



# General Assembly

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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 [75/173](#), in which the General Assembly requested the Secretary-General to submit to it at its seventy-sixth 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/75/240](#)), demonstrating the engagement of the United Nations system in the realization of the right of peoples to self-determination.

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## I. Introduction

1. The present report is submitted pursuant to General Assembly resolution [75/173](#), in which the General Assembly requested the Secretary-General to submit to it at its seventy-sixth session a report on the universal realization of the right of peoples to self-determination.
2. The report provides a summary of the main developments 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 since the submission of the previous report ([A/75/240](#)).
3. The report also includes reference to the consideration of the issue within the framework of Human Rights Council resolutions, in the reports submitted to the Council by special procedure mandate holders and in recommendations made through the Council's universal periodic review.
4. In addition, it includes reference to concluding observations issued by the Human Rights Committee in its consideration of periodic reports submitted by States parties with regard to the implementation of the right of all peoples to self-determination, as enshrined in article 1 of the International Covenant on Civil and Political Rights.

## II. Security Council

5. In accordance with Security Council resolution [2494 \(2019\)](#), the Secretary-General submitted to the Security Council a report on the situation concerning Western Sahara ([S/2020/938](#)). The report covered developments since the previous report ([S/2019/787](#)) and described the situation on the ground, the status of political negotiations on Western Sahara, the implementation of Council resolution [2494 \(2019\)](#), the impact of the coronavirus disease (COVID-19) pandemic on the operations of the United Nations Mission for the Referendum in Western Sahara (MINURSO), and existing operational challenges and steps taken to address them.
6. The Secretary-General noted that the lack of access by the Office of the United Nations High Commissioner for Human Rights (OHCHR) to Western Sahara continued to result in substantial gaps in human rights monitoring in the Territory ([S/2020/938](#), para. 68). Human rights defenders, researchers, lawyers and representatives of international non-governmental organizations experienced similar constraints (*ibid.*). OHCHR also received reports of harassment and of the arbitrary arrest and sentencing of journalists, lawyers and human rights defenders (*ibid.*). OHCHR remained concerned about the continued trend of restrictions on the rights to freedom of expression, peaceful assembly and association in Western Sahara by Moroccan authorities (*ibid.*, para. 69). OHCHR received several reports of torture, ill-treatment and medical neglect in Moroccan prisons, with civil society organizations and lawyers advocating the release of Sahrawi prisoners during the pandemic (*ibid.*).
7. The Secretary-General noted that the human rights situation in Western Sahara had been adversely affected by the COVID-19 crisis, especially with regard to economic and social rights (*ibid.*, para. 71). OHCHR also received reports of harassment, arrest and ill-treatment, by security forces of the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro (Frente POLISARIO), of bloggers, doctors and nurses engaged in documenting COVID-19 cases in the Tindouf camps (*ibid.*). OHCHR received reports of negative consequences of border closures,

impediments to humanitarian aid and decreased economic activities in the Tindouf refugee camps (ibid.).

8. The Secretary-General reaffirmed that finding a just, lasting and mutually acceptable political solution that would provide for the self-determination of the people of Western Sahara in accordance with Security Council resolutions [2440 \(2018\)](#), [2468 \(2019\)](#) and [2494 \(2019\)](#) continued to require strong political will from the parties and the international community (ibid., para. 77). The Secretary-General also underscored that his Personal Envoy for Western Sahara had helped to restore momentum in the political process before his resignation, including through a round-table process that he had launched which had brought together Morocco, Frente POLISARIO, Algeria and Mauritania, and the Secretary-General remained committed to appointing a new Personal Envoy to build on the progress achieved (ibid.). He called upon Security Council members, friends of Western Sahara and other relevant actors to encourage Morocco and Frente POLISARIO to engage in the political process in good faith and without preconditions as soon as the new Personal Envoy was appointed (ibid.). Having considered the report of the Secretary-General, the Security Council adopted resolution [2548 \(2020\)](#), 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 [75/173](#) 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 [75/103](#), [75/104](#), [75/105](#), [75/106](#), [75/107](#), [75/108](#), [75/109](#), [75/110](#), [75/111](#), [75/112](#), [75/113](#), [75/114](#), [75/115](#), [75/116](#), [75/117](#), [75/118](#), [75/119](#), [75/120](#), [75/121](#) and [75/122](#)), the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (resolution [75/171](#)), and the right of the Palestinian people to self-determination (resolutions [75/20](#), [75/22](#), [75/23](#), [75/96](#), [75/98](#), [75/172](#) and [75/236](#)). In addition, the Assembly adopted other resolutions that referred to the right of peoples to self-determination ([75/1](#), [75/86](#), [75/151](#), [75/177](#), [75/178](#) and [75/181](#)).

#### A. Non-Self-Governing Territories

10. In its resolution [75/103](#), the General Assembly reaffirmed the right of the peoples of the Non-Self-Governing Territories to self-determination 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 reaffirmed the responsibility of the administering Powers under the Charter to promote the political, economic, social and educational advancement of the Non-Self-Governing Territories and also reaffirmed the legitimate rights of their peoples over their natural resources (para. 3). The Assembly invited all Governments and organizations of the United Nations system to take all possible measures to ensure that the permanent sovereignty of the peoples of the Non-Self-Governing Territories over their natural resources was fully respected and safeguarded in accordance with the relevant resolutions of the United Nations on decolonization (para. 8). It continued to urge the administering Powers

concerned to take effective measures to safeguard and guarantee the inalienable right of the peoples of the Non-Self-Governing Territories to their natural resources and to establish and maintain control over the future development of those resources, and requested the administering Powers to take all steps necessary to protect the property rights of the peoples of those Territories in accordance with the relevant resolutions of the United Nations on decolonization (para. 9).

11. In its resolution [75/104](#), the General Assembly, *inter alia*, reaffirmed that the recognition by the General 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 (para. 4). In its resolution [75/105](#), the Assembly invited all States to make, or continue to make, generous offers of study and training facilities to the inhabitants of those Territories that had not yet attained self-government or independence and, wherever possible, to provide travel funds to prospective students (para. 3).

12. In its resolution [75/121](#), 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-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 Non-Self-Governing Territories (para. 2).

13. In its resolution [75/122](#), the General Assembly called upon the administering Powers 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 recommend to the General 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 [75/106](#) on the question of Western Sahara, the General Assembly expressed support for the process of negotiations initiated by the Security Council, with a view to achieving a just, lasting and mutually acceptable political solution, which will 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 [75/107](#) on the question of American Samoa, the General Assembly reaffirmed the inalienable right of the people of American Samoa to self-determination, 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 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 (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 [75/108](#) on the question of Anguilla, the General Assembly reaffirmed the inalienable right of the people of Anguilla to self-determination 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 (para. 3).

17. In its resolution [75/109](#) 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 General Assembly resolution [1514 \(XV\)](#), and also reaffirmed that it was ultimately for the people of Bermuda to determine freely their future political status (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 (para. 3).

18. In its resolution [75/110](#) 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 General 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 (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 (para. 3).

19. In its resolution [75/111](#) 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 General 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 (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 (para. 3).

20. In its resolution [75/112](#) 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 General Assembly resolution [1514 \(XV\)](#), and also reaffirmed that it was ultimately for the people of French Polynesia to determine freely their future political status (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 (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 [75/113](#) 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 General Assembly resolution [1514 \(XV\)](#), and also reaffirmed that it was ultimately for the people of Guam to determine freely their future political status (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 (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 [75/114](#) 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 General Assembly resolution [1514 \(XV\)](#), and also reaffirmed that it was ultimately for the people of Montserrat to determine freely their future political status (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 (para. 3).

23. In its resolution [75/115](#) 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, and in that connection 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 (para. 4). The Assembly recalled the peaceful conduct of a self-determination referendum on 4 November 2018 and noted its outcome, reflecting 56.67 per cent against full sovereignty and independence and 43.33 per cent in favour, and the provisions of the Nouméa Accord with regard to additional referendums on self-determination (para. 6). It also called upon the administering Power and all relevant stakeholders in New Caledonia to ensure a peaceful, fair, just and transparent conduct of the self-determination referendum in New Caledonia on 4 October 2020, in accordance with the Nouméa Accord (para. 7). The Assembly expressed the view that adequate measures for conducting the upcoming consultations on access to full sovereignty, including a just, fair, credible and transparent electoral roll, as provided for in the Nouméa Accord, were essential for the conduct of a free, fair and genuine act of self-determination consistent with the Charter and United Nations principles and practices (para. 8). It called upon the administering Power to consider further strengthening the education programme to inform the people of New Caledonia about



the nature of self-determination so that they might be better prepared to face a future decision on the matter (para. 12). 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 which all options are open and 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 [75/116](#) 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 General Assembly resolution [1514 \(XV\)](#), and also reaffirmed that it was ultimately for the people of Pitcairn to determine freely their future political status (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 (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 [75/117](#) 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 General Assembly resolution [1514 \(XV\)](#), and also reaffirmed that it was ultimately for the people of Saint Helena to determine freely their future political status (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 (para. 3).

26. In its resolution [75/118](#) on the question of Tokelau, the General Assembly acknowledged the decision of the General Fono in 2008 that consideration of any future act of self-determination by Tokelau would be deferred (para. 1). The Assembly noted with satisfaction the democratic elections in Tokelau held on 23 January 2020 for the tenth General Fono (para. 3). It welcomed the 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. 11).

27. In its resolution [75/119](#) 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 General 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 (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 (para. 3).

28. In its resolution [75/120](#) 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 General

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 (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 (para. 3). It welcomed the proposal of a draft constitution emanating from the Territory in 2009, as a result of the work of the United States Virgin Islands Fifth Constitutional Convention, for review by the administering Power, and requested the administering Power to assist the territorial Government in achieving its political, economic and social goals (para. 4). The Assembly further 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 75/171 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). It 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 its work with respect to the strengthening of the international legal framework for the prevention and sanction of the recruitment, use, financing and training of mercenaries, taking into account the proposal for a new legal definition of a mercenary drafted by the former Special Rapporteur on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination (a mandate that expired in 2005) (para. 15). The Assembly also requested the Working Group on the use of mercenaries 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, in particular on the right of peoples to self-determination (para. 16). In addition, it requested OHCHR 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 [75/172](#), 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 also 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). The Assembly also referred to the realization of the Palestinian people's inalienable rights, including the right to self-determination, in its resolutions [75/22](#), [75/23](#), [75/96](#) and [75/98](#).

31. In its resolution [75/20](#), the General Assembly, having considered the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People ([A/75/35](#)), 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 (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).

32. In its resolution [75/236](#), the General Assembly reaffirmed the inalienable rights of the Palestinian people over their natural resources, including land, water and energy resources (para. 1).

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

33. In its resolution [75/1](#), the General Assembly recalled that the Charter of the United Nations, which was the cornerstone of international law, had declared the principle of sovereign equality of all States, respect of their territorial integrity, political independence and the right to self-determination of peoples (para. 2).

34. In its resolution [75/86](#), the General Assembly expressed its satisfaction at the continuing efforts by Mediterranean countries 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 its resolution [75/151](#), 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 affect their social and economic development, including their exclusion from labour markets.

36. In its resolution [75/177](#), 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).

37. In its resolution [75/178](#), 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 can freely determine their political status and freely pursue their economic, social and cultural development (para. 6 (a)).

38. In its resolution [75/181](#), 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 determine their political status and freely pursue their economic, social and cultural development (para. 14).

## **IV. Economic and Social Council**

39. In its resolution [2021/2](#), the Economic and Social Council recommended and requested a number of measures that specialized agencies and other organizations of the United Nations system should adopt in support of Non-Self-Governing Territories. The Council reaffirmed that the recognition by the General 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 (para. 5).

## **V. Human Rights Council**

### **A. Resolutions**

40. At its forty-fourth session, the Human Rights Council adopted its resolution [44/7](#). In the resolution, the Council emphasized that the adverse effects of climate change have a range of implications, which could increase with greater global warming, both direct and indirect, for the effective enjoyment of human rights, including, inter alia, the right to self-determination.

41. At its forty-fifth session, the Human Rights Council, in its resolution [45/5](#) on human rights and unilateral coercive measures, welcomed the final document and declaration adopted at the eighteenth Summit of Heads of State and Government of the Movement of Non-Aligned Countries, held in Baku, Azerbaijan, on 25 and 26 October 2019, in which the Movement reaffirmed, among other things, its principled position of condemnation of the promulgation and application of unilateral coercive measures against countries of the Movement, which were in violation of the Charter and international law and undermined, among other things, the principles of sovereignty, territorial integrity, political independence, self-determination and non-interference.

42. At its forty-sixth session, the Human Rights Council, in its resolution [46/5](#) 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 determine their political status and freely pursue their own economic, social and cultural development.

43. The Human Rights Council also addressed the question of the realization of the right of the Palestinian people to self-determination in its resolutions [46/25](#) and [46/26](#). In its resolution [46/25](#), 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 that right (para. 8). In its resolution [46/26](#), the Council called upon the occupying Power to put an end to all 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)). It also noted that the Israeli settlements that fragmented the West Bank, including East Jerusalem, into isolated geographical units had severely undermined the exercise of Palestinian self-determination.

## **B. Special procedures and the Expert Mechanism on the Rights of Indigenous Peoples**

44. In his first report to the General Assembly, at its seventy-fifth session ([A/75/185](#)), the Special Rapporteur of the Human Rights Council on the rights of indigenous peoples, José Francisco Calí Tzay, focused on the impact of COVID-19 on the individual and collective rights of indigenous peoples, including their right to self-determination. The Special Rapporteur observed that indigenous peoples enjoying their collective right to autonomy as part of their right to self-determination were best placed to control the virus and to cope with months of isolation, and that those able to freely rely on their sustainable farming practices and the availability of food in their territories and make community decisions, such as on restricting movement in and out of their communities, had, in many respects, shown more resilience in the crisis (para. 38). He noted that indigenous communities whose land rights were denied or who did not have self-determination on their territories were not able to exercise control over their food production and access to fields, forests or beaches, with the lockdown therefore reducing their ability to sustain themselves (para. 67). The Special Rapporteur also observed that, where State authorities had not recognized indigenous self-governance, community cohesion and rapid decision-making had in some cases been impeded by State enforcement of physical distancing measures (para. 77). The Special Rapporteur recommended that, in order to respect the rights to self-determination and self-governance, States and indigenous communities should prepare forward-looking tailored health-care and prevention protocols and virus containment measures, on the basis of transparent and accountable two-way consultation with representatives of indigenous authorities and organizations (para. 99). He further recommended that, in designing and implementing economic and social recovery plans, States must respect, protect and promote indigenous peoples' right to self-determination, including autonomy and self-governance, in particular their rights to control the use of and access to their lands and resources and to operate their own health and educational systems (para. 111).

45. In her report to the Council at its forty-fifth session ([A/HRC/45/34](#)), the former Special Rapporteur on the rights of indigenous peoples, Victoria Tauli-Corpuz, referred to the activities undertaken since the submission of her previous report ([A/HRC/42/37](#)) and highlighted examples of positive impacts from the work carried out during the period of her mandate on the protection of the rights of indigenous peoples. She noted, inter alia, that indigenous consultation and consent represented important safeguards for the substantive rights of indigenous peoples recognized in international human rights instruments, including the right to self-determination (para. 49). The Special Rapporteur also observed that, in many countries, the dissatisfaction felt by indigenous peoples with the way that governments had sought to legislate for and/or implement consultation had led them to develop their own autonomous consultation protocols or their own community self-consultation processes, which indigenous peoples considered to be expressions of their self-

determination that should be respected by actors seeking to carry out activities that could affect them (para. 65). She recognized that cross-cutting actions were needed to improve the promotion and protection of the substantive rights of indigenous peoples to their lands, territories and natural resources, to self-determination and to access to justice (para. 67). She further noted that consultation and free, prior and informed consent must be understood as an extension of the right of indigenous peoples to self-determination, and that they should therefore be able to decide their own social, cultural, economic and political destinies and ultimately safeguard their rights recognized under the United Nations Declaration on the Rights of Indigenous Peoples and other international human rights sources (para. 71).

46. In his report to the forty-fifth session of the Human Rights Council ([A/HRC/45/28](#)), the Independent Expert on the promotion of a democratic and equitable international order noted that one of the key tenets of a democratic and equitable international order was the principle of good governance, which included respect for the principle of equal rights and self-determination of peoples, peace, democracy, justice, equality, the rule of law, pluralism, development, better standards of living and solidarity (para. 3).

47. In its report to the General Assembly at its seventy-fifth session ([A/75/259](#)), 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 highlighted the impact of current and emerging forms, trends and manifestations of mercenaries and mercenary-related activities on the enjoyment of human rights, including their activities that may undermine the right of peoples to self-determination in both conflict and non-conflict settings. The Working Group noted that pervasive secrecy and opacity surrounding mercenary and mercenary-related activities were particularly stark when such actors were employed as an instrument to remotely influence armed conflicts, while their patrons, including States, denied involvement and sought to avoid legal responsibilities. The Working Group observed that campaigns of violence that were aimed at undermining the right to self-determination took many forms and could be instigated by another State or by private actors. It also underscored that third-party interventions consisting of supporting or initiating acts of violence and conducted for the purpose of advancing foreign policy or private interests ran contrary to the right to self-determination and its corollary principles of non-intervention and respect for territorial integrity (para. 46). The Working Group further noted that the heavy reliance on foreign combatants in some contemporary armed conflicts contributed to their escalation and prolongation, thus thwarting the prospects for a stable environment and peaceful resolution that would enable the local population to exercise the right to freely pursue its political, economic, social and cultural development (para. 48).

48. In his report to the General Assembly at its seventy-fifth session ([A/75/532](#)), the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 addressed a number of concerns pertaining to the situation of human rights in the West Bank, including East Jerusalem, and in Gaza. The Special Rapporteur noted that Israeli settlements served the broader goal of the Government of Israel of staking an impermissible sovereignty claim over parts of the occupied territory while simultaneously denying Palestinian self-determination (para. 54). He recalled that self-determination, as the very first human right cited in both the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, was the *primus inter pares* of human rights, and therefore any form of corporate involvement – whether Israeli or international, whether direct or indirect, whether intentional or incidental – with the Israeli settlements was wholly incompatible with human rights obligations (para. 62). The Special Rapporteur recommended that the Government of Israel fully comply with its

obligations under international law and that it should end its 53 years of occupation with all deliberate speed and enable the realization of Palestinian self-determination (para. 68).

49. In his report to the Human Rights Council at its forty-fourth session ([A/HRC/44/60](#)), the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 addressed the latest developments with regard to Israeli settlements, the situation of human rights defenders, arbitrary detention, the annexation plan announced by the Government of Israel, the decision of the International Criminal Court to investigate the situation in Palestine, and human rights violations by the Hamas authorities in Gaza and by the Palestinian Authority. He recommended that the Government of Israel comply with international law and international consensus by bringing an end to its occupation of the Palestinian territory, and to negotiate in good faith with the State of Palestine to realize Palestinian self-determination in accordance with international law (para. 82).

50. In her report to the General Assembly at its seventy-fifth session ([A/75/298](#)), the Special Rapporteur in the field of cultural rights addressed cultural rights dimensions of the current climate emergency. The Special Rapporteur noted the special vulnerability of indigenous and local groups to climate change, and recalled the importance of the particular international legal status of indigenous peoples, due to the application of the right to self-determination, and the specific legal framework which applied to them under the United Nations Declaration on the Rights of Indigenous Peoples and other relevant standards (para. 56).

51. In his report to the Human Rights Council at its forty-sixth session ([A/HRC/46/33](#)), the Special Rapporteur on the right to food described plans to explore the realization of the right to food in the context of armed conflict and protracted crises, noting that indigenous peoples' food practices were disrupted during conflict situations, as States and companies denied them access to their lands and waterways to such a degree that sometimes their very existence and right to self-determination were under threat (para. 93).

52. In her report to the General Assembly at its seventy-fifth session ([A/75/207](#)), the Special Rapporteur on the human rights of internally displaced persons examined internal displacement in the context of the slow-onset adverse effects of climate change, including the human rights obligations, responsibilities and roles of States, the international community, businesses and national human rights institutions. She noted extensive evidence of the widespread impacts of climate change on the enjoyment of human rights, including the rights of indigenous peoples and the right to self-determination (para. 6).

53. The Independent Expert on human rights and international solidarity produced a report on international solidarity and climate change ([A/HRC/44/44](#)) pursuant to Council resolution [35/3](#) and submitted it to the Human Rights Council at its forty-fourth session. The Independent Expert recognized that indigenous peoples had rights to self-determination in accordance with General Assembly resolution [61/295](#), and that indigenous knowledge advanced environmental stewardship, while also acknowledging that there were entwined local and global imperatives for ensuring indigenous peoples could make decisions on climate change that could affect everyone else (para. 13). He also highlighted an example of a country in the Pacific that had committed to supporting the self-determination and environmental stewardship of indigenous peoples and to prioritizing well-being over economic growth, which carried great potential for human rights-based international solidarity by promising to catalyse new thinking globally about the relationship between humanity, nature and development (para. 18). The Independent Expert also noted that extreme weather events were decimating the territories of many small island

developing States and, by extension, negatively affecting human rights, including their peoples' dignity and self-determination (para. 47).

54. The Expert Mechanism on the Rights of Indigenous Peoples produced a study on the right to land under the United Nations Declaration on the Rights of Indigenous Peoples ([A/HRC/45/38](#)) and submitted it to the Human Rights Council at its forty-fifth session. The Expert Mechanism noted that respect for indigenous peoples' self-determination and their customary land tenure systems necessitated recognition of their collective ownership of lands, territories and resources (para. 7). It recalled that all the rights in the United Nations Declaration on the Rights of Indigenous Peoples were indivisible, interdependent and grounded in the overarching right to self-determination (para. 14). The Expert Mechanism encouraged States to ensure that, through consultation with indigenous peoples, the type of land tenure (ownership, usufruct or variations of both) granted to them conformed with the needs, way of life, customs, traditions and land tenure systems of the indigenous peoples concerned and was respected (*ibid.*, annex, para. 3), and that States should apply the rights in the Declaration to reform their national, regional and local laws in such a way as to recognize indigenous peoples' own customs, traditions and land tenure systems, in particular their collective ownership of lands, territories and resources (*ibid.*, annex, para. 6).

55. The Expert Mechanism on the Rights of Indigenous Peoples also produced a study ([A/HRC/45/35](#)) on efforts to implement the United Nations Declaration on the Rights of Indigenous Peoples that focused on the repatriation of ceremonial objects, human remains and intangible cultural heritage. It noted that the right to self-determination was inextricably linked to ceremonial objects, human remains and intangible cultural heritage (para. 28). The Expert Mechanism underscored the importance of indigenous peoples being given a more active role in the stewardship of collections of ceremonial objects and human remains, and of ensuring that such active roles are in accordance with the provisions of the Declaration, with regard not only to cultural rights but also to self-determination, participation, consultation and free, prior and informed consent (para. 50). It recommended that a framework for the international repatriation of ceremonial objects, human remains and intangible cultural heritage be firmly based on the United Nations Declaration on the Rights of Indigenous Peoples, in particular the rights to equality, non-discrimination, self-determination, participation and consultation, pursuant to articles 2, 3, 8, 18 and 19 (para. 86).

### C. Universal periodic review

56. The report ([A/HRC/46/15](#)) of the Working Group on the Universal Periodic Review of the United States of America included recommendations from two States regarding self-determination. The United States received a recommendation to work with the international community to monitor and follow up on human rights violations of peoples under foreign occupation and to work towards the implementation of their right to self-determination in accordance with relevant United Nations resolutions (para. 26.103). The United States recognized the importance of the right of peoples to self-determination but supported relevant resolutions only to the extent that they were consistent with current State practice and accurately reflected international law ([A/HRC/46/15/Add.1](#), para. 21). The United States noted a recommendation to put an end to sanctions and unilateral coercive measures that undermined sovereignty and self-determination of the peoples of the world (*ibid.*, para. 24).



## VI. Human rights treaty bodies

57. The right of all peoples to self-determination is affirmed in article 1, paragraph 1, of both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

58. The right to self-determination has been addressed by the Human Rights Committee in its consideration of the periodic reports of States parties and in its general comment No. 37 (2020) on the right of peaceful assembly (CCPR/C/GC/37). In that general comment, the Committee noted that restrictions on peaceful assemblies must not be used, explicitly or implicitly, to stifle expression of political opposition to a government, challenges to authority, including calls for democratic changes of government, the constitution or the political system, or the pursuit of self-determination (para. 49).

59. In its concluding observations on the seventh periodic report of Finland (CCPR/C/FIN/CO/7), adopted at its 131st session, held from 1 to 26 March 2021, the Human Rights Committee expressed its concern that the views adopted by the Committee in November 2018 regarding the right of self-determination of the Sami people had not been implemented (para. 4). Although recognizing the ongoing legislative process aimed at strengthening the right of self-determination of persons with disabilities, the Committee nevertheless expressed regret with regard to the insufficient progress achieved in ensuring access to effective legal remedies to challenge involuntary psychiatric hospitalization and treatment (para. 30). Moreover, the Committee noted that the decisions of the Supreme Administrative Court of 5 July 2019 and the Government's decision not to cancel or postpone the Sami Parliament elections of September 2019 appeared to run counter to the Views adopted by the Committee in November 2018 regarding the Sami (para. 42). The Committee also expressed concern that vague criteria used to assess the impact of measures, including development projects, on Sami culture and traditional livelihoods had resulted in the authorities' failure to engage in meaningful consultations to obtain their free, prior and informed consent (ibid.). The Committee recommended that Finland accelerate the process of revising the Sami Parliament Act, in particular its section 3, on the definition of Sami, and section 9, on the principle of free, prior and informed consent, with a view to respecting the Sami people's right of self-determination, in accordance with article 25, read alone and in conjunction with article 27, as interpreted in the light of article 1 of the Covenant, and implementing the Committee's Views adopted in November 2018 (para. 43 (a)).

## VII. Conclusions

60. **Article 1 of the Charter of the United Nations 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 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.**

61. **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, also discussed the implementation of the right of peoples to self-determination in relation to human rights challenges regarding indigenous peoples, the right to food, land rights, cultural rights and climate change.

62. Special procedure mandate holders of the Human Rights Council also addressed novel challenges to the right of peoples to self-determination, including State enforcement of coronavirus containment protocols on indigenous and local groups and the slow-onset adverse effects of climate change.

63. The Human Rights Committee also addressed the right of peoples to self-determination through concluding observations on a periodic report submitted by a State party to the International Covenant on Civil and Political Rights and in a new general comment.

64. 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, shows that this right remains central to the enjoyment of other human rights, peace and stability.

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