



**Resolution 2004 (2014)<sup>1</sup>**

Final version

## Parliamentary contribution to resolving the Western Sahara conflict

Parliamentary Assembly

1. The Parliamentary Assembly welcomes the effective progress made by Morocco on various questions relating to human rights and democracy, as underlined in [Resolution 1942 \(2013\)](#) on the evaluation of the partnership for democracy in respect of the Parliament of Morocco, including the creation, in 2011, of the Moroccan National Human Rights Council (CNDH) and other organisations for the protection of human rights.
2. At the same time, the Assembly recalls that under the terms of [Resolution 1818 \(2011\)](#) granting the status of partner for democracy to the Parliament of Morocco on 21 June 2011, it expects Morocco to continue to seek the settlement of international disputes by peaceful means, in accordance with the Charter of the United Nations. In this context, the Assembly specifically called on the Parliament of Morocco “to enhance its contribution to solving the Western Sahara problem in accordance with the relevant resolutions of the United Nations Security Council”.
3. Now, three years later, the Assembly remains concerned about the slow progress in finding a just and lasting political solution to the Western Sahara conflict, which has been a source of hardship and suffering for almost forty years.
4. The Assembly notes, in particular, that Western Sahara remains a disputed territory, regarded as a “non-self-governing territory” by the United Nations and under *de facto* Moroccan administration, and that some of the Sahrawi population in the territory and some refugees in the Tindouf camps in Algeria, who are linked to the Polisario Front, are opposed to this situation. In this context, the Assembly:
  - 4.1. endorses United Nations Security Council Resolution 2152 (2014) and calls on the parties to continue negotiations under the auspices of the United Nations Secretary-General, without preconditions and in good faith, taking into account the efforts made since 2006 and subsequent developments, with a view to achieving a just, lasting and mutually acceptable political solution which will provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations;
  - 4.2. takes note of the Moroccan proposal, and the serious and credible efforts underlying it, aimed at granting the Sahrawi population a large measure of self-government, with its own legislative, executive and judicial bodies, as well as financial resources for development;
  - 4.3. encourages the parties to enhance the involvement of Sahrawis in political negotiations, in line with the “principle that the interests of the inhabitants of [non-self-governing] territories are paramount”, as laid down in Article 73 of the United Nations Charter;
  - 4.4. takes note of the proposal by the Polisario Front, which believes that the solution to the conflict must involve the exercise by the Sahrawi people of their right to self-determination through a referendum;

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1. *Assembly debate* on 25 June 2014 (24<sup>th</sup> Sitting) (see [Doc. 13526](#), report of the Committee on Political Affairs and Democracy, rapporteur: Ms Liliane Maury Pasquier; and [Doc. 13544](#), opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Ms Maria Teresa Bertuzzi). *Text adopted by the Assembly* on 25 June 2014 (24<sup>th</sup> Sitting).



- 4.5. takes note of the obstacles to the holding of a referendum, in particular to the identification of voters, responsibility for which lies with the United Nations Mission for the Referendum in Western Sahara (MINURSO), which currently checks that the ceasefire is respected and supports confidence-building measures to address the needs of displaced Sahrawi families, as well as de-mining programmes for the region;
  - 4.6. underlines that the status quo is causing growing frustration, especially among young people, which could generate violence throughout the Sahel-Saharan region;
  - 4.7. encourages the parties to maintain dialogue, to remain constructively engaged with the United Nations Personal Envoy of the Secretary-General for Western Sahara, and to show realism and a spirit of compromise in order to achieve progress in the negotiations;
  - 4.8. reiterates that the issue of human rights remains an essential factor in any comprehensive settlement of the conflict and underlines that respect for human rights must be ensured immediately in Western Sahara and in the Tindouf refugee camps, without prejudice to a political resolution of the conflict regarding the status of the territory;
  - 4.9. welcomes the recent bill approved by the Council of Ministers of Morocco on 14 March 2014 on the reform of the military justice system, with a view to ending the practice of trying civilians in military courts, regardless of the crimes committed, as well as the creation of a network of parliamentarians against the death penalty in the Moroccan Parliament;
  - 4.10. notes with satisfaction the efforts made by Morocco for the promotion and protection of human rights, in particular through the strengthening of its national human rights institutions, and its continued positive interaction with the "Special Procedures" mechanisms of the United Nations, in line with its international obligations. This relates in particular to the strengthening of the role of the CNDH and the nomination of contact persons at ministerial level to follow up the recommendations of the CNDH, in particular in the offices in Laâyoune and Dakhla;
  - 4.11. is nevertheless concerned about a number of alleged human rights violations in Western Sahara, in particular in terms of freedom of expression, assembly and association, as well as allegations of torture, inhuman or degrading treatment and violations of the right to a fair trial;
  - 4.12. is also concerned about alleged human rights violations in the Sahrawi refugee camps in Tindouf, in particular in terms of freedom of expression, assembly, association and movement, as well as the humanitarian situation in the camps, which has been aggravated by the global financial crisis, unemployment, a lack of prospects and the very worrying and unstable situation in the Sahel;
  - 4.13. notes with satisfaction that family visits between the refugee camps and Western Sahara have proceeded well since March 2004 and calls on both parties to continue co-operating with the Office of the United Nations High Commissioner for Refugees (UNHCR) and MINURSO so that the family visits run smoothly.
5. More particularly, the Assembly calls on the Moroccan authorities to:
- 5.1. step up their efforts and co-operation with the CNDH and the International Committee of the Red Cross (ICRC) in accounting for those who are still missing in connection with the conflict, and exhume and return remains to families;
  - 5.2. implement the recommendations based on the Special Procedures of the United Nations Human Rights Council, with which the CNDH, the Moroccan mediator and the Interministerial Delegation on Human Rights co-operate actively;
  - 5.3. guarantee freedom of expression and revise certain articles of the Press Code, the Law on Associations and other laws which make illegal any political and civil society statements and activities deemed to undermine the "territorial integrity" of Morocco, and guarantee free movement of journalists and foreign visitors who travel to Western Sahara;
  - 5.4. respect the right to hold peaceful meetings, including for advocates of self-determination for the Sahrawi people, and make sure that any restrictions are temporary and limited to what is strictly necessary;
  - 5.5. ensure compliance with the Moroccan Law on Associations by putting an end to the practice of rejecting, on formal grounds, the statute documents submitted by non-registered Sahrawi civil society associations;

- 5.6. ensure that the actions of the police remain proportional and reinforce human rights training for members of the security forces, and also for judges and prosecutors, in partnership with the Council of Europe;
  - 5.7. conduct independent inquiries to determine the responsibility of the Moroccan police following complaints by civilians regarding human rights violations in Western Sahara, examine all allegations of torture and ensure that no statement obtained by force is admitted as evidence;
  - 5.8. grant the accused in the trial concerning the events in Gdeim Izik in December 2010 the right to a retrial in a civilian court, in accordance with the proposal for a bill stipulating that civilians should no longer be tried in military courts, regardless of the crimes committed;
  - 5.9. continue the efforts made concerning the abolition of the death penalty and, in the meantime, declare a legal moratorium on executions;
  - 5.10. strengthen the role of Moroccan human rights institutions, in particular the CNDH, regarding the human rights situation in Western Sahara;
  - 5.11. sign the Deed of Commitment under Geneva Call for Adherence to a Total Ban on Anti-Personnel Mines and for Cooperation in Mine Action and accede to the United Nations Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction.
6. The Assembly also invites the representatives of the Polisario Front and Algeria to:
- 6.1. allow the UNHCR to organise a census and to proceed with the registration and identification of the population in the Tindouf camps in order to establish the actual number of refugees living in these camps;
  - 6.2. invite the independent human rights experts (Special Procedures) of the United Nations Human Rights Council to travel to all parts of the region;
  - 6.3. ensure the amelioration of the humanitarian situation of refugees in the Tindouf camps and the fulfilment of their obligations regarding humanitarian rights;
  - 6.4. co-operate with the International Committee of the Red Cross (ICRC) and the Special Procedures mechanisms of the United Nations with a view to clarifying the cases of Moroccan missing persons in the Tindouf camps within Algerian territory;
  - 6.5. co-operate with the United Nations in finding a fair and final solution to the conflict, be realistic and constructive in the negotiations and step up dialogue on any issue concerning human rights in the refugee camps;
  - 6.6. guarantee freedom of expression, assembly and association for all the camp residents, including by making sure that they are free to advocate options other than independence for Western Sahara;
  - 6.7. ensure that the camp residents enjoy freedom of movement, including, if they so wish, the right to leave the camps and settle in the territory of Western Sahara;
  - 6.8. develop a human rights culture in the refugee camps and set up human rights training programmes for the members of the security forces, and also for judges and prosecutors, local officials and civil society representatives.
7. The Assembly encourages all parliamentary institutions in the region to play a more active role and become more involved in the search for solutions that facilitate the negotiations and build mutual trust between the parties to the conflict, including helping to facilitate direct exchanges.
8. In particular, the Assembly invites the Moroccan Parliament, in accordance with the commitments made under [Resolution 1818 \(2011\)](#) granting it the status of partner for democracy, to:
- 8.1. urge the Moroccan Government to implement all the recommendations made in the context of the United Nations and the CNDH, and continue developing a genuine culture of human rights in Western Sahara;
  - 8.2. be open to dialogue with non-registered Sahrawi civil society associations and human rights defenders, with the authorities of the Polisario Front based in the Tindouf camps, such as the Sahrawi National Council, and with members of the Algerian Parliament with a view to building mutual trust and facilitating negotiations.

9. The Assembly also calls on all Council of Europe member States to:
  - 9.1. intensify their efforts and work together to find a just and final political solution to the conflict, enabling the establishment of lasting security and stability in the Sahel-Saharan region;
  - 9.2. to provide urgent funding for the confidence-building measures programme and the programme mandate of the UNHCR in the Tindouf refugee camps.
10. Lastly, the Assembly believes that the progress made by Morocco in the field of human rights in Western Sahara and the implementation of this resolution should henceforth be taken into account in the next evaluation report on the partnership for democracy in respect of the Parliament of Morocco, which is due in 2015. In this context, the Assembly stands ready to help facilitate direct contacts between the parties concerned.