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Towards a Draft Declaration on the Right of Peoples to Self-determination and Forms of Its Realization[1]

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Abstract.
Introduction. This article elaborates on the idea of Professor Y.A. Reshetov, who published a Draft Convention on the Right of Peoples to Self-Determination in the Moscow Journal of International Law. The Draft Convention represents one of the first attempts to draw attention to the problem of the limits of self-determination in plural states, the forms of implementation and the main subjects of the right of self-determination. The purpose of the study is to develop the relevant ideas of Y.A. R.Reshetov, as well as to introduce new ideas, taking into account the evolving processes of the realization of the right to self-determination in the modern world.
Material and methods. The study is based on international legal instruments, the advisory opinions of the International Court of Justice, the jurisprudence of other international legal bodies and contemporary research of Russian and international scholars. The methods used in this study are: analysis, synthesis, induction, deduction, comparison, classification, systematization, prediction, as well as comparative and formal legal approaches.
Research results. The territorial disputes resulting from ethnic, regional and local conflicts are among the most pressing problems in international relations. It is extremely important for any multi-ethnic state, including Russia, to have a genuine scientific awareness of the principle of equality and the self-determination of peoples, adequate forms of its implementation, and how to structure ethnic identity in the system of civil identity. Exploring well-founded solutions to the matters involved will help consolidate world public opinion and ultimately develop an appropriate international legal mechanism under the auspices of the United Nations.
Discussion and conclusion. The article analyses the evolution of the idea of the self-determination of peoples, the place of the principle of equal rights and the self-determination of peoples in the system of basic principles of international law. With reference to the range of subjects of the right to self-determination, the specifics of secession, the institutions of uti possidetis juris and delays in secession, as well as questions on the forms and criteria of self-determination of the principal subjects, and the phenomenon of "unrecognized states," the author presents a Draft Declaration on the Right of Peoples to Self-Determination and the Modalities for its Implementation.

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Introduction

One source of international tension during the period of the world order that developed following the Second World War is the remaining contradiction between the desire to provide a comfortable living environment for people experiencing gross violations of their human rights on ethnic, religious, linguistic and other grounds, on the one hand, and the unwillingness or unpreparedness of the state authorities to do this, on the other. Tracing the path of the origin, formation and development of the idea of self-determination of peoples, it is obvious that this contradiction is not a phenomenon of the 20th–21st centuries. The concept of self-determination was first formed as a kind of concept of freedom, social contract and liberalism based on the ideas of Plato and Aristotle (O'Meara, 1992: 14–25), and was given dialectical justification in the works of John Locke, Thomas Hobbes, Jean-Jacques Rousseau, Immanuel Kant and others. Freedom and legal capacity as the main characteristic of human agency form the core of the concept of practical and political philosophy of the modern era – the normative and empirical condition that people are competent to leave a free and independent life. This is the doctrine of the person as a subject of law, who is equal to other independent subjects of law. And the oft-cited formula of Protagoras *Homo mensura omnium rerum est* ("man is the measure of all things), which is rooted in the depths of unrecorded time and was developed in the theories of natural law and the concept of popular sovereignty during the bourgeois revolutions of the 16th–18th centuries, became ever clearer and led to the creation of a basic idea that served as the basis for the formation of modern statehood in the 19th and 20th centuries.

Of particular note is the period in which the concept of the self-determination of peoples was given a generally recognized principle of international law, an imperative of sorts, and was gradually transferred from the political to the legal domain and enshrined in the UN Charter.

On the Principle of and the Right to Self-Determination

In the science of international law, the issue of self-determination as a principle versus self-determination as a law comes up time and time again. These are, of course, not the same thing, but the wall between them is not insurmountable. While a law acts as a legally binding norm that implies the obligation of the other party (and the appropriate legal relationship arises), a principle is mostly seen as a political category, al-

though this does not derogate from the obligation to follow its provisions. This follows directly from Article 53 of the 1969 Vienna Convention on the Law of Treaties, which defines a principle as a "peremptory norm of general international law." It should not escape our attention that the 1970 Declaration on Principles of International Law, in using the word "principles" in its title, essentially reveals the forms of exercising the right to self-determination. Tellingly, some international legal documents contain what would at first glance appear to be a rather unusual, but in our opinion, quite acceptable phrase: "the principle of the right of peoples to self-determination."

One of the methodological foundations of our study was the interpretation of the principles of international law by Professor L.P. Anufrieva, who convincingly revealed the dialectical interaction and organic nature of their ideological component, and the qualities of normativity (Anufrieva, 2021: 6–27). Based on this fundamental premise, it would seem that the provisions of the UN Charter on the principle of equal rights and the self-determination of peoples (the concept) should be constructed in close connection with the right of people to self-determination proclaimed in several other international legal documents (the norm; the rule of conduct for subjects of international law). The numerous attempts of international legal scholars who are building a system of basic principles to isolate a certain key link from their totality and justify a hierarchy of principles of sorts are assessed as illegal and doomed to failure (Konyukhova, 2006: 165).

The only reliable basis in the approach to the problem we are investigating is the strict adherence to the logic (to the "spirit and letter") of the 1970 Declaration on Principles of International Law (Article 2, Part I of the General Part) and the Final Act of the Conference on Security and Co-Operation in Europe of 1975 (Article X, Part IV of the section "Declaration on Principles"). What this means is that, first of all, all the basic principles are interrelated and must thus be considered in the context of all the other principles; and second, they are of key importance and must be applied equally and rigorously when interpreting each of them, taking the other principles into account. Based on this, we believe that, under certain political and legal circumstances, preference can be given in practice to one of the above principles in order to find a way out of the "territorial integrity – self-determination" dichotomy that often leads nowhere. The UN Security Council, as the guarantor of the Charter of the United Nations and of peace and security, must remain the supreme judge in all situations that acquire an international dimension. When addressing issues of the practical implementation of the right to self-determination, it is necessary to create conditions that ensure that the fairness of the ethical concept, which has become a core foundation of the UN Charter and is reflected in many other international legal documents, is observed. In this regard, such meta-legal categories as "tolerance," "good faith," etc. have the right to exist. In our opinion, we must seek to have the political and legal content of international treaties, reflecting, ipso facto, the national interests of the participating states, converge as much as possible with their spiritual and moral content (their moral obligations), which would imbue them with additional force.

Territorial Integrity or Territorial Inviolability?

For a complete understanding of the principle of the territorial integrity of states, we should focus on the ambiguity of the translation in the UN Charter of the English term "integrity" in the authentic Russian text: in Article 2, Paragraph 4, it is translated as *neprikosnovennost* ("inviolability"), while elsewhere, it is translated as *tselosnost* ("integrity"). Following the logic of one of the people who helped develop the UN Charter, S.B. Krylov (Krylov, 1960: 260), we proceed from the fact that the peculiarities of the translation were the result of a political struggle that was going on at the time regarding the need to recognize both the political independence and the territorial inviolability of each state. At the same time, there was the presumption that peoples themselves could establish a political system at their own discretion, and the borders would change accordingly. But the relevant processes must take place legitimately, by agreement, and without the use of force.

We should categorically resist absolutizing the principle of the self-determination of peoples, as well as its opposite, the principle of territorial integrity. Based on the decisions and recommendations of a number of international (and legal) bodies, we can conclude that international law does not establish permissive or prohibitive rules regarding issues of self-determination (Hartwig, 2013: 125–127). At the same time, armed conflicts or other violent actions that may result in the expulsion of part of the population of the territory on ethnic grounds and the declaration of independence of the corresponding territory or its annexation to another state are rejected as grounds for self-determination.

The People and the Nation

The perception of the concept of "people" is extremely diverse and multifaceted. Sometimes this concept is interpreted as a population united by belonging to a single state (residents of the country), as a social community representing a set of citizens, foreigners and stateless persons permanently residing in the country and having the opportunity to express their political will. In the Russian science of constitutional law, people are usually understood as a single socio-economic and political community of individuals, regardless of their division into national or ethnic communities.

In our opinion, the most unambiguous criteria for characterizing the concept of "people" were proposed in the final report and recommendations developed during the International Meeting of Experts on Further Study of the Concept of the Rights of Peoples held under the auspices of UNESCO on November 27–30, 1989. These criteria are:

1. A group of individual human beings who enjoy some or all of the following common features:
   a) a common historical tradition;
   b) racial or ethnic identity;
   c) cultural homogeneity;

d) linguistic unity;
e) religious or ideological affinity;
f) territorial connection;
g) common economic life;

2. the group must be of a certain number which need not be large (e.g. the people of micro States) but which must be more than a mere association of individuals within a State;

3. the group as a whole must have the will to be identified as a people or the consciousness of being a people - allowing that groups or some members of such grows, though sharing the foregoing characteristics, may not have that will or consciousness; and possibly;

4. the group must have institutions or other means of expressing its common characteristics and will for identity.

When looking at cases where the concepts of "people" and "nation" have been applied in international legal acts and scientific literature, it is important to pay attention to their interchangeability, and sometimes even as the same thing. It would seem that "people" should be considered (in the narrow sense) as a spatial collection of individuals associated with a certain socio-economic, linguistic, cultural and spiritual way of life. In a broad sense, the concept of "people" is characterized as a social community that acquires political subjectivity and thus becomes a nation, which is perceived under certain circumstances as a state.

Criteria for the Self-Determination of Peoples and Nations

Consistent with the architecture of the modern world that was defined after the end of the Second World War and the creation of the United Nations, in which the sovereignty of states plays an imperative role, the very essence of the right to self-determination, when realized in its external form, is anarchic, since it is aimed at destroying the state order.

In our opinion, the realization of the right to self-determination by its principal subjects – people and nations – in the context of the world order is only possible in certain cases and in accordance with the following criteria:

- liberation from colonial dependence;
- the implementation of the *uti possidetis juris* principle (Latin America, the former Yugoslavia, the Soviet Union, Africa);
- the opportunity to secede from the "parent" state, but only with the consent of the central authorities and/or based on the results of a national referendum;
- remedial secession (systematic and massive violations of the rights of a specific group of the population by the state), subject to the recognition of this separation by the international community as a whole.

1. Indigenous Peoples and National Minorities. Criteria for Self-Determination

Self-determination served as the legal basis for the formation of hundreds of new states against the backdrop of the process of decolonialization. Since then, the emergence of new states based on this right has effectively come to halt. Nevertheless, the definition itself continues to play an important role in theoretical discussions (Hilpold, 1998: 38; Ott 2008: 454) and indigenous claims to self-determination. These discussions typically end with the question of whether indigenous peoples and national minorities can claim statehood on the basis of self-determination. We agree that such a development of events is possible only when indigenous peoples are systematically subjected to the most serious violations of human rights, or have limited opportunities to exercise self-determination within the country. When looking at the dramatic events that are unfolding before our very eyes in Ukraine, we can state that it was the unwillingness of the Kyiv authorities to provide a set of rights for indigenous peoples and national minorities, defined in the Minsk Agreements that served as the basis for the secession of the Donetsk and Luhansk People's Republics from Ukraine.

The 1992 UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted without a vote, does not include the traditional reference to the principle of self-determination in its list of basic principles. The official Commentary to the Declaration explicitly states that "minority rights cannot serve as a basis for claims of secession or dismemberment of a State." In our opinion, minorities, as well as indigenous peoples, can exercise their right to self-determination, both in the form of territorial autonomy, and in the form of self-organization (self-government) – depending on their size, the specifics of their resettlement, the state of the economy, and other circumstances. Both models (territorial and extra-territorial) are designed to provide minorities and indigenous peoples with unique development opportunities based, among other things, on established traditions and customs in accordance with the state constitution and international law.

Signs of a Legitimate Secession

A comparison of the different yet closely related concepts of secession and separatism allows us to conclude that the latter, as the goal and the main form of realization, typically involves the separation of any part of the state from the state as a whole, while not excluding other forms of separation (territorial and national-cultural autonomy). In all cases, situations where separatist movements resort to the use of mercenaries, employ terrorist and other methods and means that are contrary to the legislation of the state in question and generally recognized international legal norms are wholly unacceptable.

In this regard, it is important to determine acceptable conditions, a kind of criteria for the legitimacy of secession that would not go against current international and domestic (primarily constitutional) legal norms and are consistent with the scientific interpretation of the concept of the people claiming to carry out the action in question. The approach to the development of criteria should be based, along with legal norms,

on such a moral category as justice. This is especially important in light of the interpretation of the International Court of Justice on the self-determination of peoples as one of the most important principles of international law, which has the character of *ergo omnes*

Of particular danger are ethnic cleansing, the deprivation of the autonomy of peoples who were previously granted such autonomy in the course of state building, and the refusal of the authorities of a given country to grant regional (territorial) autonomy to certain peoples in accordance with the will of the population as expressed in elections (referendums). We believe it is necessary to take the number of peoples and nations, their historical territorial affiliation, and the level of financial, economic and sociocultural development into account when attempting to resolve issues of the form of self-determination. In this sense, it would be a good idea to reproduce each of the provisions of the 1975 Helsinki Final Act on the issue of self-determination, with due account of the other provisions, in a UN General Assembly resolution or an Advisory Opinion of the International Court of Justice, taking this provision from the framework of the OSCE participating countries and giving it a global character.

In order to recognize the legitimacy of the process of self-determination through secession, it is vital to take the interests of the "parent" state and other peoples who are part of that state into account. If this is done, then the separation can be approved by a decision of the highest body of the state or by the results of a referendum – a popular vote on the fate of the disputed territory. Any attempts to influence the vote by way of violence or other coercive measures are unlawful.

Uti possidetis juris, or a Method for Determining the Borders of a Newly Formed State

The principle of *uti possidetis juris* is extremely important when it comes to resolving issues related to the realization of the right of peoples to self-determination. It first started to be applied in solving matters of transforming the internal borders of new states into administrative borders (Lauterpacht, 1952: 598–599). It is generally accepted that the principle in this interpretation is associated primarily with South America, where it was at one time used as an effective tool for preventing conflicts arising in connection with the state borders of successor states of the Spanish Empire. Considering the historical experience of applying this formula as a means of recognizing the legitimacy of a territorial claim, the positions of the International Court of Justice, the rulings of international arbitration courts, and the views of legal experts from Russia and around the world (Shaw, 1986: 186; Jancov, Coric, 2012; Mirzaev, 2015: 58), the importance of *uti possidetis juris* for settling certain international territorial disputes and the ability of this legal instrument to prevent armed conflict must be emphasized. At the same time, there are doubts about the advisability of giving *uti possidetis juris* the status of a general principle of international law, thereby elevating this formula to a kind of absolute.

One way out of this situation is to use the *uti possidetis* formula in cases where the parties in conflict over a secession cannot agree on new state borders. This is what was done, for example, during the collapse of the Soviet Union and Yugoslavia, the decolonialization of Africa and the independence of Latin American states. At the same time, we must be mindful of the fact that, along with the focus on territorial integrity, priority must also be given to the tasks of preventing bloodshed, the seizure of territory by force, and ethnic cleansing, as well as to resolving the issue of refugees and displaced persons, deploying peacekeeping forces and providing humanitarian aid.

'Human Rights Advocacy" or Remedial Secession

Considering the importance of humanitarian aspects in a secession, attention should be paid to connecting violations of individual human rights to the collective right of the people to self-determination. The concept of remedial secession contains three factors that are of fundamental importance: first, this form of self-determination is a kind of "last resort," an "non-standard solution"; second, the responsibility for secession rests with the "parent" state; and, third, this must involve violation of human rights of "special gravity" (the classification can be based on the list contained in the documents of the 1993 Vienna World Conference on Human Rights). From this, we can argue that secession is an exceptional, extreme and, under certain circumstances, the only possible measure for eliminating the gravest violations of human rights. Looking at the situation surrounding Kosovo, we can conclude that research on the issue focuses almost exclusively on political motives (Hartwig, 2013: 123; Golubok, 2011: 14), to the detriment of international legal aspects. In this regard, statements about the emergence of a legal custom or the existence of *opinion juris* are unacceptable and incorrect. UN Security Council Resolution 1244 needs to be strictly observed, and the parties to the conflict (Belgrade and Pristina) must conscientiously implement all of the agreements reached. On the other hand, considering the reunification of Crimea with Russia in 2014 as an example of remedial secession, the legality of the decisions taken in connection with the coup d'état in Ukraine, which created a situation of constitutional and legal uncertainty, in the context of the ban on the Russian language and the persecution of the Orthodox Church entailed a gross violation of the Russian-speaking population living mostly in Crimea and eastern Ukraine.

National and Territorial Forms of Self-Determination

As a form of government, *federalism* provides ethnic groups with additional opportunities to realize their socio-cultural, spiritual, religious, linguistic and other interests. The regional policy of the European Union in this area has proven successful, particularly the widespread practice of devolution – endowing regions with certain administrative functions, the ability to elect their own parliaments and create executive bodies. The expansion and deepening of devolution – providing regions with the ability to self-govern on a large scale, on the one hand, while maintaining the beneficial economic ties that existed beforehand, on the other, represents a more balanced

approach to demands for independence, thus mitigating and weakening separatist tendencies. In many ways, it was the federal structure of the Soviet Union that allowed the authorities to successfully deal with the national question for a great many years, playing a role in the convergence of numerous ethnic groups on the basis of respect for their historical, socio-economic, cultural, linguistic, spiritual and religious characteristics. Arend Lijphart's concept of "consociational democracy," according to which federalism is seen as the best way to integrate territorially isolated segments of society into the political system (a "system of fair accommodation and compromise") (Lijphart, 1997: 107), is useful here.

Granting national minorities an indisputable, unambiguous right to autonomy is seen as a threat both to the stability of individual states, and to international security. In this regard, the rights of minorities cannot in themselves justify demands for separation from the state or its dismemberment. On the other hand, however, the assertion that "international law has not recognized a general right of peoples to unilaterally declare secession from a state" is hardly acceptable (General Recommendation XXI (48) of the Committee on the Elimination of Racial Discrimination).

It would seem that the choice of forms of "territorial accommodation" of ethnic groups – an inevitable process in the context of the growth of national self-consciousness in the modern world – is determined by the specific historical conditions of each state and pursues the goal of economic and socio-cultural development, thus raising the level and quality of life of the people that form that state, with due account for the linguistic, spiritual and other elements inherent in the identity of the respective ethnic groups.

National and cultural autonomy is seen as the most acceptable form of self-government (self-organization) for dispersed peoples, which allows them to successfully realize their specific interests and solve the issue of preserving their identity and traditions without prejudice to the territorial integrity of the respective states. This somewhat unique extraterritorial form of self-determination, of course, does not and cannot mean complete separation from a given territory, but it is not directly connected with this aspect, unlike territorial autonomy.

"Self-organization" of ethnic groups within the framework of national and cultural autonomy may be considered a form of self-determination with a sufficient degree of conventionality, since, from the point of view of etymology, the word "self" implies the independent determination by an ethnic group of the forms of its development. "Self-organization" in the conditions of national and cultural autonomy is a form of existence of ethnic groups created by the state in order to provide conditions and opportunities for their self-identification and the preservation of their national language, traditions, customs, etc. If this kind of "self-organization" is considered from the point of view of self-determination, then we are obliged to mention its clearly narrow and limited interpretation – by analogy with the interpretation of "limited sovereignty."

The Phenomenon of Unrecognized States: The Institute of Recognition

When analysing the phenomenon of unrecognized states in connection with the recognition of international law, we should focus on the significance of recognition itself, which opens up additional opportunities for newly formed states to develop cooperation with other countries, effectively introducing them to the circle of full-fledged members of the international community. In practice, the excessive politicization of the institution of recognition sometimes turns it into an instrument of pressure used by certain states to realize their purely pragmatic interests. Research into the theory of recognition is rather extensive.

In the modern world, unrecognized states are increasingly becoming actors in regional politics, and in some cases, they have a great impact on global processes. In view of this, the perception of "unrecognized" states by the international community, as well as the practical interaction (or the refusal to interact) with these countries, acquires a decisive importance. At the same time, the unfounded elitist arguments about obviously "weak," "failed," "collapsed," or "rogue" states, which contradict the elementary ideas about the sovereign equality of all members of the international community and the very foundations of international law, should be rejected outright.

Of particular interest in this regard are the views of James Crawford on military intervention as a means of ensuring self-determination or, on the contrary, as a means of violating it. It may happen that the new state is sufficiently effective to ensure that the way it came into being has no bearing on its recognition as a state. According to Crawford, situations may arise where "illegality of origin" should be considered a paramount factor in accordance with the principle of *ex injuria non oritus jus* (Lat.: "illegal acts do not create law"). Based on this reasoning, which, in our opinion, is not always consistent, Crawford nevertheless comes to a number of interesting conclusions:

- The use of force by a metropolitan state is a violation of Article 2, Part 4 of the UN Charter.
- The assistance provided by other states to "local units" in the implementation of self-determination may be acceptable.
- There is no prohibition on the recognition of a new state – "the normal criteria for statehood – based on qualified effectiveness – apply (Crawford, 2007: 128).

There is a long history of unrecognized states, especially those that emerged in the post-Soviet space, taking active part in international affairs, and this is becoming a real factor in modern world politics, having an impact on the solution of numerous geopolitical problems. On the one hand, this circumstance confirms the legitimacy of the declarative theory of recognition, based on the fact that the emergence of a new state its itself a declaration of such. On the other hand, as practice shows, official recognition by members of the world community opens up a wealth of additional op-

portunities for a new territorial entity, and official admission to the United Nations makes it an equal member of the world community, with all the rights and obligations that come with that status.

It thus follows from this that the position on the division of the theory of recognition into declarative and constitutive parts in today's world seems rather arbitrary. Lack of recognition is not grounds for the world community to bully or harass emerging states, provided that the states concerned agree to follow the established principles and generally recognized norms of international law. If, however, a newly emerged state poses a danger to world peace or its statements and actions suggest a terrorist threat, the mere fact of declaring independence is not enough. In our opinion, each individual case should be considered by the UN Security Council, which actually makes the prospects for the development of a new state dependent on recognition. Of course, in cases of secession, the position of the "parent" state is of no small importance. At the same time, we cannot agree with the statement about the "existence of the duty of recognition" (Tolstykh, 2017: 22). The decision on whether or not to recognize a newly emerged territorial entity as an equal partner is a purely voluntary matter, and is made by each member of the international community based on their national interests.

The issue of signs (criteria) of statehood warrants particular attention. In our opinion, it would be reasonable here to apply the approach adopted by the 1933 International Conference of American States (the Montevideo Convention on the Rights and Duties of States), which is given a broad interpretation, going beyond the geographical limits defined by this convention. It would seem that the most important feature of the state is sovereignty, confirmed by the legitimate (via a referendum, general poll, etc.) will of the people (no matter how they gained power), the supremacy of public power within the country, and independence outside it. In this sense, state (national) sovereignty coincides with the sovereignty of the people, as the realization of their right to self-determination.

Conclusion

Declaration of the Right of Peoples to Self-Determination and the Forms of Implementing this Right (draft)

The UN General Assembly,

Reaffirming that one of the fundamental purposes of the United Nations, as proclaimed in the UN Charter, is to promote and encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion;

Reaffirming additionally the principle of the equality of nations large and small, the importance of the universal exercise of the right of peoples to self-determination, sovereignty and territorial integrity as an indispensable condition for the realization of this principle, as well as for the full realization of all human rights;

Reiterating the desire and willingness to contribute to the implementation of the fundamental provisions contained in the UN Charter; the Universal Declaration of Human Rights; the Declaration on the Granting of Independence to Colonial Countries and Peoples; the Declaration on Principles of International Law Concerning Friendly Relations and Cooperation among States in Accordance with the Charter of the United Nations; the Convention on the Prevention and Punishment of the Crime of Genocide; the International Convention on the Elimination of All Forms of Racial Discrimination; the International Covenant on Economic, Social and Cultural Rights; the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities; the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights; the Declaration on the Rights of Indigenous Peoples; the Declaration on the Right to Development; the Manila Declaration on the Peaceful Settlement of International Disputes; and in other relevant international instruments that have been adopted at the global or regional level, as well as international treaties and agreements concluded between individual UN Member States;

Convinced that the promotion and protection of the rights of people belonging to national and ethnic minorities, as well as the rights of indigenous peoples, contribute to the harmonious development and political and social stability of the States in which they live, and to the strengthening of friendship and cooperation between peoples and States;

Recognizing the need to ensure the better implementation of internationally adopted human rights treaties with regard to the rights of people belonging to national or ethnic, religious and linguistic, minorities, as well as to indigenous peoples;

Believing that the elimination of massive and gross violations of human rights and the rights of national groups would help create conditions that are conducive to the development of humankind;

Further believing that the development and self-actualization of man and peoples requires that equal attention be given to the realization, promotion and protection of all human rights and fundamental freedoms, which are indivisible and interdependent, where the exercise of certain rights and freedoms cannot justify the denial of other human rights and fundamental freedoms;

Being deeply concerned and alarmed by the disgraceful intentions and actions of individual States to impede the realization of the peoples that make up these States of their right to self-determination, economic and social development, cultural self-identification and the free use of their native languages;

Expressing particular concern and alarm at the involvement in the implementation of the above intentions of mercenaries whose criminal activities, strongly condemned by the international community and causing the loss of life and significant damage to property, pose a threat to the peace, security and self-determination of peoples and are an obstacle to the exercise by peoples of all their human rights,

proclaims:

1. That attention once again be drawn to the need for the strict observance of the right of peoples to self-determination, whereby they freely, on the basis of strict and conscientious observance of the provisions of the UN Charter, determine their political status and carry out economic, social and cultural activities. Denial of the right to self-determination is a violation of human rights.

2. That any military action or repressive measures of any nature aimed at preventing the exercise of the right to self-determination in accordance with the purposes and principles of the UN Charter, must cease immediately. All persons detained or imprisoned as a result of the struggle for self-determination must be released immediately and unconditionally, unless their actions were in breach of another law.

3. To strongly condemn the practice of using mercenaries to undermine the exercise of the right to self-determination and to hold those responsible accountable. All States must take the necessary measures to prevent the recruitment, enlistment, training, or financing of mercenaries, as well as their transit to locations where they can carry out actions to prevent peoples from exercising their right to self-determination.

4. To call on all States to take the necessary measures at the national level to implement the internationally recognized right to development in accordance with the 1986 Declaration on the Right to Development, which provides for the realization of the full self-determination of peoples, whereby they have the inalienable right to full sovereignty over all its natural wealth and resources, and the individual is the principal subject and beneficiary of the right to development, in which his or her rights and fundamental freedoms can be fully realized. To proceed from the fact that development, democracy and respect for human rights and fundamental freedoms are interconnected and mutually reinforcing.

5. The right of people belonging to national or ethnic, religious and linguistic minorities to enjoy the heritage of their culture, practice their religion and religious rites, and freely use their native language, as well as to education in their native language, in private and public life. States must, where necessary, take measures to ensure the effective realization by minorities of all human rights and fundamental freedoms, without any discrimination and on the basis of full equality under the law.

6. The renewed commitment of the international community, recognizing the inherent identity and dignity of indigenous peoples and their unique contribution to civilizational diversity, to their economic, social and cultural wellbeing, creating conditions for them to enjoy the benefits of sustainable development. States should guarantee the full and unimpeded participation of indigenous peoples in all aspects of life, paying special attention to matters that affect their specific interests, and take the necessary measures to ensure respect for human rights and fundamental freedoms, equality and non-discrimination, and the recognition of the value and diversity of identity, culture and social organization.

7. To call on all States to:

- take the appropriate measures, in accordance with their international obligations and with due regard to their legal systems, to counter modern forms of racial discrimination, xenophobia and intolerance;
- refrain from any action aimed at assimilating minorities and indigenous peoples against their will, and protect such persons from actions to forcibly assimilate them;
- promote, considering the special situation of minorities and indigenous peoples, full and effective equality between them and people belonging the majority groups of the population in all areas of economic, social, political and cultural life;
- take immediate steps to strengthen the fight against ethnic cleansing, which is condemned by the international community, with a view to putting an end to such practices as quickly as possible, eradicate them completely and provide effective remedies to the victims.

8. That the means of realizing the right to self-determination, based on their will and full respect for political, civil, socioeconomic and cultural rights, can be territorial autonomy, cultural autonomy, or any other form of self-organization and self-government that meets the interests of the people concerned.

9. The right of peoples in the process of implementing their self-determination to secede from their parent state and establish their own sovereign state. This provision should not be interpreted as authorizing or encouraging any action that violates or undermines, in whole or in part, the territorial integrity or political unity of sovereign and independent states that uphold the principle of equal rights and the self-determination of peoples, and which thus have governments that represent the interests of all the people living in their territories without distinction.

10. That the attention of the international community be drawn to the phenomenon of unrecognized states – territorial formations that have existed for a long time, possess all or most of the features of a state and have a noticeable impact on regional problems and geopolitical competition. This is contrary to the principles of sovereign equality and the self-determination of peoples, is often a source of gross violations of human rights, and poses a threat to peace and international security.

It would be expedient to:

- include the issue of the legal aspects of non-recognition of the agenda of the UN International Law Commission;
- appeal to the International Court of Justice with a request for an opinion of the legal aspects of non-recognition;
- look into the issue of giving the Office of the United Nations High Commissioner for Refugees (UNHRC) the authority to provide legal protection to citizens of unrecognized states and to organize (if necessary) humanitarian assistance to them.

11. All issues related to possible violations of the right of peoples to self-determination should be considered at the international level by the United Nations Economic and Social Council, the Human Rights Committee, the Committee on the Elimination

of Racial Discrimination, and other international legal bodies, universal and regional, which can in turn provide appropriate recommendations to the governments of States in respect of which there are sufficient grounds to believe that they are or have been in violation of the right of peoples to self-determination. The refusal of governments to follow the recommendations may be regarded as evidence of their unwillingness to provide the peoples that make up the respective State with the opportunity to participate in the political, socio-economic and cultural life of the State, thereby exercising their right to self-determination. In these cases, the issue may be taken up by the UN General Assembly and the Security Council.

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