

United Nations Human Rights Council

13th Session of UPR Working Group

(Geneva, 21 May - 1 June 2012)

Universal Periodic Review regarding Morocco

Joint submission by:

International Youth and Student Movement for the United Nations (ISMUN)
(NGO in General Consultative Status)

France libertés: Fondation Danielle Mitterrand
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International Educational Development
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Comité suisse de soutien au peuple sahraoui

JOINT NGO SUBMISSION UPR REVIEW REGARDING MOROCCO

Morocco currently exercise de facto administrative control over the non-self-governing territory of Western Sahara which is yet to exercise its right to self-determination and remain the last African colony on the UN list of non-self-governing territories.

Considering that the right to self-determination is a core principle of both the UN Charter and the two Covenants on Human Rights it is of fundamental importance for the credibility of the UPR process that the role of Morocco with regard to respecting the Human Rights, including the right of self-determination, of the People of Western Sahara is fully examined.

The United Nations does not recognize any Moroccan sovereignty over Western Sahara and the International Court of Justice in its 1975 Advisory opinion before the invasion and occupation of Western Sahara clearly rejected Morocco's claim of sovereignty over Western Sahara.

Yet the parties were able to agree in 1988 and 1991 on a Security Council led peace process with the establishment of the UN mission (MINURSO) with the purpose to organise a referendum in 1992. However since 2004 Morocco refuse the principle of a referendum where the option of independence is included and thus the several sessions of direct negotiations between Morocco and Polisario has failed up to now to produce any result.

While Polisario is ready to include the option of autonomy in a referendum, Morocco categorically refuse the inclusion of independence as an option. The refusal to agree to a referendum with independence as one of the options is clearly inconsistent with the UN General Assembly resolutions (1514, 1541) regarding the principles for decolonisation and the achievement of self-determination.

The right to self-determination is indispensable for the exercise of all other Human Rights. During the period since the previous UPR the general Human Rights situation in Western Sahara has aggravated and repressive measures against the free expression of peoples wish for self-determination increased. In this situation it is particularly disturbing that the MINURSO mission is the only such UN mission which lack a Human Rights monitoring role and capacity due to the opposition of Morocco. The permanent presence in Western Sahara of a Human Rights monitoring facility within MINURSO would no doubt be of great importance for reporting on the Human Rights situation and promoting a better environment for Human Rights and preparing for a referendum.

Another Human Rights principle of great importance for the situation in Western Sahara is the permanent sovereignty of the people of Western Sahara over its natural wealth and resources. It is of great concern that the exploitation of the phosphate and maritime resources of Western Sahara has been expanded in violation of the established UN and international law principles and in disregard of the interests and wishes of the people of Western Sahara. In this respect we deplore the negative effects of the EU-Morocco Fisheries Partnership Agreement.

Recommendations:

1. Morocco should take the opportunity of the UPR to declare its acceptance of the established UN principles for the achievement of self-determination, including through a referendum with independence of Western Sahara as an option.

2. Morocco should welcome the establishment of a permanent Human Rights component within MINURSO.
3. Morocco should declare a reversal of its policy regarding the exploitation of the natural resources of Western Sahara in line with established international law principles and to the benefit of the people of Western Sahara.

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