



General Assembly

Sixty-sixth session

Official Records

Distr.: General
21 November 2011

Original: English

Special Political and Decolonization Committee (Fourth Committee)

Summary record of the 4th meeting

Held at Headquarters, New York, on Wednesday, 5 October 2011, at 3 p.m.

Chair: Mr. Kelly (Vice-Chair) (Ireland)
Later: Ms. Miculescu (Romania)

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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 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.4/66/7/Rev.1)

2. **Mr. Ahl Mayara** (Ligue des défenseurs des droits de l'homme au Sahara) said that the Kingdom of Morocco had made considerable progress in human rights. King Mohammed VI had worked to advance democracy and the rule of law, and to integrate human rights principles into society, as exemplified by the establishment of the Equity and Reconciliation Commission. The Government had also created three other important bodies: the National Council of Human Rights, the Mediator's Office, and the Ministry of Human Rights. In addition, the Civil and Penal Codes had been amended, human rights had been included in the school curriculum, and a number of international conventions and protocols on human rights had been ratified. The national initiative to create a culture of human rights, inclusive of all sectors of society, demonstrated the will of Morocco to advance in that domain.

3. **Mr. Akmach**, speaking in his personal capacity as a tribal sheik in Laayoune, said that the Government of Morocco protected human rights, including those of separatists, who could travel without hindrance to disseminate their views. Separatist leaders claimed to be the sole representatives of the Sahrawi people, yet Sahrawis, even members of the Frente Polisario, had freely returned to Morocco. The inhabitants of Western Sahara had always considered themselves citizens of Morocco, while the separatists worked with Algerian intelligence services to achieve their ends.

4. **Mr. Jensen**, speaking in his personal capacity as former Head of Mission and former Acting Special Representative of the Secretary-General in Western Sahara, said that new elements had now emerged in the situation that could help to end the stalemate. The talks

between Morocco and the Frente Polisario, previously deadlocked, with the former prepared to concede only regional autonomy, and the latter willing to accept only independence, must now acknowledge the tumultuous change sweeping across North Africa and the Middle East, and the new order that must emerge.

5. The people of the region craved freedom of expression, political legitimacy, the safeguarding of human rights, and the chance to earn a decent living. The constitutional reforms announced by King Mohammed VI, subsequently endorsed in a referendum, would expand and guarantee collective and individual freedoms, promote human rights, establish the independence of the judiciary, and introduce full parliamentary democracy. International reaction had been positive.

6. The measures, once implemented, should help negotiations, because the democratic process undertaken, with greater respect for human rights, lent credibility to regional autonomy. The changed world order provided an incentive to discuss a meaningful degree of regional autonomy that recognized Sahrawi particularity and rights as the most realistic solution.

7. The Western Sahara dispute was the greatest single obstacle to realizing the potential of the Arab Maghreb Union, the brightest prospect for the economic development of the countries of north-west Africa. The Union could foster growth through regional trade, attract foreign investment, give hope to the people, and deliver a stable, more prosperous Maghreb. Failure to resolve the conflict undermined the prospect of a politically stable and economically viable future, and invited disruption from armed groups as they exploited disaffection in a frustrated generation that had become a recruitment pool for extremists. Terrorism could be countered only by effective regional partnership and cooperation in conjunction with democratic political expression, human rights, and the prospect of a decent livelihood. A negotiated solution to the dispute was a very high priority.

8. **Mr. López-Villicaña**, speaking in his personal capacity as a university professor, said that Morocco, in accordance with General Assembly resolution 1514 (XV), had the right to restoration of its territorial integrity subsequent to the decolonization of the former Spanish Sahara. In accordance with General Assembly resolution 2625 (XXV), which associated self-

determination with representative government, Morocco had begun the implementation of democratic governance in its southern provinces with its regional autonomy plan. The plan gave the Sahrawi people the capacity to conduct their affairs autonomously within the framework of a unified Moroccan State. Regional councils, three fifths of which would be elected by direct universal suffrage, with specific provision for gender equality, were the cornerstone of the new democratic structure and were consulted on all policies. Most Sahrawis were Moroccan; in that connection a census should be conducted of the population of the Tindouf camps, whose rights Morocco would continue to defend. He called on the Committee to support Morocco's initiatives.

9. **Ms. Lenz** (Not Forgotten International) said that in October 2010 she had visited the Gadaym Izik camp, in which Sahrawis were protesting for better conditions and independence from Morocco. Shortly after her arrival the Moroccan military, using chemicals to disperse the people and flames to destroy tents, had moved through the camp of unarmed refugees. She called on the Committee to acknowledge the human rights violations being committed against the Sahrawi people and to lead the way in ending the long-standing human tragedy of Western Sahara.

10. **Mr. El Joumani** (Association Sahara pour la promotion des droits humains) said that there had been much disinformation and lying regarding the natural resources of the Saharan region. At the time of its reincorporation into the homeland, the region had lacked the most basic infrastructure. Morocco had built new ports, airports, roads, schools and hospitals. The region's resources were managed in a rational and sustainable manner: for example, fishing was subject to quotas intended to preserve stocks. Animal husbandry had been boosted by modern technology, veterinary science and preferential bank loans. Billions of dollars were being invested in renewable energy and human resource development.

11. Morocco as a whole did not depend on the region's phosphates, as the north of the country had considerable mineral resources. Indeed, the Moroccan Government had invested far more in the region than it stood to gain.

12. **Mr. Santosa** (Indonesia Islam University) said that one indication of democracy in Western Sahara was the Government of Morocco's investment in

infrastructure, with a consequent increase in wealth. Commitment to strengthened democracy was also evidenced by the new Constitution. Yet there was no democracy in the Tindouf camps, where repression was common, as exemplified by the disappearance of former Frente Polisario security chief Mustapha Selma. Indonesia had found a solution for Aceh and West Papua through a democratic process, and it could be used as a model in the resolution of the Western Sahara impasse. He welcomed Security Council resolution 1979 (2011) as a step towards a solution.

13. **Ms. Brems**, speaking in her personal capacity as a member of the Belgian Federal Parliament, said that it was time to exert pressure on Morocco, which was seeking membership of the Security Council, to honour the 1975 advisory opinion of the International Court of Justice that the Sahrawi people should enjoy the right to self-determination. She called upon the European Union to insist on a referendum in Western Sahara, and on France in particular to support the Sahrawi quest for self-determination.

14. **Mr. Wilson** (International Sahrawi Friendship Association) said that the refugees in the camps were living in conditions that were beyond deplorable. He called on the Committee to help end the suffering of the Sahrawi refugees.

15. **Mr. Longoria**, speaking in his personal capacity as a film director, said that the Committee was one of the few forums where the Sahrawi people had a voice. The Security Council should bear in mind that the citizens of the powerful nations represented on it had fought and died for democracy and human rights. Those citizens had a moral obligation to promote democracy and human rights elsewhere, irrespective of strategic or economic interests.

16. The Sahrawi continued to suffer human rights abuses, and the Organization must monitor the situation. It was in the best interest of Morocco to respect the rights of the Sahrawi people, and the Governments of France, Spain and the United States of America should encourage Morocco, which had no legal authority over the Territory, to do so. He called on Morocco, Algeria and the Frente Polisario to think only of what was best for the people, as only a new approach could end the conflict.

17. *Ms. Miculescu (Romania) took the Chair.*

18. **Mr. Dubié** (Comité belge de soutien au peuple Sahraoui) said that as a former war correspondent he had covered countless conflicts for Belgian television, including the battle of Zag that had preceded the first call for a referendum on self-determination for Western Sahara. However, Morocco had sabotaged the exercise by refusing to include the option of independence in the referendum. He feared the resulting impasse would cause war to break out anew.

19. The Sahrawi people must decide its own fate. It was odd that Morocco supported self-determination for Palestine but not for Western Sahara, that colonization was not acceptable in the West Bank but was permissible in Western Sahara. Given the certainty of Morocco that the Sahrawi would remain under Moroccan governance, a referendum should not cause any concern.

20. **Mr. Oliván López** (Foro de Juristas Hispano Marroquí) said that there had been far-reaching reform of the legislative structure in Morocco, including constitutional reform and the introduction of the regional autonomy plan. There were two important aspects to the autonomy plan. First, a new relationship, based on the principles of democracy, development and solidarity, was being constructed between the citizenry and the State through the intermediary of the region. The territorial model being implemented had great potential. Second, the new structure had both micro- and macro-elements, as the system of regional autonomy would have an impact on foreign relations as it brought peoples closer together.

21. Modern law was evolving: the concepts of sovereignty, self-determination and independence were becoming obsolete. Europe was beginning to understand that new reality. The system of regional autonomy presented a new model that provided for decision-making at levels other than that of the State. In future, States would need to accommodate such models. While further reform was necessary, Morocco had begun the process.

22. **Ms. Cervone** (Christian Democratic Women International) said that there was an urgent need to find a solution to the artificial conflict that threatened the stability of the region and made it fertile ground for the establishment of armed bands. She drew attention to the lamentable conditions of the vulnerable population of the Tindouf camps.

23. However, the autonomy plan proposed by Morocco offered an ideal solution: it guaranteed the region broad authority to administer its affairs within a unified Morocco, similar to systems in a number of democratic countries. She trusted that recent improvements in relations between Morocco and Algeria would continue, as any solution must begin with a frank dialogue between the two countries. She called on Morocco and Algeria to work harder towards overcoming the remaining political and psychological barriers, and to begin by opening their borders. The breach between them ran counter to the tide of history; her hopes for reconciliation had been strengthened by the Arab Spring. She called on the Committee to nurture that process. In conclusion, she condemned recent events in Dakhla, where separatist groups opposing reconciliation had used a sports event as a pretext to stir up tensions.

24. **Mr. Eriksson** (Security and Human Development) said that Morocco had invested more in infrastructure in the Sahara region than it had gained from the exploitation of natural resources. Phosphate production in the region accounted for only 21 per cent of Morocco's total production, while phosphate reserves were only 1 per cent of national reserves. In addition, there had been major investment in the fishing industry.

25. Exploitation of natural resources was determined by Parliament and by local elected officials. The autonomy plan would allow the region to levy taxes on the exploitation of resources, to which there was no viable alternative in terms of funding investment in the region. In fact only through more trade would the Maghreb flourish, to which end Western Sahara should be included in the free trade agreements that Morocco had signed with Europe and the United States.

26. **Ms. Essayed**, speaking in her personal capacity as a member of the rural commune of Tichla, said that massacres by Frente Polisario militants continued and the Sahrawi under their control were still denied self-determination, in addition to suffering violation of their rights to freedom of expression and of assembly. Any who dared speak against the Frente Polisario risked prison, or worse. Yet those Sahrawi who lived in southern Morocco — the majority — were able to exercise their rights. She appealed to public opinion to mobilize on behalf of the families in the camps, and called on the Committee to adopt a fair and just stance. The Sahrawi people had wearied of appealing to

international forums; it was clear that it was impossible to organize a referendum on self-determination. The only solution was for Algeria to cease its interference.

27. **Mr. Assor** (Surrey Three Faiths Forum) said that the aid sent to those in the Tindouf camps did not reach them, but was sold in the marketplace. Some petitioners had inappropriately and falsely tried to link Morocco's handling of the situation in Western Sahara to the conflict in the Middle East. In reality Morocco was a worthy and reliable country. The amended Constitution, which pre-dated the Arab Spring, demonstrated tremendous advances in human rights based on good governance and the rule of law, which Morocco wished to extend also to the detainees in the Tindouf camps.

28. **Ms. Bahaijoub** (Family Protection) said that, despite pleas by the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross, no census had been conducted of the refugees in the Tindouf camps, needed to clarify both the number and identity of the people in the camps. Indeed, access had been denied. In the camps, human rights abuses were common, and aid intended for the refugees was diverted. Why, when its own members travelled freely on diplomatic passports, did the Frente Polisario not allow freedom of movement?

29. Morocco was making great strides with its new Constitution and the upcoming elections. The proposals for regional autonomy offered the only solution for the refugees.

30. **Mr. Brieger**, speaking in his personal capacity as a sociologist and journalist, said that, having visited Dakhla, the Tindouf camps, and Tifariti, where the Frente Polisario had tried without success to establish a Sahrawi Arab Democratic Republic capital city, he had seen how entire families had been torn apart, without any possibility of determining their own future. He called on the Organization to assist in achieving freedom of expression for the Sahrawi people.

31. **Ms. Basinet**, speaking in her personal capacity as a nominee for the Nobel Peace Prize, said that the Sahrawi people had long suffered violence at the hands of Morocco's army. The Sahrawi people should be protected by all.

32. **Ms. Boussola**, speaking in her personal capacity as a member of the Parliament of Morocco, said that

the North African region had been swept by anarchy sparked by armed terrorist groups in thrall to foreign interests. Before the establishment of the Frente Polisario in the 1970s, the region had enjoyed a degree of stability. The Frente Polisario, through its increasing involvement in criminal activities, had undermined that stability.

33. Algeria, too, was now becoming aware of the dangers of instability, and had called for closer monitoring of its borders with neighbouring States. In view of the volatility of the situation and to avert further conflict, Algeria must return to the negotiating table and end its support for the Frente Polisario.

34. **Mr. Esparza Machín** (University of Las Palmas de Gran Canaria) said that there was new hope for democratic transformation, and for the advancement of human rights, in North Africa, as well as for political normalization in the Mediterranean context. Morocco had begun reform of its legal system with a new Family Code and an amended Constitution. The other countries of the Maghreb had also undertaken institutional reform.

35. It was increasingly possible to envision a Greater Maghreb that would be a partner for the European Union and a model for sub-Saharan countries. A Maghreb union could be achieved only if the question of Western Sahara was resolved through constructive dialogue between Algeria and Morocco. The resulting regional cooperation and integration could resolve issues affecting peoples in border areas and could lead to integration of the Sahrawi people within a democratic framework.

36. **Ms. Chagaf** (Sahara for Peace) said that Morocco had taken a number of steps to integrate women into the economic, political and social life of the country; provisions discriminating against women had been abrogated. Sahrawi women shared in those positive developments. Poverty among Sahrawi women had declined, levels of education had risen, and they had been able to acquire skills relevant to today's world. Sahrawi women had begun to participate in politics. Five parliamentarians were Sahrawi women, who also accounted for 10 per cent of political consultants at the national level. More than 85 per cent of women in the Sahara participated in elections. Sahrawi women had also had a positive impact on Morocco's international picture, and had helped to explain Morocco's position on territorial integrity. None of that would have been

possible without the investment by Morocco in human development in the Sahrawi region. Yet all those achievements were as naught so long as women in the Tindouf camps could not enjoy those same rights.

37. **Mr. López-Ortiz** (Federación Estatal de Instituciones Solidarias con el Pueblo Saharaui) said that he condemned the actions of the Moroccan authorities against the Sahrawi people and denounced the brutal repression and systematic violation of human rights: Moroccan settlers had recently murdered a Sahrawi young man; and Moroccan police had instigated violence against the Sahrawi inhabitants of the occupied city of Dakhla. Some of the testimony just presented in the Committee was false. The mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) should be expanded to allow for the defence of the human rights of the Sahrawi people in Western Sahara. The situation clearly involved an unresolved case of colonialism, within the terms of General Assembly resolution 1514 (XV).

38. The Security Council had called for the holding of a referendum on self-determination for the people of Western Sahara, yet Morocco showed no inclination to abide by United Nations resolutions or to hold a fair referendum with full democratic guarantees.

39. The fact that Morocco had not been compelled to comply with international legality was alarming. The weakness of the Security Council had doubtless been a factor in the resignation of the last two Personal Envoys of the Secretary-General for Western Sahara. The new Personal Envoy, Mr. Christopher Ross, had noted that Morocco was making no effort to advance negotiations; he would need the support of the Organization to be successful. The United Nations possessed the requisite resources to enforce compliance, resources that had been used on other occasions. The Organization could either adopt measures to persuade the Government of Morocco to comply with the peace plan or it could withdraw, with a resulting loss of credibility and the obvious danger of a return to armed conflict. The only lasting solution was to hold a referendum with full democratic guarantees, monitored by observers; any other path would lead to failure. The time had come to impose a solution, and for the Security Council to consider action under Chapter VII of the Charter, in the interest of the region as a whole.

40. **Mr. Williams** (Families in Union) said that Morocco had invested heavily in infrastructure in Western Sahara, propelling growth within a liberal economic framework — the precondition for entrepreneurship. As a result, Western Sahara ranked higher on the Human Development Index than Morocco as a whole.

41. While the investment had helped families, the persistence of the conflict hampered progress for all. The events of the Arab Spring had brought renewed aspirations for democracy that could lead to the regional trade that would foster growth and prosperity. Morocco had proposed negotiations. It was encouraging that talks between Morocco and Algeria had recently been held at the ministerial level. Nothing less than meaningful participation in their government and a stable life would suffice for the Sahrawi people.

42. **Mr. Griffin**, speaking in his personal capacity as a freelance photographer, said that, as a matter of principle, the Sahrawi people deserved the right to self-determination. International law must be upheld.

43. **Ms. Warburg** (Freedom for All) said that the uprisings in Africa testified to the universal human desire for freedom and democratic government, which contrasted sharply with the denial of human rights in the Tindouf camps controlled by the Frente Polisario. Conventions on the protection of human rights were ignored in the camps, as were calls for registration of the refugees. Humanitarian aid was diverted to the black market, and violence and torture were commonplace. Families were regularly separated.

44. In contrast, Morocco had begun reform aimed at extending democratic accountability, providing extensive protection for human rights, and devolving authority. The Kingdom had also put forward an autonomy plan described by the Security Council as serious and credible. The time had come for Algeria to acquiesce in popular demand and open up the Tindouf camps. She welcomed resumption of United Nations-sponsored family exchange visits, and called for freedom, dignity and the right to family life to prevail.

45. **Mr. Ibarretxe Markuartu** (Coordinadora Estatal de Asociaciones Solidarias con el Sahara), said that individual rights could not be separated from collective rights; they were indivisible. In a similar vein, local culture and universal culture could not be dissociated from one another — universal culture was the sum of local cultures. Defence of a local culture and its right

to decide was important to the concept of the nation, and to the achievement of sustainable human development.

46. In Western Sahara, Morocco had resisted compliance with United Nations resolutions on self-determination for over 20 years. While Morocco had put forward an autonomy plan, no one had asked the Sahrawi people whether they wanted autonomy or independence. The issue seemed not to be on the world's agenda. In fact young Sahrawis questioned both Moroccan sovereignty and the Frente Polisario, as human rights abuses continued. It was the duty of the Committee to ensure that a referendum, including the option of independence, was held as soon as possible. Failure to do so would weaken the credibility of the Organization.

47. **Mr. Theodorakidis**, speaking in his personal capacity as a retired Brigadier General in the Hellenic Army, said that the Sahel, with its weak central governments and porous borders, was vulnerable to arms trafficking by terrorist cells and organized criminal gangs, which benefited from the lack of cooperation among Sahelian States. However, the security of the Sahel was linked to the security of neighbouring regions and of the entire world.

48. The frustrations of the populations of the Tindouf camps made them susceptible to recruitment by extremist organizations, including Al-Qaida. Against that backdrop, Morocco appeared as a politically stable and moderate country, whose cooperation had been decisive in combating terrorism.

49. The persistence of the conflict impeded counter-terrorism cooperation. It was thus essential to resolve the conflict and for the international community to act proactively to consolidate the stabilizing role of Morocco.

50. **Mr. Rahal**, speaking in his personal capacity as a journalist, said that since the Cold War the Algerian Government had been consumed by the dream of being the sole Power in the Maghreb, to which end it had sought to weaken Morocco. It had attempted to exploit the Saharan conflict in order to achieve those goals. Yet the Algerian obsession with domination over rather than cooperation with its neighbours had merely been an obstacle to its own progress and that of the Maghreb. In the midst of global financial crisis, Algeria spent untold amounts on weapons, overlooking the plight of the refugees in the Tindouf camps, rather

than on development. The so-called Western Sahara had always been an integral part of Morocco and the case should have been closed after the 1975 International Court of Justice advisory opinion.

51. **Mr. Matsumoto** (Sapporo Gakuin University) said that Morocco, with its constitutional reform, had emerged as a front runner in the democratic movement sweeping across North Africa and the Middle East. The Arab Spring had exposed the instability of the region, which had been exploited by armed groups. The Frente Polisario had been prominent in illicit activities and should be warned to refrain from acts that undermined regional security. Rather, it should conduct itself as a negotiating party.

52. One cause of the conflict was the indeterminate status of Western Sahara. Pursuant to the Organization's call for a just and lasting solution, Morocco had proposed an autonomy plan to make Western Sahara self-governing.

53. **Mr. Revert Calabuig** (Asociación Internacional de Juristas por el Sahara Occidental) said that the Kingdom of Morocco did not have sovereignty over the Sahrawi people and that its presence in the Territory was illegal. The General Assembly had never considered Morocco as the administering Power, but, rather, as an occupying Power, and had condemned the Moroccan military occupation in a number of resolutions. The Sahrawi people had suffered systematic violations of their fundamental human rights under international law. Settlers had been introduced into the Territory to alter the composition of the population, and there had been increased aggression on the part of Moroccans against the Sahrawi people.

54. Morocco was also plundering the natural resources of Western Sahara, to the detriment of the Sahrawi people. Sahrawis were detained in Moroccan jails and since the end of 2010 at least four Sahrawis had been murdered by security forces or by settlers, including a teenage boy. The international community must protect the right of the Sahrawi people to self-determination.

55. **Mr. Al Jabari** (Moroccan-Palestinian Friendship Association) said that self-determination for the Sahrawi people was the only solution that could end the conflict. The Arab Spring had brought down totalitarian regimes throughout the region and the Frente Polisario must pay heed. It was unclear why the

Frente Polisario restricted the freedom of movement of the residents of the camps.

56. Morocco was acting in good faith, and he welcomed its efforts to promote the rule of law and the enjoyment of human rights. Moves to open the border between Morocco and Algeria were encouraging. He called for increased efforts to build peace and for due consideration to be given to the Moroccan proposal — the problem could be resolved without the Territory separating from Morocco.

57. **Mr. Mazza**, speaking in his personal capacity, said that Sahrawis were subject to persecution by the Moroccan police, and that the Moroccan authorities gave social welfare cards only to those Sahrawis willing to renounce their origin and their future. The Sahrawis in the refugee camps, however, were calling for an end to the illegal pillaging of natural resources by Morocco, and wished a referendum to be held.

58. Sahrawis had been put on trial for having expressed their opinions, in some cases facing the death sentence. In some instances people had been accused of high treason, a nonsense, since the Territory did not belong to Morocco. Only a referendum could settle the future of Western Sahara. He denounced the war being waged by the colonizers against the Sahrawi people and called on the Organization to end those crimes, and on Morocco to respect human rights and allow a referendum on self-determination.

The meeting rose at 5.55 p.m.