

## **Agenda Item 118: Rights of Peoples to Self-determination**

**Statement by Mr. A. K. Bhattacharjee, Minister on November 5, 2001**

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**Mr. Chairman,**

**As a country which experienced colonialism and became independent through a non-violent struggle in the exercise of its right of self-determination, India has always supported the legitimate right of the peoples to self-determination and its application to peoples under colonial or alien domination, as defined by the UN Declaration on the Granting of Independence to Colonial Countries and Peoples.**

**Here and elsewhere, disturbing attempts continue to be made to reinvent some of the basic principles of the Charter and the Declaration and apply them selectively for narrow political ends, unmindful of the havoc that this may cause in international peace and security. Those who do so, would do well to realise that this reinterpretation could sweep their own countries into its vortex. A former Secretary General had put it aptly: "if every ethnic, religious or linguistic group claims statehood, there would be no limit to fragmentation, and peace, security and economic well being for all would become even more difficult to achieve". This was reinforced by the Committee on the Elimination of Racial Discrimination through its General Recommendations XXI (48) in 1996.**

**Mr. Chairman,**

**We would like remind those who seek to reinterpret the principle of the Charter on human rights and self determination that, Article 1(2) of Chapter I and Article 55 of Chapter IX (International Economic and Social Cooperation) of the Charter of the United Nations specifies a single principle of "equality of rights and self determination of peoples" in order to promote higher standards of living, respect for human rights and freedom without distinction. This itself is underpinned by Article 2(4) that member states shall refrain from the threat or use of force against the territorial integrity or political independence of any state. Operative paragraph 6 of the Declaration on Granting of Independence to Colonial Countries and Peoples of 14 December 1960, reinforces this when it unambiguously states that any attempt aimed at the partial or total disruption of the national unity and territorial integrity of a country is incompatible with the purposes and principles of the Charter. The International Covenant on Economic, Social and Cultural Rights, lays the context clearly in Article 1 (3) when it states that, in the promotion of the realisation of the right to self determination, states should conform to the provisions of the Charter of the United Nations.**

**Indeed, there is no room for self-determination to be distorted and misinterpreted as a right of any one group, on the basis of ethnicity, religion or racial criteria, or any other such categorization, to attempt to undermine the sovereignty and territorial integrity of any state. Despite this, in our neighbourhood, we have seen the use of terror justified in the name of self-determination, in complete**

**distortion and violation of the sacrosanct principles of the Charter of the United Nations, international law and civilized behaviour.**

**Mr. Chairman,**

**We found the presentation of the Special Rapporteur on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of people to self-determination before the Committee, a few days ago, useful and ground-breaking. He clearly brought out the inter-linkages between fundamentalism, mercenary activities and terrorism fuelled through crime, drug trafficking and other criminal activities. We agree with the assessment of the Special Rapporteur that it would be a mistake to discount the use of mercenaries in terrorist attacks. We also support his view that the question of mercenary activities in terrorism be also looked at seriously. That would be within his mandate. In this, we would urge the Special Rapporteur to look at mercenary activities coupled with religious or ideological motivation - the so-called, 'paid volunteers' - and aimed at the destruction of sovereign and independent states.**