

FORUM: Fourth Committee of the General Assembly

QUESTION OF: The Question of Western Sahara

SUBMITTED BY: South Africa

CO-SUBMITTERS: Afghanistan, Algeria, Angola, Benin, Central African Republic, Congo, DR Congo, Ethiopia, Hungary, Iraq, League of Arab States, Mauritania, Senegal, Slovenia, South Sudan, Uganda, Vietnam, World Bank, Moldova

RESOLUTION NUMBER: 141,

THE GENERAL ASSEMBLY,

Recalling all its previous resolutions on the question of Western Sahara,

Emphasizing the 1963 official recognition of Western Sahara by the UN General Assembly as a non-self-determined territory, and the International Court of Justice (ICJ) declaration of the right of the Saharan people to self-determination and found no links between the territorial sovereignty of Morocco and Western Sahara,

Keeping in mind the agreement signed on August 5 1979 by the Polisario Front, waging an armed struggle for the complete liberation of Western Sahara and the Government of Mauritania in which Mauritania recognised the right of the Saharan people to self-determination and renounced all claims to the territory of Western Sahara,

Further recognizing the rights of the Sahrawi people to practice self-determination and declare autonomy,

Noting that Western Sahara is the only United Nations recognized non-self governing territory with no monitoring of human rights violations by the United Nations,

Distressed by the approximately 90, 000 Sahrawi displaced refugees residing in Algeria, in camps near Tindouf, since 1975 with little access to outside resources,

Also noting with concern that a growing number of individuals in Algeria Polisario refugee camps are becoming targets for terrorist organizations,

Acknowledging the Sahrawi Arab Democratic Republic's (SADR) support from the African Union as well as the lack of recognition for Moroccan Annexation,

Deeply conscious of the tension between Morocco and the Sahrawi Arab Democratic Republic of the region as well as the several failed UN-mandated resolutions like Resolution 1720,

Keeping in mind King Hassan II of Morocco rejected claims of independence for Western Sahara, despite the International Court of Justice findings that Morocco did not have legal ties to the area,

Recalling Security Council resolution 690 (1991) of 29 April 1991, by which the Council established the United Nations Mission for the Referendum in Western Sahara, and the subsequent resolutions by which the Council extended the mandate of the Mission, the latest of which was resolution 2099 (2013) of 25 April 2013, by which the Council extended the mandate of the Mission until 30 April 2014,

Welcoming the new momentum created by the first round-table meeting on 56 December 2018 and the second round-table meeting on 21–22 March 2019, and commitment by Morocco, the Polisario Front, Algeria, and Mauritania to engage in the UN political process on Western Sahara in a serious and respectful manner in order to identify elements of convergence,

1. Proclaims that several changes be made to the Moroccan penal code and criminal justice system according to the Amnesty 2016 report submitted to the UN Human Rights Committee, by the means of:
 - a) bringing legislation in conformity with international standards with regard to non-degradable prohibitions including:
 - i. those on enforced disappearance, for instance, specifying that it applies in all circumstances including public emergencies
 - ii. torture and other ill-treatments
 - b) reviewing Legislation to include a prohibition on the crime of deportation of civilian populations or transfer to, within or from occupied territory in Article 85(4)(a) of Protocol 1 Additional to the Geneva Convention
 - c) review the Penal Code to include precise definitions of “advocacy” of terrorism and terrorists
 - d) grant access to places of detention to national and international rights groups
 - e) conduct full, impartial and independent investigations into all allegations of crimes under international law where sufficient admissible evidence exists, prosecute those responsible in fair trials without recourse to the death penalty, and asks:
 - i. for Moroccan courts to hold accountable officials suspected to be responsible for disturbing cases of human rights violations including torture and enforced disappearances in Morocco and Western Sahara,
 - ii. for Moroccan authorities to open investigations following the discovery of several sites of human remains in Western Sahara
 - iii. to Investigate allegations of torture and secret detention at a secret detention center in Temara 2002-2011
 - iv. forensic medical examination conforming with the Istanbul Protocol, or autopsies in conformity with the Minnesota Protocol in case of a death in custody;
2. Suggests the creation of the WSRPA (West Saharan Human Rights Protection Agency), this agency is to work under the consultation of the OHCHR (Office of the United Nations High Commissioner for Human Rights) and in cooperation with United Nations Mission for the Referendum in Western Sahara (MINURSO) in order to fulfill its core objectives:
 - a) monitor the upholding of human rights within Moroccan and Polisario controlled West Sahara as well as the Polisario run Tindouf refugee camps in Algeria
 - b) monitor the condition of human rights within prisons controlled by the Polisario front as well as Moroccan prisons that holds Polisario members or supporters
 - c) supervise judicial trials in order to insure their fairness
 - d) aid those who have experienced inhumane treatment
 - e) raise awareness for the advocacy of human rights and the society’s responsibility to not violate them
 - f) monitor the Moroccan settlement policy more closely by extending the to the MINURSO available resources;
 - g) Working in tandem with MINURSO to take an adequate census of the sahwari refugee camps in Algeria:
 - i. This census would take an accurate count of present individuals, literate individuals, individuals with potential trade skills, individuals requiring medical attention, individuals who are young and idle
 - ii. Additionally, the MINURSO agents should assess access to food, electricity, and education
 - h) Funding a programme as a branch of MINURSO ,to be modeled after the Danish Refugee Council’s livelihood programmes, which will:
 - i. Provide business training, start up grants, and technical support throughout the year
 - ii. Work in tandem with the Ministry of Youth to select youth for business grants.
 - iii. Be designed in line with UNHCR’s 5 year livelihood strategy (Egypt)

3. Requests the United Nations High Commissioner for Refugees (UNHCR) to improve the situation of Sahrawi refugees in Algeria and Mauritania as well as the Sahrawi refugees within Western Sahara by measures such as but not limited to assisting the United Nations members to provide the refugees with resources to satisfy their basic needs;
4. Encourages the prevailing party in the upcoming referendum to join the African Union (AU) in order to stimulate economic activity, and join African Monetary Union (AMU) to avoid volatility in the economy of Western Sahara and create stable job opportunities for people by:
 - a) creating a common market to decrease the financial and economic barriers that disrupt trade activities
 - b) speeding up the formation of African Central Bank (ACB) for it to be the banker and financing institution of public and private organizations of Western Sahara
 - c) having African Central Bank make economic deals with IMF and World Bank to reduce debts and in some cases promote debt relief for investors to catch up with social requirements that are propagated by citizens of African Union
 - d) having African Central Bank collaborate with other banks who finance investments to enlarge African market and foreign investments
 - e) creating incentives for foreign banks who actively participate in the economic growth of Africa and would be potential partner of Western Sahara such as China Development Bank
 - f) establishing financial incentives for entrepreneurs who want to invest and innovate on areas such as agriculture, transportation, information technologies, aviation, and other areas
 - g) supporting the opening of micro financing banks in the Western Sahara region to support local businessmen in their efforts to open businesses, which in turn could be used to open jobs for the thousands of unemployed Sahrawi people
 - h) having ACB as a mediator to get in touch with the Moroccan government in order for them to recognize West Sahara's rights to its own economic activities
 - i) acquiring funds from Non-Governmental Organizations (NGO) and UN Development Program (UNDP) for the re-development of the urban and rural regions in Western Sahara;
5. Further encourages the UN's deployment of Economic Commission for Africa (ECA) to improve socio-economic infrastructure and act as an advisory panel for Western Sahara in order to:
 - a) lead the region to improve infrastructure that would facilitate people by socio-economic means via the construction of transportation and establishing highly qualified education institutions
 - b) establish necessary educational system and capitals such as schools, universities
 - c) help the government to prioritize meritocratic policies and avoid exclusion of people from daily economic activities because of their political stance
 - d) prevent corruption in finance and other economic institutions based and be based in Western Sahara;
6. Asks the United Nations Mission for the Referendum in Western Sahara (MINURSO) to work with the Moroccan and SADR government in order to focus on the implementation of the Settlement Plan, which has been previously approved by both parties, by:
 - a) the implementation of United Nations Department of Political Affairs (UNDPA) to lead political talks between parties to keep voting process and referendum question unbiased
 - b) initiating political talks between the parties with the assistance of the UNDPA for them to have a common goal of prioritizing the well being and the individual-choice of the people in West Sahara, which will begin as soon as the resolution is passed in the General Assembly and include topics such as but not limited to:
 - i. the referendum that will take place in West Sahara
 - ii. the possible outcomes of the referendum and the actions the parties are willing to take in those outcomes
 - iii. the future of West Sahara

- c) defining “Sahrawi people” as people who were born within the borders of Western Sahara, have spent some time living in Western Sahara and identify themselves as a “Sahrawi”
 - d) deciding, in accordance with the Advisory Opinion of the International Court of Justice (ICJ) published in 1975, that the people who are eligible in deciding upon the sovereignty of West Sahara are the Sahrawi people
 - e) further deciding that, referring to sub-sub clause ii, the people who are eligible for voting in the referendum are the Sahrawi people only
 - f) no Morocco-endorsed migration to the region would be allowed in order to fully validate the referendum that would promote the right of self-determination of the people of Western Sahara;
7. Proposes a summit at which all parties involved, namely the State of Morocco and the Sahrawi Arab Democratic Republic, can recommence with negotiations on the implementation of a just and durable solution of the political status in disputed areas, concerning:
- a) proposing and entertaining suggestions on a referendum that will allow the people of the Western Sahara region to demonstrate their right to self-determination in choosing their own political status, with the following suggestions for the referendum:
 - i. the referendum should be assisted by the UN Department of Political Affairs (UNDPA) Electoral Assistance Division to ensure fair and impartial voting procedures
 - ii. the question should be determined by the UNDPA to ensure a question that does not connote a particular stance and influence the voters’ decisions
 - iii. logical electoral zones should be identified by the UNDPA to uniquely decide whether to join the Kingdom of Morocco or the Sahrawi Arab Democratic Republic
 - iv. the UNDPA should work in conjunction with UN peacekeeping missions in the region and the Moroccan and Sahrawi governments in order to ensure free expression of opinion and ample opportunities to go to voting centers
 - v. an awareness campaign to involve the voting population and educate them on their political rights
 - b) the drafting of a new declaration of agreements and ensuring the effective implementation of both;
8. Encourages the collaboration of UNSC and African Union Peace in order to protect the Sahrawi Arab Democratic Republic, in the case that the referendum results in favour of an independent Western Sahara, against any violation of its territories by the establishment of a common peacekeeping task force called Western Sahara Peacekeeping Force (WSPF) which will:
- a) protect the borders against any trespassing of foreign army in accordance to international laws and with UN approval
 - b) have the right to self-defense in accordance with UN Charter Article 51
 - c) have the right to equip necessary military equipment if it is deemed necessary
 - d) set military infrastructures for protection of natural resources, the civilian population, water and sanitation, and government officials
 - e) advise and train SADR military forces to reach the ability such that they can protect themselves against any professional military’s invasion
 - f) enlarge African Union-led Regional Task Force’s jurisdiction and effect to Western Sahara region by recognizing Sahrawi Arab Democratic Republic as the legitimate governing state of Western Sahara region to protect borders in collaboration with United Nations Security Council (UNSC);
9. Calls for the deployment of more UN Peacekeepers as an auxiliary to MINURSO to secure the referendum, replacing the Moroccan forces stationed in the region, in order to promote equity, and also to protect the civilian population against the attacks of jihadists and smugglers in which:
- a) a separate UN Peacekeeping group would be created, without the intervention of the

potentially established WSPF, in order to increase the reliability of the results, ease tensions and enhance democratic values

- b) the necessary number of UN personnel presence would be optimized and maximized
- c) intervention of Moroccan forces would be prevented, except for an action taken in accordance with UN Charter Article 51
- d) if a case which would justify Article 51 occurs, international laws cannot be violated and any type of annexation should not be tolerated by the United Nations Security Council (UNSC)
- e) all socio-economic infrastructure such as hospitals, railways and etc would be protected with highest precaution by WSPF and UNSC-led peacekeeping units in order to keep public morale high and daily economic activities of society stagnant. (Morocco) [by Acclimation]