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Right of peoples to self-determination

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Report of the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolution [77/207](#), in which the Assembly requested the Secretary-General to submit to it at its seventy-eighth session a report on the universal realization of the right of peoples to self-determination.

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 main organs of the United Nations since the submission of the previous report ([A/77/265](#)), demonstrating the engagement of the United Nations system towards the universal realization of the right of peoples to self-determination.

* [A/78/150](#).



I. Introduction

1. The present report is submitted pursuant to General Assembly resolution [77/207](#), in which the Assembly requested the Secretary-General to report to it at its seventy-eighth session on the universal realization of the right of peoples to self-determination.
2. The report provides a summary of the main developments between August 2022 and June 2023 relating to the realization of the right of all peoples to self-determination within the framework of the activities of the main organs of the United Nations.
3. The report also includes reference to the consideration of the issue within the framework of Human Rights Council resolutions and in the reports submitted to the Council by its special procedure mandate holders, subsidiary expert mechanism and mandated investigative bodies.
4. In addition, it includes reference to general comments issued by the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Discrimination against Women.

II. Security Council

5. In accordance with Security Council resolution [2602 \(2021\)](#), the Secretary-General submitted to the Council a report on the situation concerning Western Sahara ([S/2022/733](#)). The report covered developments since the previous report ([S/2021/843](#)) and provided a description of the situation on the ground, the status of political negotiations on Western Sahara, the implementation of resolution [2602 \(2021\)](#) and existing challenges to the operations of the United Nations Mission for the Referendum in Western Sahara and steps taken to address them.
6. The Secretary-General noted that the Office of the United Nations High Commissioner for Human Rights (OHCHR) was unable to conduct any visit to Western Sahara for the seventh consecutive year, despite multiple requests, which was detrimental to a comprehensive assessment of human rights in the region.¹ Moreover, during the reporting period, international human rights defenders, researchers, lawyers and observers were allegedly expelled from or denied entry into Western Sahara ([S/2022/733](#), para. 77). OHCHR continued to receive allegations of human rights violations in Western Sahara by suspected Moroccan security forces, including arbitrary detention and the disproportionate use of force in policing peaceful assemblies advocating for self-determination. Allegedly, Sahrawi women human rights defenders also continued to be subjected to threats, harassment and physical violence (*ibid.*, para. 78). The Secretary-General noted that civil society actors in Western Sahara allegedly continued to operate in a highly restrictive environment where freedom of expression and association was severely curtailed (*ibid.*, para. 79).
7. Despite the challenging context, the Secretary-General reaffirmed his belief that a political solution to the question of Western Sahara was possible, provided that all concerned engaged in good faith and there was continued support from the international community. He noted that strong political will was required to find a

¹ On 7 March 2023, in his annual report and global update to the Human Rights Council at its fifty-second session, the United Nations High Commissioner for Human Rights, Volker Türk, echoed the importance of OHCHR being able to conduct meaningful missions to the region (see www.ohchr.org/en/statements-and-speeches/2023/03/global-update-high-commissioner-outlines-concerns-over-40-countries).

just, lasting and mutually acceptable political solution that would provide for the self-determination of the people of Western Sahara in accordance with resolutions 2440 (2018), 2468 (2019), 2494 (2019), 2548 (2020) and 2602 (2021) (ibid., para. 90). The Secretary-General urged all concerned to approach the facilitation of the process by his Personal Envoy for Western Sahara with an open mind and to desist from preconditions for the political process (ibid., para. 91).²

8. Having considered the report of the Secretary-General, the Council adopted resolution 2654 (2022), in paragraph 4 of which it called upon the parties to resume negotiations under the auspices of the Secretary-General without preconditions and in good faith, taking into account the efforts made since 2006 and subsequent developments, with a view to achieving a just, lasting and mutually acceptable political solution, which would provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations, and noting the role and responsibilities of the parties in that respect.

III. General Assembly

9. In addition to its resolution 77/207 on the universal realization of the right of peoples to self-determination, the General Assembly adopted several resolutions in which it addressed the issue of self-determination. The resolutions mainly concerned Non-Self Governing Territories (resolutions 77/130, 77/131 and 77/133 to 77/149), the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (resolution 77/206) and the right of the Palestinian people to self-determination (resolutions 77/22, 77/24, 77/25, 77/187, 77/208 and 77/247). In addition, the Assembly adopted other resolutions in which it mentioned the right of peoples to self-determination (resolutions 77/93, 77/188, 77/203 and 77/214 to 77/216).

A. Non-Self-Governing Territories

10. In its resolution 77/130, the General Assembly reaffirmed the right of the peoples of the Non-Self-Governing Territories to self-determination in conformity with the Charter, Assembly resolution 1514 (XV) and other relevant resolutions of the United Nations, as well as their right to the enjoyment of their natural resources and their right to dispose of those resources in their best interest (para. 1). It requested the Secretary-General to continue, through all means at his disposal, to inform world public opinion of any activity that affected the exercise of the right of the peoples of the Territories to self-determination in conformity with the Charter, Assembly resolution 1514 (XV) and the other relevant resolutions of the United Nations on decolonization (para. 13).

11. In its resolution 77/131, the General Assembly, inter alia, reaffirmed that the recognition by the Assembly, the Security Council and other United Nations organs of the legitimacy of the aspirations of the peoples of the Non-Self-Governing Territories to exercise their right to self-determination entails, as a corollary, the extension of all appropriate assistance to those peoples (para. 4).

12. In its resolution 77/148, the General Assembly considered it important to continue and expand its efforts to ensure the widest possible dissemination of information on decolonization, with particular emphasis on the options for self-

² The Personal Envoy of the Secretary-General for Western Sahara, Staffan de Mistura, took up his functions on 1 November 2021.

determination available for the peoples of Non-Self-Governing Territories, and to that end requested the Department of Global Communications, through the United Nations information centres in the relevant regions, to actively engage and seek new and innovative ways to disseminate material to the Territories (para. 2).

13. In its resolution [77/149](#), the General Assembly called upon the administering Powers, in accordance with resolutions [1514 \(XV\)](#) and all other resolutions and decisions on decolonization, including resolution [75/123](#), to take all steps necessary to enable the peoples of the Non-Self-Governing Territories to exercise fully as soon as possible their right to self-determination, including independence, on a case-by-case basis (para. 1). It affirmed its support for the aspirations of the peoples under colonial rule to exercise their right to self-determination, including independence, in accordance with the relevant resolutions of the United Nations on decolonization (para. 4), and requested the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to, inter alia, continue to examine the political, economic and social situation in the Non-Self-Governing Territories and to recommend to the Assembly, as appropriate, the most suitable steps to be taken to enable the populations of those Territories to exercise their right to self-determination, including independence in accordance with the relevant resolutions on decolonization, including resolutions on specific Territories (para. 8 (c)).

14. In its resolution [77/133](#) on the question of Western Sahara, the General Assembly reiterated support for the process of negotiations initiated by Security Council resolution [1754 \(2007\)](#) and further sustained by other relevant Council resolutions, with a view to achieving a just, lasting and mutually acceptable political solution, which would provide for the self-determination of the people of Western Sahara, and commended the efforts undertaken by the Secretary-General and his Personal Envoy for Western Sahara in that respect (para. 2). It welcomed the commitment of the parties to continue to show political will and work in an atmosphere propitious for dialogue, in order to enter into a more intensive phase of negotiations, in good faith and without preconditions (para. 3).

15. In its resolution [77/134](#) on the question of American Samoa, the General Assembly reaffirmed the inalienable right of the people of American Samoa to self-determination, in conformity with the Charter and with Assembly resolution [1514 \(XV\)](#), and also reaffirmed that it was ultimately for the people of American Samoa to determine freely their future political status in accordance with the relevant provisions of the Charter, the Declaration on the Granting of Independence to Colonial Countries and Peoples and the relevant resolutions of the Assembly (paras. 1 and 3). In that connection, the Assembly called upon the administering Power, in cooperation with the territorial Government and appropriate bodies of the United Nations system, to develop political education programmes for the Territory in order to foster an awareness among the people of their right to self-determination in conformity with the legitimate political status options, based on the principles clearly defined in resolution [1541 \(XV\)](#) and other relevant resolutions and decisions (para. 3). It took note of the work of the territorial Government with respect to moving forward on political status, local autonomy and self-governance issues with a view to making political and economic progress (para. 4).

16. In its resolution [77/135](#) on the question of Anguilla, the General Assembly reaffirmed the inalienable right of the people of Anguilla to self-determination, in conformity with the Charter and with Assembly resolution [1514 \(XV\)](#), and also reaffirmed that it was ultimately for the people of Anguilla to determine freely their future political status in accordance with the relevant provisions of the Charter, the Declaration and the relevant resolutions of the General Assembly (paras. 1 and 3). In that connection, the Assembly called upon the administering Power, in cooperation

with the territorial Government and appropriate bodies of the United Nations system, to develop political education programmes for the Territory in order to foster an awareness among the people of their right to self-determination in conformity with the legitimate political status options, based on the principles clearly defined in resolution 1541 (XV) and other relevant resolutions and decisions (para. 3).

17. In its resolution 77/136 on the question of Bermuda, the General Assembly reaffirmed the inalienable right of the people of Bermuda to self-determination, in conformity with the Charter and with Assembly resolution 1514 (XV), and also reaffirmed that it was ultimately for the people of Bermuda to determine freely their future political status in accordance with the relevant provisions of the Charter, the Declaration and the relevant resolutions of the Assembly (paras. 1 and 3). In that connection, the Assembly called upon the administering Power, in cooperation with the territorial Government and appropriate bodies of the United Nations system, to develop political education programmes for the Territory in order to foster an awareness among the people of their right to self-determination in conformity with the legitimate political status options, based on the principles clearly defined in resolution 1541 (XV) and other relevant resolutions and decisions (para. 3).

18. In its resolution 77/137 on the question of the British Virgin Islands, the General Assembly reaffirmed the inalienable right of the people of the British Virgin Islands to self-determination, in conformity with the Charter and with Assembly resolution 1514 (XV), and also reaffirmed that it was ultimately for the people of the British Virgin Islands to determine freely their future political status in accordance with the relevant provisions of the Charter, the Declaration and the relevant resolutions of the Assembly (paras. 1 and 3). In that connection, the Assembly called upon the administering Power, in cooperation with the territorial Government and appropriate bodies of the United Nations system, to develop political education programmes for the Territory in order to foster an awareness among the people of their right to self-determination in conformity with the legitimate political status options, based on the principles clearly defined in resolution 1541 (XV) and other relevant resolutions and decisions (para. 3).

19. In its resolution 77/138 on the question of the Cayman Islands, the General Assembly reaffirmed the inalienable right of the people of the Cayman Islands to self-determination, in conformity with the Charter and with Assembly resolution 1514 (XV), and also reaffirmed that it was ultimately for the people of the Cayman Islands to determine freely their future political status in accordance with the relevant provisions of the Charter, the Declaration and the relevant resolutions of the Assembly (paras. 1 and 3). In that connection, the Assembly called upon the administering Power, in cooperation with the territorial Government and appropriate bodies of the United Nations system, to develop political education programmes for the Territory in order to foster an awareness among the people of their right to self-determination in conformity with the legitimate political status options, based on the principles clearly defined in resolution 1541 (XV) and other relevant resolutions and decisions (para. 3).

20. In its resolution 77/139 on the question of French Polynesia, the General Assembly reaffirmed the inalienable right of the people of French Polynesia to self-determination, in conformity with the Charter and with Assembly resolution 1514 (XV), and also reaffirmed that it was ultimately for the people of French Polynesia to determine freely their future political status in accordance with the relevant provisions of the Charter, the Declaration and the relevant resolutions of the Assembly (paras. 1 and 2). In that connection, the Assembly called upon the administering Power, in cooperation with the territorial Government and appropriate bodies of the United Nations system, to develop political education programmes for the Territory in order to foster an awareness among the people of French Polynesia of their right to

self-determination in conformity with the legitimate political status options, based on the principles clearly defined in resolution 1541 (XV) and other relevant resolutions and decisions (para. 2). The Assembly also called upon the administering Power to intensify its dialogue with French Polynesia in order to facilitate rapid progress towards a fair and effective self-determination process, under which the terms and timelines for an act of self-determination would be agreed (para. 12).

21. In its resolution 77/140 on the question of Guam, the General Assembly reaffirmed the inalienable right of the people of Guam to self-determination, in conformity with the Charter and with Assembly resolution 1514 (XV), and also reaffirmed that it was ultimately for the people of Guam to determine freely their future political status in accordance with the relevant provisions of the Charter, the Declaration and the relevant resolutions of the General Assembly (paras. 1 and 3). In that connection, the Assembly called upon the administering Power, in cooperation with the territorial Government and appropriate bodies of the United Nations system, to develop political education programmes for the Territory in order to foster an awareness among the people of their right to self-determination in conformity with the legitimate political status options, based on the principles clearly defined in resolution 1541 (XV) and other relevant resolutions and decisions (para. 3). It called once again upon the administering Power to take into consideration the expressed will of the CHamoru people as supported by Guam voters in the referendum of 1987 and as subsequently provided for in Guam law regarding CHamoru self-determination efforts, encouraged the administering Power and the territorial Government to enter into negotiations on the matter and stressed the need for continued close monitoring of the overall situation in the Territory (para. 6).

22. In its resolution 77/141 on the question of Montserrat, the General Assembly reaffirmed the inalienable right of the people of Montserrat to self-determination, in conformity with the Charter and with Assembly resolution 1514 (XV), and also reaffirmed that it was ultimately for the people of Montserrat to determine freely their future political status in accordance with the relevant provisions of the Charter, the Declaration and the relevant resolutions of the Assembly (paras. 1 and 3). In that connection, the Assembly called upon the administering Power, in cooperation with the territorial Government and appropriate bodies of the United Nations system, to develop political education programmes for the Territory in order to foster an awareness among the people of their right to self-determination in conformity with the legitimate political status options, based on the principles clearly defined in resolution 1541 (XV) and other relevant resolutions and decisions (para. 3).

23. In its resolution 77/142 on the question of New Caledonia, the General Assembly reaffirmed that it was ultimately for the people of New Caledonia to determine freely and fairly their future political status in accordance with the relevant provisions of the Charter, the Declaration and the relevant resolutions of the Assembly. In that connection, the Assembly called upon the administering Power, in cooperation with the territorial Government and appropriate bodies of the United Nations system, to develop political education programmes for the Territory in order to foster an awareness among the people of their right to self-determination in conformity with the legitimate political status options, based on the principles clearly defined in resolution 1541 (XV) and other relevant resolutions and decisions (para. 4). The Assembly recalled the peaceful conduct of self-determination referendums on 4 November 2018 and on 4 October 2020 and their outcomes, noted the holding of the third self-determination referendum on 12 December 2021 and called upon the administering Powers and all relevant stakeholders in New Caledonia to ensure the peaceful, fair, just and transparent conduct of the next steps of the self-determination process (paras. 6 and 7). The Assembly urged all the parties involved, in the interest of the people of New Caledonia and within the framework of the

Nouméa Accord, to maintain their dialogue in a spirit of harmony and mutual respect in order to continue to promote a framework for the peaceful progress of the Territory towards an act of self-determination in accordance with the Charter and relevant Assembly resolutions, including resolutions 1514 (XV) and 1541 (XV), which would safeguard the rights of all sectors of the population, based on the principle that it was for the people of New Caledonia to choose how to determine their destiny (para. 15).

24. In its resolution 77/143 on the question of Pitcairn, the General Assembly reaffirmed the inalienable right of the people of Pitcairn to self-determination, in conformity with the Charter and with Assembly resolution 1514 (XV), and also reaffirmed that it was ultimately for the people of Pitcairn to determine freely their future political status in accordance with the relevant provisions of the Charter, the Declaration and the relevant resolutions of the Assembly (paras. 1 and 3). In that connection, the Assembly called upon the administering Power, in cooperation with the territorial Government and appropriate bodies of the United Nations system, to develop political education programmes for the Territory in order to foster an awareness among the people of their right to self-determination in conformity with the legitimate political status options, based on the principles clearly defined in resolution 1541 (XV) and other relevant resolutions and decisions (para. 3). It welcomed all efforts by the administering Power and the territorial Government that would further devolve operational responsibilities to the Territory, with a view to gradually expanding self-government, including through the training of local personnel (para. 4).

25. In its resolution 77/144 on the question of Saint Helena, the General Assembly reaffirmed the inalienable right of the people of Saint Helena to self-determination, in conformity with the Charter and with Assembly resolution 1514 (XV), and also reaffirmed that it was ultimately for the people of Saint Helena to determine freely their future political status in accordance with the relevant provisions of the Charter, the Declaration and the relevant resolutions of the Assembly (paras. 1 and 3). In that connection, the Assembly called upon the administering Power, in cooperation with the territorial Government and appropriate bodies of the United Nations system, to develop political education programmes for the Territory in order to foster an awareness among the people of their right to self-determination in conformity with the legitimate political status options, based on the principles clearly defined in resolution 1541 (XV) and other relevant resolutions and decisions (para. 3).

26. In its resolution 77/145 on the question of Tokelau, the General Assembly took note with appreciation of the decision of General Fono on 23 May 2022 to revisit the views of the people of Tokelau and revive the dialogue on the question of self-determination for Tokelau (para. 1). It welcomed the ongoing cooperative attitude of the other States and territories in the region towards Tokelau and their support for its economic and political aspirations and its increasing participation in regional and international affairs (para. 13).

27. In its resolution 77/146 on the question of the Turks and Caicos Islands, the General Assembly reaffirmed the inalienable right of the people of the Turks and Caicos Islands to self-determination, in conformity with the Charter and with Assembly resolution 1514 (XV), and also reaffirmed that it was ultimately for the people of the Turks and Caicos Islands to determine freely their future political status in accordance with the relevant provisions of the Charter, the Declaration and the relevant resolutions of the Assembly (paras. 1 and 3). In that connection, the Assembly called upon the administering Power, in cooperation with the territorial Government and appropriate bodies of the United Nations system, to develop political education programmes for the Territory in order to foster an awareness among the people of their right to self-determination in conformity with the legitimate political

status options, based on the principles clearly defined in resolution 1541 (XV) and other relevant resolutions and decisions (para. 3).

28. In its resolution 77/147 on the question of the United States Virgin Islands, the General Assembly reaffirmed the inalienable right of the people of the United States Virgin Islands to self-determination, in conformity with the Charter and with Assembly resolution 1514 (XV), and also reaffirmed that it was ultimately for the people of the United States Virgin Islands to determine freely their future political status in accordance with the relevant provisions of the Charter, the Declaration and the relevant resolutions of the Assembly (paras. 1 and 3). In that connection, the Assembly called upon the administering Power, in cooperation with the territorial Government and appropriate bodies of the United Nations system, to develop political education programmes for the Territory in order to foster an awareness among the people of their right to self-determination in conformity with the legitimate political status options, based on the principles clearly defined in resolution 1541 (XV) and other relevant resolutions and decisions (para. 3). The Assembly welcomed the establishment of the Office of Self-Determination and Constitutional Development in the University of the Virgin Islands, with funding from the administering Power, to address the issue of self-determination, including political status and constitutional education (para. 7).

B. Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

29. In its resolution 77/206 on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, the General Assembly urged all States to take the steps necessary and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to take legislative measures to ensure that their territories and other territories under their control were not used for, and that their nationals did not take part in, the recruitment, assembly, financing, training, protection or transit of mercenaries for the planning of activities designed to impede the right of peoples to self-determination, to destabilize or overthrow the Government of any State or to dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in accordance with the right of peoples to self-determination (para. 4). The Assembly condemned recent mercenary activities in developing countries in various parts of the world, in particular in areas of conflict, and the threat they posed to the integrity of and respect for the constitutional order of those countries and the exercise of the right of their peoples to self-determination (para. 10). The Assembly requested 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 to continue to study and identify sources and causes, emerging issues, manifestations and trends regarding mercenaries or mercenary-related activities and private military and security companies and their impact on human rights, particularly on the right of peoples to self-determination (para. 16). In addition, it requested OHCHR, as a matter of priority, to publicize the adverse effects of the activities of mercenaries on the right of peoples to self-determination and, when requested and where necessary, to render advisory services to States that were affected by those activities (para. 17).

C. Right of the Palestinian people to self-determination

30. In its resolution 77/22, the General Assembly, having considered the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People

(A/77/35), requested the Committee, inter alia, to continue to exert all efforts to promote the realization of the inalienable rights of the Palestinian people, including their right to self-determination, and to support the achievement without delay of an end to the Israeli occupation that began in 1967 and of the two-State solution on the basis of the pre-1967 borders and the just resolution of all final status issues (para. 2). The Assembly invited all Governments and organizations to extend their cooperation and support to the Committee in the performance of its tasks, recalling its repeated call for 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, including the right to their independent State of Palestine (para. 8).

31. In its resolution 77/187, the General Assembly reaffirmed the inalienable rights of the Palestinian people over their natural resources, including land, water and energy resources (para. 1).

32. In its resolution 77/208, the General Assembly reaffirmed the right of the Palestinian people to self-determination, including the right to their independent State of Palestine (para. 1). It urged 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 (para. 2).

33. The General Assembly also referred to the realization of the Palestinian people's inalienable rights, including the right to self-determination, in its resolutions 77/24, 77/25 and 77/247, in paragraph 18 of which the Assembly requested the International Court of Justice to render an advisory opinion on, inter alia, the legal consequences arising from the violation of the right of the Palestinian people to self-determination.

D. Other General Assembly resolutions referring to the right of peoples to self-determination

34. In its resolution 77/93, the General Assembly invited Mediterranean countries to consolidate their efforts in order to contribute actively to the elimination of all causes of tension in the region and to the promotion of just and lasting solutions to the persistent problems of the region through peaceful means, thus ensuring the withdrawal of foreign forces of occupation and respecting the sovereignty, independence and territorial integrity of all countries of the Mediterranean and the right of peoples to self-determination (para. 2).

35. In the preamble of its resolution 77/188, the General Assembly stressed the importance of removing obstacles to the realization of the right of peoples to self-determination, in particular of peoples living under colonial or other forms of alien domination or foreign occupation, which adversely affected their social and economic development, including their exclusion from labour markets.

36. In the preamble of its resolution 77/203, the General Assembly stressed that Indigenous Peoples, including those who were in voluntary isolation or initial contact, had the right to self-determination, and could choose to live in accordance with their traditions.

37. In its resolution 77/214, the General Assembly reaffirmed, in the context of unilateral coercive measures, the right of all peoples to self-determination, by virtue of which they freely determined their political status and freely pursued their economic, social and cultural development (para. 15).

38. In its resolution 77/215, the General Assembly affirmed that a democratic and equitable international order required, inter alia, the realization of the right of all

peoples to self-determination, by virtue of which they could freely determine their political status and freely pursue their economic, social and cultural development (para. 6 (a)).

39. In its resolution [77/216](#), the General Assembly affirmed that all States should promote the establishment, maintenance and strengthening of international peace and security and an international system based on respect for the principles enshrined in the Charter and the promotion of all human rights and fundamental freedoms for all, including the right to development and the right of peoples to self-determination (para. 7).

IV. Economic and Social Council

40. In its resolution [2022/21](#), the Economic and Social Council recommended that all States intensify their efforts within the specialized agencies and other organizations of the United Nations system of which they were members to ensure the full and effective implementation of the Declaration, contained in General Assembly resolution [1514 \(XV\)](#), and other relevant resolutions of the United Nations, and reaffirmed that the recognition by the Assembly, the Security Council and other United Nations organs of the legitimacy of the aspirations of the peoples of the Non-Self-Governing Territories to exercise their right to self-determination entailed, as a corollary, the extension of all appropriate assistance to those peoples, on a case-by-case basis (paras. 3 and 5).

V. Human Rights Council

A. Resolutions

41. At its fiftieth session, the Human Rights Council, in its resolution [50/9](#) on human rights and climate change, emphasized that the adverse effects of climate change had a range of implications, both direct and indirect, that could increase with greater global warming, for the effective enjoyment of human rights, including, inter alia, the right to self-determination.

42. At its fifty-first session, the Human Rights Council, in its resolution [51/11](#) on the promotion of a democratic and equitable international order, reaffirmed that a democratic and equitable international order required, inter alia, the realization of the right of all peoples to self-determination, by virtue of which they could freely determine their political status and pursue freely their economic, social and cultural development, in accordance with the Charter and relevant resolutions of the United Nations (para. 5 (a)).

43. At its fifty-second session, the Human Rights Council, in its resolution [52/13](#) on the negative impact of unilateral coercive measures on the enjoyment of human rights, reaffirmed the right of all peoples to self-determination by virtue of which they freely determined their political status and freely pursued their own economic, social and cultural development (para. 11).

44. The Human Rights Council addressed the question of the realization of the right of the Palestinian people to self-determination in its resolutions [52/34](#) and [52/35](#). In its resolution [52/34](#), 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 the right to their independent State of Palestine (para. 1). It confirmed that the right of the Palestinian people to permanent sovereignty over their natural wealth and resources must be used in the interest of

their national development, the well-being of the Palestinian people and as part of the realization of their right to self-determination (para. 6). It urged all States to adopt measures as required to promote the realization of the right to self-determination of the Palestinian people and to render assistance to the United Nations in carrying out the responsibilities entrusted to it by the Charter regarding the implementation of this right (para. 8). In its resolution [52/35](#), the Council called upon the occupying Power to put an end to all of the human rights violations linked to the presence of settlements, especially of the right to self-determination, and to fulfil its international obligations to provide effective remedy for victims (para. 7 (b)).

B. Special procedures and subsidiary bodies of the Human Rights Council

45. In her report to the General Assembly at its seventy-seventh session, the Special Rapporteur on the human rights of internally displaced persons examined the issue of development-induced displacement (see [A/77/182](#)). She noted that development-induced displacement disproportionately affected Indigenous Peoples, specifically by infringing on their rights to self-determination, livelihoods, development, control over their lands and resources and protection from arbitrary displacement (*ibid.*, para. 47). Moreover, inadequate disclosure and consultation with affected populations regarding the acquisition of their lands, as well as a lack of consent, might also have infringed on the right of self-determination, which included the right of all peoples to dispose of their natural wealth and resources, and which States had a positive obligation to safeguard (*ibid.*, para. 51).

46. In his report to the General Assembly at its seventy-seventh session, the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes examined the negative implications of toxic and hazardous substances on Indigenous Peoples' enjoyment of human rights (see [A/77/183](#)). He noted that Indigenous Peoples were systematically denied their right to free, prior and informed consent, thus sacrificing Indigenous Peoples' autonomy and right to self-determination (*ibid.*, para. 53). He also noted that contamination with hazardous substances interfered with Indigenous Peoples' right to self-determination, by virtue of which they freely pursued their economic, social and cultural development (*ibid.*, para. 62). The Special Rapporteur concluded that addressing the toxic violence on Indigenous Peoples was imperative for their survival, self-determination and cultural autonomy (*ibid.*, para. 122).

47. In his report to the Human Rights Council at its fifty-first session, the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes highlighted the harms and risks for human rights of the use of mercury in small-scale gold mining (see [A/HRC/51/35](#)). He noted that the human rights of miners, their families and communities, Indigenous Peoples and traditional owners of the land were increasingly compromised by mercury contamination (*ibid.*, para. 37). The Special Rapporteur also noted the long-term environmental, social and cultural damage that undermined Indigenous autonomy, self-determination and ability to rely on natural resources as a result of sweeping and systematic incursions into Indigenous lands, territories and conservation areas and the growing violence and intimidation experienced by Indigenous Peoples due to small-scale gold mining (*ibid.*, para. 65).

48. In his report to the General Assembly at its seventy-seventh session, the Special Rapporteur on the rights of Indigenous Peoples revisited the issue of protected areas and the rights of Indigenous Peoples (see [A/77/238](#)). He noted that Indigenous Peoples across the globe had overall not seen a concrete improvement in the

realization of their rights to land and resources, self-determination and autonomy and cultural heritage in the context of conservation initiatives (*ibid.*, para. 18). Allegations from Indigenous Peoples around the world indicated that the inclusion of sites in the United Nations Educational, Scientific and Cultural Organization World Heritage List might aggravate the loss of control by Indigenous Peoples over their lands and resources and human rights violations (*ibid.*, para. 39). He concluded that it was possible for the nomination of sites for, and their inclusion in, the World Heritage List to be carried out constructively and with the consent of the Indigenous Peoples affected, ensuring that such procedures would in practice provide an effective contribution to conservation and the protection of human rights and self-determined development (*ibid.*, para. 69).

49. In his report to the Human Rights Council at its fifty-first session, the Special Rapporteur on the rights of Indigenous Peoples focused on Indigenous women and the development, application, preservation and transmission of scientific and technical knowledge (see [A/HRC/51/28](#)). He noted that the protection of collective Indigenous rights, such as the rights to self-determination, autonomy, lands and resources, was foundational to protecting Indigenous knowledge and Indigenous women's knowledge effectively (*ibid.*, para. 13). The Special Rapporteur also noted that Indigenous women's right to self-determination would not be fully realized until they achieved full political participation (*ibid.*, para. 57).

50. In her first report to the General Assembly at its seventy-seventh session, the Special Rapporteur in the field of cultural rights addressed the role of culture in sustainable development, including the cultures of development (see [A/77/290](#)). She noted that several provisions of international human rights law underlined the close ties between development and cultural rights, including the right of self-determination (*ibid.*, para. 11). She further noted that the rights to consultation, participation and free, prior and informed consent were key to protecting the collective rights of Indigenous Peoples and other groups and were integral to the ability of all to safeguard their cultural rights and to engage in self-determined development (*ibid.*, para. 82). Thus, the Special Rapporteur recommended that sustainable development processes be self-determined and community led (*ibid.*, para. 98 (c)).

51. In her report to the General Assembly at its seventy-seventh session, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 addressed a number of human rights concerns, in particular regarding the right of the Palestinian people to self-determination, in the context of the settler-colonial features of the prolonged Israeli occupation (see [A/77/356](#)). She noted that the right to self-determination was an inalienable right of the Palestinian people affirmed by the General Assembly (*ibid.*, para. 25). She observed that the occupation was not merely belligerent but was settler-colonial in nature and that Israel had prevented the realization of Palestinian people's right to self-determination through several avenues (*ibid.*, paras. 36, 43, 47, 52 and 56). The Special Rapporteur recommended that the Government of Israel comply with its obligations under international law and cease to impede the realization of the right to self-determination of the Palestinian people and that all States condemn the intentional violations by Israel of the Palestinian right to self-determination including through settler-colonial practices (*ibid.*, paras. 77–78 (a)).

52. In her report to the General Assembly at its seventy-seventh session, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance underscored that discrimination on the grounds of race, colour, descent and national and ethnic origin remained a critical determinant of climate and environmental harms experienced by individuals and communities and that racially marginalized peoples frequently lacked true self-determination over economic development that occurred on or near their communities ([A/77/549](#), para. 50).

Moreover, she noted that the profusion of extractive projects and the subsequent emission of greenhouse gases could be attributed to the systematic dispossession of Indigenous and Afrodescendent peoples and the denial of their lands and right to self-determination (ibid., para. 57). The Special Rapporteur recommended that Member States and stakeholders within the United Nations environmental and climate governance regimes adopt a global approach that effectively responded to the fact that climate justice requires racial justice, and that racial justice requires climate justice. True racial justice entailed an end to environmental racism, including through the wholesale decolonization of legal and economic systems to ensure that racially marginalized peoples, including Indigenous Peoples, possessed true self-determination, including sovereignty over their territories (ibid., para. 77).

53. In her report to the Human Rights Council at its fiftieth session, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance conducted a racial justice and equality analysis of the 2030 Agenda for Sustainable Development and the Sustainable Development Goals (see [A/HRC/50/60](#)). She observed that sustainable development was incompatible with armed conflict, foreign domination, annexation and occupation and that humanitarian crises perpetuated gross violations of human rights and exacerbated racial inequality, referencing the systematic violation of the right of Palestinians to self-determination and sustainable development under the 2030 Agenda (ibid., para. 65). She concluded that the 2030 Agenda failed to fundamentally disrupt the overall dynamic of racially discriminatory underdevelopment that was embedded within the global economic system and the international development framework and proposed examples of alternative approaches and development pathways in which greater recognition and engagement with alternative visions of full and equal self-determination was an essential starting point (ibid., paras. 79, 83 and 84).

54. In her report to the Human Rights Council at its fiftieth session, the Special Rapporteur on violence against women, its causes and consequences highlighted several causes, manifestations and consequences of gender-based violence against Indigenous women and girls (see [A/HRC/50/26](#)). She noted that violations of the right to self-determination of Indigenous Peoples were historically and currently endemic and had been especially detrimental to the rights of Indigenous women and girls (ibid., para. 25). She concluded that the lack of recognition of Indigenous Peoples' overarching rights to self-determination and land rights could facilitate the perpetration of gender-based acts of violence against Indigenous women and girls (ibid., para. 71). Moreover, she observed that the rise of Indigenous women to claim their rights had – in several contexts – been met by resistance from inside Indigenous communities, as women's rights had often been considered divisive and external to the Indigenous struggle, this false dichotomy leaving them stripped of their individual and collective rights to self-determination and agency (ibid., para. 26).

55. In its report to the Human Rights Council at its fiftieth session, the Working Group on the issue of human rights and transnational corporations and other business enterprises noted that Indigenous Peoples were exposed to a variety of business-related human rights abuses during the pandemic, including a continued disregard for their rights to self-determination and self-governance ([A/HRC/50/40](#), para. 31).

56. In his report to the Human Rights Council at its fifty-first session, the Special Rapporteur on the human rights to safe drinking water and sanitation highlighted the human rights to safe drinking water and sanitation of Indigenous Peoples (see [A/HRC/51/24](#)). He stated that self-determination and effective participation of Indigenous Peoples in the management of water in large territorial spaces, such as river basins or aquifers that extended beyond the boundaries of their territories, required their equal representation in corresponding decision-making bodies (ibid., para. 27). He concluded that it was paramount that States legally recognize the status

of Indigenous Peoples and their rights to land, territory and resources, including aquatic ecosystems, as a precondition to ensuring the realization of their human rights to safe drinking water and sanitation (*ibid.*, para. 79).

57. In his report to the Human Rights Council at its fifty-second session, the Special Rapporteur on the right to food addressed how different forms of violence in food systems harmed people and generated the conditions that led to human rights violations (see [A/HRC/52/40](#)). He noted that dispossession and occupation were not only acts of ecological violence against land rights, but they could also undermine people's right to self-determination and their very existence (*ibid.*, para. 81). One powerful legal tool that Indigenous Peoples had to protect their land and lives from violence was the legal principle of free, prior and informed consent (*ibid.*, para. 83). Peasants, pastoralists, fishers and Indigenous Peoples asserting their land and territorial rights were therefore exercising their right to self-determination and to sovereignty over their lands and resources. The Special Rapporteur called upon all Member States to respect and protect these communal rights, as they were the cornerstone for the very existence of these communities (*ibid.*, para. 84).

58. The Expert Mechanism on the Rights of Indigenous Peoples presented to the Human Rights Council, at its fifty-first session, a thematic study prepared pursuant to Council resolution [33/25](#) on how treaties, agreements and other constructive arrangements are being recognized, observed, enforced, honoured and respected ([A/HRC/51/50](#)). The Expert Mechanism noted that, consistent with their right to self-determination, Indigenous Peoples had always had the inherent power to make binding agreements between themselves and other polities (*ibid.*, para. 14). Moreover, in conflict settings, Indigenous Peoples had participated in negotiating peace agreements with States to end hostilities. However, when core rights, such as self-determination, were not addressed, trust in dialogue and in lasting resolution evaporated (*ibid.*, para. 21). In addition, the effective exercise of Indigenous Peoples' right to establish consensual agreements and to have them enforced relied on several enabling conditions, such as the recognition by States of Indigenous Peoples as peoples with their own specific identity, institutions, culture and tradition and the right to self-determination (*ibid.*, paras. 26–28). The study also included Expert Mechanism advice No. 15 on treaties, agreements and other constructive arrangements, including peace accords and reconciliation initiatives, and their constitutional recognition. According to the advice, States should fully recognize Indigenous Peoples as peoples entitled to self-determination and take steps to advance and achieve the realization of the right of Indigenous Peoples to have recognized, observed and enforced treaties, agreements and other constructive arrangements concluded with them or their successors. Implementation of such agreements was fundamental for the enjoyment by Indigenous Peoples of their right to self-determination (*ibid.*, annex, paras. 1 and 3).

59. In its first report to the General Assembly, at its seventy-seventh session, the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel addressed the Israeli occupation of Palestinian land, its purported *de jure* and discernible *de facto* annexation, the human rights implications for Palestinians and the legal consequences of such actions (see [A/77/328](#)). The Commission noted that the choice of location of some new settlements in East Jerusalem further reduced the likelihood of ending the occupation and violated the right of Palestinians to self-determination (*ibid.*, para. 15). In its conclusions, it emphasized that the occupation and *de facto* annexation policies of Israel had had a severe impact on Palestinian lives throughout the West Bank and constituted grave violations and abuses of human rights, as well as violations of international humanitarian law, while a series of Israeli policies intended to sustain and extend this enterprise had encouraged the departure of Palestinians from certain areas and

ensured that they were incapable of fulfilling their right to self-determination (ibid., para. 77). The Commission recommended that the Government of Israel comply with its obligations under international humanitarian law and international human rights law, including with regard to the obligation to respect, protect and fulfil the rights of the Palestinian people to self-determination and to freely utilize natural resources (ibid., para. 91 (b)).

VI. Human rights treaty bodies

60. In its general comment No. 26 (2022) on land and economic, social and cultural rights, the Committee on Economic, Social and Cultural Rights stated that land was closely linked to the right to self-determination, enshrined in article 1 of the International Covenant on Economic, Social and Cultural Rights. The realization of self-determination was an essential condition for the effective guarantee and observance of individual human rights and for the promotion and strengthening of those rights. Indigenous Peoples could freely pursue their political, economic, social and cultural development and dispose of their natural wealth and resources for their own ends only if they had land or territory in which they could exercise their self-determination. The general comment dealt only with the internal self-determination of Indigenous Peoples, which had to be exercised in accordance with international law and respecting the territorial integrity of States. Thus, according to their “right to internal self-determination”, the collective ownership of lands, territories and resources of Indigenous Peoples should be respected, which implied that these lands and territories should be demarcated and protected by States parties (para. 11).

61. In its general comment No. 39 (2022) on the rights of Indigenous women and girls, the Committee on the Elimination of Discrimination against Women noted that the prohibition of discrimination under the Convention on the Elimination of All Forms of Discrimination against Women must be strictly applied to ensure the rights of Indigenous women and girls to self-determination (para. 6). It also observed that one of the root causes of discrimination against Indigenous women and girls was the lack of effective implementation of their rights to self-determination (para. 11). The Committee considered that the dispossession, lack of legal recognition and unauthorized use of Indigenous territories, lands and natural resources, as well as environmental degradation, were direct threats to the self-determination, cultural integrity and survival of Indigenous women and girls, as were the unauthorized use and appropriation of their technical knowledge, spiritual practice and cultural heritage by State actors and third parties (para. 54). It recommended that States parties recognize legally the right to self-determination and the existence and rights of Indigenous Peoples to their lands, territories and natural resources in treaties, constitutions and laws at the national level and require the free, prior and informed consent of Indigenous women and girls before authorizing economic, development, extractive and climate mitigation and adaptation projects on their lands and territories and affecting their natural resources (para. 57 (b) and (c)).

VII. Conclusions

62. Article 1 (2) of the Charter provides that one of the purposes of the Organization is “to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace”. The right of peoples to self-determination is enshrined in common article 1 (1) of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, which states that all peoples have the right

to self-determination and that by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

63. During the reporting period, the main organs of the United Nations, including the Security Council, the General Assembly and the Economic and Social Council, continued to discuss and adopt resolutions that referred to the right to self-determination. The Human Rights Council, a subsidiary organ of the Assembly, also continued to discuss and adopt resolutions that referred to that right. Several special procedure mandate holders of the Human Rights Council, as well as the Expert Mechanism on the Rights of Indigenous Peoples and the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, also discussed the implementation of the right of peoples to self-determination, including in relation to the human rights challenges faced by Indigenous Peoples, cultural rights, sustainable development and climate change.

64. The Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Discrimination against Women also addressed the right of peoples to self-determination in new general comments.

65. The continued attention to the right of peoples to self-determination, by the main organs of the United Nations and by several international human rights mechanisms during the reporting period, evinces the ever-present importance of the right of peoples to self-determination, which remains central to the enjoyment of other human rights, peace and development.
