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# General Assembly

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Sixty-fourth General Assembly  
Fourth Committee  
3<sup>rd</sup> Meeting (PM)

### **FOURTH COMMITTEE HEARS FROM PETITIONERS ON QUESTIONS OF NEW CALEDONIA, UNITED**

### **STATES VIRGIN ISLANDS, WESTERN SAHARA, AS DECOLONIZATION DEBATE CONTINUES**

#### **Frustration Voiced at Existence of Colonialism in Present Era, Appeals Intensify for Clear Measures in Support of Self-Determination**

The questions of New Caledonia, the United States Virgin Islands and Western Sahara were the focus of discussions this afternoon in the Fourth Committee (Special Political and Decolonization), as it continued its general debate on decolonization issues, hearing from representatives of Non-Self-Governing Territories and petitioners.

During the meeting, many of the petitioners expressed indignation over the existence of colonialism in today's world, and appealed for clear measures to be taken by the international community in support of self-determination. On the question of Western Sahara, one speaker — the General Secretary of the International Association of Jurists for Western Sahara — said that while the Committee had seen substantial progress regarding the eradication of colonialism, the conflict demonstrated continuous violations of international law and a flagrant attempt by Morocco to expand its territory by force.

The United Nations could not remain indifferent to the plight of the Saharawi people, whose territory was being invaded and who were being forced to negotiate an agreement on equal terms with an illegal occupant, he said. Spain was still the administering Power of Western Sahara and, therefore, Morocco had no sovereignty over Western Sahara. Morocco was simply an occupying Power, and it should not be exempt from observing the rules of international law.

Against that backdrop, several speakers emphasized the human tragedy they had personally witnessed in Western Sahara. A representative of Not Forgotten International, Inc., who had been working on the ground in refugee camps for 10 years, read selected words from more than 750 letters written by Saharawi children who "could not speak for themselves".

Expressing deep concern over the continued status quo of the Saharawi people, a representative of Teach the Children International recommended five concrete steps, aimed at improving the lives of thousands of Saharawis. Those included continuing dialogue between the Popular Front for the Liberation of Saguia el-Hamra and Rio de Oro (Frente Polisario) and the Moroccan Government; promoting the economic development of the disputed area; collecting data on all aspects of the Saharawi situation; investigating human rights violations, including slavery, forced detention, lack of freedom of movement and denial of work; and the adoption of the proposed Autonomy Plan.

On the question of the United States Virgin Islands, community activist Edward L. Browne said it was now more important than ever that the United Nations acknowledge and support the principle of self-determination as the only principle relevant to the decolonization of the United States Virgin Islands, as well as the other remaining Non-Self-Governing Territories. Commending the words of the Danish Foreign Affairs Minister, who called human rights "fundamental to the lives, integrity and dignity of all human beings", he asked the Danish Government to recognize and address the current

enslavement of the people of the United States Virgin Islands — a human rights violation “of the worst kind”.

Opening the afternoon’s debate was Philippe Gomes, President of the Government of New Caledonia, who stressed that while unmistakable and significant progress had been made in terms of decolonization, it required the commitment of all stakeholders: the State, local authorities — particularly the Provinces — but also the independentist political movements and the non-independentists who, for the most part, had been able to shrug off the past in order to look resolutely towards the future.

Also speaking on the question of the United States Virgin Islands was Gerard Luz Amwur James II, president of the Fifth Constitutional Convention of the United States Virgin Islands.

Speaking on the question of New Caledonia was Ilaisaane Lauouvea of the *Front de Liberation Nationale Kanak et Social*.

Other petitioners on the question of Western Sahara included Leah Farish, civil rights attorney; Cynthia Basinet, singer and actress; Cheryl Banda, from Christ the Rock Community Church; Danica Ruth Stanley, from North Carolina, United States; Dan Stanley, senior pastor from RockFish Church; Tim Kustusch, volunteer reporter, Saharawi Journalists and Writers Union; Monsignor Jean Abboud; Boi-Tia Stevens, from the Robert F. Kennedy Center for Justice and Human Rights; and Nina Nedrebo, from the United Nations Association of the United States of America.

Also: Rosario García Díaz, President of the parliamentary group “Peace and Freedom to the Saharan people,”; Jesus Loza Aguirre, Secretario Primero, Parlamento Vasco, Spain; Antonio López Ortiz, Secretary of the National Federation of Institutions Working in Solidarity with the Saharawi People; Latifa Ait-Baala, chairwoman of Action Internationale Femmes; Felipe Briones Vives, General Secretary of the International Association of Jurists for Western Sahara; Professor Smail Debeche of the University of Algiers; Hassiba Boulmerka; Professor Rafael Esparza Machín; Alouat Hamoudi, a refugee from Western Sahara; and Lord Francis Newall, chairman of the International Committee for Tindouf Prisoners.

The Fourth Committee will meet again at 3 p.m. on Wednesday, 7 October, to hear the remaining petitioners regarding decolonization issues.

### Background

The Fourth Committee (Special Political and Decolonization) met this afternoon to continue its consideration of all decolonization issues. It was expected to hear petitioners from a number of Non-Self-Governing Territories. (Reports before the Committee are summarized in yesterday’s Press Release [GA/SPD/422](#)).

### Statements

PHILIPPE GOMES ( New Caledonia) said the Matignon-Oudinot Accords, signed in 1998, made it possible for New Caledonia to enjoy 10 years of peace and development. The Nouméa Accord, which had been negotiated between pro- and anti-independence parties, with support from the State, was, above all, a decolonization agreement that was unique in that it was being carried out within France. It was on the basis of that mutual recognition that decolonization was undertaken — a decolonization aimed at bringing together, and not excluding.

He said that on the basis of that mutual recognition, the foundations of Caledonian citizenship had been established and a future laid out. The Nouméa Accord called on New Caledonia to transcend the colonial era. It forced New Caledonia to write a new page in the history of the world, in which indigenous peoples, and people from elsewhere, pooled their desires to build a common future and where Caledonians of all ethnicities could transcend their parallel histories to write a common story. The new institutional framework established by the Accord, formalized by a constitutional law and a framework law, amended several times, allowed New Caledonia to use new legal tools.

Most importantly, he continued, New Caledonia’s executive was no longer embodied by the State. It was now a Cabinet Government, elected by Congress and responsible to it, composed proportionally of representatives of political groups sitting within the Assembly. In a way, it was a

“territorial unity” Government, which continuously promoted dialogue between different political persuasions, in order to build the consensus needed for good governance.

In addition, the Nouméa Accord governed the emancipation of New Caledonia through the sharing of sovereignty with France, he said. It was in that framework that major powers were progressively but irreversibly being transferred to the State of New Caledonia, so that in the final stage of the agreement, only such sovereign functions as minting money, justice, public order, defence and foreign relations would not be exercised by New Caledonia. Thanks to the Matignon and Nouméa Accords, the newly re-established peace provided conditions for more equitable economic and social development, as well as the restoration of balance between the different provinces.

There was still considerable progress to be made in New Caledonia, as elsewhere, he said. There was work to be done in terms of education, combating social inequalities, restoring balance in the country, and helping young people. Unmistakable and significant progress had been made in terms of decolonization, which required the commitment of all stakeholders: the State, local authorities -- particularly the provinces -- but also the independentist political movements and the non-independentists who, for the most part, had been able to shrug off the past in order to look resolutely towards the future.

In a brief discussion following that statement, the representative of Papua New Guinea complimented Mr. Gomes on his statement and thanked him for taking the time to come to New York and for New Caledonia's efforts. The representative also acknowledged the work and efforts of France as an administering Power in that case.

#### Petitioners on Question of New Caledonia

ILAISAANE LAOUVEA, of the Front de Liberation Nationale Kanak et Social, said that New Caledonians had tremendous luck in the Nouméa Accord, which made it possible to move forward and “build a country with a future”. The decolonization process would lead New Caledonia irreversibly to self-government in the most perfect form, within the framework of the French State, so that it could achieve political emancipation.

She said that the Accord should be the minimal foundation for all public policy and action in New Caledonia. All those having to take a decision on the future of the country should be given the free design to do that, as New Caledonians had a destiny to be independent, and the building of the country must lead in that direction, principally concerning the Kanak people. The transfer of power was undeniably part of the emancipation which marked the Nouméa Accord, and New Caledonians should be full actors in those newly-acquired responsibilities, as lasting development must be ensured. She raised the problem of financing for development, which must be guaranteed for New Caledonia.

She also raised the “core problem” of inequitably distributed wealth in the country, as half the population lived below the poverty threshold. Additionally, the richest 20 per cent received 55 per cent of all total declared income. She called for the aid of the United Nations to evaluate public policies and not to “deceive the hopes opened up by the Nouméa Accord”, as the country marched towards its destiny.

#### Petitioners on the Question of United States Virgin Islands

EDWARD L. BROWNE, community activist from the United States Virgin Islands, said that the relationship between the United States and the United States Virgin Islands remained a colonial one. It was now more important than ever that the United Nations acknowledge and support the principle of self-determination as the only principle relevant to the decolonization of the United States Virgin Islands, as well as the other remaining Non-Self-Governing Territories.

He asked the Organization for support in emancipating those Virgin Islanders born on or before March 31, 1917, in what was then the Danish West Indies. Since those inhabitants had not been emancipated before the official transfer of the Danish West Indies, they had thus remained in a serfdom system of slavery. Although the Danish Foreign Ministry had not responded to those concerns, neither had they refuted them. That continued silence of the Danish Government was both sad and troubling. The slave trade took place before the adoption of the Universal Declaration of Human Rights, but the dignity and worth of surviving individuals should be recognized.

He commended the words of the Danish Foreign Affairs Minister, who called human rights “fundamental to the lives, integrity and dignity of all human beings”, but he asked the Danish Government to recognize and address the current enslavement of the people of the United States Virgin Islands — a human rights violation “of the worst kind”. The Danish and American Governments must confront those demons of the past and show the world that no Government was above apologizing. “No nation ever had the right to be built on the backs of slaves,” he said.

GERARD LUZ A. JAMES II, President of the Fifth Constitutional Convention of the United States Virgin Islands, emphasized that the local constitutional process was not designed to alter the present non-self governing territorial status in the United States Virgin Islands, but merely to “organize its internal governance arrangements”, as accurately stated in resolution 63/108 of 5 December 2008. Thus, if the constitution of the United States Virgin Islands was subsequently adopted in referendum, such an action would not serve as the basis for removing the territory from the United Nations list of Non-Self-Governing Territories, since the status of the territory would not have changed.

He said that the provisions in the draft constitution, including those which the governor had found objectionable, were best reviewed for United States constitutional consistency by the administering Power, based on its determination of what was allowable under the present dependency status. The elected members of the Constitutional Convention had placed in the document a structure of governance, which it was the responsibility of the administering Power to review and to respond. The Constitutional Convention looked forward to that engagement.

The work of the present Constitutional Convention had been impeded by a lack of resources, he said. That had caused several inordinate delays in the drafting process, as well as in the initiation of the critical public education phase. Nonetheless, the Constitutional Convention was confident that the draft constitution would be ultimately forwarded to the administering Power for assessment, as in the case of other draft constitutions before it. The delay in the process was especially troubling, and prevented the people of the United States Virgin Islands from gaining a better understanding of the parameters of the dependency status, as defined in the twenty-first century. The Constitutional Convention was confident, however, that the political obstacles would be cleared so that the next step could be taken along a path towards a full measure of self-government.

#### Petitioners on the Question of Western Sahara

NANCY HUFF, President of Teach the Children International, expressed deep concern over the continued status quo of the Saharawi people, who lived in camps in Algeria and in Morocco. She recommended five concrete steps, aimed at improving the lives of thousands of Saharawis. Those included continuing dialogue between the Popular Front for the Liberation of Saguia el-Hamra and Rio de Oro (Frente Polisario) and the Moroccan Government; promoting the economic development of the disputed area; collecting data on all aspects of the Saharawi situation; investigating human rights violations, including slavery, forced detention, lack of freedom of movement and denial of work; and the adoption of the proposed Autonomy Plan.

She said that she believed in the Saharawi people and their quest for a referendum, adding that they must be freed from the camps, united with their families, and permitted to earn a living so that they could grow emotionally, economically and personally. They must be allowed to join a world that was progressing “beyond their imagination”, while they were warehoused, unable to travel, work or interact freely with others. That should be done today, and not in another 35 years.

LEAH FARISH, Civil Rights Attorney, said the Committee had a new relevance and importance, as reliable sources began to report that the long-warehoused Saharawis were now targets for Al-Qaida recruiters. Drawing analogies from her experiences involving Native Americans, she said she was pleased to report that many legal developments were empowering Indian tribes as never before. Perhaps the people of Western Sahara would make their best beginning in the role of “dependent sovereigns” in Morocco. The United States gave many financial benefits to tribe members that other citizens did not have — free health care, cheaper automobile registration and college tuition, and the ability to contract with the states about many topics which no other group had.

She said that the law regarding adoption and child custody was successfully preserving tribal identity and population. Tribal members could vote in the United States, of course, but they also voted on tribal matters, had their own court system, and made many of their own laws, subjected to the United States Bill of Rights. Morocco might be in a position to negotiate some of those kinds of benefits and privileges to Sahara.

If the Polisario or the Saharawi Arab Democratic Republic was to function as an entity among other sovereigns, it had the "burden of proof" to show that it was ready to do so in terms of disclosure, dialogue and data. As the Committee addressing the emergence of people from colonialism, it must demand that those people have transparent and just government. Otherwise, the people of Western Sahara would be no better off than they were before they began their nearly 40-year tenure in the wilderness.

CYNTHIA BASINET, singer and actress, said she was "but a small piece" of the larger delegation returning year after year to plead the case that the Saharawi people were not only self-determined, but were also self-reliant in supporting freedom. Once again, the international community must be reminded of the reality that peaceful solutions must be rewarded and violence abolished.

She said that in this new century, the world faced another reality -- the energy demands of an ever growing world -- which must be addressed. Many of the new possibilities for a better reality could come to fruition, thanks to the efforts of solar energy, which was also in keeping with the Saharawi values. In addition to solar power, clean water could also be used to charge cell phones and increase communication, and solar ovens could be built for less than \$1, and with simple supplies.

The most urgent need for the Saharawi people was clean water, since their wells were currently closed due to health reasons and there was a so-called shortage in water tankers, as those were too expensive and few non-governmental organizations could supply them, she said. On the other hand, pumps could be chargeable by local power, they were affordable, and could be managed by local hands. In eradicating poverty, solar power was clearly the solution for off-the-grid communities like those of the Saharawi people.

CHERYL BANDA, Saharawi Programmes Coordinator, Christ the Rock Community Church, said that since 2002, she had been to refugee camps in Western Sahara eight times, and had helped facilitate travel there for more than 300 people. Many of those people had returned two, three, four or more times to the camps, and together, had come to know the people there. Referring to the General Assembly's lack of response regarding the question of Western Sahara, she shared messages directly from people in the camps.

One such message expressed hope that the General Assembly would find a peaceful solution to the problem in Western Sahara, because the people in the camps did not have adequate food or water and needed help going home. The people of Western Sahara were not extremists, as that was not part of their culture. Instead, they dreamed of a secular state for their land. Another message asked that the right thing be done in terms of the people of Western Sahara.

JANET LENZ, Not Forgotten International, Inc., said she had been working on the ground in the camps for 10 years, and would read selected words from more than 750 letters written by Saharawi children who "could not speak for themselves".

She said that one child, Maria, said she liked to drink tea with her mother, but no longer could because a sand storm had destroyed her tent. Another child, a four-year-old, wanted to play, but had no playing field in his camp. Another boy missed his home, as he had "only heard about it from stories". Another boy, 12, wanted freedom for his country and called on "everyone in the world" to help. Another child said she could not wait any longer and must attain freedom since, without hope, "the heart would break". A seven-year-old said he wanted to see "the sea and the green earth", and hoped that he would one day walk in the streets of his own country. Letters from other children expressed love of flowers, the desire to go to the beach, and the wish to live "in a real house, not one made of cloth".

DANICA RUTH STANLEY, from North Carolina, United States, said the people of Western Sahara comprised one of the largest refugee groups in the world, yet no one seemed to have heard of them. She had spent time with the Saharawi in their homes in the desert, and had seen a caring people who were very accepting of others. They were simply asking for the freedom of self-determination. Pleading on their behalf, she asked for the opportunity for them to have self-determination. "Is it right for humans to have to raise their children in a foreign desert?" she asked.

She requested the Committee to not forget the people of Western Sahara, as had so often

been done in the past, and to bear them in mind and uphold their long-standing right for self-determination.

DAN STANLEY, senior pastor of RockFish Church, said that as a caring person in a world of injustice, he believed the time was well past for a final resolution to the legal rights of the Saharawi people in a free and open election. Greater good could be accomplished by granting and enforcing the right to self-determination for the people of the Sahara. No amount of deception or untruth could mask what was needed. The occupying Government of this “last African colony” had proven its intolerance for anyone opposing their forced agenda. Repeated acts of human rights violations could no longer be ignored. The United Nations should align itself with the “side of justice” and bring an end to the tragedy by enforcing the decolonization of Western Sahara and allowing the promised vote.

TIM KUSTUSCH, volunteer reporter, Saharawi Journalists and Writers Union, said that working in the camps for two and a half months as a journalist and photographer had enabled him to experience many things that few foreigners were able to witness. He had spoken with ministers, parliamentarians, generals, and President Mohammed Abdelaziz to learn about their country-in-exile, from the inside. What he had learned was that the Saharawis were, in fact, well prepared to become a valuable neighbour to Morocco and a constructive member of the international community.

He said that the Saharawis had constructed an impressive infrastructure that defied the traditional Western notion of refugee camps. They had built markets, hospitals, gas stations, Internet cafes, courthouses, conference halls and barber shops. They had set up national radio and television stations, which broadcast throughout the camps. They had also established many of the social and civil services found in well-developed countries, such as making their own medicines, caring for their own war victims, administering their own vaccines, and disposing of their own garbage. In addition, they had effectively secured their own camps through the efforts of the Saharawi People’s Liberation Army and the highly professional Saharawi National Police. The Saharawis were prepared and willing to join the rest of the Maghreb States in collective security and economic agreements. When the United Nations decided to enforce — and when Morocco agreed to acknowledge — the principles of decolonization, as clearly stated in the Organization’s Charter, the Saharawis were ready.

MONSEIGNEUR JEAN ABOUD expressed support for the efforts of the international community to put an end to the conflict of the Sahara, as well as for the Autonomy Plan. He was deeply convinced that the success of the negotiations among the parties could only occur if they were based on equitable justice. He then read from the testimony of one man who had requested an intervention to shed light on his treatment, saying that when he had gone to join Frente Polisario in 1979, he had been accused of collaborating with French and Mauritanian secret services and suffered much torture. Among many other transgressions, in order to be forced to talk, he had been shown three corpses who had refused to cooperate. This man had been deprived of light in a small cell, during an imprisonment lasting from February 1983 to January 1988. The speaker hoped that, despite the poverty in which Saharawis lived, they were able to claim their rights and be properly compensated.

He said this testimony had been delivered to the Office of the Secretary-General and that he had requested an opening of an international inquiry into those human rights violations, including kidnappings, torture and cruel treatment, genocide, and violence against women. He reminded the parties carrying out negotiations that the conflict would not be finally resolved until the victims were equitably compensated and those judged guilty of human rights violations were brought to justice.

BOI-TIA STEVENS, Robert F. Kennedy Center for Justice and Human Rights, speaking on behalf of the Collective of Saharawi Human Rights Defenders (CODESA), highlighted the entrenched assault on the dignity of the Saharawi people by Morocco. Their rights have continuously and systematically been violated in the territories under Moroccan control. What had been happening to the Saharawis in recent years was appalling; sadly, those violations had continued to occur with complete silence from the international community, not to mention conspiracy.

She said that peaceful demonstrations calling for the right of the Saharawi people to self-determination and respect for human rights were usually met with resistance by Moroccan authorities. Using the pretext of criminal conduct, Moroccan authorities regularly initiated criminal proceedings against Saharawis for expressing their views on the right to self-determination, and they imposed unfair and harsh sentences on them. She appealed to the United Nations and the larger internationally community to put sufficient pressure on the Moroccan authorities to release all Saharawi political prisoners and human rights defenders, and to take measures to ensure the respect for the

dignity and fundamental human rights of the Saharawi people by Morocco.

NINA NEDREBO, United Nations Association of the United States of America, expressed full support for the United Nations efforts in Western Sahara and hoped they would culminate in the Saharawis' exercise of their rights in a free and fair referendum. The United Nations Mission for the Referendum in Western Sahara (MINURSO) should be extended to cover the human rights violations in areas where the Mission was deployed, a request that had been echoed by Human Rights Watch, Amnesty International, and other human rights organizations.

She said her organization had been supporting and collaborating for the Saharawi refugees in many ways, including by supporting a library project that endeavoured to expand opportunities for knowledge and research, as well as access to technology and information for female refugees living in the Saharawi refugee camps in Algeria.

ROSARIO GARCÍA DÍAZ, President of the parliamentary group "Peace and Freedom to the Saharan people", congratulated the Saharan people and, on their behalf, the Popular Front for the Liberation of Saguia el-Hamra and Rio de Oro -- the one and only legitimate representative of the will of the Western Saharan people -- for both the endurance and determination with which they sought new ways of dialogue to put an end to the extreme injustice they faced on a daily basis. They were also thanked for the ongoing effort to fight for better living conditions for the people of the region, both in exile and occupation.

She urged international organizations, and particularly the United Nations, through the Security Council, as well as the European Union, to assume the responsibilities that Spain, as a member country, had in the matter so that effective action might be taken as soon as possible in order to create the necessary conditions for a self-determination referendum to be held. That would finally enable the Saharan people to decide their future freely and democratically. She also urged that all reports produced thus far by the investigation committee of the High Commissioner of the United Nations for Human Rights be disclosed. In addition, she said the Fourth Committee should formally declare the territory of Western Sahara an "occupied territory", an action that she said would make way for the application of humanitarian international law.

JESUS LOZA AGUIRRE, Secretario Primero, Parlamento Vasco, Spain, stated the desire to see the completion of the decolonization process in Africa. "Domestic exiles" in Western Sahara existed in circumstances reminiscent of those during Franco's dictatorship, except that the Saharawis suffered the exact opposite, being deemed exiles in their own country.

He said that although Morocco allowed Western Saharans to continue to live as Saharawis, they could only do so in private. Otherwise they were violently arrested and warned that they must not publicly denounce anything they had suffered, and if they did speak, would face the consequences. Many offences were committed against Saharawis despite United Nations presence in the region. It was up to the Organization to protect their right to life, which Morocco recognized, but failed to honour.

ANTONIO LÓPEZ ORTIZ, Secretary of the National Federation of Institutions Working in Solidarity with the Saharawi People (FEDISSAH), said the institutions that he represented in Spain comprised more than 500 local authorities that carried out important humanitarian cooperation work with the Saharawi people. They expressly supported the peace plan approved by the United Nations as a suitable framework for the holding of a referendum on the self-determination of the Saharawi people, which would bring the long and painful conflict to an end. The federation also condemned and rejected the action of Moroccan authorities against the Saharawi people in the occupied territories of Western Sahara, and denounced the brutal repression and systematic violation of the most basic human rights there. The United Nations could and must do more to prevent such injustices, he said.

His federation also urged the extension of the prerogatives of MINURSO for the monitoring and defence of the human rights of the Saharawi people. The King of Morocco, the Prime Minister of the Government, and senior members of the Moroccan Administration had repeatedly said that they would only accept a referendum that guaranteed Moroccan rule over the Sahara. But, where was the respect for United Nations agreements? Why was Morocco allowed to laugh in the face of international law? Moreover, was the United Nations unable to do more than it was currently doing to force Morocco to respect the rules of the game? The lack of firmness on the part of the Security Council when faced with unyielding blackmail by Morocco was truly alarming, he said.

The United Nations was at a crossroads: the Organization could either adopt the necessary political and economic measures to persuade the Moroccan Government to comply with the peace plan, or it could accept its failure and withdraw from the process. He said that along with such withdrawal would come the resulting loss of confidence and credibility in the authority of the United Nations and the obvious danger of a return to armed conflict and the situation that prevailed more than a decade ago.

He said the peace and security of the whole of North-East Africa was at stake. Moreover, the international community was too tolerant of Morocco and its intransigent refusal to respect international agreements; in allowing its illegal occupation of the territory to continue; in accepting the signing of economic agreements with regard to fishing grounds, the sovereignty of which was still the subject of a decolonization process; and in permitting the appropriation of the territory's resources.

LATIFA AIT-BAALA, Chairwoman of Action Internationale Femmes, said the United Nations process had been a failure in Western Sahara, and called for a more realistic outlook. She said the negotiations launched by Security Council resolution 1754 (2007) could not be completed unless the proposals of the parties were dealt with. The creation of a "micro state" would be a bad sign and would open the door to balkanization.

Clearly, she said, this was a new age in history and the international community must make a concerted effort to put an end to suffering and bring peace to the region. After 34 years, some 50,000 people were living on humanitarian assistance in horrible conditions in the camps. This assistance was, shamefully, being diverted, as had been stated by United Nations agencies and the daily Algerian newspapers. The time had come for the international community to have respect for a guaranteed free return, and if basic human rights could not be provided, then the option of moving the population to a different State should be considered.

She said the international community must not forget the direct victims, but also the "collateral victims" of the conflict, such as Moroccan prisoners of war still waiting to return to their homes. The international community must also not forget the 210 forced disappearances of Moroccans, or the 35,000 Moroccans deported from Algeria, "in an arbitrary manner", in retaliation for the Green March. She said it was more urgent than ever that the United Nations put an end to the region's suffering, and called for an end to "intellectual terrorism" in which pressure was exerted against those who shared the Moroccan position -- "thought crimes" that were today being penalized.

FELIPE BRIONES VIVES, General Secretary of the International Association of Jurists for Western Sahara, said the Committee had seen substantial progress regarding the eradication of colonialism. The question of the Western Sahara conflict, however, demonstrated continuous violations of international law and a flagrant attempt by Morocco to expand its territory by force. It represented a deliberate negation of a people's right to self-determination. The United Nations had neither approved the action by Morocco, nor recognized its legality. It was up to the international community to continue to strive to reach a solution to the conflict.

Legally, there was no problem regarding the sovereignty of Western Sahara, he said. There were competing demands between the two parties involved, but the Sahawari claims were valid and the Moroccan claims were not. The Sahawari people, whose territory was invaded, were being forced to negotiate an agreement on equal terms with the illegal occupant, and there was a refusal of independence on the part of Morocco, who did not want to reach any agreement. In that context, the United Nations could not remain indifferent. It was not right to submit to a referendum an agreement between the occupant and the occupied, because that went against nature. If the parties reached an agreement in a short period of time, that would be welcome. If not, however, the full referendum must be upheld. The situation could not continue to be ignored. Furthermore, Spain was still the administering Power of Western Sahara and, therefore, Morocco had no sovereignty over Western Sahara. Morocco was simply an occupying power, and its continued presence was simply illegal. It should not, however, be exempt from observing the rules of international law.

SMAIL DEBECHE, of the University of Algiers, said Algeria had always been a major champion for independence. However, whereas the Frente Polisario had been "at all times" committed to international legality, Morocco had conversely stood against "any progress" in administering a free, fair and transparent referendum. He said that global awareness of the conflict was growing, and that the Saharawi Arab Democratic Republic was a founding member of the African Union, and was recognized by more than 80 countries.



The world must impose on Morocco the very basics of international legality and democracy, he said. Morocco's so-called "plan of self-autonomy" was no different from those projects presented by former colonial Powers as a tactic to continue their occupation, which had failed in all colonies. Western Sahara would not be an exception. According to the 1975 Madrid Agreement, Western Sahara was not Moroccan. Mauritania had withdrawn from its part of the occupation in 1979, and Morocco should have done the same.

He said Moroccan administrative exercises and behaviour in the occupied territory of Western Sahara were colonial in nature, violating international legality including the exploitation of resources, torture, massive violations of human rights, and military oppression. Any consideration besides a referendum would put the very foundation of the United Nations at stake.

HASSIBA BOULMERKA said she was addressing the Committee as a woman and from purely humanitarian cultural angles. She wished to express the ambition of a people who wanted the Organization to realize their right to self-determination and independence. She also wanted the Committee to put an end to their suffering at the hands of Moroccan colonialism. The people of Western Sahara hoped to regain their freedom and independence, and were waiting for that desired date, which they hoped would come very soon.

She said that, in the camps of Western Sahara, women were teaching and educating, and the youth were full of determination and creativity, entertaining their innocent hopes and ambitions to have a stable life in the future. But, where was that humanity and globalization? Expressing sadness and desperation at seeing the children and youth of Western Sahara full of hope and ambition, she said she could only express solidarity with them in their just cause. Appealing to the Committee to enable the people of Western Sahara — as well as occupied peoples everywhere — to have the right of self-determination, she also asked the Committee to help to provide the youth of Western Sahara with the ability to have a better future.

RAFAEL ESPARZA MACHÍN, professor, said that the problem in Western Sahara was created by the Franco regime. With the exception of Algeria and Mauritania, the Sahara was completely isolated from its neighbours, in the manner of the colonies of the past, something that would never have happened if Spain had been a democracy instead of a dictatorship. However, Spain had abandoned the territory, opening up conflict in the region between Algeria and Morocco, the latter of which used the territory and its people as a pretext to camouflage intentions of political dominance in the area.

In that regard, the best and most solid solution would be to sit the two main protagonists, Algeria and Morocco, at a table with United Nations representatives and delegates of the Arab Maghreb Union, for talks designed to launch the territory of the Sahara on a double-pronged action.

A stable Arab Maghreb Union that was politically and economically viable was needed for the peoples of North Africa and would constitute a solid guarantee for relations with Europe and the rest of the world. Furthermore, an autonomous regime must be established in the territory, much as was represented by the Autonomous Community of the Canary Islands in the Spanish Kingdom. That would be the ideal starting block for a process of decentralization, much as existed in most countries of the European Union.

Despite the enormous difficulties of that proposition, he said, it actually allowed for a "win-win" situation, as Morocco would satisfy its desired territorial integrity. Further, Algeria would avoid the possible "focus of contagion" represented by an independent State in the Sahara region, encouraging Algerian Saharawis to follow suit. Tunisia, Libya and Mauritania would look favourably on the removal of major obstacles for the construction of the Arab Maghreb Union, the European Union might welcome a more stable "buffer zone" to absorb part of the migratory pressure from sub-Saharan regions, and the United Nations would solve this international conflict and represent significant relief for the funds of the organization.

ALOUAT HAMOUDI, a refugee from Western Sahara, said it was the inalienable right of the people of Western Sahara to have self-determination. Nothing had happened during all of those years, and Morocco had rejected all United Nations resolutions, although it had never been punished by the international community. The Committee should keep in mind that Morocco was a member of the United Nations, and that the suffering of the Saharawi people still continued.

He said that the human rights violations in Western Sahara were worsening every day, and the lives of the Saharawis depended on humanitarian aid. It was painful and wrong to see his people suffer that way, while the rest of the world went about their lives in apathy and shameful silence, particularly when the current age was characterized by respect for human rights, justice, democracy and social liberty for all. Some would argue that the conflict was out of date and that the era of colonialism was over, but Western Sahara still could not exercise its right to self-determination. Some would also say that self-determination was unrealistic, but wasn't it the essence of democracy, which everyone valued? Then why weren't the Saharawi people allowed to decide their own fate? The Saharawi people would continue to fight and would never despair. The international community and all concerned parties must understand that the way to solve the problem was to allow the Saharawi people the right to decide their own fate.

LORD FRANCIS NEWALL, Chairman of the International Committee for Tindouf Prisoners, said his organization had been created to denounce the plight of prisoners and their ill-treatment at the hands of their Algerian and Frente Polisario captors. Despite the liberation of the last Moroccan prisoners, it should not be forgotten that in the Tindouf Camps, several of their comrades had disappeared and remained unaccounted for, despite calls for their whereabouts. There was need for an international inquiry to throw light on the fate of the people who had disappeared in the Tindouf Camps, to inform their families and to repatriate and deliver the bodies of the dead prisoners to their relatives.

He called on the international community to look into the plight of the Saharawis living in the Tindouf Camps for more than three decades, saying it was intolerable to remain silent over the practices that were taking place there. Terrorism had been threatening the countries of the Maghreb since the start of a cycle of violence in Algeria, prompted by the cancellation by the military leadership of general elections in 1991. Morocco had proposed a wider autonomy for Western Sahara, and that proposal should be explored and discussed rationally, in order for a solution to be reached.

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