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

**Caribbean regional seminar on the implementation of the Fourth International Decade for the Eradication of Colonialism: charting a dynamic course for decolonization in commencing the Fourth International Decade and in the light of the coronavirus disease (COVID-19) pandemic, through commitment to mandate, collaboration, pragmatism and agility**

**Parish of St. John, Dominica  
25 to 27 August 2021**

**STATEMENT BY**

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**(FRENTE POLISARIO (WESTERN SAHARA))**

**Statement of the Frente POLISARIO (Western Sahara)**  
**C-24 Caribbean Regional Seminar, Dominica, 25-27 August 2021**

**Amb. Sidi M. Omar**

*Madam Chair,*

*Distinguished Representatives and Delegates of Member States,*

*Ladies and Gentlemen,*

Thank you, Madam Chair, for the invitation. It is a pleasure to address the Special Committee here in the Commonwealth of Dominica on behalf of the Frente POLISARIO, the legitimate and the sole UN-recognised Representative of the people of the Non-Self-Governing Territory of Western Sahara in line with relevant General Assembly and Security Council resolutions.

The theme of the seminar of this year deals with the implementation of the Fourth International Decade for the Eradication of Colonialism in the light of the coronavirus disease pandemic. The subject is especially timely as the peoples of the remaining 17 Non-Self-Governing Territories, including Western Sahara, pursue their legitimate quest for the eradication of colonialism and foreign occupation while they are facing multiple challenges that are now being compounded by the spread of COVID-19 pandemic.

It is my intention therefore to briefly share with you the views of the Frente POLISARIO on the political developments in Western Sahara and the way forward to achieve the decolonisation of the Territory as we embark on the Fourth International Decade for the Eradication of Colonialism. The extended version of my statement will be shared with the Committee's Secretariat.

*Madam Chair,*

*Ladies and Gentlemen,*

The question of the Non-Self-Governing Territory of Western Sahara is a clear-cut issue of decolonisation in accordance with relevant resolutions of the General Assembly, which is the principal organ of the UN with the responsibility regarding matters of decolonisation. It has been on the agenda of the C-24 since December 1963. However, to date, the decolonisation of Western Sahara through the free and genuine expression of the will of its people in the exercise of their inalienable right to self-determination and independence is still pending.

The reason for the delay in the decolonisation of Western Sahara, the last remaining colony in Africa, is crystal clear, namely the continued military occupation by Morocco of the Territory since 31 October 1975.

As we have expounded time and again before the C-24 and other relevant UN bodies, all the efforts undertaken so far by the UN and by the African continental organisation (the OAU and later the AU) to decolonise the Territory have all been frustrated by Morocco. These include the self-determination referendum-based Settlement Plan of 1991 which Morocco accepted officially and pledged to engage in its full implementation and respect its outcome, before reneging on its commitment in 2001, obviously because of its fear of the outcome of the referendum.

*Madam Chair,*

*Ladies and Gentlemen,*

For almost three decades, the Frente POLISARIO remained fully committed to the UN peace process in Western Sahara and made tremendous concessions for the process to move forward and achieve its mutually agreed objective, namely the holding of a free and fair referendum on self-determination for the people of Western Sahara.

Nonetheless, our political will and flexibility have never been reciprocated by the other party. Besides, the absence of a strong, unequivocal, and firm position by the UN and the international community regarding Morocco's utter disregard for the UN mandate and decisions concerning Western Sahara has just emboldened the occupying state to persist, with complete impunity, in its colonial practices and attempts to impose a *fait accompli* by force in the Occupied Western Sahara.

These colonial practices include the ongoing repression of Sahrawi civilians and human rights activists; changing of the demographic nature of the Territory through intensive and incentivised settlement policies in violation of the principles of international humanitarian law; plunder of the natural resources; opening of so-called "consulates" of foreign entities; holding of elections and imposing Moroccan laws on the Occupied Territory, among other things.

Obviously, all these actions are colonial practices imposed by force, and hence they have no legitimacy and cannot have any effect on the status of Territory. They however show a typical pattern of colonialism that brings to mind

the policies carried out by colonial powers that some of you had experienced in your recent past. The blatant attempt by the occupying state, as a colonial power, to forcibly expropriate the legitimate voice of the Sahrawi people through its own created and sponsored entities is quite familiar to some of you and to this Committee too.

The Moroccan occupation and forcible annexation of parts of our land has also had dire consequences for our people in the Occupied Western Sahara whose situation has worsened as the occupying state continues to use the restrictions associated with the COVID-19 pandemic to intensify its repressive practices. As denounced by Amnesty International and Human Rights Watch, among others, today in the occupied city of Bojador, for instance, the house of the family of Sid Brahim Jaya remains under tight siege since 19 November 2020. In the meantime, the human rights activist Sultana Sid Brahim Jaya and her family pursue their peaceful protest, and, because of that, they are subjected daily to physical assault, sexual harassment, and other brutal and degrading treatment at the hands of the Moroccan security agents and state-sponsored thugs.

*Madam Chair,*

*Ladies and Gentlemen,*

The occupying state has also been propagating a series of unfounded, preposterous, and misleading claims to undermine the legal nature of the question of Western Sahara. It has falsely claimed that the Madrid Agreement signed between Spain, Mauritania, and Morocco on 14 November 1975 has put an end to the decolonisation of the Territory. The fact remains that the Madrid Agreement ("Madrid Declaration of Principles") is null and void because it violated an imperative norm (*jus cogens*) of general international law, namely colonial peoples' right to self-determination.

The Agreement also violated the landmark Advisory Opinion of the International Court of Justice (ICJ), the principal judicial organ of the United Nations, issued on 16 October 1975, which unequivocally ruled 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*" (para. 162).

The Legal Opinion issued by the UN Under-Secretary-General for Legal Affairs, the Legal Counsel, on 29 January 2002, at the request of the Security

Council is also abundantly clear on this issue. The UN Legal Counsel established that *"The 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. The transfer of administrative authority over the territory to Morocco and Mauritania in 1975, did not affect the international status of Western Sahara as Non-Self-Governing Territory"* (para. 6).

For its part, the General Assembly has never approved Madrid Agreement or considered it to have affected the status of Western Sahara in line with General Assembly Resolution 742 (VIII) of 27 November 1953 and relevant resolutions. The General Assembly and its subsidiary bodies have therefore continued to address the question of Western Sahara within the scope of Chapter XI of the UN Charter. In this regard, they have been reaffirming the inalienable right of the people of Western Sahara to self-determination in accordance with General Assembly Resolution 1514 (XV) of 14 December 1960 containing *the Declaration on the Granting of Independence to Colonial Countries and Peoples*.

*Madam Chair,*

*Ladies and Gentlemen,*

It is worth recalling that the Special Committee on Decolonisation (C-24) included Western Sahara on the list of Non-Self-Governing Territories in its report (A/5446/Rev.1) of 6 December 1963, which was approved by the General Assembly in its Resolution 1956 (XVIII) of 11 December 1963.

The inclusion of Western Sahara on the list of Non-Self-Governing Territories constituted an international recognition of the inalienable right of the Saharawi people to self-determination and independence. It also established the responsibility of the United Nations towards the Territory and its people, and the need for the Territory to be decolonised in accordance with General Assembly Resolution 1514 (XV) of 14 December 1960 containing *the Declaration on the Granting of Independence to Colonial Countries and Peoples*.

General Assembly Resolutions (Res. 742 (VIII) of 1953 and 1514 (XV) and 1541 (XV) of 1960, among others) entrust the General Assembly with the duty of validating the application of the right to self-determination and deciding when a Non-Self-Governing Territory has exercised self-determination based on the

opinion of its people, freely expressed by informed and democratic processes, as to the status or change in status of the Territory.

Therefore, as long as the General Assembly has not validated "*the application of Resolution 1514 (XV) in the decolonisation 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*" in line with the ICJ Advisory Opinion of 1975 (para. 162) and relevant General Assembly resolutions, Western Sahara remains in every practical sense a Non-Self-Governing Territory. It is worth noting that the condition of Western Sahara being both a Non-Self-Governing Territory and an Occupied Territory is compatible with international law and practice.

With regard to the status of Morocco in relation to Western Sahara, the General Assembly has deeply deplored "*the continued occupation of Western Sahara by Morocco*" in its Resolutions 34/37 of 1979 and 35/19 of 1980, among others. The abovementioned Legal Opinion of the UN Under-Secretary-General for Legal Affairs, the Legal Counsel, of 29 January 2002, reaffirmed that Morocco is not an administering power of Western Sahara (para. 7). Morocco therefore is simply an occupying power of Western Sahara in accordance with General Assembly Resolutions 34/37 of 1979 and 35/19 of 1980, among others.

*Madam Chair,*

*Ladies and Gentlemen,*

The occupying state has also invoked Article 12 (1) of the UN Charter in the case of Western Sahara to argue that "*no reason would justify keeping the issue of Western Sahara on the agenda of the C-24*".

As outlined above, the General Assembly and its subsidiary bodies have been addressing Western Sahara as a decolonisation issue since the Territory was included on the UN list of Non-Self-Governing Territories in December 1963. Therefore, in its first resolution on Western Sahara (Resolution 377 (1975) of 22 October 1975), the Security Council addressed the matter "*without prejudice to any action which the General Assembly might take under the terms of its resolution 3292 (XXIX) of 13 December 1974*" (OP 1).

As a result of the efforts deployed jointly by the UN and the Organisation of the African Unity (OAU) to settle the question of Western Sahara, the matter was again brought before the Security Council in line with General Assembly

Resolution 40/50 of 2 December 1985. After the acceptance by the Frente POLISARIO and Morocco of the UN-OAU Settlement Plan in August 1988, on 29 April 1991, the Security Council established, under its authority, the United Nations Mission for the Referendum in Western Sahara (MINURSO) to implement the plan and hold a referendum on self-determination for the people of Western Sahara.

In his report (A/75/367) of 29 September 2020, the Secretary-General noted that *“the Security Council addresses Western Sahara as a matter of peace and security. The Special Political and Decolonisation Committee (Fourth Committee) of the General Assembly and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples address it as a Non-Self-Governing Territory and an issue of decolonisation”* (para. 2). The fact that the question of Western Sahara has been addressed concurrently by both the General Assembly and the Security Council is consistent with the UN Charter and legally based established practice.

The UN Legal Opinion on the “Practice of the United Nations as regards the consideration of the same questions by the Security Council and the General Assembly”, dated 10 September 1964, states that, whether the questions were originally submitted to the General Assembly or the Security Council, concurrent consideration by the two organs of those questions took place and, in most cases, both organs adopted substantive resolutions without reference to Article 12, paragraph 1, of the Charter (para. 14; pp. 233). The cases included, for instance, the situation in the Congo (1960-1961), the situation in Angola (1961-1962), the Apartheid question (1960-1963), the question of Southern Rhodesia (1962-1963), among others. Recent cases include Palestine and Afghanistan.

In line with legally based established practice, the question of Western Sahara falls within the category of items submitted to the General Assembly and later considered by the Security Council such as the case of Palestine, which continues to be on the agenda of both the General Assembly and the Security Council.

*Madam Chair,*

*Ladies and Gentlemen,*

All the facts that I have just outlined demonstrate clearly that the occupying state has no interest whatsoever in contributing to a peaceful and lasting solution to the decolonisation of Western Sahara, and that it continues to rely on the logic of force and on the impunity and protection that it enjoys from certain quarters.

As we informed the Special Committee in June, because of the UN's failure to act decisively in the face of Morocco's destabilising and belligerent actions, Western Sahara is currently witnessing very serious developments. On early 13 November 2020, in flagrant violation of the 1991 ceasefire and Security Council resolutions, Moroccan armed forces moved into the Buffer Strip in Guerguerat in the Liberated Territories of Western Sahara and attacked a group of Sahrawi civilians who were protesting peacefully against Morocco's illegal occupation of parts of our land and the plunder of our resources.

The Moroccan act of aggression has violently led to the collapse of the almost 30 years of ceasefire and has triggered a new war that could have the most serious consequences for peace, security, and stability in the entire region.

As we have demonstrated through concrete deeds, we had never ceased to trust in a peaceful solution to the conflict, and all that we want is to exercise our right to self-determination and independence and to live in peace with all our neighbours including Morocco. However, faced with the Moroccan new act of aggression, which continues to date with complete impunity, we have been left with no option but to exercise our legitimate right to self-defence. In this regard, I would like to underscore that, while we remain fully committed to pursuing a peaceful and lasting solution to the decolonisation of Western Sahara, our people will never give up their inalienable and non-negotiable right to self-determination and independence, and we will continue to use all legitimate means to defend our rights and the sovereignty of our country.

*Madam Chair,*

*Ladies and Gentlemen,*

In conclusion, I would like to emphasise that the way forward to achieve a peaceful, just, and enduring solution to the decolonisation of Western Sahara as we embark on the Fourth International Decade for the Eradication of Colonialism is abundantly clear. Therefore, the question today before this Committee boils down to this: does it allow the logic of force to prevail in Western Sahara, and thus allow the Moroccan military occupation of parts of the Territory to continue



with impunity, or does it defend the fundamental principles underpinning the existing international order, which enshrine peoples' right to self-determination and independence and prohibit the acquisition of territory by force?

Obviously, in a rules-based international order, the logic of force can never be an option, otherwise many peoples and countries, including almost all Member States present here today, would have remained under the yoke of colonialism and foreign occupation. The only option, therefore, is to defend the principles of international legality and allow the people of Western Sahara the chance to exercise freely and democratically their inalienable and non-negotiable right to self-determination and independence.

The lesson learnt from world recent history shows that only peace anchored in international legality and in the freedom and equality of rights of small and big nations can be viable and enduring. It is therefore imperative that efforts be redoubled to bring about a peaceful and lasting solution to the decolonisation of Western Sahara, which remains an indispensable prerequisite for restoring peace and stability in North Africa.

I thank you for your attention.