

Distr. RESTRICTED

PRS/2018/CRP.12

ORIGINAL: ENGLISH

THIRD INTERNATIONAL DECADE FOR THE ERADICATION OF COLONIALISM

Pacific regional seminar on the implementation of the Third International Decade for the Eradication of Colonialism: towards the achievement of the Sustainable Development Goals in the Non-Self-Governing Territories: social, economic and environmental challenges

**Saint George's, Grenada
9 to 11 May 2018**

STATEMENT BY

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Statement of the Frente POLISARIO (Western Sahara)

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C-24 2018 Pacific Regional Seminar
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Mr Chair,

Thank you for giving me the opportunity to address this Special Committee on behalf of the Frente POLISARIO, the legitimate representative of the people of the Non-Self-Governing Territory of Western Sahara.

Our delegation would also like to thank the Government and people of Grenada for their warm hospitality and support for this seminar.

The theme of the seminar dealing with the challenges facing Non-Self-Governing Territories in achieving the SDGs is particularly relevant to the case of Western Sahara especially as regards the plunder of the resources of the Territory by the occupying power, Morocco, and its social, economic, political and environmental consequences on our people, which all deserve to be brought to the attention of this Special Committee.

Before expanding on this issue, I would like to underline some fundamental facts regarding the Non-Self-Governing Territory of Western Sahara, and to brief you on the latest development concerning this last decolonisation case in Africa.

As you are aware, the United Nations and its relevant policy organs have been involved in the decolonisation process of Western Sahara since the UN decided in 1963 to place the Territory on its list of Non-Self-Governing Territories under Chapter XI of the UN Charter. Placing Western Sahara on the list of those territories, whose peoples at that time were subjected to colonial and foreign domination, was indeed a recognition of our people as a colonised people and accordingly their inalienable right to self-determination and independence to be exercised in accordance with UN doctrine and relevant resolutions.

As you also are aware, the decolonisation of Western Sahara was interrupted violently when Morocco invaded and occupied by force the Territory on 31 October 1975 in violation of its own obligations under the UN and OAU Charters.

Bearing in mind the status of Western Sahara as a Non-Self-Governing Territory and consistent with its policy of not recognising as legal any territorial acquisition resulting from the use of force, the UN, with all its policy organs, has never recognised the legality of Morocco's annexation of Western Sahara. Moreover, the advisory opinion of the International Court of Justice of 1975 and the legal opinion of the UN Under-Secretary for Legal Affairs of 2002 affirm clearly that Morocco does not exercise any sovereignty or administering power over Western Sahara. Hence, Morocco by all standards is simply an occupying power of the Territory of Western Sahara as clearly stated in General Assembly resolutions 34/37 of 21 November 1979 and 35/19 of 11 November 1980.

The Moroccan continuing occupation and illegal annexation of parts of the Non-Self-Governing Territory of Western Sahara, therefore, remains the root cause of the ongoing conflict in Western Sahara and the major obstacle to the accomplishment of the decolonisation of the Territory. As long as this underlying issue is not addressed, the conflict is bound to endure with serious implications not only for the inalienable right of our people to self-determination and independence but also for peace and security in our region and beyond.

Mr Chair,

You may also be aware of the efforts deployed by the United Nations to solve the conflict starting from the UN-OAU Settlement of 1990 to the ongoing attempts by the UN Special Envoy for Western Sahara, Mr Horst Köhler, to relaunch the negotiation process between the two parties to the conflict, which stopped in 2012. Unfortunately, all these efforts have been met by the usual obstructionism of the occupying power, which insists on the irresolution of the conflict as the best solution because it views any other solution as potential danger to the ruling regime and the shaky foundations of its legitimacy.

A prime example of the obstructionism of the occupying power was its declared opposition to the UN Settlement Plan and its underpinning idea of holding a self-determination referendum for the Sahrawi people, which it had already accepted. This is not a personal opinion, but a fact stated and affirmed by the United Nations itself. In his report on the Situation concerning Western Sahara, dated 19 February 2002, (S/2002/178), para. 48, the UN Secretary-General, Kofi Annan, clearly said (*Quote*) “Morocco has expressed unwillingness to go forward with the settlement plan” (*Unquote*). In November of the same year, the Moroccan King declared unilaterally that the referendum provided for under the UN Settlement Plan was “obsolete” because it would be unrealizable in practical terms.

It should be recalled that the Security Council established and mandated the UN Mission for the Referendum in Western Sahara (MINURSO) to accomplish two main tasks: (i) monitoring the ceasefire between the Frente POLISARIO and Morocco and (ii) preparing for a referendum on self-determination to enable the Sahrawi people to choose between independence and integration with the occupying power, Morocco. The Frente POLISARIO decided, with the full consent and backing of the Sahrawi People, to accept and commit to the UN Settlement Plan based on our faithful belief in the United Nations authority and commitment to organise and supervise, in cooperation with the OAU, the referendum on self-determination, which our people had been promised for decades.

To explain its position, Morocco argued—and still argues—that the referendum in Western Sahara was (is) practically unrealizable because of the existing “fundamental differences” on the eligibility criteria for voting in a census-based referendum. However, it is well known that the electoral body entitled to vote was clearly defined in the Settlement Plan and the successive arrangements, which Morocco had voluntarily and officially accepted. The fact remains that Morocco made the eligibility issue appear as the unsolvable obstacle to the whole process simply to hide its fear of going forward with the vote that it was not sure that it would win.

There is also a widely circulated argument that the referendum in Western Sahara could not be held because it would lead to a “zero-sum” and the “winner-takes-all” outcome. It is important to recall, moreover, that the two options of the referendum (independence and integration) were accepted by the two parties and endorsed by the UN Security Council. The fact that Morocco decided to backtrack on its commitments along the way for fear of losing the vote can never be a convincing argument to invalidate the referendum process altogether. Besides, the 1999 referendum in East Timor, which was based on “accept/reject” options, can also be described, within this logic, as a zero-sum game. Nevertheless, as we all know, the “winner-takes-all” approach did not preclude the vote from taking place. In the end, the only winner was the East Timorese people who won back their inalienable right to self-determination when they were consulted and rejected the proposed special autonomy within Indonesia in a free, democratic, and internationally supervised consultation.

In the Western Sahara case, however, the failure of the Security Council, as an enforcement body, to use its authority to ensure Morocco’s compliance with the agreed plan was clearly responsible for allowing Morocco’s defiance to continue unchallenged, which eventually brought the entire process to a standstill. It became clear at the time, however, that Morocco’s manoeuvring and subsequent change of heart was clearly due to its realisation that in any free, democratic and a UN supervised referendum, the people of Western Sahara would clearly choose the independence option. This is the undeniable fact, which cannot be eclipsed by much talk about some technical and procedural issues.

Mr Chair,

There are many well-documented reports compiled by both Sahrawi and international organisations that demonstrate the magnitude of the plunder of our natural resources by the occupying power, which often takes place in complicity with foreign entities. In this regard, it is worth mentioning the ruling of the European Court of Justice of 27 February this year, which established very clearly that agreements concluded between the EU and Morocco cannot be applicable to the Territory of Western Sahara its territorial waters, because Western Sahara is not part of Morocco.

The detailed reports also reveal that the revenues extracted from exploiting the resources in the Sahrawi occupied territories are used for creating jobs for Moroccan settlers, whose presence there is heavily subsidised and supported by the occupying power, while the indigenous Sahrawis are denied their basic political and socio-economic rights and treated as second-class citizens in their own land. The ongoing illegal economic activities of the occupying power in our Territory affect adversely not only the right of our people to permanent sovereignty over their natural resources but also the realisation of their inalienable right to self-determination and independence.

Mr Chair,

As regards the latest developments, you may all be aware that the Security Council has recently adopted its resolution 2414 (2018) by which it extended the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) for a period of six months.

The Frente POLISARIO has taken note of this development and in particular the short renewal period and the emphasis laid by the Security Council on the resumption of negotiations between the two parties without any preconditions and in good faith. In our view, this is a clear and strong message to Morocco, the occupying power, which has always subjected any engagement in the negotiations to preconditions, and has always put obstacles to the UN peace process.

We remain hopeful that the Security Council this time will render its full support to the Personal Envoy of the UN Secretary-General, Mr Horst Köhler, in his efforts to relaunch and move the negotiating process toward its ultimate objective, namely the achievement of a peaceful, just and lasting solution to the decolonisation question of Western Sahara in accordance with relevant UN resolutions.

It is worth noting that UN Security Council resolution 2414 (2018) was preceded by an unprecedented media and diplomatic campaign of misinformation carried out by Morocco, which went as far as threatening to take military action to forcibly annex the Sahrawi Liberated Territories. The campaign was also carried at the UN by officials of the occupying power who are known not only for bragging about someone else's beauty as theirs, in a manner of speaking, but also for resorting to deceit, blackmail, bullying and "thuggish diplomacy", as it were, to advance their colonial agendas. It became clear however that Morocco's escalation and misinformation campaign were not more than a smokescreen designed deliberately to divert the attention of the Security Council away from the real issues that underlie the current stalemate caused by Morocco itself.

Morocco recent escalation, in total, was only another episode of its blackmail policy and defiant behaviour, which unfortunately has not yet been met by the necessary and robust response from the Security Council. This includes, *inter alia*, its opposition to human rights monitoring within MINURSO mandate, expelling of the mission civilian component including the AU Observer Mission, trying to change the status quo in the Guerguerat area, transferring thousands of Moroccan settlers to Western Sahara to change the demographic nature and administrative configuration of the Territory, and repeatedly defying the authority of MINURSO in its mission area. Furthermore, Morocco continues to perpetrate massive violations of human rights of Sahrawi civilians in the Sahrawi occupied territories, which have been documented by international and African human rights organisations.

In conclusion, Mr Chair, I would like to recall that the continuous consideration by *the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples* of the situation in Western Sahara, at the request of the General Assembly, is a testament to the unfinished decolonisation of the Territory. It also testifies to the fact that the inalienable right of our people to self-determination and independence is not time-barred nor can it be overtaken by the current colonial realities created by the occupying power in the Territory through its prolonged occupation and intensified settlement policies, among other things.

The responsibility of the United Nations towards the people of Western Sahara, which is reaffirmed every year in the General Assembly resolutions on the matter, should therefore be assumed without further delay. In other words, this means that the United Nations and its relevant policy organs should take all the necessary measures to ensure a

speedy and complete decolonisation of our Territory. The Sahrawi people, who for over four decades have been denied their inalienable right to self-determination, believe strongly that it is high time for the United Nations and its relevant policy organs to not just talk the talk, but also and more importantly to walk their talk. This is what our people need, and here we say it loud and clear.

The United Nations and its relevant policy organs, therefore, are called upon to take all the necessary measures to preserve the territorial integrity of the Non-Self-Governing Territory of Western Sahara and to ensure the respect for the inalienable right of our people to self-determination and permanent sovereignty over their natural resources. In particular, the Special Committee is called upon to continue to follow closely the situation on the ground in the Territory and to consider, among other things, dispatching a visiting mission to the Territory, which is a vital request that has been made on several occasions before this Committee.

Mr Chair,

The occupying power continues to leave no stone unturned to undermine the inalienable right of our people to self-determination and independence and, to that end, it has resorted to persistent manipulation, disinformation, intimidation and warmongering, as we have seen recently. As a matter of fact, Morocco's blatant attempts to appropriate sovereignty over a Non-Self-Governing Territory without a due and valid decolonisation process is the root cause of the current stalemate facing the UN peace process in Western Sahara.

For all these reasons, Mr Chair, the United Nations and the international community at large should decisively and strongly confront such attempts and exert the necessary pressure on the occupying power to allow the holding of a self-determination referendum in which the Sahrawi people, and only the Sahrawi people, can decide their destiny freely and democratically. This is the only valid way forward to bring about a peaceful and just end to the long-awaited decolonisation of the last colonial case in Africa, and with it the end of one of the ugliest and most brutal chapters of the history of our continent.

Thank you!