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## Special Political and Decolonization Committee (Fourth Committee)

### Summary record of the 3rd meeting

Held at Headquarters, New York, on Tuesday, 5 October 2010, at 3 p.m.

*Chairperson:* Mr. Windsor . . . . . (Australia)

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*The meeting was called to order at 3.10 p.m.*

**Agenda item 55: Information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter of the United Nations** (A/65/23 and Corr.1, chaps. VII and XII, and A/65/66)

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**Agenda item 58: Offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories** (A/65/67)

**Agenda item 59: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples** (*Territories not covered under other items*) (A/65/23 and Corr.1, chaps. VIII, IX, X, XI and XII, A/65/306 and A/65/330)

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

*Question of New Caledonia* (A/C.4/65/4)

*Hearing of representatives of Non-Self-Governing Territories and petitioners*

2. **Mr. Gomes** (President of the Government, New Caledonia), reporting to the Committee, in accordance with the Nouméa Accord, on New Caledonia's progress towards emancipation, said that legislation had been enacted in the past year, to transfer powers from France to New Caledonia in the fields of education and air and maritime transport, and procedures for the transfer of powers in other areas had been worked out with France, since the Territory still needed France's assistance. As could be seen from the scope of reforms introduced by the Government, New Caledonia's political institutions were functioning very well.

3. The Territory's economic development efforts were bearing fruit since, despite the global crisis, employment and the gross domestic product (GDP) had grown by 3 per cent and 4 per cent, respectively, over the previous four years. New Caledonia was poised to become the world's second-largest nickel producer, with the entry into production of its two new plants in 2012. Noting that there were ongoing efforts to develop business infrastructure throughout the Territory with a view to restoring the balance between the different provinces and Nouméa, he said the fact that unemployment remained high among Kanaks showed the need for continued emphasis on initial and continuing education and training of Caledonians. The goal was not only to produce far more high school graduates but also to stop children from dropping out of school because that perpetuated social inequalities.

4. Turning to the recruitment of foreign mine workers, he said that highly skilled foreign mine workers were recruited only in case of a dearth of local workers. They were granted work permits for very short periods. On the other hand, ambitious training projects had been put in place to ensure that in the long run Caledonians would occupy 95 per cent of the posts in the nickel industry.

5. New Caledonia had strengthened its regional and bilateral ties with countries of the South Pacific region, increased its cooperation with international organizations and applied for full membership of the Pacific Islands Forum. He hoped that New Caledonia would soon have representatives in the French embassies in neighbouring countries. In March 2011, it would host the annual European Union Overseas Countries and Territories Forum.

6. Kanak identity was being taken into account in the country's political and social organization. Since the adoption of General Assembly resolution 64/102, the country law on the three identity symbols of New Caledonia had been enacted. The country had a new motto. The Committee of Signatories of the Nouméa Accord recommended that, pending the initiation of work on the two other identity symbols — the flag and name of the country — the FLNKS flag should be flown side by side with the French flag; that became official on 17 July 2010.

7. The Congress of New Caledonia had taken legislative measures to ensure the sustainable management of mining resources, in response to

concerns expressed by Kanaks regarding the impact of mining on the environment. Former mining sites were being claimed and replanted and a plan for the reclamation of 200 former mining sites within the next decade would be submitted shortly to Congress.

8. The 2010 Pacific regional seminar held in Nouméa had afforded an opportunity for the Special Committee on Decolonization to learn first hand about New Caledonia's situation. He had found the seminar's debates enriching.

9. Noting that the preparations for New Caledonia's referendum on self-determination constituted a top priority for all political movements in the country, he said that the Committee of Signatories of the Nouméa Accord had set up a steering committee that would meet every three months to hold in-depth discussions on the status of preparations.

10. **Mr. Aisi** (Papua New Guinea) welcomed the statement by the President and thanked New Caledonia for hosting the 2010 regional seminar. He encouraged all parties to ensure that the rights and dignity of indigenous peoples were protected under the Nouméa Accord. As New Caledonia's rich natural resources were developed, the local people should be encouraged to participate in all sectors of the economy to ensure that the benefits derived from such development were retained in the Territory by and for the people. Such participation might help to address some of the socio-economic imbalances of New Caledonia. The indigenous people's aspirations should be catered for in the professional, technical and managerial areas. As had been seen in the case of Tokelau, when the administering Power participated in a meaningful and serious manner, much could be achieved. He therefore encouraged the Government of France to continue its constructive engagement in assisting all the peoples of New Caledonia to finally fulfil their aspirations for a proper process of decolonization and self-determination.

11. **Mr. Gomes** (President of the Government, New Caledonia) said that New Caledonia wished to play a more active role in the region, including through the Pacific Islands Forum and through bilateral relations with Melanesian countries and the Pacific region in general. Noting that within two years the country's three factories would be producing nearly 20 per cent of the world's total nickel output, he said that the issue that needed to be addressed was how to ensure that the

wealth was equitably distributed throughout all the provinces of the country and among all its communities. The idea was to ensure that the country's wealth did not go into just a few pockets but benefited everyone.

12. **Ms. Lavoueva** (Front de libération nationale kanak socialiste (FLNKS)) said that the challenge under the Nouméa Accord was how to achieve the fullest form of autonomy for New Caledonia under the French Republic, autonomy which could lead to independence if the people so chose. Full autonomy and independence meant that New Caledonia must be able to secure its own economic future. Thus, human resource development and employment should remain the focus of public policies.

13. Noting that New Caledonia's inability to finance the costs of decolonization as set out under the Nouméa Accord basically stemmed from its continued heavy dependence on earnings from nickel, she said that the tax system needed to be modernized, while structural reforms had to be implemented to foster growth and put the country's finances on a sound footing. The development of such employment generating sectors as agriculture and tourism would diversify the economy away from nickel. While concern had been expressed about the way in which resources were distributed among the provinces there was no objective analysis that could be used to assess the imbalance. The upcoming plan for the balanced development of the Territory should be useful in that regard.

14. Recently, it had been decided to transfer competence in several key areas from France to New Caledonia, to be accompanied by the necessary training. Nevertheless, there was concern about the resources that such transfers would require. New Caledonia continued to receive massive financial contributions from France, which showed its continued dependence on France and the challenges it faced in trying to finance and implement an effective development plan.

15. She reiterated the FLNKS request to the United Nations for assistance to New Caledonia to assess the level of autonomy it had achieved to date and help it determine whether its current policies had truly reduced its level of dependence on metropolitan France. FLNKS supported the adoption by the General Assembly of a draft resolution on a Third International

Decade for the Elimination of Colonialism and suggested that the parties concerned in each Non-Self-Governing Territory, together with the administering Powers, should draw up a constructive programme of work for the Decade.

*Question of Guam (A/C.4/65/3/Add.2, 3 and 5)*

*Hearing of petitioners*

16. **Mr. Roberts**, speaking in his personal capacity as a doctoral candidate in the Department of Geography, University of Toronto, said that colonialism had created economic apartheid in the Pacific. The situation on the island of Guam had become increasingly dire and the need for the leadership of the United Nations was more crucial than ever because the United States, contrary to what it preached abroad, had refused to recognize the right to self-determination of the Chamorro people. Indeed, the population of Guam was set to increase by 45 per cent over the next four years because of the relocation of the United States marine base from Okinawa; that would lead to further dispossession of indigenous land, exacerbating social challenges on the island, including poverty.

17. The Special Committee on Decolonization should give priority to ensuring the self-determination of the people of Guam in the light of the administering Power's impending plan to considerably militarize the island. A customized process of decolonization should be adopted immediately, to prevent the planned military build-up from having an irreversible impact and the administering Power's compliance with its obligations under the Charter of the United Nations and General Assembly resolutions 1514 (XV) and 1541 should be investigated. Furthermore, the United Nations should immediately fund a study on the implications of the militarization plans for the decolonization of Guam, and denounce the hypermilitarization of Guam as being inimical to the inalienable human rights and interests of the Chamorro people.

18. **Mr. Tuncap**, speaking in his personal capacity, said that the transfer of 7,000 marines reflected a long history of militarization and racism on Guam. United States colonization had caused irreparable damage to the Territory's environment. Decades of military dumping and nuclear testing had contaminated the Pacific with polychlorinated biphenyls (PCBs) and radiation; military toxic waste had destroyed Guam's

largest barrier reef system, poisoning fish and fishing grounds. Indeed, as of October 2009, 80 contaminated military dumpsites remained on Guam, whose civil landfill contained 17 toxic chemicals. The United States military currently occupied one third of the island and the impending build-up had interrupted the return of federal access lands to the original landowners, in clear violation of the Chamorro Land Trust Act of 1974. There were now disproportionately high incidences of various kinds of cancer and neurodegenerative diseases, including Parkinson's disease and dementia among the island's inhabitants as a result of decades of massive radiation and pollution from toxic chemicals.

19. He recommended, inter alia, that: a process of customized decolonization for the Chamorro people of Guam should be immediately put in place, that the administering Power, the United States, should be investigated for failing to comply with its treaty obligations under the Charter of the United Nations and General Assembly resolutions 1514 (XV) and 1541; the United Nations should fund a study on the implications of the United States plans to further militarize Guam without the consent of the Island's native people; the United Nations should pass a resolution denouncing the United States military build-up in Guam and implement the Special Committee's programme for the territory.

20. **Ms. Quinata**, speaking in her personal capacity as a Chamoru and a member of a South California Chapter of Famoksaiyan, said that the transfer of United States military personnel, their families, and foreign construction workers to Guam by 2014 — its largest military build-up since the Second World War — was expected to increase the island's population by about one third. The build-up would have a considerable impact on the country's infrastructure and facilities and make it even more economically and socially dependent on the administering Power. The impact on the environment would be devastating, since there were plans to excavate ancestral and sacred lands in order to build firing ranges and expand housing and hotel facilities.

21. The voices and ethical issues of the Chamorus were secondary to militarization and colonization; while the Chamorus had provided their input on the build-up planning process, ultimately they had no real control over what happened to the island and the impact of the build-up on future generations. It was

apparent that United States' national policies and security issues did not take into account the Chamoru people's plight and concerns. Guam remained colonized, even though it had been placed on the United Nations list of Non-Self-Governing Territories. The political process to force the United States to honour its obligation under the Charter of the United Nations to help the Chamoru people achieve self-determination could be furthered by means of a far-reaching education campaign organized with the help of the United Nations informing all Chamorus of their right to self-determination and decolonization.

22. **Mr. Flores**, speaking in his personal capacity as a Chamoru and a representative of the University of California, Los Angeles' Graduate Coalition of the Native Pacific, said that Guam was being prepared for the largest military expansion in the history of the United States; that expansion would permanently affect the island and its people. The United States' military expansion during the Second World War had resulted in one third of Guam being forcibly taken over by the military. Many thousands of migrant labourers had been brought in and a multi-tiered wage scale introduced that placed such labourers and native Chamorus at the lowest end of the scale. Rich farmland had been transformed forever into permanent military structures. Furthermore, the United States military had discussed the possibility of needing more land for military facilities and accommodation; and construction work would once again rely on non-United States workers, making them susceptible to exploitative labour conditions.

23. Ultimately, the continued militarization of Guam would perpetuate the colonization of the island and its people because the United States would not invest millions of dollars in developing it for warfare only to return sovereign power to the Chamorus. The Fourth Committee should investigate the administering Power's failure to comply with its treaty obligations under the Charter of the United Nations to promote the economic, social and cultural well-being of Guam. The United Nations had the knowledge and authority to prevent the current injustices being committed in Guam.

24. **Ms. Nguyen**, presenting the testimony of former Senator Hope Alvarez Cristobal, said that the right to self-determination was at risk in Guam because the administering Power continued to ignore and reject its obligation to promote the well-being of the Territories under its administration. The unilateral plans of the

United States to hypermilitarize Guam were in contravention of the relevant General Assembly resolutions on decolonization.

25. The island was of huge strategic importance to the United States, since it was a key component of the Pacific Strategic Triangle concept — a global network of bases around the world for rapid deployment of forces to areas of crisis. Furthermore, the United States Pacific Command covered a region — the Asia-Pacific — that had the six largest armed forces in the world and accounted for a significant proportion of world trade.

26. The Special Committee should give top priority to ensuring the inalienable right of the Chamorus people of Guam to self-determination and should immediately adopt a customized process of decolonization for the Chamorus people in view of the severe irreversible impact of the militarization of Guam by its administering Power.

27. **Ms. Roberts**, speaking in her personal capacity and as Special Liaison for the 2010 Guam Delegation to the United Nations, said that the increased militarization of Guam was a violation of the human right to self-determination of the indigenous people, and was converting the Chamorus into second-class citizens in their own country.

28. The Special Committee should give top priority to ensuring the inalienable right of the Chamoru people to self-determination in view of the imminent hypermilitarization that was being planned by the administering Power. Moreover, the administering Power should be investigated for its failure to comply with its treaty obligations under the Charter of the United Nations. A study, funded by the United Nations, should be conducted immediately on the implications of the United State militarization plans on the decolonization of Guam, and the United Nations should denounce the hypermilitarization of Guam without the consent of its people.

*Question of Turks and Caicos (A/C.4/65/5 and Add.1)*

*Hearing of petitioners*

29. **Mr. Gibbs** (Turks and Caicos Forum) said that there was still concern over the failures of the administering Power to discharge its responsibilities with respect to the Turks and Caicos Islands. On 14 August 2009, the United Kingdom had suspended

important parts of the Constitution, resulting in the removal of duly elected popular representatives, the disbanding of Parliament, the appointment of a United Kingdom Foreign and Commonwealth Office career civil servant as Governor, and the hiring of alien consultants in every department of Government. On 21 September 2010, the United Kingdom Minister for the Overseas Territories had announced that new elections would not be held until public finances were firmly set on a path towards a balanced budget within three years, the economy had been further stabilized, the reform process had been embedded, and further progress had been made in the criminal investigations recommended by the Commission of Inquiry. Despite the vague and subjective nature of those preconditions, no substantive version of the expected reforms or timetable for their implementation had been published, and the criminal trials were not expected to commence until October of 2011.

30. While the attainment of a balanced budget and progress toward a vibrant economy were noble objectives, they were not acceptable pretexts for the suspension of constitutional democracy and the disenfranchisement of an entire people. He called upon the United Nations to establish a team to monitor the situation and hold the United Kingdom accountable for its obligations to the Turks and Caicos Islands.

31. **Mr. Howell** (Commission on the Constitution and Electoral Reform) said that the recommended amendments to the Constitution of the Turks and Caicos Islands were regressive. The proposed enlargement of the right to vote suggested that the islanders were incapable of wisely choosing their leaders. His people continued to be maligned, marginalized and disenfranchised; systems protecting indigenous business people were being removed; the Civil Service was being demoralized; and United Kingdom continued to hold the position that the islands would remain an overseas territory for the foreseeable future. Furthermore, the recent announcement of the indefinite postponement of elections constituted a violation of the islanders' right to self-government.

*Question of the United States Virgin Islands*  
(A/C.4/65/6)

*Hearing of petitioner*

32. **Mr. Browne**, speaking in his personal capacity, said that a colonial relationship continued to exist

between the United States of America and the United States Virgin Islands. Slavery and colonialism had characterized much of the history of the Virgin Islands, and his recent research indicated that the non-Danish inhabitants (primarily people of African descent) had not been officially emancipated when Denmark's West Indian colonies had been transferred to the United States in 1917. He called upon the Governments of Denmark, the United States and the United States Virgin Islands to bring closure to those individuals still living who had been born prior to that transfer.

*Question of Western Sahara* (A/C.4/65/7 and Adds. 1-8, 10-12, 14-19, 50, 77)

*Hearing of petitioners*

33. **Ms. Huff** (Teach the Children International) said that she had personally heard numerous first-hand accounts of both slavery and sexual abuse in the refugee camps. There was no freedom of movement in or out of the camps, with several thousand documented cases of persons risking arrest or death to escape them. Human trafficking networks were flourishing amidst the growing terrorist presence in the region of the camps. She called on the United Nations to investigate and take action on those issues in order to address the needs of the people of Western Sahara.

34. **Ms. Farish**, speaking in her personal capacity, said that an increasing number of reliable reports indicated that Algeria was maintaining the population levels in the Tindouf camps by bussing in Algerians unwanted elsewhere, while the Frente Polisario refused to allow outside observers to investigate or conduct a census of camp residents. The United Nations should facilitate exit-visa applications by non-Algerians in the camps. The family-visits programme had also been allowed to wither away by the Frente Polisario. She recommended that MINURSO should open exit centres in the camps and provide protection for any family or individual desiring to leave. Finally, Al Qaeda in the Islamic Maghreb had succeeded in establishing a presence in the camps, resulting in harmful influences extending beyond the camps themselves. In those circumstances, United Nations aid to the Tindouf camps could no longer be justified at its current level. She called for information on the amounts and distribution of aid to be posted on the United Nations website so that the world could see how much of its money was pouring into the hands of the Frente Polisario and hold them accountable as a consequence.

35. **Ms. Hardin**, speaking in her personal capacity, in support of freedom and self-determination for the people of Western Sahara, said that two recent developments in the region were noteworthy. First, three high-profile human rights activists had been arrested by the Moroccan authorities and charged with treason for the crime of visiting their fellow citizens in the Sahrawi refugee camps and allowing the refugees to celebrate their visit. She called upon the international community to use its influence to allow international observers to attend the trial, to be held shortly.

36. Second, the former Special Representative of the Secretary-General for Western Sahara, Francesco Bastagli, had published an extensive article, entitled "Justice Undone" explaining that he had resigned in protest against the United Nations attitude over the issue of Western Sahara. The Fourth Committee should immediately take action to stop the injustice.

37. **Ms. Sherrill** (Landing Community Church) said that she wished to express her deep concern for the Sahrawi refugees housed in the Algerian desert. She had met and interviewed Sahrawis who had escaped from the camps and were free to speak the truth without fear, and had heard first hand about the horrific human rights violations that had taken place. Hence, the Frente Polisario did not show well-meaning visitors to the Tindouf camps a true picture of what really happened there.

38. The Committee should make every effort to implement a viable exit strategy for the Sahrawis living in the Tindouf camps, who had been indoctrinated to believe that they would be killed or imprisoned as soon as they left the camps. The United Nations should appoint an independent non-governmental organization to help eliminate the intimidation and the fear of reprisals for any decision to return to their homeland, while a final solution that benefited the Sahrawi people was put in place.

39. **Mr. Balog** (Samaritan Austria, Gemeinnützige Entwicklungszusammenarbeit GmbH (GEZA), and the Austrian-Saharawi Association) said despite the fact that the people of Western Sahara had the right to self-determination, they had been waiting 45 years to exercise that right; despite the fact that part of the Non-Self-Governing Territory of Western Sahara was under illegal Moroccan occupation, large quantities of arms were being exported to Morocco each year;

despite the fact that an autonomy plan without the option of independence violated the right to self-determination, acceptance of the Moroccan autonomy plan by the international community would constitute an endorsement of territorial expansion by military force; despite the fact that systematic violations of human rights by Morocco in the occupied territory continued to be documented, the MINURSO mission had no explicit mandate to monitor the human rights situation there; and despite the fact that Morocco had no right to the natural resources of Western Sahara, it continued to plunder them for its own purposes.

40. It was therefore time for the United Nations to enforce the principles of justice and international law. Morocco should be persuaded to accept the rule of law and a free and fair referendum; arms exports to the occupying Power should be stopped, as should the illegal exploitation of the natural resources of Western Sahara and a mechanism to monitor and protect human rights in Western Sahara should be established. It was time to demonstrate that disputes must be settled under the law, and it was high time that Africa's last colony was liberated.

41. **Mr. Lenz** (Christ the Rock Church) said that over the course of numerous visits to the Western Sahara refugee camps, he had heard numerous first-hand accounts of the daily desperation of the people there, of their separated families, and their fear of arrest or worse. He urged the Committee to allow the people of Western Sahara — those affected directly by the conditions there — to be heard.

42. **Ms. Lenz** (Not Forgotten, International) said that she had been working with Sahrawi people in the refugee camps and those living in their homeland of Western Sahara for much of the previous 11 years. She described a recent emotional reunion she had witnessed between a brother and sister who had been separated for many years, the former brought up in the camps and the latter who had remained in Western Sahara.

43. **Mr. Blanc**, speaking in his personal capacity, said that, since the region of the Sahara was historically a province of Morocco, an internationally recognized State, any recognition of the Sahrawi Arab Democratic Republic should be considered an internationally wrongful act against Morocco. Morocco had not opted to radicalize the conflict; to the contrary, in response to the international community's appeals, it had presented a proposal for negotiating autonomy for the region of

the Sahara, within the framework of the sovereignty of the Kingdom of Morocco.

44. The proposal represented a solemn commitment by Morocco to contribute to the efforts of the United Nations to find a final political resolution to the conflict. The Moroccan proposal was innovative and involved a new approach to certain United Nations concepts such as State sovereignty and the peaceful settlement of conflicts. Furthermore, it entailed amending the Constitution in order to guarantee regional autonomy while preserving Morocco's territorial integrity. The autonomy plan proposed an entity similar to a regional or autonomous state, midway between a unitary and a federal state.

45. Moreover, consistent with democratic principles, the people of the autonomous region of the Sahara, acting through their legislative, executive and judiciary bodies, would, within the territorial limits of the region, have all the powers of a state except for the attributes of the central State.

46. **Mr. Alvaro Butureira** (Centro Marroqui de Amistad con los Pueblos), welcoming the efforts of the Secretary-General of the United Nations and his Personal Representative to implement the resolutions adopted by the General Assembly and the Security Council encouraging the parties to collaborate to resolve the conflict, said that Morocco's note of 11 April 2007 sought to identify ways to reach an understanding in the region, and efforts should continue to help the parties achieve a fair, lasting and mutually acceptable political solution that provided comprehensive autonomy for Western Sahara in line with the Moroccan initiative. Furthermore, the international community should call upon Algeria to allow human rights organizations and international observers to enter the Tindouf camps to monitor conditions there.

47. Lastly, he called for the release of Mustafa Ould Salma Sidi Mouloud, who had been abducted while on Algerian territory.

48. **Ms. Aït-Baala** (Action Internationale Femmes) said that concern already had been expressed by the Secretary-General regarding the human dimension of the conflict and by the High Commissioner for Refugees regarding efforts by Algerian authorities at the Tindouf airport to impede family visits. The previous week, the International Federation of Journalists and Reporters Without Borders had

condemned the harassment and expulsion by Algeria of Moroccan journalists reporting in that country. Moreover, major organizations such as Amnesty International and Human Rights Watch had strongly denounced the arrest by Algerian authorities a few weeks earlier of Mustapha Ould Sidi Mouloud, a high-ranking Frente Polisario official and long-time resident of Tindouf. Because he had broken with the Frente Polisario line and was returning from a family visit in Morocco intending to inform the inhabitants of Tindouf about the autonomy proposal made by Morocco to the United Nations in 2007, offering the Saharan people a new and genuine opportunity for self-determination, he was now being held incommunicado in a desert prison notorious for the practice of torture and other inhumane and degrading treatment. She herself had met with him shortly before his arrest and he had been aware that he would have to pay dearly for his exercise of the freedom of speech in a lawless area where Algerians, the Frente Polisario and Al-Qaida in the Islamic Maghreb found refuge. She urged the Committee to intercede to guarantee the right to life and physical integrity and the release of that prisoner of conscience. The international community must also allow the census of the Saharan population to go forward, guarantee the principle of free return and the personal integrity of the inhabitants in the Tindouf camps, and ensure that humanitarian shipments reached their intended destination.

49. **Ms. Basinet**, speaking in her personal capacity, said that the Security Council should insist that Morocco ensure the basic rights of the Sahrawis living in contested territory under its de facto control. Although Morocco had made steady gains in its human rights performance in the past 15 years — as Human Rights Watch had confirmed — it was still suppressing opposition to the officially held position that Western Sahara was part of Morocco, banning peaceful demonstrations and refusing legal recognition to human rights organizations. She endorsed the recommendations to the Government of Morocco that Human Rights Watch had made in its 2008 report, which included taking steps to ensure fair trials in politically charged cases, the ending of police immunity and generally observing the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as ratifying its Optional Protocol and the protections it offered to persons in detention.

50. **Mr. Ortiz Asin** (Forum Canario-Saharai) said that he had held high-level posts in the information and security services during the last decade of Spain's administration of the Territory of Western Sahara and consequently knew the area well. Under Spanish administration, a great social and economic transformation had taken place, but after 35 years of Moroccan administration the situation had changed enormously. As President of the Forum, he kept abreast of the problems in Western Sahara and in the camps. A situation in which a people and its families had remained divided for 35 years was untenable.

51. The Moroccan autonomy proposal sought to find a way towards reunification of the Sahrawi people in the land of their forefathers. The King of Morocco had set up a commission to formulate a plan for making the various regions in the country into autonomous communities, and he hoped that the Western Saharan region would be given priority. The establishment of Western Sahara as an autonomous community would go beyond partisan interests and international interests alien to the parties involved and would be a way of ending the conflict, itself a necessary prerequisite to ending the fragmentation of a people that needed to develop socially and economically in a land endowed with the necessary resources. Making Western Sahara an autonomous community within Morocco would favour peaceful coexistence and the political, social and economic development of the region and the restoration of self-esteem to a people currently without a voice divided and living for the most part in exile in an inhospitable desert belonging to Algeria, a country with which it traditionally and historically not only had no links but instead a tense relationship.

52. The Moroccan authorities were participating in the current negotiations on Western Sahara in good faith in the hope of reaching a definitive settlement of the conflict. The Frente Polisario, however, had shown no willingness to respond to the Moroccan proposal. On the contrary, it had recently arrested Moustapha Ould Sidi Mouloud, a high-ranking Frente Polisario official who was returning to Tindouf from a family visit in Morocco, because he was planning to publicize the Moroccan autonomy proposal among his people upon his return in the belief that freedom of expression and free movement of persons were guaranteed in democratic societies. The Moroccan autonomy plan would normalize relations with Algeria and would consequently serve to build up the Arab Maghreb as a

bulwark against the lack of security in the Sahel, where Al-Qaida in the Islamic Maghreb was operating and which was a breeding ground for all kinds of threats stemming from criminal, drug-related and terrorist activities. His Forum wished to see a just and definitive settlement of the conflict in Western Sahara under the auspices of the United Nations and in accordance with international law, which would resolve the humanitarian tragedy that the Sahrawi people had been enduring for more than 35 years.

53. **Mr. Loza Aguirre** (Paz y Libertad en el Sáhara Occidental) said that the Western Sahara decolonization process was at a standstill. The situation — in terms of human rights in the Territory and of refugees in the Tindouf camps — had not improved since the original plan was adopted 19 years previously and could destabilize the whole region at any time. Moreover, maintaining the status quo would stall the region's economic and social development.

54. He wished to make a proposal based on the principle of shared sovereignty, in which the classic elements of sovereignty: borders, army and currency, and the more practical elements linked to full and constitutionally guaranteed self-government could be shared, following an agreement on the rights and responsibilities of each party. That could lead to a solution that respected both parties and offered a better future to Sahrawis and Moroccans, and to the Maghreb as a whole, while improving the region's relations with both the European Union and the African Union.

55. Any agreement by the parties would need to be approved by the Sahrawis by a referendum, and Morocco and the Frente Polisario would have to determine the specific content of the proposal, the sole purpose of which was to move the situation forward, not to substitute for legitimate negotiations.

56. **Ms. Scholte** (Defense Forum Foundation) said that for the people of Western Sahara there had been no right to self-determination and certainly no end to the occupation of Western Sahara by Morocco. While the United Nations could be commended for maintaining the ceasefire between Morocco and the Sahrawis, it must also fulfil its promise to hold a referendum on self-determination, in order to prevent further deaths, disappearances and detentions of hundreds of Sahrawis advocating their rights and opposing the exploitation of the resources of Western Sahara. The violence against the Sahrawi people in occupied Western Sahara had

been documented by Amnesty International, Human Rights Watch, Freedom House, the World Organization Against Torture, Reporters Without Borders and the United States State Department, as well as the United Nations Office of the High Commissioner for Human Rights. Consequently, human rights monitoring should be added to the MINURSO mandate, especially since it was the only peacekeeping mission without such a component.

57. Despite Morocco's brutality against unarmed Sahrawis, they themselves had continued to advocate for a referendum through non-violent means, and their leadership, relying on international law and the United Nations to achieve their objectives, had constantly pledged that they would abide by the outcome of a vote on self-determination. If the United Nations did not act, it would send a terrible signal to the world that invasion, aggression and violence such as that employed by Morocco were the ways to achieve one's ends, and that non-violence, reliance on the rule of law and trust in the Organization counted for nothing.

58. **Mr. Simanowitz** (All Party Parliamentary Group on Western Sahara) said that he was speaking on behalf of British parliamentarians, and also as a journalist who had spent time with the Western Saharan refugees in the camps and with human rights defenders from Western Sahara, and as a human rights advocate himself. The position of his Group and the Human Rights Group in the British Parliament was that the people of Western Sahara should freely choose their own future, yet no referendum had taken place, leaving tens of thousands in refugee camps in Algeria since the 1970s, unable to return to their own land. Since many Sahrawis were also being held as political prisoners in Morocco and in occupied Western Sahara, it was necessary for MINURSO to include a human rights requirement in its mandate. The resources of land and sea should be exploited only with the approval and for the benefit of the people of the country, and the European Union had been wrong to conclude a fisheries agreement with Morocco under which Western Saharan waters were exploited by European fishing vessels. The future of Western Sahara should be decided democratically and legally by the Sahrawi people.

59. Speaking in his personal capacity, he said that he had been profoundly affected by what he had seen in the refugee camps in the Algerian desert as a reporter for the British newspaper *The Independent*. He had

visited the camps again in the past 18 months and met dozens of human rights defenders from the so-called occupied Territory of Western Sahara. He had spoken to local doctors, international NGOs and even a representative of the United Nations High Commissioner for Refugees, who had talked of widespread disease, health problems and malnutrition in the camps. The refugees themselves to whom he had spoken longed for freedom and for return to their homeland, and some had recounted experiences of imprisonment and torture. Clearly, the need to find a political solution in Western Sahara was critical. That might seem far off with the parties so far apart: the Frente Polisario was not prepared to negotiate away its legitimate right to self-determination, Morocco rejected any proposal that contained even the possibility of independence, and the Security Council showed an unwillingness to enforce its own resolutions. Yet that was the only way forward. The political solution, however, was far too important to be left in the hands of politicians. It was up to all in civil society to make their voices heard and demand that their governments around the world exert diplomatic and political pressure on those who were blocking a referendum of self-determination in Western Sahara.

60. **Mr. Zitouni** (United Cities and Local Governments of Africa) said that he had participated in a recent meeting of local government representatives from African States, at which all present had agreed that there could be no development or progress in Africa, if citizens were not afforded their full rights and freedoms, including the right to independence, democracy and self-determination. There had likewise been unanimous agreement that the situation in the refugee camps of Western Sahara was one of unimaginable suffering and that the only solution lay in granting the people the right to self-determination, whether that resulted in autonomy or integration into Morocco. Such a solution was posited on the implementation of the relevant United Nations recommendations, in particular those of the Fourth Committee.

61. Turning to the testimony provided at the current session regarding human rights violations in the refugee camps, he affirmed that the only way to ensure objectivity in dealing with such reports was to give the United Nations Mission for the Referendum in Western Sahara (MINURSO) a human rights mandate so that it could lead an international fact-finding effort to

establish the truth behind the claims made by the parties concerned.

62. He recalled that the late King Hassan II of Morocco had recognized the right of the people of Western Sahara to have a say in their own future, and urged the international community to ensure that those people were afforded their human rights, including the right to self-determination.

63. **Mr. Ben Brahem** (General Commander, Algerian Muslim Scouts) said that in the three and a half decades since the declaration of the Sahrawi Arab Democratic Republic, an entire generation had grown up surrounded by oppression and deprived of its basic rights. The failure to implement Security Council resolutions on Western Sahara had allowed the Moroccan Government to act with impunity in occupied Sahrawi territory. It had become more urgent than ever for the United Nations to intervene to ensure that the people of Western Sahara were able to exercise their right to self-determination through a free and fair referendum under international supervision. He called for an international mechanism to monitor human rights in occupied Sahrawi territory, and for that territory to be opened to international media and human rights organizations. In addition to documenting Moroccan human rights violations, such a mechanism could also expose Moroccan exploitation of Sahrawi resources that should be preserved for future generations.

64. **Ms. Sahli** (Union Nationale des Femmes Algériennes) said that the question of Western Sahara concerned a Non-Self-Governing Territory that had been occupied by Morocco since 1975 and had not yet been decolonized. Those States that proposed to substitute an autonomy solution for the right of a people to self-determination and independence were seeking to manipulate the free expression of the will of the Sahrawi people, who for over 35 years had been seeking to establish an independent State. Only the organization of a free and impartial referendum would allow them to exercise their right to self-determination. Until then, the Sahrawi people were being subjected to massive and repeated human rights violations in the territories occupied by Morocco, to which they had thus far responded with peaceful resistance.

65. Under the circumstances, she believed, as a professor of international law at the University of Algiers, that the United Nations must uphold

international law by applying its relevant resolutions and the conclusions of the International Court of Justice, even though some States, despite those legal precedents, claimed that other legal solutions to the question of Western Sahara could be offered. The Sahrawi people would never renounce their claim to their territory and to their right to dispose of its resources, which were now being plundered on a massive scale. The United Nations should envisage no solution other than self-determination.

66. **Mr. Ayachi** (Comité National Algérien de Solidarité avec le Peuple Sahraoui) said that the Sahrawi people had been resisting the Moroccan occupation peacefully, but their most fundamental human rights were being violated on a daily basis by the Moroccan occupying administration. NGOs such as Amnesty International and Human Rights Watch, and representatives of the European Parliament had prepared a long list of abuses. Although many outside observers had visited the Tindouf camps, none of them were reporting what was really happening. The United Nations General Assembly and Security Council had adopted many resolutions recognizing the right to self-determination of the Sahrawi people. It was urgent that their human rights, honour and dignity should be protected.

67. Furthermore, the Sahrawi refugees in the Tindouf camps were living on international aid of 50 cents a day per person while Morocco was plundering their natural resources and wealth. The recommendations of the Security Council should be implemented to allow for a fair, open and transparent referendum on self-determination.

*Hearing of petitioner (A/C.4/65/8)*

68. **Mr. Corbin** (International adviser on governance and multilateral diplomacy) said that despite the provisions of the Charter of the United Nations, General Assembly resolutions and human rights instruments guaranteeing the right to self-determination, the small island Non-Self-Governing Territories of the Caribbean had yet to exercise that fundamental right. Their dependent status had increasingly been legitimized either through creative interpretations of what constituted self-government or by simply ignoring the role of the United Nations in the decolonization process altogether.

69. In order to assist the international community to take stock of the status of the decolonization process, and at the request of the chairpersons of the Committee, he had conducted several analyses of the implementation of the First and Second International Decades for the Eradication of Colonialism. The conclusion of the most recent (2010) analysis had been that much remained to be done in fulfilling the decolonization mandate, as borne out by the fact that only one territory (Timor-Leste) had been decolonized over the two decades in question.

70. The 2010 analysis had recommended an updated plan of action for a third International Decade, with primary focus on implementation of actions called for by the General Assembly. While there had been nothing wrong with the previous resolutions themselves, their selective implementation hindered the international process and worked against developing countries and the Non-Self-Governing Territories, whose opportunity to express their concerns was limited. The analysis had also concluded that self-governance indicators, already in use by the United Nations Development Programme and other bodies to assess compliance with democratic governance processes, should be utilized in determining whether those Territories had met the recognized threshold of self-government.

71. In conclusion, the 2010 analysis had pointed out that the adoption of resolutions and the de-listing of Territories were insufficient by themselves; only the actual achievement of full self-government by the peoples of the Territories constituted true success. Unless it were implemented in full, it was questionable whether such self-government could prevent a legitimization of colonial reform that would put a United Nations stamp of approval on a premature end to a self-determination process that fell short of actually achieving self-determination, with consequent deleterious effect on millions of people in Non-Self-Governing Territories worldwide.

*The meeting rose at 6.10 p.m.*