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Chairman: Mr. Al-Hinai (Oman)

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The meeting was called to order at 3.20 p.m.

Agenda item 118: Right of peoples to self-determination (A/56/224, A/56/295 and A/56/462)

1. **Mr. Grytsayenko** (Ukraine) said that his delegation shared the concern expressed by the Special Rapporteur in his report on the question of the use of mercenaries (A/56/224) regarding the continuing use of mercenaries in many regions of the world. As a State party since 1993 to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, Ukraine had assumed and faithfully respected its obligations under that instrument and had refrained from any act which would defeat the purposes of the Convention. His Government had consistently supported the efforts of the international community to suppress illicit trafficking in arms and the involvement of mercenaries in such trafficking, which posed a threat to self-determination and human rights throughout the world, particularly in Africa.

2. With regard to the reference in the report to the presence of Ukrainian nationals among foreign military personnel collaborating with the União Nacional para a Independência Total de Angola (UNITA), he stressed that Ukrainian legislation took full account of the country's international commitments and provided for criminal prosecution against offenders. He therefore requested additional information on the alleged collaboration with UNITA of Ukrainian mercenaries. To date neither the Sanctions Committee nor Member States had provided the competent Ukrainian authorities with any corroborated evidence of the involvement of Ukrainian nationals in such activities.

3. He regretted that the Special Rapporteur had failed to mention another finding in the report of the Panel of Experts (S/2000/203), namely that the Panel's investigations had turned up no evidence that the Government of Ukraine had sold arms or otherwise provided military assistance directly or indirectly to UNITA (para. 40) and that the Panel had found no evidence to suggest that Ukraine was directly or indirectly involved in the training of UNITA personnel (para. 45).

4. His Government shared the concerns raised in the report regarding a shipment of arms sent from Burkina Faso in 1999 which, having gone via Liberia, had ended up in the hands of the Revolutionary United Front in Sierra Leone, in violation of the Security

Council arms embargo. As his Government had previously clarified on several occasions, in 1999 the competent authorities had conducted a thorough investigation into the case and provided detailed information on the shipment to the Security Council Sanctions Committee. The results of the investigation had proved that the delivery had been made in full compliance with national legislation and the relevant norms of international law. His Government had expressed its grave concern on numerous occasions at reports that the shipment had subsequently been re-exported in violation of the relevant resolutions of the Security Council. In that regard he urged the United Nations Special Rapporteurs to refrain from disseminating unconfirmed or outdated information on such issues.

5. **Mr. Millo** (Israel) said that the right to self-determination, universally recognized in United Nations resolutions and important international instruments, such as the International Covenant on Civil and Political Rights, was of crucial importance to his country. Indeed, the creation of the State of Israel represented the fulfilment of the Jewish people's inherent right to self-determination. Israel, in turn, recognized the right of all peoples to self-determination. In particular, Israel's recognition of the right of the Palestinian people to determine their own future formed the basis of the 1993 Oslo Accords and all subsequent agreements.

6. Nevertheless, the right to self-determination did not provide a mandate for any people to unilaterally exercise that right in any manner they saw fit. It certainly did not legitimize the Palestinian campaign of terrorism or the daily murder of Israelis on the street, on buses, in shopping malls and in discotheques. It must be understood that the right to self-determination, as any right, must be exercised with sensitivity to, and awareness of, the rights of others, and that the conflict in the Middle East was not the story of one people's quest for self-determination, but the story of two peoples, both seeking to live in freedom and security. Yet when Palestinians terrorized innocent people, they not only denied other people the right that they themselves were seeking, they also undermined the foundations of their own society, since those who resorted to violence to achieve political objectives were bound to continue their daily life in terror.

7. Thus the realization of the Palestinian desire for self-determination must be achieved not through force

of arms, but through negotiations conducted in an atmosphere free from the pressures and threats of violence. Chairman Arafat had repeatedly committed himself, most notably in his letter of 9 September 1993 to then Prime Minister Yitzhak Rabin, to a non-violent resolution of the conflict. That promise had yet to be implemented. Israel sincerely yearned for the day when there could be a return to a viable political process that would guarantee both the Palestinians' right to self-determination and the right of the Jewish people to live free from threats of violence and terror, and that would lead to the achievement of peace and security for all the peoples of the region.

8. **Ms. Fritsche** (Liechtenstein) said that her Government attached great importance to the right to self-determination, enshrined in the Charter of the United Nations and in the common article 1 of the Covenants of 1966, both for the maintenance of international peace and security and the full respect of all human rights. However, especially since the end of the process of decolonization, the right of self-determination had become something of an orphan in debate at the Organization. Some observers had gone so far as to argue that once a people had achieved its independence the right to self-determination became obsolete, that that right could be exercised only once. At the other end of the spectrum there were those who invoked the right to self-determination to advocate secession and independent statehood. A new approach that differed from both those schools of thinking would be beneficial to the work of the Organization. It needed to be recognized that the right to self-determination, as clearly stipulated in the 1970 Friendly Relations Declaration (General Assembly resolution 2625 (XXV)), could take different forms and be expressed in different ways: genuine democratic elections were an essential means for peoples to exercise that right. More importantly, it must be understood that the equation of self-determination with independent statehood was erroneous. Given the fact that internal armed conflicts constituted the overwhelming majority of armed conflicts worldwide, it was high time to start thinking about innovative and effective ways to apply the right to self-determination.

9. Self-determination provided the perfect legal and political basis for dealing with situations of ethnic strife, tensions among communities living within a single State, and between such communities and central Governments, before they took on violent forms or

degenerated into armed conflict. Such a framework could provide an appropriate degree of self-administration for communities within a State to enable them to maintain their distinctive characteristics and pursue in a peaceful manner the matters of concern to them. Exercised in that way, the right to self-determination, far from constituting a threat to the territorial integrity of States, would make a significant contribution to the stability of States, and thus to regional and international security.

10. Liechtenstein's innovative ideas on self-determination fell within the broader context of the appeal by the Secretary-General for a culture of prevention, in conformity with the letter and spirit of the Charter of the United Nations, which affirmed that the prevention of threats to the peace was one means to achieve the purpose of maintaining international peace and security (Article 1). With regard to the prevention of armed conflict, the realities of today's world meant that special attention must be paid to the prevention of internal conflicts.

11. Discussion on self-determination often led to debate on territorial integrity and the broader issue of sovereignty. Although Liechtenstein attached great importance to the principle of sovereignty, that concept must be understood in the context of today's world. The effective and innovative application of the right to self-determination would be an expression of educated self-interest: giving a voice to the disenfranchised and creating a fully participatory society was, in the long term, the only way to ensure sustainable development and, ultimately, a society living in peace and prosperity.

12. **Ms. Barghouti** (Observer for Palestine), speaking in exercise of the right of reply, said that, contrary to the claim by the representative of Israel, the right of the Palestinian people to self-determination did not emanate from the Oslo Accords or any other agreement: it was an inherent right that the international community must maintain. As stated on other occasions, the existence of an agreement of such importance for the Palestinian people as the Oslo Accords could not contravene international law or the relevant United Nations resolutions. The holding of negotiations did not imply that the Palestinian people must abandon its position and renounce the support of the international community for the attainment of its rights.

13. It was regrettable that Israel had reverted to reprehensible practices and policies; that had not produced results in the past and would not do so in the future. With regard to the question of violence, Israel, as the occupying Power, was the fundamental cause of violence in occupied Palestinian territory, including Jerusalem. The Palestinian people had a legitimate right to resist the occupation. A people subjected to occupation could not be asked to acquiesce in its situation. The violence sprang from oppression; no people resorted to violence unless it was oppressed. Accordingly, the violence could be expected to end as soon as the Israeli occupation ended.

The meeting rose at 3.45 p.m.