



General Assembly

Distr.
GENERALA/62/438
4 December 2007

Original: English

Sixty-second session
Agenda item 69

Right of peoples to self-determination

Report of the Third Committee

Rapporteur : Ms. Tebatso Future **Baleseng** (Botswana)

I. Introduction

1. At its 3rd plenary meeting, on 21 September 2007, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-second session the item entitled "Right of peoples to self-determination" and to allocate it to the Third Committee.
2. The Third Committee held a general discussion on the agenda item jointly with item 68, entitled "Elimination of racism and racial discrimination", at its 37th to 39th meetings, on 7 and 8 November 2007 and considered proposals and took action on the item at its 42nd, 46th, 47th, 48th, 49th and 51st meetings, on 9, 15, 16, 19, 20 and 21 November. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/62/SR.37-39, 42, 46-49 and 51).
3. For its consideration of the item, the Committee had before it the following documents:
 - (a) Report of the Secretary-General on the universal realization of the right of peoples to self-determination (A/62/184);
 - (b) Note by the Secretary-General transmitting the report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (A/62/301).
4. At the 37th meeting, on 7 November, the representative of the New York Office of the United Nations High Commissioner for Human Rights made an introductory statement (see A/C.3/62/SR.37).
5. At the same meeting, the Chairperson of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination made a presentation and engaged in a dialogue with the representatives of Panama, Ecuador, Venezuela (Bolivarian Republic of), the United States of America, Peru, the Russian Federation, Chile, the Libyan Arab Jamahiriya, Cuba and Honduras (see A/C.3/62/SR.37).

II. Consideration of proposals

/...

C. Draft resolution [A/C.3/62/L.63](#)

16. At the 48th meeting, on 19 November, the representative of Egypt, on behalf of Afghanistan, Albania, Algeria, Angola, Armenia, Austria, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cape Verde, China, the Comoros, the Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, Djibouti, Ecuador, Egypt, Eritrea, Estonia, Finland, France, Gabon, the Gambia, Greece, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Jamaica, Jordan, Kenya, Kuwait, the Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, the Libyan Arab Jamahiriya, Lithuania, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Monaco, Morocco, Myanmar, Namibia, New Zealand, Nicaragua, the Niger, Nigeria, Norway, Oman, Pakistan, Poland, Portugal, Qatar, Romania, the Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, South Africa, Spain, Sri Lanka, the Sudan, Sweden, Switzerland, Togo, Tunisia, Turkey, the United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe and Palestine, introduced a draft resolution entitled "The right of the Palestinian people to self-determination" (A/C.3/62/L.63). Subsequently, Bolivia, Dominica, Liechtenstein, Luxembourg, Malawi, Moldova, Montenegro, Mozambique, San Marino, Slovakia, Slovenia, Suriname, the former Yugoslav Republic of Macedonia, Timor-Leste and the United Republic of Tanzania joined in sponsoring the draft resolution.
17. At its 49th meeting, on 20 November, the Committee was advised that the draft resolution had no programme budget implications.
18. At the same meeting, the representative of Egypt made a statement (see A/C.3/62/SR.49).
19. Also at the same meeting, the representative of Israel made a statement and requested a recorded vote on the draft resolution (see A/C.3/62/SR.49).
20. Also at its 49th meeting, the Committee adopted draft resolution A/C.3/62/L.63 by a recorded vote of 172 to 5, with 5 abstentions (see para. 23, draft resolution III). The voting was as follows:

In favour :

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cape Verde, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Moldova, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against :

Israel, Marshall Islands, Micronesia (Federated States of), Palau, United States of America.

Abstaining :

Australia, Cameroon, Canada, Equatorial Guinea, Fiji.

21. Before the vote, statements were made by the representatives of Israel, the United States of America and Australia; after the vote, statements were made by the representatives of Argentina, Portugal and Canada (see A/C.3/62/SR.49).

22. At the same meeting, the observer of Palestine made a statement (see A/C.3/62/SR.49).

III. Recommendations of the Third Committee

23. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

/...

Draft resolution III The right of the Palestinian people to self-determination

The General Assembly ,

Aware that the development of friendly relations among nations, based on respect for the principle of equal rights and self-determination of peoples, is among the purposes and principles of the United Nations, as defined in the Charter,

Recalling, in this regard, its resolution 2625 (XXV) of 24 October 1970 entitled "Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations",

Bearing in mind the International Covenants on Human Rights,¹ the Universal Declaration of Human Rights,² the Declaration on the Granting of Independence to Colonial Countries and Peoples³ and the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights on 25 June 1993,⁴

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,⁵

Recalling also the United Nations Millennium Declaration,⁶

Recalling further the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* ,

Recalling the conclusion of the Court, in its advisory opinion of 9 July 2004, that the construction of the wall by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, along with measures previously taken, severely impedes the right of the Palestinian people to self-determination,⁹

Expressing the urgent need for the resumption of negotiations within the Middle East peace process on its agreed basis and for the speedy achievement of a just, lasting and comprehensive peace settlement between the Palestinian and Israeli sides,

Stressing the need for respect for and preservation of the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory, including East Jerusalem,

Recalling its resolution 61/152 of 19 December 2006,

Affirming the right of all States in the region to live in peace within secure and internationally recognized borders,

1. *Reaffirms* the right of the Palestinian people to self-determination, including the right to their independent State of Palestine;

2. *Urges* all States and the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in the early realization of their right to self-determination.

¹ Resolution 2200 A (XXI), annex.

² Resolution 217 A (III).

³ Resolution 1514 (XV).

⁴ A/CONF.157/24 (Part I), chap. III.

⁵ See resolution 50/6.

⁶ See resolution 55/2.

⁷ See A/ES-10/273 and Corr.1.

⁸ Ibid., advisory opinion, para. 88.

⁹ Ibid., para. 122.
