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Right of peoples to self-determination

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Report of the Secretary-General

Summary

In its resolution 66/145, the General Assembly requested the Secretary-General to report to the Assembly at its sixty seventh 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, and provides a summary of the developments relating to the consideration by the Human Rights Council of the subject matter, including by its special procedures

* A/67/150.

I. Introduction

1. The General Assembly, in its resolution 66/145, adopted on 19 December 2011, 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 resolution 66/145, in which the 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 this question at its sixty seventh 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 during the period under review. This includes recent 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. It 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 Rights of Indigenous Peoples and the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967.

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III. Human Rights Council

A. Resolutions

15. At its nineteenth session, held from 27 February to 23 March 2012, 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 19/15](#) 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, including their right to live in freedom, justice and dignity, and to establish their sovereign, independent, democratic and viable contiguous State. The Human Rights Council 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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B. Special Procedures

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24. In his report submitted to the twentieth session of the Human Rights Council, following his mission to assess, inter alia, the efforts to realize the Palestinian right of self-determination (see [A/HRC/20/32](#)), the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Richard Falk, recalled that it is beyond controversy that the Palestinian people enjoy an inalienable right of self-determination that is confirmed by article 1 of both the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and as set forth in the Charter of the United Nations. He also recalled that the General Assembly and the Security Council have both confirmed that the right of self-determination is possessed by the Palestinian people, and should be realized through a sustainable solution to the conflict and that the International Court of Justice viewed the construction of the separation wall on occupied Palestinian territory as a violation of the right of self-determination belonging to the Palestinian people (see [A/HRC/20/32](#)).

25. The Special Rapporteur expressed concerns regarding the issue of the settlements in the occupied Palestinian territories. He also expressed his continued concern about the human rights and humanitarian consequences of the illegal blockade of the Gaza Strip by the occupying Power and the denial of the right to self-determination inherent in the continuing occupation of Gaza.

IV. Conclusion

26. **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.**
