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LIECHTENSTEIN INSTITUTE
ON SELF-DETERMINATION
AT PRINCETON UNIVERSITY

The UN at 75 - the role of the Right of Self-Determination

23 October, via VTC

The right of self-determination has played a crucial role in the United Nations' emergence as the world's foremost international organization. Its influence can be seen in the growth of the UN's membership: 75 years ago, the United Nations came into existence with 51 member states. Since then, this number has almost quadrupled, primarily as a result of decolonization, through which peoples have been able to exercise their right to self-determination. The UN has also played a decisive role in the shaping and expanding of the application of self-determination, as well as the anchoring of self-determination in international law. While initially seen as a right exercised by peoples through the formation of independent sovereign states, the UN has helped to consolidate the existence of self-determination as a right that can also be expressed in other forms and by other holders, notably by indigenous peoples. New global realities including globalization, climate change and advances in digital technologies now require the application of self-determination in novel ways. One element of the UN's response will require an assessment of how expressions of self-determination in international law can further develop in the future.

This event, held as a set of four panel discussions, will discuss the role of the right of self-determination in the history of the organization and to evaluate the ongoing role of the UN in this respect.

Schedule/Program

Welcoming remarks:

10:00-10:05: Ambassador Christian Wenaweser, Permanent Representative of Liechtenstein to the United Nations

Keynote Speaker:

10:05-10:15: H.S.H. Alois, Hereditary Prince of Liechtenstein

Introductory Remarks:

10:15-10:20: Prof. Wolfgang F. Danspeckgruber, Founding Director, Liechtenstein Institute on Self-Determination, Princeton University

10:20 – 11:05: The UN and Decolonization

Just as the increase in the UN's membership was shaped by decolonization, UN resolutions and deliberations in turn further developed the UN's oversight over the decolonization process. The creation of the Trusteeship Council and the Special Committee on Decolonization (C-24), and General Assembly resolutions including 1514 (the *Declaration on the Granting of Independence to Colonial Countries and Peoples*) and 1541, provided a framework to ensure decolonization as an expression of self-determination.

How did the creation of the UN provide an impetus for the process of decolonization, and what was the significance of a right to self-determination at the UN in shaping the process? To what extent is decolonization 'unfinished business' at the UN, both inside and outside of formal UN processes?

Panelists:

HE Amb. Collen Vixen Kelapile, Permanent Representative of Botswana to the United Nations, Chair of the Fourth Committee of the UN General Assembly

HE Amb. Keisha A. McGuire, Permanent Representative of Grenada to the United Nations, Chair of the Special Committee on Decolonization (C-24)

Dr. Jamie Trinidad, Fellow, Lauterpacht Centre for International Law, University of Cambridge

Moderator:

Dr. Georg Sparber, Deputy Permanent Representative of Liechtenstein to the United Nations

11:05 – 11:50: Self-Determination at the UN in 2020

Thinking about self-determination in 2020 is framed by a remarkably different context to that of 1945. Governance challenges and solutions are now more globalized; in response states increasingly work together on joint approaches across borders, including through the UN. The functions of the state are more numerous and increasingly take place online and extraterritorially. Climate change also represents an increasing threat to self-determination, due to rising sea levels, increased extreme weather events, or heat unfit for human habitation. Prevention and resolution strategies for conflicts involving claims to self-determination rarely address this grievance in a targeted way. At its 75th anniversary, the UN has an opportunity to reflect on the factors that will change the way in which peoples self-determine in the future, and the ways in which it can continue to facilitate the realization of this foundational right.

How has the concept of self-determination adapted to increasingly interconnected and non-traditional forms of sovereignty? How can the UN reevaluate and further develop the concept of

self-determination to meet the challenges of the next 75 years? How can states and other actors help to uphold the central place of self-determination in international law and the UN system?

Panelists:

HE Amb. Amatlain Elizabeth Kabua, Permanent Representative of the Marshall Islands to the United Nations (via pre-recorded statement)

HE Mr. Toomas Hendrik Ilves, Former President of Estonia

HE Amb. Christian Wenaweser, Permanent Representative of Liechtenstein to the United Nations

Moderator: Prof. Wolfgang F. Danspeckgruber, Founding Director, Liechtenstein Institute on Self-Determination, Princeton University

11:50 – 12:35: Self-Determination and International Law

The right of self-determination is initially referenced in the UN Charter as “the principle of equal rights and self-determination of peoples”. It has since been reaffirmed as a core principle of international law in Common Article 1 of the UN’s twin human rights Covenants, and developed in decisions of the UN’s human rights treaty bodies, as well as those of the International Court of Justice, as the UN’s principal judicial organ.

How has self-determination developed as a legal right since 1945? What is its relationship to other provisions in international law, including human rights? What are the key cases that shape the contours of this right, and what legal tensions in its application remain unresolved?

Panelists:

Prof. John Packer, Neuberger-Jesin Professor of International Conflict Resolution, Director, Human Rights Research and Education Centre, University of Ottawa

Dr. Vasilka Sancin, Member of the Human Rights Committee, Associate Professor at the School of Law, Head of the Department of International Law, University of Ljubljana, Slovenia

Prof. Georg Nolte, Professor of International Law, Humboldt University of Berlin

Moderator:

HE Amb. Christian Wenaweser, Permanent Representative of Liechtenstein to the United Nations

12:35 – 1:20: The Development of the Right to Self-Determination

The UN has been influential in broadening the scope of self-determination over the past 75 years. While in 1945 self-determination was primarily thought of as a right through which peoples could achieve independent statehood, the UN has since recognized other forms of expression of the

right, such as free association, and by peoples existing within and across UN Member states, notably indigenous peoples. Agreements such as UNGA resolution 2625 (the *Friendly Relations Declaration*) and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) (endorsed in A/RES/61/295) have been key to this end.

How has the right to self-determination developed over the past 75 years, both in terms of its holders and outcomes? How has the concept of 'the emergence into any other political status freely determined by a people' contained in the Friendly Relations Declaration been interpreted? What was the impact of the adoption of the UN Declaration on the Rights of Indigenous Peoples on the UN's approach to self-determination, and on the that of member states? How does self-determination in the Indigenous context differ from that of states, and what does this mean for other groups seeking differing forms of self-determination, such as minority groups?

Panelists:

Prof. Joshua Castellino, Executive Director & Professor of Law at Minority Rights Group International

Ms. Anne Nuorgam, Chair of the United Nations Permanent Forum on Indigenous Issues (UNPFII)

Moderator:

HE Amb. Christian Wenaweser, Permanent Representative of Liechtenstein to the United Nations

Registration:

Please RSVP using the following link:

https://zoom.us/webinar/register/WN_lwYbQnWzR6GmZ8zOtpncEw.

Although we will not ask for interventions from the floor, there will be an opportunity to ask questions to the panelists through the use of the Q&A function and for presentation via the moderator. A summary of discussions will be circulated by the Liechtenstein Mission to the UN and the Liechtenstein Institute on Self-Determination, subsequent to the event.