



PAKISTAN

PERMANENT MISSION TO THE UNITED NATIONS

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STATEMENT

BY

**AMBASSADOR ZAMIR AKRAM
PERMANENT REPRESENTATIVE OF PAKISTAN**

**ON THE "RIGHT TO SELF DETERMINATION"
UNDER AGENDA ITEM 3**

**DURING THE
TENTH SESSION OF THE HUMAN RIGHTS COUNCIL**

**Geneva
13 March 2009**

**Statement by Ambassador Zamir Akram, Permanent Representative of Pakistan
on the "Right to Self-Determination" under Agenda item 3, Tenth Session of the
Human Rights Council, Geneva, 13 March 2009**

Mr. President,

I am making this statement in my national capacity on the **right to self determination**.

The overriding importance of this right has been well established by core instruments including the Charter of the United Nations and the two Covenants on Civil and Political rights and Economic, Social and Cultural rights. It is, therefore, rightly regarded as the peremptory norm of international law. The Human Rights Committee, in its general comment No 12, states that the "ICCPR imposes specific obligations on State 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".

International human rights fora have reaffirmed the validity and significance of this right by virtue of which all peoples freely determine their political status and freely pursue their economic, social and cultural development. The 1993 World Conference on Human Rights declared that the denial of the right of self-determination was a violation of human rights and underlined the importance of its effective realisation. Since then, the 1994 World Social Summit, the 2000 Millennium Summit, the 2005 UN World Summit and the Non Aligned Movement in its most recent 14th Summit, held in Havana, have reaffirmed the right of peoples to self-determination in situations of foreign occupation and alien domination.

UNGA Resolution 2625 of 24 October 1970 adopted the "Declaration on Principles of International Law Concerning Friendly Relations and Cooperation among States", which states that "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 a duty to respect this right in accordance with the provisions of the Charter". It was the universal recognition of this right that led to the independence and creation of the majority of the State members of the United Nations, the largest redrawing of the geo-political frontiers of the world. Developments in the international arena continue to bear testimony to its importance as well as centrality to the international system.

Mr. President,

Exercise of this right is firmly grounded on following principles:

1. The right must be exercised freely without coercion or repression.
2. It cannot be exercised under conditions of foreign occupation and it is non-lapsable.
3. The forcible occupation of the territory of a people whose right of self-determination has been recognised is a violation of international law and the UN Charter.
4. The legitimate struggles of peoples for self-determination cannot be denied by equating them with terrorism. An honest review may actually reveal the horrors of terror faced by these suppressed peoples from their repressive and occupation regimes.

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. 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, to the peoples of Palestine and occupied Jammu and Kashmir. The unresolved status of these areas continues to be in violation of several UNSC resolutions that guaranteed to these people their inalienable right of self determination.

On 27th October 2008, the population of Occupied Kashmir widely protested the 61st anniversary of their predicament. Six decades have elapsed since the Kashmiri people were deprived of their most fundamental right.

Pakistan remains committed to a peaceful and just resolution of the core issue of Jammu and Kashmir in accordance with the wishes of the Kashmiri people. We believe that improvement in the human rights situation in Occupied Kashmir will facilitate the dialogue process and help realization of the right to self-determination of the people of Jammu and Kashmir.

I thank you, Mr. President.
