

Distr. RESTRICTED
CRS/2007/CRP.15

ORIGINAL: ENGLISH

SECOND INTERNATIONAL DECADE FOR THE ERADICATION OF COLONIALISM

Caribbean Regional Seminar on the implementation of the Second
International Decade for the Eradication of

Colonialism: next steps in decolonization

St. George's, Grenada

22 to 24 May 2007

Statement by Mr. Ahmed Doukhan

MEMORANDUM BY THE F. POLISARIO ON
THE QUESTION OF WESTERN SAHARA

Feb-March 2007

1. The 61st Session of the General Assembly has just adopted a resolution that reaffirms the right of Western Sahara to self-determination. This is the 41st consecutive year in which the international community declares solemnly that the decolonization conflict between the Kingdom of Morocco and the POLISARIO Front can be resolved only by allowing the Saharans to exercise their right to self-determination.

Listed as a non self-governing territory by the United Nations Special Committee on Decolonization since 1965, Western Sahara is subject to the implementation of General Assembly resolution 1514 (XV) entitled Declaration on the Granting of Independence to Colonial Countries and Peoples:

For its part, the Security Council has repeatedly affirmed its commitment to achieve a mutually acceptable political solution which will provide for the self-determination of the people of Western Sahara.

Sahara, and has reaffirmed in resolution 1720 its commitment to achieve a mutually acceptable political solution which will provide for the self-determination of the people of Western Sahara.

2. It is worth mentioning on the other hand, that the International Court of Justice, upon a request made by the United Nations General Assembly, issued its Advisory Opinion on Western Sahara on 16 October 1975. In this Opinion, the Court clearly established that "The information presented to it do not establish any ties of territorial sovereignty between the territory of Western Sahara and the Kingdom of Morocco or the Mauritanian entity. Thus the Court has not found legal ties of such a nature as might affect the application of General Assembly resolution 1514 (XV) in the decolonization of Western Sahara and, in particular, of the principle of self-determination through the free and genuine expression of the will of the peoples of the Territory."

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3. Similarly, the opinion rendered by the Legal Counsel of the United Nations, at

Morocco had no administrative power on the territory, that the 1975 Madrid

transfer to the Saharans self-government, whatever, and that finally the status
of Western Sahara as a non self-governing territory had not been affected by
those accords.

In sum, the General Assembly, the Security Council, the ICJ and the Office of
Legal Affairs of the United Nations have clearly affirmed the question of Western

4. It is thus only natural for the efforts aiming at solving the question of Western

opportunity to decide their future by organizing a free and fair referendum on

The Settlement Plan approved by both parties to the conflict, Morocco and the
POLISARIO Front, and by the Security Council in its resolutions 658 (1990) and
659 (1991), reflects this will. It stipulates the entry into force of a ceasefire that
paves the way for organizing a free and regular referendum on self-determination
with the removal of all obstacles and constraints for the Saharans identified in the
1974 Spanish census.

The delaying tactics, renunciations, and sudden changes of position by Morocco
in the past have been similar to what they have done
to the Houston Agreements that have been negotiated and signed by both parties
in September 1997. In the presence of Mr. James Baker III, the Personal Envoy
of the Secretary-General, and that permitted to resolve pending problems and set

the stage for organizing the referendum on 9 December 1999

Today, the Plan can be, at any time, put back on track and implemented if

Morocco has the will to do so. In fact, all the practical and administrative

repatriation of refugees and organization of the referendum campaign, have been agreed upon and the provisional list of voters has been duly approved by the United Nations Identification Commission (IDC).

The other plan entitled the Peace Plan for Self-determination of the People of

Council following Morocco's rejection of the settlement Plan, and approved by

who have been residing in the territory in December 1999

independence. Mr. Baker added a third option, self-governance within Moroccan

sovereignty, in order to return to the Kingdom of Morocco as an integral

to accept his plan.

as it had already done with the Houston Agreement and the Settlement Plan that

guarantees asked for by Morocco might apparently look surprising, it should not be as surprising when we realize that this country accepted the principle of

organizing a referendum on self-determination only after being forced to do so

and that since the very beginning, and at the risk of reneging on its engagements,

it developed a strategy to undermine holding the referendum by hindering

questioning and currently by denying autonomy what lies at the heart of the

in such exercise, and ultimately the very existence of the Sahrawi people

Once the Settlement Plan had been approved, Morocco, as already mentioned, embarked on a relentless campaign to undermine the efforts of the IDC to establish the list of Sahrawi voters, by constantly questioning the identification criteria of voters, intimidating the members of the Commission, and submitting multiple appeals. Eventually, it was able to prevent the Commission from

It took all the ingenuity of Mr. Baker in order to put back on track, through the

and publish the provisional list of voters by the end of 1990.

Once the referendum became unavoidable after meeting all the conditions to organize it, Morocco arbitrarily declared the settlement inapplicable

requested Mr. Baker to find a political settlement that involves self-determination for the people of Western Sahara.

Thinking that the reason for Morocco's rejection of the Settlement Plan and the referendum included, was its concern that the Sahrawi electorate would

Decide to self-determine the future of the people of Western Sahara, the

plan to include Moroccan residents in Western Sahara until 31 December 1999

To the surprise of Mr. Baker, Morocco rejected his plan under the pretext that the referendum included the option for independence.

The United Nations Secretary General, as well as Mr. Baker and his successor Mr. The United Nations Secretary General, were

a referendum on self-determination organized by the United Nations not to include the option of independence. Nonetheless, Morocco maintained its rejection of the plan.

Coming back to the reasons for Morocco's rejection of the various United Nations plans, Mr. Baker said, in August 2004, on PBS, that Morocco became more and more intransigent in its refusal to accept the plan. "The United Nations had more and more initiatives, but Morocco had a hard time accepting them. It was not in the referendum". And that explains why "after the voter list has been made, the voters had been identified, she (Morocco) said well, it's no longer applicable" he said.

Mr. Baker was surprised of the fact that Morocco exhibited the same attitude about the results of the referendum called for by UN Security Council Resolution 1325, which was unanimously adopted by the Security Council in July 2003, even though it was open to Moroccan residents that largely outnumbered the Sahrawi voters. "We have said we will include all the people of Western Sahara as voters in the referendum on self-determination. And, the Moroccans are evidently even aware of that", he noted.

In fact, the reason for Morocco's feigning of its intransigent attitude is the fact that it knows only too well that Western Sahara is not Moroccan and it might lose it if a referendum on self-determination was organized with the participation of Moroccan citizens residing in Western Sahara.

In sum, the Moroccan strategy has so far achieved its objectives as long as Morocco was able to prevent the organization of the referendum on self-determination called for by the international organizations.

Yet the problem of Western Sahara is still on the agenda of the United Nations General Assembly and Security Council. The issue remains relevant to the people of Western Sahara and to our Saharawi people. It remains relevant than ever since it has been and December 2006.

Further, Morocco has to date recognized any Moroccan sovereignty on this territory which is considered by the United Nations a non self-governing territory, subject to the implementation of resolution 1514 (XV), as reiterated by Mr. Baker in the same interview on PBS.

It is worth mentioning that in its report dated 8 September 2006, the mission of the High Commissioner for Human Rights to Western Sahara recommended the following: "As it has been stated in various UN fora, the right to self-determination for the people of Western Sahara must be ensured and implemented without any further delay."

6. Since its rejection of the Baker plan in 2004, Morocco has never stopped declaring time and again that it was willing to accept a solution to the question of Western Sahara only "within the sovereignty and territorial integrity of Morocco" and that it was on the very same day relinquishing any sovereignty on this territory.

Presented as a major concession, the project which puts aside all the other elements of the Baker plan, which the United Nations to settle the conflict is considered, in fact, another delaying tactic by Morocco since its only purpose is to gain the recognition by the international community of the fait accompli, in other words, of the Moroccan sovereignty on a non self-governing territory without meeting the requirements of the United Nations doctrine and practice with regard to decolonization.

Thus, Morocco is counting on "the elapse of time" to make the Sahrawi people clearly established that it does not exercise any sovereignty.

Nonetheless, the Moroccan project is bound to fail for it is founded on wrong principles; proposes an unacceptable and dangerous solution, and puts an end to the national aspirations of a whole people.

view, Morocco does not exercise territorial sovereignty or even administrative authority over it. It is considered a non self-governing territory whose status must be decided by its original residents.

In addition, by declaring that self-governance is the only solution, Morocco is propagating the principle of self-determination from the start to autonomy thus violating the sacrosanct principle applicable to non self-governing territories as enshrined by resolution 1514 (XV) and the doctrine and practice of the United Nations with regard to decolonization, i.e. the principle of self-determination that requires the concerned populations to express their will through a free and regular referendum that necessarily includes the option for independence.

all its accomplishments and implications as well as the strong wish for independence that has been manifested daily for the last thirty years in the occupied territory.

The proposal is in fact, willing to impose an autonomy-based solution on a people who are fundamentally hostile to any form of Moroccan rule. The people who have fought the Moroccan occupation for thirty years is not likely to accept the proposal and create an intolerable situation that would recognize the status of the territory.

Finally, Western Sahara is not a territory that lacks autonomy. Rather, it is a territory that lacks sovereignty.

The problem could not therefore be resolved by granting autonomy, no matter what form it takes, but the free choice of its original residents who would freely decide whether they want the territory for themselves to make

an independent State out of it, or whether they are willing to be interested in the

Therefore, promoting autonomy is not the solution. For all these reasons, the
viability of the project that has been once and again announced and put on is not
viable and is still-born.

7. Finding a just and final settlement that respects the international legitimacy for
the problem of Western Sahara today is not only necessary but possible.

Finding a settlement is still possible because the Settlement Plan as well as the
Peace Plan for self-determination of the people of Western Sahara can provide at
any moment, in my opinion, with a way to settle the conflict.

What other solution could be more just, more legitimate, more democratic and
more acceptable than the one that respects the will of the population of the
territory and fulfills the requirements of the law from the relevant
resolutions of the United Nations:

The settlement is necessary because the Kingdom of Morocco, the POLISARIO
and the people of Western Sahara are in a protracted conflict.
In an era of regional groupings and globalization, these peoples are more willing
to achieve their goals in a peaceful and just manner.

international legitimacy in Western Sahara, similarly to other regions in the world

8. While the composition of the United Nations evolves toward an inclusive universality of peoples of all sizes that have accomplished their national aspirations, especially those with the concept of "democracy,"

unilateralism should not be encouraged at the expense of denying the people of Western Sahara the inalienable right to self-determination.

9. This new manipulative approach that the Moroccan wants is a unilateral renunciation by the international community of its duty to uphold the right of peoples to decide their fate, is doomed to fail.

10. Therefore, the unilateral, illegal and antidemocratic Moroccan proposal of autonomy does not constitute obviously "the mutually acceptable political solution which will provide for the self-determination of the people of Western

Sahara" called for by the international community and the Security Council. It is even tantamount to halting or perpetuating the deadlock.

For its part, the POLISARIO Front, in keeping with the Security Council resolution

is ready to work and cooperate with the United Nations Secretary-General in order to achieve this mutually acceptable political solution which will provide for the self-determination of the people of Western Sahara.

February 2007.