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**The statement by the delegation of the Republic of Moldova, on agenda item 67 “Right of people to self-determination”, in the plenary of the 3<sup>rd</sup> Committee of the General Assembly, 3 November 2010**

Mr. Chairman,

As a responsible member of the international community, the Republic of Moldova embraces and pursues comprehensively the principles of International Law. These principles are conceived in order to promote democracy, the rule of law, respect for human rights and human dignity all over the world, making it a safer and better place for all peoples.

Self-determination is one of the core principles and fundamental rights. However, it can not be perceived as separable from other principles of International Law, such as: 1) Sovereign equality, 2) Inviolability of frontiers, 3) Territorial integrity of States, 4) Peaceful settlement of disputes, 5) Non-intervention in internal affairs, 6) Respect for human rights and fundamental freedoms, 7) Fulfillment in good faith of obligations under International Law. The association and interdependence of self-determination with the above mentioned principles forms a cohesive basement system of IL. This principle becomes fundamental to the maintenance of friendly relations and peace among states and a due guarantee for human rights only when seen and implemented accordingly.

Moreover, the right to self-determination together with the mentioned principles is indisputably a norm of *jus cogens* having the legal status of *erga omnes* obligation. It is prominently enshrined in the UN Charter and further recognized within other international and regional instruments, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Declaration of Principles of International Law Concerning Friendly Relations and Co-operation Among States, the Helsinki Final Act, the Charter of Paris for a New Europe, the 1993 World Conference’s on Human Rights Vienna Declaration and Programme of Action.

The Republic of Moldova acts on the international arena on the basis of this very understanding of the principle of self-determination. While complying with it as one of the indispensable condition for the enjoyment of other human rights and fundamental freedoms – be they civil, political, economic, social or cultural – the Government of Moldova notes that this principle shall not be interpreted as authorizing or encouraging any action which could dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent states which conduct themselves in compliance with the principle of equal rights and self-determination of peoples exercised by the Government representing the whole people belonging to the territory without distinction of any kind. This approach is provided for in the documents mentioned earlier.

We believe the right to self-determination should cease to be exploited as a means of political rhetoric and a tool of political misuse. It should be perceived in line with its organic substance of the right of choice, participation and control, being inseparably linked to the core concept of democracy,

where the rule of government is exercised by consent of the governed, the latter being part of the decision-making state mechanisms. It should not necessarily be connected to the right of secession, which in the case of the Republic of Moldova is fictitiously and abusively evoked when referring to the transnistrian issue.

Quite the contrary, this principle has to regain its nature aimed at satisfying the nations' needs for human security and welfare, meaning also respect for human rights and freedoms, including guarantees of control and management over national natural resources and rights of local population. Along with the same lines, it must not be used as a pretext for unwanted, illegal and internationally unauthorized activities and roles in the "provision of security" voluntarily assumed by a foreign military presence, as is the case in my country.

The states' conduct in relation with the right to self-determination should derive from the objective condition that the genuine holders of this right are peoples as such, identified as groups of individual human beings who fulfill the criteria of a common historical tradition; racial or ethnic identity; cultural homogeneity; linguistic unity; religious or ideological affinity; territorial connection; common economic life – in other words, to be more than a mere association of individuals within a defined territory.

Finally, all nations have to do their utmost in order to ensure that the principle in case serves the purpose of accurate protection of human rights and fundamental liberties, sovereign equality among states and preservation of international peace. It must not serve as a cover for the disrespect towards International Law and the oppression of basic human freedoms.

Thank you.