



Österreichisch - Saharaische Gesellschaft



...der Welt die Hand reichen

**Statement on the Question of Western Sahara
to the
United Nations General Assembly
Special Political and Decolonization Committee
(Fourth Committee)**

New York, 5th October 2010 (Sixty-fifth session)

by:

Arbeiter-Samariter-Bund Österreichs (ASBÖ)

and

Gemeinnützige Entwicklungszusammenarbeit GmbH (GEZA)

and

Österreichisch – Saharaische Gesellschaft (ÖSG)

Petitioner: Andreas Balog

Mr. Chairman, distinguished delegates,

I wish to thank you for the opportunity to speak before this Committee. I am speaking on behalf of

- Samaritan Austria: an Austrian NPO with more than 150.000 supporting Members, which has been helping people in emergencies for more than 80 years;
- GEZA: an Austrian NPO working in development cooperation with experience in humanitarian assistance in the refugees camps in Tindouf for many years;
- Austrian-Saharawi-Association: an association established for the support of a just and lasting solution of the conflict which provides self-determination for the people of Western Sahara.

Mr. Chairman,

Due to the time limit let me start directly with the basic facts:

1. Fact is that the people of Western Sahara have the right of self-determination.

Since 1965¹ more than 100 UN resolutions as well as the International Court of Justice² confess the right of self-determination for the people of Western Sahara.

The right of self-determination requires - especially in the context of the de-colonisation process - a free and genuine expression of the will of the people³. Even Morocco agreed in 1988 to a referendum in which the people of Western Sahara can freely determine their political status⁴.

Despite this fact the people of Western Sahara have been waiting in vain for 45 years for their right of self-determination, mostly in refugee camps under precarious humanitarian conditions.

2. Fact is that a part of the territory of Western Sahara is illegally occupied by Morocco.

The International Court of Justice determined that Morocco has no legal claim to Western Sahara⁵, the UN General Assembly referred to Morocco explicit as

¹Resolution of the UN-GA 2072 (XX), 16 December 1965.

² Western Sahara Advisory Opinion, ICJ Reports 1975, p.12, para 162.

³ Art 1 of the International Covenants on Human Rights; Western Sahara, Advisory Opinion, ICJ Reports 1975, p.12, para 162.

⁴ Implementation plan proposed by the Secretary-General pursuant to Security Council resolution 621 (1988) of 20. September 1988, Document S/21360, authorized within the approval of the UN General Secretary's report of 18 June 1990 by resolution of the UN-SC 658 (1990), 27 June 1990.

⁵ Western Sahara Advisory Opinion, ICJ Reports 1975, p.12, para 162.

“occupying power”⁶ and the UN Security Council urged Morocco to withdraw from the Territory of Western Sahara⁷.

Despite this unlawful military occupation large quantities of arms amounting to hundreds of millions of dollars are exported to Morocco⁸ every year.

3. Fact is that an autonomy plan without the option of independence is contrary to the right of self-determination and therefore contrary to the essential principles of international law⁹.

To accept the Moroccan autonomy plan would mean that - for the first time since the foundation of the UN - the international community would be endorsing the expansion of a country's territory by military force.

4. Fact is the systematic violation of human rights committed by Morocco in the occupied territory.

Human Rights Watch and Amnesty International reported once more about the serious violations committed by Morocco¹⁰. Even a report of the Office of the United Nations High Commissioner for Human Rights (OHCHR) qualified closer monitoring of the human rights situation as indispensable.

Despite these facts MINURSO (United Nations Mission for the Referendum in Western Sahara) still has no explicit mandate to monitor the human rights situation or to protect civilians from attacks¹¹.

5. Fact is that Morocco has no right to dispose of the natural resources of Western Sahara for own purposes.

Exploration and exploitation of the natural resources of Western Sahara undertaken in disregard of the needs, interests and benefits of the people of that Territory are in violation of the principles of international law¹².

⁶ cf. e.g. the term „continued occupation“ in the resolution of the UN-GA 34/37, 21 November 1979.

⁷ Resolution of the UN-SC 380 (1975), 6 November 1975.

⁸ Official Journal of the European Union, C 265, Volume 52, 6 November 2009.

⁹ East-Timor-Case, Judgement of the ICJ, 30 June 1995, Source: ICJ Reports 1995, 102.

¹⁰ MINURSO AND HUMAN RIGHTS: <http://www.acaps.cat/docs/BriefingMINURSO.pdf>; AMNESTY INTERNATIONAL PUBLIC STATEMENT, 17 November 2009: <http://www.amnesty.org/en/library/asset/MDE29/012/2009/en/9168fdcd-6f76-4f8f-949a-e3346239b061/mde290122009en.html>; Human Rights Watch: <http://www.hrw.org/en/news/2009/11/16/morocco-endangered-model>; Human Rights Watch World Report 2010; Amnesty International URGENT ACTION: Victim of torture facing trial: <http://www.amnesty.org/library/asset/MDE29/004/2010/en/6dfa845c-5cd5-488f-b6f4-0135269dc86a/mde290042010en.html>; Human Rights Watch Morocco/Western Sahara Country summary 2009: http://www.hrw.org/sites/default/files/related_material/morocco.pdf; Human Rights Watch report, December 2008; Amnesty International Report 2009.

¹¹ This is despite the fact that human rights protection is increasingly being considered as part of the program of UN Operations, cf. e.g. mandates of MINURCAT, UNAMID, UNMIS, UNOCI, UNMIL, MONUC, MINUSTAH, UNMIK, UNAMA, ONUSAL, MINUGUA, MICIVIH etc.

¹² UN Doc. S/2002/161, February 2002, „Letter dated 29 January 2002 from the Under-Secretary-General for Legal Affairs, the legal Counsel, addressed to the President of the Security Council.

Despite this fact Morocco is plundering illegally the vast natural resources of Western Sahara. Never have the Saharawi people been consulted nor have they received any benefits thereof.

Mr. Chairman,

Adherence to the rule of law, the principles of the UN Charter and respect to human rights are essential to maintain international peace and security and enable sustainable development.

- It is time that the UN assumes its responsibility and favours the conformity with the principles of justice and international law instead of preferring only so called “real-political solutions” with negotiations between the parties in which the occupying power rejects insistently the free choice of the people.
- It is time to persuade Morocco by all available means in terms of the UN Charter to reconsider its position and to accept the rule of law and a free and fair referendum.
- It is time to stop the export of arms to an occupying power used for maintaining an unlawful occupation and repression.
- It is time to establish a mechanism to monitor and protect human rights in Western Sahara.
- It is time to stop the illegal exploration and exploitation of the natural resources of Western Sahara.
- It is time to demonstrate – now and for coming generations – that disputes must be settled under the law and that our rules apply for everybody, big or small, strong or weak.
- It is time for the liberation of Africa`s last colony.

Thank you, Mr. Chairman

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