

Explanation of vote by Mr. A. Gopinathan, Deputy Permanent Representative in the Third Committee on November 20, 2003 on the draft resolution on "Universal realisation of the right of peoples to self-determination"

Mr. Chairman,

The Indian delegation has sought the floor to express its position why it will cast a negative vote on draft resolution contained in document A/C.3/58/L.31.

India has listened very carefully, as we had done last year, to the statement made by the main sponsor while introducing the draft resolution titled "Universal realisation of the right of peoples to self-determination". Some of the references made by Pakistan, on behalf of the co-sponsors, in this statement challenge the unity and territorial integrity of India.

We have also listened very carefully to the formal statement made by Pakistan in the Third Committee under Agenda Item 116 on the same subject on October 31, 2003. The statement was devoted entirely to questioning India's territorial integrity. It clearly established that for Pakistan, the universal realisation of the right of peoples to self-determination was no more than a cover to pursue its own narrow agenda.

These references and statements are totally unacceptable to India. We do not regard the subject or the content of the draft resolution, as amplified and interpreted by Pakistan, to have any relevance to the lofty principle it seeks to promote.

We are surprised to note that the main sponsor has invoked the two principal Covenants in support of the principle of self-determination when it has not acceded to either of them.

Self-determination is a right applicable to the peoples emerging from colonial rule. It does not and cannot extend to component parts of independent

sovereign states. The draft resolution is selective and unbalanced as it does not contain language found in several Declarations and resolutions of the United Nations which deal with the right to self-determination in its entirety. It has been recognised clearly that the right of self-determination shall not be construed as authorising or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples and thus possessed of a Government representing the whole people belonging to the territory without discrimination of any kind. It has also been recognised that any attempt aimed at the partial or total disruption of the national unity and territorial integrity of a State or country or at its political independence is incompatible with the purposes and principles of the UN Charter. The principle of equal rights and self-determination of peoples enjoins that every State shall refrain from any action aimed at the partial or total disruption of the national unity and territorial integrity of any other State or country. This is reaffirmed in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, annexed to General Assembly resolution 2625 (XXV) of 24 October 1970 and the 1993 Vienna Declaration and Programme of Action.

In today's world self-determination implies the right of participation in freely-held elections by all sections of society. It implies the ability of ethnic, religious and linguistic minorities to preserve their distinct identity while participating fully in all walks of national life and decision making. Its essence is democracy, equality, secularism and the rule of law. For Pakistan to earn the right to talk about self-determination, it must first ensure that the right is available to its own people. They have been deprived of this inalienable right by military rulers for most of Pakistan's history.

India is fully committed to the universal realisation of the right of peoples to self-determination as enshrined in the Charter of the United Nations and the international Covenants on human rights, as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 of 14 December 1960. However, India will oppose any attempt at misusing this principle for undermining India's territorial integrity.

India is also fully committed to supporting the Palestinian cause and is a cosponsor of the resolution on the right of self-determination of the Palestinian people. We find it insulting to see that the lead sponsor constantly attempts to denigrate the Palestinian cause by mixing it with its own territorial ambitions.

For the reasons spelt out above, the draft resolution is unacceptable to India. We reject the ulterior use sought to be made of its content for the narrow agenda of its main sponsor. India therefore calls for a vote on the draft resolution A/C.3/58/L.31 and will vote against the draft resolution.

Thank you, Mr. Chairman.

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