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Right of peoples to self-determination

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Report of the Secretary-General

Summary

In its resolution [73/160](#), the General Assembly requested the Secretary-General to submit a report to the Assembly at its seventy-fourth session on the universal realization of the right of peoples to self-determination. The present report is submitted pursuant to that request.

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 on the question ([A/73/329](#)).

* [A/74/150](#).



I. Introduction

1. The present report is submitted pursuant to General Assembly resolution [73/160](#), in which the Assembly requested the Secretary-General to report to the Assembly at its seventy-fourth session 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 on the question ([A/73/329](#)).
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 procedures 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, which are based on the Committee's consideration of periodic reports submitted by the States parties to the International Covenant on Economic, Social and Cultural Rights in respect of the implementation of the right of all peoples to self-determination, as guaranteed in article 1 of the Covenant.

II. Security Council

5. In accordance with Security Council resolution [2414 \(2018\)](#), the Secretary-General submitted a report to the Council on the situation concerning Western Sahara ([S/2018/889](#)), covering developments since his previous report ([S/2018/277](#)) and providing a description of the situation on the ground, the status and progress of the political negotiations on Western Sahara, progress in the implementation of Council resolution [2414 \(2018\)](#), the existing challenges to the operations of the United Nations Mission for the Referendum in Western Sahara (MINURSO) and the steps taken to address those challenges. In his report, the Secretary-General noted that, during the reporting period, the Office of the United Nations High Commissioner for Human Rights (OHCHR) had received a number of reports alleging that demonstrators had been forcibly dispersed during protests related to the right to self-determination, the disposal of natural wealth and resources, and the rights of detainees ([S/2018/889](#), para. 64). The Secretary-General also noted that MINURSO remained a core element of the United Nations effort to reach a just, durable and mutually acceptable political solution to the conflict in Western Sahara that would provide for the self-determination of the people of Western Sahara (*ibid.*, para. 86). Having considered the report of the Secretary-General, the Council adopted resolution [2440 \(2018\)](#), reaffirming its commitment to assist the parties to achieve 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.
6. In accordance with Security Council resolution [2440 \(2018\)](#), the Secretary-General submitted to the Council a subsequent report on the situation concerning Western Sahara ([S/2019/282](#)). The report covered developments since the previous report ([S/2018/889](#)) and described the situation on the ground, the status and progress of the political negotiations on Western Sahara, progress in the implementation of resolution [2440 \(2018\)](#), the existing challenges to the operations of MINURSO and steps taken to address them. The Secretary-General observed that finding a just, lasting and mutually acceptable political solution that would provide for the

self-determination of the people of Western Sahara would require strong political will not just from the parties and the neighbouring States, but also from the international community (S/2019/282, para. 73). The Secretary-General underscored that MINURSO remains a core element of the United Nations effort to reach a just, lasting and mutually acceptable political solution to the conflict in Western Sahara that will provide for the self-determination of the people of Western Sahara (*ibid.*, para. 83). Having considered the report of the Secretary-General, the Security Council adopted resolution 2468 (2019), reaffirming its commitment to assist the parties to achieve a just, lasting and mutually acceptable political solution, based on compromise, which will 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.

III. General Assembly

7. During the reporting period, the General Assembly adopted several resolutions, in addition to resolution 73/160 on the universal realization of the right of peoples to self-determination, in which it addressed the issue of self-determination, including: (a) resolutions 73/104, 73/105, 73/107, 73/108, 73/109, 73/110, 73/111, 73/112, 73/113, 73/114, 73/115, 73/116, 73/117, 73/118, 73/119, 73/120 and 73/121 on Non-Self-Governing Territories; (b) resolution 73/159 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 (c) resolutions 73/18, 73/19, 73/96, 73/99 and 73/158 on the right of the Palestinian people to self-determination. In addition, in paragraph 6 of its resolution 73/169, the Assembly affirmed 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 freely pursue their economic, social and cultural development.

A. Non-Self-Governing Territories

8. In its resolution 73/104, 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. The Assembly also 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 reaffirmed the legitimate rights of their peoples over their natural resources. In addition, 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, 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.

9. In its resolution 73/105, the General Assembly, *inter alia*, reaffirmed that the recognition by the Assembly, the Security Council and other United Nations organs of the legitimacy of the aspirations of the peoples of the Non-Self-Governing Territories to exercise their right to self-determination entails, as a corollary, the extension of all appropriate assistance to those peoples.

10. In its resolution [73/106](#), the General 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.

11. In its resolution [73/107](#) 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. The Assembly also 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.

12. In its resolution [73/108](#) 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. The Assembly also 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 [73/109](#) 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 [73/119](#) 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 [73/110](#) 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 [73/111](#) 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 [73/112](#) 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, 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.

18. In its resolution [73/113](#) 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 upon the administering Power to take into consideration the expressed will of the Chamorro people as supported by Guam voters in the referendum of 1987 and as subsequently provided for in Guam law regarding Chamorro 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 [73/114](#) 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 [73/115](#) 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 adoption of 4 November 2018 for the self-determination referendum for New Caledonia and 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 principles and practices of the Charter.

The Assembly called upon the administering Power to consider developing an 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. 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.

21. In its resolution [73/116](#) 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 [73/117](#) 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 [73/118](#) 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 [73/120](#) 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 [73/121](#) 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.

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 [73/159](#) 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. In addition, the Assembly requested the Working Group of the Human Rights Council 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. It also 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.

C. Right of the Palestinian people to self-determination

27. In its resolution [73/158](#), the General Assembly reaffirmed the right of the Palestinian people to self-determination, including the right to their independent State of Palestine, and 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. The Assembly also called for the realization of the Palestinian people's human rights, including the right to self-determination, in its resolutions [73/19](#), [73/96](#) and [73/99](#).

28. In its resolution [73/18](#), the General Assembly, having considered the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People ([A/73/35](#)), 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. 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.

29. In its resolution [73/255](#), the General Assembly reaffirmed the right of the Palestinian people to sovereignty over their natural resources, including land, water and energy resources.

IV. International Court of Justice

30. In its resolution [71/292](#), the General Assembly decided, in accordance with Article 96 of the Charter, to request the International Court of Justice, pursuant to Article 65 of the Statute of the Court, to render an advisory opinion on the following questions:

(a) Was the process of decolonization of Mauritius lawfully completed when Mauritius was granted independence in 1968, following the separation of the Chagos Archipelago from Mauritius and having regard to international law, including obligations reflected in General Assembly resolutions [1514 \(XV\)](#) of 14 December 1960, [2066 \(XX\)](#) of 16 December 1965, [2232 \(XXI\)](#) of 20 December 1966 and [2357 \(XXII\)](#) of 19 December 1967?;

(b) What are the consequences under international law, including obligations reflected in the above-mentioned resolutions, arising from the continued administration by the United Kingdom of Great Britain and Northern Ireland of the Chagos Archipelago, including with respect to the inability of Mauritius to implement a programme for the resettlement on the Chagos Archipelago of its nationals, in particular those of Chagossian origin?.

31. Hearings were held by the International Court of Justice from 3 to 6 September 2018. On 25 February 2019, the Court delivered its advisory opinion on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965. Through a note by the Secretary-General, the advisory opinion given by the Court was transmitted to the General Assembly ([A/73/773](#)). The individual opinions, separate opinions and declarations appended to the advisory opinion were transmitted to the Assembly in an addendum to the note by the Secretary-General ([A/73/773/Add.1](#)).

32. In considering the first question posed by the General Assembly in its resolution [71/292](#), the Court was of the opinion “that, having regard to international law, the process of decolonization of Mauritius was not lawfully completed when that country acceded to independence in 1968, following the separation of the Chagos Archipelago” ([A/73/773](#), para. 183). In considering second question, the Court was of the opinion that “the United Kingdom is under an obligation to bring an end to its administration of the Chagos Archipelago as rapidly as possible” (*ibid.*). In addition, the Court was of the opinion that “all Member States are under an obligation to co-operate with the United Nations in order to complete the decolonization of Mauritius” (*ibid.*).

33. In its resolution [73/295](#), the General Assembly welcomed the advisory opinion of the International Court of Justice and affirmed that the decolonization of Mauritius had not been lawfully completed because the detachment of the Chagos Archipelago had not been based on the free and genuine expression of will of the people of Mauritius. The Assembly also affirmed that the Chagos Archipelago formed an integral part of the territory of Mauritius and that, since the decolonization of Mauritius had not been conducted in a manner consistent with the right of peoples to self-determination, the continued administration of the Chagos Archipelago by the United Kingdom of Great Britain and Northern Ireland constituted a wrongful act entailing the international responsibility of that State. It further affirmed that, since the right to self-determination is an obligation *erga omnes*, all States have a legal interest in protecting that right and all Member States are under an obligation to cooperate with the United Nations in order to complete the decolonization of Mauritius. The Assembly also affirmed that the United Kingdom was under an obligation to bring to an end its administration of the Chagos Archipelago as rapidly as possible and demanded that the United Kingdom withdraw its colonial

administration from the Chagos Archipelago unconditionally within a period of no more than six months from the adoption of the resolution, thereby enabling Mauritius to complete the decolonization of its territory as rapidly as possible. It also urged the United Kingdom to cooperate with Mauritius in facilitating the resettlement of Mauritian nationals, including those of Chagossian origin, in the Chagos Archipelago and to pose no impediment or obstacle to such resettlement.

V. Economic and Social Council

34. In its resolution [2018/18](#), 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.

VI. Human Rights Council

A. Resolutions

35. At its thirty-eighth session, held from 18 June to 6 July 2018, the Human Rights Council adopted resolution [38/4](#) on human rights and climate change. In that resolution, the Council emphasized that the adverse effects of climate change had a range of implications, which may increase with greater global warming, both direct and indirect, for the effective enjoyment of human rights, including the right to self-determination.

36. At its thirty-ninth session, held from 10 to 28 September 2018, the Human Rights Council adopted resolution [39/4](#) on the promotion of a democratic and equitable international order. In that 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 and relevant resolutions of the United Nations.

37. At the same session, the Human Rights Council also adopted resolution [39/5](#) on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination. In that 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 posed to the integrity of and respect for the constitutional order of those countries and to the exercise of the right to self-determination of their peoples. It once again 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.

38. At its fortieth session, held from 25 February to 22 March 2019, the Human Rights Council, in its resolution 40/3, reaffirmed, in the context of the negative impact of unilateral coercive measures on the enjoyment of human rights, 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. In its resolution 40/9, on human rights, democracy and the rule of law, the Council also reaffirmed the necessity of due respect for the right to self-determination.

39. At the same session, the Human Rights Council also addressed the question of the realization of the right of the Palestinian people to self-determination in its resolutions 40/22, 40/23 and 40/24. In its resolution 40/22, 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. 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. 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. In its resolution 40/23, 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 their universally recognized right to self-determination. 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 inalienable human rights, including their right to self-determination, as a matter of urgency. In its resolution 40/24, 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.

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

40. The Special Rapporteur of the Human Rights Council on the rights of indigenous peoples highlighted recent thematic work on topics relating to criminalization, free, prior and informed consent, and self-governance in her report to the General Assembly at its seventy-third session (A/73/176). The Special Rapporteur noted the importance of the 2030 Agenda for Sustainable Development in effectively addressing discrimination against indigenous peoples so that they may fully benefit from mainstream development efforts, while ensuring respect for indigenous peoples' right to define and pursue their self-determined development paths (*ibid.*, para. 51). The Special Rapporteur highlighted that OHCHR and the Inter-American Commission on Human Rights had issued guidelines and special reports outlining the human rights standards applicable to indigenous peoples in isolation and initial contact, and that those documents established important principles for the survival of those peoples, such as the principle of no contact as an expression of their right to self-determination (*ibid.*, para. 16). The Special Rapporteur stressed that the right of indigenous peoples to be consulted is not to be viewed as an isolated right; it arises from, and helps to safeguard, the substantive rights of indigenous peoples, especially their right to self-determination, lands, territories and natural resources (*ibid.*, para. 10). She observed that indigenous peoples' right to self-governance is closely linked to their right to exercise

self-determination, as it allows them to be in control of their own destiny and self-determined development, and that self-determination for indigenous peoples is also a matter of cultural self-determination (ibid., para. 35). The Special Rapporteur concluded that indigenous governance systems have proven to be resilient over centuries and are crucial for ensuring the rights of indigenous peoples, including the right to self-determination (ibid., para. 93).

41. In her report to the Human Rights Council at its thirty-ninth session (A/HRC/39/17), the Special Rapporteur on the rights of indigenous peoples provided a thematic study on attacks against and the criminalization of indigenous human rights defenders and reflected on prevention and protection measures. She noted that the causes and impacts of criminalization and violence affecting indigenous peoples must be understood and addressed within the framework of the United Nations Declaration on the Rights of Indigenous Peoples and international and regional human rights instruments and that those international legal sources recognize indigenous peoples' right to self-determination (ibid., para. 12). She stressed that self-determination is an overarching right of utmost importance for indigenous peoples as it affirms their right to freely pursue their economic, social and cultural development (ibid., para. 16). The Special Rapporteur underlined that to prevent conflicts and attacks, it is imperative that authorities at the highest level recognize publicly the rights of indigenous peoples and, in particular, their right to self-determination (ibid., para. 80).

42. In his report to the Human Rights Council at its thirty-ninth session (A/HRC/39/47), the Independent Expert on the promotion of a democratic and equitable international order recalled that, in its resolution 18/6 establishing his mandate, the Council called for an international order in which people could enjoy the rights of international solidarity, development and self-determination; exercise effective sovereignty over their natural wealth and resources; freely pursue their economic, social and cultural development; have equal opportunity to participate in regional and international decision-making; and have a shared responsibility to address threats to international peace and security (ibid., para. 2). He stressed the necessity for due respect for sovereignty and the right to self-determination (ibid., para. 15).

43. In its report to the General Assembly at its seventy-third session (A/73/303), 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 noted that mercenaries, foreign fighters and private military and security companies could significantly impede the right to self-determination, a right that belongs to "peoples" and not States. Those actors influenced domestic insurgencies in ways that may ultimately undermine the right of self-determination, which, in turn, may complicate mediation and negotiations to end a conflict (ibid., para. 20). In its report to the Human Rights Council at its thirty-ninth session (A/HRC/39/49), the Working Group focused on the recruitment of children by non-State armed groups, including mercenaries and private military and security companies. The Working Group recalled the two reports it had submitted to the General Assembly examining the linkages between mercenaries and foreign fighters and their impact on human rights and right of peoples to self-determination (ibid., para. 26).

44. In his report to the General Assembly at its seventy-third session (A/73/447), the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 focused on the trends of the de jure annexation of East Jerusalem by Israel and its de facto annexation of the West Bank, their incompatibility with international legal norms and their foreclosing of the right to self-determination by the Palestinian people. The Special Rapporteur stated that annexation was profoundly in breach of the fundamental right to self-determination, an *erga omnes* obligation under international law (ibid., para. 27). He recommended that Israel pursue a good

faith approach to the administration of the West Bank, including East Jerusalem and Gaza as occupied territory, adhering to the tenets of international human rights law and international humanitarian law, with a view to bringing the occupation to a complete conclusion within a reasonable time period and enabling Palestinian self-determination (*ibid.*, para. 62 (d)).

45. In his report to the General Assembly at its seventy-third session ([A/73/271](#)), the Special Rapporteur on the right to development recognized that the conceptual framework of South-South cooperation is promising as it embodies many of the principles enshrined in the right to development such as equality, inclusiveness, participation, national ownership and self-determination (*ibid.*, para. 28).

46. The Expert Mechanism on the Rights of Indigenous Peoples presented its study on a human-rights based approach to free, prior and informed consent to the Human Rights Council at its thirty-ninth session ([A/HRC/39/62](#)). In the study, the Expert Mechanism stated that free, prior and informed consent was a human rights norm grounded in the fundamental rights to self-determination and to be free from racial discrimination guaranteed by the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Elimination of All Forms of Racial Discrimination (*ibid.*, para. 3). The Expert Mechanism noted that in the international legal framework that conceptualized the right to self-determination particular attention was paid to peoples and nations recovering control over their lands and natural resources as an important constituent element of the right to self-determination and that it was for that reason that free, prior and informed consent is of particular relevance to lands and resources (*ibid.*, para. 8).

47. The annual report of the Expert Mechanism on the Rights of Indigenous Peoples presented to the Human Rights Council at its thirty-ninth session ([A/HRC/39/68](#)), summarized the discussions of the Expert Mechanism at its eleventh session. When discussing the draft study on free, prior and informed consent, experts noted that, as free, prior and informed consent was rooted in the right to self-determination, it was both a standard and a norm which imposed a requirement on the State. Of particular concern in relation to self-determination and consent were the rights of indigenous peoples in voluntary isolation and/or initial contact (*ibid.*, para. 38).

VII. Human rights treaty bodies

48. 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 by the Human Rights Committee in its decisions on individual complaints.¹

49. In its concluding observations on the fourth periodic report of Cameroon ([E/C.12/CMR/CO/4](#)), adopted at its sixty-fifth session, held from 18 February to 8 March 2019, the Committee on Economic, Social and Cultural Rights expressed concern about the discrimination and exclusion faced by indigenous peoples in Cameroon and the lack of recognition of their rights with regard to access to land,

¹ The Human Rights Committee, in its general comment No. 12 on article 1 of the International Covenant on Civil and Political Rights ([HRI/GEN/1/Rev.9 \(Vol. I\)](#)), stated that all States parties to the Covenant should take positive action to facilitate the realization of and respect for the right of peoples to self-determination, consistent with the obligations of States under the Charter of the United Nations and international law (*ibid.*, para. 6).

their ancestral territories and natural resources. The Committee was also concerned by reports that the indigenous peoples concerned are not being consulted, with a view to obtaining their free, prior and informed consent before development projects are conducted on their lands and in their territories (ibid., para. 12). The Committee recommended that Cameroon, inter alia: protect and guarantee, in law and in practice, the right of indigenous peoples to freely dispose of their lands, territories and natural resources (ibid., para. 13 (b)); and that it ensure that indigenous peoples are consulted, with a view to obtaining their free, prior and informed consent to any measures that may affect them, including the implementation of projects on their lands and territories (ibid., para. 13 (c)).

50. In its concluding observations on the fifth periodic report of Mauritius (E/C.12/MUS/CO/5), adopted at its sixty-fifth session, held from 18 February to 8 March 2019, the Committee on Economic, Social and Cultural Rights welcomed the advisory opinion on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965, adopted on 25 February 2019 by the International Court of Justice, in which the Court affirmed the right to self-determination of the Chagos Archipelago on the basis, inter alia, of article 1 of the International Covenant on Economic, Social and Cultural Rights (ibid., para. 4).

51. In its concluding observations on the fourth periodic report of Argentina (E/C.12/ARG/CO/4), adopted at its sixty-fourth session, held from 24 September to 12 October 2018, the Committee on Economic, Social and Cultural Rights expressed concern regarding the repeated violation of the right of indigenous peoples to be consulted and to free, prior and informed consent, particularly in relation to extractive activities taking place in the Provinces of Jujuy, Salta, Neuquén and Chubut, and about the lack of information on reparations awarded to communities whose rights had been infringed (ibid., para. 20). The Committee recommended that Argentina ensure that indigenous peoples are systematically consulted for the purpose of obtaining their free, prior and informed consent at the national and provincial levels before concessions are granted to State-owned companies or third parties for the economic exploitation of the lands and territories traditionally occupied by those peoples. In particular, the Committee recommended that, for the implementation of the right to be consulted and to free, prior and informed consent, the State party use the protocols drawn up and agreed upon with indigenous peoples, in order to ensure that factors specific to each people and each case are taken into account (ibid., para. 21).

52. The Human Rights Committee adopted its Views concerning communications Nos. 2668/2015 and 2950/2017, on 1 and 2 November 2018, respectively, which addressed the right to self-determination, protected by article 1 of the International Covenant on Civil and Political Rights, in conjunction with articles 25 and 27 of the Covenant. In the cases *Sanila-Aikio v. Finland* (CCPR/C/124/D/2668/2015) and *Käkkäläjärvi et al. v. Finland* (CCPR/C/124/D/2950/2017), the authors of the communications complained that decisions by the Finnish Supreme Administrative Court in 2011 and 2015 on eligibility for elections to the Sami Parliament were in violation of articles 1, 25 and 27 of the Covenant. The Committee decided that it could interpret article 1, when relevant, in determining whether rights protected in parts II and III of the Covenant had been violated (CCPR/C/124/D/2668/2015, para. 1.4; and CCPR/C/124/D/2950/2017, para. 8.6). The Committee also observed that article 27 of the Covenant, interpreted in the light of the United Nations Declaration on the Rights of Indigenous Peoples and article 1 of the Covenant, enshrines an inalienable right of indigenous peoples to freely determine their political status and freely pursue their economic, social and cultural development (CCPR/C/124/D/2668/2015, para. 6.8; and CCPR/C/124/D/2950/2017, para. 9.8). The Committee considered that, pursuant to article 25 of the Covenant, statutory restrictions affecting the right of members of the Sami indigenous community to

effective representation in the Sami Parliament must have a reasonable and objective justification and be consistent with the other provisions of the Covenant, including the principles of internal self-determination relating to indigenous peoples (CCPR/C/124/D/2668/2015, para. 6.10; and CCPR/C/124/D/2950/2017, para. 9.10). On the facts of the case, the Committee found a violation of the authors' rights under article 25, read alone and in conjunction with article 27, as interpreted in the light of article 1 of the Covenant (CCPR/C/124/D/2668/2015, para. 6.11; and CCPR/C/124/D/2950/2017, para. 9.11).

VIII. Conclusions

53. 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 also 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.

54. During the reporting period, the main organs of the United Nations, including the Security Council, the General Assembly and the Economic and Social Council, continued to discuss and adopt resolutions that referred to the right to self-determination. The Human Rights Council, a subsidiary organ of the Assembly, also continued to discuss and adopt resolutions that referred to that right. The special procedures of the Human Rights Council and 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, and its importance as a fundamental principle of international order.

55. During the reporting period, the International Court of Justice delivered an advisory opinion in which it expressed the view that: the process of decolonization of Mauritius had not been lawfully completed when that country had acceded to independence in 1968, following the separation of the Chagos Archipelago; the United Kingdom was under an obligation to bring to an end its administration of the Chagos Archipelago as rapidly as possible; and all Member States were under an obligation to cooperate with the United Nations in order to complete the decolonization of Mauritius.

56. The Committee on Economic, Social and Cultural Rights addressed the right of peoples to self-determination through concluding observations on the periodic reports submitted by States parties to the International Covenant on Economic, Social and Cultural Rights. The Human Rights Committee adopted its Views on individual communications, which addressed aspects of the right to self-determination.