

The Question of Self-Determination

Examine again the 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples (Documentary Supplement, pages 57-58) and compare this language to the paragraphs entitled "The principle of equal rights and self-determination of peoples" in the 1970 Declaration on Principle of International Law Concerning Friendly Relations" (DS-64-65). Examine also Article 27 of the International Covenant on the Civil and Political Rights (DS-159) and Article 7 of the General Assembly's Definition of Aggression (DS-56).

What "peoples" are entitled to self-determination? American Indians? The residents of Guam? The Irish in Northern Ireland? Maoris in New Zealand? Native Hawaiians? Armenians? Sikhs? Lithuanians? The Tamils in Sri Lanka?

The island group of French Polynesia (Tahiti) has a population of 124,000. It is ruled by a governor appointed by the French national government, aided by a government council, with an elected territorial assembly. The residents of Tahiti elect one deputy to the 490-member National Assembly of France and one senator to the 283-member French Senate. The population of France is 52,674,800. Is French Polynesia a colony? Are the Tahitians entitled to self-determination?

Consider also the language on self-determination adopted in 1975 as Principle VIII of the Helsinki Final Act by the nations of East and West Europe and Canada and the United States:

The participating States will respect the equal rights of peoples and their right to self-determination, acting at all times in conformity with the purposes and principles of the Charter of the United Nations and with the relevant norms of international law, including those relating to territorial integrity of States.

By virtue of the principle of equal rights and self-determination of peoples, all peoples always have the right, in full freedom, to determine, when and as they wish, their internal and external political status, without external interference, and to pursue as they wish their political, economic, social and cultural development.

The participating States reaffirm the universal significance of respect for and effective exercise of equal rights and self-determination of peoples for the develop-

ment of friendly relations among themselves as among all States; they also recall the importance of the elimination of any form of violation of this principle.

How is this language different from the U.N. provisions?

Consider finally the following discussion by Professor Walker F. Connor (of the State University of New York, College of Brockport). This excerpt is from an essay entitled "The United States and the Right of Self-Determination" which will be published in a forthcoming collection of essays entitled United States Foreign Policy and the Pursuit of International Human Rights (edited by Professor Natalie Kaufman Hevener of the University of South Carolina):

The Revolutionary Potential of Self Determination

When discussing self-determination, care must be taken not to confuse the slogan which the phrase has become with the historic content of the idea. We have seen that the idea of national self-determination surfaced long before it was given its present sloganized form (or, for that matter, long before its earlier christening as "the principle of nationalities"). Marx and later Wilson were each describing a force already well underway and gaining adherents.

Beginning, as we have noted, with the French Revolution and given impetus by the Napoleonic Wars, the idea of self-determination has subsequently spread rapidly. In the century and a quarter separating the Napoleonic Wars from World War II, all but three of Europe's states had either lost significant territory as a result of ethnically inspired aspirations or were themselves the result of successful self-determination movements. Its spread outside of Europe was much slower, although it had surfaced in Japan, China, and the Levant prior to World War I. It spread much more rapidly thereafter, and the growing conviction that alien rule was illegal rule was the driving force behind the anticolonial movement that saw the retreat of European

control from Africa, Asia, Oceania, and the West Indies.

Though the campaigns for their independence were conducted under the banner of national self-determination, the newest states are themselves multinational entities. However, as we are reminded by the abortive Biafra and the successful Bangladesh movements, as well as by a host of lesser known separatist movements throughout the Third World, national groups are now insisting that the self-determination principle be carried a further step toward its logical conclusion. Nor are the Third World states alone in this regard. Such older states as Belgium, Canada, Denmark, France, Italy, Romania, the Soviet Union, Spain, Switzerland, and the United Kingdom have also been afflicted in the post-World War II era.

Indeed, during the 1960s and 1970s, nearly one-half of all states suffered from such fissiparous ethnic pressures. Moreover, the number of self-determination movements can be expected to grow. A survey of the ethnic composition of 132 states produced the following breakdown.

(1) Only 12 states (9.1%) could be described as essentially homogeneous.

(2) Twenty-five states (18.9%) contained a nation or potential nation accounting for more than 90% of the state's total population but also contained an important minority.

(3) In another 25 states (18.9%), the largest nation or potential nation accounted for between 75% and 89% of the total population.

(4) In 31 states (23.5%), the largest ethnic element accounted for only 50% to 74% of the population.

(5) In 39 states (29.5%), the largest nation or potential nation accounted for less than half of the entire population.

Moreover, this portrait of ethnic diversity becomes more vivid when the number of distinct ethnic groups within states is considered. In some instances, the number of groups within a state runs into the hundreds, and in 53 states (40.2% of those surveyed), the population is divided into more than five significant groups. In a world inhabited by thousands of ethnic groups but divided into only some 145 states, the revolutionary potential inherent in the doctrine that each nation has the right to its own state is quite obvious. As we noted at the outset, the urge for national self-determination did not wane with the end of the colonial era. An intelligent foreign policy must therefore anticipate the likelihood of its occurrence throughout the globe on an accelerating basis.

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The Future of Self Determination in United States Foreign Policy

Regardless of past practice, should the United States be dedicated to the support of self-determination? Faced with this question, authorities usually point out that the principle of self-determination raises more questions than answers. Abstractions are more easily articulated than applied. Some sample problems follow:

(1) The question of constituency. Who is the self in self-determination? If the British had conducted a plebiscite to determine the fate of all of Ireland in 1920, Ireland would be united and the non-Irish of Ulster would be a minority. Would a plebiscite today that is limited to Northern Ireland be fair to the Irish minority therein? A second example: Should

the fate of Quebec be decided by the Franco-Canadians therein without recourse to the sentiments of the local Anglo-Canadians? Should Franco-Canadian separatists be expected to honor a vote for independence that had the support of a majority of the Franco-Canadians but fell short of a majority of the total vote?

(2) The preceding presupposes an open society. How does one determine group opinion in the more typical non-democratic society? As noted, the government will deny the movement has broad support. If it holds a plebiscite, it is apt to be farcical, as was that conducted by Indonesia in West Irian in the late 1960s. On the other side, the voice of the self-determination movement is apt to be only that of a handful of articulate individuals. The inability of outsiders to know who spoke for whom in the cases of Angola and Rhodesia in the mid 1970s exemplifies the problem.

(3) Is raison d'etat an even greater right than a self-determination claim? Should a concentrated Puerto Rican community in New York City be granted independence if it indicates a desire to secede?

(4) Does a self-determined people have the right to expel minorities in the name of the will of the people to purify the homeland and to avoid future secessionist movements?

(5) Considering that anthropologists have identified some three thousand distinct ethnic elements in the world, should self-determination be unconditionally supported without regard for the impact that such a development would exert upon world order?

(6) Given the tiny size of some ethnonational groups, should there be a minimum size with regard to population and territory, so as to insure economic viability?

(7) Should a state be guaranteed access to the sea, even though no members of the ethnic group presently dwell on a seacoast?

(8) How is one to draw the borders of an ethnic state when the group is distributed, as is commonly the case, throughout a number of non-contiguous pockets?

(9) Is self-determination the ultimate principle of human affairs? Can it be countered by others, such as that of domestic tranquility, the right to stamp out rebellion, the avoidance of bloodshed?

(10) Are good relations with the current state more important than our meddling in an issue of self-determination?

Some of the above belong to a higher order of consideration than others, but in toto they suggest some of the complexities that are involved when one raises the banner of self-determination as a universal right. However, the most important consideration to this writer is whether encouraging self-determination movements does not risk bringing on the greater evil. Knowing that states will resist such movements and knowing the hatreds and inhumanity that ethnic strife unleash, dare anyone encourage participation in such a movement?

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Questions on Self Determination

1. If a colony is not politically or economically ready for independence, would that fact, under the Declaration on Granting of Independence to Colonial Countries and Peoples (Documentary Supplement, p. 58) excuse a colonial power from liberating the colony? Is this approach sound? Why or why not?
2. Does section 5 of the Declaration require Canada to grant independence to Quebec? Must the United States liberate Puerto Rico or Hawaii?
3. What sanctions, if any, may be imposed if a state fails to comply with sections 4 or 5 of the Declaration?
4. Review the Brezhnev Doctrine on pages 1-61 to 1-63. Is it convincing? Are the people of Czechoslovakia entitled to self-determination?
5. Cuba regularly proposes that the question of Puerto Rican independence be placed on the agenda of the General Assembly. If the United States were to argue that this matter was within our domestic jurisdiction within the meaning of Article 2(7) of the UN Charter (DS 2-3), what arguments would Cuba make in response?

Of what relevance is the following sequence of events:

In 1946, the United States placed Puerto Rico on the UN list of non-self-governing territories. In 1952, a new Constitution was adopted creating the Commonwealth of Puerto Rico. In March of 1953, the United States submitted the Constitution of Puerto Rico to the Secretary General asserting that Puerto Rico had attained a full measure of self-government. The General Assembly, upon recommendation of the Committee on Information from Non-Self-Governing Territories, adopted a resolution accepting the U.S. position and stating that the Assembly "considers it appropriate that the transmission of this information should cease." Should this end the matter forever?

6. Of what importance are the views and preferences of the 1500 residents of the Falkland/Malvinas Islands in resolving the dispute between the United Kingdom and Argentina over the sovereignty of those islands?