

United Nations  Nations Unies

HEADQUARTERS • SIEGE NEW YORK, NY 10017

TEL.: 1 (212) 963.1234 • FAX: 1 (212) 963.4879

Distr. RESTRICTED
PRS/2012/CRP.16

ORIGINAL: ENGLISH

THIRD INTERNATIONAL DECADE FOR THE ERADICATION OF COLONIALISM

Pacific regional seminar on the implementation of the Third International Decade for
the Eradication of Colonialism: current realities and prospects

Quito, Ecuador
30 May to 1 June 2012

STATEMENT

BY

MR. MOHAMED YESLEM BEISAT DEICH

(FRENTE POLISARIO (WESTERN SAHARA))

SPECIAL COMMITTEE OF THE 24 ON DECOLONISATION

Seminar on Decolonisation

**Statement by Mohamed Yeslem Beisat
Representative of the Frente POLISARIO
Quito (Ecuador), 31 May to 2 June 2012**

**Mr Chairman
Honourable Delegates
Distinguished participants**

The Frente POLISARIO is grateful for the invitation addressed to us by the President of the Special Committee of the 24 on Decolonisation to participate in the seminars organised every year. It gives us special pleasure that this time the seminar takes place in Quito.

On the one hand, history tells us that a few kilometres away from here in the villages of the Pichincha volcano, the Ecuadorian patriots fought with success one of the most decisive battles for the independence of Latin American nations.

That great revolutionary movement greatly inspired the launching, a few decades later, of the other historical movement, namely the struggle for independence of the African nations. The two movements contributed, with good reason, to the adoption by the United Nations of the Magna Carta of decolonisation contained in resolution 1514 (XV) that was adopted by the General Assembly in December 1960, which in turn gave birth to this Special Committee of the 24 chaired today by Ecuador.

On the other hand, the fact that this seminar is held in this city represents a renewed commitment of the Government and people of Ecuador to the reasons and objectives that gave rise to this Committee, namely the complete eradication of colonialism in all its forms. I would therefore like to add my voice to the statements that have preceded me to thank the Ecuadorian Government for the facilities and the many expressions of hospitality that have made us feel that we are really at home.

Mr Chairman, honourable delegates

The decolonisation of Western Sahara is still a goal and responsibility of the United Nations and therefore of this Committee as well. The legal and political parameters that led to the inclusion by the Committee on Decolonisation of the last African colony on its agenda at a time when the Territory was under Spanish rule are still the same today. All that has changed is the coloniser, which since 1976 is a neighbouring country, Morocco.

The Special Committee is well aware of what happened in November 1975 when, contrary to the conclusions and recommendations contained in the report of its fact-finding mission to Western Sahara in May 1975 and in clear violation of the resolutions of the General Assembly and the advisory opinion of the International Court of Justice, the former colonial power, Spain concluded, in disregard for the Sahrawi people and the United Nations, a secret agreement with Morocco and Mauritania for invading and occupying our country, thus preventing the peaceful completion of the decolonisation process that had been defined and recommended by this Committee.

Our people were subjected to a war of extermination whose instruments were Napalm bombs and physical elimination of hundreds of civilians, including dozens of women and children as

was recognised by local Moroccan organisations (Human Rights Council, Report of December 2010).

Part of our people were forced by the military invasion, which began in October 1975, to seek refuge outside their country, while another part was trapped in the urban centres, now part of the territories occupied by the Moroccan army.

We have resisted this expansionist onslaught with the means we had at our disposal. In 1979, Mauritania recognised its mistake and signed peace with our country and later granted its full recognition in 1984 to the Sahrawi State, which was proclaimed on 27 February 1976 in response to the legal vacuum caused by the departure of the colonial power, Spain. The Organisation of African Unity (now the African Union) admitted, as full member, the young Republic, which also has an extensive diplomatic recognition in Latin America.

In 1991, Morocco accepted with us a peace plan elaborated jointly by the UN and the OAU, which was endorsed by the Security Council in its resolutions 658 and 690, whereby the UN, in cooperation with the African organisation, would hold in Western Sahara a referendum on self-determination for the Sahrawi people to choose between full independence and integration into the occupying power of their territory. A UN mission called **MINURSO** was deployed in the Territory on 30 August 1991 to organise the referendum in February 1992. It has been over 20 years now, and the referendum has not been held yet, thus leading to prolonging the suffering of a people victim of great injustice, and maintaining tension and mistrust in the region.

How did this happen and how it was possible to happen?

The facts are well known. When everything was ready for the holding of the poll, after years of obstruction and problems deliberately created in the way of the referendum, Morocco backed out and reneged on the commitment it had undertaken. In April 2004, it sent a letter to the UN Secretary-General where it stated formally its rejection of the referendum under the pretext that it would put into question (*I quote*) its "sovereignty over Western Sahara" (*unquote*).

The pretext is unconvincing because no one recognises this claim of sovereignty, neither the UN nor the AU or any country in the world. For the United Nations, and this Committee knows this better than anyone, the question of Western Sahara is still registered on its agenda as a matter of decolonisation to be resolved through the exercise by the Sahrawi people of their right to self-determination.

Since 2004, Morocco, whilst rehashing old ideas concocted by old colonialisms, has been trying to force the hand of the international community to renounce in the case of Western Sahara the principles and resolutions of the United Nations through the manoeuvre of offering a so-called status of "autonomy" to our country under the sovereignty of the occupying power. This attempt has not come to anything and it cannot thrive. Meanwhile, under the cover of a ceasefire that has become increasingly fragile owing to the impasse in the decolonisation process, Morocco continues to violate human rights in our country and to plunder massively our natural resources of a Non-Self-Governing Territory, of which it is not even, legally speaking, the Administering Power, which is a violation of the resolutions of this Committee and the legal opinion of the Under-Secretary-General for Legal Affairs of 29 January 2002.

The Committee has been following closely the tortuous course of the negotiation process between the Frente POLISARIO and the occupying power. This process, which started in 2007 under the auspices of the UN Secretary-General, has not yet led to any results owing to the

intransigence exhibited by the other party which, as it has stated publicly, would not accept any solution other than the reconfirmation of its annexationist claims. In short, it does not want the Sahrawi people to be consulted about their future.

Testimonies from the UN Secretary-General: reports

In his report of April 2011, the Secretary-General said in paragraph 117, (*I quote*): "I am concerned about the deterioration of the security situation in Western Sahara, resulting from the absence of a peace agreement between Morocco and the Frente POLISARIO and the continuing 20-year-old status quo in the Territory" (*unquote*).

The Secretary-General made it clear in paragraph 120 that (*I quote*): "At this time of protest and contestation throughout the Middle East/North Africa region, the sentiments of the population of Western Sahara, both inside and outside the Territory, with regard to its final status are more central than ever to the search for a settlement that will be just and lasting. But these sentiments remain unknown" (*unquote*).

Our comment on this fact is that everything possible should be done to know precisely these sentiments and to know what the Sahrawi people want for their future. We firmly believe that the only way to do that is to consult the Sahrawi people directly. That means that the wise idea agreed on before by both parties, namely the referendum, is the only path to attain certainty and to know what this people want and whether they want to be part of Morocco or part of the free nations.

It is from this objective perspective that one should judge the flexibility and consistency of the position of the Frente POLISARIO. Even after having proclaimed a State that is recognised by dozens of countries and the African Union, we have agreed to go to the referendum for the Sahrawi people to confirm or not this reality and we are committed to accepting their decision.

This position contrasts sharply with the Moroccan position, which does not in any way want that the Sahrawi people be consulted about their future. It seeks to impose on us and on the international community mere annexation disguised in what it calls "status of autonomy". It is obvious to anyone who wants to be fair that no country in the world can grant autonomy to a territory that is not part of that State. To do or try to do this is to go back to colonialism, to the time when the only title was that which was derived from "occupation", but those days are happily overcome.

The UN Secretary-General himself implicitly warns Morocco in the above-mentioned paragraph 120 when he says (*I quote*): "What is clear is that arrival at a final status on which this population has not clearly and convincingly expressed its view is likely to engender new tensions in Western Sahara and in the region" (*unquote*).

The Moroccan challenge to international law and international standards are more evident when one reads the latest report of the UN Secretary-General to the Security Council of 11 April this year, 2012, less than two months ago.

The Secretary-General's report of April 2012

In his report of 11 April 2012 (S/2012/197), the Secretary-General informed the Council in paragraphs 46, 93 and 112, of the intolerable series of restrictions, obstacles and spying being carried out by Morocco on MINURSO, which, according to the Secretary-General, has undermined the credibility and independence of the mission and its operational capacity.

The Frente POLISARIO, which is recognised by the United Nations since resolution 3437 (1979) of the General Assembly as (*I quote*) "the legitimate representative of the Sahrawi people", has spared no effort to promote a just, peaceful and lasting solution to the conflict with our Northern neighbour in line with the dictates of international legality. We have also offered to discuss the basis for a privileged relationship between the two countries, which obviously would work to the benefit of greater regional integration in the economic, social, cultural and security domains and against the common threat that today has its more visible exponent in the Sahel region.

Responsibility and role of the Special Committee

We believe that the Committee cannot continue to take a passive attitude regarding the last colonial problem in Africa on its agenda. The passivity is reflected by the fact that at the time when all the principal organs of the United Nations (the General Assembly, the General Secretariat and the Security Council) are involved in the search of that just and lasting solution, the Committee gives the impression of having felt behind and so it remains, when it should be at the forefront of these efforts. I would like to mention as an indication of this passivity, which is perhaps unintentional and so we want to understand it, the fact that since 1975 the Special Committee has not sent any mission to Western Sahara to update the data subsequent to its first visit in May 1975.

Three UN Secretaries-General (Pérez de Cuéllar, Boutros Ghali and Kofi Annan) have visited the Territory since the adoption by the Security Council of the peace plan in 1991. A Security Council mission paid a visit to Western Sahara in June 1995. The UN Secretary-General's Personal Envoy for Western Sahara, Ambassador Ross, was planning to visit the Territory in June, but his visit has been suspended following Morocco's withdrawal of its confidence in the UN mediator. All have visited, except the Committee of 24.

Given that Western Sahara is still a Non-Self-Governing Territory on the agenda of this Committee, we believe that it would be not only timely but also necessary for the Committee to update its data and knowledge subsequent to its visit to the Territory in May 1975.

From another perspective, we also think that it falls under the competences of this Committee and its practice to hold a special session on Western Sahara and to invite UN and AU Member States as well as experts of recognised standing to that debate, which would enhance the authority and credibility of the Committee.

For both, you can, Mr Chairman, count on the support and assistance of the Frente POLISARIO that is, along with Morocco, the partner of the UN in the decolonisation process of the last African territory that is still struggling for its full self-determination.

Thank you very much!