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## Special Political and Decolonization Committee (Fourth Committee)

### Summary record of the 5th meeting

Held at Headquarters, New York, on Thursday, 7 October 2010, at 3 p.m.

*Chairperson:* Ms. Zamora (Vice-Chairperson) . . . . . (Costa Rica)  
*later:* Mr. Windsor (Vice-Chairperson) . . . . . (Australia)  
*later:* Ms. Zamora (Vice-Chairperson) . . . . . (Costa Rica)

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*In the absence of Mr. Chipaziwa (Zimbabwe), Ms. Zamora (Costa Rica), Vice-Chairperson, took the Chair.*

*The meeting was called to order at 3 p.m.*

**Agenda item 59: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples** (*continued*)

*Question of Western Sahara (continued)* (A/65/23 (chap. VIII), A/65/306 and A/C.4/65/7/Add.7, 9, 21, 24, 31, 34, 36, 40, 42, 46, 47, 49, 51, 53-55, 57, 59-62, 64, 68, 69, 72, 75, 76, 78, 79, 82-85, 87, 89-91, 95 and 96)

*Hearing of petitioners*

1. **The Chairperson** said that, in line with the Committee's usual practice, petitioners would be invited to take places at the petitioners' table and would withdraw after making their statements.

2. **Mr. Castro Moreno** (Coordinadora Estatal de Asociaciones Solidarias con el Sáhara) said that the Sahrawi refugees were living in very difficult conditions in camps in an inhospitable corner of the Algerian desert and depended on the Office of the United Nations High Commissioner for Refugees (UNHCR) and other international organizations for their survival. The Sahrawi population to the west of the berm was trapped by the Moroccan regime, with no freedom of movement, expression or association; discrimination, arbitrary detention and brutality were everyday occurrences. Non-governmental organizations had repeatedly denounced the human rights violations being perpetrated by Morocco against the civilian Sahrawi population, simply for defending their right to self-determination.

3. In September 2010, a number of Spanish people belonging to civil society organizations had been brutally assaulted by the Moroccan security forces while acting as human shields to defend the rights of the Sahrawi population. Unfortunately, the majority of Member States seemed to be uninterested in defending international law and human rights or in stopping Morocco from exploiting the natural resources of the occupied territories. Morocco was also prohibiting visiting missions of observers, political representatives, lawyers and human rights defenders, because they would be able to witness the suffering of the occupied population. It was unbelievable that France — the cradle of revolution and human rights — supported

Morocco unconditionally, going so far as to use its veto in the Security Council to prevent the extension of the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO). The other members of the Council had fallen somewhere between indifference and complicity. The Committee must urge the Security Council to broaden the mandate of MINURSO to include monitoring the human rights, in particular the civil and political rights, of the Sahrawi people.

4. **Ms. Saida** (Ligue marocaine pour la protection de l'enfance) said that the inhabitants of the Tindouf camps lived in what could only be described as hellish conditions, where they were subjected to arbitrary treatment, torture and violence by the Frente Polisario and a blockade imposed by the Algerian security services in order to satisfy Algeria's ambition of securing access to the Atlantic Ocean. The people had to contend not only with extreme temperatures and harsh treatment, but also the situation of having had their land stolen from them by a group purporting to have acted in defence of their interests.

5. The leaders of the Frente Polisario had placed an entire population in detention, engaging in intimidation and exploitation, particularly of vulnerable groups such as women and children. Indeed, women in the camps were often forced to accept the practice of polygamy and to have children on demand, while children were stripped of their innocence and some were separated from their families and sent abroad at a young age for military training and indoctrination. The Frente Polisario furthermore exploited the vulnerability of children, using them to request humanitarian assistance from the international community and setting up schemes in which the generosity of outsiders wishing to help was deliberately abused. She called on the international community to exercise vigilance with regard to local associations purporting to help such children but in reality serving the aims of the Frente Polisario.

6. **Ms. Mesa Flores** (Asociación Canaria de Amistad con el Pueblo Saharaui) said that she had been one of the 14 Spanish people who had taken part in a demonstration in the capital of Western Sahara at the end of August 2010. As a resident of the Canary Islands, she was appalled at her people's ignorance of the terrible situation only 100 km away in Western Sahara. Refugees were living without any hope that international organizations would put an end to that

shameful and illegal colonial situation. The media did not report on the issue and the Spanish Government seemed to consider the plight of the Sahrawis less important than economic and strategic relations with Morocco. France repeatedly voted in the Security Council against the holding a referendum, and other members supported its veto of human rights monitoring in the occupied territories. The United Nations was not complying with its own resolutions, was not holding a referendum, was not monitoring the expropriation of Saharan resources, and was not providing any protection to the Sahrawis who were being persecuted by the Moroccan regime.

7. The world could not ignore the genocide that was taking place in Western Sahara. The Government of Morocco should not be able to violate United Nations resolutions repeatedly without consequence. It was heartbreaking to think that her country, Spain, sold weapons to Morocco that were then used to kill. She urged the Committee to investigate the situation for itself, to go to the Sahara and the refugee camps and reflect its findings in a resolution.

8. **Mr. Torres-Spelliscy** (Association of the Bar of the City of New York) said that his organization had been monitoring the human rights situation in Western Sahara for some time. The many reports issued by well-respected human rights organizations, the United States Department of State and the Office of the United Nations High Commissioner for Human Rights raised serious concerns about restrictions on freedom of expression, assembly and association. The allegation that Western Saharan human rights activists were being unfairly persecuted by the Moroccan authorities was especially alarming. In a letter of 25 November 2009, the Association had expressed particular concern at the treatment of Ms. Haidar, Chairwoman of the Collective of Sahrawi Human Rights Defenders, who had been arrested by Moroccan authorities in November 2009 and prohibited from returning to Western Sahara, and had only been able to return home following a hunger strike and the intervention of the international community. The Association had urged the Security Council, in a letter dated 22 March 2010, to expand the mandate of MINURSO to include a requirement to monitor and report on human rights violations.

9. **Ms. Mroue** (International Network of Civic Activists for Supporting Autonomy in Western Sahara) said that Morocco's proposed autonomy plan was a step towards ending the dispute over the Sahara region,

putting an end to the miserable living conditions and stopping human rights violations in the Frente Polisario Tindouf camps. The autonomy proposal was the only reasonable and realistic solution that would preserve the sovereignty, national unity and territorial integrity of Morocco and guarantee the rights of the Sahrawis to manage their own affairs. It accorded with the standards of international law, respected regional specificities and fulfilled the expectations of the local populations. The Committee should encourage dialogue between Algeria and Morocco in order to settle the issue, on the basis of that proposal.

10. Recently, a Frente Polisario leader had been arrested and tortured merely for voicing his support for autonomy as a realistic solution. The Frente Polisario leadership wanted to silence all voices calling for a peaceful solution so that it could continue to profit from the conflict by embezzling international aid. The upsurge in terrorist and criminal activity by Frente Polisario members, including trafficking in the Tindouf camps, and the movements of terrorist groups linked to Al-Qaida in the Islamic Maghreb in the border area between Mauritania, Algeria and Mali, was alarming. The recent conviction of Omar Sahrawi, a Frente Polisario member, for the kidnapping of two Spanish tourists in Mauritania, was a clear illustration of that situation.

11. **Mr. Boukhari** (Frente Polisario) said that in view of Morocco's continued illegal occupation and brutal repression in Western Sahara, the region deserved peace and stability so that it could face its economic and security challenges. The United Nations had recognized the right to self-determination of the people of Western Sahara and, following 16 years of war, the Frente Polisario and Morocco had reached an agreement to resolve the conflict by means of a referendum leading to either independence or integration, organized and monitored by the United Nations in cooperation with the African Union. That solution had been endorsed by the Security Council in 1991, 1997 and 2003, but Morocco had not complied with its obligations and had derailed all the efforts made by the United Nations to date.

12. Morocco wanted to annex Western Sahara under its so-called autonomy proposal. Contrary to Morocco's assertions, the Security Council and the General Assembly had never endorsed that proposal, but they had taken a favourable view of the Frente Polisario's proposal, which was based on the holding

of a referendum on self-determination including both the options that had already been accepted by Morocco, namely autonomy and independence. If the outcome of a referendum was independence, the Frente Polisario was prepared to discuss with Morocco the basis for a future bilateral relationship. Morocco's current position was putting the United Nations in a difficult and untenable position. The Security Council, in particular, had clear obligations, not only with regard to the decolonization process, but also the extremely urgent need to establish a mechanism to protect and monitor human rights in the Territory.

13. **Mr. López Ortiz** (Federación Estatal de Instituciones Solidarias con el Pueblo Saharaui) denounced the Moroccan authorities' brutal repression of the people of Western Sahara and the systematic violation of their most basic human rights. In recent months, that repression had even been turned towards European citizens; the president of his organization had been among those assaulted in El Aaiún, along with a number of Sahrawi activists. The United Nations could do more in order to prevent such incidents. The mandate of MINURSO must be broadened to include monitoring and defending the human rights of the Sahrawi population in Western Sahara.

14. Morocco's refusal to respect United Nations agreements, international law or the holding of a referendum on self-determination could not be tolerated. The Security Council's lack of resolve in the face of Morocco's continued non-compliance was truly alarming. In July 2010, the Secretary-General's Personal Envoy for Western Sahara had asked the Group of Friends of Western Sahara for help, noting that Morocco was making no effort to continue the negotiations. He would require the full support of the United Nations in his efforts to steer the dialogue to a successful conclusion. If the United Nations was unable to convince the Moroccan authorities to comply with the Peace Plan, the result would be a loss of credibility within the international community and the risk of a return to armed conflict; the peace and security of the whole of North-Western Africa was at stake. The only stable and lasting solution was to enable the Sahrawi people to exercise their right to self-determination by holding a referendum with full democratic guarantees and in the presence of observers.

15. **Mr. Gil Garre**, speaking in his personal capacity as a journalist, and as vice-president of the Manuel de

Lardizábal criminology institute, said that an agreement on Western Sahara must take into account the current reality, particularly the issue of international security. The Frente Polisario had a habit of threatening to return to arms every time a statement was made that did not correspond with its interests, even going so far as to make threats against members of the Security Council. That attitude exposed the region to great risk, since it was well known that Al-Qaida in the Islamic Maghreb operated in the Sahel; bodies such as the European Strategic Intelligence and Security Center had found that there were strong links between that organization and certain elements of the Frente Polisario. The Frente Polisario was not the only representative of the Sahrawis, but dissenters were censored and detained, as in the case of Mustapha Salma Ould Sidi Mouloud, who had been arbitrarily arrested after expressing support for Morocco's autonomy proposal. If the Frente Polisario's threats led to the artificial creation of a State, that State would fail, which would lead to an upsurge of terrorism and violence in the Maghreb and in Europe.

16. Morocco's autonomy proposal was a perfect response to the wishes of the Sahrawis for self-government and management of the region's interests. Morocco was making progress in terms of democracy, equality, and social, cultural and economic development; the autonomy proposal would make such progress possible for Western Sahara as well.

17. **Mr. Ismaili Sidi Mouloud**, speaking in his personal capacity, said that in 1979, in a rocket attack launched by the Frente Polisario against a civilian camp where he lived, five of his children had been killed and another two had been injured. Members of his family, including his wife, had subsequently been abducted and taken to Algerian territory. Recently, his son Mustapha had gone missing after being picked up at the Tindouf camps by the Frente Polisario militia. He appealed to the Committee to support him in securing his son's release and called on the Secretary-General to put an end to the tragic situation in which he and many others found themselves. He urged the United Nations to apprehend and bring to trial those responsible for the killings and abductions carried out during the events of 1979, and requested that Member States should afford him their support against those who had harmed so many members of his family circle.

18. **Mr. Jensen**, speaking in his personal capacity as former Special Representative of the Secretary-General

for Western Sahara, said that a peaceful resolution to the conflict in Western Sahara would enable the people in the region to live normal lives with prospects for a better future, and would release resources for economic and social development, which would benefit all of North-Western Africa and countries beyond. The Settlement Plan and alternative peace plans had ultimately not proven mutually acceptable. Only realism and compromise would lead to success: Morocco would be obliged to make meaningful concessions and the Frente Polisario, to surrender certain aspirations. The direct talks with which he had been involved in 1996 had been launched on an understanding, accepted by both sides, that had excluded both simple independence and straightforward integration of the territory into Morocco. The Security Council had recognized Morocco's autonomy proposal as serious and credible, and it could provide a basis for direct negotiations. Such negotiations had the best potential to succeed if they were entered into without preconditions.

19. In Western Sahara, armies continued to face each other across the desert and an undetermined number of refugees continued to live in camps dependent on the assistance of the international community. UNHCR had been unable to account fully for the number of refugees, despite the urging of the Secretary-General, and its obligations under the relevant convention. Meanwhile, terrorist activity in the region was increasing. Killings and abductions in Mauritania highlighted the vulnerability of the region to infiltration by undesirable elements, which was diverting scarce resources away from development projects, further increasing the risk of extremism and civil unrest. That danger was likely to intensify until the issue of Western Sahara was resolved. Indeed, the longer the dispute continued, the more entrenched positions would become, leading to an increased likelihood of regional disruption. In that light, negotiating an end to the dispute and bringing peace to the region was the preferable option.

20. **Ms. Cubas Armas** (Consejo General de la Abogacía Española) said that Morocco, the occupying Power, was continuing to violate international law and *jus cogens* in Western Sahara. Its violations included the introduction of Moroccan settlers and the displacement and deportation of Sahrawis; the persecution, torture, maltreatment and arbitrary detention of dissident Sahrawis; the denial of access to

the labour market and the professions and of medical care to dissident Sahrawis and their families; the systematic harassment and extermination of Sahrawis, their defenders and their culture.

21. Morocco did not have jurisdiction to conduct trials of Sahrawi human rights activists because it had no recognized sovereignty over the Territory or its people, who were protected, moreover, under the Geneva Conventions. Those trials were therefore null and void on substantive, procedural and material grounds. As the occupying Power, Morocco was not providing effective judicial protection for the Sahrawis. The trials were purely political and lacked objectivity and impartiality. Morocco was violating the right to defence and the presumption of innocence, and had used torture to obtain confessions and denied medical and forensic services to detainees and prisoners. MINURSO had not intervened in the trials and remained silent on Moroccan police violence against Sahrawis. Morocco had been violating international law and working to exterminate the Sahrawi people since 1975. In the process of decolonization, there was no alternative to the principle of self-determination.

22. **Mr. Manokou** said that since 1975, the Moroccan Government had invested in the socio-economic development of the Sahara region. Through its autonomy initiative, it had confirmed its commitment to human development in the Sahara. Morocco's model for the exploitation of the natural resources of the Sahara was designed to benefit the Moroccan Sahrawi people and therefore, according to the 2002 opinion of the United Nations Legal Counsel (S/2002/161), it was legal under international law. Morocco had mobilized significant reserves to carry out a comprehensive economic and social development policy in its southern provinces and to promote the emergence of the manufacturing and service sectors. As a result, the Sahrawis in those provinces enjoyed a much higher level of human development than those in the Tindouf refugee camps, where Algeria had failed to provide access to work, health care or transportation, even though it had the means to do so.

23. **Monsignor Abboud**, speaking in his personal capacity, said that visits which he had made to Mauritania and Morocco had allowed him to gather testimony about the human rights violations and crimes against humanity which the Frente Polisario had been committing in the Tindouf camps since 1975. He had learned of cases of abduction, rape, murder and

arbitrary detention committed against individuals and families and had seen evidence of torture, such as the deliberate burning of prisoners' flesh, the forcible extraction of teeth and the infliction of cigarette burns on victims' bodies. Reports had been received about ethnic cleansing operations committed against hundreds of Mauritians and killings of large groups, including entire families and, in one incident, 45 persons, who had been shot in a group execution. Many cases had been reported of acts of violence against women, including sexual violence. As recently as 21 September 2010, Mustapha Salma Ould Sidi Mouloud had reportedly been abducted and charged by the Frente Polisario with high treason for expressing support for autonomy for the Saharan region. He called on the Committee and the Member States to hear the testimony of the witnesses in preparation for establishing an international court to try those responsible for committing the crimes against humanity which he had described.

24. **Mr. Rodríguez Magdaleno** (Observatorio Asturiano de Derechos Humanos para el Sahara Occidental) said that of all the peoples living under colonial and foreign domination, only the Sahrawi people had been denied the right of self-determination. Although Spain had illegally abandoned the Sahrawi people to Moroccan domination, it was still the colonial Power; however, it had not discharged any of its responsibilities. Morocco had tried to prevent the exercise of self-determination through military and political means and sought to convert its annexation of the Territory into a *fait accompli*, despite the steadfast and peaceful opposition of the Sahrawi people in the occupied territories and in the refugee camp in Tindouf. To maintain its illegal occupation, Morocco was systematically violating human rights including in illegal jails where torture was common, and was exploiting the natural resources of the Sahrawi people in order to fund its army and the atrocities perpetrated in Western Sahara. Morocco and its allies were delaying the referendum in Western Sahara and objecting to the United Nations census, even though they were aware of the critical situation of the Sahrawi people. The people of Western Sahara must be granted the right of self-determination, in accordance with the free and genuine expression of their will.

25. **Mr. López Villicaña**, speaking in his personal capacity as a professor at the University de las Américas, in Puebla, Mexico, said that the dispute over

Morocco's Saharan provinces had persisted for decades because of the intransigence of the Frente Polisario and its misinterpretation of the principle of the self-determination of peoples, in seeking to impose a referendum to divide what historically had been united, but had been separated temporarily by Spanish colonialism. The principle of self-determination, although enshrined in the Charter of the United Nations and several resolutions, did not imply that the creation of a new sovereign state or independence were the only possible outcomes; free association or integration into another State were also recognized. In Mexico, the right of the indigenous peoples to self-determination was exercised within a framework of autonomy, ensuring national unity.

26. Morocco and its southern provinces were striving to overcome the legacy of Spanish colonialism in the economic, political and social spheres; since regaining its independence in 1956, Morocco had struggled for the full decolonization of its territory, but had never resorted to the use of force, for the sake of peace and stability in the region. Representative government within an autonomous region and broad participation in the development of natural resources was the solution proposed by Morocco for its southern provinces. Under that plan, the Sahrawi population would democratically administer their affairs; fiscal revenue and the proceeds of developing the region's natural resources would be broadly shared. The Security Council had welcomed Morocco's efforts to reach a solution. The meetings in Dürnstein, Austria and Westchester, United States of America had failed because of the intransigence of Algeria and the Frente Polisario, which had let pass an opportunity to put an end to the suffering of the people in the refugee camps. The international community must help bring about a prompt solution to the problem.

27. **Mr. Matsumoto** (Professor, Sapporo University, Japan) said that according to the generally agreed rules of international law governing State responsibility, a given State was responsible for all acts occurring in its territory, and for all persons living in its territory or under its jurisdiction. Algeria was therefore fully responsible for what was occurring in the Tindouf camps; and was responsible for any internationally wrongful act committed by the Frente Polisario in violation of international law, especially international human rights and humanitarian law. Algeria must

answer to the Security Council for recent human rights abuses against the Sahrawis.

28. **Mr. González Vega** (President, Comisión de Solidaridad y Cooperación con los pueblos de la Federación Canaria de Municipios) said that the people of the Canary Islands were direct witnesses to the continuous human rights violations perpetrated against the Sahrawi people by Morocco. Police and military repression had worsened for the people in the territories illegally occupied by Morocco in Western Sahara, and refugees in the camps were living in subhuman conditions. The international community, including MINURSO, were silent spectators.

29. International observers had seen the repression for themselves and had been brutally assaulted by the Moroccan police. In August 2010, 14 activists from the Canary Islands had been illegally detained for peacefully demonstrating in the capital of Western Sahara. The Canary Islanders had also demonstrated their support for the Sahrawi cause following the unjustified deportation of Ms. Aminatou Haidar, who had been on hunger strike for 32 days at the airport of the island of Lanzarote. It was time to end the suffering of the Sahrawi people in the occupied territories; the international community must firmly support the decolonization of Western Sahara, and a referendum on self-determination must be organized to enable the Sahrawi people to decide on their own future.

30. **Ms. Gallagher** (Advocacy Officer, Robert F. Kennedy Center for Justice and Human Rights) read out a statement by Ms. Aminatou Haidar, on behalf of the Collective of Sahrawi Human Rights Defenders (CODESA) and all the Sahrawi people living under Moroccan control since 1975 in the territories of Western Sahara, drawing attention to Morocco's systematic violation of the human rights of the Sahrawis and calling for the right to self-determination and the freedom of expression to be respected. The United Nations must take an active role in support of the people of Western Sahara. In the interim, the mandate of MINURSO must be expanded to include the protection of human rights and a new fact-finding mission should be sent to Western Sahara to investigate recent violations of human rights by the Moroccan authorities. Those violations were ongoing and continued to worsen. More than 40 Sahrawi prisoners of conscience were languishing in inhumane conditions in prisons in Laayoune and throughout Morocco.

31. The goal of CODESA was to spread a human rights culture in Western Sahara and to teach Sahrawi youth the principles of peaceful coexistence, tolerance and non-violence. However, despite having taken all the requisite steps, its was not officially registered and had not been granted authority by Morocco to organize its members. She herself had been the victim of Moroccan repression many times. She had been detained and expelled in November 2009 for listing Western Sahara as her home in her travel documents and had had to go on hunger strike to be allowed to return to her home and family. The Vice-President of CODESA had been among a group of seven Sahrawi defenders who had been detained in Casablanca upon their return from a visit to the refugee camps in October 2009.

32. *Mr. Windsor (Australia), Vice-Chairperson, took the Chair.*

33. **Mr. Rahal**, speaking in his personal capacity as a citizen of the Saharan region, said that, following independence, Morocco had chosen the path of democracy, embarking on a series of major reforms and enacting legislation affording full rights and civil liberties to everyone in Morocco, including those in the Saharan region, which was an integral part of Morocco. Drawing attention to the establishment of a wide range of human rights institutions in Morocco, he expressed condemnation for what he described as a misinformation campaign conducted by the Algerian side with a view to undermining Morocco's territorial integrity and sowing doubts in the minds of international observers about the true status of the Saharan region. He deplored the attempts by the Algerian side to misrepresent the historical facts about the region and recalled that every Government had both the right and a solemn duty to defend the territorial integrity of the State.

34. **Mr. Vanossi**, speaking in his personal capacity as a former Minister of Justice and Human Rights of Argentina, said that the individual and social rights and guarantees established under Morocco's Constitution broadly met the requirements of a democracy and ensured the rule of law. The inhabitants of Morocco, including those of the Sahara, enjoyed civil, political and social rights and Morocco respected the international human rights instruments. Morocco had established institutions to protect human rights, including the rights of children and the disabled, and to arbitrate between citizens and the administration. The

long-standing efforts made in that regard demonstrated Morocco's desire to consolidate the rule of law, enhance its human rights culture and strengthen the process of democracy for all its inhabitants, on the basis of modern legal and institutional recourses and procedures.

35. **Mr. Elghouayel** (President, Together Foundation) said that despite its efforts and several positive contacts with the Frente Polisario in New York, the Together Foundation had not been able to visit refugee camps and invite independent journalists to investigate the human rights situation, including slavery practices reported by Australian journalists in June 2007. All human rights must be respected, including in the refugee camps; the principles of democracy and the rule of law must apply to all the Sahrawi population. To that end, the Secretary-General should send regular human rights inspection and monitoring missions. The United Nations could not limit its efforts to humanitarian assistance and monitoring a ceasefire that would hold even without its presence. All parties to the dispute must demonstrate a genuine commitment to peace and must be prepared to make concessions and compromises in order to reach a solution to the situation and end the suffering of the population. All concrete proposals, including the Moroccan autonomy plan, should be considered. Any final settlement would ensure that the region remained a haven of stability and security, in the face of terrorist threats.

36. **Mr. Housseini** (Convergence pour le Développement du Mali) said that Mali, Morocco and Algeria shared long histories of exchanges and cooperation. For new generations of Africans, the development of South-South relations must be founded on the societal values of openness, tolerance and compromise in order to overcome political differences that stood in the way of realistic geographical, social and economic opportunities. That was why a solution to the Sahara question involved all countries in the subregion, especially those in the Sahelo-Saharan belt, which was plagued by insecurity and terrorism. Given the history of conflict resolution in the region, he believed that a settlement was within reach. His party supported all serious and credible initiatives which would bring about a negotiated, just and lasting solution. A solution to the dispute would strengthen efforts to combat terrorism, drug trafficking and trade in small arms and light weapons throughout the

Sahelo-Saharan area, in cooperation with the Economic Community of West African States.

37. **Ms. Boussoula**, speaking in her capacity as a member of the Moroccan parliament, said that the Sahara region had been part of Morocco for centuries, a fact which no one could undo. The only reason why the Algerian side had made so much of the issue of self-determination in regard to the region was that it wished to secure access for itself to the Atlantic Ocean. As a representative for El Aaiun with a seat in the lower house of the Moroccan parliament, she could attest to the genuinely democratic atmosphere which prevailed in the Sahara regions, where women played an important role in Moroccan political life and considerable efforts had been made by the Moroccan authorities to promote development and prosperity. In that regard, she expressed her determination to withstand all efforts to undermine regional development and further a separatist agenda in opposition to Moroccan territorial unity. Reiterating that the Sahara regions were part of Morocco, she said that the people of the region would counter all attempts to impose a culture of violence and division with a message of peace, unity and solidarity.

38. *Ms. Zamora (Costa Rica) resumed the chair.*

39. **Ms. Hammond** (Human Rights and Religious Freedoms Assistant), speaking on behalf of United States Congressman Mr. Franks, said that the Sahrawis who had remained in Western Sahara after the 1975 Moroccan invasion had suffered gross violations of their individual and collective human rights. The Moroccan authorities continued to subject human rights activists and advocates of self-determination to punishments that included imprisonment without fair trial, beatings and torture. They also denied such persons their right of peaceful assembly under article 21 of the International Covenant on Civil and Political Rights, to which Morocco was a party. In the refugee camps outside Tindouf, the Sahrawi refugees had formed a stable government and had secured many freedoms, including freedom of religion and equal rights for men and women. An overwhelming majority of their elected officials were women, and 35 per cent of the seats in the parliament-in-exile were held by women, who were determined that their daughters' lives should be different from their own.

40. The urgency of the Sahrawis' plight only increased with time. Many Sahrawi refugees sent their

young children to countries in North Africa, Europe and Latin America to obtain an education. When they returned permanently to the camps afterwards, they faced high unemployment. Quite understandably, young people were becoming restless and frustrated with the status quo. The United Nations failure to bring about a referendum had severed Sahrawi families. If the plight of the Sahrawis continued to worsen, it would soon become impossible. The Sahrawi people desperately wanted to return to their homeland and form a democratic state. The United Nations must act to fulfil its obligations now; it must move the referendum forward and put an end to the human rights abuses.

41. **Mr. Fallshaw**, speaking in his personal capacity as an Australian filmmaker, said that during a visit to the Tindouf refugee camp to make a film about family reunions under the auspices of the United Nations, he had discovered that black Sahrawis, both in the camps controlled by Frente Polisario and in the Moroccan-controlled Western Sahara, were living in slavery. By stealing his film footage, both the Frente Polisario and the Moroccan authorities had tried to cover up the fact that slavery existed.

42. He had brought the issue of slavery to the attention of the United Nations, but the Organization had done nothing about it. Slavery in the camps had been described by a United Nations official as a cultural practice, and although UNHCR had declared that something must be done, in a letter to the president of the Frente Polisario it had apologized for the film.

43. **Mr. Mekyna** (Austria Morocco Institute) said that his organization had sent several missions to Western Sahara in 2010 to observe the socio-economic, humanitarian and human rights situation. They had travelled freely for a total of about six weeks, conducting interviews with Sahrawis who had remained in the Territory and to former Sahrawi refugees. From those interviews, it had been clear that people living in the territory enjoyed every freedom, including freedom of expression, whereas people in the Tindouf camps did not enjoy freedom of movement and were the victims of human rights abuses; they were frequently subjected to intimidation and indoctrination, and humanitarian supplies such as food were often sold on the black market. According to returned refugees, the Frente Polisario was now working against the will of its own people; its recent arrest of Mustapha Salma Ould Sidi Mouloud was illustrative in that regard. The

Frente Polisario and the Government of Algeria would stop at nothing to prevent those living in the camps from proclaiming the truth about human rights violations. The majority of the Sahrawi people on both sides of the border supported the establishment of autonomy as proposed by Morocco and wanted the refugees to be granted safe passage home.

44. **Mr. Meluza** (President, International Committee for the Respect and Application of the African Charter on Human and People's Rights), also speaking on behalf of several partner African non-governmental organizations accredited with the United Nations Office at Geneva and/or the African Commission for Human Rights and People's Rights, said that those organizations were deeply concerned about the regional dispute in the Sahara, because its geopolitical repercussions would inevitably extend beyond the region to the rest of Africa. Representatives of several African NGOs had recently visited Laayoune to take a first-hand look at the social, political and economic situation in Morocco's southern provinces. They had found, firstly, that, as in the case of many far-off and forgotten conflicts, the situation was threatened by stagnation; given the security, geostrategic and human dimensions of the question of the Sahara, the United Nations and the various parties to the conflict must exercise greater diligence and political will in seeking a solution, particularly since the Territory was becoming a no-go area that was fertile ground for terrorism. Secondly, they had observed that Moroccan investments in Western Sahara — in such vital areas as health, education, water supply, infrastructure and natural resource development — were being made for the sole benefit of the local population. At the invitation of local civil society, the delegation had also travelled to Mauritania to meet with the families of Mauritians who had disappeared in the Frente Polisario camps. The *Union Nationale des Disparus Mauritiens* had expressed grave concern about the 168 Mauritians who had been victims of forced disappearances in the camps outside Tindouf and whose whereabouts remained unknown.

45. His organization and its partners were particularly concerned by the Frente Polisario's 2009 detention of Mustapha Salma Ould Sidi Mouloud solely for expressing his support for autonomy as a peaceful means of settling the conflict; they called on the international community to organize an independent investigation of the case immediately and

to make the results of its investigation public. His organization and its partners urged the parties to support the Moroccan plan for autonomy, which was not incompatible with the right of self-determination; secession was not the only way to achieve that right. It was important to accept reality and to work for the greater good of the Sahrawi people.

46. **Mr. Ali** (Federación Española de Entidades Religiosas Islámicas) said that he wished to condemn the arbitrary and illegal detention of Mustapha Salma Ould Sidi Mouloud by a self-proclaimed liberation movement with the backing of the Algerian regime. They should release him and all the Sahrawis detained in the Tindouf camps.

47. Morocco was actively seeking a solution to the conflict that would break the impasse, and its latest proposal offering broad autonomy for the Sahara was being welcomed in world circles and by a number of States that had begun withdrawing their recognition of the pseudo-Saharan Arab Democratic Republic. The humanitarian crisis in the Tindouf camps should give the humanitarian organizations pause and prompt them to reflect where their humanitarian aid was ending up, namely, in the pockets of the Frente Polisario leaders. Furthermore, all reports indicated that Al-Qaida in the Islamic Maghreb had set up links with the Tindouf camps and were using them as a base. As the main sponsor of the Frente Polisario, Algeria should end its intransigence and realize that it could not continue whitewashing the reality of its serious and long-standing domestic crisis.

48. **Mr. Tetzl**, speaking in his personal capacity as an independent German journalist, said that a peaceful solution to the Western Saharan dispute required all parties to act jointly to end the years of human suffering endured by refugees and prisoners of war, not to mention the cost of the United Nations mission to the Territory. Major projects that would bring much needed progress to the region were being hampered by the dispute, which was also impeding cooperation in the prevention of terrorism and illegal migration. A resolution of the conflict would help pacify both North and West Africa.

49. The Moroccan Government's far-reaching autonomy proposal should be taken as the basis for further talks, bearing in mind, however, that Morocco's sovereignty and territorial integrity were not subject to negotiation. Stability in the region would remain

impossible as long as the Western Saharan dispute had not been resolved, and without stability there could be no economic development, which in turn would only aggravate the conflict. All parties involved in the dispute had to understand that any solution opposing Moroccan interests would be doomed to fail. Germany had a strong interest in security and favoured stable relations with the entire region, whose security was being threatened by the criminal activities of the Al-Qaida in the Islamic Maghreb organizations active in the Sahara. Europe certainly did not want to receive massive flows of refugees triggered by such destabilizing factors. He asked the Committee to support the Moroccan autonomy plan.

50. **Ms. Leorente**, speaking in her personal capacity as a professor of Law at the University of Buenos Aires and as one who knew Morocco and its spirit of tolerance, said that she had come to speak on behalf of the thousands of Sahrawis who were hopelessly trapped in a situation without dignity and were being used as pawns by political groups masquerading as supporters. The only way to end the long conflict in the Maghreb was for the Frente Polisario to act urgently — for people were dying daily — to persuade Algeria to agree with Morocco on the autonomy model, which would generate the economic future of the region. The former Personal Envoy of the Secretary-General had himself understood that that was the only solution possible.

51. The conflict had been caused by Algeria's desire to usurp a territory that belonged by rights to Morocco. Year after year the Frente Polisario inveighed against unsubstantiated human rights violations by Morocco in order to mask the plight of the Sahrawis in the Tindouf camps in Algeria. There was only one victim, the Sahrawi civilian population, and one culpable party, Algeria, which was literally imprisoning Sahrawis and refusing to allow them to return to their homeland. A long-sought peace in the region would bring closer the desired union of the Maghreb.

52. **Mr. Marin Orio**, speaking in his personal capacity as a Spanish journalist, said that even though Spain had been very generous with the Frente Polisario, especially its Basque Community, that was providing infrastructural aid for the Tindouf camps, the Frente Polisario had always treated Spain as an enemy, accusing and insulting it, threatening reprisals, and even on repeated occasions attacking its fishing vessels in the Atlantic — 17 attacks between 1977 and 1986 —

wounding and killing some of the crews and kidnapping others in order to hold them in the Tindouf camps in Algeria. The Frente Polisario always claimed that Morocco was responsible for those interceptions on the high seas, even though it was outside mediation with the Algerian authorities that had resulted in the release of some of the kidnapped crewmen from Tindouf, and yet year after year the Frente Polisario representative came to the Committee mouthing respect for human rights.

53. **Ms. Hemeida**, speaking in her personal capacity as a Sahrawi, asked how long the Sahrawi people living in the Territory of Western Sahara occupied by Morocco would have to wait for justice to be done. Many of them were languishing in prison and being tortured for having asked for a free Western Saharan state. For 35 years all Sahrawis, young and old, had been longing for freedom and a chance to hold a fair referendum. She had come to denounce the Moroccan occupation and the human rights violations and discrimination by Morocco against the Sahrawi people, and to demand freedom for all human rights activists.

54. **Mr. Quatrano** (Osservatorio Internazionale per i Diritti) said that his organization had for some years been monitoring the political trials of peaceful Sahrawi militants in the Territory illegally occupied by Morocco. Moroccan troops acted harshly to repress Sahrawis who were demanding respect for international law and the holding of a referendum of self-determination. It was time for the Committee to denounce the cases of three Sahrawan activists who had been arrested a year earlier upon returning from the Tindouf camps, the three activists were being held in prison without trial, charged with crimes against the security and integrity of Moroccan territory which were punishable by death. International pressure had in the past persuaded Morocco to release dissidents and it should now be applied to obtain the release of the activists. The United Nations must act now to guarantee the freedom of expression and the political freedom of the Sahrawi people; in order to do so, MINURSO must be authorized to monitor human rights, and there must be a clear, strong condemnation of the illegal, inhuman and anachronistic behaviour of the Moroccan Government in demanding loyalty from a people whose land it had occupied illegally.

55. **Mr. Kustus** (Organization for Statehood and Freedom) said that the new organization over which he presided sought to find a way to break the political

stalemate and allow for the self-determination of the Sahrawi people. There was little room for compromise between the Moroccan and Sahrawi positions, but some small steps might break the political deadlock. The Group of Friends of the Western Sahara must put equal pressure on both sides to recognize that the status quo was unacceptable; unyielding support from France and less overt support from the United States of America had allowed Morocco to refuse to discuss any solution that included independence as an option. Secondly, since the family reunion visits authorized by the Moroccan authorities only legitimized Morocco's illegal control over Western Sahara, new confidence-building measures must be implemented that genuinely united Sahrawi and Moroccan citizens, who could then push their leaders to resolve the crisis. Thirdly, human rights monitoring must be included in the MINURSO mandate, in order to protect the rights of those affected by the conflict and allow both sides to move on to political issues; the Frente Polisario had already agreed to allow such monitoring in the Tindouf refugee camps, and arguments by both the United Nations and the United States of America that the human rights situation in Moroccan-controlled territory was improving were irrelevant. Fourthly, Algeria, though not one of the two recognized parties to the conflict, should be brought to the table during negotiations.

56. Despite their rhetoric, almost every action or inaction by the United Nations and the Group of Friends suggested deference to the Moroccan position. It was convenient to refer to the political reality of Morocco's control or to suggest that the autonomy plan was a type of self-determination, yet to succumb to such arguments and to allow a country to take over a neighbouring territory by force would be to abandon the ideals upon which the United Nations had been founded.

57. **Mr. Cameron** (World Action for Refugees) said that the pace at which refugees had been escaping from the disastrous conditions in the Tindouf camps and returning to their homeland — something that had been happening sporadically ever since the camps had been put in place in the mid-1970s — had in the past year reached unprecedented proportions. Since January 2010, nearly 900 Sahrawi refugees had fled and settled in Western Sahara, joining the estimated total of nearly 14,000 escapees. Those still remaining in the camps, only one fifth of the Sahrawi population according to

United Nations official data, were being supported by their outside relatives.

58. The prosperity of Western Sahara would be undermined if Algeria was successful in bringing about an international embargo on all investment in the Territory. The exploration of the Territory's natural resources, thus far confined to two sectors of activity, fisheries and phosphate, was not in contravention of international law. His organization's field survey of phosphate activity in the region had concluded that maintaining it was essentially justified by the benefit to the 2,700 local employees. In the fisheries sector, about 90 per cent of the companies active in the region were also directed by local staff. World Action for Refugees once again called upon the Algerian authorities to fulfil their international responsibilities with regard to the human rights of the refugees and to refrain from trying actively to undermine the economic basis of the Sahrawi population both in the camps and in their territory of origin.

59. **Mr. Fucito**, speaking in his personal capacity and on behalf of the mayor of Naples, said that after 10 years of cultural exchanges with Sahrawis and visits to the refugee camps and to Western Sahara to gather evidence, the city of Naples was aware of the deplorable living conditions of the Sahrawi people, their lack of access to health care and education, their inability to express their opinions and the violent persecution of their political leaders by Morocco. If the United Nations did not implement its resolutions in practice it would be admitting the futility of international law; if the Sahrawi people's right to self-determination was not recognized, that would amount to an invitation to them to resume the armed struggle rather than the peaceful path they had followed since 1991. The level of violence in the Mediterranean area would increase. It was therefore necessary to hold the referendum so that the Sahrawi people could choose their own destiny and, in the meantime, to add the monitoring of human rights in Western Sahara to the tasks of MINURSO.

60. **Mr. Penadés**, speaking in his personal capacity as an Uruguayan senator, said that Morocco, responding to the United Nations call for cooperation in seeking a just and lasting political solution to the situation in Western Sahara, had proposed to grant autonomy to the Saharan region within the framework of its sovereignty and national unity. The Moroccan initiative guaranteed all Sahrawis an appropriate role,

without discrimination or exclusion, in all the region's institutions and bodies. The proposal had the potential of offering a hopeful future to the entire region, putting an end to the separation of the Sahrawi people, ensuring peace and facilitating the construction of a democratic society founded on the rule of law and the full observance of human rights. The Sahrawi people would be able to govern their affairs democratically and the Saharan region would be able to receive financing for its development and be ensured full participation in the economic, cultural and social life of Morocco. Once the parties to the conflict agreed on the autonomy status, it would be submitted for approval to the people concerned and would thus be in accord with the principle of self-determination. Morocco was inviting all the parties to meet in a climate of confidence in order to hasten a settlement. Its proposal showed its willingness to enter into dialogue and its commitment to international law. Morocco should be hailed for making that substantial contribution to the achievement of a long-sought objective.

61. **Ms. Dover** (Western Sahara Resource Watch) said that Morocco's exploitation of the natural resources of Western Sahara flew in the face of its obligations under international law. In an opinion issued in 2002, in document S/2002/161, the United Nations Legal Counsel had indicated that further exploration and exploitation in disregard of the wishes and interests of the people of Western Sahara would violate the principles of international law and that, as only the de facto administering Power, Morocco was even more stringently bound by that principle. Moreover, the right of the Sahrawi people to self-determination, including with respect to the use of their natural resources, had been established by more than 100 General Assembly resolutions. There was no evidence that the Sahrawi people or their representatives had been consulted about Morocco's exploitation of those resources. In return for economic deals benefiting the Moroccan treasury, the international community had chosen to avert its eyes from gruesome human rights violations. Under pressure from the Spanish fishing industry and France, the European Union had bent to *realpolitik* and had signed a fisheries agreement with Morocco that implicitly included Western Saharan waters. Her organization called for the establishment of a mechanism to place the proceeds from the exploitation of the Territory's natural resources under international

administration until the status of the Territory had been resolved.

62. It had been widely documented by such organizations as Human Rights Watch and Amnesty International that the civilian population of the Territory was subject to various human rights abuses, including arbitrary detention, beatings, unfair trials and torture. Of particular concern was the continued detention of three well-known human rights activists who had still not been brought to trial. Moreover, it was troubling that the 2006 report of the United Nations High Commissioner for Human Rights on the situation of human rights in Western Sahara had never been formally released owing to political pressure from France and Morocco. In line with that report, her organization called for the inclusion in the MINURSO mandate of a human rights monitoring capacity with a direct reporting line to the Security Council.

63. **Mr. Nsue Mokuy** (Spokesman for the Democratic Coalition in the House of Representatives of Equatorial Guinea) said that the Moroccan autonomy proposal would bring to a peaceful and negotiated end a conflict that had divided families and imposed hardship on Sahrawis living in the Tindouf camps. The widespread insecurity caused by the conflict could enable terrorist organizations such as Al-Qaida in the Islamic Maghreb to penetrate the Maghreb region, the Mediterranean and the Sahel. Autonomy could be seen as a modern, democratic expression of self-determination that ensured national unity while respecting the diversity of a nation's peoples by granting certain powers in the management of local affairs. The Moroccan autonomy proposal represented an ambitious and pragmatic solution to the conflict that was in the interests of the international community and the peoples of the Maghreb. It should be the basis of future negotiations towards a final, political solution.

*The meeting rose at 5.55 p.m.*