

Western Sahara: Denial of Self-determination and Human Rights Abuses

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In May 2006, and for the first time since the UN adopted the famous General Assembly's resolution 1514, a delegation from the Office of the United Nations High Commissioner for Human rights visited Western Sahara to investigate the human rights situation in this last colony in Africa. The Mission accomplished its task by writing a report concluding that:

"1. As has been stated in various UN for a, the right to self-determination for the people of Western Sahara must be ensured and implemented without any further delay. As underlined above, the delegation concludes that almost all human rights violations and concerns with regard to the people of Western Sahara, whether under the de facto authority of the Government of Morocco or of the Frente Polisario, stem from the non-implementation of this fundamental human right." (Report attached)

Nevertheless, this report was kept under embargo because a powerful member in the UN Security Council, France, refuses any kind of protection and monitoring of human rights in Western Sahara.

The right to self-determination is a sacred principle upon which the international law, and all international covenants are built. It is enshrined in the UN Charter as one of four pillars of the international legality. It is a focal right in the two international covenants, and is actually one of the main claims of all protests and revolutions in the Arab World, where the peoples "want," and where the peoples "demand" and where the peoples "decided" to take their political fate between their hands.

Western Sahara is clearly defined by the international community as a non-self-governing territory, whose people are recognized as "the people of Western Sahara" and are entitled according to the different UN resolutions adopted since 1963 to exercise a genuine right to self-determination to chose between independence, self-determination and autonomy with an existing political entity, yet, the people of this territory are still denied their right to decide the future of their country.

As a result to this denial, many anomalies are marking the situation and lives of the territory and its people. The main of which I would like to talk about is the systematic violation of human rights in Western Sahara. Morocco systematically violates the political, economic, social, cultural and environmental rights of the people of Western Sahara in total impunity.

Civil and Political Rights

Morocco militarily invaded Western Sahara on 31 October 1975 in flagrant violation of the UN Charter and in violation of the Saharawi people's right to their land. Western Sahara was then a Spanish colony and the UN has reached the agreement with the government of Madrid to organsie a referendum for the Saharawi people in 1975. Instead of that, the Spanish week government of the dying Generalissimo Franco was forced by France and Morocco to sign an illegal tripartite agreement with Morocco and Mauritania according to which the two Arab countries part the land of Western Sahara and its people in two zones, while Spain maintains a privileged status keeping 30% in

the phosphate exploitation and a priority in the exploitation of the fishing resources in the Saharawi rich waters.

Morocco has thus violated the Saharawi people's right to self-determination and as a result kept violating their civil and political rights to: physical integrity and safety and their right to the protection from all kinds of discrimination, in addition to their individual rights such as freedoms of thought and conscience, speech and expression, religion, the press, and movement. These Moroccan violations generated a set of crimes against humanity and crimes of war in addition to phenomenon such as forced disappearance and systematic practice of torture by the different Moroccan corps.

The Moroccan army committed atrocities against the Saharawi population in the first years of the invasion killing thousands of Saharawi families, especially nomads. Poisoning waters in the desert, exterminating livestock, which was the main economic wealth of the Saharawi people. The Moroccan Consultative Council for Human Rights recognized these crimes in a report it elaborated for the Human Rights Council in 2010. In this report, that was used within the HR Council without much advertisement, Morocco recognized the army's responsibility in the death of some 352 Saharawis killed according to the report "because of bad conditions of imprisonment" in different Moroccan secret detention camps. No other measures were undertaken to face this accountability, since the families of the victims never received information from the State before they accidentally read this report after some organizations spread it around.

The violations never stopped since 1975. Hundreds of Saharawis experienced forced disappearance some for more than 15 years in secret detention. The majority of these victims were suddenly released in 1991, but the phenomenon, again, never stopped because one of the latest cases of disappearance is as recent as 2005 with the case of 15 young Saharawi activists whose families are still demanding the truth about their fate.

In addition to the phenomenon of disappearance, the Moroccan authorities systematically practice torture against demonstrators, prisoners, arrestees not only in prisons or police stations but also in streets and outside the cities. Since 2005 many demonstrators were arrested by police but never taken to police stations, they are driven in the outskirts of the cities, beaten to death, sometimes raped, and abandoned in most cases unconscious 40 or 50 km far from the cities.

Demonstrations in Western Sahara are always faced with violent police interventions. Thousands of Saharawis have been injured, arrested, tortured, beaten or even killed after they participated in peaceful demonstrations. Police do not tolerate demonstrators who raise Saharawi flags or chant slogans in favor of the independence of their land.

Saharawi human rights organizations, without exception are considered illegal by the Moroccan authorities and treated as such. Even in the case of the Association of the Victims of Gross Human Rights Violations Committed by the Moroccan State (ASVDH) which was given a high court decision to work legally under Moroccan laws, the Moroccan authorities never recognized its militants' right to monitor the human

rights situation. Its president, vice-president and member of its bureau are victims to different human rights abuses.

Another human rights organisation, the Collectif of Saharawi Human Rights Defenders (CODESA), chaired by the imminent human rights defender, Ms. Aminatou Haidar, was not allowed to operate, and is still banned. Morocco is imprisoning now many human rights defenders to name as an example: Naama Asfari, Ahmed Lemjid, Ahmed Sbaai, Brahim Ismaaili, Tahlil Mohamed, Banga Cheikh, Hafed laaza and others. There are 64 Saharawi prisoners of conscience right now in Moroccan prisons, 23 of whom are undertaking an unlimited hunger strike since 31 October. They are simply demanding a fair trial or an immediate release. They have been arrested since November 2010. One year after their detention they still wait for a trial, while Morocco is determined to bring them before its Martial court in Rabat.

Saharawi prisoners of conscience are denied procedural fairness in law, such as the rights of the accused, including the right to a fair trial; due process; the right to seek redress or a legal remedy. Saharawis in general are denied the rights of participation in civil society and politics such as freedom of association, the right to assemble and the right to vote in a referendum on self-determination to decide over the political future of Western Sahara.

Social and Economic Rights

Since 1975 Morocco led a systematic policy of plundering of the natural resources of Western Sahara without the consent of its people or their legitimate representative, POLISARIO liberation movement. In 2002 the UN Security Council asked UN Under-Secretary General for Legal Affairs Hans Corell, to look at the legality of the exploitation of the natural resources in Western Sahara. The UN jurist clearly ruled that it is illegal to exploit the resources of the non-self-governing territory as long as the decolonization process is not finished. He considered however that the exploitation can only be possible if the people of Western Sahara are fully profiting from its income, otherwise Morocco must stop such plunder.

Morocco propaganda has always spread false information about what it calls "The process of development and progress of the Sahara." On 10 October 2010, more than 20.000 Saharawi citizens from all sexes and generations built 8000 tents in the famous protest camp of "Gdeim Izik" (in the desert 12 km East the capital of Western Sahara, El Aaiun) "to demand the most rudimentary economic and social rights Morocco is depriving them of," they said. The protest camp that was described by the American philosopher, Noam Chomsky, as the starting point of the Arab Spring, was demanding the people's right to work, the right to housing, to social services such as health care and adequate standard of living and their right to profit from the wealth of their country but also their right to dignity and their political rights. The Moroccan response came one month after, on 8 November 2010. The 8,000 tents were burned by the army, thousands citizens were arrested, beaten, injured, hundreds of them were detained for days and 23 were kept in prison and are going to be brought before Martial court as said before.

In all Saharawi cities different social groups are organizing demonstrations, sit-ins and hunger-strikes to demand basic economic rights. But the normal response from the Moroccan authorities is oppression. Saharawi organizations assert that Morocco is

adopting a systematic policy to impoverish the Saharawi citizens in their own country. Saharawis are denied the right to work, they are denied opportunities of investment in many sectors, they are subjected to all kind of economic restrictions if they defend Western Sahara independence, most of the time they are dismissed of their work, their salaries frozen or they are deprived of any kind of promotion in their jobs if they are active in favor of the right to self-determination. Saharawi students find a lot of restrictions that hinders their enjoyment of the right to education. Students have to travel to the Moroccan cities to study because the Moroccan authorities didn't build a single University or high school in Western Sahara. Secondary schools' students are daily harassed by police. Since 2005 the Moroccan authorities posted police and soldiers inside primary and secondary schools to stop students from organizing peaceful demonstrations. This armed presence usually generates confrontations and human rights violations.

Cultural Rights

The first thing Moroccan attacked in 1975 is the nomadic life of the people of Western Sahara. They forced thousands of people to move to the cities, thousands others were killed during raids or pushed to flee their country seeking refuge in the neighboring Algeria, where they are still living since 1976 in the Saharawi refugee camps relying on international aid.

The Moroccan authorities also attacked the Spanish component of the Saharawi culture. They banned the study and use of Spanish from school since 1977. Hundreds of Saharawi students couldn't finish their studies, because of the change of the curriculums.

Lately, the Moroccans are even attacking the use of the traditional tents or any kind of tent by Saharawis as a reprisal against the population after the use of the tent as a symbol in the Gdeim Izik protest camp in 2010.

Saharawi writers can not print books about the Saharawi culture, history or politics. Most of them exercise auto-censure because they are forced to find false links between the Saharawi culture and the Moroccan one or their books would be banned. Morocco went further in putting the Hassania language (the Saharawi dialect) in the Moroccan constitution as a Moroccan dialect! The Moroccan authorities organize many cultural festivals to promote the idea that the Saharawi culture and heritage is Moroccan. On another hand Saharawi associations and intellectuals can not express their own views on these attempts of appropriation of their culture by the colonizing power because they risk detention and oppression.

Violation of the Equilibrium of the Environment

Morocco started its invasion of Western Sahara with poisoning the wells and springs of water. The Moroccan army was given orders by the Moroccan King Hassan II to kill anything that moves in the desert to force the Saharawi nomads to move to cities so as his authority can control the population. Saharawi survivors talk about terrible raids against the livestock. Camels, goats and cheep were the main cattle raised by the Saharawi nomads. Each family of nomads used to own hundreds of animals, in 1976 Saharawis were fleeing for their lives from Moroccan air force raids that used napalm and white phosphorus bombs against them. Thousands of lives were lost far from the

eyes of the civilized world that was applauding the Moroccan “Green March.” Hundreds of thousands of animals perished, too.

Further, the Moroccan army built the biggest military walls now existing on earth. Six walls built from 1981 to 1987, around the main Saharawi cities, but also to protect the main natural resources behind a well defended wall so as to plunder the resources without big troubles. Morocco built around 4,000 kms of sand walls, using more than 5 millions landmines according to the most modest estimations. Nowadays, only 2,700 km of this wall are operational though the rest of the walls remain dangerous because of the arbitrary use of landmines by the Moroccan army during the seventies and eighties.

The Moroccan wall doesn't only part the Saharawi people in two parts, it also causes a huge problem for the flow of waters (rivers and sources of water), and caused a serious damage to the Saharawi livestock. It also destroyed the Saharawi nomadic tradition of free movement and has constituted a constant danger on the lives of individuals and animals because of landmines.

The Moroccan wall also affected the wild animal life in Western Sahara. The Saharawi gazelle is under threat of extinction because of landmines and because it was deprived from the freedom of movement in the desert as it has always done. A similar fate is threatening the different species in the once rich Saharawi waters that risk becoming dangerously poor because of the overexploitation.

Self-determination and the Future of Peace in the World

Arab revolutions proved one basic thing: That peoples will fight and continue fighting for their basic right, and most important for their sacred right to their homeland and its future. No regime and no power can deprive a population from its sovereignty over its homeland, its natural resources and its innate right to decide the political future of its country. This is the main lesson that the Arab spring is giving to the world, and this is exactly what the Saharawis have been fighting for since the first days of the colonization of Western Sahara in 1884. The Saharawi people fought against the Portuguese, the British, the German, the French and the Spanish, and they were not given a choice but to fight against their own brothers and neighbors, Morocco and Mauritania, when these two countries violated this brotherhood.

The case of the Western Sahara is a manifest proof on the failure of the actual international system that is governed by few powerful states, the five members of the Security Council, who are making of the UN the biggest nondemocratic organization in the world. Western Sahara is recognized by the so-called international community as a non-self-governing territory, the Saharawi people are recognized as the party that has got the legal and legitimate sovereignty over the territory and still the world looks away, while Morocco continues to illegally occupy Western Sahara and violates human rights in total impunity. Worse, France opposed any kind of monitoring or protection of human rights in Western Sahara while it champions the defense of human rights in other parts of the world to the point of using armed force in Libya.

On the other hand, the Saharawi people have always been denied an opportunity to communicate their sufferings to the Arab world especially because of the shameful position the Arab States are adopting from the conflict since the seventies. Most of the

Arab States it should be recalled had supported the Moroccan invasion in a way or another, especially Saudi Arabia, Egypt, Iraq and the Gulf States in general. Morocco has also been supported by Israel, the United States, Spain and France, and continues to be supported by the European Union, which has signed a shameful fishing accord with Rabat to exploit the fishing resources of Western Sahara.

Conclusion

The right to self-determination is one of the main pillars of the international law, and is one of the main guarantees for the establishment of peace, democracy and respect of human rights in the world. There are many international attempts to normalize the violation of the right to self-determination by some big powers and through their proxies, such as Morocco, and the aim is always to set chaos and destabilize order in the world so as to profit from possibilities of exploiting natural resources of weak peoples.

The maintenance of the occupation of Western Sahara and Palestine, the destruction of the political stability in Iraq, Afghanistan, Sudan, Somalia, Libya and the countries of the Sahel, and in the future in other countries that have big reserves of oil, gas and waters will be the result of the success of these countries to violate the peoples' right to self-determination and sovereignty over their land and resources. This is why the peoples must keep an eye on their real enemies, and always create new tactics and methods to defend their rights, otherwise humanity will lose future, humanity will simply disappear.