



# General Assembly

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## Human Rights Council

Thirteenth session

Agenda item 3

**Promotion and protection of all human rights,  
civil, political, economic, social and cultural rights,  
including the right to development**

### **Written statement\* submitted by the Indian Council of South America (CISA), a non-governmental organization on the roster**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 February 2010]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

## **The right of peoples to self-determination**

At its inaugural session the Expert Advisory Committee (EAC) in August of 2008 sent proposal 1/12 entitled, *The right of peoples to self-determination*, recalling Human Rights Council resolution 5/1, section III, paragraph 77 in which the Council stated that the Advisory Committee may make research proposals within the scope of the work set out by the Council. Paragraph 77 makes it very clear that the EAC may propose within the scope of the work set out by the Council, research proposals for the latter's consideration and approval<sup>1</sup>.

The proposal is based on a petition by a large number of participants on the various and complex issues relating to the content and realization of the right of all peoples, including indigenous peoples, to self-determination. Both the petition and the proposal by the EAC cite General Assembly resolution 62/144 of 18 December 2007 on the universal realization of the right of peoples to self-determination. It specifically requests the Human Rights Council in operative paragraph 5 to give special attention to the violation of human rights, especially the right to self-determination. It must also be noted that the same resolution was adopted word for word as A/RES/63/163 and was adopted at the 64<sup>th</sup> session of the General Assembly as A/RES/64/149. The EAC makes it clear that they will consider that matter only if the Human Rights Council addresses a request regarding this matter to the Advisory Committee.

In addition, the Durban Review Conference in operative paragraph 5, "Emphasizes the need to address with greater resolve and political will all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance, in all spheres of life and in all parts of the world, including all those under foreign occupation" giving further emphasis on the need to address all issues pertinent to the resolution of the 64<sup>th</sup> session of the General Assembly A/RES/64/149 which includes foreign occupation. This give the Human Rights Council the opportunity to take on the responsibility to fulfill its mandate given to it by the General Assembly and by the Durban Review Conference in a manner that will allow for those particular victims relief from the violations of their rights associated with the right of peoples to self-determination.

To reiterate the situation, the Human Rights Council has a request from its parent body, the General Assembly and from its subsidiary body, the Expert Advisory Committee, based on a request from a large number of NGO's to commence a study and to give conclusions and recommendations per the resolution of the General Assembly. This is further backed up by the Durban Review Conference Outcome document and the Durban Declaration and Plan of Action from the 2001 WCAR. The large number of NGO's who signed the petition requests the Council to approve the study based on the requests.

We are including in this written statement with the resolution from the 63<sup>rd</sup> session adopted by the General Assembly; it is the same as the resolution adopted by the 64<sup>th</sup> session and at the 62<sup>nd</sup> session of the General Assembly and Expert Advisory Committee proposal 1/12:

### **63/163. Universal realization of the right of peoples to self-determination**

*The General Assembly,*

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<sup>1</sup> Resolution 2200 A (XXI), annex.

*Reaffirming* the importance, for the effective guarantee and observance of human rights, of the universal realization of the right of peoples to self-determination enshrined in the Charter of the United Nations and embodied in the International Covenants on Human Rights, as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960,

*Welcoming* the progressive exercise of the right to self-determination by peoples under colonial, foreign or alien occupation and their emergence into sovereign statehood and independence,

*Deeply concerned* at the continuation of acts or threats of foreign military intervention and occupation that are threatening to suppress, or have already suppressed, the right to self-determination of peoples and nations,

*Expressing grave concern* that, as a consequence of the persistence of such actions, millions of people have been and are being uprooted from their homes as refugees and displaced persons, and emphasizing the urgent need for concerted international action to alleviate their condition,

*Recalling* the relevant resolutions regarding the violation of the right of peoples to self-determination and other human rights as a result of foreign military intervention, aggression and occupation, adopted by the Commission on Human Rights at its sixty-first<sup>2</sup> and previous sessions,

*Reaffirming* its previous resolutions on the universal realization of the right of peoples to self-determination, including resolution 62/144 of 18 December 2007,

### **A/RES/63/163**

*Reaffirming also* its resolution 55/2 of 8 September 2000, containing the United Nations Millennium Declaration, and recalling its resolution 60/1 of 16 September 2005, containing the 2005 World Summit Outcome, which, inter alia, upheld the right to self-determination of peoples under colonial domination and foreign occupation,

*Taking note* of the report of the Secretary-General,

1. *Reaffirms* that the universal realization of the right of all peoples, including those under colonial, foreign and alien domination, to self-determination is a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights;

2. *Declares its firm opposition* to acts of foreign military intervention, aggression and occupation, since these have resulted in the suppression of the right of peoples to self-determination and other human rights in certain parts of the world;

3. *Calls upon* those States responsible to cease immediately their military intervention in and occupation of foreign countries and territories and all acts of repression, discrimination, exploitation and maltreatment, in particular the brutal and inhuman methods reportedly employed for the execution of those acts against the peoples concerned;

4. *Deplores* the plight of millions of refugees and displaced persons who have been uprooted as a result of the aforementioned acts, and reaffirms their right to return to their homes voluntarily in safety and honour;

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<sup>2</sup> See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigenda (E/2005/23 and Corr.1 and 2), chap. II, sect. A.

5. *Requests* the Human Rights Council to continue to give special attention to the violation of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation;

6. *Requests* the Secretary-General to report on the question to the General Assembly at its sixty-fourth session under the item entitled “Right of peoples to self-determination”.

*70th plenary meeting 18 December 2008*

### **Expert Advisory Committee proposal 1/12**

*The Human Rights Council Advisory Committee,*

*Recalling* Human Rights Council resolution 5/1, section III, paragraph 77, in which the Council stated that the Advisory Committee may make research proposals within the scope of the work set out by the Council,

*Bearing in mind* General Assembly resolution 62/144 of 18 December 2007 on the universal realization of the right of peoples to self-determination, in which the Assembly requested the Council to continue to give special attention to the violation of human right, especially the right to self-determination,

*Bearing in mind also* the different points of view expressed by a large number of participants on the various and complex issues relating to the content and realization of the right of all peoples, including indigenous peoples, to self-determination.

*Will consider* this matter only if the Human Rights Council addresses a request regarding this matter to the Advisory Committee.

16<sup>th</sup> meeting  
15 August 2008