

*Mission Permanente
du Royaume du Maroc*

Genève



البعثة الدائمة
للمملكة المغربية

جنيف

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of the UNHCR**

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**Statement of H.E Mr Omar Hilale Ambassador,
Permanent Representative of the Kingdom of
Morocco**

Item 4

General Debate

Geneva, September 29th, 2009

Thank you Mr Chairman,

My delegation is extremely grateful to Mr High Commissioner for making the search for durable solutions to protracted refugee situations one of the thrusts of his opening statement to this session of the Executive Committee.

The Kingdom of Morocco agrees with him that the search for durable solutions is an essential component of international protection. It is the cornerstone of UNHCR's mandate and humanitarian strategy.

Mr High Commissioner just recently came back from a visit to our region. His journey took him to Algiers and Tindouf. There he was able to witness first hand and deplored the humanitarian tragedy that the Tindouf camps populations have had to endure for over three decades.

In the Moroccan Sahara Mr High Commissioner witnessed with compassion the transversality of the separation tragedy, common to all the families of the Sahara, inside and outside the camps. We thank him for his concern for the sufferings of men and women who have never been able to meet their relatives. Thanks to the confidence building measures of the UNHCR some of them were able to meet their relatives for the very first time in Moroccan Sahara.

In view of that situation, which the High Commissioner described as dramatic, Morocco solemnly appeals to the UNHCR to fully carry out its mandate to find durable solutions for those in the Tindouf camps.

The strategic importance that Mr High Commissioner just attached to the issue of durable solutions in his opening statement is a source of comfort and an encouragement for us to seek his action in this regard.

Mr Chairman,

International refugee law is very clear. It provides for three durable solutions : voluntary repatriation ; local integration ; and resettlement in third countries.

Voluntary repatriation is considered the preferred solution by the HCR and the international community. This is the reason why Morocco nurtured so much hope in it and launched at the very beginning of the conflict its « Motherland is clement and merciful » appeal for voluntary return for those forcefully driven to Tindouf. The UNHCR did itself launch a voluntary repatriation campaign but was prevented from carrying out its mission by the Algerian authorities which forbade it from informing those held in the camps of their right to voluntary return.

This is how Algeria, the host country, has been deliberately opposing repatriation for the past 30 years. Strangely enough, Algeria is the only host country in the world which opposes the

return of displaced persons to their country of origin, obviously not for humanitarian reasons but clearly for political ones.

Local integration is a solution that has never been implemented by the host country except for Algerian nationals from the region of Tindouf who were driven to the camps in order to artificially inflate the number of those in the camps. This is how over the past few years Algeria has allowed more than 20.000 of them to integrate in various Algerian villages and cities. Sahraouis of Moroccan origin have unfortunately been discriminated against and excluded from this durable solution. This is a blatant violation by Algeria, the host country, of the fundamental principle of equal access to rights.

As for resettlement in third countries, international refugee law, especially the 1951 Geneva Convention, the 1967 Additional Protocol, the Executive Committee's conclusions and relevant UNGA resolutions, provide for this solution when the two previous ones cannot be implemented. This durable solution was regrettably never proposed to the populations of the Tindouf camps.

Therefore, in view of the current humanitarian stalemate, Morocco would like to ask the UNHCR to take all necessary measures to implement this solution and inform the camps populations of their right to leave the camps and freely choose to resettle in third countries, and to do so in keeping with its mandate and international refugee law.

Why is Morocco making this proposal ?

Various reasons led Morocco to ask the UNHCR to strive for the resettlement of these populations.

- Morocco strongly rejects the Algerian political motivations behind its opposition to the voluntary return of Moroccan populations to their Motherland. Likewise, Morocco will never accept that Algeria deprives these populations from their legitimate right of resettlement.

- The case of the Tindouf camps is clearly a protracted refugee situation and as such qualifies for the durable solutions advocated for by the UNHCR.

- The populations in the camps live in unbearably dramatic conditions. The camps are now hosting the second sequestered generation of Moroccans.

- The UNHCR is not mandated to indefinitely assist these populations only because the host country is opposed to their repatriation. However, in the absence of prospects of voluntary repatriation and local integration the UNHCR is under the obligation to consider and implement the third and last durable solution, i.e. resettlement in third countries.

- Algeria has abdicated its international responsibility in the camps in favour of the Polisario and strived for the militarization of these camps in gross violation of international humanitarian law.

- The Polisario recently set up tribunals in the camps in order to judge those who dare to challenge its Stalinian one party authoritarianism or try to escape the camps. Those camps can no longer be called refugee camps.

- The continuous violations of the human rights of the Tindouf camps' populations with the knowledge and open complicity of the host country, Algeria.

- The impossibility for Morocco to resign itself to accepting that its citizens be held hostage in the camps to serve Algeria's hidden agenda.

Why is Morocco asking for resettlement now and not before ?

The timing of Morocco's request to the HCR was dictated by several considerations:

- The persisting obstruction, by Algeria, to the UNHCR's mandate, for 35 years, is morally intolerable, politically unacceptable and legally wrong.

- UNHCR's role, in the camps of Tindouf, should not be limited to its sole mandate of food aid, but must be widened, as required by its status, to protection in general and implementation of durable solutions in particular.

- The populations of the camps needs are, henceforth, for more freedom and dignity than flour and milk powder.

- Since the 2002 global consultations on international protection, UNHCR successfully launched its strategy of promoting the implementation of durable solutions for the refugee protracted situations.

- The fact that over the past 5 years the UNHCR managed to repatriate 10 million displaced persons, i.e. 2 million refugees per year, and to resettle over 65 800 refugees in third countries. Morocco warmly congratulates the HCR and thanks countries of resettlement for their hospitality.

- The disturbing confirmation by Algeria during the High Commissioner's recent visit to our region to veto any census of the Tindouf camps population and consequently the right to voluntary repatriation. This amounts to sentencing them all to lifelong exile.

- Morocco's deep conviction - just confirmed by the report that the High Commissioner just provided us - that humanitarian assistance and self-sufficiency, are no durable solutions to protracted refugee situations.

- Morocco's concern in the eye of the traumatic impact and negative consequences of prolonged exile, particularly on the most vulnerable, as was just revealed by the report of the High Commissioner on international protection.

- The fear that the nagging feeling of despair that prevails in the camps be used by the terrorist networks operating in the Sahelo-Saharan region.

Mr. Chairman,

For all these reasons, Morocco cannot stand idly by, watch this tragedy unfold and let its citizens grow up and die as hostages in the camps. Likewise, it cannot resign itself to accepting that they be given only the bitter choice of enduring exile in the camps or risk their

life trying to escape. Morocco's only ambition is to give them hope and the chance to escape the plight of exile and choose to live elsewhere in freedom and dignity.

In this perspective, my delegation wishes to solemnly declare that its demand on the resettlement solution will have no impact on the political process which rests within the Security Council's responsibility. In fact, the future beneficiaries of any resettlement operation, will preserve their full and legitimate right to participate, on due course, in any consultation on the lasting political solution which may come out of the current negotiations held under the UN, on the basis of the Moroccan initiative on autonomy for the region under the sovereignty and territorial integrity of the Kingdom of Morocco.

Mr Chairman,

By way of conclusion, Morocco would like to put forward a triple request to the UNHCR :

- Morocco is solemnly appealing to the UNHCR to do its utmost to inform the Tindouf camps population of their legitimate right to freely choose to resettle in a third country.

- Morocco is asking the UNHCR to identify the countries that would offer resettlement to those willing to leave the camps.

- Morocco is inviting the UNHCR to raise UN agencies' awareness on this situation so that they can contribute to this eminently humanitarian operation.

Morocco would like to express its gratitude to donor countries for their generosity and the food aid they have been providing to the populations in the camps for decades. However, now more than ever, these populations no longer need palliative or relieving assistance for it only perpetuates their status of assisted persons. What they need is authentic and bold durable solutions that will restore their freedom and dignity.

Morocco thus appeals to Algeria to demonstrate responsibility and compassion and make sure the humanitarian values it has always purported to defend in this case prevail. No political motivation, or any principle of international law can justify retaining thousands of human beings in the camps in complete denial of their basic rights to freedom and human dignity.

In other words, the exercise of self-determination, so dear to Algeria, must start by granting these populations the free choice to live in the Tindouf camps or resettle in a third country.