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THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO
PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

Written statement* submitted by the International Fellowship of Reconciliation (IFOR), a non-
governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[2 February 2003]

*This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

The Right of Self-determination

1. The Charter of the United Nations declares that one of its purposes is to promote the right of all peoples to self-determination. (art. 1, para. 2). Various international instruments, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, define the right to self-determination as the ability of a people to collectively determine its political status and to pursue its own economic, social and cultural development (Res. 2200(A), parts 1 and 2 (1976)). A people can express the right to self-determination in various ways, including but not limited to "the establishment of a sovereign and independent State, the free association with an independent State or the emergence into any other political status freely determined by a people" (Res. 2625, at 121 (1970)).

2. As its definition implies, the right to self-determination is a foundation upon which a people can give meaning to its other political, economic, social and cultural rights. A government must possess the political will to protect the rights of its people. This only exists where a people's act of self-determination establishes its government. A government exerting control over a foreign people is unlikely to understand or have an interest in protecting that people's rights. Thus, the denial of the right to self-determination can lead to the suppression of many other rights, such as the rights to be free from various forms of discrimination and the right against torture. The protection of the right of self-determination for all peoples is essential to the advancement of international human rights. However, despite the broad formal support for this vital right in the international community, some states refuse to provide it to selected groups of people living within their borders. In this regard, the IFOR wishes to call attention to the plight of the Tibetan people in present-day China, as well as to the example of East Timor.

3. The United Nations has formally recognized the right of the Tibetan people to self-determination. In 1961, the General Assembly declared that it "solemnly renews its call for the cessation of practices which deprive the Tibetan people of their fundamental rights and freedoms, including their right to self-determination." (Res. 1732 (1961)). The General Assembly affirmed this position in 1965 (Res. 2079 (1965)) and has never retreated from it. Indeed, the Tibetans are a "people" who should be afforded the right to self-determination. Under all internationally accepted definitions of a "people," the Tibetans' common language, religion, culture and awareness of identity preclude all doubt of their status as a "people." In spite of this, China has continuously refused to honour the Tibetan people's right to self-determination.

4. The January 26, 2003 execution of Lobsang Dhondup, and the suspended death sentence meted out to Tenzin Deleg Rinpoche, reveal the tragic results of the denial of self-determination. The sentences were imposed after a secret trial, with no evidence except a torture-induced confession, and the refusal to allow lawyers to assist in their defense. Though alleged to have been involved in a bombing incident, the evidence shows to the contrary that Dhondup was executed as a warning to Tibetans not to associate with vital, active religious leaders such as Tenzin Deleg Rinpoche. The

execution was in fact intended to intimidate Tibetans into giving up their demands for religious and political self-determination.

5. The detention of the Panchen Lama is another glaring example of China's refusal to recognize the right to self-determination of the Tibetan people. The case is an important one because it also demonstrates how China denies Tibetans' cultural, religious and political rights. As one of most important figures in the Tibetan religious hierarchy, the Panchen Lama is of key religious significance to Buddhism in Tibet. In May 1995, the Dalai Lama chose Gendun Choekyi Nyima, then six years old, as the incarnation of the 11th Panchen Lama. Shortly thereafter, the Chinese authorities detained the boy and his family, placing them in "protective custody" in an undisclosed location. In November 1995, the Chinese government then appointed a pretender Panchen Lama, Gyaltzen Norbu, to replace the Dalai Lama's choice. This act demonstrates the lengths to which China is willing to go to control the religious and political landscape in Tibet. China not only deprived the Tibetan people of their chosen religious leader, but it created a tool for the Chinese government to manipulate future Tibetan beliefs and values. According to the Tibet Information Network (TIN), "Official control over the search for reincarnations in Tibet angers many Tibetans who view as unacceptable the atheist Chinese state's intervention in one of their most important religious traditions." (TIN News Updates, 14 January 2000). During the past seven years, China has consistently refused to allow independent sources verify the health and well-being of the Panchen Lama, Gendun Choekyi Nyima, and his family.

6. In Tibet, Tibetans have no opportunity to freely and openly voice their desire for self-rule. Any expression of dissent results in arrest and usually torture. Nonetheless, on numerous occasions, individuals and groups in Tibet have made it clear that they want at least greater self-rule. Under the leadership of the Dalai Lama, the Tibetan Government in Exile, based in Dharamsala, India, has evolved democratic structures representing the Tibetan exile community and, in this capacity, continues to represent the Tibetan people's demand for self-determination. The Dalai Lama has consistently expressed the demand and desire of the Tibetan people for genuine self-rule in Tibet so that they can protect their culture and practice their religion freely. Each year, thousands of Tibetans vote with their feet and risk their lives in order to flee into exile where they may enjoy the protection of the Dalai Lama and the government in exile.

7. In September 2002, the Chinese authorities received the Dalai Lama's envoys in China and Tibet. This visit marked the first time representatives of the Tibetan leadership have publicly travelled to China in almost a decade, and the first major contact between the Beijing and Dharamsala since official lines of communications was severed in 1993. During their visit, representatives of the Dalai Lama were able to stress the Tibetan people's desire for "genuine self-rule" and to point Chinese officials' attention to "Tibet's distinct cultural, religious and linguistic heritage." (www.tibet.net). The Chinese government, however, has failed, as yet, to take the opportunity offered by the visit and to act upon the Tibetan demand for self-determination. Since the visit, repression has continued and China continues to publicly voice scepticism about the Tibetan position. Genuine self-rule could allow the Tibetan people to prosper, and to contribute more fully to China's and Tibet's prosperity.

8. East Timor presents a positive model of the struggle for self-determination. The decision by Indonesia to honour the right of the East Timorese to self-determination ended years of violence, repression and foreign occupation. The people of East Timor are now poised as never before to contribute to the prosperity of East Timor and the region itself. Their land is inextricably linked to Indonesia, and thus Indonesia will benefit from this development as well.

Similar circumstances hold true for Tibet. The Tibetan land and people are by geography inextricably linked to the Chinese land and people. However, the legitimate leadership of the Tibetan people, is not demanding independence. The realisation of self-rule in Tibet within the framework of the People's Republic of China would usher in a new period of development and cooperation which would benefit both the Tibetan and the Chinese people.

9. As the General Assembly stated, "every State has the duty to promote, through joint and separate action, realization of the principle of equal rights and self-determination of peoples ... bearing in mind that the subjection of peoples to alien subjugation, domination and exploitation constitutes a violation of the principle [of equal rights and self-determination of peoples], as well as a denial of fundamental human rights, and is contrary to the Charter." (Res. 2625, p. 121 (1970)). Yet the Tibetan people do not have the right to determine their political, economic, and cultural future. Indeed, the failure of China to recognize the Tibetan people's right to self-determination prevents the Tibetan people from enjoying numerous rights guaranteed to them under international law. The democratically elected leadership of the Tibetan people has expressed its desire for "genuine self-rule," without which they will be unable to preserve and develop their own language, history, religion and cultural values.

10. On 10 March 2002, the Dalai Lama stated: "It is my sincere hope that the Chinese leadership will find the courage, wisdom and vision to solve the Tibetan issue through negotiations. Not only would it be helpful in creating a political atmosphere conducive to the smooth transition of China into a new era, but also China's image throughout the world would be greatly enhanced. It would have a strong, positive impact on the people in Taiwan and will also do much to improve Sino-Indian relations by inspiring genuine trust and confidence. Times of change are also times of opportunities. I truly believe that one day, there will be the chance at dialogue and peace because there is no other choice for China or for us. The present state of affairs in Tibet does nothing to alleviate the grievances of the Tibetan people or to bring stability and unity to the People's Republic of China. Sooner or later, the leadership in Beijing will have to face this fact. On my part, I remain committed to the process of dialogue. As soon as there is a positive signal from Beijing, my designated representatives stand ready to meet with officials of the Chinese government anywhere, anytime... My position on the issue of Tibet is straightforward. I am not seeking independence. As I have said many times before, what I am seeking is for the Tibetan people to be given the opportunity to have genuine self-rule in order to preserve their civilisation and for the unique Tibetan culture, religion, language and way of life to grow and thrive. For this, it is essential that the Tibetans be able to handle all their domestic affairs and to freely determine their

social, economic and cultural development."

10. In conclusion, the IFOR urges the Commission on Human Rights to review the human rights situation in Tibet and to adopt a resolution which calls upon the Chinese authorities to open earnest and substantive dialogue with the Dalai Lama or his representative to seek a peaceful resolution of the issues pertaining to the self-determination of the Tibetan people.
