

**STATEMENT BY MR AJIT KUMAR PANJA, MEMBER OF PARLIAMENT ON  
ELIMINATION OF RACISM AND RACIAL DISCRIMINATION (AGENDA  
ITEM 107) , RIGHTS OF PEOPLES TO SELF-DETERMINATION (AGENDA  
ITEM 108) AT THIRD COMMITTEE OF THE 57<sup>TH</sup> SESSION OF UNGA ON  
OCTOBER 28, 2002**

**Mr. Chairman,**

**I deem it a privilege to address the Third Committee on the agenda items 'Elimination of racism and racial discrimination' and 'Rights of peoples to self-determination'.**

**Though the era of colonialism and imperialism is past, it is unfortunate that even today attitudes, habits and thought processes that had in the colonial past created a vast divide in our global civilization, still continue to foment racial hatred and segregation. The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban in September 2001 was especially important as it reflected the will of the international community to recognise the global ill of intolerance of ideas, faiths, colour and creed and address effective measures towards mankind's universal quest for dignity and equality.**

**Mr. Chairman,**

**In this, the beginning of the 21st Century, as we strive to work towards a world free of the racial prejudices of the past, we must especially guard against new**

**manifestations of racial intolerance. We continue to witness instances of destruction of constitutional order to promote policies based on racial or ethnic discrimination.**

**In his report the Secretary General reflects that there has been a resurgence of racism, racial discrimination and xenophobia in various parts of the world, affecting migrants and refugees, in particular, to which he has ascribed a number of possible causes.**

**Mr. Chairman,**

**In this connection, my delegation feels that implementation of the commitments made at Durban, in the Durban Declaration and Programme of Action, with firmness of resolve is of key importance to eliminate this scourge.**

**India's commitment to the elimination of the scourges of racism is historic and well recognised. In this, the contribution of our great and noble philosophers including Mahatma Gandhi to the fight against racism is significant and memorable. It is, therefore, natural that at independence, adequate safe guards were built**

into the Indian constitution and the Indian Penal Code against dissemination of ideas that promote disharmony in the country on any ground. The Constitution of India (1950), in Article 15, expressly prohibits discrimination on the grounds of both 'race' and 'caste' and the Constitutional guarantee is vigorously implemented as a matter of practice. It is our firm conviction that the instruments of governance in our country, and the energetic and committed non-governmental sector of society can unitedly triumph over the historic injustices that have hurt the weaker sections of our society, particularly the Dalits and Adivasis (Scheduled Tribes). In our view, this is, above all, a national responsibility and a moral imperative that can and must be honoured. We reaffirm our age old philosophy of (in Sanskrit) Vasudhaiva Kutumbakkam, whole world is one family.

Reference was made in recent days by the representative of Pakistan to the events in the Indian state of Gujarat beginning with the Godhra tragedy and the violence that followed. In respect of these events both the President of India and the Prime Minister have expressed their deepest anguish. A team of the National Human Rights Commission as well as numerous other public and private bodies have visited the area and monitored the situation. These bodies as well as a vigilant media, strong civil society institutions have helped to control events and prevent communal violence from spreading and engulfing other areas. They have also

contributed to the steady improvement in the overall situation and the rebuilding of confidence among the communities. While there is still need for vigilance, especially in the light of the nefarious attempts by outside elements to deliberately exacerbate the situation such as was witnessed in the heinous act of terrorism in the temple complex of Akshardham in Gujarat which has been condemned worldwide, the process is well on its way to normalcy. The Election Commission which is an independent body established under the Constitution of India has announced the holding of elections on December 12.

Incidents such as those that have taken place in Gujarat have been condemned by all Indians but the democratic institutions that India has built are strong rooted and capable of dealing with their effects. It is therefore a great pity that they should be used to vilify the institutions of democratic governance in India especially by those whose experience and traditions are so alien to the democratic spirit. We categorically deny the misinformation and disinformation being perpetrated by our neighbour. This is typical of the genetic material of military regimes whose lack of accountability and whimsicality are so intrinsic to their nature that it infects their efforts so demonstrably even during their occasional lapses into the surface manifestations of democracy and rule of law. It is unfortunate and highly regrettable in this regard that the representative of Pakistan should have chosen the forum of the Third Committee to denigrate the elected

political leaders of India, including the Prime Minister of India in his statements under the agenda items under discussion. Perhaps we cannot expect anything better from the representative of a military dictatorship, which has required a farcical referendum, constitutional amendments and legal framework orders to legitimise itself.

Mr. Chairman,

Coming to the Agenda Item 108, I must add that it has been India's privilege to play a leading role in the historic struggle for decolonization. The right of peoples under alien subjugation, domination and exploitation, to freely determine their political status and freely pursue their economic, social and cultural development was recognized as a result of initiatives in which India, as a founder member of the Non-aligned Movement, was at the forefront. Today, the majority of the membership of the UN comprises former colonies; this is clearly a measure of the success of the historic struggle for self-determination. India has maintained unwavering solidarity with the people of Palestine who have struggled bravely over the past five decades to attain their inalienable rights, including the right to self-determination.

Mr. Chairman,

We believe that it is necessary to place the concept of self-determination in historical perspective. Relevant international principles re-affirm India's consistent view that self-determination is a right

applicable to the peoples of non-self governing colonies and trust territories. Once exercised, this right enables a whole people to freely choose their own form of Government and for all segments of society to collectively participate in national decision making through representative, democratic institutions. It, therefore, follows that this concept cannot become an instrument to promote subversion and erode the political cohesion or territorial integrity of sovereign member states of the UN. The international community has consistently affirmed that the right of self-determination does not extend to component parts or groups within independent sovereign states and any attempts aimed at the partial or total disruption of their national unity are incompatible with the purpose and principles of the UN Charter.

**Mr. Chairman,**

**Taken out of context, self-determination can be abused by interested parties to encourage secession and undermine multi-ethnic, pluralistic and democratic states. Earlier today we heard Pakistan's ritual propaganda on the right of self-determination. Pakistan, whose own people have remained deprived of their democratic rights for most of its history and which has ruled the part of the Indian state of Jammu and Kashmir illegally occupied by it as a virtual colony, has been indulging in abuse of the concept of self-determination to bolster its agenda of territorial aggrandizement through terrorism against India.**

**The history of the aggression perpetrated by Pakistan against India in 1947 is known to any serious student of the history of the subcontinent. The State of Jammu and Kashmir was never a part of British India. It was Muhammad Ali Jinnah, the founder of Pakistan who had insisted that, in the case of the "Indian states," their rulers should be called upon to accede to either India or Pakistan without reference to the will of the people. The initial infiltration was planned and actually carried out by the Government of Pakistan as clearly explained even in the book written by one of the perpetrators of that aggression, General Akbar Khan. It was this country that let loose the tribal people on Kashmir holding out to them the allure of land and plenty there and also to kill the Pakhtoonistan movement thereby securing its own safety in an expanded Muslim society.**

**When the attack raised the vital issue of defence of his territory, the Maharaja of Jammu and Kashmir appealed to India. The Indian response was that this would necessitate a formal accession of the State to India. This the Maharaja did in a letter on 26 October 1947. It was only after this that Indian troops were sent to repel the aggression. It was India that took the matter to the Security Council. The Resolutions of the UN Security Council accepted by India clearly envisaged the withdrawal of all Pakistan forces while India was required to keep sufficient troops for the security of the state including for the observance of law and order. It was only after such withdrawals that the will of the people could be ascertained. By not withdrawing, Pakistan had rendered the Resolution of the Council effectively unimplementable. It was thus left to India in the subsequent years to bring the normal processes of democratic rule and governance into operation into Jammu and Kashmir in line with the Constitution of India which was promulgated in 1950 and the Constituent Assembly of the state. Jammu and Kashmir was and continues to be an inalienable part of the Union of India.**

**In its terrorist outrages against my country, Pakistan has received help, inter alia, from its now disowned creation and protégé, the former Taliban regime of Afghanistan. The terrorism perpetrated by Pakistan has been responsible for widespread killings of innocent civilians – many amongst the very people of the Indian state of Jammu & Kashmir whose interest Pakistan pretends to promote.**

The glare of publicity on its government sponsored terrorists outfits in the aftermath of September 11 notwithstanding, Pakistan has continued to encourage and justify terrorism against India. Therefore, its call for dialogue, made for public consumption, sound utterly hollow. Mr. Chairman, certain steps, including heightened vigil on our borders, taken by India in the wake of Pakistan supported attack on our Parliament on December 13 have to be seen as unavoidable steps in self-defence in response to Pakistan's proxy war of terrorism of over 20 years against my country. Pakistan should first ensure the right of self-determination for its own people before sermonizing others on it. It should also desist from loading its discredited agenda on to the legitimate aspirations of others for self-determination.

Mr. Chairman,

The note by the Secretary General on "Use of mercenaries as a means of violating human rights and impeding the exercise of the right of

peoples to self-determination" makes some observations, which are important to note.

It recommends that special attention be paid to combating the involvement of mercenaries in illicit arms trafficking, which serves to fuel and prolong armed conflicts. With his experience the mercenary agent enhances the frequency and volume of illicit arms deals. That being the case, more effort must be put into developing legal instruments to facilitate prosecution of that crime and mobilizing the political will of States to suppress that illicit traffic effectively.

It further recommends that since mercenaries are also used in acts of terrorism, the mercenary aspect should be reflected in United Nations analysis, follow-up and resolutions on terrorism. The same concern should be reflected in national legislation. These thoughts merit consideration and action.

I thank you, Mr. Chairman.

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