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Special Political and Decolonization Committee (Fourth Committee)

Summary record of the 4th meeting

Held at Headquarters, New York, on Thursday, 10 October 2019, at 3 p.m.

Chair: Mr. Bahr Aluloom (Iraq)
later: Mr. Pindják (Vice-Chair) (Slovakia)
later: Mr. Bahr Aluloom (Chair) (Iraq)

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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 (*Territories not covered under other agenda items*) (continued)

Hearing of representatives of Non-Self-Governing Territories and petitioners (continued)

1. **The Chair** said that, in line with the Committee's usual practice, representatives of Non-Self-Governing Territories would be invited to address the Committee and petitioners would be invited to take a place at the petitioners' table, and all would withdraw after making their statements.

Question of Guam (A/C.4/74/4 and A/C.4/74/4/Rev.1)

2. **Mr. Tenorio** (Lieutenant Governor of Guam) said that the United States Government maintained its unilateral control over Guam and used its judicial system to interfere with the Territory's progress towards decolonization by preventing public funds from being spent to organize a plebiscite pursuant to Guam law.

3. Changing the unacceptable status quo had been the policy of the territorial Government of Guam over the previous forty years. Without a change, there would be no path to full representation in a representative democracy, leaving those who lived on Guam unable to vote in a national election, having authority imposed on them remotely and at the mercy of discriminatory withholding of Government programmes and entitlements.

4. Although the United States had upheld justice in advocating for the civil and human rights of other groups, the Insular Cases, a series of decisions taken by its Supreme Court between 1901 and 1910, had provided the basis for the rule of law in its overseas territories, facilitating its expansion beyond its continental boundaries and enabling Congress both to apply and to withhold Constitutional protections and guarantees to the people living in those territories. The racist belief prevailing at the time, namely, that it would be difficult for the so-called alien races of the territories to assimilate Anglo-Saxon principles, had informed the Insular Cases, which remained in force over a century later, entrenching the second-class citizen status of the inhabitants of the territories.

5. The administering Power had prohibited the native Chamoru population of Guam from exercising the right to self-determination despite the referendum held 32 years earlier, in which the population of Guam had voted in favour of that very exercise. Moreover, the historical

injustices visited upon the Territory's native inhabitants, including the dispossession of their land and resources, had yet to be acknowledged or resolved, preventing them from exercising their right to development in line with their needs and interests.

6. The lack of measurable progress towards the decolonization of Guam was of particular concern as the third International Decade for the Eradication of Colonialism drew to a close. The administering Power must redress the injustices of the past and honour the right of the colonized to decide their future freely. Despite the imperfections in the relationship between Guam and the United States, the territorial Government continued to engage the administering Power, which had recently granted the Guam Commission on Decolonization \$300,000 to fund public studies and activities. He hoped that the administering Power would continue to fund such efforts.

7. The local leadership was frustrated with its lack of legal authority or influence in the decision-making process concerning the land use requirements of the United States military in Guam. Without true decolonization, local leaders' views and recommendations on the subject would remain subordinate. Furthermore, the administering Power's return of excess federal land to the Territory was a priority for the Government of Guam, which had submitted a list of parcels it sought to have returned. One parcel was in Litekyan, the site of a controversial future military live-firing range; land had been desecrated, cultural artefacts unearthed and endangered species displaced in building the firing range.

8. The administering Power and the Governments of the Freely Associated States in Micronesia had concluded the Compact of Free Association without meaningful input from the Government of Guam, which desired an opportunity to participate in those relations. The development nevertheless indicated that the United States Government might be willing to engage Guam in political status talks. For its part, Guam desired to work closely with that Government to increase fairness and equity for the Territory; despite the failure of past efforts, it would continue to engage the administering Power meaningfully, in the hope of, inter alia, gaining approval for a United Nations visiting mission to the Territory and expanding the dialogue on decolonization.

9. **Ms. Lee** (Guam legislature) said that small islands had suffered greatly as a result of colonization, which had altered their languages, religions and opportunities for development irrevocably. It was therefore imperative that island colonies be able to change course and address the issues that confronted them, including the impact of

rising sea levels and warming oceans. Island homelands were among the first in the world to have drinking water jeopardized by intruding seas, and they could well become the first to be erased from the map altogether.

10. No indigenous person should have to ponder a future with no homeland, an existential tragedy tantamount to the loss of one's humanity. The lack of sovereignty of many Non-Self-Governing Territories, including her own, was a major obstacle to local efforts to reverse the effects of climate change and protect their native lands. As an unincorporated territory owned by the United States, Guam had no authority to negotiate direct investments with other countries and was not eligible for the development bank financing afforded to small, independent nations. Moreover, Guam had no meaningful participation within the governmental framework of the administering Power, which dictated environmental policies to the Territory without soliciting local input on their impact.

11. Only by becoming self-governing could Guam manage its environmental problems optimally, and where climate change was concerned, it lacked the luxury of time. In that connection, she urged the Organization to uphold its commitments related to decolonization, including by dispatching a visiting mission to Guam at the earliest possible opportunity.

12. **Ms. Flores Perez**, speaking in her personal capacity, said that 300 years of colonialism and militarization had disrupted the indigenous Chamorro society's natural alliance with the environment, a connection that dated back millennia. The construction of five firing ranges near the ancient village of Litekyan would entail the permanent destruction of over 1,200 acres of forests that were the natural habitat of rare endangered species. Moreover, nearly seven million bullets containing lead and other toxins would be fired over the Territory's primary source of drinking water, and access to the adjacent Guam wildlife refuge and the surrounding waters would be prohibited to traditional healers, fishermen, conservationists and the community at large for up to 39 weeks of the year.

13. The destruction of cultural and historic property and burials was deeply disturbing. Human bone fragments had been discovered in push piles as a result of the build-up activity and bulldozing of historic sites. The mitigation actions proposed were not sufficient to protect endangered species, cultural heritage and natural resources. Although the effort to protect Litekyan had galvanized her community, the destruction had continued unabated. In addition, the administering Power's military authorities had refused to pause construction, underscoring how the oppressive military

dominion over Guam remained the largest obstacle to the Territory's self-determination.

14. The militarization of the island violated the trust placed in the administering Power to preserve the culture and environment of Guam intact until the exercise of self-determination, contributing directly to the destruction of the very environment that sustained all life. Genuine security was based on providing basic needs, honouring human rights and dignity and preventing environmental harm.

15. It was not too late to support Chamorro self-determination, which had implications for world peace. In closing, she respectfully urged the Committee to support decolonization education efforts, dispatch a fact-finding mission to Guam, reaffirm that further militarization was an impediment to the exercise of self-determination by Guam and facilitate dialogue between the administering Power and the Territorial leadership with a view to decolonizing the Chamorro people.

16. **Ms. Munoz** (I Hagan Famalao'an Guåhan) said that the statistics on victimization of and violence against women in Guam were alarming. The Territory's rate of rape was the highest in the United States, with women accounting for the majority of victims. In addition, the number of rapes and sex offences had spiked in recent years. Numerous allegations of child sexual abuse committed by Catholic clergy had been reported, and family violence remained one of the most prevalent crimes. The indigenous Chamoru comprised 41 per cent of all persons arrested.

17. Violence against indigenous women was multifaceted in nature and could not be separated from colonization, both historically and as a result of its ongoing impact. As a traditionally matrilineal society and matriarchal culture, the Chamoru people had had its cultural, familial and spiritual foundations disrupted by the institutionalization of colonial patriarchal norms and systems. In closing, she respectfully urged the United Nations to approve a visiting mission to Guam and to seek the administering Power's approval for such a mission, with a view to ensuring genuine decolonization and the exercise of the Chamoru people's right to self-determination.

18. **Mr. Won Pat-Borja** (Commission on Decolonization, Government of Guam) said that in the case of *Davis v. Guam*, the United States judicial system had ruled that allowing only the native inhabitants of Guam to choose the Territory's political status in a plebiscite would be unconstitutional and that it would violate the civil and voting rights of non-native United States citizens living in Guam. It was troubling that the principle of civil rights was being instrumentalized to

continue oppressing the Chamorro people and openly attack the decolonization movement.

19. Owing to the Territory's strategic location in the Western Pacific, Guam had become the largest and arguably the most important United States colonial possession and military stronghold. Being an unincorporated territory had made the unilateral militarization of Guam possible and had turned the island into a United States port, adversely affecting the indigenous Chamorro people, who were now a minority in their own homeland.

20. The continued militarization of Guam and the growing numbers of immigrants to the island had displaced the indigenous people of Guam. As called for by the Secretary-General in his report on the second International Decade for the Eradication of Colonialism, administering Powers should ensure that any exercises of the right to self-determination were not affected by changes in the demographic composition of the territories under their administration as a result of immigration or displacement. In that context, local elected leaders had drafted the Guam Decolonization Registry Law establishing the parameters of the political status plebiscite and native voting qualifications. In order for the plebiscite to be an instrument of restorative justice, it must directly ascertain the desires of the colonized people, who had a right to decolonize.

21. The people of Guam had responded to the adverse judicial ruling by taking to the streets to march in support of Chamorro self-determination, making it clear that they desired recognition, respect and, above all, to be treated with dignity. He invited the United Nations to send a visiting mission to Guam in the hope that doing so would encourage more dialogue between the Territory, the administering Power and the Organization.

22. *Mr. Pindják (Slovakia), Vice-Chair, took the Chair.*

23. **Ms. Orsini** (Committee on Self-Determination, Guam Legislature) said that, as an indigenous Chamorro woman of Guam, she implored the Committee to urge the administering Power to fulfil its obligation to her people by enabling it to achieve genuine self-determination. Her people had a duty, passed on from generation to generation, to respect and honour the land, water, beliefs, heritage and culture that its ancestors had protected for over two millennia.

24. The hyper-militarization of Guam threatened the island's traditional ways of life, values and finite natural resources. Her people's nightmare was now its reality; the administering Power's national policy for the Asia-Pacific region and its robust military presence and expanding infrastructure on Guam hindered the

Chamorro people's prospects for self-determination, which would remain uncertain as long as Guam remained a vital strategic hub of the United States military in Asia.

25. Her people had endured countless challenges as they waited decades for meaningful action on decolonization. To that end, United Nations action, in line with the Charter and the Declaration on decolonization – both of which recognized the inhabitants' interests, not those of the administering Power, as paramount – would be imperative in order to confront the administering Power's hegemonic rule and enable the youth and future generations to survive and thrive in a decolonized Guam.

26. **Ms. Marsh-Taitano**, speaking in her personal capacity, said that the United States had unilaterally, but only partially, incorporated the Territory of Guam with no consideration given to the right of the native Chamorro population to consent. It had drastically altered island demographics despite United Nations admonitions against doing so; Chamorros, who had accounted for 91 per cent of the island's population before the United States had placed it on the list of Non-Self-Governing Territories, comprised a mere 42 per cent of the current population. The dwindling had muddled the issue of self-determination and drowned out the voices of indigenous inhabitants on sociopolitical, environmental and cultural questions.

27. Through 51 years of military rule and 20 years of appointed governorships, the United States had banned speaking the indigenous language and curtailed many cultural practices and traditional ways of life, tearing families apart and divvying up access to life-sustaining natural resources by politically separating the Chamorro people. The result was a struggle for cultural survival from generation to generation. Over a century of United States colonial administration and the attendant military build-up had introduced carcinogenic toxins into the island's soil and water. The diseases that resulted claimed the lives of elders, who were repositories of ancestral wisdom.

28. Unfunded United States mandates for Guam and the Territory's ineligibility for numerous government programmes impaired the local Government's ability to operate and provide services. Forced to focus on meeting basic needs, the population had been reduced to treating its ancestral, historical and natural resources as secondary, a state of affairs exploited fully by the administering Power in its bid to militarize. Despite United Nations admonitions to refrain from using Non-Self-Governing Territories for military bases and installations, the United States continued to bulldoze,

destroy and transform spaces that held sacred connections to ancestors into new military installations, while existing military housing and other facilities were underutilized. As a result, the elders no longer recognized the landscape, while the young lacked an understanding of their native lands and seas and the life that used to thrive within them.

29. **Ms. Barnett** (Independent Guåhan) said that the decolonization movement in Guam was thousands strong. In the final year of the third International Decade for the Eradication of Colonialism, the promise of decolonization remained unfulfilled for Guam, as the United States was poised to eradicate Chamorro rights through a judicial ruling that the Territory's political status plebiscite was unconstitutional. The system of the colonizer was designed to stamp out indigenous cultures and rights, and defeat was too often the verdict for the colonized when their case was tried in the colonizer's court. Nevertheless, the ruling had galvanized the sovereignty movement and emboldened its demand for self-determination.

30. Decolonization must happen within her lifetime because the administering Power's environmentally harmful large-scale militarization of the island was proceeding apace, while no acknowledgement or medical care was forthcoming for those whose exposure to radiation and contamination had resulted in illness. Guam was being held hostage in a political status cage by the United States, which, by its own admission, exploited the Territory's colonial status to take actions it would be unable to do in a foreign country or in one of its own states, such as bulldozing ancient Chamorro villages and artefacts to make way for a massive troop relocation. For their part, the elected leaders of the island colony were powerless to stop the build-up or call for accountability.

31. By the United States military's own estimates regarding the build-up, the military presence would change the island's voting demographic. The transfer of thousands of military staff and their dependents to Guam would reduce the indigenous population to a minority in its own homeland and imperil the future of a native self-determination plebiscite. She therefore urged the United Nations to take action by sending a visiting mission to Guam, as merely bearing witness would not suffice.

32. **Mr. Orsini** (Bay Area Independent Guåhan) said that, in 1996, Guam had aligned its political strategy with the United Nations decolonization model, launching a new era of dialogue that looked to the international community and depended on the Organization's strength and aspirations. In the intervening years, there had been little political

momentum despite the repeated, desperate pleas of the many compatriots that had made the journey to testify before the Committee, the administering Power's sacred trust forgotten and its desire to eradicate colonialism apparently absent.

33. Alarm bells were ringing as the United States military continued to poison his people, pushing it off the island and destroying endangered species, delicate ecosystems and ancestral sites. As the toxins of war crippled his people with exotic ailments, the military's fossil fuel-guzzling machinery was precipitating an apocalyptic planetary crisis. Generations of Chamorros had laboured and conspired to escape their colonial fate, but they were running out of time. He and many others therefore appealed to the Committee once more, expressing their anger and grief in words of entreaty in the hope of being saved.

34. **Mr. Gumataotao** (Dukduk Goose Inc.) said that his non-profit company had been founded to inspire a deep love for the land, ocean and culture of Guam by producing media from the Chamorro, Micronesian perspective. The We Are Protectors campaign aimed to empower the next generation against such threats to the island and region as illegal burning, invasive species, climate change and, most lethal of all, accelerated militarization. He and his compatriots had not come to bemoan their victimhood but instead to celebrate their existence and convey the Chamorro experience and desires. Such expression was all the more vital in the light of the administering Power's insidious refusal to acknowledge the right of the Chamorro people to decolonize. More importantly, he appealed to the Committee on behalf of the children of Guam and indigenous children across the Marianas, so that they would know that the legacies they would inherit were built on a foundation of respect.

35. The right of the people of Guam to clean water was sacrosanct. By the authority of their bulldozers, the United States military were building a live-firing range that would sit atop the northern Guam lens aquifer, which provided upwards of 90 per cent of the island community's water. Failure to halt the project would lead to permanent chemical contamination and loss of ecological resources and cultural heritage. Chamorros could not protect the land by physically occupying it as the area lay behind a military fence built atop land stolen from Chamorro families. Stressing that decolonization was essential in upholding the right of Chamorro children to a sustainable future, he urged the Committee to send a visiting delegation to Guam in support of that right.

36. **Ms. Limtiaco** (Guåhan Coalition for Justice and Peace) said that the severe disparities between inhabitants of Guam and mainland United States citizens in terms of life expectancy, cancer rates and access to health care demonstrated that the colonizer did not regard the people of Guam as partners but rather as second-class citizens. Between 2012 and 2016, non-communicable diseases had remained among the top causes of death in the Chamorro population, a direct result of the disruption of native diets and prolonged exposure from United States military testing.

37. The treatment received by the population of Guam under colonial health-care schemes was not comparable to that provided by the administering Power to mainland United States citizens, owing to limits placed on government health-care funding for United States territories that did not apply in the states. Consequently, health-care facilities on Guam were inferior, forcing its inhabitants to travel to other countries to receive appropriate care and mental health services. The financial hardship of persons seeking care forced some on Guam to beg for donations to cover medical costs. The restricted funding had also led to a shortage of health-care workers and limited technology in the only public hospital and the recently opened private hospital on Guam. His organization urged the United Nations to use its influence to compel the United States to engage in the decolonization process in Guam in a manner consistent with the relevant international standards, and to dispatch a visiting mission to Guam.

Question of Montserrat

38. **Mr. Romeo** (Premier of Montserrat) said that he was grateful to the United Kingdom for allowing the Special Committee on decolonization to visit Montserrat in December 2019. The visit would enable the Special Committee to assess first-hand the actions taken over nearly half a century to remove Montserrat from its list of Non-Self-Governing Territories. The Fourth Committee, the Special Committee and the United Kingdom had long been aware that Montserrat had the right, the means, the motivation and the skills to be liberated, and his country could have been well advanced in its development long before the volcanic eruption of 1995.

39. Unfortunately, the inhabitants of Montserrat were unaware of their rights under Article 73 *e* of the Charter of the United Nations. If the Government of Montserrat had insisted on the timely fulfilment of those rights, the country would have stood on its own two feet long ago and the damage and loss of life caused by the eruption could have been avoided given that it had been the result of delays in and a lack of critical funding allocated to

recovery and redevelopment following the disaster. Furthermore, the risks associated with the volcano had been predicted long before the eruption had taken place; during the eruption, the true hazards had been concealed in order to avoid expenditures. Finally, however, the United Kingdom Government had taken a significant step in addressing Montserrat's need to replace its lost infrastructure, which was essential to its economy and society. Arrangements for the replacement fibre-optic cable were also currently being finalized. Nonetheless, it had taken 10 years of contending with red tape and haggling with the United Kingdom to arrive at the current situation. Funding for the main road project and housing remained insufficient to address the needs of the island's population and no plans were in place to assist those driven into involuntary exile overseas to return to their homeland.

40. The renewed commitment by the United Kingdom was commendable, but it had come long after the crisis itself. The Government of Montserrat was still struggling to retain essential workers including teachers, police and nurses, and the country's youth continued to leave in droves. Pensions, salaries and social welfare benefits were far behind the ever-increasing cost of living. Civil servants on the island had suffered a 10-year wage freeze due to decisions made by the United Kingdom Government. The temporary housing stock was inadequate in the face of even a category three hurricane. While the United Kingdom Government was aware of the situation, little positive action had been taken. He called on the Committee to establish a framework, timeline and action programme for the full decolonization of Montserrat following the visiting mission to the country.

Question of New Caledonia (A/C.4/74/5 and A/C.4/74/5/Rev.1)

41. **Mr. Forrest** (Front de libération nationale kanak et socialiste (FLNKS)) said that 80 per cent of Kanak voters had voted yes to independence in the 2018 referendum and Kanaky was now in a critical phase of its history as it prepared for a second referendum in November 2020. There was still a long way to go and FLNKS leaders would have to contend with the political manoeuvrings of the administering Power through the pro-French parties. However, the positive result in the first referendum reflected the strong mobilization of young people and the active efforts of FLNKS to promote political and economic independence.

42. The meeting of the Committee of Signatories to the Nouméa Accord in Paris was an opportunity for FLNKS to call for more transparency and balance. FLNKS had identified many ways in which attempts

were being made to manipulate a victory for the pro-French side, including biased coverage in the media, which was largely funded by those who had voted against independence. Other issues included the scandal surrounding electoral lists and proxy votes, which must be resolved in order to ensure justice and equity. Provisions must also be put in place to ensure the transfer of powers. All parties concerned should take a rigorous approach to the second referendum.

43. The United Nations had made a positive contribution to the political process with its visiting missions and electoral observer missions, but many of its recommendations had not been implemented. A review of the decolonization process requested by FLNKS had remained ineffectual due to a lack of action on the matter, notably in New York. The Secretary-General had said that the United Nations was not mandated to carry out such a review, but the Committee was mandated by the General Assembly to support the people of Kanaky in achieving full sovereignty. Nevertheless, FLNKS appreciated the considerable work and assistance of the Committee, as well as that of the Melanesian Spearhead Group and the Movement of Non-Aligned Countries. Such efforts must be maintained, in line with the relevant General Assembly resolutions.

44. In 2020, his country could achieve full sovereignty, breathing new life into General Assembly resolution 1514 (XV). The independence of Kanaky would enable the country to put an end to colonial practices such as organized mass immigration which created social inequalities and capital flight to the benefit of the administering Power. His country remained determined to attain independence by 2020.

Question of Western Sahara (A/C.4/74/6)

45. **Mr. Omar** (Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro (Frente POLISARIO)) said that Frente POLISARIO was the legitimate representative of the people of the Non-Self-Governing Territory of Western Sahara. In contrast to the fate of all former African colonies, the decolonization of Western Sahara had been violently interrupted in 1975 because of the illegal occupation of the Territory by Morocco, which had been deplored by the Security Council and the General Assembly in their resolutions.

46. Once again that year, the occupying Power and its apologists would resort to misinformation in their accounts of the issue of Western Sahara before the Committee. However, denying the truth did not change the facts. As demonstrated by the Committee's ongoing consideration of the question of Western Sahara,

decolonization of the Territory remained to be completed to allow its people to exercise its inalienable right to self-determination and independence, in line with General Assembly resolution 1514 (XV) and other relevant resolutions. That right could never be supplanted by the colonial situation created by the Moroccan occupying Power in the Territory through its prolonged occupation and repressive policies.

47. That the issue of Western Sahara was a decolonization case was unquestionably clear. The presence of Member States in the current meeting demonstrated that allowing the illegal occupation by Morocco to continue unchallenged was not an option. If the principles of international legality had not been upheld in the past, many members of the Committee would have remained under the yoke of colonialism and foreign occupation. The people of Western Sahara deserved the same freedom to determine its future. The Committee should therefore implement all necessary measures to allow the people of Western Sahara to freely and democratically exercise its inalienable right to self-determination and independence. Doing so was the only way to bring about a peaceful and durable end to the long-awaited decolonization of the last colony in Africa and to end one of the most brutal chapters of its history.

48. *Mr. Bahr Aluloom (Iraq) resumed the Chair.*

49. **Mr. Dart Richert** (DEC Projects) said that he was disgusted by the actions of Morocco and the silence and complacency of the international community. The current situation in occupied Western Sahara was well known. The United Nations peacekeeping force implemented in 1991 had no human rights mandate. Massive human rights violations were being perpetrated, free speech was being suppressed and journalists were being indiscriminately imprisoned. Courts of law from the European Union to South Africa had invalidated trade agreements made by Morocco that ran counter to international law. But the international community continued to do absolutely nothing in response.

50. For over 44 years, the Sahrawi people had been denied its right to self-determination, even though Western Sahara had been declared a Non-Self-Governing Territory. The fact that a committee on decolonization still had to exist was astounding. The Committee had not fulfilled its duty to fight for justice, failing to hold France accountable for blocking a referendum each year or to call out Morocco for its lies and propaganda, suppression of free speech, plundering of natural resources and countless human rights violations. It was disturbing to see so many nations represented in the Committee which had dealt with

colonialism, displacement and war first hand, but which responded with inaction regardless. The power for change lay with the members of the Committee. He called upon every nation present to sign a pledge in an open letter to support a referendum on self-determination for the Sahrawi people, thus telling the world that there must be an end to colonization without delay.

51. **Mr. Arkoukou** (Free Western Sahara) said that the continued occupation of the Sahrawi Arab Democratic Republic by Morocco was unacceptable and the Sahrawi people had defeated that country's military many times. The United Nations had been unable to enforce its resolutions or conduct a transparent referendum to guarantee self-determination for the Sahrawi people. The United Nations Mission for the Referendum in Western Sahara (MINURSO) only benefited the Moroccan occupation. Moroccan settlers were killing Sahrawis every day and the United Nations presence had allowed Morocco to change the geography of the area and sap its natural resources. The Security Council had failed to address the situation in the last colony in Africa. The Group of Friends on Western Sahara should be dismantled as it had proven unable to serve the cause without being influenced by parties with ulterior motives. In addition, the mandate of MINURSO should be ended.

52. **Mr. Ahmed** (Sahrawi Association in the United States) said that there was no freedom of expression in Western Sahara; any expression in favour of self-determination was punishable by law, leading to arbitrary detention and mistreatment, including torture inside police stations. Many nations that were former colonies themselves had forgotten their own history and continued to support the occupying nation of Morocco. The conflict in Western Sahara was a question of international law, self-determination and respect by the United Nations of its own resolutions.

53. The conflict had been frozen for far too long; meanwhile, the situation on the ground had deteriorated drastically. The movement of settlers to the occupied Territory of Western Sahara in defiance of countless United Nations resolutions and Geneva Conventions, as well as the extensive and brutal human rights violations perpetrated by the Moroccan Government were well documented, but France and other Member States threatened to veto any endorsement of resolutions. The lack of good faith by Morocco and the lack of involvement of the African Union hindered resolution of the issue. Lastly, the mandate of MINURSO should be limited to six months.

54. **Ms. Eads** (Capitol Hill Prayer Partners) said that over the past 11 years she had visited members of the United States Congress to request support for the autonomy plan proposed by Morocco to allow the Sahrawi people to return to their homeland of Western Sahara. In her discussions with government officials, she continued to express deep concern for the youth in the camps. Without a timely resolution, another generation of Sahrawi youth that had been educated in the Tindouf camps would be polarized, having been exposed to a discourse of hatred by their schoolteachers. Such behaviour from their role models did not inspire or equip the youth with the skills necessary to work towards conflict resolution.

55. The lack of resolution also drove young people towards clandestine activities, such as the smuggling of arms, people and drugs, and led them to join terrorist groups in the Sahel and Sahara strips. Instead, they should be self-reliant and capable of cultivating positive relationships. If the Sahrawi people were only able to see themselves as victims, there was little hope for progress towards a peaceful settlement of the issue of Western Sahara. The Moroccan autonomy plan was the most viable option for a rapid and effective solution.

56. **Ms. Ashcraft** (Drug Enforcement Administration, Department of Justice, United States of America) said that, for over 40 years, the Sahrawi people had been trapped in a desperate situation in the south of Algeria, where they were used and abused for political and criminal gain. In the Tindouf camps, military organizations including Hizbullah were continually looking to recruit vulnerable youth into a life of terrorism, drug and arms smuggling and human trafficking.

57. Since the Arab Spring, militant jihadist groups and Latin American drug cartels had worked together to transport more drugs, arms and people across the Sahara desert. Al-Qaida, Boko Haram and Al-Shabaab were extending their reach throughout the African continent, with some groups infiltrating the Sahrawi refugee camps. There had been an escalation in cocaine trafficking from South America to Europe via established routes crossing the Sahara desert. The Tindouf camps were a hotspot for organized crime and radical networks, leading to terror activities including the kidnapping of aid workers in the Rabouni camp.

58. Four United States soldiers had been killed in an attack involving a Frente POLISARIO militia member. Morocco had confirmed that Hizbullah had delivered arms to Frente POLISARIO, including air missiles that could shoot down commercial aircraft. The threat was such that Morocco had severed diplomatic relations with

Tehran. The presence of that group in the camps was of utmost concern and highlighted the need for a rapid resolution. Swift and decisive action should be taken to adopt Morocco's autonomy plan and return the Sahrawis to their homeland.

59. **Ms. Erb** (Erb Law) said that when the Tindouf camps had been formed in 1975, Frente POLISARIO had quickly assumed complete control and had insisted on running the camps with little or no outside interference. Unlike other refugee camps around the world that were under United Nations supervision, in the Tindouf camps there were no accountability requirements. The lack of oversight had allowed for the mistreatment of residents, the misuse of funds and mass diversion of humanitarian aid at all levels of distribution. Without accountability, neither the United Nations nor the Sahrawi people in the camps could trust Frente POLISARIO, which was profiting from the lack of resolution on the issue.

60. For over 40 years, humanitarian aid had been donated to the Tindouf camps based on inflated numbers given by Frente POLISARIO. Even though excess humanitarian aid intended for the residents of the camps had been found in many North African countries, the United Nations had still failed to insist on a census to determine the number of camp residents requiring aid. The provision of a head count by Frente POLISARIO would show good faith in settling the matter as quickly as possible. However, the refusal of the camp leaders to cooperate demonstrated a lack of transparency and credibility, posing risks to the lives of camp residents.

61. Frente POLISARIO had maintained independent governance of the camps in southern Algeria for decades with no accountability, allowing it to wrongfully present itself as a State. Moreover, it did not even have observatory status at the United Nations. Nonetheless, its leaders met with heads of State and sometimes gained support by claiming to represent a separate country that had lost its legal rights to Western Sahara. Frente POLISARIO was a non-State group without any legal status, made up of refugees overseen by an elite group of peers who lacked any legitimate authority. The time had come for greater accountability and transparency.

62. **Ms. Sams** (Antioch Community Church) said that a peaceful solution to the question of Western Sahara must be found as soon as possible so that the residents of the Tindouf camps could return to their families. Conditions in the camps were austere and children, faced with limited opportunities for the future, were abandoning their education and were being driven towards illicit activities as Frente POLISARIO leaders diverted humanitarian aid for their own benefit. The

United Nations Children's Fund (UNICEF) had repeatedly stated that level of education was a measure for future success. Giving the children in the camps access to a proper education was the best way to ensure that they could fit into a functioning society once they returned to their homeland.

63. Young people in the camps were turning to the smuggling of arms, drugs and people to make money, and many left their families. Those who remained took on the sense of frustration and disillusionment of their parents, who had spent 44 years in a state of helplessness and dependence on foreign aid. The broken families who lived divided among the Tindouf camps, south Algeria and Morocco were also a source of concern. The family was the backbone of a society; without bringing families together, no lasting resolution could be considered a success.

64. The Moroccan autonomy initiative was the best way forward. It would allow children to come together with a Government that valued education and allow them to attend school, benefiting their future and that of their country. The plan would also give youth the chance to access a better future and allow families to unite, which was of the utmost importance.

65. **Ms. Stame** (Centrist Democratic International Women) said that the Tindouf camps were an open-air prison where atrocities of every kind imaginable had been taking place for almost 45 years with total impunity. The Polisario had systematically detained, tortured and assassinated hundreds of Sahrawis in detention centres where the prison conditions were worse than in feudal times. They sometimes took the form of deep pits, excavated in the desert and covered with corrugated iron, or mobile cells that made it impossible to locate the whereabouts of detainees. Family visits and medical attention were also forbidden. In the prisons, detainees were subject to all manner of torture at the hands of their jailers, and had their eyes covered and their hands and feet tied to prevent them from recognizing their torturers or place of imprisonment.

66. The Polisario militia benefited from a legal loophole created by a supposed devolution of judicial powers and sovereignty by the host State, thereby continuing its barbaric practices with total impunity and in violation of international law and the warnings of international organizations, including the Human Rights Committee. According to international law and the principle of territorial sovereignty, the host State must not outsource the protection of the rights of the Sahrawis. It therefore remained responsible for the

inhuman practices being carried out, which should lead the perpetrators to be brought to international justice.

67. **Ms. Emhamed** (Peace and Justice Center in Decorah, Iowa) said that a peaceful political solution must be found to end the Moroccan occupation of her country, and her people must be allowed to exercise its right to self-determination, as had been promised in 1991.

68. As the Committee existed to decolonize nations, it should be ashamed of its inability to enforce international law. The United Nations had done nothing to resolve the conflict; it should put pressure on Morocco to give the people of Western Sahara the right to govern themselves. Such freedom had not been granted as it ran counter to the interests of the brutal Moroccan regime, which was supported by France, the former colonial Power. Since 1975, her people had been living in refugee camps and under Moroccan occupation; it was time for the Secretary-General and powerful nations to send a strong message to demand their freedom. The delay in resolving the issue meant that the Sahrawis continued to suffer and Morocco continued to benefit from the situation.

69. There was a human rights crisis in the occupied territories of Western Sahara. Moroccan forces were arresting and torturing protesters, imprisoning political activists, raping women and harassing international journalists, denying them access to the Western Sahara territories. Such actions were part of systematic strategies by Morocco to instil fear and silence her people. It was time for the United Nations to end the colonization of Western Sahara and to give her people the right to self-determination, which was the only fair and lasting solution and the only democratic way to represent the will of her people.

70. **Ms. Warburg** (Freedom for All) said that, in the Polisario-controlled Tindouf camps, refugees were denied their basic human rights, there was a sense of fear and criminal activities were condoned. Rape and violence were commonplace and the refugees had no means of bringing criminals to justice. Women were powerless, which encouraged rapists to act with impunity. Perversely, those who denounced their rapists were often imprisoned, where they endured further assaults, which sometimes resulted in fatalities. Sahrawi men and United Nations personnel had also been victims of such crimes.

71. The Office of the United Nations High Commissioner for Refugees (UNHCR) must register the population of the Tindouf camps and assume responsibility for its welfare. The gang rape of United Nations personnel and the kidnapping of aid workers by

terrorists in 2011 highlighted how vulnerable the refugees were to the criminal behaviour of the Polisario and to regional instability. Even beyond Tindouf, the Polisario acted with impunity, and the Polisario Secretary-General, Brahim Ghali, was the subject of Spanish investigations into charges of rape, murder and torture, as were another 23 of his officials and four Algerians.

72. After 44 years, the camps should be liberated and the refugees resettled in Morocco or elsewhere. Under Morocco's autonomy plan, those Sahrawi refugees would enjoy full human, legal and democratic rights.

73. **Ms. Huff** (Teach the Children International) said that she had once had compassion, respect and admiration for the Polisario, but events over the years had revealed them to be misplaced. In 2014, the European Anti-Fraud Office had released a report detailing how humanitarian aid intended for the Tindouf camps had been diverted by the Polisario and sold on the black market for the benefit of Polisario leaders. Humanitarian aid theft revealed serious character flaws on the part of the Polisario; that same leadership would be a failed one if given greater responsibility in administering the affairs of a country. To date, no arrests or prosecutions of anyone named in that report had occurred. With no accountability for their actions, they were free to continue at the expense of the people in the Tindouf camps.

74. She asked how leaders who repeatedly said they had the people's best interest at heart could deny those very same people the basics of life, and whether those leaders were the ones who would faithfully come to the negotiating table to work out a settlement that would be in the best interest of their people. Honest negotiations were successful only when done in good faith among all parties concerned. If those who were to speak with authority were revealed to have no concern for the welfare of the people they led, any settlement supposedly reached would be suspect from the start. Should the Polisario become leaders in a separate country, as they were requesting, they would be positioned to engage in corruption on a grander scale. To think that the Polisario would suddenly become caring, well-intentioned leaders with the full confidence of their citizens once they had their own country was a misconception. She asked the United Nations to adopt the Moroccan autonomy initiative, which would be the most humane, expeditious and peaceful resolution possible to the issue.

75. **Mr. Huff** (Safety and Security Instructional Services) said that President Trump had sent a strong and well-deserved message of support when, in

February, he had signed a domestic spending bill that included funds for Morocco to help develop Western Sahara. Morocco had taken the lead 40 years earlier to develop the Sahara as a part of Morocco. King Mohammed VI had invested billions of dollars in an undeveloped area inhabited by nomadic tribal factions in order to create a viable thriving community. Every effort had been made to welcome camp returnees to Western Sahara. Those who returned were given housing and monetary assistance until they could find employment. They could enrol their children in school and had opportunities that those remaining in the camps could only dream of. Western Sahara could now boast of newly built schools, hospitals, housing, roads and electrical grids. The development of Western Sahara had turned it into one of the most desirable tourist destinations in the world.

76. The Tindouf camps had known links to terrorist groups throughout North Africa. Their presence destabilized the whole area of the Sahel and Sahara. Morocco would not further compromise the safety of the region by allowing the creation of an artificial and weak State with communist underpinnings that not only harboured terrorists and jihadists, but also acted as an incubator for such groups. The Sahara had its challenges, but Morocco had made great strides in making it a developed region. As a sign of its willingness to move ahead with the negotiation process and ultimately reach a peaceful solution, Morocco had proposed an autonomy plan that was deemed credible and serious by the United Nations and that would allow the Sahrawi population self-rule within the framework of Moroccan sovereignty.

77. King Mohammed VI had made it clear that relinquishing part of the sovereign territory of Morocco was not an option. It would be to the peril of the United States, Europe and Africa to ignore the significant political gains in development and stabilization that Morocco had made in the region.

78. **Ms. Bahajoub** (Family Protection) said that, while the Polisario was constantly reporting alleged human rights abuse in Western Sahara, it failed to address its own well-documented abuses and its warehousing of refugees in the Tindouf camps, who were kept in protracted situations of restricted mobility, enforced idleness and dependence, with their lives on indefinite hold.

79. Algeria was a signatory to both the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. However, the Tindouf refugees continued to have no right to juridical status, gainful employment, welfare, freedom of movement or

documentation. There was no freedom of speech, no independent civil society and no independent judiciary or political parties. Access to the camps by outside human rights monitors was limited and subject to strict visa requirements from the Algerian military authorities.

80. Morocco had been accused of being a military State, but the population in Western Sahara enjoyed the freedom to travel all over the Kingdom and abroad. That included critics of Morocco such as Aminatou Haidar, who had travelled in and out of Western Sahara with impunity.

81. The Polisario had refused to allow a census that would improve relief assistance. The report of the European Anti-Fraud Office had confirmed the embezzlement of aid intended for the sole use of the Tindouf refugees, who were almost completely dependent on international aid. Anaemia and malnutrition remained high, water resources were insufficient and primary schools and health-care centres operated with meagre resources and supplies. While the Polisario lived well, travelled and spent freely on their propaganda, the refugees remained deprived of their basic human rights. Even Khat al-Shahid, a dissident Polisario faction, had accused the Polisario of accumulating fortunes at the expense of the local population.

82. She welcomed the report that the Secretary-General had decided to deploy an electronic system at the Tindouf camps to monitor the international humanitarian need. That did not negate the need for a census, however. Such a census had long been called for by UNHCR, the European Union and the International Committee for the Red Cross, as well as the Security Council, and would allow the registration of refugees and the provision of internationally recognized documents to improve freedom of movement and help prevent the embezzlement and diversion of aid.

83. **Mr. Jensen** (Former Special Representative of the Secretary-General for Western Sahara and Head of the United Nations Mission for the Referendum in Western Sahara (MINURSO)), said that in 1996, as then Head of MINURSO, he had been instrumental in bringing together the key players to consider a negotiated political compromise as a means of resolving the Western Sahara dispute. They had agreed to an agenda in which the two extremes of independence and straightforward integration had been taken off the table, leaving some degree of autonomy. The talks had gone far better than expected, perhaps too quickly. The implications had so worried at least one side that the talks, which had been secret, had been erased from the

record. It had been a good idea whose time had yet to come.

84. There needed to be a new dynamic and a new spirit in the negotiating process aimed at reaching a mutually acceptable political solution. Algeria and Mauritania must contribute to the process. In July 2018, the African Union had expressed support for the efforts of the Secretary-General and recognized the Security Council as seized of the matter. The Council had welcomed the new momentum created by the round tables organized by the Personal Envoy of the Secretary-General for Western Sahara with Morocco, Algeria, Mauritania and Frente POLISARIO. In April 2019, the Council had affirmed the need to achieve a realistic, practicable and enduring political solution based on compromise. It was a conflict that had endured for a generation, posing a very costly security threat. Negotiations were needed and compromise was inescapable and would benefit both sides. Maybe the time had come for that good idea.

85. **Mr. Assor** (Surrey Three Faiths Forum) said that he had been coming to the Committee for years to plead for the liberation of the internees of the Tindouf camps. For decades, aid from the European Commission had been diverted away from internees, and such diversions revealed the truth of why the camps were maintained and why 90,000 people remained incarcerated. There was no doubt that the camps existed for the sole purpose of profiting a chosen clique at the cost of 90,000 wretched souls left to survive by supplying and trafficking in drugs, serving as cannon fodder in the Sahel and engaging in prostitution. The fact that the Sahrawi authorities had not provided free access to humanitarian organizations, which had not been allowed to carry out checks on the distribution system, as well as the reported existence of secret warehouses, proved fraudulent intent beyond any doubt. Unfortunately, the level of checks put in place was far too inadequate to put an end to that hideous problem.

86. The European Commission had granted aid for 150,000 on the basis of numbers asserted by Sahrawi officials but that number was impossible to check owing to constant objections to inspection and was most certainly overestimated. Aid arriving in Oran was cut down by a third, which was sold locally. The rest, which had been halved again, was sold by drivers while in transit to the camps. There were other modes of diversion. He reiterated his plea for the closure of the camps to enable the residents to vote with their feet and allow them to return to Morocco, which was waiting to welcome them.

87. **Ms. Ramos** (American Association of Jurists) said that Western Sahara was clearly a case of decolonization

and of an illegal military and civil occupation. The Sahrawi people had the inalienable right to self-determination and independence in accordance with General Assembly resolution 1514 (XV) and other United Nations resolutions. The occupation violated international humanitarian law. Consequently, Sahrawi people originating in the Territory had to be considered as protected persons in accordance with article 4 of the Fourth Geneva Convention. Morocco must cease entering into agreements with other States or transnational corporations for the exploration or exploitation of natural resources in the occupied territories. The Court of Justice of the European Union had specified that agricultural and fisheries agreements between Morocco and the European Union were not applicable to Western Sahara. Almost all human rights violations against the people of Western Sahara stemmed from the non-implementation of the right to self-determination.

88. The settlement agreement plan of 1990 had been accepted by Morocco and Frente POLISARIO in 1991 under United Nations auspices as the framework for holding a referendum of self-determination and decolonization, to be supervised by the United Nations. The United Nations had a responsibility over Western Sahara, which did not have an internationally recognized administering Power, although Spain remained de jure the administering Power. She called on the Committee to assume its responsibility to protect the rights to self-determination and independence of the people of Western Sahara, as well their political, civil, economic, social and cultural rights; condemn violations of international humanitarian law by the occupying Power and take steps to ensure accountability of perpetrators of such acts; call on Morocco to cooperate with the International Committee of the Red Cross to coordinate visits with political prisoners; organize United Nations visiting missions to Western Sahara and the refugee camps to ascertain the situation of the peoples; and ensure that the sovereignty of the people of Western Sahara over natural resources was fully safeguarded.

89. **Ms. Mohamed Nafe** (Sahrawi Student Association) said that Sahrawis had been living in refugee camps for more than 43 years. She was there to ask when she would be allowed to vote in a free and fair referendum to claim her liberty. As a young child born in a refugee camp, she had witnessed people being beaten by Moroccan police, lived on World Food Programme rations and learned that the Universal Declaration of Human Rights did not apply to her. Her home was under colonial rule and her people had no justice. No Sahrawi child was born free and equal in

dignity and rights. The website said “Welcome to the United Nations. It’s your world”, but her world was cruel. Despite those struggles, her people had always had hope and dreamt of an independent State of Western Sahara. MINURSO had been established in 1991 at the start of the International Decade for the Eradication of Colonialism. She asked whether, at the end of the third International Decade for the Eradication of Colonialism, her people should still have hope. Every year, students like herself addressed the Committee to tell of their suffering, remind the Committee of the human rights abuses and beg it to listen. She asked how many more Sahrawis would have to stand there. Twenty-eight years after MINURSO had promised to allow the people of Western Sahara the right to self-determination, her people were still waiting for that referendum and the end of the decolonization of their land. She hoped that she would be the last Sahrawi student to address the Committee, and asked when it would honour the promise contained in its name, the Special Political and Decolonization Committee, and when she would be allowed to vote in a referendum to determine her freedom.

90. **Mr. Ayachi** (Comité national algérien de solidarité avec le peuple sahraoui) said that the Sahrawi people were living through an immense tragedy and violent and intolerable injustice, for which everyone was partially responsible through silence and inaction. Despite the denunciations by international non-governmental organizations, respectable multilateral organizations and international observers, Morocco continued to violate human rights in Western Sahara, a Territory that it had occupied for 44 years and that no one had given it a mandate to administer. The daily, deliberate terrorizing of the Sahrawi population by Moroccan armed forces and authorities was aimed at intimidating and silencing them so that they would drop their legitimate claim to a right to freedom and dignity. There was irrefutable evidence of arbitrary arrests and detention, torture, rape, extrajudicial killings and around 600 cases of forced disappearances, a veritable parody of justice.

91. Sahrawis who had experienced nothing but injustice as a result of their demands for dignity, liberty and the application of international law for the benefit of their people languished illegally in Moroccan prisons after unfair trials. Morocco, which had been clearly identified as the perpetrator of those human rights violations, wanted to reduce the Sahrawi people to silence. It forbade any form of demonstration, all freedom of expression and visits by international legal observers, political figures, journalists and non-governmental organizations to Western Sahara in

order to maintain a media blackout and to continue its violations behind closed doors.

92. By signing the ceasefire in 1991, the Sahrawi people had expressed their trust in the United Nations, which had devised its settlement plan, which stipulated that a referendum would be held the following year and established MINURSO for that purpose. Twenty-eight years later, the referendum still had not taken place as a result of the stalling tactics, arrogance and stubbornness of the Moroccan authorities and their defiance of the international community.

93. It was time to end the suffering of the Sahrawis. The United Nations must implement its own decolonization doctrine and respect its commitments to the Sahrawi people. In expanding the mandate of MINURSO to protect the Sahrawi population, it must respect human rights in Western Sahara by organizing, at soon as possible, the referendum in line with the relevant resolutions and the United Nations settlement plan of 1992. It was up to the United Nations to ensure justice for the Sahrawi people, including its youth, whose patience was reaching its limit.

94. **Mr. Coulibaly** (University of Bamako, Mali) said that the lack of a resolution of the question of the Sahara constituted one of the principal sources of insecurity in the Sahel. The peoples of the Sahara were being held hostage by an armed minority and lived in a state of insecurity that prevented any chance of development. While the security of States was a necessary condition for the security of individuals, it was not clear that the security of individuals necessarily derived from the security of States. He was speaking not solely of military security but of human security: well-being, having enough to eat, having a job and a place to live, access to health care, ability to thrive and development. Frente POLISARIO was incapable of offering such security to the Sahrawis owing to its lack of legitimate authority.

95. The Sahara had become a lawless zone characterized by exclusion, discrimination, corruption, competition among armed groups, terrorism and organized crime. It was a rear operating base for terrorists who sowed terrorism in Mali. That situation constituted one of the factors in the crisis and destabilization of the States of the Sahel with regular connections between armed groups in the north of Mali and members of Frente POLISARIO. The absence of opportunities and prospects for young people in the Sahara left them vulnerable and made them the preferred target of armed groups. The United Nations needed to re-examine its strategy for resolving the crisis. It should take an approach that was focused on human security,

making it the foundation for reducing poverty, protecting human rights and supporting sustainable development. Security and development were closely linked. The United Nations would save time, energy and financial resources by accepting the Moroccan autonomy initiative. Morocco had made remarkable progress in fostering economic development and human security in recent years. Its return to the African Union and its acceptance within the Economic Community of West African States offered an opportunity and an opening for Sahrawis on the economic and sociocultural front of the subregion.

96. Mr. Lygeros, speaking in his personal capacity, said that Morocco had gradually been recovering its territorial integrity. It was on that country's initiative that the issue of the Sahara had been put on the Committee's agenda. The extraordinary development of the southern provinces of Morocco had been confirmed on the ground and reflected the effectiveness of the new model of development that had been embraced by the entire population. Missions had confirmed the non-existence of the so-called Sahrawi Arab Democratic Republic and the non-representativeness of the Polisario. The infrastructure of the southern provinces was freely managed by the local population, which was represented at all levels of the executive thanks to democratic elections. The representativeness of the local elected officials had been recognized by the Special Committee on decolonization, which had invited them to participate in its regional seminar in Grenada and its substantive session in New York.

97. The sustainable development of the region had demonstrated a reality that differed from Polisario propaganda, which presented an ideology that was trapped in the past. The European Union, the United States and numerous States did not recognize or had ceased to recognize the so-called Sahrawi Arab Democratic Republic. The European Union, the European Court of Justice and the United States had all reached the same conclusion. Moreover, the reintegration of Morocco into the African Union had put paid to another outrageous Polisario argument.

98. In the southern provinces, the local population did not listen to any of the Polisario's propaganda. The people wanted a stable and durable future that was far removed from the absurd claims and fantasies of the so-called Sahrawi Arab Democratic Republic. People needed to live in freedom without fear of the barbaric acts of the Polisario that took place in the Tindouf camps.

99. **Mr. Jamison** (Date Palm Consulting) said that the reason that the Committee was seeing college students

address it was because of the schools in the camps. He had seen people try to make soil out of sand in order to plant a garden so that they could have a fresh vegetable to eat. Since United Nations peacekeepers had first arrived in the camps in early 1992, two generations of families had been raised waiting for leaders to do the right thing. They had been told to lay down their weapons, which they had done, and that in return justice would be served. He asked how patient those in the room would be if they had been run out of their country and had to live on a pile of sand for 40 years, raising their children and grandchildren in those conditions. He asked whether they would suffer as patiently as the Sahrawi had suffered. Every year at the Committee session, people called them terrorists. If that were true, they would be the first terrorist organization in the world to allow American humanitarian workers unhindered access to their community for 20 consecutive years, and even to protect those workers while they were living there. They would certainly be the first terrorist group to be recognized by the African Union, which had recognized the Sahrawi Arab Democratic Republic as a member State. They would also be the first terrorist State to have both the European Court of Justice and the High Court of the United Kingdom make rulings, as they had done in 2019, that one could not continue to take their resources under the false premise that they actually belonged to Morocco. It was time to end the suffering and to give the Sahrawi what the rest of the people in the room enjoyed: self-determination.

100. **Mr. Rosemarie** (International Law Chambers, Europe) said that the Moroccan autonomy initiative was the best practical solution for the dispute. It was fair, flexible and far-sighted, combining a very large degree of self-determination for the Sahrawis with an emphasis on negotiations so that their claims could be tailored to their real needs. It aimed to build a modern democratic society based on the rule of law, freedoms and development, which brought hope for a better future for the region's populations, put an end to separation and exile and promoted reconciliation. Under the initiative, Morocco guaranteed to all Sahrawis, inside as well as outside the Territory, that they would hold a privileged position and play a leading role in the bodies of the region. Thus, the Sahara populations would themselves run their affairs democratically and have the financial resources needed for the region's development in all fields, and would take an active part in the nation's economic, social and cultural life.

101. **Mr. Revert Calabuig** (Juristas por la Paz y los Derechos Humanos) said that Western Sahara was militarily occupied by Morocco, as confirmed by the General Assembly in its resolutions [34/37](#) and [35/19](#). As

a consequence of that belligerent occupation, the Hague Convention (IV) respecting the Laws and Customs of War on Land of 1907, as well as the Geneva Conventions of 1949 and their Additional Protocol I, were applicable to that Non-Self-Governing Territory. However, those instruments had been repeatedly violated by Morocco through the imprisonment and forcible deportation of Sahrawi activists, the continued transfer of Moroccan colonists into Western Sahara, the construction of illegal settlements and the torture and ill-treatment of Sahrawi prisoners in Morocco. All such conduct constituted war crimes.

102. The families of Sahrawi activists incarcerated in jails on Moroccan territory had to travel hundreds of kilometres to visit them, causing added suffering for prisoners and their families and violating the provisions of the Fourth Geneva Convention, which precluded the serving of sentences on the territory of the occupying Power. Morocco, as administering Power, had further violated those Conventions by making changes to the legal structure of the territory and even modifying internationally recognized borders and delimiting new provinces that mixed both Moroccan and Sahrawi territory. The international community should not permit Morocco to consolidate that annexation, which was contrary to General Assembly resolution 2625 (XXV), which affirmed that the acquisition of territory through the use or threat of use of force should not be recognized as legal. It was in the hands of the United Nations to make international law prevail over armed force.

103. **Ms. Navarro** (International Association of Jurists for Western Sahara) said that Western Sahara was being illegally occupied with impunity. Spain, the administering Power, had stopped providing information on the Territory and the population and counted on the silence of the General Assembly in that regard. It had not even addressed the Committee on that topic and instead had spoken only about Gibraltar. It was almost 10 years since the forced deportation of Aminatou Haidar, a Sahrawi human rights activist, by Morocco, on which topic Spain had been silent, and 44 years since the signature of the tripartite Madrid Accord.

104. The Government of Spain had attempted to persuade Aminatou Haidar to abandon her right to return to her home in Laayoune. Sahrawis were the victims of violent occupation, systematic extermination, exploitation of natural resources, genocide and war, and States had remained silent. Those who attempted to defend their right to self-determination suffered reprisals, violent repression and confinement in an illegally occupied territory, while the perpetrators enjoyed impunity.

105. After a 32-day hunger strike, along with the solidarity of and pressure by civil society, Aminatou Haidar had returned to her home in Laayoune, but the Sahrawi people, after a 44-year struggle, still had not been able to exercise its right to self-determination. In September, the Right Livelihood Foundation had granted its Alternative Nobel Prize to Aminatou Haider, while in the same month Spain had given awards to the Director of the Police and the Chief Commander of the Moroccan gendarmerie.

106. **Ms. Lenz** (Not Forgotten, International; International Faith and Peace Dialogue) said that she had spent much time in the Sahrawi refugee camps near Tindouf since 1999. Twenty years later, she asked the Committee what had happened to its promise. Under the watch of the United Nations, there had been no referendum, despite an agreement for which Sahrawis had laid down arms to return to their homeland free of Moroccan occupation and control.

107. There was a steadily decreasing supply of food in the camps, and refugees continued to receive news of family members suffering brutal human rights abuses, even death, by Moroccan troops. The situation continued to be a horrible travesty of Governments, including the United Nations, against a nation forcibly displaced by the invasions of Morocco, Mauritania and Spain. Mauritania and Spain had chosen to do the right thing and leave the conflict decades ago.

108. She begged the United Nations to do what was right: go there, talk to the people and see in person the horrible injustice that had been part of their lives for decades, with no justice or resolve. If the United Nations could not or would not do anything, then it should say so and let everyone move on.

The meeting rose at 6.10 p.m.