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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 [76/152](#), in which the Assembly requested the Secretary-General to submit to it at its seventy-seventh 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/76/276](#)), demonstrating the engagement of the United Nations system in the realization of the right of peoples to self-determination.

* [A/77/150](#).



I. Introduction

1. The present report is submitted pursuant to General Assembly resolution [76/152](#), in which the Assembly requested the Secretary-General to submit to it at its seventy-seventh 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 some of the main organs of the United Nations since the submission of the previous report ([A/76/276](#)) in August 2021.
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 special procedure mandate holders.
4. In addition, it includes reference to concluding observations issued by the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Racial Discrimination in their consideration of periodic reports submitted by States parties with regard to the implementation of the right of all peoples to self-determination.

II. Security Council

5. In accordance with Security Council resolution [2548 \(2020\)](#), the Secretary-General submitted to the Council a report on the situation concerning Western Sahara ([S/2021/843](#)). The report covered developments since the previous report ([S/2020/938](#)) and provided a description of the situation on the ground, the status of political negotiations on Western Sahara, the implementation of resolution [2548 \(2020\)](#) 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, during the reporting period, 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/2021/843](#), para. 73). He noted that OHCHR remained concerned by reports of undue restrictions imposed by Morocco on the rights to freedom of expression, peaceful assembly and association in Western Sahara, as well as reports of unnecessary and disproportionate use of force by Moroccan security forces to disperse protests and the conduct of house raids without warrants, arbitrary arrests and detention, unlawful and arbitrary surveillance, harassment, intimidation and destruction of property (*ibid.*, para. 74).
7. The Secretary-General noted that the coronavirus disease (COVID-19) crisis continued to have an adverse impact on the human rights of Sahrawi civilians in the camps in Tindouf, which was reportedly compounded by limited access to humanitarian aid (*ibid.*, para. 78). He also noted that OHCHR had received allegations from Morocco and non-governmental organizations that the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro (Frente POLISARIO) had misappropriated funds and aid in the camps (*ibid.*).
8. The Secretary-General remained confident that a solution was possible despite the recent setback and stated 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 resolutions [2440 \(2018\)](#), [2468 \(2019\)](#), [2494 \(2019\)](#) and [2548 \(2020\)](#) continued to require strong political will from the parties and from the international community (*ibid.*, para. 85). The Secretary-General called on

Security Council members, friends of Western Sahara and other relevant actors to encourage Morocco and Frente POLISARIO to engage in good faith and without preconditions in the political process as soon as his new Personal Envoy for Western Sahara was appointed (*ibid.*).¹ The Secretary-General underscored that neighbouring States had a vital role in the achievement of a solution to the question of Western Sahara. In that connection, the deterioration in relations between Morocco and Algeria was of concern. He encouraged the two neighbouring countries to find a way forward to mend relations, including in support of regional cooperation and peace and security (*ibid.*, para. 87). Having considered the report of the Secretary-General, the Council adopted resolution 2602 (2021), 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 76/152 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 76/86, 76/87 and 76/89 to 76/105), the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (resolution 76/151) and the right of the Palestinian people to self-determination (resolutions 76/10, 76/80, 76/150 and 76/225). In addition, the Assembly adopted other resolutions in which it mentioned the right of peoples to self-determination (resolutions 76/65, 76/134, 76/161 and 76/165).

A. Non-Self-Governing Territories

10. In its resolution 76/86, 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 76/87, 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 entailed, as a corollary, the extension of all appropriate assistance to those peoples (para. 4).

12. In its resolution 76/104, the General Assembly considered it important to continue and expand its efforts to ensure the widest possible dissemination of

¹ The Personal Envoy was appointed on 6 October 2021. In its resolution 2602 (2021), the Security Council welcomed the appointment of Staffan de Mistura as Personal Envoy.

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 Territories (para. 2).

13. In its resolution [76/105](#), the General Assembly called upon the administering Powers, in accordance with resolutions [1514 \(XV\)](#) and [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, 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 [76/89](#) on the question of Western Sahara, the General Assembly expressed 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 [76/90](#) 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 \(XV\)](#) (para. 1) 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 contained in resolution [1514 \(XV\)](#) and the relevant resolutions of the Assembly (para. 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 [76/91](#) 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 \(XV\)](#), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, 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 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 [76/92](#) 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 (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 [76/93](#) 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 (para. 3).

19. In its resolution [76/94](#) 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 (para. 3).

20. In its resolution [76/95](#) 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 (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 [76/96](#) 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 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 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 76/97 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 (para. 3).

23. In its resolution 76/98 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 (para. 4). The Assembly recalled the peaceful conduct of self-determination referendums on 4 November 2018 and on 4 October 2020 and their outcomes (para. 6). 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 were 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 76/99 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 (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 76/100 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 (para. 3).

26. In its resolution 76/101 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). 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. 13).

27. In its resolution 76/102 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 (para. 3).

28. In its resolution 76/103 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 (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 [76/151](#) 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 that 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 [76/150](#), 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). The Assembly also referred to the realization of the Palestinian people's inalienable rights, including the right to self-determination, in resolutions [76/10](#) and [76/80](#).

31. In its resolution [76/225](#), 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

32. In its resolution [76/65](#), 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).

33. In the preamble of its resolution [76/134](#), 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.

34. In its resolution [76/165](#), 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)).

35. In its resolution [76/161](#), 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).

IV. Economic and Social Council

36. In its resolution [2021/2 B](#), 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 (para. 3) 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 (para. 5).

V. Human Rights Council

A. Resolutions

37. At its forty-seventh session, the Human Rights Council adopted its resolution [47/24](#) on human rights and climate change. In the preamble, the Council 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 for the right to self-determination.

38. At its forty-eighth session, the Human Rights Council, in its resolution [48/5](#) on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, urged once again all States to take the necessary steps and to exercise the utmost vigilance against the threat posed by the

activities of mercenaries, and to take legislative measures to ensure that their territories and other territories under their control, and their nationals, were not used for the recruitment, assembly, financing, training, protection and transit of mercenaries for the planning of activities designed to impede the right to self-determination, to overthrow the Government of any State or to dismember or to impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the right of peoples to self-determination (para. 3). It condemned mercenary activities in any country, in particular in areas of conflict, and the threat that they posed to the integrity of and to respect for the constitutional order of countries and to the exercise of the right to self-determination of their peoples (para. 10). The Council requested the Working Group on the use of mercenaries to continue to study and identify new sources and causes, emerging issues, manifestations and trends with regard to mercenaries and mercenary-related activities and their impact on human rights, particularly on the right of peoples to self-determination, consulting with Member States and regional and international organizations, academia, civil society, as well as with other relevant stakeholders (para. 21).

39. The Human Rights Council, in its resolution [48/8](#) 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. 6 (a)).

40. The Human Rights Council, in the preamble of its resolution [48/11](#) on human rights and indigenous peoples, took note of the report of the Expert Mechanism on the Rights of Indigenous Peoples, focusing on indigenous peoples and the right to self-determination, and encouraged all parties to consider the recommendations made in that report.

41. At its forty-ninth session, the Human Rights Council, in its resolution [49/6](#) 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).

42. The Human Rights Council addressed the question of the realization of the right of the Palestinian people to self-determination in its resolutions [49/28](#) and [49/29](#). In its resolution [49/28](#), 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 [49/29](#), 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 the Expert Mechanism on the Rights of Indigenous Peoples

43. In its report to the General Assembly at its seventy-sixth session, the Working Group on the use of mercenaries examined the provision of military and security products and services in cyberspace by mercenaries, mercenary-related actors and private military and security companies and its impacts on human rights, including the right of peoples to self-determination. The Working Group observed that, through the use of military and security products and services in cyberspace, cybersecurity firms could significantly impede the exercise of the right of peoples to self-determination, having the potential to influence domestic insurgencies in ways that might ultimately undermine the right to self-determination ([A/76/151](#), para. 68). As part of its conclusions, the Working Group noted that the new and evolving manifestations of mercenary-related actors called for urgent attention from States and other relevant stakeholders and concluded that its report elaborated considerations to be taken into account to support States and other actors when developing regulation of actors in cyberspace more effectively, with a view to ensuring respect, protection and fulfilment of the right of peoples to self-determination, protecting civilians in situations of armed conflict and safeguarding the principles of non-intervention and territorial integrity (*ibid.*, para. 72).

44. In his report to the General Assembly at its seventy-sixth session, the Special Rapporteur on the rights of indigenous peoples, José Francisco Calí Tzay, focused on the enjoyment of human rights by indigenous peoples living in urban areas. He discussed the challenges and opportunities of urbanization with regard to its impact on human rights and provided recommendations on measures necessary to guarantee the full enjoyment of human rights by indigenous peoples living in urban areas. While analysing the relevant legal framework for the report, he noted that the human rights situation of indigenous peoples living in urban areas must be understood and addressed within the international legal framework provided by the United Nations Declaration on the Rights of Indigenous Peoples, the Indigenous and Tribal Peoples Convention, 1989 (No. 169), of the International Labour Organization and international and regional human rights instruments. Those international legal sources recognized indigenous peoples' rights to their traditional lands, territories, natural resources, self-government, self-determination and way of life, which formed the basis of their collective identity and their physical, economic and cultural survival ([A/76/202](#), para. 7). He noted that, in particular, articles 3, 4 and 18 of the Declaration recognized the rights to self-determination, autonomy and self-government, to participate in decision-making processes and to consultation and free, prior and informed consent (*ibid.*, para. 8). He also mentioned that the Declaration asserted the right of indigenous peoples to self-determination, to determine their own development, autonomy and identity. He noted, however, that urbanization challenged those rights, including when traditional authorities and systems of justice were replaced with public institutions (*ibid.*, para. 43).

45. In his report to the Human Rights Council at its forty-eighth session, the Special Rapporteur on the rights of indigenous peoples focused on indigenous peoples and the COVID-19 recovery phase and related plans, and the impact of the pandemic on the individual and collective rights of indigenous peoples. He noted that indigenous peoples were devising their own measures to respond to the pandemic in ways that exercised their right to self-determination and expanded their sovereignty, especially where States had been slow to act ([A/HRC/48/54](#), para. 67). He recommended that States refrain from promulgating legislation that undercut the rights of indigenous peoples to lands, self-determination and free, prior and informed consent (*ibid.*, para. 84 (l)).

46. In his report to the General Assembly at its seventy-sixth session, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Balakrishnan Rajagopal, drew attention to the fact that discrimination in housing continued to be one of the most pervasive and persistent barriers to the fulfilment of the right to adequate housing. He noted that the right to adequate housing of indigenous peoples must be understood in accordance with the principles and rights set forth in the United Nations Declaration on the Rights of Indigenous Peoples, such as the principle of self-determination and the land rights of indigenous peoples ([A/76/408](#), para. 46).

47. In his report to the General Assembly at its seventy-sixth session, the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, Marcos Orellana, examined the current and future negative implications of the various stages of the plastics cycle for the enjoyment of human rights. He noted that the exploitation of fossil fuels, which made up the bulk of plastic feedstock, had caused widespread and severe environmental contamination of indigenous peoples' lands and territories. In particular, spills from ruptured pipelines and dumping of contaminated waters had poisoned rivers and exposed indigenous peoples to heavy metals and other hazardous substances, causing serious violations of indigenous peoples' rights to health, culture, water, food, healthy environment and self-determination, among others ([A/76/207](#), para. 48).

48. In his report to the General Assembly at its seventy-sixth session, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Michael Lynk, raised concerns pertaining to the situation of human rights in the West Bank, including East Jerusalem, and in Gaza, with a specific focus on the responsibility and performance of international actors. He highlighted that the international community – and particularly, but not only, the United Nations – had long accepted that it bore a special responsibility for, inter alia, realizing Palestinian self-determination ([A/76/433](#), para. 23). He recalled that any efforts by the international community, collectively or individually, should take into consideration that the end goal must be the realization of Palestinian self-determination (*ibid.*, para. 36 (c)). He underscored that self-determination was at the heart of modern human rights and that it was the *sine qua non* for a just and final peace (*ibid.*).

49. In his report to the Human Rights Council at its forty-seventh session, the Special Rapporteur examined the current human rights situation in the Occupied Palestinian Territory, including East Jerusalem, with a particular focus on the legal status of the settlements according to the Rome Statute of the International Criminal Court. While analysing the legal status of the Israeli settlements under the Rome Statute, he noted that the common bond of any original society was the link between community and territory, and that therefore the exercise of the right to self-determination was substantially abrogated if that link was disrupted through territorial alienation, the deliberate loss of majority status or the inability of an occupied or subjugated people to control its political destiny ([A/HRC/47/57](#), para. 30). He added that the logic and the dynamic of settler implantation – rupturing the relationship between an indigenous people and its territory – was the denial of the right to self-determination, which in his report he considered to be both a *jus cogens* right (a fundamental principle of international law) and a right *erga omnes* (a right owed to all). He noted that that right had been placed in the opening articles of the Charter, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, which, in his view, was precisely to underscore the fact that the realization of all other individual and collective human rights depended upon the ability to exercise that cornerstone right. Hence, he argued, the international community had prohibited the demographic manipulation of a

territory through settler implantation because it was incompatible with the fundamental rights of a people to retain its distinct identity and to freely determine its destiny on its own territory (ibid., para. 39).

50. In his report to the Human Rights Council at its forty-ninth session, the Special Rapporteur examined the current human rights situation with a particular emphasis on the question of whether Israeli rule over the occupied Palestinian territory could be called apartheid. He recalled that there were 5 million stateless Palestinians living without rights, in an acute state of subjugation, and with no path to self-determination or a viable independent State, which the international community had repeatedly promised was their right ([A/HRC/49/87](#), para. 9). The Special Rapporteur concluded that the political system of entrenched rule in the Occupied Palestinian Territory, which endowed one racial-national-ethnic group with substantial rights, benefits and privileges while intentionally subjecting another group to live behind walls and checkpoints and under a permanent military rule *sans droits, sans égalité, sans dignité et sans liberté* (without rights, without equality, without dignity and without freedom) satisfied the prevailing evidentiary standard for the existence of apartheid (para. 55).

51. In its report to the Human Rights Council at its forty-seventh session, the Working Group on the issue of human rights and transnational corporations and other business enterprises highlighted the main takeaways of the fifth Regional Forum for Latin America and the Caribbean on Business and Human Rights. The Working Group noted that in the Lithium Triangle (Argentina, Bolivia (Plurinational State of) and Chile) there had been an exponential growth of lithium industries operating in the territories of indigenous peoples, causing negative impacts on their ecosystems and water resources and affecting, inter alia, their rights to land, territory and natural resources, as well as their rights to self-determination and autonomy, given that there had been no consultation processes, or, when consultation had occurred, it had been inadequate ([A/HRC/47/39/Add.4](#), para. 82). The Working Group noted that, during the Forum, the differentiated impacts suffered by indigenous peoples and persons of African descent as a result of business activities had been repeatedly addressed, such as violations of their right to health and their rights to land, natural resources and self-determination (para. 86).

52. The Expert Mechanism on the Rights of Indigenous Peoples submitted to the Human Rights Council, at its forty-eighth session, a thematic report prepared pursuant to Council resolution [33/25](#) on the rights of the indigenous child under the United Nations Declaration on the Rights of Indigenous Peoples. The Expert Mechanism noted that the capacity of indigenous peoples to meet their children's needs depended on their ability to exercise their right to self-determination and was essential when considering existing gaps in areas such as education and child welfare ([A/HRC/48/74](#), para. 3). It highlighted that the ability of indigenous peoples to control and implement their own education systems was an exercise of their right to self-determination (para. 58).

53. At the same Council session, the Expert Mechanism submitted its report on indigenous peoples and the right to self-determination, focusing on self-determination initiatives undertaken by indigenous peoples and States since the adoption of the United Nations Declaration on the Rights of Indigenous Peoples in 2007. In the report, it noted that all the rights in the Declaration were indivisible, interdependent and grounded in the overarching right to self-determination, and that the exercise of the right to self-determination was indispensable for indigenous peoples' enjoyment of all their other rights, including, importantly, land rights (reflected in arts. 25–28, 30 and 32 of the Declaration) and political participation (reflected in arts. 18–20 and 34 of the Declaration) ([A/HRC/48/75](#), para. 14). It added that the non-recognition of indigenous peoples as indigenous peoples had a negative effect on the implementation of their rights under the Declaration, none more so than the right to self-determination (para. 35). The Expert Mechanism recommended that States should recognize

indigenous peoples as indigenous peoples and their concomitant right to self-determination, preferably through a constitutional framework and in an exercise of effective participation and indigenous consultation carried out in accordance with the Declaration, and that States should adapt to the needs of each particular community, given that each one was very different and contemplating different forms of self-determination (para. 64). States should, inter alia, recognize the land, participation and consultation rights of indigenous peoples (para. 67), support and respect indigenous peoples' own protocols (para. 68), implement with indigenous peoples their treaties, their agreements and constructive arrangements in a context of self-determination (para. 69) and establish national action plans for implementing the Declaration and ensure that such plans were grounded in the right of indigenous peoples to self-determination (para. 72).

VI. Human rights treaty bodies

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

55. In its concluding observations on the fifth periodic report of Nicaragua, adopted at its seventieth session, the Committee on Economic, Social and Cultural Rights expressed concern about reports highlighting the lack of appropriate mechanisms for guaranteeing the right of indigenous peoples to be consulted about decisions that might affect their rights, including their rights to the territories that they had traditionally occupied ([E/C.12/NIC/CO/5](#), para. 11). The Committee recommended that the State party design, adopt and implement, in consultation with indigenous and Afrodescendent peoples, an appropriate procedure to guarantee their right to be consulted with a view to obtaining their free, prior and informed consent to any legislative or administrative measure that might affect their rights and territories, and ensure that the procedure took their traditions and cultural specificities into account (para. 12 (a)).

56. In its concluding observations on the combined twenty-second to twenty-fourth periodic reports of the Kingdom of the Netherlands, adopted at its 104th session, the Committee on the Elimination of Racial Discrimination, while analysing the discrimination against citizens of the Kingdom of the Netherlands born in the Caribbean, noted with concern reports about the obstacles faced by the peoples of the Caribbean part of the Kingdom of the Netherlands in fully realizing their right to self-determination ([CERD/C/NLD/CO/22-24](#), para. 29).

VII. Conclusions

57. Article 1 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 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.

58. 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. 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, land rights, cultural rights and climate change.

59. Special procedure mandate holders of the Human Rights Council addressed novel challenges to the right of peoples to self-determination, including challenges caused by urbanization to the right of indigenous peoples to self-determination and to determine their own development, autonomy and identity, and challenges to the right of peoples to self-determination caused by the use of military and security products and services in cyberspace.

60. The Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Racial Discrimination also addressed the right of peoples to self-determination through concluding observations on periodic reports submitted by States.

61. 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.
