



Security Council

Distr.: General
4 November 2019

Original: English

Letter dated 1 November 2019 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

It is a source of grave concern that, after more than seven decades, the question of Palestine is still unresolved and the international community has failed to settle this chronic complicated crisis. I attach herewith (see annex), for your kind attention, the text of a plan, received from the Secretariat of the International Conference on Palestine, concerning a national referendum in the Territory of Palestine.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Majid Takht **Ravanchi**
Ambassador
Permanent Representative



Annex to the letter dated 1 November 2019 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

The Plan for Holding a National Referendum in the Territory of Palestine

Introduction

For more than seven decades, the question of Palestine has been the world's oldest and most complicated crisis. As a result of the continued expansionist policies as well as the illegal and inhumane practices of the Zionist regime, the oppressed people of Palestine have been deprived of their inalienable and imprescriptible rights and their living conditions have deteriorated on a daily basis. Such policies and practices, which are in violation of the purposes and principles of the Charter of the United Nations and the rules of international law, particularly international humanitarian law and human rights, have been systematically intensified due to the failure of the international community in taking serious practical measures to resolve the question of Palestine.

To realize their fundamental rights, particularly the right to self-determination, as well as self-defence against occupation and illegal expropriation of their territory, the people of Palestine have resisted and made praiseworthy efforts thus far. Nevertheless, due to the lack of any comprehensive and practical initiative or plan corresponding with the historical facts and historical roots of the question of Palestine, it has remained unresolved.

Given the destructive consequences of the continued occupation of the territory of Palestine, the displacement of the people of this territory and the current intricate situation of the oppressed people of Palestine, as well as the threats emanating from this situation against regional and international peace and security, and taking into account the historical facts and being aware of the ineffectiveness of the initiatives proposed for resolving the question of Palestine, the Islamic Republic of Iran is of the belief that the only possible solution is to hold a national referendum with the participation of all Palestinian people, including Muslims, Christians and Jews and their descendants; and, accordingly, presents its initiative entitled "National Referendum in Palestine" to the United Nations.

It is essential that the said referendum be held by observing the principled criteria in line with historical realities and in conformity with the democratic principles and the fundamental and imprescriptible rights enshrined in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights as well as the International Covenant on Economic, Social and Cultural Rights and the observance of international standards on elections. Therefore, such a referendum could constitute a solid basis for the settlement of the question of Palestine.

Title of the Plan: National Referendum in the territory of Palestine

Objective of the Plan

The objective of the plan for a "National Referendum in the Territory of Palestine" is to provide the grounds for the people of Palestine to exercise their right to self-determination.

Legal basis of the Plan

Following the illegal acts of Britain during the trusteeship period, in 1948 the Zionist regime was recognized by the United States and later by other countries, such as the former Soviet Union, whereas the people of the territory of Palestine were never consulted about their fate. In fact, the Zionist regime was established without allowing the native population of the territory of Palestine to exercise their right to self-determination.

The measures that led to the formation of the Zionist regime were contrary to international law at the time. According to article 22 of the Covenant of the League of Nations, Britain had no sovereignty over Palestine and should have allowed the exercise of the right to self-determination, namely, holding a free referendum with the participation of all inhabitants of Palestine. Even after the establishment of the United Nations, whereas the Charter of the United Nations had included completely specific rules regarding territories like Palestine (Chapter XI, Articles 73 and 74), these regulations were not taken into account. Even resolution 181(II) A of the United Nations General Assembly in November 1947 on the partition plan for Palestine also was not implemented because the Palestinian Arabs were against it. Therefore, at the time of the formation of the Zionist regime, the right to self-determination of the people of Palestine was completely disregarded.

Furthermore, during the negotiations at the United Nations General Assembly in 1948, the representative of the Government of Iran, along with the representatives of some Arab countries, objected to the partition of Palestine and considered it as a ground for war and conflict.

In fact, so far, the right to self-determination of the people of Palestine has neither been exercised at the time of the declaration of the formation of the Zionist regime in the occupied territories of Palestine nor afterwards. According to article 1 common to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, all peoples have the right to determine their political status. Similarly, in accordance with articles 1 and 3 of the United Nations Declaration on the Rights of Indigenous Peoples, indigenous peoples have the right to the full enjoyment of all human rights including the right to self-determination.

The International Court of Justice, in its advisory opinion of 9 July 2004 on the “Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory”, evidently emphasizes the need for the observance of the right to self-determination of the people of Palestine and affirms the obligations of the Zionist regime to respect and observe it. Moreover, the necessity of exercising the right to self-determination by the indigenous people of a territory has been clarified fully in the International Court of Justice’s Advisory Opinion of 25 February 2019 on “the legal consequences of the separation of the Chagos Archipelago from Mauritius by UK”. According to this advisory opinion, a country that assumes the trusteeship of a non-self-governing territory cannot, at its own discretion and without observing the right of people to self-determination, detach a territory. As mentioned in this advisory opinion, any detachment that occurred without the consent of the indigenous people is null and void and other countries should avoid such acts.

Moreover, the right to self-determination is among the most fundamental principles recognized under international law that has been noted in Article 1 (2) of the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations. Notwithstanding this fact, the right of the Palestinians to self-determination has constantly been violated, both at the time of the

declaration of the formation of the Zionist regime in the Occupied Territory of Palestine and afterwards.

In other words, the right to self-determination, as a fundamental and undeniable right in international human rights system and, as an *erga omnes* norm in public international law, has been recognized in many international instruments. Given the nature of this right as an *erga omnes* rule, all States are obliged to observe the commitments arising therefrom and to provide the conducive ground for its realization.

Likewise, noting resolution 194 (III) of 1948 of the United Nations General Assembly on the right of the Palestinian refugees to return to their homeland, this Plan includes all genuine Palestinians. Accordingly, holding a fair and inclusive referendum is the most basic mechanism for nations to achieve their right to self-determination.

Implementation phases of the Plan

The implementation of this Plan includes four main phases:

1. Enforcing the right of Palestinian refugees to return to their historical homeland.
2. Holding a national referendum among the people of Palestine, including the followers of all religions, who inhabited Palestine before the issuance of the Balfour Declaration, for the self-determination and determination of the political system.
3. Establishing the political system determined by the majority of the people of Palestine.
4. Deciding on the status of the non-indigenous residents of Palestine by the political system elected by the majority.

Implementation mechanisms

1. All people of Palestine, including Muslims, Christians and Jews, will have the right to participate in the referendum.
2. Representatives of the people of Palestine from among the Muslim, Christian and Jewish will assume the primary and managerial role in all planning and implementation phases of the Plan.
3. With a view to facilitate the participation of all Palestinians, particularly the Palestinian refugees in this referendum, the global project for comprehensive identification, census and identity registration of all Palestinian citizens in Palestine and other countries will be implemented. An international authority with the participation of the representatives of the people of Palestine will be mandated to implement this project.
4. An international committee will be formed under the auspices and with the assistance of the United Nations and participation of the representatives of the people of Palestine to implement the above-mentioned plan and to focus on the main issues of Palestine, inter alia, historical, sovereignty and territorial issues related to Palestine and the Al-Quds Al-Sharif.
5. For furtherance of and to support the implementation of this Plan, an international fund, with the contribution of the international community and under the authority of the above-mentioned committee, will be established.