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**Special Political and Decolonization Committee
(Fourth Committee)****Summary record of the 5th meeting**

Held at Headquarters, New York, on Monday, 11 October 2021, at 3 p.m.

Chair: Mr. Edbrooke (Vice-Chair) (Liechtenstein)
later: Ms. González López (El Salvador)

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In the absence of Ms. González López (El Salvador), Mr. Edbrooke (Liechtenstein), Vice-Chair, took the Chair.

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

Agenda item 63: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (Territories not covered under other agenda items) (continued)

Hearing of petitioners (continued)

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

Question of Western Sahara (continued) (A/C.4/76/9)

2. **Ms. Ramos** (American Association of Jurists) said that the situation in the Sahara was one of illegal military occupation. The Sahrawi people had the inalienable right to self-determination and independence in accordance with General Assembly resolution 1514 (XV). In its advisory opinion of 16 October 1975 on Western Sahara, the International Court of Justice had dismissed the sovereignty claims of the Kingdom of Morocco. However, 46 years later, a militarized wall still divided the Territory of Western Sahara. The judgement rendered by the General Court of the European Union on 29 September 2021 had confirmed its previous judgements stipulating that the agricultural and fisheries agreements between Morocco and the European Union were not applicable to Western Sahara, that no agreement could be implemented without the free, prior and informed consent of the Sahrawi people, and that no economic activity could be undertaken without the free, prior and informed consent of the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro (Frente POLISARIO).

3. The human rights violations and inhumane conditions suffered by the Sahrawi political prisoners, the serious humanitarian situation of the Sahrawi refugees in the Tindouf camps and the exploitation of the natural resources in the Territory through agreements between Morocco and other States were all illegal. There were currently 42 Sahrawi political prisoners in Moroccan prisons. The Working Group on Arbitrary Detention had issued opinions on Sahrawi activists on several occasions, underscoring that their detention was directly related to their actions for the right to self-determination.

4. An observer mission should be sent to the occupied territories with experts from the Office of the United Nations High Commissioner for Human Rights,

and the Security Council should reject any resolution that did not clearly indicate the need to organize a referendum on self-determination in accordance with General Assembly resolution 1514 (XV). The Human Rights Council should consider appointing a Special Rapporteur on the human rights situation in occupied Western Sahara. Such measures were the only way to ensure decolonization in the territory and to guarantee peace, security and stability in the region.

5. **Mr. Lippiatt** (WE International, Inc.) said that Morocco had continuously oppressed the Sahrawi people through arbitrary arrests, enforced disappearances, systematic persecution, attacks and violent oppression of peaceful demonstrations. Sahrawi women in the occupied territory of Western Sahara were being subjected to rape, abuse and humiliation at the hands of Morocco, and there was clear evidence of ongoing crimes against humanity. The National Human Rights Council in Morocco was farcical and incapable of delivering impartial monitoring. Meanwhile, the Moroccan authorities had gone to extreme lengths to brutally target Sahrawi activists, journalists and human rights defenders, and there had been cases of assault and detention of minors following their participation in peaceful protests against such attacks. Such repression was a clear reason for the Security Council to refer the matter to the International Criminal Court.

6. The Security Council should add a human rights monitoring component to United Nations Mission for the Referendum in Western Sahara (MINURSO), particularly given that all other United Nations missions had one. The international community should uphold international law and human rights. As part of the United Nations decolonization process, a self-determination referendum for the people of Western Sahara must be held, with the option of independence; the 40-year occupation and oppression by Morocco were completely unacceptable.

7. *Ms. González López (El Salvador) took the Chair.*

8. **Mr. Arkoukou** (Sahrawi association in the United States of America) said that the election held by Morocco in the occupied territory of Western Sahara was not consistent with international law. Morocco had never been recognized as an administering Power by the General Assembly or the Security Council; on the contrary, it was an occupying Power. The majority of voters had been Moroccan settlers who had been brought to Western Sahara in 1975 by the Moroccan occupying Power, which had given them incentives such as higher wages, tax exemption and opportunities for investment. In order to reflect the true will of the

Sahrawi people, a referendum should be organized by the United Nations.

9. That week marked the eleventh anniversary of the brutal dismantling of the Gdim Izik camp set up by the Sahrawi people in response to the Moroccan oppression. All Sahrawi political prisoners should be released immediately, particularly those from the Gdim Izik camp, most of whom were serving life sentences in difficult conditions far from their homeland. The bravery of the Sahrawi People's Liberation Army and of Sahrawi citizens was commendable, whether they were resisting the occupation or living in the harsh conditions of the refugee camps in southwest Algeria.

10. **Mr. Bronner** (International Council for Diplomacy and Dialogue) said that the situation of the Sahrawi refugees in Algeria was a matter of great concern. They appeared to have been forgotten amid the current conflict, and were living in camps where reportedly 12 per cent of households were not food secure and there was a lack of shelter, health facilities and security for women. The conflict seemed intractable; the post of Personal Envoy of the Secretary-General had remained vacant and referendum under United Nations auspices had still not been held. Foreign States, particularly the United States of America and China, were investing in infrastructure in Western Sahara. Against that backdrop, the threat of greater violence loomed.

11. The role of the Personal Envoy of the Secretary-General was a vital one and required coordination with the African Union. Morocco should be pressed to rekindle diplomatic relations with Algeria. The United Nations should organize airdrops of food and other essential supplies for the refugees and should call for an arms embargo on Morocco in Western Sahara. Given its internal diversity, the Sahrawi Arab Democratic Republic should hold its own referendum, with choices not confined to those of autonomy or independence. Options included giving the Sahrawi Arab Democratic Republic enhanced autonomy that would not be subject to veto by Morocco; establishing two independent States with an open border; or reviving the overarching settlement proposed by the African Union, providing for a ceasefire, the return of the refugees and the exercise of the right of the Sahrawi people to exploit their own natural resources.

12. **Mr. Yara** (Laayoune Online) said that the people in occupied Western Sahara identified as Sahrawi. The newly appointed Personal Envoy of the Secretary-General, Staffan de Mistura, should review the proposal to include a human rights component in the mandate of MINURSO. Sahrawi people were being abused on a

daily basis. Those States that continued to block the human rights component should be ashamed of themselves; despite priding themselves on their democratic record, they prevented the Sahrawi people from enjoying their own human rights. Moreover, there were significant human rights problems even in Morocco, not to mention in Western Sahara.

13. **Mr. Radoui** (American Peace Supporters Association) said that the Moroccan regime continued to oppress and intimidate Sahrawis, especially human rights activists, in the occupied provinces of the Sahrawi Arab Democratic Republic. The house arrest of Sultana Khaya showed the lengths to which it would go to silence innocent civilians, especially women. Activists were being placed under house arrest, and Sahrawis and Moroccans alike were being imprisoned on trumped-up charges. Political prisoners were transferred to other prisons as punishment; the Gdim Izik prisoners were a case in point.

14. The pledges made by Morocco to the Human Rights Council contradicted its own actions against a defenceless people which refused to surrender its right to self-determination. The victims included innocent Moroccans, such as a fourteen year-old boy who had been killed by a security forces vehicle, not to mention the hundreds of Sahrawi and Moroccan political prisoners arrested for merely expressing an opposing view on the Internet. A humanitarian disaster would ensue if the international community failed to take action against the Moroccan regime.

15. Given that Frente POLISARIO was the sole legitimate representative of the Sahrawi people, the recent judgment rendered by the General Court of the European Union was an important step towards resolving the question of the last colony in Africa. Nevertheless, there was no mechanism in place to protect Sahrawi civilians, as Moroccan forces prevented international observers from gaining access to certain areas. The military confrontation between the two parties would undermine regional stability. It was incumbent upon the Committee to resolve the dispute in accordance with international law and the inalienable right of the Sahrawi people to self-determination, which all free Moroccans supported.

16. **The Chair** reminded all petitioners to observe decorum and limit themselves to the agenda item under consideration, namely the implementation of the Declaration.

17. **Mr. Ayyach**, speaking in his personal capacity as a member of the Parliament of Morocco for Laayoune, said that in the September 2021 elections, which had been monitored by international observers, the

Moroccan Sahara region had had the highest voter turnout in the country, at some 85 per cent. Some 6,582 male and female Saharan candidates representing 28 Moroccan political parties had stood for election, reflecting the extent of Saharan engagement with the democratic process. Against that backdrop, it was astonishing that some, who, since 1975, had forced their views on a helpless minority of Saharans in camps where political freedoms were suppressed, could claim to be the legitimate representatives of all Saharans. The broad electoral participation in the Moroccan Sahara demonstrated that its inhabitants valued the role of elected bodies in strengthening local decision-making as part of the expanded regional autonomy option adopted by Morocco.

18. **Mr. Abba** (Conseil régional de Laâyoune-Sakia El Hamra) said that, in the elections of 8 September 2021 in Morocco, he had been elected as a legitimate representative of the inhabitants of the Moroccan Sahara. The elections had been recognized by the United States, the European Union and the League of Arab States as being transparent and democratic. In contrast, the Polisario was unelected and had no right to speak on behalf of Saharans. For its part, Morocco had been implementing a substantial development project and building a strong, democratic State. No effort had been spared to make the election a success. Women and young people had been highly engaged in the process, and the turnout in the southern region of Morocco had been the highest in the country, despite the coronavirus disease (COVID-19) pandemic. The election had sent a clear and transparent message that Saharans had fulfilled their right to self-determination by choosing to live in the Kingdom of Morocco. Nevertheless, Morocco left the door open to anyone wishing to live peacefully in the country, in the context of the Moroccan autonomy initiative and while respecting the sovereignty and territorial integrity of Morocco.

19. **Ms. Sylla**, speaking in her personal capacity, said that the collective tendency to ignore historical facts and the cumulative impact of colonialism were deeply concerning. Artificial borders had wreaked havoc within and between many African so-called States, causing civil wars and the rise of violent extremism across the continent. Ordinary citizens were caught between irresponsible leadership, non-State actors and armed separatist groups involved in criminal and terrorist activities, not to mention proxy wars. The regional conflict over Western Sahara reflected those enduring challenges, and it was no surprise that violent extremism continued to rise where there was no security control, borders were porous and artificial, and hate speech was rife. The most vulnerable and marginalized groups bore

the brunt of the brutality. Women were subjected to sexual violence and exploitation, children underwent military training instead of attending school, and young people were led to join violent extremist groups. Unless the historical causes of the current crises were addressed, the cycles of instability across Africa would continue. Special attention should be paid to unity in Africa, and political solutions should prevail over divisive ideological schemes.

20. **Mr. Kadiri** (Morocco) said that the Committee gave petitioners the floor on the understanding that they would address specific topics and show full respect for the Organization and its Member States. During the meeting, and speaking in the guise of a petitioner, Mr. Radoui had made false and slanderous comments against Morocco, using terms that could not be countenanced in the Committee as they were unacceptable both to the Organization and to Morocco. His delegation condemned and rejected those false statements in the strongest possible terms. The Committee must not let such individuals abuse its proceedings.

The meeting rose at 3.50 p.m.