

Talking Points: H.E. Mohamed Ould Salek, Minister of Foreign Affairs of the SADR
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Introduction

1. The issue of Western Sahara is one of decolonization. Western Sahara is the last colony in Africa. It has been 40 years since the Territory's illegal invasion and partial occupation by Morocco.
2. In 1963, while still under Spanish control, the Territory was officially recognized as a Non-Self Governing Territory (NSGT) under the Charter of the United Nations (UN), a legal status it retains to this day. While Spain committed to organizing a referendum in 1972, no referendum was held, and no process of decolonization took place. As a result, the Frente POLISARIO was created by the people of Western Sahara to fight colonialism, and achieved liberation of 90% of the territory of Western Sahara.
3. The issue 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 Organization of African Unity (OAU) / African Union (AU).
4. In October 1975, the International Court of Justice (ICJ) confirmed the legal right of the Saharawi people to a process of self-determination and found no ties of territorial sovereignty between Western Sahara and Morocco. Western Sahara was then invaded by Morocco in violation of the advisory opinion of the ICJ, and in violation of resolutions of the UN, OAU/AU, and the Non-Aligned Movement (NAM). On 27 February 1976 an independent Sahrawi Arab Democratic Republic (SADR) was declared.
5. In 1978, the OAU created an Ad-hoc Committee of Heads of State on Western Sahara, whose tireless efforts to resolve the dispute resulted in OAU resolution 104 (XIX) of 1983, which was adopted unanimously by the Summit, and which initiated the peace process, and ultimately became the OAU-UN Settlement Plan on Western Sahara.
6. Also, 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.
7. In 1990, the UN Security Council (UNSC) endorsed the Settlement Plan brokered jointly by the OAU and the UN, borne out of negotiations held under the joint auspices of the sitting OAU Chairperson and the UN Secretary-General between 1985 and 1991. As a result, the UNSC adopted Resolution 690 (1991) establishing the UN Mission for the Referendum in Western Sahara (MINURSO) to supervise a ceasefire between the Moroccan and Frente POLISARIO forces and to conduct a referendum on self-determination within the following six months. The agreed ceasefire and the organization of the referendum were conceived as two inseparable elements of the OAU-UN Settlement Plan on Western Sahara. Thus at the core, MINURSO's mandate is to organize a referendum allowing the Saharawi to exercise their right to self-determination.

8. For more than 40 years, Morocco has obstructed all international efforts aimed at implementing the Settlement Plan, including the organization of a referendum on self-determination allowing the Saharawi people to determine their own political future.
9. And for twenty-five years, due to Morocco's obstruction, the UN's efforts to facilitate negotiations between the parties to achieve, "*a just, lasting, and mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara,*" including through the negotiation of plans, the organization of face to face meetings, bilateral consultations, and shuttle diplomacy have failed.
10. As a consequence, a generation of Saharawi people have been divided by an illegal Moroccan occupation that brutalizes the Saharawi population in the occupied part of the Territory, more than 150,000 Saharawi continue to live in exile in desert refugee camps in south-west Algeria, the natural resources of the Territory continues to be exploited by Morocco, and the human rights of the Saharawi people continue to be violated.

Current UN Process

11. After 40 years since the onset of the dispute, and in the absence of a serious negotiation process due to Morocco's obstruction, the UN process remains stalled, and the people of the Western Sahara still await a referendum to exercise their right to self-determination, as promised by UNSC resolution 690 (1991).
12. The Personal Envoy of UN Secretary General (PESG) on Western Sahara, Christopher Ross, since taking office in January 2009, convened informal talks on a regular basis in an attempt to achieve a negotiated solution to the conflict. Throughout the talks, Morocco refused to accept the option of independence as one of the choices, as agreed in the Settlement Plan, which Morocco had signed and is a party thereto.
13. After April 2014, the PESG ushered in a new approach of "shuttle diplomacy" where he hoped to consult with the parties on ways to resolve the conflict before resuming direct talks. Whilst the Frente POLISARIO showed their willingness to support the approach, Morocco employed a number of delaying and obstructionist tactics, conditioning the resumption of the negotiating process upon receipt of formal answers from Ross on the general principles guiding his mandate and mission. Morocco used similar tactics to delay the deployment of the new SRSB and Head of MINURSO, Kim Bolduc.
14. Morocco, eventually agreed to re-engage PESG Ross and to accept the deployment of SRSB Bolduc. But this came at a cost. On a telephone call with UNSG Ban Ki-Moon on 22 January 2015, King Mohamed VI sought and was evidently given assurance that the 2015 UN Report would make no mention of reviewing the negotiating framework of 2007, and no mention of Morocco's human rights abuses and illegal exploitation of Western Sahara's natural resources. These assurances are a serious abdication by the UN of its legal and moral responsibility to deliver a process of decolonization for the Saharawi people, in accordance with Article 73 of the UN Charter.
15. PESG Ross travelled to Morocco and Tindouf twice since the assurances were given, first in February 2015 and then at the end of March 2015. According to Ross and the latest UN Report, shuttle diplomacy will restart. This is not a way forward. In reality, it is a move back to April 2014 when Ross

first proposed 'shuttle diplomacy', which never happened due to Morocco's unwillingness to confirm dates or receive Ross at the appropriate level.

16. On 28 April 2015, the UNSC adopted resolution S/RES/2218 (2015) with no change to the text of the previous two years. This 'technical' adoption ignores the reality that UN efforts on Western Sahara have reached a crisis point, the current framework is not delivering results, shuttle diplomacy is not working, the conflict cannot be allowed to continue indefinitely, and that a greater sense of urgency needs to be injected into the UN process.

Current AU Process

17. At their meeting in Addis Ababa in January 2015, African leaders reaffirmed previous AU Assembly decisions "to take all the necessary measures for the organization of a referendum for self-determination of the people of Western Sahara in compliance with the relevant OAU/AU Decisions and UN Resolutions."
18. At the 496th meeting of the AU Peace and Security Council (AUPSC) held on 27 March 2015, the AU adopted a communiqué on the situation in Western Sahara, which noted that "four decades after the onset of the conflict in Western Sahara and fifty years after the decision to decolonize Western Sahara, all efforts aimed at finding a solution have so far failed to achieve the expected results and that the prevailing stalemate not only heightens tension in the Territory, but also undermines efforts to promote integration in the Maghreb region."
19. The 25th African Union (AU) Summit is a critical opportunity to fortify efforts to resolve the dispute over Western Sahara, and to end colonialism on the African continent. The continuation of the occupation of one African country by another African country contravenes two fundamental principles of the African Union, namely the principle of self-determination, and respect for the inviolability of borders inherited from colonial powers. It is therefore critical that the AU assume its responsibility as co-guarantor of the Settlement Plan and takes a leadership role in advancing the Saharawi right to self-determination.

Human Rights

20. It must be recognized that human rights violations are a consequence of the Saharawi people not being given the opportunity to exercise their right to self-determination. This has been affirmed by the High Commissioner for Human Rights in 2006, "The question of the right to self-determination of the people of Western Sahara is paramount to the consideration of the overall human rights situation."
21. The only way to address the human rights violations is to have "international monitoring and the observance of human rights in both Western Sahara and the refugee camps" as it would best guarantee that violations will not occur, and it would constitute confidence-building measures for the negotiation process.
22. MINURSO remains the only UN peacekeeping mission established since 1978 not to have a mandate to monitor human rights. This is a significant stain on the credibility of the UN and the anomaly is difficult to understand given the independently documented human rights abuses in Western Sahara. Monitoring and reporting is a crucial tool in combatting abuses.

Natural Resources

23. The Moroccan government continues to illegally exploit Western Sahara's natural resources, which include large phosphate deposits in the north, potential oil and gas reserves, and some of Africa's richest fishing grounds off the Atlantic coast to the west. As a recognized NSGT, the people of Western Sahara have the sovereign rights to control their natural resources, including as affirmed by the UN legal opinion (Corell) of 2002, "if further exploration and exploitation activities were to proceed in disregard of the interest and wishes of the people of Western Sahara, they would be in violation of the principles of international law applicable to mineral resource activities in Non-Self Governing Territories."
24. The Frente POLISARIO, as a liberation movement is recognized by the international community as the legitimate representative of the Saharawi people and an officially recognized party on the agenda of the UNSC however, neither Morocco nor the complicit foreign companies, including the European Union who plunder the natural resources of Western Sahara have consulted the Frente POLISARIO, or otherwise sought the consent of the Saharawi people when it comes to their natural resources. And no steps have been taken to demonstrate that the revenue from the natural resources benefit the local Saharawi people.

Concluding Remarks

25. It is clear that Morocco's objective is to consolidate the status quo and its occupation of Western Sahara, particularly as the Moroccan King on 6 November 2014 asserted, "Morocco will remain part of its Sahara, and the Sahara will remain part of Morocco until the end of time." Such pronouncements fly in the face of the mandate provided by the UNSC and the OAU/AU Settlement Plan to provide for the self-determination of the people of Western Sahara. It also ignores the reality that the international community does not recognize Morocco's claim of sovereignty over the Western Sahara.
26. Morocco's active obstructionist and interference tactics underlines the need for a firmer resolve by the international community to advance the holding of a free and fair vote among the Saharawi people, which remains the only viable means of achieving a lasting solution to the conflict.
27. The Saharawi people have fully trusted the UN for over twenty-five years, and have collaborated with the UN processes with loyalty, patience, generosity and flexibility, despite all the injustice they continue to experience, and despite the denial by Morocco of all its engagements. A continued deadlock of UN processes will be seen as a failure of the UN, and maintaining the status quo would result in grave consequences for the people of the region, the African continent, and the world.