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Held at Headquarters, New York, on Thursday, 9 October 2014, at 3 p.m.

Chair: Mr. Bhattarai (Nepal)

Contents

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 petitioners (continued)

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The meeting was called to order at 3.05 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 petitioners (continued)

1. **The Chair** said that, in accordance with the Committee's usual practice, petitioners would be invited to take a place at the petitioners' table and all would withdraw after making their statements.

Question of Western Sahara (continued) (A/C.4/69/5)

2. **Mr. Aljabari** (Palestinian-Moroccan Friendship Society), taking issue with the dishonest accusations against Morocco made by some earlier petitioners, said that he had visited the southern provinces of Morocco, where, in addition to comprehensive economic and social development programmes, great advances in human rights had been encouraged by the King over the past 15 years. Domestic human rights laws had been adapted to international standards to protect individual and collective freedoms; a progressive new Constitution had been adopted; an Equity and Reconciliation Commission had been set up to compensate victims of earlier violations, and an effective new National Human Rights Council had been instituted. The Government sought the establishment of a democracy that respected human rights and the rule of law, in which the needs of Moroccan Sahara would be taken into account.

3. The Moroccan proposal of 2007 for the autonomy of its Sahara region had been acknowledged internationally as realistic and credible, and it would be a positive way of resolving the fabricated dispute over the Sahara region and defending the territorial integrity of the Kingdom against the separatist forces that were having such a damaging effect on Moroccan unity and the security of the region at large. Also praiseworthy were the broader efforts of Morocco to enhance its influence in the region and the world, especially its policy of South-South cooperation with sub-Saharan countries.

4. **Mr. Bunduku-Latha** (Observatoire de la médiation et de la gestion des conflits en Afrique), noting the main reference point for the right to self-determination was the Declaration on decolonization, said that in addition to the three forms of self-

determination set out in General Assembly resolution 1541 (XV), a fourth option had been added by General Assembly resolution 2625 (XXV), allowing for any other political status freely determined by a people. The right to self-determination was limited, however, by the far older principle of territorial integrity, also recognized in the Declaration. In practice, referendums — which were not expressly mentioned in the resolutions cited and could lead to civil disturbances — were an unusual way of exercising the right to self-determination, having been employed in only five cases of decolonization. Political settlements were preferred by the United Nations as a means dependent on compromise that ensured social cohesion and local and regional stability.

5. In the specific case of Western Sahara, the 1990 United Nations settlement plan calling for the holding of a referendum on self-determination had eventually come to be seen as impracticable. The Security Council had then repeatedly urged the parties to negotiate a mutually acceptable political solution, especially in view of the danger posed to regional stability by the continuing conflict and by the growing collusion between regional jihadist and terrorist groups and the forces of the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro (Frente Polisario).

6. In 2007 Morocco had proposed negotiations on autonomy for the Sahara region within Morocco. The Moroccan proposal had brought the international community together because it adhered to international law and democratic principles, would allow the Saharan populations to manage their own affairs and would end the suffering of those in the Tindouf camps. Central control would be retained for defence, foreign policy and religious affairs. Opposition to the proposal would only prolong a conflict artificially created to serve narrow outside interests, and prevent the establishment of the Arab Maghreb Union. His organization called on the parties involved in the dispute to join the international consensus on the Moroccan proposal for autonomy, in the interests of peace and security in the region.

7. **Mr. Hayen**, speaking in his personal capacity as a Peruvian legal expert in constitutional affairs, said that he had participated in the International Forum on Democratic Transitions in the Arab World in Rabat in 2011, where he had concluded that the 2011 Moroccan Constitution could be a reference point for changes in the Arab world, and for peace in Africa. The preamble

to the Constitution ensured peace, stability and the protection of human rights, including gender equality. It guaranteed full trade-union freedom; established a mandatory multi-party system to avoid the development of totalitarian single-party rule; safeguarded the freedoms of expression and belief; and regulated the law in areas that included the family and press freedoms.

8. The Security Council had in resolution 2152 (2014) welcomed the steps taken by Morocco to strengthen the Saharan regional offices of the National Human Rights Council in Laayoune and Dakhla, and its ongoing interaction with various United Nations human rights bodies. Other steps taken had garnered international support, as evidenced by the recent election of Morocco to the United Nations Human Rights Council. Morocco was a party to international conventions, including the major human rights instruments, and an independent judiciary and effective constitutional control had been introduced. Transparency had been strengthened to fight corruption. As former Secretary-General Pérez de Cuéllar had advocated in his memoirs, the only satisfactory resolution of the question of Western Sahara would be to ensure a degree of autonomy for the region. The Sahara region was plagued by violence and suffered the effects of climate change, which rendered its full independence inappropriate. A fair settlement could be reached within the United Nations framework.

9. **Ms. Warburg** (Freedom For All) said that, for 39 years, 65,000 refugees had been confined in unhealthy conditions to the Tindouf camps and denied the freedoms of expression, movement and assembly. Her organization called for the long-delayed census of those living in the camps to identify their number, composition and needs. Algeria and the Frente Polisario must provide the Office of the United Nations High Commissioner for Refugees (UNHCR) with unhindered access to the camps, and the refugees there should be allowed to rejoin their families in Morocco, Mauritania and elsewhere.

10. Instability across the Maghreb, the Sahel and sub-Saharan Africa threatened the safety of the refugees, while aid agencies had been forced to divert funds from humanitarian aid to the protection of their personnel, and the United Nations Mission for the Referendum in Western Sahara (MINURSO) had suspended night patrols east of the Moroccan berm. In

January 2014, the Algerian army had killed two young refugees near the Mauritanian border, prompting hunger strikes and protests in Tindouf, and in other incidents opponents or reporters had been beaten, had disappeared or had been killed. A lack of opportunities and Frente Polisario corruption and brutality encouraged the radicalization of young refugees, leading them to join terrorist and trafficking groups.

11. Morocco had instituted human rights reforms, was cooperating with the special procedures of the United Nations rapporteurs, NGOs and visiting officials. In contrast, five international human rights NGOs, including Amnesty International and Human Rights Watch, had criticized Algeria for denying visas to their own and United Nations experts.

12. The way forward in the twenty-first century had been indicated by Scotland, historically an independent kingdom, when it had rejected independence from the United Kingdom in favour of greater devolved powers and autonomy. Her organization considered that the Moroccan proposal for the autonomy of the Sahara would be the choice of the inhabitants when they determined their future, providing a lasting political resolution to the conflict and bringing prosperity and stability to the Maghreb.

13. **Ms. Ramos** (American Association of Jurists) said that the question of Western Sahara was a question of decolonization and its people had an inalienable right to self-determination and independence, in accordance with the Declaration on decolonization. Western Sahara was not just a Non-Self-Governing Territory, it had been occupied, in a clear breach of international law, since 1975; and the occupation had been consolidated by the militarized wall dividing the Territory. The same colonialism and denial of self-determination had driven some Sahrawis to the Tindouf refugee camps where they endured a terrible human rights situation, while the phosphate, fishery and other natural resources belonging to the Territory were being exploited through agreements between Morocco and other States and transnational companies.

14. Her organization supported the 1990 settlement plan that had been accepted by Morocco and the Frente Polisario, which, with the United Nations ensuring transparency, should be the framework for a referendum on self-determination. Spain, as de jure administering Power, should contribute to the

decolonization process. Her organization called on States to refrain from violating the natural resources of Western Sahara; it was the duty of the international community and of the Fourth Committee to protect human rights and promote international humanitarian law in Western Sahara and the refugee camps. The United Nations and the Secretary-General should assume their responsibility to break the deadlock and ensure the fulfilment of the numerous resolutions on self-determination, as the only way of achieving genuine decolonization and guaranteeing peace and security in the region. It was hoped that Western Sahara and Morocco would peacefully coexist in the future and she offered the fraternal greetings of Puerto Rico to the Sahrawi people.

15. **Ms. Bahajoub** (Family Protection) said that negotiations on the Western Sahara conflict remained at a standstill, despite the growing threat of terrorism in North Africa, the desperate humanitarian situation in the Tindouf camps, the international calls for a political settlement and the recognition of the Moroccan autonomy proposal as serious, realistic and credible. Young people in the Tindouf camps were prime targets for recruitment by terrorist cells and the camps had been described as major obstacles to combating terrorism in the region, with calls for their immediate closure. Saharans who had escaped the Tindouf camps were now benefiting from the progress in Moroccan-administered Western Sahara and had become productive citizens. Misinformation about the number and origin of the persons in the camps continued, despite repeated United Nations requests for a census of the population. It was unclear why a referendum would be demanded when the United Nations itself now considered it unworkable, and when the call for a census of a small group of persons contained in a restricted area was consistently ignored.

16. The refugees should be provided with travel documents and allowed to choose where they lived. A Frente Polisario official who had criticized the leadership and spoken out in favour of the Moroccan proposal for autonomy had been expelled and denied access to his family in Tindouf, whereas Sahrawis living in Western Sahara, including activists for the Frente Polisario, could travel abroad, even if they were critical of Morocco. The Frente Polisario represented only a few of the many Sahrawi tribes, yet its officials travelled and launched expensive global publicity

campaigns. Transparency and accountability should be demanded of them.

17. Reliable reports from the Tindouf camps showed evidence of slavery, the imprisonment of women for adultery and restricted freedom of movement. One generation had already grown up in the camps and a second generation was facing the same fate. Algeria should shut the camps, and the international community should finance the relocation of the refugees to places where they could be self-reliant and productive while waiting for a resolution of their plight. The Moroccan autonomy initiative, which was the only sensible and viable proposal, was also the only solution for the refugees in the camps.

18. **Mr. Assor** (Surrey Three Faiths Forum) said that the failure of those in power had led to the plight of 90,000 detainees in the Tindouf camps. They were detainees rather than refugees because they were kept captive and were denied freedom of movement. If allowed to return to their homeland in Morocco, they would be able to enjoy lives similar to those of their peers, who could work, travel, study and demonstrate without hindrance. His organization condemned, unequivocally, the use of those detainees as hostages for the benefit of their jailers and those who sponsored them, who were both profiting from various illicit trades.

19. His organization had fought the extremism that fuelled situations such as that in the Tindouf camps and found abhorrent the violent rhetoric and distancing that rendered the brutalized detainees anonymous. The silence of the United Nations under such circumstances was deafening. The international community was responsible for what it did not try to stop. The suffering engendered by the conflict was not a natural inevitability that must be accepted. As a social worker, he was an advocate for life and justice. He implored the international community not to abandon those detainees to neglect, false values and indifference, and, because Morocco was their place of destiny, to allow those people to vote with their feet.

20. **Mr. Domingues Rodrigues**, speaking in his personal capacity as a Belgian lawyer, said that the Secretary-General in his report on the question of Western Sahara (A/69/344) had referred to the worrisome human rights situation in the Tindouf refugee camps. Deplorable humanitarian conditions had been exacerbated by the deteriorating social and

economic conditions in the camps, despite extensive financial assistance. Since 1993, the European Union had provided more than €200 million for assistance to the camps, yet there had been little evidence of improvement in the conditions there. A recently released investigative report by the European Anti-Fraud Office (OLAF) had finally revealed why: for many years, Frente Polisario officials, providing inflated estimates of the number of refugees requiring assistance, had been systematically and fraudulently diverting massive amounts of the humanitarian aid intended for them, and reselling it for their own enrichment. According to OLAF, there were no local authorities likely to be able to put a stop to such long-standing fraud; and the European Union itself had not taken steps because there had still been no official census of the refugees in the camps. In order to ensure the proper use of European Union funds, the recommendations made in the OLAF report should be speedily implemented: assistance to the camps should be conditional on free circulation of European Union representatives in the camps in order to monitor stock, control distribution and talk freely with beneficiaries, and on effective oversight by contractors of the amount of aid reaching the camps and its actual distribution; and those guilty of the embezzlement should no longer be involved in the distribution of aid.

21. **Mr. Lakhrif** (Member of the Moroccan Parliament), speaking in his personal capacity as a Saharan and a representative of Laayoune, said that he had fought alongside others for the reintegration of the southern provinces into Morocco in 1975, and now represented his people with the legitimacy conferred by the ballot box. The regional dispute over the Sahara had taken a new turn in recent weeks with the uprisings in the Tindouf camps led by a movement of young people for change. They were challenging the right of the Frente Polisario leaders to represent them, accusing them of injustice, corruption, rape, systematic diversion of international aid for personal enrichment at the expense of the suffering camp population, as well as denial of rights. Settlement of the dispute was crucial to peace and stability in the region, and essential to the economic and social development of the countries of the Maghreb.

22. The Frente Polisario, being unelected, did not have the legitimacy to represent the Saharan people anywhere, and neither did the petitioners from Algeria who had spoken before the Committee. The Saharans

in the south of Morocco were represented by their democratic representatives alone. must support The rebellion of the Saharans in the Tindouf camps against the injustice, exploitation and dictatorial treatment they had suffered for almost 40 years must be supported by the United Nations, the international community and civil society representatives. The people of the camps aspired only to enjoy the fundamental rights to which they were entitled, and to be able to choose for themselves a peaceful solution that would give them a more stable future. The Moroccan proposal for ample autonomy under Moroccan sovereignty was a serious, realistic and credible solution.

23. **Mr. Essallami**, speaking in his personal capacity as a descendent of Saharans from the southern provinces of Morocco, drew the attention of the Committee to the murder of a young cousin and his friend engaged in perfectly legal activities, who had been shot and killed by the Algerian army near the border with Mauritania, on the false pretext that they were smugglers. The perpetrators of that crime must be brought to justice. It was common practice also for the Frente Polisario, under orders from the Algerian security forces, to terrify the young camp inhabitants. The murders had led to an uprising in Tindouf: 40 young persons had gone on a hunger strike calling for UNHCR to end to the blockade of the camps by Algeria and to liberate them from the corrupt, repressive control of the Frente Polisario and the Algerian authorities. The participants in the uprising were demanding freedom of expression, the right to live as they chose and the right to reject the tutelage of the Frente Polisario. The Tindouf uprising was the beginning of a revolution aimed at the emancipation of the Saharan population there.

24. In his country, Morocco, he enjoyed all his constitutional rights and freedoms. He appealed to the Committee to help open the camps and assist their residents to return to normal life wherever they wished, and he called on the international community to put pressure on Algeria and the Frente Polisario to implement minimum standards of security and to seek a solution to the situation that would ensure the dignity of the camp residents, in accordance with the principle of self-determination.

25. **Ms. Boussola** (Annahda des droits des femmes à Laâyoune) said that she was part of the second generation to grow up in the Sahara region since its restoration to Moroccan control almost four decades

earlier. Women in Morocco were enjoying a higher status in society thanks to laws introduced to protect women's rights, but were saddened by the situation of their sisters in the Tindouf camps, where three generations had grown up in very harsh conditions. Women and girls were particularly vulnerable to exploitation, cruel treatment and misleading propaganda, owing to the denial of their human rights and their lack of an international voice. Women and girls were systematically exploited by those in control of the camps and subjected to sexual violence and rape, but had no way of reporting violations. Children were removed from their mothers at the age of six and sent away, ostensibly to receive an education, whereas the real aim was to recruit the children, brainwash them and train them to use weapons.

26. The biggest scandal of the Tindouf camps was the silence of organizations that benefited from Algerian funds and consequently condoned the violations against women and children. Several Moroccan and foreign organizations, however, refusing to condone them, had tried to expose them or had cared for victims. Every family in the Tindouf camps had been touched by deportation, rape or imprisonment as part of a human tragedy that the international community had failed to stop. As a defender of human rights and of women, she appealed to the Committee and the international community and the United Nations legal, health and humanitarian agencies to intervene to end the blockade imposed on the detainees in the Tindouf camps, to sound the alarm about the violations against the women and children there, and to provide them with emergency protection.

27. **Mr. Tamek**, speaking in his personal capacity as a member of the Moroccan Parliament, said that a serious, coordinated exchange of information was needed regionally and internationally to combat terrorism and transnational crime, because terrorist and criminal groups in North Africa had access to advanced technology that often gave them an advantage over national security services. Algeria, for its own reasons, rejected such cooperation and sought to keep Morocco from attending regional meetings coordinating the fight against crime.

28. The greater part of the Algerian border was insecure. The only exception was the border between Morocco and Algeria, across which Algerian authorities attempted to create problems by allowing criminal groups to inundate Morocco with illicit drugs

and substandard commodities. Although the Moroccan Government assumed that relations between their two countries would eventually get back on track, it deplored the intransigence that allowed such criminal activities to continue, and called for those responsible to be held accountable. Algeria had spent more than \$250 billion in the previous 40 years, buying votes and influencing public opinion, and depriving its people of the wealth of their country, to wrest the Sahara from Morocco, which the rulers of Algeria, needing a scapegoat, depicted to their own people as an enemy. In the Sahara, its own land, Morocco conducted its affairs freely and included Saharans in Parliament and in local and regional councils. The Sahara region of Morocco made its own decisions and was ready for self-determination, which would be the solution to the long-standing problem.

29. **Ms. Daoudi**, speaking in her personal capacity as an inhabitant of Laayoune in the Saharan provinces of Morocco, said that she was dismayed, once again, to see that the majority of petitioners advocating separatism were of Algerian nationality and had nothing to do with the Sahara region; nor were they concerned by human rights violations in Tindouf or in Algeria itself. Her brothers and sisters sequestered in the Tindouf camps were best placed to speak for themselves.

30. Morocco had committed to bold political reform well before the Arab Spring. Human rights guarantees and good governance had been established in the 2011 Constitution, and representatives of several international human rights organizations, including United Nations special rapporteurs and working groups, had been permitted to visit the Saharan provinces. On the other hand, Algeria had been criticized in the 2013 U.S. Department of State Country Reports on Human Rights Practices for human rights violations against its own citizens and against asylum seekers and refugees, particularly in the Tindouf camps; and for its long-standing refusal to allow United Nations and other international human rights organizations to visit the country, highlighting the repeated refusals of requests by four different United Nations special rapporteurs. Furthermore, a joint statement by five international NGOs, including Amnesty International and the Euro-Mediterranean Human Rights Network, had emphasized, on the accession of Algeria to the Human Rights Council in 2014, that it was the only country to maintain a general

restriction on the access of human rights organizations to its territory and had called on it to end the masquerade of refusing any consideration of its human rights record. Yet, just the previous week, Algeria had once again refused access to the Rapporteur of the Human Rights Committee. A Maghreb proverb said that one should sweep one's own front step before asking the neighbours to sweep theirs.

31. **Mr. Jensen**, speaking in his personal capacity as a former Special Representative of the Secretary-General for Western Sahara, said that irreconcilable differences between the Frente Polisario and Morocco over the validity of using the 1974 census undertaken in Western Sahara by Spain as the basis for deciding the eligibility of voters in an eventual referendum on the future of the Territory had blocked the efforts of the United Nations to launch its 1990 settlement plan calling for a referendum, and had also doomed the process that MINURSO had devised in 1994 to identify the eligible voters. However, recognition in 1994 of the need to talk had been a major achievement. In the 1996 talks that he himself had arranged between the parties, progress on the consideration of regional autonomy had been stymied by circumstances at the time. By 2004, James Baker, resigning as Personal Envoy of the Secretary-General, had concluded that there was no future in alternative plans such as one he himself had proposed and saw negotiation as the way forward — a course endorsed also by his successor, Personal Envoy von Walsum.

32. Following Security Council urging of a negotiated political solution, Morocco had in 2007 presented a plan for regional autonomy characterized by the Council as serious and credible. Morocco's 2011 Constitution, with its broad human rights provisions and its commitment to tackling corruption, and Morocco's steadfast moves towards regionalization by strengthening the role of regions and repartitioning power between them and the central Government, provided a framework for discussing regional autonomy.

33. Looking to the future, it was clear that in order for negotiation to work, it needed to be realistic, but with sufficient flexibility at the outset for aspirations to be expressed. What mattered was achieving an honourable solution. The Committee did not need reminding, given the mounting threats in northwest Africa, how crucially important settling the Western Sahara dispute was to Maghreb peace and

development. After years of disappointed hope, it was time to compromise.

34. **Mr. Dkhil** (Legislative and Human Rights Commission of the Moroccan Chamber of Councillors) said that he wished to ask a simple question: who were the parties to the dispute over Sahara? Algeria claimed that it had no interest in Moroccan Sahara, yet revealed an obsession with it throughout its State and diplomatic structures. It was Algeria that discussed the Sahara at the international level — in the Human Rights Council, for instance — while the Frente Polisario had no presence in international forums. If Algeria had no claim to Moroccan Sahara, its President would not have broached the partition of Western Sahara between the Frente Polisario and Morocco in 2001 in a meeting with the then Personal Envoy of the Secretary General for Western Sahara, an indication that the issue of the Sahara was of primary interest to Algeria. The subsequent account of that meeting in the report of the Secretary-General (S/2002/178), had corroborated that Algeria and the Frente Polisario were prepared to discuss or negotiate a division of the Territory.

35. In reality, the question of the Sahara was one for Morocco and the Saharan people, particularly given the negative effects of Algerian control of the Frente Polisario. Algeria had tried to disrupt the territorial integrity of Morocco and to thwart all attempts to solve the fabricated problem. If it had been left to the Saharan people and their brothers in the camps to tackle, the problem would have been solved long before.

36. **Ms. Dlimi** (Coordination droits de l'homme à Dakhla) said that she wished to recount her earlier experience of living in the shameful Tindouf camps, where women were tortured, raped and debased by members of the Frente Polisario. The problems faced by women were particularly stark, since they could not claim the most basic rights and freedoms. They suffered sexual abuse and violence, and were forced to marry and bear children. Even widows were not immune from sexual abuse when they went to collect their food rations. No family there had been left untouched by kidnappings, imprisonment, torture and deportation by the henchmen of the Frente Polisario. Women and children were victims of exploitation and of propaganda that aimed to perpetuate the status quo, so that the Frente Polisario could continue to profit from its diversion of the international humanitarian aid.

37. Along with her compatriots who had, like herself, fled those lawless and isolated camps, she denounced also the unjust rules imposed on the civilian camp population in general, sequestered and denied their human rights under steadily deteriorating conditions that violated international conventions governing human rights and refugee rights.

38. Her organization called on the United Nations and the international community to intervene to end the plight of the women detained in the Tindouf camps, offering them and their children the requisite protection and the means to lead dignified lives, and ensuring especially their freedom of expression and of movement so that they could voluntarily return to their country of origin. The bodies responsible for gender and sexual violence should shed light on the crimes perpetrated against women in the Tindouf camps, and international NGOs should investigate all instances of abuse and serious violations by the Frente Polisario.

39. **Ms. Laâroussi**, speaking in her personal capacity as a Moroccan journalist, said that civil society was playing a major role in the Saharan communities in Morocco to establish democracy and lay the foundations of justice and the rule of law. The 2011 Moroccan Constitution had increased the role of civil society in Morocco and awarded special status to both governmental and non-governmental organizations, making them indispensable tools for building and defending a modern, democratic and open society. Morocco was fortunate to have an extended network of such organizations throughout the nation. The high levels of discipline and intellectual integrity within the Moroccan NGOs were making themselves felt in both national and international forums. The NGOs, particularly in the Saharan areas, had made daily sacrifices and had confidently played a vital role in establishing democratic practices throughout the country and inspiring a sense of citizenship. Their focus on practical gains in support of citizens from all walks of life had earned them the public's trust and respect, and they were acknowledged as representative of the people and an integral part of the development process. She expressed pride in those organizations and confidence that they would guide Morocco towards its democratic future.

40. **Ms. Abhai**, speaking in her personal capacity as a Moroccan journalist, said that the Frente Polisario had declared a state of emergency in the Tindouf camps — still in force as she spoke — in response to what it had

called an enemy attack from Morocco, which it claimed was pulling the strings of its puppets to perpetrate criminal acts. Those so-called puppets were in fact young people who refused to continue living in appalling conditions in the Tindouf camps and had therefore joined forces as the Movement of Youth for Change (MJPC) to speak out against the corrupt, oppressive practices of the Frente Polisario and its allies.

41. The MJPC had published statements and video clips outlining their objectives via television and the Internet, always working in secret and appearing masked because their lives would be in danger if they were discovered by the omnipresent intelligence services of Algeria and the Frente Polisario in the camps. The movement called for the resignation of Mohamed Abdelaziz, leader of the so-called Sahrawi Arab Democratic Republic for almost 39 years, and his cronies who perpetually swapped the top jobs between themselves and dealt with people according to tribal and personal affiliations. Moreover, it condemned the abominable and deteriorating living conditions in the Tindouf camps and the systematic human rights violations committed there by the Frente Polisario.

42. The MJPC was not alone in challenging the tyranny of the Frente Polisario and the Algerian intelligence services; many other brave citizens had been arrested or killed for speaking out against them, while others continued to suffer in secret detention centres. It was odd that even the Personal Envoy of the Secretary-General had refused to meet with the MJPC, despite repeated requests. Given that the Sahel region was rife with terrorist groups, it was easy to see how young people in the camps, if continually denied any opportunity to express their opinion, could be pushed to extremism. All stakeholders must do their part to avoid such an outcome.

43. **Ms. Marketou** (Western Sahara Resource Watch) said that her Brussels-based organization had in previous years drawn attention to the impact the taking of fishery and phosphate reserves by Morocco from occupied Western Sahara had had upon the Sahrawi people's right to self-determination, and had called for the United Nations to assume oversight of the development of the Territory's resources, as it had done during the apartheid occupation of Namibia. While Morocco enriched itself by exploiting and exporting those resources, that so-called economic development of the region served as a pretext for its continued

annexation and settlement of Western Sahara. Recalling the 1975 advisory opinion of the International Court of Justice (ICJ) that Morocco had no territorial claim to Western Sahara, she noted that the Sahrawi people — not a mixed population of illegally introduced settlers — had been the only original inhabitants of Western Sahara when Spain had agreed that they could realize their self-determination.

44. Her organization drew the Committee's attention to extensive petroleum exploration about to be permitted in the coastal waters of occupied Western Sahara, in particular the test wells due to be drilled in a few weeks by a United States oil exploration company. The Sahrawi people, through their Government and civil society organizations and as individuals, had emphatically gone on record as opposing any oil production in their land, both for environmental reasons and for fear that it would entrench the violent and illegal occupation. Her organization asked the Committee, in its report to the General Assembly, to note and condemn the petroleum exploration and production in Western Sahara.

45. **Ms. Lenz** (Not Forgotten International), recounting a story from the Sahrawi camps about children who had grown up there in dire poverty, able only to dream of treats like chocolate, said that those children had worked hard to take advantage of study opportunities in Algeria or in Cuba and as adults had returned to the camps to help their people. Their dreams of returning to a free Western Sahara were fading, however, and they could not bear to watch their own children grow up, as they did, as deprived refugees in a barren waste, when their own lush homeland was teeming with resources. The recent independence referendum in Scotland had been an example of a civilized monarchy allowing its people to vote freely on their future. Instead, the Sahrawi people had not been given that opportunity, despite the General Assembly's reaffirmation year after year of their right to determine their future. She had been disturbed by the scripted words of paid Moroccan petitioners and noted that although truth could be twisted, it could not be changed.

46. Her organization represented hundreds of American citizens who, for no personal gain, had spent years in the camps with the Sahrawi people, who had long borne tragic and unnecessary injustice. It implored the Committee to do the right thing, which was to give the Sahrawi people the right to determine

their own future. By remaining in the camps, the refugees had already cast their votes for those whom they recognized as the rightful leadership of their homeland.

47. She wished to honour the memory of Hassana El Wali, a Sahrawi who had just died in a Moroccan prison in his homeland for speaking his people's truth.

48. **Ms. Cervone** (Centrist Democratic Women International) said that she had met with various people whose basic rights had been violated in the lawless Tindouf camps. The violation was systematic: by now there was not a single family that had not experienced the kidnapping, imprisonment, torture or deportation of one of its members at the hands of the Frente Polisario thugs. She denounced the sexual abuse and violence additionally suffered by many of the women in the camps: by widows when claiming their food aid rations, or by young women forced to marry and bear children so as to inflate the numbers of those requiring international humanitarian assistance, which was subsequently diverted for the enrichment of the Frente Polisario leadership.

49. As the conditions in the camps deteriorated, in flagrant violation of established human rights and refugee rights, her organization appealed to international NGOs to investigate the serious abuse and violations by Frente Polisario torturers and jailers. It called on the United Nations and the international community to intervene to end the torment of the women trapped in the Tindouf camps by providing them and their children with dignity and better living conditions, ensuring their enjoyment especially of the freedoms of expression and movement, and allowing them to return voluntarily to their homeland. The agencies dealing with gender issues were urged to bring to light the abuse of women in the Tindouf camps. Algeria, which hosted the camps, and UNHCR, as the international body responsible for protecting their inhabitants, shared the blame for neglecting their responsibilities.

50. **Mr. Delestre** (Comité d'établissement régional SNCF de Normandie), noting that his organization had supported the Sahrawi Arab Democratic Republic since 2009, said that it was unacceptable that Western Sahara should remain the last colony in Africa, and equally unacceptable that Morocco could resort to loopholes and stratagems to evade compliance with General Assembly resolutions that would permit the Sahrawi

people to freely choose their future. The organization of a referendum on self-determination was urgent and would serve the interests of the peoples of Western Sahara and Morocco alike.

51. His organization sought justice for the Sahrawi people. It had sent supplies and convoys to the camps and had hosted Sahrawi children. His own visit to the camps had convinced him that, despite international aid, there was no future for the young people there. As a trade union, his organization recalled with concern that when control of the Boucraa phosphate mine had passed to the Morocco in 1976, the contracts of over 700 Sahrawi workers had been terminated. They had been fighting ever since for their rights, including their pension rights, and, without Moroccan authorization, they had formed a Sahrawi trade union, whose members risked reprisals for demonstrating peacefully.

52. The map of West Africa unilaterally drawn by Morocco was not legitimate. So long as peace between the Sahrawis and the Moroccans was not restored, his organization would militate for the destruction of the mined berm erected by Morocco. The Committee should use all its influence to allow the Sahrawis to vote in a referendum on self-determination.

53. **Mr. Salma** (Coordination 5 janvier des familles des victimes sahraouis dans les camps de Tindouf) said that he represented the families of two young Saharans who were killed close to the Mauritanian border on 5 January 2014 by the Algerian army, while they had been travelling with a group from the Tindouf camps to visit family and buy merchandise. They had apparently been deliberately targeted, and although the victims' families had refused to claim the bodies pending an independent enquiry into the circumstances of their deaths, their bodies had been buried more than a month later without any legal proceedings or autopsies. Nor had there been any response to a subsequent criminal complaint filed at the families' request with the General Prosecutor in Tindouf.

54. The incident had taken place against the background of a tightened blockade of the camps by the Algerian authorities, who had further restricted freedom of movement by prohibiting and penalizing all commercial activities between camp residents and Mauritania or Tindouf. The living conditions in the camps had worsened as a result of such restrictions on trade, forcing young people to try to circumvent the blockade by any means in order to provide for their

families. That had been the case for the two who had been killed in January.

55. His organization called on the Committee and international organizations to appeal to the Algerian authorities to immediately launch an investigation into the incident of 5 January 2014, prosecute those responsible, keep the families informed of the progress of legal proceedings, and stop using intimidation to deter them from claiming justice and compensation or seeking to escape from the camps. He considered the statements made at the previous meeting of the Committee by Algerian petitioners, claiming to talk on behalf of his people, as criminal.

56. **Ms. Kahn**, speaking in her personal capacity as an American citizen who had worked in the camps since 2009, read out a statement by Kneita Buddah Mohammed, a Sahrawi friend who was born and lived in one of the Tindouf refugee camps. She said that she belonged to a peaceful, traditional nomadic people who had inhabited the Western Sahara desert for centuries, and that she was fighting to recover her land from Moroccan occupation and to free those who like her lived cornered in the refugee camps in utter misery and deprivation. Her family and her country were divided by the world's largest military berm, a wall of shame that was an open wound in the heart of her people. The wall was evidence of oppression and injustice and its demolition should be the first step to justice and reparation.

57. Sahrawi women were the foundation of her society, and had built the refugee camps with their own hands while their men were fighting. Water, food and gas were collected from humanitarian aid distribution points to feed their people. The Sahrawi women had built a democratic republic in exile in order to care for their families and promote peace and the future of their country. She was now fighting to free the Sahrawi land through art, working with artists from all over the world, and had travelled abroad to publicize the situation in the occupied Territories of Western Sahara and in the refugee camps. As a people, her fellow Sahrawis chose peaceful strategies in the struggle for independence.

58. **Ms. Basinet**, speaking in her personal capacity, said that it was in human nature to solve problems as a community and to seek improvement in the lives of those around us. The plight of the Sahrawi people, however, was barely noticed, and they had no voice of

their own. Despite differing views on the issue of their self-determination, all sides were in agreement that change was needed, particularly in terms of providing them a basic, humane standard of living. In the ten years since she had been coming before the Committee, nothing had been done for them. The United Nations must find a way to fulfil its responsibilities and bring about the necessary change.

59. **Ms. Pfoestl**, speaking in her personal capacity, said that territorial autonomy was widely advocated as a means of managing national diversity while meeting the demands of justice and stability, and as the best way to solve ethnic conflicts and protect ethnic identity. History had in fact demonstrated that a high degree of internal self-determination could prevent secession and maintain the integrity of a State.

60. In the case of Western Sahara, Morocco, in the absence of progress in the negotiations on its 2007 proposal of autonomy for what it regarded as its southern provinces, had moved ahead with plans for regionalization, culminating in the 2011 Constitution, which had set in motion a decentralization process devolving effective power to regional councils, thus giving all regions the autonomy, capacity and responsibility to advance development and manage their own affairs, while also safeguarding their cultural and linguistic identity. The idea was to create national unity by enhancing regional diversity and determination. For Western Sahara, territorial autonomy thus offered a realistic and sustainable solution. Autonomy was an instrument of good governance for the State as a whole, rather than just the dominant group, and it therefore aimed at peaceful coexistence and respect for human rights. In that light, autonomy was a mechanism to enhance democracy, since it was about shared powers.

61. Regional stability and development, and the security and interests of the wider international community, dictated that the question of Western Sahara should no longer be a forgotten conflict. There was growing international support for the idea that Morocco's advanced regionalization programme could create historic opportunities for a sustainable and realistic solution to the conflict. In general, territorial autonomy, based on good governance, could become an instrument for establishing democracy, instead of dismantling existing States and creating artificial entities where poverty, instability, human rights violations and terrorism prevailed.

62. **Ms. Pantoja** (Centre d'études juridiques d'Afrique du Nord et du Moyen Orient) said that autonomy for the people of Western Sahara without support and economic development could bring more trouble than benefits and might strengthen radical groups with global reach. She therefore wished to underscore the efforts of Morocco to enhance the economic and social development of its southern provinces and empower the Saharan people.

63. In terms of economic development, official data were available on government encouragement of entrepreneurship. Freedom to do business was guaranteed under the same conditions as in other provinces of Morocco and the growth in lending rates in the southern provinces between 2006 and 2011 had been higher than the national average. At the end of November 2012, bank deposits in the Sahara had been up 30 per cent over the previous year. The free circulation of goods and persons was also guaranteed, in contrast to the reported situation in the Tindouf camps and recent incidents there of sequestration.

64. Regarding job creation, a major Moroccan phosphate company was the largest employer in the Sahara region, recruiting over half of its employees locally. Successful efforts had been made to increase the number of Saharans in high-level management positions; local companies acting as subcontractors had provided further employment; and 1,300 young people from the region had attended an employment skills programme.

65. In terms of human rights, the degree of compliance with the principles of non-discrimination and gender equality was the same as in the rest of the country. Although rates of female employment were unacceptably low, and lower than in other parts of the world, a general rising trend in the number of women in the labour force in the Saharan provinces was more noticeable than at the national level. Basic education there was better than in the rest of the country, despite urban/rural disparities: 100-per-cent access to primary education of all school-aged children, including girls, was undoubtedly one of the most promising accomplishments of the Sahara region, where the literacy rate as well was higher than the national average. While there were still problems in Western Sahara, Morocco was identifying and working on them.

66. From a security perspective, Algeria and the Frente Polisario needed to comply with the requests of

UNHCR to conduct a census of the Sahrawi community in the Tindouf camps, and to allow the international community to gain a better understanding of the reality of daily life there so as to lend a helping hand in ways that corresponded to the actual needs.

67. **Mr. Gookin** (Western Sahara Human Rights Watch) said that Western Sahara was the touchstone of credibility for the United Nations. Since Spain had illegally walked away from its responsibility to decolonize the Territory, the United Nations had a recognized responsibility to the people of Western Sahara. The solution to decolonization conflicts was to hold a referendum on self-determination, as established by the General Assembly and confirmed by the International Court of Justice (ICJ). The unpublished 2006 report of the Office of the United Nations High Commissioner for Human Rights (OHCHR) on its mission to Western Sahara and the refugee camps in Tindouf had recommended that the right to self-determination of the people of Western Sahara must be implemented without delay and had observed that most human rights violations in the case of the people of Western Sahara stemmed from the non-implementation of that fundamental human right. Pending the organization of a referendum, the General Assembly should call, in the resolution to be adopted at the current session, for the full observance of civil, political, economic, social and cultural rights in Western Sahara.

68. Civil and political rights were systematically violated in the Territory. The most recent case of political prisoner Hassana El Wali, for example, who had just died in prison because of the deliberate denial of medical treatment for health problems caused in part by torture demanded an independent investigation and autopsy. Earlier, the Working Group on Arbitrary Detention of the United Nations Human Rights Council had called for the immediate release of another Sahrawi political prisoner and an investigation of his torture while in custody. Another group of political prisoners who had been seized in 2010 during the Gdim Izik protests and had been tried and convicted in sham trials before Moroccan military courts — a contravention not only of international civil rights law but of the subsequent domestic legislation banning the trial of civilians by military courts — were nevertheless still being held in jail by Morocco.

69. Economic rights were also being systematically violated. Morocco continued to extract phosphates in

Western Sahara, and was allowing European Union boats to fish in its waters under a fisheries agreement, thus depriving the people of the Territory of their right to determine and benefit from the exploitation of its own resources.

70. Social and cultural rights were being systematically violated in the occupied part of the Territory. Morocco continued, for instance, to destroy all traditional open-air prayer grounds, thereby forcing the Sahrawi population to turn to Moroccan religious leaders and premises. The Committee must uphold and defend all the human rights of the Sahrawi people, and make that the first priority in the resolution it submitted to the General Assembly.

71. **Mr. Harrigan**, speaking in his personal capacity as an expert on international drug trafficking and organized crime with 35 years' experience in the British police, said that he wished to draw attention to the systematic criminal diversion of humanitarian aid destined for the Tindouf refugee camps in Algeria. Investigations had documented that those responsible for the racketeering were leaders of the Frente Polisario, supported by officials within the Algerian Government, yet the illegal trade continued to thrive.

72. The World Food Programme provided approximately 125,000 general food rations per month, but those living in the camps continued to live in abject poverty, without basic services and proper nutrition or drinking water. The corrupt local Frente Polisario and Algerian officials involved controlled the import of essential food and non-food items at the port of entry in Oran, held them in irregular warehouses, and delayed or diverted legitimate delivery. Aid distribution, moreover, was based on an inflated estimate of the number of refugees, which was key to the fraud. The surplus aid was siphoned off for sale on the black market and those organizing the fraud took the profits.

73. The continued denial of access to the camps guaranteed that there could be no independent estimate of the actual number of refugees. He called on the Security Council to take urgent measures to allow international, independent access to provide verifiable data of their numbers; allow all allegations of human rights violations to be fully investigated; and establish commitment at the top level of local leadership to zero tolerance of corruption. If the matter was not addressed urgently it would undermine the stability of the region

and in turn pose a real threat to global security. Drug trafficking and corruption led to instability and terrorism; unless the international community took action, the recent beheading of a French journalist in Algeria would be just the beginning.

74. **Mr. Gil Garre** (Instituto de Seguridad Global, Spain) said that the stand-off in Western Sahara was largely due to erratic conduct, indolence and a lack of forward-thinking at the United Nations. The Frente Polisario ran a cruel dictatorship, cover for which was provided by the United Nations and the leadership of Algeria, and the international community was therefore complicit. The situation in the entire Sahelo-Saharan region was complex and very unstable, particularly with the presence of transnational organized crime groups and groups of jihadis engaging in terrorism. The Committee had been alerted in the past to known links that some of the terrorist groups operating in the region had established with members of the Frente Polisario and some persons in the Tindouf camps, who were now armed and dangerous. Recently, one of those same terrorist groups had transferred its allegiance to the Islamic State, and its Frente Polisario allies could, with it, conceivably turn their weapons on Western Sahara, seriously jeopardizing world security. Similar situations in Mali, Libya or Syria had shown just how dangerous jihadist terrorism could be. Clearly, an adequate response was needed.

75. Morocco had proposed a solution to the Saharan conflict — a conflict which should have been resolved long since — that would guarantee stability, security and a future. Within its own borders, in its Saharan provinces as in all its other regions, it had already developed an advanced system of decentralized autonomy. It was time for the United Nations to act on the fact that the Moroccan proposal was serious and realistic and that it could save North Africa from the very real threat of insecurity. Morocco was part of the United Nations and should not be subjected to spurious claims which sought to keep alive the artificial conflict that the Frente Polisario had been waging for four decades.

76. **Mr. González Vega** (Observatorio Asturiano de Derechos Humanos para el Sáhara Occidental) said that the failure to decolonize Western Sahara was denying its people their right to self-determination, clearly established in the relevant General Assembly resolutions and in the 1975 ICJ ruling on the question.

77. The permanent sovereignty of a people over its natural resources, as established in General Assembly resolution 1803 (XVII), was the economic corollary to that right to self-determination and was a guarantee of the right to development. Both those rights of the Sahrawi people had been persistently breached. Morocco had exploited the fishery, phosphate, agricultural and water resources of Western Sahara and had entered into agreements with foreign companies to exploit the hydrocarbon resources in its continental shelf. In an advisory opinion relating to such Moroccan exploitation (S/2002/161), the United Nations Legal Counsel had stated the principle that only when resource exploitation activities were conducted for the benefit of the people of a Non-Self-Governing Territory, on their behalf or in consultation with their representatives were they considered compatible with the Charter obligations of the administering Power.

78. In 2014, the European Union had entered into a fisheries agreement with Morocco that flagrantly disregarded such obligations under international law. The views of the Sahrawi people had not been taken into account nor were they benefiting from the activities, and their marine resources were being exploited non-sustainably. The agreement was also a breach of the founding charter of the European Union and the United Nations resolutions it claimed to support, and it was all the more serious because of the complicity of Spain, the administering Power of Western Sahara.

79. **Ms. Navarro** (Consejo General de la Abogacía Española) said that her organization of Spanish jurists had continued to monitor judicial activities in the Territory and could confirm that in the past year Morocco had regularly violated international law and the human rights of individual Sahrawis. As the occupying Power, it had disregarded the Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention) by continuing to alter the population of the Territory; entering into agreements with third parties to exploit Western Saharan natural resources; convicting and imprisoning Sahrawis unjustly; blocking access to the Territory; and neglecting the economic, social and cultural needs of the indigenous Sahrawi population in a form of apartheid. The use of trials to give a semblance of legality, along with arbitrary detentions, enforced disappearances and torture of Sahrawi opponents — all

were constants in Morocco's treatment of the indigenous population of Western Sahara.

80. Since Morocco lacked sovereignty and jurisdiction over the people of Western Sahara, all its trials of Sahrawis were null and void, as noted by a Spanish high court in a 2014 ruling. In terms of due process as well, the trials violated article 10 of the Universal Declaration of Human Rights because of numerous flaws, including the use of military courts, a lack of judicial impartiality, denial of the right of defence and the presumption of innocence, the use of torture to obtain evidence and reprisals against defence attorneys. Morocco was holding political trials to imprison human rights activists and defenders in Western Sahara who attempted to take legitimate action on behalf of the population of the occupied Territory.

81. **Ms. Darias** (Asociación Canaria Juristas por la Paz y Derechos Humanos) said that her organization wished to inform the Committee of its observation of legal developments in Western Sahara and to denounce the impunity enjoyed by the authorities responsible for the illegal occupation of that Territory by Morocco. A young Sahrawi had been assassinated in the streets of Laayoune in 2011 by a Moroccan policeman but the authorities had not consented to investigate the murder. A group of Moroccans had attacked young Sahrawis following a football match that same year, leading to one death, which had also never been investigated. Activist Hassana El Wali, a member of the Dakhla Committee against Torture, had been unjustly put into prison in 2012 for denouncing that incident; there, he had been tortured and refused all medical assistance, and had recently died; he had been buried in secret, and again there had been no investigation into his death. All those actions were part of a systematic attempt to wipe out the Sahrawi identity. Her organization of jurists denounced such arbitrary detentions and torture, the unauthorized trials without due process and the dispersal of detainees across Morocco. It further denounced the suppression of economic, social and cultural rights, including freedom of expression, and the invasion of private lives and communications. Morocco continued a policy of imposing arbitrary penalties on Sahrawis, as it had done a few weeks earlier when the sentences of a group of persons had been increased from 1 to 10 years by the Agadir appeal court.

82. The international community remained silent, and Spain, as the de jure administering Power of Western Sahara, had not intervened in the Committee in the previous 12 years to protect the rights of the population of the Territory. The approach taken by Spain was very different from the approach it took with regard to the Territory of Gibraltar. Effective action was needed to ensure Morocco's respect for the law, and the mandate of MINURSO should be broadened to include protection of human rights in the region.

83. **Mr. Calabuig** (Asociación Internacional de Juristas por el Sáhara Occidental) said that the right of the Sahrawi people to self-determination had been recognized in international law and that the 1975 ICJ ruling had clarified that there was no link of sovereignty between Western Sahara and Morocco. The unlawful Moroccan occupation of the Territory in 1975 had been condemned in repeated General Assembly resolutions; the occupation was also not recognized by the courts of the former colonial power, Spain, which had ruled in 2014 that Spain remained the de jure administering Power of the Territory.

84. The failure to throw off the military occupation and to secure their long-deferred right to self-determination had caused hopelessness to take root among the people of Western Sahara. It was not the moment to be neutral, for the situation was explosive. The United Nations needed to return to its work of seeking a just, lasting and mutually acceptable political solution, but without taking the position that the two parties — an occupying Power and an occupied Territory — were on an equal footing. That would unfairly grant Morocco rights over a Territory it never had owned and did not own. The United Nations should compel Morocco to comply with international law, if necessary by taking action under Chapter VII of the Charter.

85. **Mr. Braham**, speaking in his personal capacity as a British observer of events in Western Sahara and the region, said that the conflict had become a grave security threat to North Africa and the Sahel. There were reliable reports that the Tindouf camps controlled by the Frente Polisario were a fertile ground for the jihadist recruitment of young Sahrawis, who had lost all trust in their leadership. The surge in criminal activity in Tindouf had also made it a potential refuge for jihadists forced out of Northern Mali by security operations. There was evidence that Al-Qaida in the Islamic Maghreb had infiltrated the refugee camps,

even as Al-Qaida, shifting its centre from Asia to Africa, was creating an arc of instability across the Sahel. The recent attack on an oil refinery in Algeria, terrorism in Mali and Mauritania, and the beheading of a French journalist in Algeria were evidence of the growth of Muslim extremism in North Africa. The Maghreb mattered and had a global impact.

86. The United Nations must act to address the urgent problems in the Tindouf camps. While Morocco worked with the international community to ensure security, neighbouring Algeria did not. Algeria had a duty to allow observers into the Tindouf camps to assess the levels of danger. The need for transparency had never been so great.

87. **Mr. Ahmed** (Saharawi Students in North America) said that he had been born and raised in one of the most inhospitable and unhealthy places on earth, the Tindouf refugee camps, whose conditions the United Nations had done nothing to improve. In occupied Western Sahara itself, the freedom, resources and dignity of the people had been removed by force and they lived under the law of the jungle. That was their daily experience, yet they continued to believe in peace, the legitimacy and power of international law and the eventual return of the refugees to their homeland.

88. Within the occupied Territory, human rights continued to be violated, and political prisoners died cruel and untimely deaths. Moreover, although any exploration and exploitation of the natural resources of Western Sahara that disregarded the interests and wishes of its people had been declared by the United Nations to be in violation of international law, his homeland's resources, on which his people's survival depended, were continuously being illegally exploited by foreign companies. He wondered how long the Saharawi people would have to wait for a solution.

The meeting rose at 6 p.m.