

*Algeria - Angola - Bolivia - Cuba - Ecuador - Mozambique - Namibia - Nicaragua
Nigeria - South Africa - Tanzania - Timor Leste - Venezuela - Zimbabwe*

Members of the

Geneva Support Group for Western Sahara

*Invite all delegations to the 37th session of the UN Human Rights Council to
a side-event on*

Implementation of International Humanitarian Law in Western Sahara

Wednesday 28th February 2018 – 1:00 to 3:00 PM – Room XXIV

Panelists:

H.E. Amb. Marciano da Silva – Permanent Representative of Timor Leste

*H.E. Mr. Luwellyn Landers – Deputy Minister of the South African Department of
International Relations and Cooperation*

H.E. Mr. Mohamed Sidati – Minister for Europe of the Sahrawi Arab Democratic Rep.

Prof. Marco Sassoli – University of Geneva – Former ICRC Deputy Chief Legal Division

*Dr. Francesco Bastagli – Former Special Representative of the Secretary-General for
Western Sahara and Head of MINURSO (2005 – 2006)*

Mrs. Aminatou Haidar – Former disappeared prisoner (1987 – 1991)

*Mrs. Eloísa González Hidalgo – Instituto de Estudios sobre Desarrollo y Cooperacion
International (Hegoa), Spain*

Moderator:

Mr. Gianfranco Fattorini – American Association of Jurists (AAJ)

Oriental buffet will be served before the meeting

English / French interpretation

*Afrique du Sud - Algérie - Angola - Bolivie - Cuba - Equateur - Mozambique -
Namibie - Nicaragua - Nigeria - Tanzanie - Timor Est - Venezuela - Zimbabwe*

Membres du

Groupe de Soutien de Genève pour le Sahara occidental

*Invitent toutes les délégations à la 37^{ème} session du Conseil des droits de l'Homme
à un side-event*

Application du Droit International Humanitaire au Sahara occidental

Mercredi 28 Février 2018– 13:00 à 15:00– Salle XXIV

Intervenants:

S.E. Amb. Marciano da Silva – Représentant Permanent de Timor Oriental

*S.E. M. Luwellyn Landers – Vice-Ministre, Département des Relations Internationales et
de la Coopération – Afrique du Sud*

S.E. M. Mohamed Sidati – Ministre pour l'Europe de la RASD

Prof. Marco Sassoli – Université de Genève

Ancien Chef Adjoint, Division Juridique du CICR

*Dr. Francesco Bastagli – Ancien Représentant spécial du Secrétaire Général pour le
Sahara occidental et Chef de la MINURSO (2005 – 2006)*

Mme Aminatou Haidar – Ancienne prisonnière disparue (1987 – 1991)

*Mme Eloísa González Hidalgo – Instituto de Estudios sobre Desarrollo y Cooperacion
International (Hegoa), Espagne*

Modérateur:

M. Gianfranco Fattorini – Association Américaine de Juristes (AAJ)

Un buffet oriental sera servi avant l'événement

Interprétation français / anglais



High-Level Side-event at the 37th session of the HRC

28 February 2018

Implementation of International Humanitarian Law in Western Sahara

Statement delivered by H.E. Mr. Marciano da Silva Ambassador and Permanent Representative of Timor-Leste

Your Excellency, Mr. Luwellyn Landers, Deputy Minister of the South African Department of International Relations and Cooperation
Honourable Mohamed Sidati, Minister for Europe of the Sahrawi Arab Democratic Republic,
Your Excellencies,
Distinguished panellists,
Distinguished delegates,
Ladies and gentlemen,

In my capacity as coordinator of the Geneva Support Group for Western Sahara, I would like to welcome you all to this side event. I wish to remember that this Group is composed of fourteen countries (Algeria, Angola, Bolivia, Cuba, Ecuador, Mozambique, Namibia, Nicaragua, Nigeria, South Africa, Tanzania, Timor-Leste, Venezuela and Zimbabwe). I would like to inform that the Polisario Front and the American Association of Jurists are also part of the Geneva Support Group for Western Sahara.

It is a privilege for me to coordinate this Group and at the same time I have the honour to express my gratitude to Ambassador Böhlke-Möller of Namibia for her remarkable work since the existence of the Group.

Namibia, like my own country Timor-Leste went through a painful period of war, but finally succeeded with a process of self-determination and achieved independence.

More than fifty years after the UNGA asked for a referendum in Western Sahara allowing the Sahrawis to exercise their right to self-determination and to independence, and 27 years after the establishment of MINURSO, the people of Western Sahara hasn't yet given the opportunity to exercise their right to self-determination.

Sixteen years of war and more than 40 years of occupation of Western Sahara have caused and continue to cause, systematic violations of human rights and a number of violations of the Geneva Convention of 1949 and its Additional Protocols.

That's why the today's side-event focuses on the application of the International Humanitarian Law in Western Sahara and I am pleased to welcome the distinguished panellists that are here today with us.

Thank you.



SPEECH BY MR LUWELLYN LANDERS, MP

**DEPUTY MINISTER OF INTERNATIONAL RELATIONS AND COOPERATION OF
THE REPUBLIC OF SOUTH AFRICA**

AT THE HIGH-LEVEL SIDE-EVENT ON 28 FEBRUARY 2018

**ON THE APPLICABILITY OF INTERNATIONAL HUMANITARIAN LAW
IN WESTERN SAHARA**

Programme Director
Excellencies
Distinguished guests
Ladies and gentlemen

We are here today to discuss the applicability of international humanitarian law in Western Sahara. This is particularly appropriate given the tragic passing exactly one week ago today of Mohamed Al-Ayoubi, a Sahrawi human rights activist, from injuries sustained under torture in custody. I request that we all stand now for a minute's silence for Mohamed Al-Ayoubi and all Sahrawi victims of torture.

Thank you.

Programme Director

In our understanding, International Humanitarian Law has two streams, namely the Law of The Hague and the Law of Geneva. The former pertains to the duties and conduct of belligerents during war. The latter pertains to the treatment of civilians during armed conflict. It is this that concerns us today.

We need to recall some basic rules of International Humanitarian Law. It states, for example, that persons not taking part in hostilities shall be protected in all circumstances; that the wounded and the sick shall be cared for and protected by the party which has them in its power; and that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

One of the principles of International Humanitarian Law is that civilians be treated humanely at all times and are entitled to respect for their physical and mental integrity, their honour, family rights, religious convictions and practices, and their manners and customs. This principle has been affirmed by the International Committee of the Red Cross as a norm of customary international law.

Notwithstanding these rules and principles, we are continually confronted with reports cataloguing the repression of protest action in the occupied territory; the prosecution of activists calling for Sahrawi self-determination or reporting human rights violations; the use of excessive force against Sahrawi protesters; restrictions of the right to peaceful assembly; the holding of protesters in so-called "preventive detention" for long periods; and torture of those in detention.

Mohamed Al-Ayoubi, to whom I referred earlier, was tortured in prison. He was originally detained on 8 November 2010 when the Gdeim Izik protest camp was dismantled by the military of the occupying power. He was tortured through beatings, sleep-deprivation and cigarette burns on his body. He was sexually abused, choked and held in solitary confinement. He was hospitalised in a critical condition for three months. In 2013 he was sentenced to 20 years in prison based on confessions extracted under torture in a trial that was described as unfair by various NGO's and international observers. Conditions related to his torture included diabetes, kidney failure, hepatitis and a permanently dislocated shoulder. This situation directly contradicts International Human Rights Law and International Humanitarian Law.

In addition to this case and the many like it, other serious violations of International Humanitarian Law include population transfers into the occupied territory; the plundering of the natural resources of Western Sahara; and the dispersion of Sahrawi prisoners in detention centres hundreds of kilometres from their families.

I am pleased to inform you that this past Friday, 23 February 2018, the High Court of South Africa, Eastern Cape Division, ruled finally that the cargo of phosphate on board the vessel *NM Cherry Blossom* that was impounded in Port Elizabeth last year is the property solely of the Sahrawi Arab Democratic Republic.

Programme Director,

South Africa remains unwavering in its support for the holding of a referendum on self-determination for the Sahrawi people. We shall continue to offer concrete support and solidarity for the programmes of the Polisario Front. We will continue to share our experiences in the peaceful settlement of conflict because any further delay in finding a lasting solution has consequences for peace and security in Africa.

We believe that the readmission of the Kingdom of Morocco to the African Union presents us with an opportunity to resolve the suffering of the Sahrawi people. We therefore echo the decision of the Assembly of the African Union taken during its 30th Ordinary Session held in Addis Ababa, Ethiopia, from 28 to 29 January 2018, calling on the two member states “to engage, without preconditions, in direct and serious talks facilitated by the AU and UN for the holding of a free and fair referendum for the people of Western Sahara”, and calling on the two parties “to fully cooperate with the AU High Representative for Western Sahara, former President Joaquim Chissano of Mozambique, and the Personal Envoy of the UN Secretary-General, Mr. Horst Köhler”.

In conclusion, Programme Director,

This year we celebrate the birth centenary of Nelson Mandela, a freedom fighter who was the embodiment of human rights. In his statement from the dock at the opening of the defence case in the Pretoria Supreme Court on 20 April 1964, Nelson Mandela stated: “During my lifetime I have dedicated myself to this struggle of the African people. I have fought against white domination, and I have fought against black domination. I have cherished the ideal of a democratic and free society in which all persons live together in harmony and with equal opportunities. It is an ideal which I hope to live for and to achieve. But if needs be, it is an ideal for which I am prepared to die”.

34 years later, in his final speech to the General Assembly as President of South Africa on 21 September 1998, Nelson Mandela stated: “We look forward to the resolution of the outstanding issues of Western Sahara and East-Timor, convinced that it is possible to take these matters off the world agenda on the basis of settlements that meet the interests of all the peoples concerned”.

Let us therefore work with renewed commitment and vigour to bring violations of International Humanitarian Law in Western Sahara to an end; let us work to relieve the suffering of the Sahrawi people and restore their human dignity; and let us take decisive steps to close the chapter on this last vestige of occupation and colonialism on the African continent.

I thank you.

Implementation of the International Humanitarian Law in Western Sahara

28 February 2018

Prof. Marco Sassòli

Professor of international law at the University of Geneva

Western Sahara was a Spanish colony. Since the 1950s, Morocco and Mauritania claimed the territory. Spain agreed to decolonize the territory by way of a referendum. When Morocco still claimed the territory, the UNGA submitted in 1974 a request of an advisory opinion to the International Court of Justice (ICJ) asking whether Western Sahara was a terra nullius when Spain colonized it and, if not, what were the ties of this entity with Morocco and Mauritania. The ICJ answered no to the first question. As for the second question, the ICJ held that there were no legal ties of territorial sovereignty but only legal ties of allegiance between Western Sahara and the Kingdom of Morocco. Those legal ties were not of a nature that could affect the process of decolonization of Western Sahara and the application of the principle of self-determination. The Saharawis are indeed a people that has a good claim to the right of self-determination. Up to today, it could not exercise it and the African Union has recognized Polisario as a national liberation movement, representing that people. Polisario has constituted the Saharawi Arab Democratic Republic, which controls today 20% of the territory. It is recognized by some 40 States and is a member of the African Union.

In 1975, when Spain decided to withdraw, Morocco launched the 'Green March' of 350,000 Moroccans into Western Sahara to avoid a referendum against her interests. Spain withdrew leaving the territory to be divided between Morocco and Mauritania. The UN Security Council and General Assembly passed resolutions denouncing the Green March and calling for the withdrawal of all the participants in the march. However, in October, 1975, additional Moroccan forces entered the Western Sahara and armed conflict broke out between the Polisario Front and the Moroccan Royal Armed Forces. Mauritania concluded a peace agreement with the Polisario in 1979 waiving her claim to the southern part of Western Sahara. The conflict with Morocco continued until 1987. Both sides committed serious violations of IHL during that conflict. Presently there is no more armed violence between Polisario and Morocco and all prisoners of war have, after long delays, been repatriated. There still exist however serious problems of missing persons and of landmines.

In 1988, a settlement proposal was presented by the UN Secretary-General and in 1991 the UN Security Council adopted a resolution creating the United Nations Mission for the Referendum in Western Sahara ('MINURSO'). Since then the mission has tried to identify voters for the referendum. In 2003 James Baker, the personal envoy of the Secretary-General for Western Sahara, presented to the parties a peace plan for self-determination. While the Polisario and the UN Security Council supported the peace plan, Morocco rejected it. Since then, the crucial question who may vote in a referendum remains controversial. Morocco is not ready to discuss its sovereignty over Western Sahara and it is very difficult to get a legal position from Morocco, other than the claim that Western Sahara is an integral part of Morocco. Most States and the Court of Justice of the European Union consider that it is not.

The fact that Algeria supports Polisario, offers a safe haven to Polisario in Tindouf, and that the cause of the Saharawis would get even much less attention by the international community than it gets now if it was not supported in international fora by Algeria, does not affect the Saharawis right to self-determination. Indeed, it has been recognized at the time when States in Southern Africa supported the ANC against apartheid South Africa that support, even armed support, to a national liberation movement does not violate international law.

An important question is whether IHL of military occupation applies to Western Sahara. Before 2015, this could be claimed on the basis that although the conflict between Morocco and Polisario was not a conflict between States, the unlawful presence of Morocco could be considered as a belligerent occupation. This had indeed been the classification by the UN General assembly of the South African presence in Namibia before it became independent.

In 2015 things changed from a legal point of view. Under Article 1(4) of Protocol additional I to the Geneva Conventions of 1977, IHL of international armed conflicts, including the law of occupation, applies to a national liberation war in which a people is fighting for its right to self-determination against colonial domination, racist regimes or alien occupation. Morocco is a party to Protocol I. Polisario has made in 2015 a declaration under Article 96(3) of Protocol I that it undertakes to apply the Conventions and Protocol I in relation to Morocco. The depositary of Protocol I, Switzerland, has therefore, in my view rightly so, circulated this declaration and considered that those instruments become applicable between Morocco and the Polisario. However, under Article 96(3) the national liberation movement must be engaged in an armed conflict to make such a declaration. In 2015, when Polisario made its declaration, there had been no more fighting in the region since many years. However, an armed conflict may be replaced by a belligerent occupation to make IHL of international armed conflicts applicable. Apparently, Switzerland considered that such an occupation existed. This is also the opinion once expressed by the UN Secretary-General.

Under the law of occupation, the presence of Morocco in Western Sahara is not unlawful. It is simply governed by Geneva Convention IV and the Hague Regulations and the Saharawis are protected persons under Geneva Convention IV. This is not very useful for Saharawis detained and tried by Morocco, because International Human Rights Law, which Morocco admits to be applicable, offers better guarantees. However, under Geneva Convention IV, such Saharawis may not be detained and tried in Morocco, outside Western Sahara.

Where IHL adds to Human Rights Law is that Morocco may not transfer part of its own population into the occupied territory. This is what is called in Palestine settlements, but in the case of Morocco no one protests against this policy.

Furthermore, Morocco may not introduce its own legislation, except for security reasons. The problem is that no one would like to apply the Spanish legislation of colonial times and that the laws of the Saharawis before colonialization are unclear and probably outdated.

An important consequence of the occupation is that Morocco may only *administer* public property, such as natural resources (phosphate and fishing resources in the territorial waters) under the rules of usufruct and must use the proceeds for the benefit of the local population. It may not start new exploitations of natural resources. As for the Exclusive Economic Zone, in my view, it cannot be occupied and therefore Morocco has no right at all to conclude agreements on resources found there.

All State Parties to the Geneva Conventions should be conscious, here and elsewhere, of their obligation to ensure respect of IHL, as foreseen by Article 1 common to the Geneva conventions. They must bring Morocco to compliance and certainly not contribute to violations by concluding agreements on natural resources in Western Sahara.

Third States should also not accept that Morocco exports goods produced in Western Sahara as goods produced in Morocco, as they would thus recognize as lawful a situation created by a serious breach of a peremptory norm of international law, which is the right of the Saharawi people to self-determination.

The Court of Justice of the European Union has recently, in my view correctly, found that agreements between the EU and Morocco do not apply to Western Sahara. The EU, its member States and in my view all other States should ensure that this does not remain a theoretical finding, but act accordingly. This could bring Morocco to let the Saharawis exercise their right to self-determination.



Sahrawi Arab Democratic Republic

H.E. Mr. Mohamed Sidati
Minister for Europe – Ministry of Foreign Affairs

High-Level Side-event

Palais des Nations – Geneva, 28 February 2018

Implementation of International Humanitarian Law in Western Sahara

Excellencies, colleagues, distinguished guests, ladies and gentlemen,

It is my honour and great pleasure as EU Representative of the POLISARIO Front and the Government of the SADR to be among you today. Let me begin by expressing my gratitude to the organisers of this event for having invited me to contribute to this much-needed discussion, in particular their excellences M. Luwellyn Landers and Amb. Da Silva. It is indeed a privilege to be counted amongst such highly esteemed speakers including Ms. Aminatou Haidar, Dr. Francesco Bastagli, Prof. Marco Sassoli, Ms. Hidalgo. I would like to also extend my gratitude to the moderator M. Gianfranco Fattorini and Nicole Gasnier of les Association des Amis de la RASD.

I am here to speak about the implementation of international humanitarian law in Western Sahara but I also want to mark the occasion of the ruling yesterday (27 February 2018), by yet another superior court, this time the European Court of Justice, expressly rejecting Morocco's claim to our country and EXPOSING the illegal exploitation by the European Union and Morocco of the resources of the people of Western Sahara.

We are here to urge the international community to not only consider the egregious and ongoing breaches of international humanitarian law that are occurring on a daily basis in Western Sahara but to take action in accordance with this latest ruling of the European Court.

It is hypocritical for member states who proclaim allegiance to the Rule of Law to support their own Commission's flagrant attempts to do an end run around its own Court's clear and unequivocal rulings.

But I turn back now to the topic of this panel...

To understand the situation in Western Sahara from an international humanitarian law (IHL) perspective we must begin with the history of the Western Sahara.

The case of Western Sahara is one of decolonization stemming from its status as a Non-Self-Governing Territory (NSGT). In 1963, while still under Spanish control, the Territory was officially recognized as a Non Self Governing Territory by the General Assembly under the Charter of the United Nations, a legal status it retains to this day.

In 1960, the General Assembly decided in Resolution 1514 (XV) that in order to complete the process of decolonization, all Non Self Governing Territory must progress to a “full measure of self-government” and by exercising their right to self-determination.

During Spanish colonial rule no such process of decolonization ever took place. While Spain committed to organizing a referendum in 1972, no referendum was held. The POLISARIO Front was created by the people of Western Sahara to fight colonialism on 10th May 1973.

The case of Western Sahara is also one of a people denied the opportunity to exercise their right to self-determination, which is a founding principle of both the UN and the African Union (AU).

In October 1975, the International Court of Justice (ICJ) confirmed the legal right of the Saharawi people to a process of self determination, and denied any sovereignty to Morocco and Mauritania over the Territory.

Western Sahara was then invaded by Morocco in violation of the advisory opinion of the ICJ, and in violation of resolutions of the UN, AU, and the Non-Aligned Movement (NAM). A 15-year war ensued against the Saharawi liberation movement – the POLISARIO Front - and on 27 February 1976 an independent Sahrawi State was declared. Our strategy then, as it is now, is to combine effective resistance against the occupation and establish a democratic state founded on our commitment to values of human rights, transparency and civil society participation.

For over forty years Morocco has illegally occupied a significant portion of our sovereign territory. Morocco occupies Western Sahara, and built a wall of sand and mines, the Berm, dividing the territory and its people with devastating consequences for humans, their livestock and the environment. Along the length of the Territory to protect its position, and we, the POLISARIO Front continue to control the “Free Zone” of Western Sahara to the east of the Berm.

When Spain withdrew from Western Sahara, Morocco invaded our Territory during the so-called ‘Green March’ of 6 November 1975 where they effectively moved a population of settlers in thus violating article 49 of the IVth Geneva Convention and drove out the Saharawi population. Ever since, Morocco has exerted military control over the majority of the territory, effectively occupying it. The Moroccan invasion, with the complicity of France and Spain, forced tens of thousands of Sahrawi people to flee and seek refuge in camps in Algeria, where they are still housed to this day, living under harsh desert conditions.

Those that remain in the occupied territory are subjected to systematic violations of their human rights, and the theft and plundering of our natural resources. As a result, the Saharawi people have been denied the right to live peacefully in our own nation.

Around the same time, the UN General Assembly adopted resolutions 34/37 (1979) and 35/19 (1980) that assert that Morocco is the occupying power of Western Sahara, and the UN has never recognized it as administering power of the Territory.

In these resolutions, the Assembly, “deeply deplored the aggravation of the situation resulting from the continued occupation of Western Sahara by Morocco”.

Therefore, I would like to emphasize that the occupation must be temporary and cannot be either permanent or indefinite. The principle of international law establishes that during the occupation, the occupier is to act in the best interests of the people under occupation. Indeed, the principle of good faith is described as the cardinal rule of treaty interpretation. The attempts of Morocco against the Sahrawi republic member of the African union or to include western Sahara in its agreement with the European Union allow to seriously doubt about the good faith of the Kingdom of Morocco’s interpretation of international treaties when it comes to Western Sahara.

The constant and persistent breaches of these principles of international law by the Occupying Power, the Kingdom of Morocco, demonstrate without any doubt the actual illegality of the occupation of Western Sahara.

This means that Morocco, as a signatory to the Geneva Conventions, cannot continue to carry out with impunity acts such as holding the trial of the Gdeim Izik detainees in military courts in Morocco, and cannot continue to separate Saharawi families. Morocco has an obligation and responsibility under International Humanitarian Law but continues to act in non-compliance with the Geneva Conventions.

Under international law, Morocco does not gain proprietary legal title to our resources, it is prohibited to pillage private or public property in the occupied territory, including for state companies.

This means that complicit entities like the European Union and complicit foreign companies who have been exploiting the natural resources of Western Sahara via contracts signed with Morocco are obliged to respect international humanitarian law, which prohibit the exploitation of natural resources without the agreement of the POLISARIO Front as representative of the Saharawi people.

This rationale was used in December 2015 when the Court of Justice of the European Union (CJEU) nullified the application of the EU-Morocco Trade Agreement confirming the distinct and separate status of the Western Sahara as well as the duty of the EU Member States to refrain from contributing to the violation of the fundamental rights of the people of Western Sahara by Morocco.

And just yesterday, 27 February 2018, the CJEU issued a ruling that the Fisheries Agreement concluded between the EU and Morocco is valid only in so far as it not applicable to Western Sahara and to its adjacent waters.

In fact, the ruling asserts that 'the greater part of Western Sahara is occupied by Morocco' (CJEU Press Release No.21/18). It is thus imperative that the EU respects the ruling of its own court; uphold IHL as applicable to Western Sahara, and stops being complicit in Morocco's occupation of our people. The EU actions only serve to reinforce the Moroccan occupation.

Let me conclude by saying that the Saharawi Republic, a proud member of the African Union and recognised by many States has taken all the steps we can to demonstrate our commitment to the principles of international humanitarian law and human rights, first by signing onto Geneva Call's ban on anti-personal mines in 2005 and also signing onto the Geneva Conventions in 2015.

In this regard, we have welcomed the mediation of the U.N. Personal Envoy, H.E Mr. Köhler to revive the U.N. peace process through direct negotiations between Morocco and POLISARIO Front. We believe that the recognition of the applicability of our human rights and our rights under international humanitarian law are key to these diplomatic efforts.

The Saharawi people and its UN recognised representative, the POLISARIO Front and the SADR are taking forward our struggle for self-determination; it is our intimate conviction that this struggle is a common struggle for the same values in which you all believe in: justice, peace and human rights.

Thank you very much.



Side-event de Haut-Niveau

37^{ème} session du Conseil des droits de l'homme de l'ONU
Palais des Nations – Genève, le 28 février 2018

L'application du Droit international humanitaire au Sahara occidental

Mesdames et Messieurs,

Tout d'abord, permettez-moi d'exprimer chaleureusement ma gratitude au Groupe de Soutien de Genève au Sahara Occidental, pour m'avoir invitée à prendre la parole à l'occasion de cette conférence sur le Sahara Occidental. J'en suis très honorée.

Honorable audience,

L'occupation militaire marocaine du Sahara Occidental le 31 Octobre 1975, a causé beaucoup de souffrance et de douleurs à mon peuple, le Peuple Sahraoui. Le Maroc depuis cette date, viole systématiquement tous les aspects des droits de l'homme. Des milliers de civils sahraouis s'étaient trouvés contraints de fuir les territoires occupés du Sahara Occidental pour sauver leurs vies.

Leurs campements provisoires, ont été bombardés par l'aviation marocaine par les bombes de napalm, le phosphore blanc et les bombes à fragmentation. Des dizaines parmi ces civils sahraouis ont succombé à leurs blessures. Les rescapés vivent depuis 42 ans dans des conditions de vie très difficiles aux camps de réfugiés sahraouis à Tindouf en territoire algérien.

C'est ainsi que mon peuple se trouve déchiré et divisé en deux parties par un mur de 2600 Km de longueur, quadrillé par des milliers de mines antipersonnel qui causent la mort de centaines des civiles sahraouis.

Pour les autres civils sahraouis qui n'ont pas pu fuir les territoires occupés, ils continuent toujours de vivre les affres de la répression marocaine.

Des centaines de civils Sahraouis ont été victimes de disparition forcée. Les périodes de leurs disparitions ont varié entre quelques mois et 16 ans. Ils étaient séquestrés dans des lieux secrets au Maroc et au Sahara Occidental où ils étaient soumis aux méthodes de torture corporelles et psychiques les plus féroces sans pour autant pouvoir parler des actes de mise à nue et de viol dont étaient victimes en particulier les femmes.

Personnellement, à l'âge de 20 ans j'étais victime de ce crime contre l'humanité, j'étais parmi une dizaine de femmes, nous étions soumises quotidiennement, pendant quasi 4 ans, aux formes les plus atroces de la torture. Durant toute la période de notre séquestration à El Aaiun , nous avons tout le temps les yeux bandés, et totalement isolées du monde extérieur.

Selon des témoins crédibles recueillis auprès de quelques rescapés, des dizaines de sahraouis ont été enterrés vivants dans des fosses communes alors que d'autres ont été tout simplement jetés en chute libre à partir des hélicoptères de l'armée marocaine. D'autres part, le sort des centaines de civils sahraouis demeure inconnu et le Maroc refusé de fournir des informations concrètes sur les circonstances de leur disparition.

Chers ami (e)s,

Le Maroc continue toujours de commettre des violations et atteintes aux droits de l'homme à l'encontre des civils sahraouis. Même après la proclamation du cessez le feu au Sahara Occidental, le 06 septembre 1991, ces violations continuent d'être commises au su et au vu de la Mission des Nations Unies pour l'organisation du référendum au Sahara occidental (MINURSO) présente au territoire non autonome du Sahara Occidental depuis cette date.

Mon peuple, le Peuple Sahraoui mène aujourd'hui une lutte civile pour jouir de son droit à l'autodétermination, à l'indépendance et pour le respect de ses droits légitimes.

Malgré l'aspect pacifique de cette résistance populaire et malgré les appels lancés par plusieurs gouvernements et diverses organisations internationales pour les droits de l'Homme, le Maroc s'abstient toujours d'honorer ses engagements en matière du respect des droits de l'Homme au Sahara Occidental et continue à maintenir un quadrillage militaro-médiatique sur les territoires occupés du Sahara Occidental et à interdire toutes les formes de libre expression, d'association et de manifestations pacifiques.

C'est ainsi que l'usage excessif et systématique de la force est toujours pratiqué par les autorités marocaines pour réprimer les manifestants sahraouis réclamant pacifiquement le respect de leurs droits légitimes.

Mon ONG, le CODESA, a enregistré 300 manifestations qui ont été violemment dispersées durant l'année 2017, ce qui a laissé un bilan très lourd des victimes de la violence, 790 cas de victimes de l'usage excessif de la force, ou de la torture ou au cours des interrogatoires ou pendant les saccages des maisons, qui accompagnent le plus souvent les dispersions des manifestations.

Je suis témoin de ces atrocités, puisque j'ai été plusieurs fois victime de la répression marocaine. En 2005 pendant une manifestation pacifique, j'ai été violemment tabassée et en pleine rue, puis illégalement arrêtée et condamnée avec une peine de 7 mois ferme.

En Novembre 2012, après avoir rencontré l' Ex Envoyé Personnel onusien au Sahara Occidental Mr l'ambassadeur américain Christopher Ross, j'étais de nouveau tabassée et menacée par des armes blanches portées par des agents de la police marocaine, les vitres de ma voiture complètement cassés, ma maison encerclée et attaquée par la police et ma famille terrorisée.

A la présence même d'une délégation d'enquête du Haut Commissariat des Nations Unis, la police marocaine avait de nouveau attaqué ma maison, et avait ainsi empêché des victimes de se rencontrer avec cette délégation onusienne.

D'autres part cet usage excessif de la force a donné lieu, dans certains cas à des séquelles physiques graves et avait même malheureusement causé la mort de plusieurs citoyens sahraouis, les derniers cas d'assassinat ce sont les deux jeunes, le syndicaliste Brahim Saika et l'étudiant Adnan Rahali.

La torture et les traitements dégradants sont toujours pratiqués à l'encontre des civils sahraouis arrêtés arbitrairement par la police marocaine. Les femmes et les mineurs ne sont pas épargnés de cette répression.

La justice marocaine refuse toujours d'ouvrir des enquêtes sur les cas de torture, objets des plaintes déposées par les civils sahraouis ce qui garantit l'impunité totale aux responsables marocains impliqués dans ces actes de torture et des traitements dégradants.

De même, le Maroc fait toujours recours à l'arrestation arbitraire des civils sahraouis exprimant leur opinion politique en faveur du droit du Peuple Sahraoui à l'auto-détermination et à l'indépendance. Dans ce cadre et durant l'année 2017, 140 jeunes sahraouis ont été arrêtés par les autorités marocaines, quelques uns parmi eux ont été déférés devant la justice marocaine alors que les autres qui étaient généralement sévèrement mal traités étaient relâchés sans être jugés.

À nos jours plus de 70 prisonniers politiques sahraouis se trouvent derrière les barreaux dans des conditions carcérales déplorables et en cas particulier les 21 prisonniers du groupe Gdeim Izik et les 15 jeunes étudiants sahraouis qui seront de nouveau déférés devant la cour d'appellation marocaine de Marrakech le 13 de ce mois prochain. Leur seul pêché c'est d'avoir pacifiquement revendiqué le respect de leurs droits légitimes et ceux de leur peuple.

Ces prisonniers ainsi que leurs familles ont besoin de votre solidarité et votre soutien, pour jouir de leur droit humain à la liberté.

Mesdames et Messieurs,

Les défenseurs sahraouis des droits de l'homme et malgré toutes les formes d'intimidation pratiquées à leur rencontre par les autorités marocaines, continuent et avec détermination de dénoncer et faire connaître ces violations commises par le Maroc contre la population sahraouie

Dans ce cadre et malgré que mon organisation CODESA, est toujours interdite par le Maroc, je n'ai jamais cessé de défendre les droits de mon peuple et faire connaître ses souffrances à travers le monde, ce qui a gêné l'Etat marocain et pour me faire taire, le 14 Novembre 2009, j'ai été expulsée contre ma volonté et sans passeport vers Lanzarote aux îles de Canaries. Je n'ai pas pu exiger mon retour à mon pays le Sahara Occidental où se trouvent ma famille et mes deux enfants, que suite à des pressions exercées par la communauté internationale sur le Maroc et en particulier celles exercées par l'ONU et les Etats-Unis d'Amérique et après avoir observé, à l'aéroport de Lanzarote, une grève de la faim illimitée pendant 32 jours. Merci à Dieu, grâce à cet appui international je suis aujourd'hui parmi vous!

Honorable audience,

L'état marocain, continue toujours de modifier la carte démographique du territoire du Sahara Occidental occupé en le peuplant par des milliers de civils marocains. La population sahraouie active s'est trouvée alors souffrir du chômage alors que les emplois sont accordés en priorité aux colons marocains.

C'est ainsi que les droits socio-économiques des civils sahraouis se trouvent alors bafoués par le royaume du Maroc. On assiste par conséquent à une aggravation, sans précédent, de la précarité des conditions de vie de la majorité des civils sahraouis vivant aux territoires occupés du Sahara Occidental au moment où les ressources minières (en particulier les phosphates) et halieutiques du Sahara Occidental, qui relèvent conformément au droit international de la souveraineté permanente du peuple sahraoui, continuent d'être pillées et exploitées illégalement par l'état marocain et ses partenaires occidentaux sans que le peuple sahraoui en tire profit pour se voir améliorer ses conditions de vie.

Mes compatriotes sahraouis ne cachent pas leur déception de voir des puissances mondiales continuer de soutenir la position politique marocaine relative au conflit du Sahara Occidental, continuer toujours également de s'abstenir à une participation effective à la mise en œuvre du Plan de paix au Sahara Occidental et s'opposer, pour le cas de la France, à l'adoption par le Conseil de Sécurité d'une résolution concernant la création d'un mécanisme de l'ONU chargé de la surveillance des droits de l'homme au Sahara Occidental.

Je compte beaucoup sur l'engagement de principe de la majorité des états membres de ce Conseil des droits de l'homme quant à l'appui qu'ils apportent aux peuples luttant pour leur liberté, et je les appelle à multiplier d'avantage leur soutien et leur appui au peuple sahraoui.

Je suis convaincue que leur appui et leur solidarité avec le peuple sahraoui, combattant pacifiquement pour la paix et la liberté, auront un écho positif.

Vu la gravité des violations des droits humains dans le territoire sahraoui occupé, vu la précarité des conditions de vie des citoyens sahraouis, vu aussi que la MINURSO n'a pas de compétences pour protéger les droits humains au Sahara Occidental et face au siège militaro-médiatique, maintenu par le Maroc et qui ne permet pas l'accès des observateurs internationaux à ce territoire, je vous lance un appel solennel pour que les organisations et institutions internationales et toutes les personnes libres et conscientes mènent des actions en faveur de la promotion des valeurs de la Paix et la stabilité au Sahara Occidental Occupé.

Enfin, je tiens à vous remercier pour m'avoir offert cette opportunité de vous exposer brièvement la situation des droits de l'homme aux territoires occupés du Sahara Occidental et les préoccupations de mon peuple.

Je souhaite que les travaux de cette 37^{ème} session du Conseil des droits de l'homme des Nations Unis puissent contribuer à la restauration de la Paix au Sahara Occidental et dans le monde entier.

Mobilisons nous pour mettre fin à l'indifférence et la complicité de la communauté internationale.

Merci beaucoup pour votre attention et votre patience.

Aminatou Haidar
Présidente

37th Human Rights Council

High-Level Side-event

Palais des Nations – Geneva, 28 February 2018

Implementation of International Humanitarian Law in Western Sahara

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Forced disappearance and the right to truth in the Western Sahara¹

The following document mentions the findings of a forensic and research team, working together with a genetic laboratory at the University of the Basque Country, on a case of Sahrawi missing persons in Fadret Leguía in the region of Samra, in February 1976. It is the result of research that began with the completion of a study on the general problem of human rights violations in Western Sahara, published in 2012 by the Hegoa Institute of the University of the Basque Country, titled “The Oasis of Memory: Historical Memory and Human Rights violations in the Western Sahara”.

In this study, the research team has analyzed the replies of 261 victims of human rights violations, both direct victims who survived these events, and relatives of disappeared victims. The number and type of testimonies: 51% were male and 49% female, with an average age of 51. With respect to the level of exposure to violence, 19.5% were relatives of disappeared people, while 79.5% were direct victims of bombings, demonstrations or people detained or temporarily made to disappear, who survived. It is necessary to take into account that 23.3% of the direct victims state that they have relatives who have also been victims of violence. In two out of every ten victims, there was more than one case of forced disappearance in the family.

Most respondents refer to human rights violations that took place between 1975 and 1979 (61%), 11% in the 1980s, 4% between 1990 and 1999 and 24% after 2000. From the Moroccan invasion of the territory in 1975 almost up to 1993, there were over 800 cases of disappearances, although many others have not been researched or reported. The United Nations Working Group on Enforced or Involuntary Disappearances conducted a visit to Morocco from which it issued a report in 2010. This report analyzes the practice of enforced disappearance as used by the Moroccan authorities and includes several references to its systematic nature and to the situation of impunity in terms of disappearances in the Western Sahara.

About 80 percent of such disappearances occurred during the early years of the military occupation of the territory, especially between 1975 and 1977, and constituted the main Moroccan repression *modus operandi* together with bombings, internal displacement and plundering in the desert. Thereinafter, disappearances became more selective, but still in 1987 there was a collective disappearance of about sixty people, which was part of the counterinsurgency and terror policy directed against the Saharawi civilian population.

¹ This document took paragraphs from THE OASIS OF MEMORY. Historical memory and human rights violations in the Western Sahara; MEHERIS A possibility of hope. Mass graves and the first Sahrawi disappeared who have been identified and To Know the Truth at long last Burial pits, forced disappearance and the right to truth in the Western Sahara.

It is important to note that in 1991 most of the disappeared who had remained in secret detention centres since the 1970s were released, and in the following two years there was still a considerable amount of cases of disappeared until 1993 (490 disappeared who were released from secret detention centres), at least 351 people are still missing even today, and the information provided by the Moroccan regime merely states in 207 cases that they have died, with no details whatsoever on their fate, without any proof or research (Report issued by the Human Rights Advisory Council published online in December 2010). The same report also recognizes another 144 cases of people who had been made to disappear without providing any data for their identification.

Table 1

Human Rights Violations: factor structure				
Bombings	Torture, monitoring and threats	Forced disappearance and violations of the right to life	Seizures and unlawful entry	Executions
Bombings	Monitoring and surveillance	Violation of the right to life	Seizures	Extrajudicial executions
Destruction of property	Threats	Forced disappearance	Unlawful entry	Collective extrajudicial execution (slaughter)
Forced Displacement	Physical Torture	Physical abuse		
	Psychological Torture			
	Sexual Violence			
56.3%	59.0%	94.3%	10.0%	3.8%

Source: Martín Beristain and González Hidalgo.2012:21.

The issue of the disappeared during the armed conflict and violence against Sahrawi civilians is still present in the lives of their families, given the uncertainty about their fate and the permanently open psychological wounds they have had to bear. The refusal to provide relevant and accurate information about their fate is part of the abuses and violations of their psychological integrity, all of which is considered by international courts as a form of torture. It is important to mention that the widespread and systematic practice of enforced disappearance qualifies as a crime against humanity.

In April 2013, a forensic research team from the University of the Basque Country received a petition from AFAPREDESA, an association of relatives of the disappeared, to conduct research in an area of the Western Sahara in which there were suspected human remains of Sahrawi victims. On 8th, 9th and 10th June 2013, a professional team from the University of the Basque Country, the Aranzadi Foundation and the Hegoa University Institute, accompanied by several relatives and AFAPREDESA members visited a place in the Fadret Leguiaa area, in the Samra region, in the desert, 400 km from the refugee camps in Tindouf, in order to respond to their request for a team of the highest professional qualification and experience to help them identify and recognize a place where mass graves were said to exist and in which some people -considered up to the present as disappeared- were reportedly buried.

In the course of the research it was possible to determine the identity of all the disappeared (persons) who were in those graves, and who had been extra-legally executed in February 1976 by members of the Moroccan army.

Because the area has been under supervision by MINURSO since the ceasefire signed by the parties in 1991, the remains were properly protected, and left duly marked in the place where they had been found, in view of a forthcoming official verification mission that could lead to the release of the remains to their families, and to the setting up of the necessary measures for the protection of other mass graves that are in the area.

Direct relatives of the persons identified in this case are in the Tindouf refugee camps, like many other families of the disappeared. Other relatives are in the Moroccan-occupied Western Sahara. The rights of these victims, in both contexts, should be protected by the relevant authorities under the supervision of the United Nations.

Case Summary

In the afternoon of February 12th of 1976, several Bedouins were arrested by Moroccan military forces deployed in the area of Amgala. Several family members were present at the scene to witness this collective arrest. To document the case, 15 relatives were interviewed from Hegoa (University of the Basque Country), all of whom were related to the eight disappeared people, some of whom witnessed the arrests. Some were also arrested and were later released or managed to escape. Eyewitness Aba Ali Said Daf, who at that time was 13 years old, stated that he was arrested along with two adult Beduin males who were his neighbours and acquaintances, Mohamed Mouloud Mohamed Lamin and Abdelah Ramdan, who were executed in front of his eyes and then partially buried.

Aba Ali Said Daf



Aba Ali Said Daf also witnessed Bashir Salma Daf's arrest. Bashir Salma Daf was about 14 years old. Aba Ali Said Daf said he heard Bashir Salma Daf's father, Salma Daf Salec Bachir, begging not to be killed, although he did not see him being killed. These people remained missing without their fate and whereabouts having been established with certainty. According to previous research by the international team, other people were arrested on the same day and in the same place, and have been missing since then: Sidi Salec (minor), Sidahmed Segri Yumani, Salma Mohamed Sidahmed and Salama Mohamed-Ali Sidahmed.

The report of the Equity and Reconciliation Commission (Instance Equité et Réconciliation - IER, 2006) does not provide information on this case. No members from that institution interviewed relatives of these victims who were in the Tindouf camps. Of the eight arrested people who have gone missing and who are included in this case of the Fadret Leguiaa graves, the aforementioned list from the Moroccan CCHR, published online in 2010, provides some data on four of them. About the rest no information is provided, although they were arrested on the same day and in the same place.

In June 2013, a research and forensic team commissioned by Hegoa and the Aranzadi Science Society, accompanied by several relatives and members of the Association of Relatives of Sahrawi Prisoners and Disappeared People (AFAPREDESA), discovered two burial pits in the Fadret Leguiaa area, some 400 km from the Tindouf refugee camps.

The results of the findings, the testimonial and forensic anthropology research and the genetic studies were published in two reports: *MEHERIS A possibility of hope. Mass graves and the first Sahrawi disappeared who have been identified* and *To know the truth at long last. Burial pits, forced disappearance and the right to truth in the Western Sahara*. The second report included testimonies from witnesses and relatives; the exhumation, the characteristics of the pits and objects found, together with an osteological analysis of the remains and the results of DNA testing.

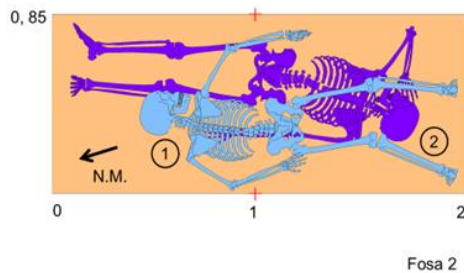
Burial pit 1

Name	Marocco	Hegoa and Aranzadi team
Salma Daf Sidi Salec	He had died in a clash with the Polisario Front. This version was provided in 1999 to Mr. James Baker. 2010 CCDH-IER. Arrested by the royal army in June 1976 in Smara, and was taken to one of their bases where he died.	Extra-legal executions on February 12, 1976. Spanish ID cards: A-4525013
Bachir Salma Daf (minor)	In 2005 GTDFI was informed that this person was in El Aaiún, with different name. 2010 CCDH-IER: arrested by the royal army in June 1976 in Smara, and was taken to one of their bases where he died.	Extra-legal executions on February 12, 1976.
Sidahmed Segri Yumani	He had died in a clash with the Polisario Front. This version was provided in 1999 to Mr. James Baker. 2010: Any information	extra-legal executions on February 12, 1976. Spanish ID cards: A-31360484
Salama Mohamed-Ali Sidahmned Elkarcha	He had died in a clash with the Polisario Front. This version was provided in 1999 to Mr. James Baker 2010 CCDH-IER: Arrested by the royal army in June 1976 in Smara, and was taken to one of their bases where he died.	extra-legal executions on February 12, 1976. Spanish ID cards: B-1324045
Sidi Salec Salma (minor)	He had died in a clash with the Polisario Front. This version was provided in 1999 to Mr. James Baker 2010. CCDH-IER: any information	extra-legal executions on February 12, 1976. Spanish ID cards: SH 16899
Salma Mohamed Sidahmed	He had died in a clash with the Polisario Front. This version was provided in 1999 to Mr. James Baker 2010. CCDH-IER: he had died in a clash with the Polisario Front	extra-legal executions on February 12, 1976. Spanish ID cardsA-3509018.



Burial pit 2

Name	Marocco	Hegoa and Aranzadi
Mohamed Moulud Mohamed Lamin	He had died in a clash with the Polisario Front. This version was provided in 1999 to Mr. James Baker. 2010 CCDH-IER. 2010: any information	Extra-legal executions on February 12, 1976. Spanish ID cards: : A-4520032
Mohamed Abdelehe Ramdan	He had died in a clash with the Polisario Front. This version was provided in 1999 to Mr. James Baker. 2010 CCDH-IER: he was arrested on 22/02/1976 in Amgala by the army, was taken to the military base in Smara where he	Extra-legal executions on February 12, 1976 Spanish ID cards: A 9013149



Human rights and the conflict transformation agenda in the Western Sahara

A solution to the Western Sahara conflict based on international law and on the rights of the Saharawi people can not ignore the development of a genuine policy of truth, justice and reparation in that region.

It is important that civil society actors should be involved in the discussion agendas, political negotiations and in the discussion of conditions and policies to encourage the return of refugees.

We need to take into account the follow points:

1. The role of the international community
2. Verifying of the situation of civil and political rights: MINURSO has to update its mandate according to the needs of the Saharan conflict and to promote a general culture of human rights
3. Independent observation of economic, social and cultural rights of the Sahrawi people
4. Encouraging measures to help improve relationships in the Western Sahara
5. Developing exchanges and connections between people in Western Sahara and in the refugee camps in Tindouf
6. Creating specific transitional justice mechanisms for the Western Sahara
7. Developing victim care programs by independent organizations
8. Facilitating the work of international actors: the media, cooperation agencies or humanitarian and human rights organizations
9. Demilitarizing everyday life
10. Applying international law

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37th Human Rights Council

High-Level Side-event

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Implementation of International Humanitarian Law in Western Sahara

Dr. Francesco Bastagli

**Ancien Représentant spécial du Secrétaire Général pour le Sahara occidental
et Chef de la MINURSO (2005 – 2006)**

Western Sahara represents a decolonization process gone awry. The Sahrawi inalienable right to self-determination has been recognized since the 1960 in more than 100 res and decisions of Sec. Council and GA. This right has been vindicated in national and international courts of Justice beginning from the 1975 opinion of the Int'l Court of Justice up to the reasoning underlying the latest rulings of the European Court of Justice. So, why has the UN failed to honor its obligations, the provision of its own Charter and what tribunals have been confirming for over 40 years? The short answer is that in WS the UN has made a cynical choice for realpolitik against international law and justice.

This problem of UN inaction was evident from day one. In the mid-seventies the UN did not react to Morocco's invasion and forced annexation. In 1991 after MINURSO was launched to hold a referendum within 9 months, the UN accepted Rabat's dallying over voter registrations. Then James Backer whose 2003 plan that the Sec. Council heralded unanimously as "optimal political solution." Morocco rejected it and the Council took this slap and shut up. And so on until today. What all these situations have in common, to this day, is the impunity granted to Morocco.

The connection between this denial to the Saharawi of the right to freely determine their own future and human rights violations is obvious. The first mission in the Territory by the Geneva Human Rights Office which was took place back in 2006, concluded that all human rights violations suffered by the Sahrawi have a common root: The denial of their inalienable, fundamental right to self-determination.

UN inaction on Western Sahara doesn't concern only the issue of self-determination. There are other failures. I give just one example. Chapt. XI of the Charter sets out a series of United Nations obligations to peoples that couldn't exercise yet their right to self-determination. They include assistance in health, education, freedom of information and expression, human rights protection, institution building and other areas. This, which the Charter calls a "sacred trust", is normally delegated to an administering power that is responsible to provide yearly info to the Assembly on progress made on all these accounts. However, no-one fills that role (Spain refuses) and the UN has taken no action to fill the vacuum.

As a consequence, when the decolonization committee of the GA discusses WS, it does so in a total absence of facts and figures, of any objective, *super partes*, information on the conditions of the Saharawi. To Committee members the Saharawi are a faceless people.

Lack of information, but also lack of assistance (with camps exception). Under several resolutions and decisions, the UN should give priority development assistance to non-independent peoples such as the Saharawi. The reasons why it doesn't do so is ludicrous: it doesn't provide because it would have to work with Morocco, the illegal administrator of the territory. So the offense is double: on the one hand it doesn't allow for self-determination, and on the other, for that same reason, it denies development assistance.

There is in this respect a worrying trend. In this UN craven refusal of engagement, the field is left wide open for Morocco. With the help of its friends, creeping recognition as an "interlocuteur valable", including on the human rights question. Recent SC resolutions have even praised M. for some window-dressing initiatives in this area. The UN puts the wolf in charge of the sheep. The historic and Charter responsibility for Saharawi human rights and development pending self-determination must rest with the UN. It can't and shouldn't be delegated. All the more it shouldn't be sub-contracted to those who illegally occupy and oppress.

Why this UN indifference and inaction? The main reason is twofold: too few member states take an active interest in the issue. And, second, those few countries are both very influential and totally committed to protect Morocco's interest.

Nothing highlights better this state of affairs than the so-called Group of Friends. The influence of this group can't be overemphasized; they have a chokehold. The members are: Spain France UK US Russia. Awkward: no African, no former colony. Why do they support Morocco? There are different reasons. But consequences are for all to see.

What to do? The Group of friends should be openly denounced for its absurd, neo-colonial membership and for its one-sidedness. The AU should have a leading role in breaking its monopoly on UN proceedings; so far it has failed in this respect. At the same time, countries that have more objective position and have at heart the fundamental values of fairness and justice should get more involved within the UN in resolving the longstanding WS impasse. Africa, Latin America, Asia. In Europe, Scandinavian countries. The German nationality of the recently appointed Personal Representative of the Secretary General may draw into the discussion an important European actor that so far has sat on the sidelines.

The question is not just one of involving more UN members but also more UN venues. It would also be important to diversify action in the different UN fora. Undoubtedly, the Sec. Council holds the political key to open the door to self-determination. This justifies the emphasis on Council deliberations and decisions. At the same time, however, much more should and must be done to bring WS to the fore in the General Assembly and other UN bodies to inform, advocate, and elaborate options in a substantive and diversified debate.

These are venues where there is no veto power and a number of members are much more open towards the Saharawi cause. For instance, the yearly consideration of the WS item in the Assembly's Fourth, decolonization committee is bland and irrelevant. This must change; in fulfilling its statutory responsibilities, the committee should request the Secretary General to provide the kind of information indispensable for a meaningful debate and decision-making. The Human Rights Council, whose complicit silence as a body should be an embarrassment to all its members, should also make use of the instruments available to it to

There are different reasons why more governments should engage and shake into life a UN process that has grown stale. The economy of the region is stalled; until the WS conundrum is resolved the Maghreb Union will remain de facto paralyzed. Security is severely affected. Regional security cooperation in North West Africa is stunted. WS is also a textbook case of conflict prevention: economically and politically is much less costly to prevent that to intervene after a conflict has started. Let's make WS an example of a responsible and successful conflict prevention effort.

Over and beyond these considerations, looms the overarching duty of the UN to comply with a basic obligation of its own Charter - failure to do so is an unforgivable offense against an oppressed nation. There is also another grave consequence to this failure: the reinforcement of double standards (Kosovo, Ukraine) in international relations. Such inconsistency breeds instability and ultimately chaos. Thus, fighting for the Saharawi cause is not just fighting for the self-determination of an oppressed people. It is also fighting for international relations among equals, based on universal principles of law freely agreed upon by all. This is the commitment of those who believe in the Saharawi cause and those who believe in the United Nations and what it must stand for.

I thank you for your attention.