



# PAKISTAN

PERMANENT MISSION TO THE UNITED NATIONS

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**Statement**

**by**

**Ambassador Munir Akram  
Permanent Representative of Pakistan  
to the United Nations**

**on**

**Agenda Item 70:**

**Right of Peoples to Self-determination**

**Third Committee of the UN General Assembly**

**New York  
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**Statement by Ambassador Munir Akram**  
**Permanent Representative of Pakistan to the United Nations**  
**in the Third Committee on Agenda Item 70:**  
**Right of People's to self-determination**

Mr. Chairman,

The right to self-determination, enshrined in Article 1 of the UN Charter, is the principle on which the whole system of international relations is based. It is the most basic collective right of peoples and nations, and the indispensable foundation of all individual human rights.

2. The realization of the right to self-determination is an essential condition to guarantee the observance of individual human rights for the promotion and protection of those rights. The right of self-determination, therefore, is included as Article 1 of the two Covenants on Civil and Political Rights and Economic, Social and Cultural Rights.

3. The Human Rights Committee, in its general comment No. 12, states that the International Covenant on Civil and Political Rights imposes specific obligations on all States not only in relation to their own people but viz-a-viz all peoples, who have not been able to exercise, or have been deprived of the possibility of exercising their right to self-determination. It urges States to take positive action to facilitate the realization of, and respect for the right of peoples to self-determination.

4. The Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States of 1970 underscores that States have the duty to refrain from any forcible action which deprives peoples of independence, equal rights and their right to self-determination and freedom and independence. The role of the right to self-determination, in strengthening world peace, in the development of international law and in promoting the rule of law among nations has been recognized.

5. The 1993 World Conference on Human Rights in Vienna, the 1994 Social Summit in Copenhagen, the Millennium Summit 2000 and the UN World Summit 2005 have all affirmed the right of peoples to self-determination in situations of foreign occupation and alien domination.

6. The exercise of this right has enabled peoples suppressed and disenfranchised by racist regimes to achieve equality before law, in society and state polities. It has empowered millions of people and nations to determine their own political, economic, social and cultural systems. And above all, the exercise of this right enabled nations and peoples to gain independence from colonial domination. Today, the existence of this right continues to engender hope among

the millions of the poor and weak peoples whose fundamental rights have been robbed or suppressed.

**Mr. Chairman,**

7. Four principles regarding the right to self-determination need to be 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 done in a manner unfettered by overt and covert coercion or influence. Self-determination cannot be freely exercised under conditions of foreign military occupation and repression. **Three**, the right of self-determination cannot be extinguished by the passage of time. And **four**, the legitimacy of the struggle of peoples for self-determination cannot be compromised by tarnishing it with the tarbush of terrorism.

8. The principle of equal rights of people and their right to self-determination has been applied and exercised in most parts of the modern world. However, the free exercise of this right has been prevented, so far, in several other parts of the world, especially in Jammu and Kashmir and Palestine.

9. Six decades have elapsed since the Kashmiri people were promised the exercise of their right to self-determination by 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 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 pronounced that the future status of Jammu & Kashmir would be decided through the democratic means of a free and impartial plebiscite conducted under the auspices of the United Nations.

**Mr. Chairman,**

10. 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 & Kashmir.

**Mr. Chairman,**

11. Pakistan's position is based on the Charter, international law, the resolutions of the Security Council, our close empathy with the aspirations of the

Kashmiri people and our desire to promote peace and stability in our relations with India.

12. After decades of confrontation and conflict, largely over the Jammu & Kashmir dispute Pakistan and India are engaged since last year in a dialogue process which has generated, and is being propelled, by the desire for peace and cooperation of the peoples of the two countries. Two rounds of the composite dialogue have been completed. This process has led to several confidence-building measures. However, progress towards a just and final settlement of the Jammu & Kashmir dispute is not yet visible.

13. The President of Pakistan and the Prime Minister of India have met on three occasions over the last two years. They have committed themselves to make the bilateral dialogue irreversible and to examine possible options for a solution to Jammu & Kashmir. Pakistan has indicated the necessity for all sides to demonstrate flexibility and boldness in order to evolve a solution that is acceptable to India, Pakistan and, above all, to the people of Jammu & Kashmir. Such a solution can be facilitated with the demilitarization of Jammu & Kashmir, the release of all political prisoners in Kashmir and an end to the violations of the human rights of the people of Jammu & Kashmir.

14. Such violations of human rights cannot be justified by portraying the legitimate struggle of peoples for self-determination as terrorism. Ultimately, strategies that deny self-determination prove to be counter-productive. This is the lesson of history. Enabling oppressed peoples to freely express their wishes regarding their political, economic, social and cultural destiny is a sine qua non for ending violence, promoting freedom and democracy and achieving peace and prosperity.

15. In accordance with their obligations under the UN Charter and the International Covenants, the international community should play a positive role to enable the people of Jammu & Kashmir to exercise their right to self-determination and to end their suffering and deprivation.

**Mr. Chairman,**

16. Sadly, not only history but Nature also has been unkind to the Kashmiri people. The earthquake of 8 October has visited death and destruction on the Kashmiri people, as well as the NWFP of Pakistan. If nothing else, this disaster has underlined that essential humanity – not strategic ambitions – should guide the policies of all parties in seeking a just and early solution to the Jammu & Kashmir dispute.

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