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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Summary record of the 5th meeting

Held at Headquarters, New York, on Friday, 17 June 2016, at 11 a.m.

Chair: Mr. Ramírez Carreño (Bolivarian Republic of Venezuela)

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The meeting was called to order at 11:45 a.m.

Question of Western Sahara (*continued*)
(A/AC.109/2016/17)

1. **The Chair** said that, at its fourth meeting, the Committee had been forced by an unfortunate incident to interrupt its consideration of the question of Western Sahara. The next day, it had held a closed meeting to discuss the problem. After a wide-ranging discussion, the Chair had been asked to prepare an informal document presenting the different points of view. At a second closed meeting just ended, the document had been adopted by consensus.

2. **The Secretary**, reading the informal document, said that the Committee had agreed that the Chair had the power to control the proceedings of any meeting under rules 106 and 107 of the rules of procedure of the General Assembly.

3. Following the aforementioned incident, involving interference by a non-member State with the proceedings of a formal meeting, the Bureau had convened an extraordinary closed meeting during which the Special Committee had recognized that the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro (Frente Polisario) was the representative of the people of Western Sahara under General Assembly resolutions 34/37, paragraph 7, and 35/19, paragraph 10, and that, as a subsidiary body of the General Assembly, the Special Committee could not challenge those resolutions. However, it had heard some members express divergent views as to the recognized representative of the Territory. A proposal had been made to raise the issue of the representation of Western Sahara in the Fourth Committee.

4. For the purpose of Special Committee hearings during open meetings, the main difference between representatives of Non-Self-Governing Territories and petitioners was that representatives did not need the Committee's permission to address it, but only its consent. The Committee's practice and language on the issue of the representation of Western Sahara had been inconsistent, but in any case, in the absence of an official Committee decision or General Assembly mandate on the matter, the Chair was not required to follow past practice. That said, the Committee had heard the observer for the Frente Polisario previously.

5. On the basis of the above, the Committee had agreed to hear the observer for the Frente Polisario

speaking in the capacity of representative of Western Sahara.

6. **Mr. Bouah-Kamon** (Côte d'Ivoire) asked the secretariat to clarify whether or not the decisions of the Committee were taken by consensus. The document did not represent a consensus decision, since his delegation had agreed to let the person in question speak as the observer for the Frente Polisario, but not as the representative of the people of Western Sahara.

7. **The Secretary** said that she could not comment on the document, which had been prepared by the Chair. With regard to decision by consensus, although the Committee had a history of working by consensus, as a subsidiary body of the General Assembly it was governed by the General Assembly rules of procedure, which called for a vote in the absence of consensus.

8. **The Chair** said that the informal document accurately summarized a wide-ranging discussion. It indicated that the Committee was bound by the relevant General Assembly resolutions and that the proper forum for changing them was the Fourth Committee. In addition, it made it clear that some Committee members did not consider the Frente Polisario to be the representative of the people of Western Sahara. The Committee had decided not to let the issue continue to obstruct its work.

9. **Mr. Duberry** (Antigua and Barbuda) said that he had hoped that the informal document would have been circulated before the meeting so that his delegation could take a position on it. He did not think that a consensus had been reached during the closed meeting.

10. **Mr. Sevilla Borja** (Ecuador) said that the representatives of Côte d'Ivoire and Antigua and Barbuda had expressed opinions that were not shared by the vast majority of the Committee. Those delegations had every right to express their reservations to a consensus decision, but the document had been adopted by consensus. Moreover, it clearly stated that there had been divergent views. It had not been circulated earlier because it could not be translated in time.

11. **Ms. McGuire** (Grenada), agreeing about the need to work by consensus, said that she, like the representative of Antigua and Barbuda, had understood, perhaps mistakenly, that the informal document would be circulated before the open meeting. She took the point that the document mentioned the

existence of divergent views, but it ended by saying that the Committee had agreed to hear the observer for the Frente Polisario as the representative of Western Sahara, which implied that there had been a consensus. The Chair had allowed delegations to comment, but he had gavelled the informal document without asking if they agreed to the document as a whole.

12. **Mr. Cousiño** (Chile) said that all the delegations had been present when the informal document had been adopted. The document clearly stated that there had been divergent opinions, and while the Committee had agreed that anyone in disagreement should present a different proposal, none had been presented. The dissenting delegations had expressed their views, but they had joined in adopting the document by consensus. There appeared to be a problem of communication among and perhaps within delegations. The delegations were engaged in international diplomacy at the highest level and should approach their work with due seriousness and respect.

13. **Mr. Rivera** (Cuba) said that Cuba supported the statements of the Ecuadorian and Chilean delegations.

14. **Mr. Hermida Castillo** (Nicaragua) said that the document was the product of many hours of work and had been discussed in an open, transparent and inclusive manner at the closed meeting earlier that morning. At that meeting, all the delegations had had sufficient time to express their opinions, and the vast majority had expressed support for the General Assembly resolutions. The document, as agreed, did indicate that there had been divergent opinions. Given the number of agenda items still pending, it was important to move forward. His delegation fully supported the statements of the Ecuadorian and Chilean delegations.

15. **Mr. Hamed** (Syrian Arab Republic) said that the Committee had devoted two meetings to the issue, which it had addressed thoroughly and transparently. While several participants had expressed different positions, there had been no objections to the document. Given the limited time available, the Committee needed to move ahead and work efficiently by consensus.

16. **Mr. Arancibia Fernández** (Plurinational State of Bolivia), expressing support for the statements of the delegations of Ecuador, Chile, Cuba, Nicaragua and the Syrian Arab Republic, said that the issue had been discussed transparently. The informal document was

adequate and would allow the Committee to get on with its work.

17. **Mr. Habib** (Indonesia) said that his delegation appreciated the Committee's patience on a very sensitive, complex and knotty issue and was considering the various contributions and suggestions made. It valued the credibility and impartiality of the Chair and understood that General Assembly resolutions 34/37 and 35/19 referred to a particular entity as the representative of the disputed Territory. To contribute constructively to the Committee's work, his delegation had compiled all the contributions and suggestions made during the initial closed meeting for the Chair so that his informal document could reflect the sense of the Committee. Because the document was intended to bring unity, there was no mention of majority or minority. It was particularly important for the Special Committee on decolonization to work by consensus.

18. Representation of Western Sahara would continue to be a contentious issue in both the Special Committee and the Fourth Committee. His delegation looked to the Chair to guide the Committee towards a consensus.

Hearing of representatives of the Non-Self-Governing Territory

19. **The Chair** said that, with due respect for the different positions, which were reflected in the document, he had a duty to move on. He therefore invited the representative of the Non-Self-Governing Territory to address the Committee. In line with the Committee's usual practice, the representative would withdraw after making his statement.

20. **Mr. Boukhari** (Observer for the Frente Polisario) said that, in 1991, the Security Council had established the United Nations Mission for the Referendum in Western Sahara (MINURSO) to organize a referendum on self-determination, which Morocco had been obstructing ever since. Morocco's colonial occupation constituted a crime under international law and threatened regional peace and security. Despite the ongoing efforts of the Special Representative of the Secretary-General, the Personal Envoy of the Secretary-General and the Special Envoy of the African Union for Western Sahara, no progress had been made. Calling on the Committee to vigorously promote full decolonization in accordance with the resolutions of the General Assembly by which it was

bound, he once again urged it to organize a special session on Western Sahara and to send a visiting mission to the Territory without delay.

21. The Committee could deal only with the recognized representatives of dependent Territories or with administering Powers. The Frente Polisario was the sole representative of the people of Western Sahara under General Assembly resolution 34/37. Furthermore, Morocco was not an administering Power. It was a colonial Power working to impose its terms in an increasingly confrontational manner, as demonstrated by the recent audacious behaviour of the observer for Morocco during the previous meeting. Since the illegal annexation, Moroccan settlers had made the Sahrawi people a minority in their own land. All Moroccan political, administrative or electoral actions in that Territory were illegal and illegitimate and should not influence the Committee, which should be guided only by the relevant General Assembly resolutions, the advisory opinion of the International Court of Justice and the opinion of the United Nations Legal Counsel (S/2002/161). The Committee had been established to eradicate colonialism, not legitimate it, and it must not allow Morocco to make it complicit in a shameful colonialist adventure.

22. Morocco had personally affronted the Secretary-General and expelled the civilian staff of MINURSO. Despite Security Council resolution 2285 (2016), which emphasized the urgent need for MINURSO to return to full functionality and the importance of a fifth round of negotiations, it had not allowed the civilian staff to return, or resumed negotiations. Morocco was only playing for time, and the Security Council should not wait until 30 June to report to the Secretary-General. The Frente Polisario once again called on the Council to keep the Sahrawi people, the Moroccan people and the region from being sucked into a spiral of confrontation. In that connection, he thanked those Security Council members, including in particular the Bolivarian Republic of Venezuela, Uruguay, Angola, New Zealand and Russia, that had spared no effort to ensure that the Council shouldered its responsibilities.

23. For the Frente Polisario, MINURSO was a symbol of the international community's commitment to the peaceful decolonization of the last Non-Self-Governing Territory in Africa. The return of its staff was not an end in itself. The direct negotiations between the Frente Polisario and Morocco must be revived, and they must focus on implementing a fair

and free referendum, which was the only democratic solution to any decolonization problem.

24. His people continued to be denied their right to self-determination as a result of a Moroccan act of aggression. The Frente Polisario had worked hand in hand with the United Nations and the African Union to find a democratic, peaceful and honourable way to end the stalemate that would benefit both peoples and the region as a whole. It remained committed to its vision of peace, which depended above all on the efforts of the United Nations. The plundering of Sahrawi natural resources and the threat to regional peace and security made resolving the dispute increasingly urgent. The Committee, most of whose members were former colonies, must not allow itself to be diverted from its purpose.

25. **The Chair** reminded the delegations that, under Committee rules, only Committee members would be recognized during the question-and-answer session. Observers might not raise points of order and should show respect for the Committee. The repeated incidents at previous Committee meetings were diplomatically deplorable. All parties had had an opportunity to address the Committee.

26. **Mr. Sevilla Borja** (Ecuador) said that he had listened with great interest to the statement of the representative of the people of Western Sahara, which had unfortunately been marred by noise and shouting from a certain delegation. Such conduct was a sad departure from its elegant and professional diplomacy in years past. It was appropriate in a street demonstration, not the august halls of the United Nations. Respect among nations was the very foundation of coexistence.

27. Regarding the invitation to the Committee to send a visiting mission to the Territory, he recalled that, in 1972, the General Assembly had sent a very successful visiting mission to the last remaining Portuguese colonies in Africa: Guinea-Bissau and Cape Verde. Although the situation was different, since Morocco was not an administering Power, the Committee would do well to consider such precedents and to give more serious consideration to the Frente Polisario's renewed invitation.

28. He asked the observer to elaborate on the status of the referendum.

29. **Mr. Arcia Vivas** (Bolivarian Republic of Venezuela), thanking the observer for his statement as the sole legitimate representative of the people of Western Sahara under General Assembly resolutions 34/37 and 35/19, called on the Committee to take urgent action on the long-deferred decolonization of Western Sahara. He hoped that the other parties to the conflict would emulate the conciliatory attitude of the representative of the Sahrawi people. He reiterated his Government's support for the activities of the Secretary-General and his Personal Envoy and for the work of MINURSO, which must be restored to full functionality promptly.

30. The defamatory language heard in the room during the representative's statement had no place in the Committee. It was deplorable example of meeting truth with insult.

31. **Mr. Boukhari** (Observer for the Frente Polisario) said that the referendum on self-determination had been the cornerstone of Security Council resolutions 658 (1990) and 690 (1991). Morocco having apparently agreed to self-determination in good faith, a voter list had been prepared under the supervision of the Secretary-General's Personal Envoy at the time, James Baker, who could hardly be accused of being anti-Moroccan. However, in 2004, Morocco had informed the Secretary-General that it would not cooperate with any referendum on independence, despite having agreed to the one called for in the United Nations settlement plan. Thus the recent assertion by the representative of Morocco that the United Nations had scuttled the referendum was hypocritical nonsense.

32. The Security Council was trying to revive the negotiations between the two parties to the dispute. A way must be found to allow the people of Western Sahara to exercise their right to self-determination. Morocco had declared sovereignty over the Territory; it refused to consider a referendum, and it had suspended direct negotiations in 2012. In March, it had put the final nail in the coffin by expelling MINURSO. Clearly, its intent was to block United Nations efforts to broker a peaceful solution, thereby undermining the credibility of the Organization and prolonging the injustice wrought on the peaceful Sahrawi people.

33. **Mr. Arancibia Fernández** (Plurinational State of Bolivia) said that, given the fundamental need for transparency in diplomatic dealings, he was grateful to the representative of the people of Western Sahara for

his candid remarks. He thanked the Chair for his decision to hear the representative and agreed that the Committee should continue to do so.

34. **Mr. Rivera** (Cuba) said that his delegation was pleased that the Committee had finally been able to accomplish its task, despite the sensitivity of the subject.

The meeting rose at 12:40 p.m.