



## General Assembly

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## Right of peoples to self-determination

### Report of the Third Committee

*Rapporteur:* Ms. Nicola Hill (New Zealand)

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## II. Consideration of proposals

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### B. Draft resolution A/C.3/64/L.56

10. At the 40th meeting, on 10 November, the representative of Egypt, on behalf of Afghanistan, Albania, Algeria, Andorra, Angola, Armenia, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Burundi, Cape Verde, the Central African Republic, 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, Dominica, Ecuador, Egypt, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, the Gambia, Ghana, Greece, Guinea, Guinea-Bissau, Guyana, India, Indonesia, Iraq, Ireland, Italy, Jordan, Kenya, Kuwait, the Lao People's Democratic Republic, Lebanon, Lesotho, the Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Monaco, Morocco, Mozambique, Myanmar, Namibia, Nicaragua, the Niger, Nigeria, Oman, Pakistan, Poland, Portugal, Qatar, Rwanda, the Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Slovenia, Somalia, South Africa, Spain, Sri Lanka, the Sudan, Suriname, Sweden, Tajikistan, the former Yugoslav Republic of Macedonia, Timor-Leste, Tunisia, Turkey, Uganda, the United Arab Emirates, 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.3/64/L.56). Subsequently, Antigua and Barbuda, Austria, Belize, Bulgaria, Burkina Faso, Chad, Croatia, El Salvador, Grenada, Hungary, Iceland, Jamaica, Latvia, Liberia, Lithuania, Montenegro, New Zealand, Norway, the Republic of Moldova, Romania, San Marino, Serbia, Seychelles, Slovakia, Solomon Islands, Switzerland, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Uzbekistan joined in sponsoring the draft resolution.

11. At the 41st meeting, on 12 November, the representative of Israel requested a recorded vote on the draft resolution.

12. Also at its 41st meeting, the Committee adopted draft resolution A/C.3/64/L.56 by a recorded vote of 171 to 6, with 5 abstentions (see para. 19, draft resolution II). The voting was as follows:<sup>1</sup>

*In favour:*

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cape Verde, 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, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, 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, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania,

Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

*Against:*

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

*Abstaining:*

Botswana, Cameroon, Canada, Tonga, Vanuatu.

<sup>1</sup>The delegations of Botswana and Norway subsequently indicated that they had intended to vote in favour of the draft resolution.

13. Statements were made before the vote by the representatives of the United States of America and Israel; statements were made after the vote by the representatives of Australia, Argentina, Iran (Islamic Republic of) and Micronesia (Federated States of) (see A/C.3/64/SR.41).

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### III. Recommendations of the Third Committee

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

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#### Draft resolution II

#### 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,<sup>1</sup> the Universal Declaration of Human Rights,<sup>2</sup> the Declaration on the Granting of Independence to Colonial Countries and Peoples<sup>3</sup> and the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights on 25 June 1993,<sup>4</sup>

*Recalling* the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,<sup>5</sup>

*Recalling also* the United Nations Millennium Declaration,<sup>6</sup>

*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*,<sup>7</sup> and noting in particular the reply of the Court, including on the right of peoples to self-determination, which is a right *erga omnes*,<sup>8</sup>

*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,<sup>9</sup>

*Expressing the urgent need* for the resumption of negotiations within the Middle East peace process, based on the relevant United Nations resolutions, the Madrid terms of reference, including the principle of land for peace, the Arab Peace Initiative and the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,<sup>10</sup> 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 63/165 of 18 December 2008,

*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.

<sup>1</sup>Resolution 2200 A (XXI), annex.

<sup>2</sup>Resolution 217 A (III).

<sup>3</sup>Resolution 1514 (XV).

<sup>4</sup>A/CONF.157/24 (Part I), chap. III.

<sup>5</sup>See resolution 50/6.

<sup>6</sup>See resolution 55/2.

<sup>7</sup>See A/ES-10/273 and Corr.1; see also *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136.

<sup>8</sup>See A/ES-10/273 and Corr.1, advisory opinion, para. 88; see also *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136.

<sup>9</sup>See A/ES-10/273 and Corr.1, advisory opinion, para. 122; see also *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136.

<sup>10</sup>S/2003/529, annex.

