



*Statement on Western Sahara
to the
Special Political and Decolonization Committee*

by:

International Platform of Jurists for East Timor

and

Stichting Zelfbeschikking West-Sahara

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Petitioner: Pedro Pinto Leite

Mr. Chairman, distinguished delegates,

I wish to thank you for the opportunity to speak before this Committee on behalf of the International Platform of Jurists for East Timor, an NGO made up of law professors, judges, attorneys and other jurists from more than 80 countries and also on behalf of the Stichting Zelfbeschikking West-Sahara, an association established under Dutch law for the defense of the right to self-determination of the people of Western Sahara.

Mr. Chairman,

Here, one year ago I mentioned that after the independence of East Timor in May 2002, Western Sahara had become the Non-Self-Governing Territory on the UN Decolonization Committee's list with the largest population; I also stressed how astonishing the similarities between the two cases are and concluded that as in East Timor, a free and fair referendum in Western Sahara, according to the original UN/OAU Peace Plan, is the only real solution for the problem and the only legal option to choose.

By 1999, as the first International Decade for the Eradication of Colonialism was coming to an end, the UN General Assembly noted with concern that the plan of action for the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples would not be concluded by 2000. As everybody at that time was aware, the main stumbling block was the question of Western Sahara. Resolution 55/146 of 8 December 2000, which declared the period 2001-2010 the Second International Decade for the Eradication of Colonialism, called upon Member States to redouble their efforts to implement a similar plan of action. We are half way through this second decade, and the question of Western Sahara continues to be the main stumbling block. Morocco continues to defy Security Council and General Assembly Resolutions, continues to defy international law.

Nevertheless, the pressure upon Morocco grows. A lot has happened in this past year. Other petitioners have already mentioned the mounting repression in the occupied Western Sahara, the arbitrary arrests, the many cases of torture, the unfair trials, the ongoing pillage of the territory's natural resources, the courageous Saharawi *intifada* and the hunger strike of the political prisoners, thus I shall refer to a few other recent facts.

An important event, in June, was the decision of Kenya – following that of South Africa last year - to establish formal diplomatic ties with the Saharawi Arab Democratic Republic. As expected, the Moroccan authorities have furiously protested. Their statement is both ironical and a monument of hypocrisy. They named the Saharawi Republic “a virtual entity without any attribute of a sovereign state”, forgetting that the majority of the Saharawi population lives in the camps of Tindouf under its own administration, that a part of Western Sahara is already a liberated zone and that the Saharawi Republic conducts international relations with more than 70 states. In other words, that it has all the attributes of a sovereign state, that fulfills the legal criteria for statehood provided by the Montevideo Convention. Almost unbelievably, the Moroccan authorities considered the Kenyan decision as being “in flagrant contradiction of international law”. A *déjà vu*: they have certainly read the arguments of Salazar and his ministers when they invoked “international law” to justify Portuguese colonialism.

The Moroccan government had a similar reaction to the recent worldwide circulation of photos that came out of the infamous Black Prison of El Ayun and exposed the miserable

reality in which the Saharawi prisoners live. Instead of making an enquiry into the terrible conditions in the prison and punishing those responsible for them, the Moroccan authorities started lawsuits against two of the prisoners, accused of taking the photos and smuggling them out of the prison. One more travesty of justice. Inconsistent with these charges, they also said that the photos had been forged. Another *déjà vu*: in 1997 the Indonesian authorities also claimed that the torture photos that the Nobel laureate José Ramos-Horta had released at the Human Rights Commission were fake; two years later the world realized that those photos only portrayed a very small part of a much uglier reality.

Mr. Chairman,

The Moroccan authorities seem convinced that the international community will have no other choice but to accept the *fait accompli*. In their unsuccessful attempt to force it, they employ a well-known trick – also used by Suharto’s regime in East Timor. They falsify the maps of the region, by erasing the borderline between Morocco and the occupied territory, and display them in books and other media, in cultural exhibitions, in whatever places they can reach a lot of people. In Morocco it is an easy process, as most of the media is state-controlled and independent civil institutions are scarce. To do that in other countries, particularly in countries with a democratic culture, is much more difficult. Most of the atlases and other reference works published in Europe, for instance, display that borderline, acknowledging the status of Western Sahara as a non-self-governing territory. The same can be said of maps included in books, newspaper articles or exhibitions. The only thing Rabat can do is to try to exert pressure on those foreign publishers or to take advantage of certain events to disseminate its propaganda abroad.

I would like to give you a recent example of this practice in the Netherlands. Celebrating the 400 year-long relations between Morocco and the Netherlands, two Dutch cultural institutions organized an exhibition in Amsterdam, featuring archeological treasures and other cultural items lent by Moroccan museums. For the exposition they published a catalogue, which included a map of Morocco. The map was accurate. When the Moroccan authorities saw it, they promptly blackmailed the Dutch organizers: either the map be changed, or they would withdraw the items from the exhibition. The organizers bowed to the pressure of Rabat and covered the original map of each copy of the catalogue with a sticker featuring the Moroccan version of the map, a map without the borderline. A second print of the catalogue, needless to say, was made according to Morocco’s wishes. The Dutch Foreign Ministry denied any interference in the affair, but the fact is that the exhibition was organized under patronage of Prince Willem Alexander and according to the Dutch Constitution, which embodies the principle of ministerial responsibility, the government is politically responsible for the acts of the members of the royal family.

Mr. Chairman,

Another recent example of this practice was at the Aichi EXPO in Japan, which finished a few days ago. The brochure distributed among the visitors of the Moroccan pavilion includes the same incorrect map. Saharan towns as El Ayun (named by Morocco Layoune) and Dakhla are portrayed as Moroccan. Last but not the least, under the title “Progressive recovery of Moroccan independence”, one can read: “1975 – Beginning of the recovery of Saharan provinces: Decision of the international court of justice in The Hague”. Once more, a curious Moroccan interpretation of international law. As you all know the Court concluded that

Morocco never had links of sovereignty with the territory of Western Sahara and confirmed the right to self-determination of its people.

A few words more concerning this EXPO brochure. On its page 3 one can see a picture of a smiling Mohammed VI holding his child in his arms. Above the photo, in Japanese and in English, the words: "From Morocco with love". What a contrast with the photos from El Ayun: dozens and dozens of Saharawi prisoners sleeping on the floor, so near or over each other that nobody can see an inch of that floor. Many of those prisoners were not allowed to see, let alone hold, their children for months or years. The crime they committed: to demand the application of the norms of international law of decolonization to their people, the same norms this Committee is entrusted to hold. What could be the caption for these photos: "From Western Sahara with despair"?



I would like to see a different caption in its place: "From Western Sahara with hope". Hope that at seeing these photos the representatives of the states with a seat at the Security Council and also in this Committee have the courage to say no to the colonization of the territory by Morocco. Hope that they have the wisdom to change the mandate of MINURSO, so that this mission does not have to stay impassive while grave human rights violations are being committed in front of it. Hope that they have the strength to implement the long due fair referendum of self-determination in the territory, so that the last colony of Africa can finally be free from foreign oppression and the goals of the Second International Decade for the Eradication of Colonialism can be achieved.

Thank you, Mr. Chairman.