



PAKISTAN

PERMANENT MISSION TO THE UNITED NATIONS

8 EAST 65th STREET – NEW YORK, NY 10021 – (212) 879-8600

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STATEMENT

BY

AMBASSADOR MUNIR AKRAM

PERMANENT REPRESENTATIVE OF PAKISTAN
TO THE UNITED NATIONS

ON AGENDA ITEM 66:

“RIGHT OF PEOPLES TO SELF-DETERMINATION”

AT THE THIRD COMMITTEE

OF THE

61ST SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY

NEW YORK
7 NOVEMBER 2006

Pakistan's Statement on Self-determination

Mr. Chairman,

The right of peoples to self-determination, enshrined in Article 1 of the UN Charter, is the bedrock on which the edifice of international relations among States and nations is based. This right was the fountainhead for the liberation of peoples under colonial and alien domination to sovereign independence.

2. In the 1950's and 1960's, the right to self-determination was seen exclusively as part of the de-colonization. The General Assembly adopted a series of resolutions proclaiming the right to self-determination including its two famous resolutions 1514 of 14 December 1960 and resolution 2625 of 24 October 1970. It was the universal recognition of this right that led to independent existence of the majority of the State members of the United Nations

3. General Assembly Resolution 2625, of 24 October 1970, adopted the "Declaration on Principles of International Law Concerning Friendly Relations and Cooperation among States". This states: "by virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, all peoples have the right to freely determine their political status and to pursue their economic, social and cultural development, and every State has the duty to respect this right in accordance with the provisions of the Charter".

4. The right to self-determination is the most fundamental basic collective human right of peoples. It is the indispensable foundation of all individual human rights. Realization of the right to self-determination is an essential condition to guarantee the observance, promotion and protection of all other human rights.

5. Given the wide recognition of this principle and collective human right, the right to self-determination has been acknowledged in the core human rights treaties and included as Article 1 in the two Covenants on Civil and Political Rights and Economic, Social and Cultural Rights. The Human Rights Committee, in its general comment No. 12, states that the "International Covenant on Civil and Political Rights imposes specific obligations on States parties, not only in relation to their own peoples but vis-à-vis all peoples which have not been able to exercise or have been deprived of the possibility of exercising their right to self-determination".

6. The Vienna Declaration adopted by UN World Conference on Human Rights 1993, the 1994 World Social Summit in Copenhagen, the Millennium

Summit of 2000, the UN World Summit 2005 and most recently the 14th Summit of the Non-aligned Movement held in September 2006 in Havana, have all reaffirmed the right of peoples to self-determination in situations of foreign occupation and alien domination.

Mr. Chairman,

7. The exercise of this right has enabled peoples, suppressed and disenfranchised by racist regimes, to achieve equality before law, in society and state politics. It has empowered millions of peoples and nations to determine their own political, economic, social and cultural systems. Today, the existence of this right continues to engender hope among the millions of the poor and vulnerable peoples whose fundamental rights have been deprived and suppressed to chart their own political and economic destiny.

8. In this context, following "principles" regarding the right to self-determination need to be constantly reaffirmed:

One, the forcible occupation of the territory of a people whose right of self-determination has been recognized is a clear violation of international law and the UN Charter.

Two, the right to self-determination can be exercised freely only if this is unfettered by overt and covert coercion or influence. It cannot be exercised freely under conditions of foreign occupation and repression.

Three, the right of self-determination is immutable and cannot be extinguished by the passage of time, and

Four, the legitimacy of the struggles of peoples for self-determination cannot be compromised by tarnishing it with the tarbrush of terrorism.

Mr. Chairman,

9. The principle of equal rights of people and their right to self-determination has been applied and exercised in most parts of the world today. However, the free exercise of this right has been denied, so far, in several other parts of the world, such as in Jammu and Kashmir and Palestine.

10. Six decades have elapsed since the Kashmiri people were promised the exercise of their right to self-determination by the UN Security Council resolutions. The April 1948 Security Council resolution declared that the "only

way to settle the Kashmir problem peacefully was to demilitarize the State and to hold a plebiscite under the UN supervision.” Subsequent UN Security Council resolutions of August 30, 1948 and January 5, 1949 established a ceasefire and the United Nations Military Observer Group in India and Pakistan (UNMOGIP) to ensure its observance. The Security Council once again pronounced that the future status of Jammu and Kashmir would be decided through the democratic means of a free and impartial plebiscite conducted under the auspices of the United Nations. All these pronouncements of the Security Council enjoyed the support of the parties concerned.

11. Having itself gained independence through the exercise of the right of self-determination, Pakistan has extended political, moral and diplomatic support to the exercise of this right by all other peoples recognized as being entitled to this right, including the people of Jammu and Kashmir. Pakistan’s position on the issue of Kashmir was adopted on the basis of the UN Charter, international law, the resolutions of the Security Council.

Mr. Chairman,

12. After decades of confrontation and conflict, largely over the Jammu and Kashmir dispute, Pakistan and India have been engaged for the past three years in a dialogue process to resolve all outstanding disputes including the core issue of Jammu and Kashmir.

13. Two rounds of composite dialogue have been completed between the two countries and the third round is expected to commence shortly. This process has led to agreement on several confidence building measures, including the resumption of transportation links at five points across the Line of Control in Kashmir after the devastating earthquake of 2005 that caused immense loss of life and damage in Kashmir.

14. The President of Pakistan has advanced several creative ideas for a solution to Jammu and Kashmir, including demilitarization, self-rule and joint administration. The leaders of Pakistan and India agreed, at their meeting in Havana “to continue the joint search for mutually acceptable options for a peaceful negotiated settlement of all issues between India and Pakistan, including the issue of Jammu and Kashmir, in a sincere and purposeful manner. On the Jammu and Kashmir issue, there have been useful discussions. There is a need to build on convergences and narrow down divergences”.

15. Pakistan believes that any durable solution of this dispute will require flexibility and boldness on both sides. Above all, any final solution has to be

acceptable to Pakistan and India and, above all, to the people of Jammu and Kashmir.

16. In his address to the 61st session of the General Assembly in September 2006, President Musharraf expressed the hope that “improved relations between the two countries and the conducive international environment had brought an acceptable solution of this longstanding dispute within reach”. I am confident that this hope is shared by the people of Jammu and Kashmir, by the peoples of Pakistan and India, and by the international community.

I thank you Mr. Chairman.