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Right of peoples to self-determination

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Report of the Secretary-General

*A/66/150.

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II. Human Rights Committee and Committee on Economic, Social and Cultural Rights

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4. The right to self-determination has been addressed by the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in their consideration of States parties' periodic reports submitted, respectively, under article 40 of the International Covenant on Civil and Political Rights and articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights, with a focus on paragraph 2 of article 1 of the two Covenants, which affirms a particular aspect of the economic content of this right, namely the right of peoples, for their own ends, to "freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence". The relevant concluding observations are summarized below.

A. Concluding observations by the Human Rights Committee

5. During the reporting period, the Human Rights Committee addressed several issues related to the right to self-determination in its concluding observations on Israel with respect to the Occupied Palestinian Territories and on Colombia, El Salvador and Togo with respect to the rights of the indigenous peoples.

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6. In its concluding observations on Israel adopted in July 2010, the Committee noted with concern the State party's military blockade of the Gaza Strip, in force since June 2007. While recognizing the State party's recent easing of the blockade with regard to the entry of civilian goods by land, the Committee stated that it was nevertheless concerned at the effects of the blockade on the civilian population in the Gaza Strip, including restrictions to their freedom of movement, some of which have led to deaths of patients in need of urgent medical care, and restrictions on the access to sufficient drinking water and adequate sanitation. The State party was requested to lift its military blockade of the Gaza Strip, insofar as it adversely affects the civilian population (CCPR/C/ISR/CO/3, para. 8).

7. Referring to paragraph 19 of the Committee's previous concluding observations (CCPR/CO/78/ISR), the Advisory Opinion of the International Court of Justice, and the State party's Supreme Court ruling of 2005, the Committee also expressed concern at the restrictions to freedom of movement imposed on Palestinians, in particular persons residing in the "Seam Zone" between the wall and Israel, the frequent refusal to grant agricultural permits to access the land on the other side of the wall or to visit relatives, and the irregular opening hours of the agricultural gates. Moreover, the Committee was concerned that despite the State party's temporary freeze on the construction of settlements in the West Bank, East Jerusalem and the occupied Syrian Golan Heights, the settler population continued to increase.

8. The Committee called on the State party to comply with its previous concluding observations and take into account the Advisory Opinion of the International Court of Justice and stop the construction of a "Seam Zone" by means of a wall, seriously impeding the right to freedom of movement, and to family life. It should cease all construction of settlements in the occupied territories (CCPR/C/ISR/CO/3, para. 16).

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III. Consideration by the Human Rights Council of the question of realization of the right of peoples to self-determination

20. At its sixteenth session, held from 28 February to 25 March 2011, 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 16/30 on the right of the Palestinian people to self-determination. The Council reaffirmed the inalienable, permanent and unqualified right of the Palestinian people to self-determination and 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.

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