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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 [78/193](#), in which the Assembly requested the Secretary-General to submit to it at its seventy-ninth 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/78/261](#)), demonstrating the engagement of the United Nations system towards the realization of the right of peoples to self-determination.

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\* [A/79/150](#).



## I. Introduction

1. The present report is submitted pursuant to General Assembly resolution [78/193](#), in which the Assembly requested the Secretary-General to report to it at its seventy-ninth session on the universal realization of the right of peoples to self-determination.
2. The report provides a summary of the main developments since August 2023 relating to the realization of the right of all peoples to self-determination within the framework of the activities of the main organs of the United Nations.
3. The report also includes reference to the consideration of the issue within the framework of the Human Rights Council, both in its resolutions and in the reports submitted to it by its special procedure mandate holders, subsidiary expert mechanisms and mandated investigative bodies. It further references concluding observations issued by the Committee on the Elimination of Racial Discrimination in its consideration of periodic reports submitted by States parties.

## II. Security Council

4. In accordance with Security Council resolution [2654 \(2022\)](#), the Secretary-General submitted to the Council a report on the situation concerning Western Sahara ([S/2023/729](#)). The report covered developments since the previous report ([S/2022/733](#)) and provided a description of the situation on the ground, the status of political negotiations, the implementation of Council resolution [2654 \(2022\)](#), and existing challenges to the operations of the United Nations Mission for the Referendum in Western Sahara and steps taken to address them.
5. The Secretary-General noted that the Office of the United Nations High Commissioner for Human Rights (OHCHR) had been unable to conduct any visits to Western Sahara for the eighth consecutive year, despite multiple requests and despite the Security Council urging in its resolution [2654 \(2022\)](#) enhanced cooperation, including through facilitating such visits ([S/2023/729](#), para. 76). The report further noted that OHCHR had continued to receive allegations pointing to an increased shrinking of civic space, including through obstruction, intimidation and restrictions imposed against Saharawi activists, human rights defenders and student movements. According to those reports, organizations advocating the right to self-determination continued to face obstacles on registration and holding meetings and were reportedly subject to intimidation and surveillance. In addition, Moroccan authorities reportedly continued to prevent and quell gatherings in support of the right to self-determination and Saharawi commemoration events. Furthermore, OHCHR had received allegations of at least six cases of international observers, researchers and lawyers engaging in advocacy on Western Sahara being denied entry into or being expelled from Western Sahara (*ibid.*, para. 77). The Secretary-General emphasized the increased urgency of negotiating a political solution to the question of Western Sahara, in accordance with Council resolutions [2440 \(2018\)](#), [2468 \(2019\)](#), [2494 \(2019\)](#), [2548 \(2020\)](#), [2602 \(2021\)](#) and [2654 \(2022\)](#) (*ibid.*, para. 91).
6. Having considered the report of the Secretary-General, the Council adopted resolution [2703 \(2023\)](#), 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

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

7. In its resolution 78/82, 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 (para. 13).

8. In its resolution 78/83, the General Assembly 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).

9. In its resolution 78/100, 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 to actively engage and seek new and innovative ways to disseminate material to the Territories (para. 2).

10. In its resolution 78/101, the General Assembly called upon the administering Powers, in accordance with resolution 1514 (XV) and all other resolutions and decisions on decolonization, 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 once again 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; and requested the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to, inter alia, continue to examine the political, economic and social situation in the Non-Self-Governing Territories, and to recommend to the Assembly, as appropriate, the most suitable steps to be taken to enable the populations of those Territories to exercise their right to self-determination, including independence, in accordance with the relevant resolutions on decolonization, including resolutions on specific Territories (paras. 4 and 8 (c)).

11. In paragraphs 1 to 3 of its resolutions 78/86, 78/87, 78/88, 78/89, 78/90, 78/91, 78/92, 78/93, 78/95, 78/96, 78/98 and 78/99 on specific Territories, the General Assembly reaffirmed the inalienable right to self-determination of the peoples of, respectively, American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, French Polynesia, Guam, Montserrat, Pitcairn, Saint Helena, the Turks and Caicos Islands and the United States Virgin Islands, in conformity with the Charter and with Assembly resolution 1514 (XV). The Assembly also reaffirmed that, in the process of decolonization of those Territories, there was no alternative to the principle of self-determination, which was also a fundamental human right, as recognized under the relevant human rights conventions. The Assembly further reaffirmed that it was ultimately for the peoples of those Territories to determine freely their future political status in accordance with the relevant provisions of the Charter, Assembly resolution 1514 (XV) and other relevant resolutions of the

Assembly. The Assembly called upon the administering Powers, in cooperation with the territorial Governments and appropriate bodies of the United Nations system, to develop political education programmes for the Territories 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 Assembly resolution 1541 (XV) and other relevant resolutions and decisions.

12. In its resolution 78/91 on the question of French Polynesia, the Assembly called upon the administering Power to initiate a dialogue with the new Government of 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). Similarly, in its resolution 78/92 on the question of Guam, the Assembly 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 requested the Territory and the administering Power to take all measures necessary to protect and conserve the environment of the Territory against any degradation and the impact of militarization (paras. 6 and 16). In its resolution 78/95 on the question of Pitcairn, the Assembly 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). In its resolution 78/99 on the question of the United States Virgin Islands, the Assembly welcomed the establishment of the Office of Self-Determination and Constitutional Development in the University of the Virgin Islands, with funding from the administering Power, to address the issue of self-determination, including political status and constitutional education (para. 7).

13. In its resolution 78/85 on the question of Western Sahara, the General Assembly reiterated support for the process of negotiations initiated by Security Council resolution 1754 (2007) and further sustained by successive 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).

14. In its resolution 78/94 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 on the Granting of Independence to Colonial Countries and Peoples and the relevant resolutions of the Assembly. In that connection, the Assembly called upon the administering Power, in cooperation with the territorial Government and appropriate bodies of the United Nations system, to develop political education programmes for the Territory in order to foster an awareness among the people of their right to self-determination in conformity with the legitimate political status options, based on the principles clearly defined in Assembly resolution 1541 (XV) and other relevant resolutions and decisions (para. 4). The Assembly recalled the peaceful conduct of the self-determination referendums on 4 November 2018 and 4 October 2020 and their outcomes, recalled the holding of the third self-determination referendum on 12 December 2021 and reiterated the call upon the administering Power and all relevant stakeholders in New Caledonia to ensure the peaceful, fair, just and transparent conduct of the next steps of the self-determination process (paras. 6 and 7). The Assembly urged all the parties involved, in the interest of the people of New Caledonia and within the framework of the Nouméa Accord, to maintain their dialogue in a spirit of harmony and mutual respect in order to continue

to promote a framework for the peaceful progress of the Territory towards an act of self-determination, including attaining a full measure of self-government in accordance with the Charter and relevant Assembly resolutions, 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).

15. In resolution 78/97 on the question of Tokelau, the General Assembly took note with appreciation of the decision of the General Fono on 23 May 2022 to revisit the views of the people of Tokelau and revive the dialogue on the question of self-determination for Tokelau in the lead-up to the centenary of New Zealand administration of Tokelau in February 2026 (para. 1).

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

16. In its resolution 78/191 on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, the General Assembly urged all States to take the steps necessary and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to take legislative measures to ensure that their territories and other territories under their control were not used for, and that their nationals did not take part in, the recruitment, assembly, financing, training, protection or transit of mercenaries for the planning of activities designed to impede the right of peoples to self-determination, to destabilize or overthrow the Government of any State or to dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in accordance with the right of peoples to self-determination (para. 4). The Assembly condemned recent mercenary activities in developing countries in various parts of the world, in particular in areas of conflict, and the threat they posed to the integrity of and respect for the constitutional order of those countries and the exercise of the right of their peoples to self-determination (para. 10). The Assembly requested the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination to continue to study and identify sources and causes, emerging issues, manifestations and trends regarding mercenaries or mercenary-related activities and private military and security companies and their impact on human rights, particularly on the right of peoples to self-determination (para. 16). In addition, it requested OHCHR, as a matter of priority, to publicize the adverse effects of the activities of mercenaries on the right of peoples to self-determination and, when requested and where necessary, to render advisory services to States that were affected by those activities (para. 17).

## **C. Right of the Palestinian people to self-determination**

17. In its resolution 78/192, 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).

18. In its resolution ES-10/23, the General Assembly reaffirmed the right of the Palestinian people to self-determination, including the right to their independent State of Palestine (para. 5).

19. In its resolution 78/170, the General Assembly reaffirmed the inalienable rights of the Palestinian people over their natural resources, including land, water and energy resources (para. 1).

20. In the preamble of its resolution 78/76, the General Assembly stressed the urgency of, inter alia, allowing for the realization of the inalienable human rights of the Palestinian people, including their right to self-determination.

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

21. In its resolution 78/65, 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).

22. In the preamble of its resolution 78/174, 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.

23. In the preamble of its resolution 78/189, the General Assembly stressed that Indigenous Peoples, including those who were in voluntary isolation or initial contact, had the right to self-determination, and could choose to live in accordance with their traditions.

24. In its resolution 78/196, the General Assembly affirmed that a democratic and equitable international order required the realization of, inter alia, 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)).

25. In its resolution 78/197, the General Assembly reiterated that, by virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter, all peoples had the right to freely determine, without external interference, their political status and to pursue their economic, social and cultural development, and that every State had the duty to respect that right within the provisions of the Charter, including respect for territorial integrity (para. 2).

26. In its resolution 78/202, the General Assembly reaffirmed, in the context of human rights and 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. International Court of Justice**

27. On 19 July 2024, the International Court of Justice rendered an advisory opinion on *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, which addressed, among several other legal issues, the Palestinian people's right to self-determination (see paras. 230–243, 252, 255–257, 261–262, 267, 272, 274–275 and 279).

28. The Court recalled that it had already affirmed, in its advisory opinion of 9 July 2004 on *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, the existence of the right of the Palestinian people to self-determination. In the advisory opinion of 19 July 2024, the Court determined the

scope of the right of the Palestinian people to self-determination and examined the effects of the policies and practices of Israel on the exercise of that right. In the light of its analysis, the Court considered that the policies and practices of Israel obstructed the right of the Palestinian people freely to determine its political status and to pursue its economic, social and cultural development. The Court expressed the view that the prolonged character of the unlawful policies and practices of Israel aggravated their violation of the right of the Palestinian people to self-determination. The Court also stated that, as a consequence of the policies and practices of Israel, which spanned decades, the Palestinian people had been deprived of its right to self-determination over a long period, and further prolongation of those policies and practices would undermine the exercise of that right in the future. For those reasons, the Court was of the view that the unlawful policies and practices of Israel were in breach of its obligation to respect the right of the Palestinian people to self-determination (paras. 230–243).

## V. Economic and Social Council

29. In its resolution [2023/33](#), 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 on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution [1514 \(XV\)](#), and other relevant United Nations resolutions, and reaffirmed that the recognition by the Assembly, the Security Council and other United Nations organs of the legitimacy of the aspirations of the peoples of the Non-Self-Governing Territories to exercise their right to self-determination entailed, as a corollary, the extension of all appropriate assistance to those peoples, on a case-by-case basis (paras. 3 and 5).<sup>1</sup>

## VI. Human Rights Council

### A. Resolutions

30. The Human Rights Council, in the preamble of its resolution [53/6](#) on human rights and climate change, emphasized that the adverse effects of climate change had a range of implications, both direct and indirect, that increased with greater global warming, for the effective enjoyment of human rights, including, inter alia, the right to self-determination.

31. The Human Rights Council, in its resolution [54/3](#) 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. States were also urged 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

<sup>1</sup> Four studies prepared by members of the Permanent Forum on Indigenous Issues, each touching on the right to self-determination of Indigenous Peoples ([E/C.19/2024/3](#), [E/C.19/2024/5](#), [E/C.19/2024/6](#) and [E/C.19/2024/7](#)), were transmitted to the Forum at its twenty-third session.



(para. 3). The Council condemned mercenary activities in any country, in particular in areas of conflict, and the threat they posed to the integrity of and to respect for the constitutional order of those countries and to the exercise of the right to self-determination of their peoples (para. 10).

32. Pursuant to resolution [51/7](#), the Working Group on the Right to Development submitted to the Human Rights Council the draft international covenant on the right to development ([A/HRC/54/50](#)). Subsequently, the Council, in its resolution [54/18](#), decided to submit to the General Assembly the draft international covenant for its consideration, negotiation and subsequent adoption (para. 17). The draft international covenant, as submitted to the Assembly, outlines in its draft article 3 general principles that shall guide States parties to achieve the object and purpose of the covenant, including self-determined development. According to draft article 3(f), the right to development and the right to self-determination of peoples are integral to each other and mutually reinforcing. This relationship is further discussed in draft article 5, which states that the right to development implies the full realization of the right of all peoples to self-determination, by virtue of which they freely determine their political status and freely pursue the realization of their right to development, and recognizes the inherent right of all peoples to enjoy and utilize fully and freely their wealth and natural resources. Draft article 5 also calls upon States parties to the draft covenant, including those having responsibility for the administration of Non-Self-Governing Territories, to promote the realization of the right to self-determination and to respect that right – including by taking resolute action to prevent and eliminate massive and flagrant violations of the human rights of persons and peoples affected by situations such as those resulting from, inter alia, apartheid, colonialism, domination and occupation, and the refusal to otherwise recognize the fundamental right of peoples to self-determination. Lastly, draft article 17(1) of the draft covenant states that Indigenous Peoples, in exercise of their right to self-determination, have the right to freely pursue their development in all spheres, as well as the right to determine and develop priorities and strategies for exercising their right to development.

33. The Human Rights Council, in its resolution [55/7](#) 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).

34. The Human Rights Council also addressed the question of the realization of the right of the Palestinian people to self-determination. In its resolution [55/30](#), 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 also expressed grave concern at the fragmentation and the changes in the demographic composition of the Occupied Palestinian Territory, including East Jerusalem, resulting from the continuing construction and expansion of settlements, forcible transfer of Palestinians and construction of the wall by Israel, stressed that that fragmentation, which undermined the possibility of the Palestinian people realizing their right to self-determination, was incompatible with the purposes and principles of the Charter, and emphasized in that regard the need for respect for and preservation of the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory, including East Jerusalem (para. 5). 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 called upon States to ensure their obligations of non-recognition, non-aid or assistance with regard



to the serious breaches of peremptory norms of international law by Israel, in particular of the prohibition of the acquisition of territory by force, in order to ensure the exercise of the right to self-determination, and also called upon them to cooperate further to bring, through lawful means, an end to those serious breaches and a reversal of the illegal policies and practices of Israel (para. 7). Lastly, 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 [55/32](#), the Council called upon Israel, 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 non-discrimination and to fulfil its international obligations to provide adequate, effective and prompt remedy and reparations for victims (para. 7 (b)).

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

35. In his report to the General Assembly at its seventy-eighth session, the Special Rapporteur on the right to development stated that four overarching principles of the right to development could be derived from the 1986 Declaration on the Right to Development, including the principle of self-determination ([A/78/160](#), para. 13). The Special Rapporteur noted that “peoples have a right to determine their economic, social and cultural development in line with the International Bill of Human Rights. The principle of self-determination entitles peoples to have ‘full sovereignty over all their natural wealth and resources’.” He noted the relevance of that principle, as some States or companies tended to justify taking control over the natural resources of vulnerable or marginalized communities, without their meaningful participation (*ibid.*, para. 14). The Special Rapporteur recommended that businesses consider the overarching principles of the right to development, including self-determination, while contributing to the realization of the right to development (*ibid.*, para. 92 (b)). The Special Rapporteur reiterated the importance of overarching principles in his report to the Human Rights Council at its fifty-fourth session ([A/HRC/54/27](#), paras. 10 and 11).

36. In his report to the General Assembly at its seventy-eighth session, the Special Rapporteur on the rights of Indigenous Peoples considered the implications of community-based sustainable tourism on the rights of Indigenous Peoples (see [A/78/162](#)). The Special Rapporteur initially noted that the role of Indigenous Peoples in sustainable tourism development must be understood and addressed within the context of the international human rights framework on the rights of Indigenous Peoples (*ibid.*, para. 7). The Special Rapporteur recalled that, as an expression of their right to self-determination, Indigenous Peoples had the right to the dignity and diversity of their cultures, traditions, histories and aspirations, and the right to protect their cultural heritage, knowledge and cultural expressions (*ibid.*, para. 9). Outlining the impact of tourism on Indigenous Peoples’ rights to, *inter alia*, self-determination and participation, the Special Rapporteur cited several country examples (*ibid.*, paras. 27–32). He underlined that, in all cases, respect and promotion of Indigenous Peoples’ rights to participation and self-determination, including consent, was of paramount importance where there was development of tourism activities on or near their lands (*ibid.*, para. 27). Ultimately, to further advance Indigenous Peoples’ self-determined development through tourism, the Special Rapporteur noted that several barriers must be addressed, including challenges in accessing funding, a lack of infrastructure to implement tourism projects, particularly for communities located in rural and remote areas, insufficient marketing activities and investments to promote

public awareness about Indigenous-led tourism, and lastly, fear of possible exploitation of their lands (*ibid.*, paras. 56–58). The Special Rapporteur concluded that Indigenous-led tourism and a human rights-based approach to tourism could represent an opportunity for Indigenous Peoples to strengthen their rights to autonomy, lands, territories and resources, self-development, social and economic empowerment, and protection of natural and cultural heritage, knowledge and skills (*ibid.*, paras. 82–86).

37. In his report to the Human Rights Council at its fifty-fourth session, the Special Rapporteur on the rights of Indigenous Peoples focused on the impact of green finance on Indigenous Peoples and addressed the social and environmental safeguards needed to protect their rights (see [A/HRC/54/31](#)). As many green projects were likely to occur on or near Indigenous lands and territories, the Special Rapporteur underlined the centrality of a human rights-based approach that acknowledged the collective rights of Indigenous Peoples to land and their right to self-determination, which were also instrumental for the conservation of biodiversity and climate change adaptation (*ibid.*, paras. 7, 8 and 70). The Special Rapporteur noted that direct funding to Indigenous Peoples was critical to ensuring a just transition to a green economy that supported Indigenous Peoples' self-determined climate and biodiversity actions (*ibid.*, para. 63). The Special Rapporteur added that funding practices and grant design needed to be modified to enable Indigenous Peoples to access, manage and benefit from funds more easily and quickly. The Special Rapporteur also received practical suggestions, including that terms of funding needed to recognize Indigenous Peoples' self-determination over their lands, territories and resources (*ibid.*, paras. 66 and 69). The Special Rapporteur recommended that States acknowledge and respect the rights of Indigenous Peoples, including the right to self-determination, lands, territories and resources, as well as the right to free, prior and informed consent in green finance decision-making processes that affect their lands and communities (*ibid.*, para. 77 (b)). The Special Rapporteur also recommended that donors, investors and funders (including international development finance institutions and intergovernmental organizations) ensure a direct financial flow to Indigenous Peoples by creating or redesigning flexible financing mechanisms that simplified application procedures and reporting requirements for Indigenous-led green finance initiatives and projects. Such financing mechanisms should, *inter alia*, respond to the needs and priorities for funding of Indigenous Peoples, including with regard to their self-determination, land tenure and their sense of responsibility for future generations (*ibid.*, para. 78 (h)).

38. In his report to the Human Rights Council at its fifty-fifth 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, elaborated on the current state of crisis with respect to resettlement of persons following evictions and displacement, which negatively affected the right to adequate housing and other human rights (see [A/HRC/55/53](#)). Examining the impact of resettlement on human rights, the Special Rapporteur noted that many human rights had been violated in the context of projects involving resettlement, including the right to self-determination (*ibid.*, para. 35). The Special Rapporteur also noted the importance of inclusive and participatory resettlement procedures, which facilitated political participation and self-determination, the exercise of voting rights, participation in civil society and investment in communities, which were often absent when resettlement was involuntary or poorly executed (*ibid.*, para. 39).

39. In her report to the Human Rights Council at its fifty-third session, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 shed light on concerns related to the widespread and systematic arbitrary deprivation of liberty in the occupied Palestinian territory (see [A/HRC/53/59](#)). The Special Rapporteur noted that criminalization and incarceration stripped Palestinians

of their rights to move freely, work, gather peacefully, express their identity, culture and opinions, pursue their education and live their economic, social and political life. The Special Rapporteur also noted that the Palestinian people's right to self-determination that those restrictions ultimately targeted appeared to be the ultimate "threat" to be suppressed (*ibid.*, para. 37). The Special Rapporteur further noted that, under the Charter and international law, particularly concerning State responsibility, third States had a duty not to contribute to or condone the settler-colonial apartheid imposed by Israel, which criminalized Palestinians for (re)claiming or refusing to forsake their collective right to exist as a people, and to act to realize all conditions that would allow the Palestinian people to realize their rights, including their inalienable right to self-determination (*ibid.*, para. 98). The Special Rapporteur also referenced the right of Palestinian people to self-determination in her report to the General Assembly at its seventy-eighth session on the rights of Palestinian children ([A/78/545](#)) as well as in her report to the Council at its fifty-fifth session ([A/HRC/55/73](#)).

40. In her report to the Human Rights Council at its fifty-fifth session, the Special Rapporteur in the field of cultural rights emphasized the importance of an inclusive approach to the right to science (see [A/HRC/55/44](#)). Within the context of the discussion of the importance of the principle of participation for all, including in cultural life, the Special Rapporteur noted that Indigenous Peoples had the right to participate fully, if they so choose, in the cultural and public life of the wider society and to maintain, protect and develop all manifestations of their cultures, including their sciences, technologies and traditional knowledge, on the basis of their right to self-determination. She added that they must be guaranteed free, prior and informed consent in any projects and decision-making that affected them (*ibid.*, para. 11). The Special Rapporteur explained that Indigenous Peoples typically advocated the recognition of Indigenous sciences as either sciences or as knowledge systems, and that the Indigenous Peoples in question chose which of these concepts to use as part of their recognized right to self-determination (*ibid.*, para. 27). She further raised a caveat related to the right of Indigenous Peoples, deriving from their right to self-determination and the recognition of historical injustices committed against them, to decide on the level to which they opened up their traditional knowledge to the world (*ibid.*, para. 58). In addition, while highlighting the importance of recognizing the collective element of the right to participate in science, the Special Rapporteur distinguished the collective dimension from the collective right to participate in science that Indigenous Peoples must enjoy as part of their right to self-determination, with full respect for their right to free, prior and informed consent (*ibid.*, paras. 41 and 42).

41. In his report to the Human Rights Council at its fifty-fifth session, the Special Rapporteur on the right to food provided a framework for the advancement of the rights of small-scale fishers, fish workers and Indigenous Peoples and a guide for States to ensure that the world's aquatic ecosystems were biodiverse and safe and that States fulfilled human rights obligations despite climate change challenges (see [A/HRC/55/49](#)). The Special Rapporteur highlighted that at stake for Indigenous Peoples facing the commodification and overexploitation of aquatic resources was their inherent right to self-determination. As such, Indigenous Peoples were entitled to control and govern their coastal and riparian ecosystems through their own tenure systems. In turn, States must protect and respect Indigenous tenure (*ibid.*, para. 22). In addition, the Special Rapporteur noted that States were obliged to fully realize Indigenous Peoples' right to free, prior and informed consent (*ibid.*, para. 23). The Special Rapporteur recommended that States should, *inter alia*, ensure that Indigenous Peoples were consulted and empowered to participate in decision-making processes that may affect them concerning policies on fishing activities; States should also

respect the rights of Indigenous Peoples to self-determination and free, prior and informed consent (paras. 94 (b) and 96 (b)).

42. The Expert Mechanism on the Rights of Indigenous Peoples submitted to the Human Rights Council a study on the impact of militarization on the rights of Indigenous Peoples (see [A/HRC/54/52](#)). The Expert Mechanism highlighted that militarization of Indigenous lands was often justified by national security or counter-insurgency operations; Indigenous Peoples' right to self-determination was often perceived as a threat to the national security and territorial integrity of the State and as being against national developmental interests, rather than as a potential means of ensuring rights (*ibid.*, para. 18). In some jurisdictions, Indigenous Peoples regarded the military as violently suppressing their movements for self-determination and autonomy (*ibid.*, para. 24).

43. The Expert Mechanism on the Rights of Indigenous Peoples submitted to the Human Rights Council a report in which it examined good practices and lessons learned regarding efforts to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples, focusing on establishing effective mechanisms at the national and regional levels for the implementation of the Declaration (see [A/HRC/EMRIP/2023/3](#)). The Expert Mechanism recalled the language of article 3 of the Declaration, according to which Indigenous Peoples had the right to self-determination, and observed that without the right to self-determination, none of the other rights of Indigenous Peoples could be wholly realized (*ibid.*, para. 9). Within the discussion of the role of regional bodies in monitoring the implementation of the Declaration, including article 3, the Expert Mechanism pointed to the work of the inter-American human rights system in monitoring and enforcing the rights of Indigenous Peoples in accordance with the Declaration, including the right to self-determination (*ibid.*, paras. 19–22). In addition, the Expert Mechanism discussed the role of disaggregated data and national statistical bodies in monitoring the implementation of the Declaration, noting that the development of disaggregated statistical indicators relevant to Indigenous Peoples and the monitoring of such indicators through the collection and analysis of pertinent data were useful in measuring progress in the implementation of the Declaration (*ibid.*, para. 43). The Mechanism further noted that the inherent right of Indigenous Peoples to self-determination supported the concept of Indigenous data sovereignty, or the right of Indigenous Peoples to own, control, access and possess data that related to them, such as Nation membership, knowledge systems, customs and territories, which had already been claimed by First Nations in Canada (*ibid.*, paras. 41 and 45). The Expert Mechanism also discussed the importance of involving Indigenous Peoples in monitoring of the Declaration (*ibid.*, para. 65), noting good practices and examples of self-determination in Greenland and the United States of America (*ibid.*, paras. 67 and 68). The Expert Mechanism ultimately recommended that the creation of a distinct body or mechanism at the national level explicitly addressing the interrelated human rights of Indigenous Peoples was not only critical in and of itself but was also instrumental to the fulfilment of individual and collective rights, including the right to self-determination, cultural rights and the right to land, territories and resources (*ibid.*, para. 78). It also recommended that Indigenous data sovereignty was crucial for Indigenous Peoples to exercise their rights to self-determination, autonomy and self-government in internal and local affairs, and their rights to participate in decision-making and to protect their cultures (*ibid.*, para. 84).

44. In its second report to the General Assembly, the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel noted that Palestinians living in occupied territory since 1967 had legitimately asserted their right to self-determination in various ways, including through demonstrations ([A/78/198](#), para. 12). The Commission ultimately found that

the increasingly militarized law enforcement operations of Israel and repeated attacks by Israel on Gaza were aimed at maintaining its unlawful 56-year occupation and served (or were used) to weaken opposition to the occupation, thus denying Palestinian self-determination and ultimately preventing the establishment of a free Palestinian State (*ibid.*, para. 65). The Commission noted that the prolonged occupation by Israel of the Palestinian territory had given rise to protests in which Palestinians had asserted their right to self-determination throughout the West Bank, including East Jerusalem, and Gaza. The Commission had reviewed extensive information on actions undertaken to suppress demonstrations and concluded that the force used against Palestinian demonstrators as a crowd control measure was regularly excessive and was neither strictly necessary nor proportionate (*ibid.*, para. 66). The Commission emphasized that Israel, as the occupying Power, was bound by international law to protect the population under its occupation and stated that Israeli authorities must end the occupation immediately, unconditionally and totally and cease preventing the Palestinian people from exercising its right to self-determination (*ibid.*, para. 69). The Commission recommended that the Government of Israel, *inter alia*, recognize and respect the Palestinian people's right to self-determination (*ibid.*, para. 78 (a)).

## VII. Human rights treaty bodies

45. In its concluding observations on the combined twenty-first to twenty-fourth periodic reports of the Plurinational State of Bolivia, the Committee on the Elimination of Racial Discrimination expressed concern about reports that Indigenous and original communities were facing obstacles to obtaining autonomous status, and the slowness of related proceedings. The Committee also expressed concern about reports that the State party's institutional framework was ill-suited to granting autonomous status to Indigenous, original and campesino communities, which had an impact on self-governance decisions and on the provision of resources by the central Government ([CERD/C/BOL/CO/21-24](#), para. 35). The Committee recommended that the Plurinational State of Bolivia take all measures necessary to facilitate the attainment of autonomous status for Indigenous communities, including by adapting the State's institutional and administrative framework to guarantee, in practice, the rights to self-determination and self-governance of Indigenous communities, and ensure the allocation of sufficient financial, human and technical resources to that end (*ibid.*, para. 36).

46. In its concluding observations on the combined nineteenth to twenty-first periodic reports of Morocco, the Committee on the Elimination of Racial Discrimination, while taking note of the Moroccan initiative for negotiating an autonomy status for the Sahara region, regretted the lack of a solution to the question of the exercise of the right to self-determination of the people of Western Sahara ([CERD/C/MAR/CO/19-21](#), para. 19). It also expressed concern about allegations that Saharan activists, human rights defenders, student movements and organizations defending the right to self-determination of the people of Western Sahara and the Saharan identity were the target of intimidation and surveillance, were subject to frequent checks by the law enforcement authorities and faced barriers to registering and holding meetings. The Committee was further concerned about reports that the authorities of the State party had prevented and repressed gatherings in support of the right to self-determination and Saharan celebrations, to the detriment of the exercise of the right of Saharans to freedom of expression, association and assembly (*ibid.*). The Committee, aligning itself with prior recommendations of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, called on the State party to redouble its efforts to ensure that the people of Western Sahara were

able to fully realize their right to self-determination, in accordance with international law (*ibid.*, para. 20).

47. In its concluding observations on the combined twenty-fourth to twenty-sixth periodic reports of Uruguay, the Committee on the Elimination of Racial Discrimination expressed concern about reference to Indigenous Peoples as a “non-visible minority”, which was not conducive to the recognition of those Peoples and violated the International Convention on the Elimination of All Forms of Racial Discrimination and the United Nations Declaration on the Rights of Indigenous Peoples, particularly their rights to self-determination and to determine their own identity or membership in accordance with their customs and traditions ([CERD/C/URY/CO/24-26](#), para. 29).

## VIII. Conclusions

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

49. 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, continued to discuss and adopt resolutions that referred to that right. Several special procedure mandate holders of the Human Rights Council, as well as the Expert Mechanism on the Rights of Indigenous Peoples and the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, also discussed the implementation of the right of peoples to self-determination in relation to human rights challenges concerning, *inter alia*, Indigenous Peoples, the Palestinian people, the right to food, cultural rights and sustainable development.

50. The International Court of Justice rendered its advisory opinion on *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, in which the issue of the right to self-determination of the Palestinian people was addressed.

51. The Committee on the Elimination of Racial Discrimination addressed the right of peoples to self-determination through concluding observations on periodic reports submitted by States.

52. The continued attention to and affirmation of 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.