



General Assembly
Human Rights Council
21st session

Item 6 - Universal Periodic Review

Kingdom of Morocco

Madam President,

MRAP wishes to thank Austria, Denmark, Canada, Costa Rica, Ireland, Norway, UK, Ukraine, Uruguay, USA and Sweden for having raised the issue of the violation of human rights in the Non-Self-Governing Territory of Western Sahara occupied by the Kingdom of Morocco.

MRAP expresses its serious concern and deeply regrets the omissions made in the Report of the Working Group to the Council, notably when it comes to references made to specific views and recommendations on Western Sahara.

In this context, MRAP wishes to draw the attention of the UN Member States that one cannot consider the Sahraoui People as a minority in the Kingdom of Morocco as long as it will not be able to fulfil his very fundamental right to self-determination.

This confusion may be the result of the Kingdom of Morocco longstanding policy, reflected in its diplomatic relations, of denial of the effective nature of the juridical status of the Western Sahara. Last, but not least, act of this policy is the reference to Western Sahara in the revised Constitution of the Kingdom as "Southern Province".

As stated by the above mentioned group of States, the violations of the fundamental human rights of the Sahraoui People are numerous, constant and serious: the Kingdom of Morocco has to account.

Having in mind the section dedicated to Human rights in the last report of the Secretary General to the Security Council¹, the General Assembly resolution 1514 (XV), the 1975 International Court of Justice Advisory Opinion² and the 29th January 2002 letter of the Under-Secretary-General to the Security Council³, MRAP calls upon the Kingdom of Morocco to revise its Constitution in order to respect the actual international juridical status of the Non-Self-Governing Territory of Western Sahara and to call for the inclusion of a human rights monitoring chapter in the mandate of the MINURSO.

Le MRAP prie le Président de la République française de lever le veto que la France exerce à l'inclusion de la surveillance des violations des droits humains dans le mandat de la MINURSO.

19th September 2012

¹ S/2012/197 - p.15

² Western Sahara, Advisory Opinion, I.C.J. Reports 1975 "The inferences to be drawn from the information before the Court concerning internal acts of Moroccan sovereignty and from that concerning international acts are, therefore, in accord in not providing indications of the existence, at the relevant period, of any legal tie of territorial sovereignty between Western Sahara and the Moroccan State."

³ S/2002/161 - p.1 "...The Madrid Agreement did not transfer sovereignty over the Territory, nor did it confer upon any of the signatories the status of an administering Power..."