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Pacific regional seminar on the implementation of the Third International Decade for  
the Eradication of Colonialism: accelerating action

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STATEMENT BY

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## STATEMENT BY FRENTE POLISARIO- WESTERN SAHARA

Mr. Chairman, members of the Special Committee, honourable delegates,

I would like to express, on behalf of the Saharawi people of Western Sahara and their recognised political representatives, the Frente POLISARIO, our sincere thanks to the Special Committee for its invitation to participate in this seminar.

I would also like to express our thanks to the government and people of Fiji for their warm hospitality and for their assistance with the organization of this important meeting.

Mr. Chairman,

Fifty-one years have passed since Western Sahara was first placed on the list of Non-Self-Governing Territories by the General Assembly. And yet, Western Sahara remains Africa's last colony, and a process of self-determination to resolve the Territory's status once and for all does not appear to be any closer than when this committee last met. This is a grave injustice for the Saharawi people, and frankly an international disgrace.

Following Spain's unilateral decision to do away with its special responsibilities to the Saharawi people, Western Sahara remains as the only Non-Self-Governing Territory without a listed administering power. It is therefore up to the United Nations itself to fulfil the "sacred trust" owed to the people of the Territory, as spelled out in Chapter XI of the UN Charter. The Saharawi people are frustrated that the United Nations has not done more to fulfil this responsibility, and they are losing faith that the world body will live up to its promise. Their legitimate aspirations remain unfulfilled, while Morocco continues to obstruct the UN's political process, exploit Western Sahara's natural resources, and violate the fundamental human rights of the Saharawi people.

All we have ever asked is simply what is required by international law, and what has been agreed and mandated by the United Nations time and time again: the right to exercise our legitimate right to determine our own future.

I'd like to recall here the International Court of Justice conclusion in its 1975 Opinion on Western Sahara, I quote "The Court's conclusion is that the materials and information presented to it do not establish any tie of territorial sovereignty between the territory of Western Sahara and the Kingdom of Morocco or the Mauritanian entity. Thus the Court has not found legal ties of such a nature as might affect the application of resolution 1514 (XV) in the decolonization of Western Sahara and, in particular, of the principle of self-determination through the free and genuine expression of the will of the peoples of the Territory." (paragraph 162).

The Saharawi people rightly expected to decide their own political future when the UN Security Council endorsed the Peace Plan that was agreed by both POLISARIO and Morocco under UN auspices in 1990. The Peace Plan entailed a full ceasefire followed by a referendum of self-determination. The referendum was supposed to

take place within 6 months. The UN was given, and I quote, "sole and exclusive responsibility over all matters relating to a referendum." The Saharawi people respected the ceasefire, but the referendum they were promised never materialised. Morocco obstructed the referendum process because it feared the inevitable result. Ever since, the international community has turned a blind eye to this miscarriage of justice, and allowed Morocco to get away with its violations of UN resolutions.

Mr. Chairman,

Despite the many setbacks and disappointments we have experienced over the years, the Frente POLISARIO has always been willing to cooperate with the United Nations in search of a just and lasting solution that will allow for the self-determination of the people of Western Sahara, as called for by all UN Security Council resolutions. Our proposal in 2007 for a lasting and comprehensive resolution of the dispute was very much presented in this spirit. We have always been committed to the negotiation process, but we need a genuine and committed partner on the other side of the table.

The Frente POLISARIO's proposal has the merit of not only complying fully with international law, but also of laying out a vision for the future that would be conducive to the establishment of friendly and cooperative relations with Morocco. A free, fair and democratic referendum, offering a genuine choice between different options, is of course an integral part of the plan.

On the other hand, Morocco's proposal for so-called autonomy, which offers a simple confirmatory vote, is inconsistent with international law, would not allow for self-determination as laid out in numerous General Assembly resolutions dating back to 1960, and is intended only to legitimize the illegal occupation of Western Sahara.

Since 2007, there have been multiple rounds of formal and informal talks designed to overcome the impasse. These efforts have unfortunately been in vain due to Morocco's unwillingness to discuss anything other than its own autonomy plan, and its refusal to consider a referendum, which all recognize must be the basis of a genuine exercise of self-determination. Morocco's intention remains to sabotage the peace process and consolidate its grip on the Territory. It is now critical that the international community insist that Morocco complies with the resolutions of the Security Council and with international law.

Mr. Chairman,

While we have waited patiently for a solution, the situation of the Sahrawi people both in the refugee camps and in the occupied areas of Western Sahara continues to be dire.

The invasion of Western Sahara in 1975 forced thousands of Saharawis to flee Moroccan air strikes and seek refuge in the southwest of Algeria, where they have been living in the most challenging conditions imaginable. The Saharawi refugees who now number 165,000 continue to live in harsh conditions.

In the Occupied Territories, the Sahrawi people endure a premeditated campaign of human rights abuses, including murder, torture, disappearance as well as harassment and intimidation. This has been widely documented and confirmed by the UN-Secretary General, international NGO's, UN Special Rapporteurs and the US State Department.

The most recent US State Department Report on the human rights situation, published in February this year, has noted that systematic human rights abuses continue, including arbitrary arrest and detention, the denial of freedom of speech and association, as well as general police impunity.

On 13 May 2014 Amnesty International said that perpetrators of torture enjoy almost "total impunity" in Morocco and Western Sahara and called on Moroccan authorities to "end the climate of impunity".

MINURSO, the UN Mission for the Referendum in Western Sahara, is the only UN Peacekeeping Mission established since 1978 that does not have a mandate to monitor and report on the human rights situation on the ground. This is despite the fact that there are clear allegations of serious human rights violations by Morocco, and the fact that the UN itself supports such monitoring. This inexplicable exception to the rule allows Morocco to continue to oppress the population in the occupied Territory.

The UN Secretary-General recognized in his report of April 2014, and I quote, "... the need for a more balanced and comprehensive monitoring of human rights. He also said that, and I quote, "the end goal remains the sustained, independent and impartial monitoring of human rights, covering both the Territory and the camps."

It is a matter of great regret that once again this year the Security Council failed to take up the Secretary-General's clear recommendation on this issue. Morocco claims that it respects the human rights of the Saharawi people. But then why does it fear and protest the idea of human rights monitoring so vigorously and why does it threaten and harass international visitors seeking to understand the situation in the Territory?

Mr. Chairman,

The other issue we have repeatedly brought to the attention of previous Seminars is Morocco's systematic plunder of the natural resources of Western Sahara, particularly fisheries and phosphates, in violation of international law. Economic exploitation is another form of colonialism and is incompatible with the Charter of the United Nations, the Declaration on the Granting of Independence to Colonial Countries and Peoples and the Universal Declaration of Human Rights as well as the Fourth Geneva Convention, 1949.

The Under-Secretary-General of Legal Affairs and the Legal Counsel of the UN, Hans Corell, reiterated in a legal opinion delivered to the Security Council on 29 January 2002 that Morocco is not considered as an administering power because, and I quote, "The Madrid Agreements did not transfer sovereignty over the territory, nor did it confer upon any of the signatories the status of an administering Power - a status which Spain alone could not have unilaterally transferred."

Mr. Corell concluded that, and I quote, "...if further exploration and exploitation activities were to proceed in disregard of the interests and wishes of the people of Western Sahara, they would be in violation of the international law principles applicable to mineral resource activities in Non-Self-Governing Territories". As an illegal occupying power in Western Sahara, Morocco is not competent legally to enter into agreements that bind or involve the Occupied Territory and its natural resources. As a Non-Self-Governing Territory, Western Sahara's natural resources must not be exploited against the wishes of the Saharawi people. For several years, we have made our clear views on this known to the UN and to the companies that have sought to enter into illegal agreements with Morocco. Any illegal exploitation of the natural resources will also be in violation of numerous UN General Assembly Resolutions and Article 1 of both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

We welcome the call made by the UN Secretary-General in his recent report that all parties need to respect the applicable international law on the exploitation of natural resources in a Non-Self-Governing Territory. We regret that the Security Council did not reflect this in Resolution 2152 of April this year. Morocco's systematic plundering of the natural resources that belong to the people of Western Sahara supports its ongoing occupation, benefits thousands of Moroccan settlers and, in the long run, will deprive the Saharawi people of a secure platform from which to pursue its own national development once decolonization occurs.

We are now at a critical turning point, as certain oil companies such as Kosmos Energy and Cairn Energy are preparing to engage in drilling for oil and gas offshore Western Sahara for the first time. It would be extremely dangerous to allow this drilling to take place, and we have brought this squarely to the attention of the UN Secretary-General and the UN Security Council. Aside from its illegality, any drilling offshore Western Sahara could fundamentally derail the UN settlement process, and for this reason it must be stopped.

If the UN's rhetoric on conflict prevention is to mean anything, then all of the organization's members must dramatically step up their efforts to resolve this dispute before it is too late.

Mr. Chairman,

I regret to say that the international community has truly failed the Sahrawi people. MINURSO, has not organised the promised referendum, has failed to stop the systematic human rights abuses in the occupied Territory, and has similarly turned a blind eye to the illegal exploitation of our people's natural resources.

The only peaceful way to resolve the question of Western Sahara is through the organisation of a free, fair and transparent referendum held under the auspices of the United Nations and the African Union. The referendum will not come about by wishing for it. If Morocco does not wish to negotiate, and it appears not to, then it must be obligated to allow the self-determination referendum to take place.

In the meantime, the UN must mandate its Mission in Western Sahara to monitor the human rights situation of the Saharawi people in both the territory and the refugee camps.

The UN should also demand a halt to the illegal exploitation of the natural resources of Western Sahara. This exploitation is taking place against the clearly expressed wishes of the indigenous population. The natural resources of this Non-Self-Governing Territory must be protected until the decolonisation process is completed.

We call on the United Nations to establish a UN Council for the Natural Resources of Western Sahara. The UN Council for Namibia which, among other things, legislated for and oversaw the development of natural resources in occupied Namibia until 1990 is a good example and precedent. The UN should retain the revenues received from the exploitation of the natural resources of Western Sahara in trust until the Saharawi people exercise their right to self-determination and decide their future.

The responsibility of the UN towards the Saharawi people must be upheld. The Special Committee must therefore do much more to bring about the decolonisation of Western Sahara once and for all. We urge the Special Committee to send a delegation to Western Sahara and report publicly on its findings in accordance with UN Resolution 68/97 of December 2013 which I quote "reaffirms that the United Nations visiting missions to the Territories are an effective means of ascertaining the situation in the Territories, as well as the wishes and aspirations of their inhabitants."

Under the Article 73 of the UN Charter, Member States have the responsibility to ensure that there is reporting on the socio-economic conditions within a Non-Self-Governing Territory. The absence of a listed administering power for Western Sahara means that the responsibility falls to the United Nations, through the General Assembly and the UN presence in the Territory, to ensure that this happens.

The Frente POLISARIO remains willing to continue to cooperate with the UN in this endeavour, but we are not exaggerating when we say that our people have lost patience, and time is therefore running out. There can be no more delays.

Thank you again for the invitation and for the opportunity to share our views with you.