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Pacific regional seminar on the implementation of the Fourth International Decade for the Eradication of Colonialism: advancement of the Non-Self-Governing Territories through the coronavirus disease (COVID-19) pandemic and beyond

Castries, Saint Lucia

11 to 13 May 2022

**STATEMENT BY THE REPRESENTATIVE
OF ALGERIA**

الجمهورية الجزائرية الديمقراطية الشعبية

PERMANENT MISSION OF ALGERIA
TO THE UNITED NATIONS
NEW YORK



البعثة الجزائرية الدائمة لدى الأمم المتحدة
نيويورك

Statement by

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on

Western Sahara

Before

Seminar of The Special Committee on Decolonization

Saint Lucia, May 2022

Madam Chair ;

I would like, on behalf of the Algerian delegation, to thank the Government of Saint Lucia for hosting this Seminar and for its warm welcome. I would like also to express my sincere thanks to the members of the C-24 and the staff of the Secretariat for making this event possible and for making the necessary arrangements for its success.

The present session of the C 24 Seminar is a renewed commitment which aims to fulfill the objectives of the Fourth Decade for the Eradication of Colonialism. But as we embark on the second year of the Fourth Decade for the Eradication of Colonialism, it is important to note our bittersweet feeling when we look back to assess the progress made in the decolonization process. It has to be stated that this situation must be a real source of concern for all of us.

After three International Decades devoted to eradicate colonialism, we have only succeeded in De-listing one non-self-governing territory, namely the brotherly country of Timor Leste in 2002, coinciding with the Second International Decade.

Dear Colleagues;

As a Nation whose founding fathers' struggle for freedom and emancipation shaped its History and forged its principled conviction and commitment to defend unwaveringly the right of all Peoples to fully and freely decide their fate, Algeria has always been and will always remain committed to the mandate of the Special Committee on Decolonization until its noble mission to free the world from the yoke of colonialism is fulfilled.

To this end, the implementation of Resolution 1514(XV) on the Granting of independence to colonial Countries and Peoples must remain the center of the Committee's actions as well as the full compliance with the principle of self-determination, one of the four basic purposes embodied

in the UN Charter and carved out as a fundamental human right in the two main human rights Covenants of 1966.

These noble principles and mission entrusted to the Committee require it to discharge its mandate in the utmost respect of the standards of transparency, accountability, probity and full adherence to the Committee's established rules as well as the UN relevant resolutions and recognized practices.

Madam Chair

I would like to recall, in this regard, that one of the 17 NSGTs, Western Sahara, is listed, since 1963, as a non-self-governing territory and has remained, for more than half a century, at the center of the efforts of our organization.

The General Assembly has, since 1966, by its resolution 2229 (XXI), recognized the right of the Saharawi people to self-determination and affirmed since then its inalienable right to self-determination and independence in accordance with resolution 1514 (XV).

There is no doubt about the nature of this conflict, which is one of the most illustrative cases of incomplete decolonization. The United Nations as well as the African Union consider that the only just and lasting solution to this conflict is the one that would allow the people of Western Sahara to freely exercise their right to self-determination.

The General Assembly has been seized for two generations with the Question of Western Sahara. But there has been no progress at all, in holding a free referendum to allow the people of this non-self-governing territory to exercise its inalienable right to self-determination.

The same goes with the UN Security Council, where three decades ago and after brokering a cease-fire, a Mission was established with the primary mandate of holding a free and fair referendum on self-

determination for the people of Western Sahara. To this day, the MINURSO has not fulfill its mandate.

It is also timely to recall that since the first, and only, visiting mission of the Special Committee on Decolonization (C-24) to Western Sahara, that was conducted in 1975, no other tangible actions have been undertaken by our committee. The issue of Western Sahara has been and remains an issue of decolonization.

The landmark 1975 Advisory opinion of the International Court of Justice (ICJ) concluded that there were no legal ties of sovereignty of any nature between two parties Western Sahara and Morocco, that could affect the implementation of Resolution 1514 (XV), and confirmed unequivocally the inalienable right of the people of Western Sahara to self-determination through a free and genuine expression of the will of its people.

The last colony in Africa has remained on the agenda of the Fourth Committee of the UN General Assembly since 1963, nearly half a century since Morocco's illegal occupation and annexation of parts of Western Sahara.

Since, the General Assembly in its Resolution 34/37 of 1979, as well as its Resolution 35/19 (paras. 3 and 9) of 1 November 1980, deplored the continued occupation of Western Sahara by Morocco. I cannot emphasize enough the word occupation. Uninterruptedly, all the UN General Assembly and Security Council resolutions reiterated the inalienable right for the free exercise of self-determination of the People of Western Sahara.

It should be remembered that the Moroccan occupying power has betrayed its own commitments under the United Nations and the then Organization of African Unity (OAU) Settlement Plan that was accepted by both parties, the Frente POLISARIO and Morocco, in 1988 and approved by the UN Security Council in 1990 and 1991.

Morocco has resorted to all means to obstruct the holding of the referendum on self-determination for the Sahrawi people, which was endorsed by the UN as a negotiated solution, between Frente Polisario and Morocco, to achieve a peaceful and lasting solution in Western Sahara. The African Union has also continuously brought its contribution to these peace efforts, the latest example during the recent Summit of the Peace and Security Council held in March 2021.

Unfortunately, Morocco's unilateral actions and deliberately created obstacles made it difficult, even impossible, for the UN and the AU to hold the referendum of Western Sahara.

The latest factual developments show once again that the current situation is, unfortunately, far from meeting the expectations of the international community nor the hopes of the People of Western Sahara for a just and lasting solution.

A situation where the MINURSO is facing a *De Facto* shutdown as it is unable to discharge its mandate to maintain the 1991 ceasefire, let alone its main mandate of organizing the self-determination Referendum.

In addition to these failures, the MINURSO is also still unable to monitor the human rights situation in the occupied part of Western Sahara. It is beyond understanding, that MINURSO remains the only UN Mission without a component in its mandate dedicated to Human Rights monitoring.

This situation, along with the continued rejection by Morocco of Direct negotiations with Polisario, have caused the Peace process to be back to square one.

There can only be one way forward, which is the resumption of direct substantial talks between two parties for a just, lasting and mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara.

No fait accompli, nor any attempts to change the demographic composition of the population of Western Sahara, and certainly no unilateral declaration or action can have a legal effect on a principle of *Jus cogens*.

It is important to recall, before I conclude, that in his report (S/21360) of 18 June 1990, the UN Secretary-General noted that the Settlement Proposals, accepted officially by both parties in 1988, “represent a compromise and a practical and reasonable basis” for implementing OAU resolution AHG/Res. 104 (XIX) and General Assembly Resolution 40/50, while taking the two parties. Any option that does not provide for the free exercise by the Western Sahara people of their right to self-determination is doomed to fail.

Dear Colleagues;

It is time for the C24 to bring a substantive contribution, using all available means, including visiting missions, to carry the peace process forward for the sake of the people of Western Sahara and for the wider benefit of our region and to that end, there is no alternative to the free consent of the Sahrawi People.

I thank you