

Human Rights and International Law

Justice Kirby Collection

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Author: The Hon Justice Michael Kirby AC CMG, President, Court of Appeal, Supreme Court of NSW (1984 - 1996)

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Notes: This is an abstract only. The fulltext of the paper has not yet been added to the database.

ABSTRACT

The Hon Justice M D Kirby AC CMG *

In this note the author describes the importance of the peoples' right to self-determination recognised in the United Nations *Charter* and elsewhere in international law. He traces the establishment of international tribunals after the Second World War, including the recently established Tribunal on War Crimes in the former Yugoslavia. He describes the establishment of the Permanent Tribunal of Peoples, a non-governmental body which receives complaints of derogations from the rights of peoples under international law. The note then describes the hearing of the Tribunal, in which the author participated, by which it determined a complaint against the People's Republic of China brought on behalf of the people of Tibet. The Tribunal's procedures are detailed, as are its findings and recommendations. The Tribunal found that the Tibetans are a "people" for international law purposes and that they are being deprived by China of their right to self-determination guaranteed by international law.