 1952 as general assembly recommended.²²

The principle of self-determination, as it follows of the UN Charter²³, says it is the duty of the United Nations to promote respect for fundamental human rights and, consequently, for nations right to self-determination. Under the purposes and principles of United Nations Charter States has a duty, “To develop friendly relations among nations based on respect for the principle of

¹⁷ Wex Legal Dictionary, www.law.cornell.edu/wex/self_determination_international_law.

¹⁸ MALCOLM D EVANS, INTERNATIONAL LAW, (4th ed.), at 295.

¹⁹ The International Court of Justice in the case concerning East Timor (Portugal v. Australia).

²⁰ Daniel Thürer and Thomas Burri, Self-Determination.

²¹ Text: 35 AJ (1941) suppl. 191 adherence by the USSR and the other states in a declaration of 1st January 1942 36 AJ 1942 suppl. 191.

²² The commission on human rights and the Third committee have been concerned with the subjects and it appears in the Covenant on civil and political rights and economic social and cultural rights; cases on United Nations Law 420 ff8., 812 and Higgins development 90-106.

²³ UN Charter, Art. 55.

equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace.”²⁴

By virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, all people have the right to freely determine, without external interference, their political status and to pursue their economic, social and cultural development, and every State has the duty respect this right in accordance with the provisions of the Charter²⁵. In 1952 Resolution, it declared that “the right of peoples and nations to self-determination is a prerequisite to the full enjoyment of all fundamental human rights”.²⁶

The General Assembly recommended, inter alia, that “the Members States of the United Nations shall uphold the principle of self-determination of all peoples and nations.”²⁷ In 1960 Resolution, the General Assembly declared the principle of self-determination as part of the obligations stemming from the Charter; not in a form of “recommendation,” but an authoritative interpretation of the Charter.²⁸

In 1966, International Covenant on Civil and Political Rights came into force which stated that, “All peoples have the right of self-determination. By virtue of this right they freely determine their political status and freely pursue their economic, social, and cultural development.”²⁹ The implementation procedure under the Covenant on Civil and political Rights is carried on by the Human Rights Committee consisting of eighteen persons.³⁰

In 1993, representatives of 171 states adopted by consensus the Vienna Declaration and Programme of Action of the World Conference on Human Rights,³¹ it reaffirmed the principles that have evolved during the past 45 years. The final document emphasizes that the Conference considers the denial of the right of self-determination as a violation of human rights and underlines the importance of the effective realization of this right.³²

➤ **SELF-DETERMINATION AND RELATED ASPECTS:**

The evolution of principle of self-determination does not have an end. The “internal” aspect of this norm is much more emphasized, and as such, goes beyond the classical/post-colonial context. This can be shown in a number of ways from its original focus in the early part of the twentieth

²⁴ *Ibid*, Art. 1.

²⁵ General Assembly Resolutions, A/RES/25/2625.

²⁶ General Assembly Resolution 637A(VII) of Dec. 16, 1952.

²⁷ *Ibid*.

²⁸ General Assembly Resolution 1514 (XV), 1960.

²⁹ The International Covenant on Civil and Political Rights, Art. 1.

³⁰ *Ibid*, Art. 28(1).

³¹ Vienna Declaration and Programme of Action, 1993 para 2.

³² T. Hillier, Sourcebook on Public International Law, London-Sydney, 1998, at 192.

century on minorities within and across state; its development beyond a legal justification for decolonization to its application outside the colonial context to independent states and internal self-determination; and its emphasis on the right of the people to decide their own destiny³³. Some of these aspects were explained by Judge Nagendra Singh in the Advisory Opinion of the *Western Sahara Case*³⁴ in compliance of “the validity of the principle of self-determination” in the context of international law, he said that:

“The consultation of the people of a territory awaiting decolonization is an inescapable imperative... Thus even if integration of territory was demanded by an interested state as in this case, it could not be had without ascertaining the freely expressed will of the people- the very sine qua non of all decolonization”

The linkage of self- determination (which was conceived until 1960 as a political principle having a weak legal context) to the political status of peoples can be viewed as an important step towards its inclusion to the ICCPR afterwards. Similarly, the reference to the “economic, social and cultural development”³⁵

- **Decolonization Aspect**

The principle of self-determination of peoples has been subject to a conceptual evolution which began in post-Second World War era and accelerated in 1960's due to the decolonization process.³⁶ This evolution pertains to the transformation of self-determination which was firstly conceived as a political principal to a peremptory legal norm, i.e. jus cogens³⁷. The Declaration on the Granting of Independence to Colonial Countries and Peoples adopted by the GA in 1960 by eighty-nine votes in favour, none against with nine abstentions³⁸, stated that; “all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development”.³⁹

During the era of decolonization states were divided as to whether force could be used by colonial people in pursuit of the right of self-determination⁴⁰. Former colonies and developing states

³³ R. McCorquodale, ‘Self-determination: A Human Rights Approach’ (1994) 43 International and Comparative Law Quarterly 857.

³⁴ Advisory Opinion Concerning the International Status, International Court of Justice (ICJ), 11 July 1950.

³⁵ Anton Bösl and Joseph Diescho, *Human Rights in Africa Legal Perspectives on their Protection and Promotion*, http://www.kas.de/wf/doc/kas_16347-544-1-30.pdf

³⁶ Burak COP and Doğan Eym, *The right of self-determination in international law towards the 40th anniversary of the adoption of ICCPR and ICESCR* ; <http://sam.gov.tr/wp-content/uploads/2012/02/BurakCopAndDoganEymirlioglu.pdf>

³⁷ www.iccnw.org/documents/WritingColombiaEng.pdf

³⁸ United Nations General Assembly Resolution 1514 (XV).

³⁹ Abstaining states were Australia, Belgium, the Dominican Republic, France, Portugal, Spain, South Africa, the UK, and the US (Wilson, at 68)

⁴⁰ CHRISTINE GREY, *USE OF FORCE AND INTERNATIONAL LEGAL ORDER IN EVANS*, INTERNATIONAL LAW (3rd ed.)(OUP).

maintained that Article 2(4)⁴¹ did not prohibit such use of force; Western and former colonial powers did not accept this and voted against the general assembly resolutions which expressively affirmed a right to use force. Even though many groups continue to invoke self-determination and to turn to armed force in pursuit of decolonisation, the virtual end of decolonization therefore means that the legal debate does not have great practical significance today, except in the context of the struggle of the Palestinians⁴² for Self-determination to end the illegal occupation of Israel of the west bank and Gaza Strip⁴³.

There is no rule of international law forbidding revolutions within a state, and the United Nation's Charter favours the self-determination of peoples. Self-determination may take the forms of rebellion to oust an unpopular government, of colonial revolt, of an irredentist movement to transfer territory, or of a movement for the unification or federation of independent states.⁴⁴

Although, the principle emerged in the context of decolonisation to allow colonies and "non-self-governing territories and peoples subject to alien subjugation, domination and exploitation"⁴⁵ to secede from the metropole⁴⁶, but over the time other situation were considered where the culture which forms the congruence was questioned. Furthermore, it is argued by many leading scholars that, even the secession can be legitimate in case of lack of materialization of internal self-determination⁴⁷. The ICJ has emphasized this principle of internal customary law⁴⁸ which even forms a rule of *jus cogens*⁴⁹. According to this right, people would, in certain circumstances, have the right to secede to create their own state.⁵⁰ But these circumstances remained unclear.

If the principle in reference of these circumstances were well established, it would be more uncertain to determine in which other cases it applies⁵¹. Some of them can be further discussed. One obvious case may be when an ethnic or cultural group within a state is being oppressed or persecuted⁵², instances of the same can be taken from the former URSS states or Tibet⁵³. Another is when independence is a remedy for previous persecutions as in the case of Kosovo and

⁴¹ United Nations Charter, 1945.

⁴² <http://www.un.org/apps/news/story.asp?NewsID=49805#.Vx9o2jB97IU>

⁴³ Security Council Resolution, S/RES/1860 (2009)

⁴⁴ M. WHITEMAN, SELF-DETERMINATION, DIGEST OF INTERNATIONAL LAW (5th ed.), WASHINGTON, 1974, v. 5, 4, at 39.

⁴⁵ International Court of Justice advisory opinion on Kosovo's Declaration of Independence, 2010, at 39.

⁴⁶ DIXON, M TEXTBOOK ON INTERNATIONAL LAW (6th ed.) BLACKSTONE PRESS 2007, at 171-172.

⁴⁷ MALCOLM N. SHAW, INTERNATIONAL LAW, (5th ed.) (Cambridge: Cambridge University Press, 2003), at 225 .

⁴⁸ Namibia Opinion, ICJ Rep 1971 16.

⁴⁹ DIXON, M TEXTBOOK ON INTERNATIONAL LAW (6th ed Blackstone Press 2007) at 153.

⁵⁰ UNESCO, *International Meeting of Experts on Further Study of the Concept of the Rights of Peoples: Final Report and Recommendations* (1990)

⁵¹ Timothy George McLellan 2009 5(1) C.S.L.R. 13.

⁵² *supra* note 34

⁵³ G.A.Res.1353 (XIV), 21 Oct 1959, 1723(XVI), 20 Dec. 1961, and 2079(XX), 18 Dec. 1965.

Southern Sudan⁵⁴. But in case if people simply express their will to become independent,⁵⁵ without suffering any oppression, which the history has witnessed as well in the case of⁵⁶ Bangladesh and Yugoslavia, but rarely in a democratic context.⁵⁷

If people, as individuals and as a whole, have a right to freely exercise their culture, religion and political beliefs and to decide freely of their economic and social development, then the state has the obligation to give them the freedom to do so⁵⁸. An important question arises at this step of the development is that how extensive are the obligations of a state in terms of free organisation of its several groups, and which kind of structures can be used in order to fulfil these international legal requirements.

- ***Indigenous People and Minority Aspect***

It is submitted that international law provides today a right for every people on a territory the right to be granted the autonomy of a federal structure.⁵⁹ If it is denied this right, then it acquires a right to secede. This is the modern definition of self-determination. The UN already took the step in regard to indigenous people.⁶⁰ To strengthen this right, a similar resolution would be welcome in a broader context. Perfect example of the particular scenario can be the situation in Scotland. It enjoys a deep autonomy that could be compared to that in Belgian, has its own legal system and is restricted only by a list of “reserved matters,” whereas Belgian communities can only act in the matters listed in the Constitution. However this autonomy is granted by an Act that could be easily repealed by the UK Parliament without the consent of Scotland. That is an important difference with federalism and a possible window towards a full internal self-determination.

John Mill claimed that “*Your freedom ends where my rights begin.*”⁶¹ In the same way, the right of a people to self-determination ends where the rights of other people begin. A unitary state can be imposed to a minority, but neither a partition of the state can be imposed to the majority who accepted to give autonomy to the minority⁶². That is why federalism is it is submitted the best legal answer to self-determination claims.

⁵⁴ S.P. SHEERAN, INTERNATIONAL LAW, *peace agreements and self-determination: the case of the Sudan* 2011, 60 (2) I.C.L.Q. 451-452.

⁵⁵ *Western Sahara Case 1975 ICJ Rep 12*

⁵⁶ G.A.Res.47/221 and 47/222 adopted by acclamation

⁵⁷ Thomas Frank, ‘*Post-modern neo-tribalism and the law of self-determination*’ 2002, 13(4) E.J.I.L. 943-944.

⁵⁸ World Health Organization, *The Right to Health* <http://www.ohchr.org/Documents/Publications/Factsheet31.pdf>.

⁵⁹ The definition of ‘people’ becomes in this context an important question. However, bringing an accurate definition of this concept would lead us outside the framework of this coursework.

⁶⁰ General Assembly Resolution. 61/295, at para. 3.

⁶¹ CHIN LIEW TEN, *MILL ON LIBERTY* CLARENDON PRESS, OXFORD, 1980.

⁶² M. KOSKENNIEMI, *National self-determination today: problems of legal theory and practice* 1994, 43(2), I.C.L.Q. 260.

It brings together majority and minority in their will of independence and territorial integrity, allows each ethnic or cultural group to administrate itself and protect its language and culture, maintains the stability of the states and prevents a decomposition of Europe into additional of groups and then sub-groups of people. A reserve must be made however: the constitution of the new federal state must keep a national government strong enough to prevent the dissolution of the country and build a parliamentary structure that will prevent the government falling each time the several groups of the federation do not agree. Otherwise the new organisation would be in breach of the international principle of territorial integrity as much as secession would be.

Another area of international law where 'conscience of humanity' has been awakened is in relation to indigenous people. Although their international legal status had been acknowledged in the sixteen century and some national courts considered them as communities distinct from states, it was not until late in twentieth century that substantial renewal was considered⁶³. Most significantly, of the then UN Human Rights Commission established a working group in Indigenous populations in 1982. A definition of indigenous populations was suggested and various suggestions made as to future action. In 1982, the Sub-Commission established a Working Group on Indigenous Populations.⁶⁴ Various treaties and declaration have emphasized their right to self-determination⁶⁵ and manner of exercising it to have their right to autonomy or self-government in matters relating to their international and local affairs, as well as ways and means for financing their tonomous function⁶⁶.The United Nations, its bodies, including at the country level, as states are called upon to promote respect for and full application of the Declaration.⁶⁷ This system was revolutionary in the UN system.⁶⁸

The principle of self-determination is also exemplified in the decisions by the International Court of Justice. In the *Ethiopia v. South Africa*⁶⁹, Judge Nervo, dissenting, expressed the belief that the concept of equality and freedom "will inspire the vision and the conduct of peoples the world over until the goal of self-determination and independence is reached." In the decision of *Portugal v. Australia*⁷⁰, the International Court reaffirmed that the principle of self-determination of peoples is recognized by the UN Charter and by its own jurisprudence as being "one of the essential principles of contemporary international law".

⁶³ *supra* note 9.

⁶⁴ E/CN.4/Sub.2/192/33.

⁶⁵ United Declaration on Human Rights, Art. 3.

⁶⁶ *Ibid*, Art. 4.

⁶⁷ *Ibid*, Art. 42.

⁶⁸ Malcolm D Evans, *supra* note 19, at 295.

⁶⁹ South-West Africa Cases (*Ethiopia v. South Africa*; *Liberia v. South Africa*); Second Phase, International Court of Justice (ICJ), 18 July 1966.

⁷⁰ Case Concerning East Timor (*Portugal v. Australia*), International Court of Justice (ICJ), 30 June 1995.

The applicable rule of the determination of a government's legitimacy is popular sovereignty, which has been the governing standard in international law for at least the past century⁷¹ and is supported by multiple General Assembly resolutions and international conventions⁷². That popular sovereignty requires that every legitimate government enjoy the consent of the governed.⁷³

➤ Conclusion

The principle of "self-determination represents an important movement away from the old legal view under which international law rights pertain only to states and governments, and not to groups or individuals."⁷⁴ The present position is that self-determination is the legal principle and that United Nations organs do not permit in accordance with Art. 2, para 7⁷⁵, to impede discussion and decide when the principal is in issue⁷⁶. Its precise ramifications in other contexts are not difficult to do justice to the problems in small compass. In practice, however, the possible outcome of an exercise of self-determination will often determine the attitude of governments towards the actual claim by a people or nation. Thus, while claims to cultural autonomy may be more readily recognized by states, claims to independence are more likely to be rejected by them. Nevertheless, the right to self-determination is recognized in international law as a right of process (not of outcome) belonging to peoples and not to states or governments.

It is important to note that, the principle informs and complements other general principles of international law⁷⁷, in relation to State Sovereignty, the equality of states and the equality of people within the state. Also, the concept of self-determination has been applied in the different context of economic self-determination.⁷⁸

The inclusion of the Right to Self-determination in the UN Charter, International Covenants on Human Rights, reaffirmation in various UN resolutions and acceptance in various decisions of ICJ referred to above, emphasizes the need of self-determination. At the same time, it is recognized that compliance with the right to self-determination is a fundamental condition for the enjoyment of other human rights and fundamental freedoms. As righteously pointed out by Wolfgang

⁷¹ Hans Kalen, *General Theory of Law and State* 220-21 (Anders Wedburg trans. 1961); Universal Declaration of Human Rights, G. A. Res. 217, U.N. Doc. A/810 (1948), Art. 21.

⁷² UDHR; Charter of the United Nations, preamble; United Nations Declaration on the Granting of independence to Colonial Peoples, G.A. Res. 1514, U.N. Doc. A/4684 (1996); ICCPR, ARTS. 1, 3; International Convent on Economic. Social. and Cultural Rights, 993 U.N.T.S. 3 (1995), Art. 1 & 3.

⁷³ BRAD ROTH, *GOVERNMENT ILLEGITIMACY IN INTERNATIONAL LAW* 258-9 (2000).

⁷⁴ U.N. GEN. Ass. OFF. REc. 15th Sess., Plenary 1103 (A/PV.933) (1960).

⁷⁵ United Nations Charter, 1945.

⁷⁶ The right of self-determination of the Palestinian people, United Nations https://www1.umn.edu/humanrts/Espiell_1978.pdf

⁷⁷ Robert Araujo, *Sovereignty, Human Rights, and Self-Determination: The Meaning of International Law* Father Robert Araujo, <http://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?Art.=1770&context=ilj>.

⁷⁸ Common Covenants produced by the Third Committee of the General Assembly, Art. 1.

Danspeckgruber that *"No other concept is as powerful, visceral, emotional, unruly, as steep in creating aspirations and hopes as self-determination."*



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