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**SECOND INTERNATIONAL DECADE FOR THE ERADICATION OF COLONIALISM**

**Pacific regional seminar on the implementation of the Second International Decade for the Eradication of Colonialism: assessment of decolonization process in today's world**

**Nouméa, New Caledonia  
18 to 20 May 2010**

**STATEMENT**

**BY**

**Mr. Fadel Kamal**

**(Representative of the Frente POLISARIO**

**Western Sahara)**

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Mr. Chairman, Members of the Special Committee, Honourable participants in this Seminar,

I would like to express, on behalf of the Frente Polisario and the Saharawi people, our sincere thanks and gratitude to the Special Committee for the invitation to participate in this seminar.

I would also like to express our thanks to the Government and people of New Caledonia for their warm hospitality and assistance in the holding of this Seminar.

Mr. Chairman,

This year marks both the end of the UN's Second International Decade for the Eradication of Colonialism and the fiftieth anniversary of the Declaration on the Granting of Independence to Colonial Countries and Peoples. We regret that these important and symbolic occasions are likely to pass by, with the UN having failed to deliver the process of self-determination that is the inalienable right of the Saharawi people.

The Committee should by now be familiar with the facts. Western Sahara is Africa's last colony. It has been on the UN list of Non-Self-Governing Territories since 1963, and in 1975, the International Court of Justice confirmed the absence of any legal ties or claims that would affect the application of the principle of self-determination through the free and genuine expression of the will of the Saharawi people.

In 1991, the UN Security Council endorsed a Peace Plan agreed by Morocco and the Frente Polisario, entailing a ceasefire and a referendum on independence for Western Sahara. The referendum should have taken place in early 1992, but 20 years later, it still has not happened. Plainly, Moroccan obstructions have prevented the referendum from materialising.

Unfortunately, Morocco's aim is to undermine the peace process. This is clear from its intransigent attitude during the negotiations' process, its obstructions to the confidence-building measures (CBMs) and from its recent escalation of human rights abuses in the Territory.

The Saharawi people rightly feel that their legitimate aspirations have been overtaken by political expediency and a meek UN system that is seemingly unwilling or unable of delivering on its promise.

Mr. Chairman,

The Frente Polisario has always engaged in good faith in efforts to resolve the dispute over Western Sahara, and has cooperated fully with the initiatives of the UN Secretary-General and his successive Personal Envoys. It is in this context that we have put forward a proposal for a lasting and comprehensive solution to the question of Western Sahara. That proposal has been recognised by the Security Council in all its recent resolutions on this issue. It is aimed at laying out a vision for the future consistent with the requirements of international law, including a free, fair and democratic referendum. And it would be conducive to the establishment of friendly and cooperative relations with Morocco, in turn contributing to the security, stability and economic prosperity of the Maghreb region.

On the other hand, Morocco's so-called 'autonomy proposal' is a unilateral and undemocratic attempt to circumvent the process of self-determination in Western Sahara. It starts from the very mistaken premise that Western Sahara is a part of Morocco, and seeks to legitimize the illegal occupation of our country.

The reality is that Western Sahara is and remains a decolonisation issue that must be addressed fully and responsibly by this Committee and the UN system.

Mr. Chairman,

The situation for the Saharawi people in both the refugee camps and in the occupied areas remains dire.

The invasion of Western Sahara in 1975 forced a 165,000 Saharawis to flee Moroccan air strikes and seek refuge in the south-west of Algeria, where they have been living in inhuman conditions waiting for the UN to organise the promised referendum.

In the occupied zone, the Saharawi people endure a premeditated and escalating campaign of human rights abuses, including murder, torture, disappearances as well as harassment and intimidation.

There are numerous and credible reports, by Amnesty International, Human Rights Watch amongst others, on human rights abuses by the Moroccan police and military forces in the occupied areas despite the UN presence in the Territory.

The Office of the United Nations High Commissioner for Human Rights (OHCHR) issued a report on 8 September 2006 following a visit to the region.

The conclusion of the report stated that "*the Sahrawi people are not only denied their right to self-determination, but equally are severely restricted from exercising a series of other rights.*"

Furthermore, Human Rights Watch Report of December 2008, and the European Parliament fact-finding Mission of February 2009 document Morocco's systematic human rights abuses.

According to Human Rights Watch, Moroccan security forces '*arbitrarily arrest demonstrators and suspected Saharawi activists, beat them and subject them to torture, and force them to sign incriminating police statements, all with virtual impunity; and the courts convict and imprison them after unfair trials*', all in violation of Morocco's obligations as a signatory to the International Covenant on Civil and Political Rights.

Recently, the Moroccan regime has intensified its campaign of human rights abuses in the Territory, targeting, in particular, prominent Saharawi human rights defenders, as was evident in the case of the 2009 RFK human rights laureate Aminatou Haidar in late 2009. She was expelled to the Spanish island of Lanzarote, and only allowed to return to her homeland after over a month of a hunger strike and an international outcry.

Seven prominent Saharawi human rights activists were arrested on their return from a visit to the Saharawi refugee camps on 8 October 2009. The only lady in the group was temporary released, three were granted bail only yesterday while the other three remain imprisoned near Rabat, yet to be charged, but under the threat of trial by a military court. These individuals have been classified as prisoners of conscience by Amnesty International in its Report of 9 April 2010.

In its 2008, Human Rights Watch recommended that the Security Council should "*expand the mandate of MINURSO to include human rights monitoring and reporting.*"

In 2008, 2009 and 2010, several members of the Security Council have worked hard to expand the present mandate of MINURSO to include a capacity to monitor and protect human rights in Western Sahara. MINURSO remains the only UN mission established since 1978, and the only UN mission anywhere on the African continent, not to have such a capacity. This is frankly a disgrace.

In each of the last three years, France has acted as a proxy for Morocco in the Council, effectively vetoing efforts in the Council to protect the Saharawi people from Moroccan abuses. This is unacceptable. As noted in the Secretary-General's most recent report on the situation in Western Sahara, it is the UN's duty to "*uphold human rights standards in all its operations, including those relating to Western Sahara.*" Failure to do so is a stain on the credibility of the UN, and a green light for Morocco to continue human rights abuses in Western Sahara.

In order to establish an atmosphere conducive to a peaceful resolution of the conflict in Western Sahara, the UN must ensure that Morocco abides by its obligations to respect Saharawis' basic human rights. Above all it must mandate its mission in the area (MINURSO) to monitor the situation of human rights.

There can be no positive climate for successful negotiations while Morocco is adopting a policy of intransigence and abusing human rights in Western Sahara.

Protection of the fundamental rights to freedom of speech and freedom of movement are prerequisites for the exercise of self-determination by the Saharawi people, which is the ultimate purpose of the process in which we are engaged.

Mr. Chairman,

The other issue that I would like to bring to the attention of this Seminar is the systematic plunder of the natural resources of Western Sahara, in particular the rich phosphates and fisheries resources exploited by Morocco and complicit foreign interests in violation of international law.

The Under-Secretary-General of Legal Affairs and the Legal Counsel of the UN, Mr Hans Corell, confirmed in an opinion prepared for the Security Council in January 2002, that Morocco has no valid claim over Western Sahara. Moreover, it could not be considered as an 'administering power' in Western Sahara because "[t]he Madrid Agreement did not transfer sovereignty over the territory, nor did it confer upon any of the signatories the status of an administering Power - a status which Spain alone could not have unilaterally transferred."

On this basis, Mr. Corell concluded that "...if further exploration and exploitation activities were to proceed in disregard of the interests and wishes of the people of Western Sahara, they would be in violation of the international law principles applicable to mineral resource activities in Non-Self-Governing Territories".

As a Non-Self-Governing Territory, Western Sahara's natural resources are the heritage of the Saharawi people, and must not be exploited against their wishes. Ongoing illegal exploitation of Western Sahara's natural resources – to the tune of an estimated US\$2 to 4 billion annually – is in violation of a number of customary and treaty-based rules of international law, and in direct contravention of numerous UN General Assembly resolutions.

Pursuant to the UN Charter, the UN and its Member States owe a sacred trust to the people of Non-Self-Governing Territories pending a process of self-determination. A corollary to this is that the exploitation of the natural resources of that territory will only be regarded as legal if undertaken in collaboration with the indigenous population and in a way that would permit them to benefit fully. No such consultation has taken place, and no benefits have flowed to the Saharawi people.

#### **Conclusion and recommendations**

Mr. Chairman,

The international community has thus far failed the people of Western Sahara: The UN mission (MINURSO) in the territory has been able neither to organise the promised referendum, nor to ensure respect for the human rights of the Saharawi people living in the occupied territory. Moreover, the UN has done nothing to prevent the illegal exploitation of the natural resources of our homeland by Morocco.

It is clear that the only viable solution to the question of Western Sahara is to ensure that the Saharawi people have the opportunity to decide freely and democratically their future. This must be achieved through the organisation of a free, fair and transparent referendum under the auspices of the UN. This, after all, is what the UN presence in Western Sahara was mandated to do.

Pending the long-overdue referendum it has committed to organise, the UN has the responsibility to protect the Saharawi people from systematic human rights abuses. The UN should expand the mandate of its mission MINURSO to include human rights monitoring and reporting.

Morocco has no legitimate claim or authority to exploit Saharawi natural resources, and the Committee should consider requesting the Secretary-General to offer options for international administration of the natural resources and associated revenues pending a political solution. As reaffirmed time and again by the General Assembly, natural resources are the heritage of the peoples of Non-Self-Governing Territories.

As Western Sahara is the only NSGT not to have a listed administering Power, the obligation and “sacred trust” to the Saharawi people under Article 73 of the UN Charter become the responsibility of the UN as a whole. In this regard, the UN has a duty to gather independent information and data on the socio-economic conditions facing the Saharawi people, including the situation of human rights and the exploitation of natural resources.

We believe that the Special Committee should send a delegation to Western Sahara to assess the situation in the Territory and report on its findings since its last visit to the Territory was over three decades ago.

We call on the Special Committee to redouble its efforts, in cooperation with the UN system, to closely monitor the decolonisation process in Western Sahara and to implement the organisation’s sacred trust to the Saharawi people.

The Frente Polisario as the sole and legitimate representative of the Saharawi people will extend its full cooperation to the Committee and the UN system to achieve that end.

I thank the Committee for the opportunity to address you today and wish you a successful seminar.

## ANNEX

### BRIEFING ON WESTERN SAHARA MAY 2010

In 1975 Morocco embarked on an act of aggression against our country as it invaded and occupied by force our homeland. This was undertaken to further its dream of a "Greater Morocco" that would include the entire Western Sahara, the whole of Mauritania and parts of Mali and Algeria.

However, the International Court of Justice was very clear in its decision of 15th October 1975, when it concluded that:

"The materials and information presented to it do not establish any tie of territorial sovereignty between the territory of Western Sahara and the Kingdom of Morocco or the Mauritanian entity. Thus the court has not found legal ties of such a nature as might affect the application of resolution 1514 (XV) in the Decolonization of Western Sahara and, in particular, of the principle of self-determination through the free and genuine expression of the will of the peoples of the Territory." (ICJ Rep. 1975 12 para 162)

Our people were the subject of a war of extermination where Napalm, cluster and white Phosphorus bombs were used against innocent Saharawi civilians. The war against our people continues today through the means of systematic human rights abuses.

The military war which lasted 17 years was imposed upon us by our two neighbouring countries. But we have always yearned for peace, non-violence and stability.

We quickly seized the opportunity of peace offered by the UN and the OAU. We have shown sincere will and fully cooperated with the UN and spared no efforts to make the UN successful in its search for a just and lasting peaceful solution to the conflict.

Both the Frente Polisario and Morocco accepted a Settlement Plan based on a referendum of self-determination. The UN declared a ceasefire in 1991 and a UN mission - MINURSO - was established in the Territory to prepare for the holding of a free and fair referendum that will give a chance for the Saharawi people to exercise their right to self-determination in accordance with UN resolutions and its doctrine of decolonisation.

But the referendum process is now obstructed unilaterally by Morocco. It is not because the referendum cannot be organised or that the UN is not capable of implementing the Settlement Plan that is based on a referendum process.

Nineteen years later and despite huge efforts and costs the Saharawi people are still waiting for an opportunity to decide their own future. This is due to Morocco's obstruction and violation of UN resolutions and Peace Plans.

The late King of Morocco Hassan II declared at the OAU Summit held in Nairobi in 1981 that Morocco would accept a referendum in Western Sahara. He later said that

Morocco would be the first country to open an embassy in the El Aiun, the capital of Western Sahara, should the Saharawis choose independence.

Morocco also signed the UN/OAU Settlement Plan of 1990 and the Houston Accords of 1997 which are based on the organisation of a referendum of self-determination. The agreements were endorsed by the Security Council and should have led to the organisation of the referendum.

However, in August 2004, Morocco decided to abandon the peace process and the referendum idea altogether. The reason why Morocco wants to avoid the referendum process is because it fears the verdict of the Saharawi people.

On 10 and 11 April 2007, Polisario and Morocco presented to the UN proposals outlining their visions for a solution to the conflict.

On 30 April 2007, the Security Council adopted Resolution 1754 (2007) in which it took note, in the preamble, of the two proposals and called upon both parties, Morocco and the Frente POLISARIO "to enter into negotiations without preconditions in good faith with a view to achieving a just, lasting and mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara" (OP2).

In this context, under the UN Secretary-General's auspices, delegations from the Frente POLISARIO and Morocco met at Greentree Estate in Manhasset, New York, on 18-19 June 2007. A second round of negotiations between the two parties was also held in Manhasset on 10-11 August 2007. In October 2007 and April 2008, the Secretary-General submitted his reports to the Security Council in which he insisted on the fact that the two parties should enter into substantial negotiations and that the two proposals should be the basis for the negotiations. A third and fourth round of negotiations took place in Manhasset on 7-9 January and 16-18 March 2008.

The Frente POLISARIO came to the four rounds of negotiations encouraged by the same sense of earnestness and good faith with which it participated in the preceding process of negotiation led by James Baker III. On the four occasions, it has fully cooperated with the Personal Envoy of the Secretary-General for Western Sahara in the discussion of all issues including the confidence-building measures (CBMs), which he proposed in the second round with a view to creating a positive climate between the two parties. It is regrettable, however, that the Moroccan delegation rejected to discuss the Sahrawi proposal and the proposed CBMs, exhibiting once again its unwillingness to move the negotiation process forward.

The recent round of informal talks held in Armonk, Westchester (New York) on 9-10 February 2010 is precisely to pave the way to the fifth round which is expected to take place at some time in the future.

The Saharawi Government and the Frente POLISARIO have always underlined that the negotiations process underway should not become an objective in itself and consequently should not be emptied of its main content and ultimate goal, namely providing for the right of self-determination of people of Western Sahara. Morocco should cease its dilatory manoeuvres and engage, in good faith, in the effective

implementation of the Security Council and General Assembly Resolutions which continue to support the inalienable right of the Saharawi people to self-determination and independence.

The UN Secretary General has, in early August 2008, decided to appoint Ambassador Christopher Ross (USA), as his new Personal Envoy for Western Sahara in replacement of Mr. Peter Van Walsum. Mr. Ross undertook three regional visits (January and June 2009 and March 2010) which allowed him to discuss with the leadership of the two parties, Morocco and the F. Polisario, as well as with the leaders of the two observers, Algeria and Mauritania, the prospects of progress for the stalemated peace process.

With the support of UNSC resolution 1871 (2009), and the generous cooperation of the Government of Austria, both parties held, from 10 to 12 August 2009, informal conversations under the auspices of the UNSG Personal Envoy, in Durnstein (Austria) aimed at preparing the grounds for the fifth round of formal negotiations. In Armonk, Westchester (New York) a second round of informal talks took place from 9 to 10 February 2010.

The conversations did not lead to a tangible progress beyond the fact that the atmosphere and climate were positive. It was once again apparent that Morocco's intransigent position which it has already exhibited in Manhasset continues to impede any substantial progress toward a peaceful and lasting resolution of the conflict. Both parties agreed however to continue the negotiations in a date and location that the UNSG Personal Envoy will determine. Mr. Ross undertook, in March 2010, his latest visit to the region trying to find ways to move forward the negotiating process.

On 30 April 2010, the UN Security Council adopted Resolution 1920 (2010). The resolution reaffirmed all the Council's previous resolutions on Western Sahara.

In Resolution 1920, the Council called upon the parties to continue negotiations under the auspices of the Secretary-General without preconditions, in good faith and with a view to achieving a just, lasting and mutually acceptable solution that would provide for the self-determination of the people of Western Sahara.

The Security Council stressed the importance of making progress on the human dimension of the conflict as a means to promote transparency and mutual confidence through constructive dialogue and humanitarian confidence-building measures, and noted the need for the parties to adhere to their obligations, taking into account the roles and responsibilities of the United Nations system and the relevant paragraphs of the Secretary-General's report.

Meanwhile, the Saharawi people is pursuing the implementation of its national strategy in defence of their legitimate right to be a free and sovereign nation, a process that should not be halted by the lack of progress in the negotiations with the occupying power. The Saharawi Republic (SADR) has actively participated in all summits and meetings of the African Union.

It is worth recalling that the Special Summit of Heads of States and Governments of the African Union (AU) on conflicts in Africa, held at Tripoli (Libya), Aug 31, 2009,

adopted an important decision on Western Sahara, which “*Calls for the intensification of the efforts towards the holding of a referendum to enable de people of Western Sahara to choose between the option of independence and that of integration into the Kingdom of Morocco*”. [Special Session. AU Summit; 31 august 2009, Tripoli, Libya.]

By adopting this position, the AU intends to support the commendable efforts undertaken by the UN in the peace process in Western Sahara, which the AU is the initiator and co-sponsor.

It is clear for the African Union that Morocco’s position constitutes the major obstacle to peace. In his report to this special session, the chairman of the AU Commission, Jean Ping, said that the Western Sahara conflict is “still at an impasse,” because, he said, “*polarization of the positions of the parties and, more recently, because of Morocco’s insistence that its autonomy proposal is the only basis for negotiations with the Polisario, although the Security Council of the UN has noted the proposals of the two parties, as submitted in April 2007.*”

In recent years there have been grave deteriorations of the situation concerning human rights in the territory. In Aril 1, 2010, President Mohamed Abdelaziz, alerted once again the UNSC on the dangerous consequences that Morocco’s violations of Human rights might have for the whole process. In his letter, he said that:

“On 16 November 2009, the F. POLISARIO wrote to the Presidency of the Security Council to bring to its attention the arrest and detention of seven Saharawi human rights defenders and former political prisoners in Casablanca on 8 October, following their return from a routine visit to friends and relatives in the Saharawi refugee camps near Tindouf in Algeria.

In the context of a serious crackdown by Moroccan authorities against those speaking out in favor of a process of self-determination in Western Sahara, the ‘Casablanca 7’ were charged with the politically motivated crime of “treason, conspiracy and threat to the security of the State.” Six members of the group have been held until now in the Moroccan jail of Sale, in the vicinity of Rabat, awaiting trial by a military court.

On 18 March, five members of the ‘Casablanca 7’ undertook an open hunger strike to demand a fair and transparent trial or their immediate release. They are: Ali Salem Tamek; Brahim Dahane; Ahmadi Nassiri; Yahdhih Tarrouzi; and Rashid Sgayer. In solidarity, several groups of Saharawi political prisoners in other Moroccan prisons – including Tiznit, Tarudanet, Ait-Melloul, Bou ElMehrez, Izakaren and Kuneitra – have commenced hunger strikes of their own.

The past year has demonstrated with clarity the negative consequences of the UN’s inaction on human rights in Western Sahara. Following a highly inflammatory speech by King Mohammed VI of Morocco on 6 November 2009, Moroccan authorities have instituted a significant crackdown on freedom of movement and freedom of speech in the Territory, targeting Saharawi human rights defenders and accusing those who speak out peacefully against Morocco’s illegal occupation of challenging Morocco’s “territorial integrity”. In this context, celebrated Saharawi human rights laureate

Aminatou Haidar was expelled from Western Sahara, and only allowed to return after a month-long hunger strike and significant international pressure on Morocco at the highest levels.

President Mohamed Abdelaziz stressed in his letter that “These developments demonstrate once again the grave consequences of the Security Council’s failure to implement, consistent with its own resolutions, a process of self-determination for the Saharawi people, and in the meantime, to provide a strong mandate for the monitoring and reporting of the human rights situation in Western Sahara”.

MINURSO was established in 1991 for two inseparable purposes: first, to monitor the ceasefire between Morocco and Frente POLISARIO forces; and second, to organize a referendum for the self-determination of the people of Western Sahara by which they will freely choose between independence and integration into Morocco. Nineteen years later, due to Moroccan obstruction, no such referendum has taken place.

The latest developments on this matter as underlined by the letter of President Mohamed Abdelaziz to the president of the UNSC of April 1, 2010, are reasons of serious concerns. The United Nations should fulfill its responsibility in this regard and avoid to be seen as driven by a policy of “double standard” with regard human rights. Until the fundamental right of self-determination of the Saharawi people is secured, the United Nations has a responsibility to protect the population of the Western Sahara pursuant to its clearly defined obligations towards Non Self-Governing Territories, as set out in Article 73 of the Charter of the United Nations. It is worthy to recall that Members of the United Nations have accepted as a ‘sacred trust the obligation to promote to the utmost...the well-being of the inhabitants of these territories’ and to ensure ‘their just treatment and their protection against abuses’. These fundamental Charter obligations include the provision of basic human rights.

A human tragedy keeps on unfolding in our country since 1975 whose cruellest chapters are gradually overcoming the breach of the imposed silence. Moroccan news paper, *Al Jarida Al Oula* published in 2008 summer what a Member of Morocco delegation in Manhasset negotiations confessed to a Moroccan Official investigative body: “*There are several people (...) three or four officers from the (Moroccan) Army that have committed what can be called war crimes off the battlefield, and many civilians were thrown off helicopters or buried alive on account of being Saharawi*”.

Hundreds of Saharawi have been detained, made to face unfair trials and 32 political detainees, whose names and data were transmitted to the UNSG personal Envoy, are still imprisoned in Moroccan detention centres where the cruellest methods of physical and physiological torture are practiced with impunity. The entire occupied territories continue to be under a military siege and a total media blackout, whilst Moroccan authorities deny access to NGOs, international media and observers.

The recent wave of repression undertaken in September 2009 by Morocco forces in Bojador, Aaiun and Smara left dozens of victims, manly women and young ladies, like the famous human right activist, Sultana Kahaya. Torture and arbitrary detention, have been *in situ* graphically documented.

It should be recalled in this regard that on 8 September 2006, the United Nations Office of the High Commissioner for Human Rights (OHCHR) delivered a report expressing serious concern at the human rights situation in Western Sahara, and documenting incidents of arbitrary arrest, harassment, and intimidation of human rights activists, including excessive use of force against peaceful demonstrators. While the report, unfortunately, has not been yet made public, it linked clearly the egregious and brazen human rights abuses in the occupied territory to the denial of the Saharawi people's inalienable right to self-determination. The High Commissioner therefore recommended that the United Nations should institute a capacity to monitor human rights in the occupied Territory.

The findings of the OHCHR and recommendations were confirmed by a similarly critical reports published by Human Rights Watch in December 2008, [Human Rights Watch, *Human Rights in Western Sahara and in the Tindouf Refugee Camps*, 19 December 2008] and by the European Parliament fact-finding Mission of February 2009, which documents Morocco's systematic and abusive efforts to suppress political dissent in the occupied Territory.

According to Human Rights Watch, these efforts are manifested by 'arbitrary arrests, unfair trials, restrictions on associations and assemblies, and through police violence and harassment'.

The report also finds that Moroccan security forces 'arbitrarily arrest demonstrators and suspected Saharawi activists, beat them and subject them to torture, and force them to sign incriminating police statements, all with virtual impunity; and the courts convict and imprison them after unfair trials', all in violation of Morocco's obligations as a signatory to the International Covenant on Civil and Political Rights.

In light of these grave findings, Human Rights Watch recommends that the Security Council should 'expand the mandate of MINURSO to include human rights monitoring and reporting in both Western Sahara and in the POLISARIO-administered camps in Algeria'.

In his reports to the Security Council on 14 April 2008 (S/2008/251), and S/2009/200 of April 14, 2009 the Secretary-General noted that, while MINURSO has no staff dedicated to human rights monitoring, "it is the duty of the United Nations to uphold human rights standards in all of its operations, including its operations related to Western Sahara"

Polisario urged the Security Council to act upon the recommendations of the High Commissioner and establish a human rights component within the MINURSO mandate to protect, promote and monitor the human rights situation of the Saharawi people as long as the conflict over the decolonization of Western Sahara remains unresolved.

The UNSC, made a timid reference to the importance of the "human dimension of the conflict" in its latest resolution(S/1920/2010 of April30, 2010) ,thus failing to adopt a more clear recommendation with regard human rights monitoring system in Western Sahara, despite the efforts undertaken by several UNSC members.

Our hope is that the United Nations will address responsibly the long-standing and systematic denial of the human rights of the Saharawi people, and pave the way towards securing a democratic and legitimate process of self-determination in the Western Sahara.

The Moroccan authorities continue to illegally and massively exploit the natural resources of Western Sahara. The UN legal department opinion of January 29, 2002 stated clearly that any extraction of these resources is illegal since Morocco has no legitimate authority to engage in such exploitation.

Morocco claims that it has developed the territory. It is a classic "argument" used by all colonial powers. However, the revenues (Five billion USD) that the occupying power extracts from exploiting the Saharawi rock phosphate (3,500,000 tonnes annually at a price of over US\$ 300 per tonne) and the fish industry, for example, go solely to the regime.

They are then used to buy more weapons and reinforce the presence of more than 130,000 of its soldiers stationed in the occupied territory, to sustain economically the needs of more than 300,000 Moroccan settlers, whilst the socioeconomic situation in the occupied territories is deteriorating, with an unemployment rate that exceeds 35 %. UN Member states should not participate directly or indirectly, in these illegal activities. In this connection we urge the EU to reconsider the chapters affecting Western Sahara coasts in the Fishery agreement it has signed with Morocco. The EU should keep its proclaimed reputation not to engage in agreements with countries that are violating international law and human rights.

The UNHCR sponsored exchange programme of visits between Saharawi families separated by the Moroccan occupation is still running albeit at a slow pace. It is regrettable that Morocco has obstructed for an extended period of time the visits to be conducted by land, and continues to block other confidence-building measures adopted by the Security Council such as cultural seminars and postal services. The recent visit in September 2009 to the region of the President of the UNHCR, Mr. Gutierrez, was critical in the decision of the international community to increase the amount of humanitarian programs for the Saharawi refugees and certainly helped to overcome Morocco's obstructions with regard the program of family visits by land.

After signing the Geneva *Call Deed of Commitment for Adherence to a Total Ban on Anti-Personnel Mines* in 2005, the SADR has destroyed the major part of its antipersonnel mine stockpile, and facilitated mine action activities in the liberated territories. The SADR has also declared its commitment to the Ottawa Treaty on banning antipersonnel mines. It should be recalled, however, that Morocco continues to use this lethal weapon (more than 5 million personal landmines planted in the territory) in the areas under its occupation whilst refusing to adhere to Ottawa Treaty.

## **Conclusions**

No country or international organisation recognises Morocco's illegal occupation of Western Sahara.

Over 80 countries worldwide have recognised the Saharawi Republic which is a full fledged member of the African Union (AU).

Western Sahara remains a colonial case to which the UN doctrine and practice relating to decolonisation must be applicable. This means that the Saharawi people have an inalienable right to self-determination and independence to be exercised in a free, fair and democratic referendum on self-determination. Morocco, which has already recognized from 1966 to 1973 in statements before UN the right of independence of Western Sahara and has accepted many peace plans based on the option of independence, should cooperate with the international community to put an end to its expansionist colonial war.

Over thirty years of institution and nation-building have made the Saharawi nation an irreversible reality. The Saharawi Arab Democratic Republic is a fully-fledged State that exercises its full sovereignty over the Saharawi liberated territories and has the administrative and political capacity to handle its own affairs and conduct its international relations. Indeed, the establishment of an independent Saharawi State in Western Sahara, as a result of a genuine democratic process, is the *sine qua non* for a secure, prosperous and integrated Maghreb.

Today finding a just and final settlement of the question of Western Sahara in line with international legality is not only necessary but also possible. The Settlement Plan, the Houston Accords, the Peace Plan for Self-determination of the people of Western Sahara and the Manhasset negotiation process can provide, at any moment, if the political will exists, an appropriate and honourable framework to settle the conflict.

The Saharawi Government and the Frente POLISARIO, in keeping with the Security Council position, are ready to work and cooperate with the UN Secretary-General in order to achieve a mutually acceptable political solution which will provide for the self-determination in Western Sahara through the free and genuine expression of the will of the Saharawi people.

However, as long as Morocco continues to feel that it has both a veto power to disrupt UN efforts and a guarantee of impunity with regard to its policy of violations of human rights in the territory, there is little chance for the peace process to succeed.

The UN has a duty to ensure that Morocco abides by UN resolutions and the ICJ verdict which call for the respect of the Saharawi people right to self-determination and independence.