



# General Assembly

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## Human Rights Council

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Agenda item 7

### Human rights situation in Palestine and other occupied Arab territories

**Chile, Cuba, Pakistan\* and Switzerland: draft resolution**

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

*The Human Rights Council,*

*Guided* by the purposes and principles of the Charter of the United Nations, in particular the provisions of Articles 1 and 55 thereof, which affirm the right of peoples to self-determination, reaffirming the need for the scrupulous respect of the principle of refraining in international relations from the threat or use of force, as specified in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, adopted by the General Assembly in its resolution 2625 (XXV) of 24 October 1970, and affirming the inadmissibility of the acquisition of territory resulting from the threat or use of force,

*Guided also* by the provisions of article 1 of the International Covenant on Economic, Social and Cultural Rights and article 1 of the International Covenant on Civil and Political Rights, which affirm that all peoples have the right to self-determination,

*Guided further* by the International Covenants on Human Rights, the Universal Declaration of Human Rights and the Declaration on the Granting of Independence to Colonial Countries and Peoples, in particular article 1 thereof, and by the provisions of the Vienna Declaration and Programme of Action, adopted on 25 June 1993 by the World Conference on Human Rights, and in particular Part I, paragraphs 2 and 3, relating to the right of self-determination of all peoples, and especially those subject to foreign occupation,

*Recalling* General Assembly resolutions 181 A and B (II) of 29 November 1947 and 194 (III) of 11 December 1948, and all other relevant United Nations resolutions, including those adopted by the Assembly, the Commission on Human Rights and the Human Rights Council, that confirm and define the inalienable rights of the Palestinian people, particularly their right to self-determination,

*Recalling also* Security Council resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 1397 (2002) of 12 March 2002 and 1402 (2002) of 30 March 2002,

*Recalling further* General Assembly resolution 67/19 of 29 November 2012,

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\* State not a member of the Human Rights Council.

\*\* On behalf of the States Members of the United Nations that are members of the Organization of Islamic Cooperation, except Albania, taking into account also the provisions of General Assembly resolution ES-10/23 of 10 May 2024.



*Reaffirming* the right of the Palestinian people to self-determination in accordance with the provisions of the Charter, relevant United Nations resolutions and declarations, and the provisions of international covenants and instruments relating to the right to self-determination as an international principle and as a right of all peoples in the world, and emphasizing that this *jus cogens* norm of international law is a basic prerequisite for achieving a just, lasting and comprehensive peace in the Middle East,

*Deploring* the plight of millions of Palestine refugees and displaced persons who have been uprooted from their homes, and the ongoing forcible displacement of Palestinian civilians due to the ongoing unlawful presence of Israel in the Occupied Palestinian Territory, including East Jerusalem, and expressing deep regret at the fact that more than half of the Palestinian people continue to live in exile in refugee camps throughout the region and the diaspora, in violation of their right to return and their right to self-determination as recognized under international law,

*Affirming* the applicability of the principle of permanent sovereignty over natural resources to the Palestinian situation as an integral component of the right to self-determination, and recalling the determination by the International Court of Justice, in its advisory opinion of 19 July 2024, that the exploitation by Israel of natural resources in the Occupied Palestinian Territory is inconsistent with its obligations under international law,

*Recalling* the conclusion of the International Court of Justice, in its advisory opinion of 9 July 2004, that the right to self-determination of the Palestinian people, which is a right *erga omnes*, is severely impeded by Israel, the occupying Power, through the construction of the wall in the Occupied Palestinian Territory, including East Jerusalem, which, together with the Israeli settlement enterprise and measures previously taken, result in grave breaches of international humanitarian law and serious violations of international human rights law, including the forcible transfer of Palestinians and Israeli acquisition of Palestinian land,

*Recalling also* the conclusion of the International Court of Justice, in its advisory opinion of 19 July 2024, that the policies and practices of Israel, including prolonged occupation, expansion of settlements, annexation and systemic discrimination, violate international law and obstruct the realization of the right of the Palestinian people to self-determination,

*Considering* that the right of the Palestinian people to self-determination is being violated further by Israel through the existence and ongoing expansion of settlements in the Occupied Palestinian Territory, including East Jerusalem,

*Noting* that the failure to bring the unlawful presence of Israel in the Occupied Palestinian Territory, including East Jerusalem, to an end after 58 years heightens the international responsibility to uphold the human rights of the Palestinian people, and expressing its deep regret that the question of Palestine has remained unresolved for 78 years, since the adoption by the General Assembly on 29 November 1947 of its resolution 181 A and B (II) on partition,

*Reaffirming* that the United Nations will continue to be engaged on the question of Palestine until the question is resolved in all its aspects in accordance with international law,

1. *Reaffirms* 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;
2. *Also reaffirms* the need to achieve a just, comprehensive and lasting peaceful solution to the Israeli-Palestinian conflict in conformity with international law and other internationally agreed parameters, including all relevant United Nations resolutions;
3. *Calls upon* Israel, the occupying Power, to end immediately its unlawful presence in the Occupied Palestinian Territory, including East Jerusalem, which constitutes a wrongful act of continuing character entailing its international responsibility, and to reverse and redress any impediments to the political independence, sovereignty and territorial integrity of Palestine, in accordance with the legal findings and determinations of the International Court of Justice in its advisory opinion of 19 July 2024, and reaffirms its support for the solution of two States, Palestine and Israel, living side by side in peace and security;

4. *Expresses grave concern* at any action taken in contravention of the General Assembly and Security Council resolutions relevant to Jerusalem;
  5. *Also expresses grave concern* at the fragmentation and the changes in the demographic composition of the Occupied Palestinian Territory, including East Jerusalem, which are resulting from the continuing construction and expansion of settlements, forcible transfer of Palestinians and construction of the wall by Israel, stresses that this fragmentation, which undermines the possibility of the Palestinian people realizing their right to self-determination, is incompatible with the purposes and principles of the Charter of the United Nations, and emphasizes in this 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;
  6. *Confirms* 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 and the well-being of the Palestinian people and as part of the realization of their right to self-determination;
  7. *Calls upon* all States to ensure respect for their obligations of non-recognition, non-aid and non-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 calls upon them to cooperate further to bring, through lawful means, an end to these serious breaches and a reversal of the illegal policies and practices of Israel;
  8. *Urges* 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 this right;
  9. *Decides* to remain seized of the matter.
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