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Chair: Ms. Miculescu (Romania)

Contents

Agenda item 60: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (*Territories not covered under other agenda items*)
(*continued*)

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

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The meeting was called to order at 3.05 p.m.

Agenda item 60: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (*Territories not covered under other agenda items*) (*continued*)
(A/66/23 (chaps. VIII-XII), A/66/260, A/C.4/66/6)

1. **Mr. de Laiglesia** (Spain), referring to the question of Gibraltar, said that the principle of territorial integrity was essential in the case of Gibraltar, as the General Assembly had made clear in its relevant resolutions and decisions. Spain and the United Kingdom had been negotiating to find the most convenient solution to their only bilateral dispute. For Spain, the solution was the restitution of both the territory transferred from Spain under the Treaty of Utrecht and the land later occupied illegally by the United Kingdom. The interests of the people of Gibraltar must of course be taken into account and, in the negotiations with Spain, the United Kingdom was responsible for those interests as the administering Power. In accordance with the Committee's case-by-case approach to decolonization, Spain supported the principle of self-determination where applicable, but it did not apply to Gibraltar. It was intended for populations of colonized Territories and not for settlers imposed by an occupying Power to the detriment of the original inhabitants, whose rights were defended by the United Nations.

2. International law underscored the validity of the Treaty of Utrecht, which, as the United Kingdom itself had repeatedly recalled, ruled out independence without Spain's consent. Spain remained certain that a political solution, based on negotiations that took the special circumstances of Gibraltar into account, would settle the issue once and for all. His Government would continue to work within the Forum for Dialogue on Gibraltar with a view to resolving issues relating to local cooperation for the well-being and economic development of the inhabitants of Gibraltar and the Campo de Gibraltar.

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

3. **The Chair** said that, in line with the Committee's usual practice, representatives of Non-Self-Governing Territories would be invited to address the Committee and petitioners would be invited to take a place at the

petitioners' table, and all would withdraw after making their statements.

4. **Mr. Corbin**, speaking on item 60 in general in his personal capacity as a consultant in governance and diplomacy, expressed the hope that the Third International Decade for the Eradication of Colonialism would give the United Nations system the renewed energy needed to achieve the goal of decolonization, and that the plan of action for the Decade would emphasize the democratic deficiencies of the current colonial arrangements that projected the illusion of self-government but left total unilateral authority with the administering Power.

5. General Assembly resolutions consistently acknowledged the importance of decolonization but most of the work they called for was still to be undertaken. It was therefore of great concern that the Fifth Committee had recommended reducing the resources devoted to the decolonization process in the proposed programme budget for the biennium 2012-2013, and it should be urged to restore the allocation at least to the current levels.

6. The decolonization process appeared to have stalled, with most Member States continuing to support the principles of decolonization, self-determination and human rights, whereas the administering Powers repeatedly claimed that the Territories under their control had achieved self-government, without providing the international community with evidence. It was, however, now possible to assess the status of the dependent Territories independently and objectively on a case-by-case basis by applying specially designed self-governance indicators based on international standards, which would properly inform the political decisions of Member States.

Question of Gibraltar (A/C.4/66/2)

7. **Mr. Caruana** (Chief Minister, Gibraltar) said that it was incomprehensible that Spain continued to deny Gibraltar its right to self-determination. The obsession of Spain's political and diplomatic classes with recovering Gibraltar three centuries after its loss — an indefensibly anachronistic stance that discredited Spain — neither excused nor justified their desire to do so against its people's wishes, a position the Spanish public itself would oppose.

8. Under modern international law, only the Gibraltarian people could determine their future. No

arguments justified the transfer of any country's sovereignty against the wishes of its people and no principle of international law superseded the right to self-determination of the peoples of any of the Non-Self-Governing Territories, not least the much abused principle of territorial integrity. Since Spain had lost Gibraltar in 1704, Gibraltar's exercise of its right to self-determination could not affect Spain's territorial integrity; and Spain's contention that the people of Gibraltar were settlers imposed by the occupying Power to the detriment of the original inhabitants was not recognized under international law.

9. Gibraltar rejected the 1713 Treaty of Utrecht not because it was anachronistic but because no bilateral treaty retained validity under international law if it conflicted with the Charter principle of self-determination by the people of Non-Self-Governing Territories. The United Kingdom's support of the Treaty was equally discreditable.

10. Spain's calls for the United Kingdom to discuss the transfer of Gibraltar's sovereignty in bilateral negotiations violated the Charter and would never be acceptable to the people of Gibraltar. Spain could not claim the Territory and the United Kingdom could not cede it. Nor would the bilateral Brussels Process ever resume, and it should no longer be mentioned in future resolutions on Gibraltar. Gibraltar remained committed, however, to the trilateral Forum for Dialogue, which benefited all three parties by resolving problems and leading to cooperation agreements among them that at the same time safeguarded Gibraltar's sovereignty.

11. Satisfied with its modern non-colonial status, which it had negotiated, Gibraltar was not seeking decolonization, but wished to be removed from the list of Non-Self-Governing Territories under the existing rules or, if necessary, through their amendment. Gibraltar's continued inclusion on the list did not mean that it remained in a colonial relationship with the administering Power, which was what mattered most to the people of Gibraltar.

12. **Mr. Picardo** (Leader of the Opposition, Parliament of Gibraltar) said that, although he represented a new generation of Gibraltarian politicians, his opinion did not differ from that expressed for the previous 20 years by his predecessor. Only the wishes of the people of Gibraltar mattered in determining the Territory's future, in accordance with

the cardinal principle of self-determination. Gibraltar would never be Spanish, nor would its sovereignty be shared or transferred against the people's will. The Committee should recognize that self-determination was the only principle governing the decolonization of Gibraltar, and should not continue to adopt backward-looking decisions on Gibraltar.

13. Gibraltar would, however, always be willing to cooperate with the Spanish Government on issues unrelated to sovereignty and looked forward to a mature change of attitude by Spain. Spain should drop its neo-colonial claim to Gibraltar's territory 300 years after its loss, and stop referring to its people as colonials or settlers. It should also cease its continuing aggression and invasion of Gibraltar's territorial sea, in clear violation of Article 74 of the Charter and of the United Nations Convention on the Law of the Sea.

Question of New Caledonia

14. **Mr. Tyuienon** (Vice-President, New Caledonia), reporting to the Committee on New Caledonia's progress towards emancipation under the Nouméa Accord, said that powers would be transferred on schedule from France to New Caledonia in the field of education on 1 January 2012 and in the fields of the police and domestic air traffic safety on 1 January 2013. The congress of New Caledonia would soon set the dates for the transfer of powers for civil law, trade law, civil status and civil security.

15. In accordance with the decision of the Committee of Signatories of the Nouméa Accord, the Front de libération nationale kanak socialiste (FLNKS) flag already flew alongside the French flag on the Territory's public buildings. In accordance with other decisions of the Committee of Signatories, three working groups had been formed to take stock of the Nouméa Accord, plan for the balanced institutional development of New Caledonia and design a strategy for developing the country's nickel mining and production. The groups would inform decision makers and the prospective voters in the referendum on self-determination to be held between 2014 and 2018.

16. The former FLNKS leader had been elected President of the congress of New Caledonia, the first pro-independence holder of that post. New Caledonia had put aside ideological differences, adopting a new form of governance based on power-sharing in the

Territory's institutions; but it needed to continue preparing for its emancipation.

17. New Caledonia's economy was healthy, with annual growth at 2.5 per cent and low unemployment. Spending on education and vocational training was high, and legislation to promote and protect local employment would enter into force in 2012. With three new nickel plants due to enter into production by 2014, along with investment in nickel extraction in the Republic of Korea, New Caledonia was becoming one of the world's biggest nickel producers.

18. The government's policies were aimed at reducing socio-economic inequalities throughout the archipelago. It was preparing a nationwide transport plan to improve access to the remotest islands of the Territory and a comprehensive development programme with a deadline of 2025. In view of high inflation and the need to improve the distribution of wealth, the congress had created a special platform for economic and social agreements. A minimum income for the elderly and a minimum retirement pension and assistance for the disabled would be introduced in early 2012. Moreover, the government had begun studying ways of reforming the tax system, which was obsolete, complex and unfair.

19. In terms of regional integration, the 2011 Pacific Games held in Nouméa had successfully brought together 22 delegations in a spirit of solidarity and fraternity. In accordance with the Nouméa Accord, New Caledonia would set up a network of representatives in Pacific countries, with help from France. It continued to strengthen its regional and bilateral ties with countries of the South Pacific region, had applied for full membership of the Pacific Islands Forum and was consolidating its role within the Pacific Community, whose secretariat was in Nouméa. Since 2010, New Caledonia had chaired a group within the Overseas Countries and Territories (OCT)-European Union (EU) Forum and was examining ways of strengthening the partnership between the OCTs and Europe.

20. **Mr. Aisi** (Papua New Guinea) welcomed the administering Power's recognition of the enhanced role of the Melanesian Spearhead Group in facilitating the consultation of the people of New Caledonia under the Nouméa Accord. In view of the importance of developing the indigenous people's capacities for the transfer of powers, and the need for a statistical

database in that regard, he asked the Vice-President to give more details of what the Territory's government was doing to expand vocational training. He encouraged all parties to the Nouméa Accord to continue their dialogue.

21. **Mr. Tyuïenon** (Vice-President, New Caledonia) recalled that capacity-building had been identified as a need in the 1988 Matignon Accords. Since then a series of programmes had been successfully established in conjunction with French universities to train people from New Caledonia in a wide range of disciplines in preparation for the transfer of powers.

Question of Guam (A/C.4/66/3)

22. **Mr. Álvarez** (Guam Commission on Decolonization) said that Guam was a colony, governed from afar and denied any rights of representation. Its relationship with the administering Power was positive, albeit strained at times. President Obama had shown a more supportive approach to Guam's right to self-determination, apparently not seeing it as a threat to national security. Guam's future should lie in the hands of its people, but the people needed the help of United Nations and United States experts, who should visit the Territory and advise its leaders. The Special Committee on decolonization should hold its next Pacific regional seminar in Guam.

23. **Ms. Won-Pat** (Guam Legislature) called on the General Assembly to help the Chamorro people freely choose their own status, in exercise of their inalienable right to self-determination, without interference by the administering Power. After five centuries of exploitation and oppression by three colonial powers, the Chamorro people, who had lived in freedom until the 16th century, faced genocide. United in their determination to safeguard the people's rights, however, the Guam legislature and governor were raising social awareness and, over the coming months, would be creating the necessary mechanisms to begin a meaningful exercise of self-determination, signalling to the administering Power and the international community that Guam's limited democratic representation along with racial discrimination and segregation in schools could not be allowed to continue. Expressing the hope that the Third International Decade for the Eradication of Colonialism would be the last, she said that United Nations specialists should visit Guam to inform its people of the role played by the United Nations in their

exercise of self-determination, and all the Non-Self-Governing Territories should be granted full membership in the United Nations. A peaceful resolution of the issue of Guam's status was urgently needed.

Question of the Turks and Caicos Islands (A/C.4/66/4)

24. **Mr. Gibbs** (Turks and Caicos Forum), expressing concern over the failure of the administering Power to discharge its responsibilities with respect to the Turks and Caicos Islands, said that in 2005-2006, the United Kingdom had allocated almost eight times more per capita in its overseas budget to the Falkland Islands than to the Turks and Caicos Islands. Moreover, when it came to voting rights in the United Kingdom, the people of the Turks and Caicos Islands were subjected to more restrictive requirements than the people of the Falklands. He wondered whether those discrepancies were due to the racial origins of the respective populations. In any case, the United Nations and the United Kingdom needed to be doing more to support the International Year for People of African Descent.

25. In August 2009, the United Kingdom had appointed an interim Governor, who had denied the citizens of the Turks and Caicos Islands any means of redress for their grievances. Also, whereas greater budgetary transparency had been one of the goals allegedly set by the United Kingdom when it had suspended parliamentary democracy in 2009, the latest national budget had been imposed by the interim Governor without any consultations. The United Kingdom should launch an inquiry into the actions of former and acting officials, in the interest of justice. He again called upon the United Nations to establish a team to monitor the situation and hold the United Kingdom accountable for fulfilling its obligations to the Turks and Caicos Islands.

Question of the United States Virgin Islands (A/C.4/66/5)

26. **Mr. Browne**, speaking in his personal capacity as a human rights activist, said that a permanent memorial to the victims of slavery should be established at United Nations Headquarters. The principle of self-determination was fundamental to the decolonization of all the Non-Self-Governing Territories, for colonialism still existed: elected representatives of the United States Virgin Islands had recently been deprived of voting rights in the United States Congress. While,

as the current administering Power, the United States openly subjected the Territory to second-class status, the Danish Government before it had sanctioned slavery there and even now continued to ignore the issue in relation to the transfer of its colonies to the United States in 1917, for which it should receive international condemnation. Both Governments had at a minimum a moral responsibility to ensure the official emancipation of the last transatlantic slaves. The sensitive historical concerns of the people of the United States Virgin Islands needed to be addressed before they could move forward to resolve their political status. For its part, the Committee should give individualized attention to all the remaining dependent Territories as it defended them against impediments put up by the administering Powers.

Question of Western Sahara (A/C.4/66/7)

27. **Ms. Sherrill** (The Glenpool Outreach Center at the Landing) said that, having met and interviewed many Sahrawis who had escaped the Tindouf camps, she was concerned about the long-term effects of the deprivation and isolation they had suffered. The Committee should recommend that Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Frente Polisario) should draw up a mutually acceptable exit strategy within a year. In the meantime, up to 3,000 Sahrawis should be released every month over three years and offered housing and employment with United Nations supervision. Young Sahrawi adults should receive United Nations funding for education in one of several specified host countries and be allowed to settle there once their schooling was complete, while all Sahrawis living in the Tindouf camps should be offered resettlement in the specified countries until the conflict in Western Sahara was resolved. In addition, the United Nations should facilitate more family visits to the Tindouf camps.

28. **Ms. Huff** (Teach the Children International) said that no measures could be taken to help the Sahrawi people, in particular children, unless reliable information about their conditions was provided. Information about the situation in the refugee camps provided by the Frente Polisario was consistently contradicted by United Nations agencies and other international sources. For example, the reported number of refugees varied between 91,000 and 200,000, depending on the source; accurate statistics should be provided, broken down by age and gender.

Since achievement of universal primary education was one of the Millennium Development Goals, it was important to determine whether children in the camps were being educated; claims by the Frente Polisario that literacy rates were high were contradicted by independent bodies. The Frente Polisario denied that Al-Qaida in the Islamic Maghreb had established a presence in the camps, but that was belied by evidence from international sources. Pro-democracy movements had recently publicized claims that camp residents were denied the rights to free movement and peaceful demonstration. She called on the United Nations to investigate and take action on those and other humanitarian issues in order to help the people of Western Sahara.

29. **Ms. Karimi** (The Borrowed Voice) said that the United Nations should take urgent action to protect the right of the Sahrawi people, in particular women and children, to free choice and control over their own persons. In the Tindouf camps, pregnant women and single mothers, some of them with young children, were being detained in unacceptable conditions for having sexual relations outside marriage, wrongly considered a crime. According to reports, moreover, more than 1,200 underage camp residents, as young as 13 years, had been forced to marry against their will, having been offered irresistible inducements allowing escape from their harsh circumstances. In addition, for political ends, the Frente Polisario leadership was denying residents access to birth control, in order to guarantee offspring for its cause.

30. **Mr. Bardem**, speaking in his personal capacity, said that having visited the Sahrawi refugee camps, he wished to remind world leaders of their responsibility towards the Sahrawi people. It was an international disgrace that whole generations of Sahrawis lived and died in the camps and that their compatriots faced oppression in Western Sahara. Their plight went unheard because journalists and human rights groups were denied access to Western Sahara. According to the Office of the United Nations High Commissioner for Human Rights (OHCHR), human rights were routinely violated in the Territory, and yet for two decades the United Nations Mission for the Referendum in Western Sahara (MINURSO) had been refused a human rights mandate by the Security Council, even though it was the only body that could protect the occupied Sahrawi people. With many countries choosing to ignore the unlawful situation out

of political and economic interests, Morocco had been allowed to delay the promised referendum indefinitely. The original colonial power, Spain, bore particular responsibility for the situation, along with the Security Council. A deadline must be set for finding a just solution to the conflict after years of negotiations. The Sahrawi people, ignored and forgotten for 20 years, must be given a voice and their suffering must end.

31. **Mr. Garre Gil** (Observatorio para la Seguridad Internacional y Estudios Estratégicos) said that this organization had studied the situation in Western Sahara objectively and impartially for many years. The international community could not close its eyes to the fact that creating a so-called independent nation in the Territory, whose highly tribal population had been broken down by the Frente Polisario, would result in a failed State, exposed to jihadist terrorism. That would destabilize the entire region and endanger international security, especially in Europe but on both sides of the Atlantic as well. Living like millionaires while confining the suffering Sahrawis in the Tindouf camps, the leadership of the Frente Polisario had an interest in having the conflict continue. But there were no historic or legal reasons for perpetuating the conflict, which was increasingly opening the region to jihadism, the influence of Al-Qaida in the Islamic Maghreb and international drug trafficking, with the connivance of some elements of the Frente Polisario and international organized crime. If the United Nations failed to see what many analysts, intelligence services and international observatories were detecting, it would be guilty of gross irresponsibility. It should act in the interests of genuine global security, and not realpolitik, in order to guarantee human rights in Western Sahara.

32. **Ms. Hafsi** (Union nationale des femmes algériennes) said that at the Abuja Conference on Sahrawi Women held in September 2011, women from every part of the world had affirmed their support for the legitimate struggle of the Sahrawi people. Protest at the makeshift encampment of Gdim Izik in Laayoune had been met with savage repression, resulting in the death of a 14-year-old boy. Sahrawi women were steadfast in their resistance, drawing inspiration from the examples of Aminatou Haidar and the female Sahrawi students who had withstood appalling brutality. The women at the Conference had called on the international community to enforce United Nations resolutions and enable the Sahrawi people to exercise their right to self-determination. They were determined

to bring Morocco's atrocities before international courts, and had deplored the stance of countries such as France, which claimed to defend human rights.

33. **Mr. Ayachi** (Comité national algérien de solidarité avec le peuple sahraoui) said that the Sahrawi people had been resisting the Moroccan occupation for more than three decades and their human rights continued to be violated. NGOs such as Amnesty International and Human Rights Watch and representatives of the European Parliament had reported many abuses, including the violent dismantling of the Gdim Izik protest camp in late 2010 and recent events in Dakhla, which had resulted in seven deaths. The United Nations must ensure that human rights were respected in Western Sahara, whose population faced mortal danger. Installing a specific mechanism would take too long, as the situation was deteriorating fast. The simplest and quickest means of addressing human rights violations was to expand the mandate of MINURSO, which had been blocked by the Security Council. But the only lasting solution lay in implementing the recommendations of the Security Council to allow for a fair, open and transparent referendum on self-determination.

34. **Ms. Aït-Baala** (Action internationale femmes) recalled that Moustapha Salma Ould Sidi Mouloud, a high-ranking Frente Polisario official in Tindouf who had been imprisoned by his own organization in September 2010 because he had voiced support for the proposed Moroccan autonomy plan, had been freed later in 2010, following pressure by the international community. Since then, he had been in Mauritania, staging protests and hunger strikes while awaiting a humanitarian solution, far from his family who remained in the refugee camp. Having spoken out, in the interests of his people, he was a harbinger of the Arab Spring and the symbol of a whole population determined to decide its own fate. Another vocal symbol of the suffering refugees, the singer Najem Allal, had been evicted from the Tindouf camps by the Frente Polisario for exposing the conditions there. The international community should support true democratic aspirations, paying attention to the refugees' plight and not the rhetoric of the Frente Polisario, whose vital links with the former Libyan regime had been confirmed.

35. Morocco had not waited for the Arab Spring to listen to the aspirations of its own people but had extended a hand of reconciliation to the Frente

Polisario, in the interests of regional peace and security. Morocco's new Constitution, overwhelmingly backed in a referendum, including by the Moroccan Saharan population in the supposedly contested southern provinces, had incorporated every aspect of Morocco's rich cultural and ethnic diversity. A forward-looking Morocco, committed to shared progress and international principles, rights and obligations, sought balanced, integrated regional development. The Committee should seize the opportunity to support Morocco's autonomy proposal, which offered the region stability and security, through a united Greater Maghreb.

36. **Mr. Pinto Leite** (International Platform of Jurists for East Timor) said that he was also speaking on behalf of the Stichting Zelfbeschikking West-Sahara, an association established under Dutch law to defend the right to self-determination of the people of Western Sahara. Morocco was even more isolated in its stance on the conflict than in October 2010. Aminetu Haidar, a leading Sahrawi activist, had been awarded a number of prestigious prizes by international institutions. In November 2010, Moroccan forces had violently dismantled the Gdim Izik protest camp, resulting in many deaths and condemnation by the international community. The Arab Spring had quickly spread to Morocco and had also led to the overthrow of regimes that had supported Morocco's claims to Western Sahara, while newly independent South Sudan had swiftly established diplomatic relations with the Sahrawi Republic.

37. In view of the similarities between Palestine and Western Sahara and the relatively friendly relations between Israel and Morocco, Palestine's recent bid for United Nations membership must have alarmed Morocco, despite its outward support for that bid. Also, the European Union had recently decided to extend its illegal fisheries agreement with Morocco for only one year, following rising opposition by Denmark, the Netherlands and Sweden to its disregard for the interests of the Sahrawi people. The human rights violations and acts of violence being committed by and on behalf of the Moroccan authorities in Western Sahara were reminiscent of what he had witnessed in Timor-Leste 12 years earlier. A further threat to the Moroccan regime was the solidarity of African women with the struggle of the Sahrawi women for freedom, as demonstrated recently at an NGO conference held in Abuja.

37. **Ms. Seida** (Association sud pour la protection de l'enfance) said that the Arab Spring had brought with it the prospect of freedom and peace across the region. As the only Arab country to have laid the foundations of democratic change early on, Morocco constituted a model for its neighbours. The country had adopted a new constitution, which had been endorsed by an ample majority of voters. By launching the reform process, King Mohammed VI had pre-empted any popular demonstrations. A range of development programmes were under way in order to guarantee human dignity for every citizen. Civil society associations throughout the country were actively building a democratic, stable, prosperous and unified society.

38. **Mr. Védie**, speaking in his personal capacity, said that there had been spectacular economic development in Morocco's Saharan region, which had been sandy desert before 1976. Urban and transport infrastructures had been built, while access to drinking water and electricity had greatly improved, currently meeting 90 per cent of the population's needs in the southern provinces. More stable prices, benefiting mainly the local population, had enabled nomadic fishermen to settle in villages. There were enough hospitals to meet the population's needs, whereas there had been none before 1976. Many primary and secondary schools had been built and literacy rates had greatly improved. The Moroccan authorities had made massive investments in phosphate mining, offering local employment opportunities. Far from pillaging the country's resources, the Government had also made great progress towards sustainable development, moving from industrial to artisanal fishing, using renewable energy sources and treating waste in a way that protected the environment.

39. **Ms. El Aadli** (Member, Provincial Council of Essmara, Morocco) said that Morocco's many proposals for a peaceful solution to the conflict had come up against Algeria's intransigence. Morocco's plans for regional autonomy had been widely welcomed around the world. King Mohammed VI had expressed his determination to allow its Saharan population greater control over local affairs in the context of an advanced decentralized system that would be peaceful, democratic and respectful of local particularities. That prospect frightened Morocco's neighbours. It was to be hoped that Algeria would enter into genuine negotiations towards a permanent

solution, which must include recognition of Morocco's territorial integrity.

40. **Mr. Ismaïli**, speaking in his personal capacity as an activist from Essmara, recalled that his brother Moustapha had been detained in the Tindouf camps in September 2010 and held in a secret Frente Polisario prison. Their father, Ismaili Sidi Mouloud, had petitioned the Committee on the subject at its previous session. As a result of international pressure, Moustapha had been freed; however, he had been forcibly removed from his family and deported in violation of international human rights law. He was now in Nouakchott, Mauritania, where the Office of the United Nations High Commissioner for Human Rights had subjected him to unacceptable conditions, preventing him from using their drinking water and facilities. His only crime was that he wanted to return to his family, despite the knowledge that he could face torture. Notwithstanding the indifference of certain purported human rights organizations, Moustapha Salma would remain steadfast in his struggle

41. **Ms. Bouaida**, speaking in her personal capacity as a member of the Moroccan Parliament, said that after 35 years of conflict an equitable solution to the question of the Sahara must be found. Morocco had always shown good faith, investing in the region's development without the benefit of oil or gas. Leading the way towards democracy in North Africa and the Middle East, it had built a stable and secure Saharan region, as was confirmed in MINURSO reports. Other petitioners had raised certain issues in order to sow discord: yet international NGOs had reported no loss of life at Gdim Izik, and Aminetu Haidar was a Moroccan citizen who had accepted compensation from the Moroccan authorities. The Saharans were Moroccans and recognized as such by all Moroccans. The international community should support negotiations between Algeria and Morocco. The solution lay in regional integration and, in that context, recent moves towards democracy in Libya and Tunisia were to be welcomed.

42. **Ms. Baamar**, speaking in her personal capacity as a member of Morocco's Royal Advisory Council for Saharan Affairs, said that humanitarian aid intended for the Tindouf camps in Algeria was being pilfered by officials at the port of Oran, by the Algerian Army at checkpoints along the road, and by the Algerian Red Crescent and the Frente Polisario in the camps. Stolen supplies could be found in markets in southern Algeria,

northern Mali and Mauritania, often with their original markings. Many of the invoices sent to humanitarian agencies and donors were false; the funds disbursed found their way to individuals close to the leader of Frente Polisario, Mohamed Abdelaziz. The situation had been documented in a number of reports of the European Anti-Fraud Office (OLAF). The Government of Algeria bore direct responsibility for human rights violations perpetrated against the inhabitants of camps on its territory.

43. **Lord Francis Newall** (International Committee for Tindouf Prisoners) said that Morocco's new Constitution set it on the path to democracy and human rights. The major reforms enacted in recent years had protected the country from the turmoil in the rest of the region, while socio-economic advances had improved people's lives. Convinced of the need to establish new links within the Maghreb, based on solidarity and mutual respect, Morocco had been trying to improve relations with its neighbours, including Algeria, with a view to solving problems, including the problem of the Sahara. Under the new Constitution, Morocco's various cultural identities had been recognized; its strategic priorities in the region had been established; advances in human rights and democratic values had been consolidated; the supremacy of international conventions had been recognized; and there had been a separation of the legislative, executive and judicial powers. Morocco was planning to make its judiciary independent, a first in the region. In recognition of its democratic consolidation, Morocco had become the first country to be awarded Partner for Democracy status by the Council of Europe.

44. Since a peaceful, negotiated solution to the problem of the Sahara depended on Algeria, relations of friendship and cooperation between Algeria and Morocco should be reinforced. The people of the Maghreb wished to profit from the Arab Spring to launch the Maghreb Union, and Morocco would be an ally in guaranteeing regional security and stability, while serving as a model for integration.

Rights of reply

45. **Mr. Parham** (United Kingdom), replying to the Spanish delegation's statement about Gibraltar, reaffirmed the United Kingdom's long-standing commitment that it would never allow the people of Gibraltar to pass under the sovereignty of another State against their wishes, nor would it enter into

sovereignty negotiations which they opposed. Although his delegation would support the Committee's consensus decision on Gibraltar, the reference to the Brussels Process must be seen in that context. Welcoming the fact that all parties remained committed to the ongoing trilateral dialogue between the Governments of the United Kingdom, Spain and Gibraltar, the United Kingdom would continue to work in Tripartite Forum for Dialogue to make progress on the six additional areas of cooperation agreed upon in Cordoba in July 2009. His Government enjoyed cordial relations with Spain and would continue to work constructively on all Gibraltar-related issues. The Cordoba agreements were without prejudice to the respective positions on sovereignty, on which the United Nations did not take a view. The United Kingdom had no doubt about its sovereignty over Gibraltar and its territorial waters, but was ready to consider any mechanism to advance negotiations that found favour with the other two parties.

46. The 2006 Gibraltar Constitution, accepted by the people of Gibraltar in a referendum, provided for a mature relationship between Gibraltar and the United Kingdom, not one based on colonialism. Unfortunately, the outdated de-listing criteria of the Special Committee on decolonization failed to recognize the modern, mutually acceptable relationship between the United Kingdom and Gibraltar, and the Fourth Committee should consider how it might better take account of that modern relationship.

47. As a separate Territory included in the list of Non-Self-Governing Territories, Gibraltar enjoyed the individual and collective rights accorded by the Charter. Gibraltar's self-determination, confirmed by the new Constitution, in conformity with the Charter and international treaties, was not constrained by the Treaty of Utrecht except insofar as article X gave Spain the right of refusal should the United Kingdom ever renounce sovereignty. While noting that Gibraltar disagreed that such a constraint existed, his Government held that independence would be an option only with Spanish consent. Gibraltar's Constitution did not in any way diminish British sovereignty and the United Kingdom retained full international responsibility for Gibraltar. In his Government's view, the principle of territorial integrity had never been applicable to the decolonization of Gibraltar.

The meeting rose at 5.50 p.m.