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Right of peoples to self-determination

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Report of the Secretary-General

Summary

In its resolution [67/157](#), the General Assembly requested the Secretary-General to report to the Assembly at its sixty-eighth session on the universal realization of the right of peoples to self-determination. The present report is submitted in accordance with that request.

The report outlines the relevant jurisprudence of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights on the treaty-based human rights norms relating to the realization of the right of peoples to self-determination. It also provides a summary of the developments relating to the consideration by the Human Rights Council of the subject matter, including by its special procedures and the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem.

* [A/68/150](#).

I. Introduction

1. The General Assembly, in its resolution [67/157](#), reaffirmed the importance of the universal realization of the right of peoples to self-determination for the effective guarantee and observance of human rights. The Assembly welcomed the progressive exercise of the right to self-determination by peoples under colonial, foreign or alien occupation and their emergence into sovereign statehood and independence.
2. The present report is submitted in accordance with paragraph 5 of the resolution, in which the General Assembly requested the Human Rights Council to continue to give special attention to the violation of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation, and with paragraph 6, in which the Assembly requested the Secretary-General to report on the question at its sixty-eighth session.
3. The report provides a summary of the main developments relating to the realization of the right to self-determination within the framework of the activities of the United Nations human rights mechanisms since the submission of the last report ([A/67/276](#)). This includes concluding observations of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights based on their consideration of the periodic reports submitted by the States parties to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights in respect of the implementation of the right to self-determination guaranteed in article 1 of the two Covenants.
4. The report also incorporates the consideration of the question by the Human Rights Council, including observations made in reports submitted to the Council by the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 and the Special Rapporteur on the Rights of Indigenous Peoples. Finally, it summarizes the conclusions regarding implications of Israeli settlements on the rights of Palestinians to self-determination reached by the

independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem, established by the Human Rights Council in its resolution [19/17](#).

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III. Human Rights Council

A. Resolutions

16. At its twenty-second session, held from 25 February to 22 March 2013, the Human Rights Council considered the question of the realization of the right of peoples to self-determination under agenda item 7 and adopted resolution [22/27](#) on the right of the Palestinian people to self-determination. In that resolution, the Council reaffirmed the inalienable, permanent and unqualified right of the Palestinian people to self-determination, including their right to live in freedom, justice and dignity, and to establish their sovereign, independent, democratic and viable contiguous State. The Council also urged all Member States and relevant bodies of the United Nations system to support and assist the Palestinian people in the early realization of their right to self-determination.

B. Special procedures

17. In his report to the twenty-third session of the Human Rights Council, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 noted among several recent general developments the fact that on 29 November 2012 the General Assembly voted to recognize Palestine as a non-member observer State. In his opinion, such status is a step on the path to the realization of the collective and inalienable right of self-determination that belongs to the Palestinian people as a whole ([A/HRC/23/21](#), para. 4). He further reported that the unlawful Israeli annexation and demographic manipulations in East Jerusalem had created fundamental threats to the Palestinian right of self-determination and proposed that the International Committee of the Red Cross convene an international conference to draft a convention for occupations that surpass five years or that the manifold issues related to prolonged occupation be examined by a commission of inquiry composed of relevant international law experts ([A/HRC/23/21](#), para. 5 (c)).

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C. Independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian territory, including East Jerusalem

23. When examining the implications of Israeli settlements on the rights of Palestinians, the fact-finding mission also examined their implications on the right of Palestinians to self-determination. The mission noted that the Government of Israel had full security and administrative control over the settlement areas, and effectively controlled the external borders of the Occupied Palestinian Territory. Regional councils composed exclusively of representatives of Israeli settlers exercised planning functions in settlement areas. Neither the Palestinian Authority nor local Palestinian communities had any control over the governance, administration and planning of those areas ([A/HRC/22/63](#), para. 35).

24. It further noted that the settlements, including the associated restrictions, impeded Palestinian access to and control over their natural resources. Eighty-six per cent of the Jordan Valley and the Dead Sea was under the de facto jurisdiction of the settlement regional councils. Settlements exploited mineral extraction and fertile agricultural lands, denying Palestinians access to their natural resources (*ibid.*, para. 36).

25. The fact-finding mission also pointed out that the negative impact of Israeli settlements on the right of self-determination of the Palestinian people extended to the Palestinian people as a whole (*ibid.*, para. 37). The mission considered that the right to self-determination of the Palestinian people, including the right to determine how to implement self-determination, the right to have a demographic and territorial presence in the Occupied Palestinian Territory and the right to permanent sovereignty over natural resources, is clearly being violated by Israel through the existence and ongoing expansion of the settlements (*ibid.*, para. 38).

26. The fact-finding mission concluded that the establishment of the settlements in the West Bank, including East Jerusalem, was a mesh of construction and infrastructure leading to a creeping annexation that prevented the establishment of a contiguous and viable Palestinian State and undermined the right of the Palestinian people to self-determination (*ibid.*, para. 101). The mission considered that, with regard to the settlements, Israel was committing serious breaches of its obligations under the right to self-determination and certain obligations under international humanitarian law, including the obligation not to transfer its population into the Occupied Palestinian Territory (*ibid.*, para. 104). Finally, the mission concluded that the right to self-determination was being violated consistently and on a daily basis (*ibid.*, para. 105).

IV. Conclusion

27. The right of self-determination is enshrined in article 1 of the International Covenant on Civil and Political Rights and article 1 of the International Covenant on Economic, Social and Cultural Rights. During the reporting period, the human rights treaty bodies, and the Human Rights Council, including special procedures mandate holders, have continued to address issues related to the realization of this right.

