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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 [74/140](#), in which the General Assembly requested the Secretary-General to submit to it at its seventy-fifth 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/74/309](#)), demonstrating the engagement of the United Nations system in the realization of the right of peoples to self-determination.

* [A/75/150](#).

** The present report was submitted after the deadline in order to reflect recent developments.



I. Introduction

1. The present report is submitted pursuant to General Assembly resolution [74/140](#), in which the General Assembly requested the Secretary-General to submit to it at its seventy-fifth session a report on the universal realization of the right of peoples to self-determination.
2. The report provides a summary of the main developments relating to the realization of the right of all peoples to self-determination within the framework of the activities of the main organs of the United Nations since the submission of the previous report ([A/74/309](#)).
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 the Council by special procedure mandate holders and the Expert Mechanism on the Rights of Indigenous Peoples.
4. In addition, it includes reference to concluding observations issued by the Committee on Economic, Social and Cultural Rights on the Committee's consideration of periodic reports submitted by States parties in respect of the implementation of the right of all peoples to self-determination, as enshrined in article 1 of the International Covenant on Economic, Social and Cultural Rights.

II. Security Council

5. In accordance with Security Council resolution [2468 \(2019\)](#), the Secretary-General submitted to the Security Council a report on the situation concerning Western Sahara ([S/2019/787](#)). The report covered developments since the previous report ([S/2019/282](#)) and described the situation on the ground, the status and progress of the political negotiations on Western Sahara, the implementation of Council resolution [2468 \(2019\)](#), as well as the existing challenges to the operations of the United Nations Mission for the Referendum in Western Sahara (MINURSO) and the steps taken to address them. The Secretary-General noted that, during the reporting period, the Office of the United Nations High Commissioner for Human Rights (OHCHR) continued to receive reports of harassment and arbitrary arrests of journalists, lawyers, bloggers and human rights defenders covering human rights violations in the territory. OHCHR also received information on the reported forced displacement of human rights activists from their places of residence and the use of excessive force to disperse peaceful demonstrations in the Territory. Torture and ill-treatment of Sahrawi prisoners in Morocco also continued to be reported. The Secretary-General noted 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 \(2018\)](#) and [2468 \(2019\)](#) would require strong political will from the parties and from the international community (*ibid.*, para. 77). The Secretary-General also underscored that MINURSO continued to play a valuable role in monitoring and reporting on the implementation of the military agreements and in engaging with the parties to prevent or reduce tensions. That role remained crucial to sustaining a conducive environment for the success of the political process (*ibid.*, para. 79). Having considered the report of the Secretary-General, the Security Council adopted resolution [2494 \(2019\)](#), in 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 that 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

6. During the reporting period, in addition to its resolution [74/140](#) 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 [74/94](#), [74/95](#), [74/97](#), [74/98](#), [74/99](#), [74/100](#), [74/101](#), [74/102](#), [74/103](#), [74/104](#), [74/105](#), [74/106](#), [74/107](#), [74/108](#), [74/109](#), [74/110](#) and [74/111](#)), the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (resolution [74/138](#)), and the right of the Palestinian people to self-determination (resolutions [74/10](#), [74/11](#), [74/13](#), [74/87](#), [74/89](#), [74/139](#) and [74/243](#)), and decolonization (resolutions [74/112](#), [74/113](#)). In addition, the General Assembly adopted other resolutions that referred to the right of peoples to self-determination (resolutions [74/4](#), [74/77](#), [74/150](#), [74/151](#) and [74/154](#)).

A. Non-Self-Governing Territories

7. In its resolution [74/94](#), the General Assembly reaffirmed the right of the peoples of the Non-Self-Governing Territories to self-determination as well as their right to the enjoyment of their natural resources and their right to dispose of those resources in their best interest (para. 1). It reaffirmed the responsibility of the administering Powers under the Charter to promote the political, economic, social and educational advancement of the Non-Self-Governing Territories and also reaffirmed the legitimate rights of their peoples over their natural resources (para. 3). The Assembly invited all Governments and organizations of the United Nations system to take all possible measures to ensure that the permanent sovereignty of the peoples of the Non-Self-Governing Territories over their natural resources was fully respected and safeguarded in accordance with the relevant resolutions of the United Nations on decolonization (para. 8). It urged the administering Powers concerned to take effective measures to safeguard and guarantee the inalienable right of the peoples of the Non-Self-Governing Territories to their natural resources and to establish and maintain control over the future development of those resources, and requested the administering Powers to take all steps necessary to protect the property rights of the peoples of those Territories in accordance with the relevant resolutions of the United Nations on decolonization (para. 9).

8. In its resolution [74/95](#), the General Assembly, *inter alia*, reaffirmed that the recognition by the General Assembly, the Security Council and other United Nations organs of the legitimacy of the aspirations of the peoples of the Non-Self-Governing Territories to exercise their right to self-determination entailed, as a corollary, the extension of all appropriate assistance to those peoples (para. 4). In its resolution [74/96](#), the Assembly invited all States to make, or continue to make, generous offers of study and training facilities to the inhabitants of those Territories that had not yet attained self-government or independence and, wherever possible, to provide travel funds to prospective students (para. 3).

9. In its resolution [74/112](#), the General Assembly considered it important to continue and expand its efforts to ensure the widest possible dissemination of information on decolonization, with particular emphasis on the options for self-determination available for the peoples of Non-Self-Governing Territories, and to that end requested the Department of Global Communications, through the United Nations information centres in the relevant regions, to actively engage and seek new and innovative ways to disseminate material to the Non-Self-Governing Territories (para. 2).

10. In its resolution [74/113](#), the General Assembly called upon the administering Powers to take all steps necessary to enable the peoples of the Non-Self-Governing Territories to exercise fully as soon as possible their right to self-determination, including independence, on a case-by-case basis (para. 1). It affirmed its support for the aspirations of the peoples under colonial rule to exercise their right to self-determination, including independence (para. 4) and requested the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to recommend to the General Assembly, as appropriate, the most suitable steps to be taken to enable the populations of those Territories to exercise their right to self-determination, including independence (para. 8 (c)).

11. In its resolution [74/97](#) on the question of Western Sahara, the General Assembly expressed support for the process of negotiations initiated by the Security Council, with a view to achieving a just, lasting and mutually acceptable political solution, which 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).

12. In its resolution [74/98](#) on the question of American Samoa, the General Assembly reaffirmed the inalienable right of the people of American Samoa to self-determination, and also reaffirmed that it was ultimately for the people of American Samoa to determine freely their future political status. In 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. 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.

13. In its resolution [74/99](#) on the question of Anguilla, the General Assembly reaffirmed the inalienable right of the people of Anguilla to self-determination and also reaffirmed that it was ultimately for the people of Anguilla to determine freely their future political status. In 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.

14. In its resolution [74/100](#) on the question of Bermuda, the General Assembly reaffirmed the inalienable right of the people of Bermuda to self-determination, and also reaffirmed that it was ultimately for the people of Bermuda to determine freely their future political status. 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.

15. In its resolution [74/101](#) 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 and also reaffirmed that it was ultimately for the people of the British Virgin Islands to determine freely their future political status. 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.

16. In its resolution [74/102](#) on the question of the Cayman Islands, the General Assembly reaffirmed the inalienable right of the people of the Cayman Islands to self-determination, and also reaffirmed that it was ultimately for the people of the Cayman Islands to determine freely their future political status. 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.

17. In its resolution [74/103](#) on the question of French Polynesia, the General Assembly reaffirmed the inalienable right of the people of French Polynesia to self-determination, and also reaffirmed that it was ultimately for the people of French Polynesia to determine freely their future political status. 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) and 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).

18. In its resolution [74/104](#) on the question of Guam, the General Assembly reaffirmed the inalienable right of the people of Guam to self-determination, and also reaffirmed that it was ultimately for the people of Guam to determine freely their future political status. 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. It called once again on 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.

19. In its resolution [74/105](#) on the question of Montserrat, the General Assembly reaffirmed the inalienable right of the people of Montserrat to self-determination, and also reaffirmed that it was ultimately for the people of Montserrat to determine freely their future political status. 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.

20. In its resolution [74/106](#) on the question of New Caledonia, the General Assembly reaffirmed that it was ultimately for the people of New Caledonia to determine freely and fairly their future political status, and in that connection called upon the administering Power, in cooperation with the territorial Government and appropriate bodies of the United Nations system, to develop political education programmes for the Territory in order to foster an awareness among the people of their right to self-determination in conformity with the legitimate political status

options. The Assembly welcomed the peaceful conduct of a self-determination referendum on 4 November 2018 and took note of its outcome, reflecting 56.67 per cent against full sovereignty and independence and 43.33 per cent in favour and the provisions of the Nouméa Accord with regard to additional referendums on self-determination (para. 6). 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. 7). 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. 11). 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. 14).

21. In its resolution [74/107](#) on the question of Pitcairn, the General Assembly reaffirmed the inalienable right of the people of Pitcairn to self-determination, and also reaffirmed that it was ultimately for the people of Pitcairn to determine freely their future political status. 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. 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.

22. In its resolution [74/108](#) on the question of Saint Helena, the General Assembly reaffirmed the inalienable right of the people of Saint Helena to self-determination, and also reaffirmed that it was ultimately for the people of Saint Helena to determine freely their future political status. 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.

23. In its resolution [74/109](#) 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. 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.

24. In its resolution [74/110](#) 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, and also reaffirmed that it was ultimately for the people of the Turks and Caicos Islands to determine freely their future political status. 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.

25. In its resolution [74/111](#) 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, and also reaffirmed that it was ultimately for the people of the United States Virgin Islands to determine freely their future political status. 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. 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

26. In its resolution [74/138](#) 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. The Assembly condemned recent mercenary activities in developing countries in various parts of the world, in particular in areas of conflict, and the threat they posed to the integrity of and respect for the constitutional order of those countries and the exercise of the right of their peoples to self-determination (para. 10). It also 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. 17). In addition, it requested the Office of the United Nations High Commissioner for Human Rights, 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. 18).

C. Right of the Palestinian people to self-determination

27. In its resolution [74/139](#), the General Assembly reaffirmed the right of the Palestinian people to self-determination, including the right to their independent State of Palestine (para. 1). It also urged all States and the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in the early realization of their right to self-determination (para. 2). The Assembly also referred to the realization of the Palestinian people's human rights, including the right to self-determination, in its resolutions [74/11](#), [74/87](#)¹ and [74/89](#).

¹ See also [A/74/356](#), para. 90 (e).

28. In its resolution [74/10](#), the General Assembly, having considered the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People ([A/74/35](#)), requested the Committee, inter alia, to continue to exert all efforts to promote the realization of the inalienable rights of the Palestinian people, including their right to self-determination (para. 2). The Assembly invited all Governments and organizations to extend their cooperation and support to the Committee in the performance of its tasks, recalling its repeated call for all States and the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in the early realization of their right to self-determination, including the right to their independent State of Palestine (para. 8).

29. In its resolution [74/243](#), 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

30. In its resolution [74/4](#), the General Assembly endorsed the political declaration adopted by the high-level political forum on sustainable development convened under the Assembly's auspices, where Heads of State and Government and high representatives committed to finding peaceful and just solutions to disputes and to respecting international law and the purposes and principles of the Charter of the United Nations, including the right to self-determination of peoples and the need to respect territorial integrity and political independence of States (para. 27 (g)).

31. In its resolution [74/77](#), the General Assembly expressed its satisfaction at the continuing efforts by Mediterranean countries to contribute actively to the elimination of all causes of tension in the region and to the promotion of just and lasting solutions to the persistent problems of the region through peaceful means, thus ensuring the withdrawal of foreign forces of occupation and respecting the sovereignty, independence and territorial integrity of all countries of the Mediterranean and the right of peoples to self-determination (para. 2).

32. In its resolution [74/150](#), the General Assembly affirmed that a democratic and equitable international order required, inter alia, the realization of the right of all peoples to self-determination, by virtue of which they can freely determine their political status and freely pursue their economic, social and cultural development (para. 6 (a)).

33. In its resolution [74/151](#), the General Assembly reiterated that, by virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, all peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development, and that every State has the duty to respect that right within the provisions of the Charter, including respect for territorial integrity (para. 2). Similarly, in its resolution [74/154](#), the General Assembly reaffirmed, in the context of unilateral coercive measures, the right of all peoples to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development (para. 10).

IV. Economic and Social Council

34. In its resolution [2019/27](#), the Economic and Social Council recommended and requested a number of measures that specialized agencies and other organizations of the United Nations system should adopt in support of Non-Self-Governing Territories.

The Council reaffirmed that the recognition by the General Assembly, the Security Council and other United Nations organs of the legitimacy of the aspirations of the peoples of the Non-Self-Governing Territories to exercise their right to self-determination entailed, as a corollary, the extension of all appropriate assistance to those peoples, on a case-by-case basis.

V. Human Rights Council

A. Resolutions

35. At its forty-first session, the Human Rights Council adopted its resolution [41/21](#) on human rights and climate change. In the resolution, the Council emphasized that the adverse effects of climate change have a range of implications, which can increase with greater global warming, both direct and indirect, for the effective enjoyment of human rights, including for the right to self-determination.

36. At its forty-second session, the Human Rights Council adopted resolution [42/8](#) on the promotion of a democratic and equitable international order. In the resolution, the Council reaffirmed that a democratic and equitable international order requires, inter alia, the realization of the right of all peoples to self-determination, by virtue of which they can freely determine their political status and pursue freely their economic, social and cultural development, in accordance with the Charter of the United Nations and relevant resolutions of the United Nations.

37. The Human Rights Council also adopted resolution [42/9](#) on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination. In the resolution, the Council condemned mercenary activities in developing countries in various parts of the world, in particular in areas of conflict, and the threat those activities pose to the integrity of and respect for the constitutional order of countries and to the exercise of the right to self-determination of their peoples (para. 9). It urged 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, as well as 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 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). The Human Rights Council renewed for a period of three years the mandate of 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, and requested it, inter alia, 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 (paras. 18 and 19).

38. At its forty-third session, the Human Rights Council, in its resolution [43/15](#) on the negative impact of unilateral coercive measures on the enjoyment of human rights, reaffirmed the right of all peoples to self-determination by virtue of which they freely determine their political status and freely pursue their own economic, social and cultural development.

39. The Human Rights Council also addressed the question of the realization of the right of the Palestinian people to self-determination in its resolutions [43/31](#), [43/32](#) and [43/33](#). In its resolution [43/33](#), 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 43/32, the Council demanded that the occupying Power withdraw from the Palestinian territory occupied since 1967, including East Jerusalem, so as to enable the Palestinian people to exercise its universally recognized right to self-determination (para. 1). In its resolution 43/31, 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. 8 (b)).

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

40. In her report to the General Assembly at its seventy-fourth session (A/74/149), the Special Rapporteur of the Human Rights Council on the rights of indigenous peoples discussed the right of indigenous peoples to autonomy or self-government as an exercise of their right to self-determination, with a focus on identifying positive elements in existing arrangements, as well as limitations and challenges, and provided recommendations on ways to move forward in the adequate implementation of that right. The Special Rapporteur reiterated that the right to self-determination of indigenous peoples is, fundamentally, a human right whose realization is indispensable for indigenous peoples to enjoy all the collective and individual human rights pertaining to them. She reported that the right has an external and an internal dimension, expressed through the exercise of control over their lives and through the participation in all decision-making that may affect them, in accordance with their own cultural patterns and structures of authority (*ibid.*, para. 15). The Special Rapporteur stated that the right of indigenous peoples to self-determination can be realized through autonomy or self-government and that the recognition and implementation of the right entail obligations for States, including the adequate incorporation of the right into national law, as well as the assumption of responsibilities by indigenous peoples themselves (*ibid.*, para. 16). She stressed that the adequate implementation of the right implies changes in the general governance of States, which will have a constructive impact on human rights compliance, the remedying of discrimination and inequality, the building of more democratic and inclusive societies and the enhancement of the legitimacy of the State itself (*ibid.*, para. 17). The Special Rapporteur recommended that States should enshrine the right of indigenous peoples to self-determination and the related right to autonomy or self-government in their national legal systems, including in their national constitutions (*ibid.*, para. 81 (a)).

41. In her report to the Council at its forty-second session (A/HRC/42/37), the Special Rapporteur on the rights of indigenous peoples provided a thematic study on the rights of indigenous peoples and justice. She noted, *inter alia*, that the ability of indigenous peoples to continue and strengthen their own systems of administration of justice is an integral component of their rights to self-governance, self-determination and access to justice under international human rights instruments (para. 13). The Special Rapporteur further noted that when looking at the experience of indigenous peoples in the ordinary justice system, the question of whether indigenous peoples are legally recognized in their country and therefore recognized as having specific and

collective rights inherent in their link to traditional lands and natural resources and their right to self-determination must be considered (*ibid.*, para. 29). She also noted that indigenous justice systems are integral to the internationally recognized rights of indigenous peoples to self-determination and to their own culture (*ibid.*, para. 50).

42. In his report to the Human Rights Council at its forty-second session ([A/HRC/42/48](#)), the Independent Expert on the promotion of a democratic and equitable international order, in the section on structural and practical obstacles to access, inclusivity and the ability to influence the decision-making processes of global governance spaces, discussed the issue of participation of indigenous peoples. He referred, *inter alia*, to a representative of an international non-governmental organization who stressed, during a consultation convened in preparation of the report, that what was needed was the sustainable involvement of indigenous peoples in decision-making processes, in the exercise of their right to free, prior and informed consent and their right to self-determination (*ibid.*, para. 58).

43. In its report to the General Assembly at its seventy-fourth session ([A/74/244](#)), the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination highlighted gender considerations related to private military and security companies, to unpack associated gendered human rights risks and impacts and identify key gender considerations for those affected, particularly employees of such companies and communities in places where they operate; examined the gendered aspects of the privatization of security; and highlighted allegations of gender-based human rights abuses by personnel of private military and security companies. The Working Group recalled that States remain accountable for the impacts of private military and security companies on the human rights, well-being and self-determination of individuals and communities (*ibid.*, para. 11) and made recommendations directed at States, private military and security companies and their clients.

44. In its report to the Human Rights Council at its forty-second session ([A/HRC/42/42](#)), 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 focused on the relationship between private military and security companies and the extractive industry from a human rights perspective. The Working Group reported that by its very nature, the extraction of natural resources touches upon core elements of the right of peoples to self-determination (*ibid.*, para. 36). It reported that in situations where extractive companies fail to respect the right of peoples to self-determination, such companies may be considered to be complicit in those abuses (*ibid.*, para. 55). The Working Group called on States to fulfil their international human rights obligations by making prompt efforts to address human rights concerns arising from the relationship between the extractive industry and private security; and called on companies in the extractive sector to insist that private military and security companies deliver services respectful of human rights of all stakeholders affected by extractive operations, and not commit human rights abuses or facilitate human rights abuses and violations by others (*ibid.*, para. 64).

45. In his report to the General Assembly at its seventy-fourth session ([A/74/507](#)), the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 addressed a number of concerns pertaining to the situation of human rights in the West Bank, including East Jerusalem, and in Gaza. The Special Rapporteur noted that, according to the substantive commentary of the articles on responsibility of States for internationally wrongful acts issued by the United Nations, peremptory norms of law (*jus cogens* norms) would include respect for the right to self-determination (*ibid.*, para. 45). He noted that, according to the articles, States are prohibited from offering recognition to a transgressing State that would allow it to acquire, *inter alia*, legal acceptance of its denial of self-determination through its sustained defiance and the

passage of time (*ibid.*, para. 48). The Special Rapporteur recommended that the Government of Israel fully comply with its obligations under international law and that it should completely end its 52 years of occupation within a reasonable time period and enable the realization of Palestinian self-determination (*ibid.*, para. 79).

46. In his report to the General Assembly at its seventy-fourth session (A/74/163), the Special Rapporteur on the right to development stated that disasters and extreme weather events directly and indirectly affect the enjoyment of a range of human rights, including, *inter alia*, self-determination (para. 6). Furthermore, in his report to the Human Rights Council at its forty-second session (A/HRC/42/38), the Special Rapporteur stated that States should respect the right of indigenous peoples to self-determination to fulfil the right to development and that indigenous peoples should be empowered to develop their own development priorities and provide their free, prior and informed consent as guaranteed by the United Nations Declaration on the Rights of Indigenous Peoples and the Indigenous and Tribal Peoples Convention, 1989 (No. 169), of the International Labour Organization (*ibid.*, para. 37).

47. In her report to the Human Rights Council at its forty-third session (A/HRC/43/50), the Special Rapporteur in the field of cultural rights noted that cultural rights are essential to the struggles of indigenous peoples for human rights, including the right to self-determination (para. 16).

48. In his report to the General Assembly at its seventy-fourth session (A/74/161), the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment stated that climate change is having a major impact on a wide range of human rights, including the right to self-determination, and could have a cataclysmic impact in the future unless ambitious actions are undertaken immediately (para. 26).

49. In her report to the General Assembly at its seventy-fourth session (A/74/183), 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 noted that the right to housing of indigenous peoples – properly understood – was an important but often neglected aspect of the right to self-determination and of the pursuit of economic, social and cultural development (para. 10). The Special Rapporteur also noted that under the Paris Agreement, States parties must respect, promote and consider the rights of indigenous peoples when taking action to address climate change. She noted, however, that in her experience, in the application of the Paris Agreement, little consideration was given to the human rights of indigenous peoples, in particular to their rights to self-determination and to live in dignity and security (*ibid.*, para. 44). The Special Rapporteur reported that, in order for housing laws and policies to be non-discriminatory, a new approach must be adopted by States that is based on a full understanding of the right of indigenous peoples to self-determination and their right to freely pursue their economic, social and cultural development (*ibid.*, para. 58). She further noted that, in keeping with the right to self-determination, autonomy and self-governance, indigenous peoples, their representatives and their institutions should have access to adequate financial resources to implement the right to housing and should be accorded the right to make their own decisions as to how those resources are spent (*ibid.*, para. 64). She observed in addition that the right to housing may strengthen claims affirming, for example, the rights to land and self-determination, because it is a legally binding right that is set out in a number of treaties ratified by States, and that invoking the right to housing allowed claimants to draw on a rich body of jurisprudence that could support claims to land and self-determination under the United Nations Declaration on the Rights of Indigenous Peoples (*ibid.*, para. 70).

50. The Expert Mechanism on the Rights of Indigenous Peoples produced a study on indigenous peoples' rights in the context of borders, migration and displacement

([A/HRC/42/56](#) and [A/HRC/EMRIP/2019/2/Rev.1](#)) and submitted it to the Human Rights Council at its forty-second session. The Expert Mechanism noted that the right to self-determination is recognized as a foundational right upon which all other rights of indigenous peoples are dependent, and that it relates to indigenous peoples' right to control their own destinies, to live within and participate equally in the constitution and development of "governing institutional orders" (*ibid.*, para. 10). It also noted that the uprooting of indigenous peoples from their land and the consequent loss of indigenous knowledge, the deep spiritual connection that they have with the land and their livelihoods, languages and cultures, *inter alia*, weakens indigenous peoples' systems of self-governance and their right to self-determination and to practise their culture and language in community with other members of their group (*ibid.*, para. 45). The Expert Mechanism encouraged States to eliminate challenges and obstacles to self-government and self-determination created by internal State boundaries (*ibid.*, annex, para. 20) and noted that States should pursue policies that promote the self-determination of indigenous peoples, avoid assimilationist policies and have an intercultural focus, to ensure that those who have migrated can maintain a link to their indigenous culture and identity (*ibid.*, annex, para. 11).

51. The Expert Mechanism on the Rights of Indigenous Peoples also produced a study on efforts to implement the United Nations Declaration on the Rights of Indigenous Peoples that focused on recognition, reparation and reconciliation initiatives undertaken since the adoption of the Declaration in 2007 ([A/HRC/42/57](#) and [A/HRC/EMRIP/2019/3/Rev.1](#)) and submitted it to the Human Rights Council at its forty-second session. The Expert Mechanism noted that current obstacles to the implementation of the Declaration were often related to the absence or denial or processes of recognition, reparation and reconciliation, and that, in some places, such a lack continued to justify violence against indigenous peoples and crucially, the denial of, *inter alia*, their self-determination (para. 6). The Expert Mechanism also noted that recognition of indigenous peoples as such was critical in and of itself but also paved the way for the fulfilment of the entire array of collective and individual rights enshrined in the Declaration and other sources of international law, including the right to self-determination (paras. 17 and 77). The Expert Mechanism concluded, *inter alia*, that recognition of the right of indigenous peoples to self-determination (including free, prior and informed consent) should be considered an essential part of recognition, reparation and reconciliation (*ibid.*, para. 73).

52. The Expert Mechanism on the Rights of Indigenous Peoples presented to the Human Rights Council at its forty-second session its annual report ([A/HRC/42/55](#)) in which it summarized the discussions held at its twelfth session. When discussing the draft study on borders, migration and displacement, a number of participants focused on preventive measures to minimize forced migration and create the conditions for indigenous peoples to remain on their lands in line with the Declaration on the Rights of Indigenous Peoples, including, *inter alia*, the right to self-determination (*ibid.*, para. 43). When discussing the report on recognition, reparation and reconciliation, one expert noted that the study set out four guiding principles on the topic, including the recognition of the rights of indigenous peoples to self-determination (including free, prior and informed consent) (*ibid.*, para. 65 (d)). Some participants suggested that truth-telling initiatives could assist in identifying measures to give full effect to the right to self-determination and address the long-term effects of genocide and colonization (*ibid.*, para. 67). When discussing the implementation of the United Nations Declaration on the Rights of Indigenous Peoples, the Special Rapporteur on the rights of indigenous peoples mentioned the interrelatedness of the questions of recognition, remedy and reconciliation; indigenous justice systems; and the right of indigenous peoples to self-determination. She also indicated that access to justice was a key element for reparation, while the realization of the right to self-determination of indigenous peoples depended on adequate recognition of indigenous peoples as the

subject of collective and individual rights, which in turn was the only way to achieve redress and full reconciliation (*ibid.*, para. 70).

VI. Human rights treaty bodies

53. The right of all peoples to self-determination is affirmed in article 1, paragraph 1, of both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. It is in that context that the right to self-determination has been addressed by the Committee on Economic, Social and Cultural Rights in its consideration of the periodic reports of States parties and in general comment 25 (2020) on science and economic, social and cultural rights ([E/C.12/GC/25](#)).

54. In its concluding observations on the fourth periodic report of Ecuador ([E/C.12/ECU/CO/4](#)) adopted at its sixty-sixth session, held from 30 September to 18 October 2019, the Committee on Economic, Social and Cultural Rights noted with concern the increase in mining concessions awarded in indigenous territories and the lack of protection of the lands and territories of indigenous peoples. It expressed its concern at the relaxation of the rules governing extractive activities in the buffer zone of the Yasuní National Park protected area, which is home to the Tagaeri and Taromenane indigenous peoples, who live in voluntary isolation (*ibid.*, para. 15). The Committee was also very concerned about the widespread failure to respect the right of indigenous peoples and communities of African descent to prior consultation on decisions that may affect them (*ibid.*, para. 17). The Committee recommended that Ecuador, *inter alia*, ensure adequate consultation and the free, prior and informed consent of indigenous peoples on the establishment and management of protected areas and other protection measures in respect of their lands and territories (*ibid.*, para. 16 (b)) and update regulations by conducting consultations with indigenous peoples on the development of the legal, administrative and public policy framework necessary for the enjoyment of the right to be consulted and to free, prior and informed consent, in accordance with international human rights standards (*ibid.*, para. 18 (a)).

55. In its concluding observations on the fourth periodic report of Israel ([E/C.12/ISR/CO/4](#)), adopted at its sixty-sixth session, the Committee on Economic, Social and Cultural Rights expressed concern about reports that the State party had given licences to Israeli and multinational companies for oil and gas extraction and renewable energy projects in the occupied Syrian Golan and the Occupied Palestinian Territory without consulting the affected communities, while prohibiting Syrians and Palestinians from accessing, controlling and developing their natural resources (*ibid.*, para. 14). The Committee recommended that the State party immediately cease to issue licences for the exploitation of natural resources in the occupied territories and that it regulate the operations and activities of Israeli and multinational companies operating in the occupied territories in order to ensure their compliance with human rights standards (*ibid.* para. 15). Moreover, the Committee was deeply concerned about the possible discriminatory effect of the Basic Law: Israel – the Nation State of the Jewish People on non-Jewish people in the State party with respect to their enjoyment of the rights enshrined in the International Covenant on Economic, Social and Cultural Rights (*ibid.* para. 16). The Committee urged the State party to review the Basic Law with a view to bringing it into line with the Covenant or to repealing it and to step up its efforts to eliminate discrimination faced by non-Jews in their enjoyment of Covenant rights, particularly the rights of self-determination and non-discrimination and to cultural rights (*ibid.*, para. 17).

56. In its general comment no. 25 (2020) ([E/C.12/GC/25](#)) on science and economic, social and cultural rights, adopted by the Committee on Economic, Social and

Cultural Rights at its sixty-seventh session (17 February–6 March 2020), the Committee stated that States parties must provide indigenous peoples, with due respect for their self-determination, to both the educational and technological means to participate in a global intercultural dialogue for scientific progress (para. 40). The Committee added that States parties must also take all measures to respect and protect the right of indigenous peoples, particularly their land, their identity and the protection of the moral and material interests resulting from their knowledge, of which they are authors, individually or collectively.

VII. Conclusions

57. **Article 1 of the Charter of the United Nations provides that one of the purposes of the Organization is “to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace”. The right of peoples to self-determination – is enshrined in article 1 of both 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. Several special procedure mandate holders of the Human Rights Council, as well as the Expert Mechanism on the Rights of Indigenous Peoples, also discussed the implementation of the right of peoples to self-determination, including in relation to the human rights challenges faced by indigenous peoples, sustainable development, cultural rights and climate change.**

59. **The Committee on Economic, Social and Cultural Rights addressed the right of peoples to self-determination – through its concluding observations on the periodic reports submitted by States parties to the International Covenant on Economic, Social and Cultural Rights and its recently adopted general comment no. 25 on science and economic, social and cultural rights.**

60. **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 attests to the importance of this right for the enjoyment of other human rights, peace and stability.**