

Morocco

Western Sahara

Political Rights:	7
Civil Liberties:	6
Status:	Not Free

Overview:

Hope for independence or self-determination for the Western Sahara people suffered numerous setbacks in 2004, starting with the resignation of UN special envoy James Baker and culminating in October, when a UN-backed plan for autonomy failed to win full approval of a key UN General Assembly committee. However, some encouraging signs of confidence-building emerged during the year as hundreds of families from the territory and from Sahrawi refugee camps visited one another, some for the first time in decades. The Polisario Front released 100 Moroccan POWs, but held on to some 400 more.

Western Sahara was a Spanish colony from 1884 until 1975, when Spanish forces withdrew from the territory following a bloody two-year conflict with the Polisario Front. Moroccan claims to the territory date to Moroccan independence in 1956. Mauritania also laid claim to the southern portion of the territory. In 1976, Morocco and Mauritania partitioned the territory under a tripartite agreement with Spain, but the Polisario declared the establishment of an independent Sahrawi Arab Democratic Republic (SADR) and fought to expel foreign forces. Mauritania renounced its claims to the land and signed a peace agreement with the Polisario in 1979, prompting Morocco to seize Mauritania's section of territory.

In 1991, the United Nations brokered an agreement between Morocco and the Polisario that called for a ceasefire and the holding of a referendum on independence to be supervised by the newly created Mission for a Referendum in Western Sahara (MINURSO). However, the referendum, initially scheduled for January 1992, was repeatedly postponed after Morocco insisted that the list of eligible voters include an additional 48,000 people who, according to the Polisario and most international observers, were Moroccan nationals.

In the ensuing years, Morocco has attempted to cement its hold on the Western Sahara by settling Moroccans in the territory and by offering incentives such as salaries and free housing to Sahrawis who relocated from the territory to Morocco. At the same time, the Moroccans have repeatedly rebuffed UN attempts to broker a lasting solution to the conflict. On ascending the Moroccan throne in 1999, King Muhammad made some important gestures toward reconciliation, including releasing prisoners and allowing limited activity for Sahrawi human rights groups. In 2003, he formed a special commission to resolve the question of hundreds of Sahrawis who were forcibly "disappeared" during his father's reign.

In his 2004 report to the UN Security Council, Secretary-General Kofi Annan expressed his regret over the resignation of UN special envoy Baker and the failure of the conflicting parties to have benefited from his experience. He appointed Alvaro de Soto to replace Baker, but said an agreement on self-determination for the Western Sahara appeared more distant than at the start of the year. He also registered concern over an escalation in rhetoric between the conflicting parties, as Morocco and Algeria, which hosts the Sahrawi refugee camps, traded accusations of blocking progress on a resolution. At the end of October, the UN Security Council granted a six-month extension to MINURSO's mandate.

In September, a special committee in the UN General Assembly failed to reach a consensus on a peace plan, proposed by Baker and backed by Algeria, that would make the territory a semiautonomous part of Morocco during a four- to five-year transition period. After that, a referendum would let residents choose independence, continued semiautonomy, or integration with Morocco. The UN vote, which is nonbinding but reflects international opinion, passed by 52-0, but a majority of the 191-member committee abstained. In April, the plan had won UN Security Council backing, but Morocco said it could not accept any eventual referendum that made independence an option; the Polisario had accepted the plan.

Despite the deadlock in peace plans, both Morocco and the Polisario went ahead with a package of confidence-building measures promoted by MINURSO and the UN High Commissioner for Refugees (UNHCR). The measures included family visits and limited telephone and personal mail services. By the end of August, some 1,200 persons from refugee camps in Algeria and the territory had exchanged visits, and more were planned for the rest of the year. Flown on UN planes and accompanied by UN civilian police officers, many Sahrawis were able to see their close relatives for the first time in 30 years.

During the year, the Polisario released 200 Moroccan POWs, who were repatriated under the auspices of the International Red Cross. The United Nations said another 412 prisoners remain in Polisario camps in Tindouf, Algeria, and in Polisario-controlled areas of Western Sahara, some for more than 20 years. The Polisario claims that Morocco holds, or withholds information on, some 150 combatants and supporters, but the Moroccan government officially denies holding any former Sahrawi fighters.

Political Rights and Civil Liberties:

Sahrawis have never been able to elect their own government. The Moroccan government organizes and controls local elections in the Moroccan-held areas of the territory. Only Sahrawis whose views are consonant with the Moroccan government hold seats in the Moroccan parliament.

Freedom of expression remains very restricted both for Sahrawis and for foreign journalists covering the Western Sahara. In 2004, the authorities expelled five Norwegian and French journalists for meeting with Sahrawi activists. Moroccan security forces closely monitor the political views of Sahrawis, and police and paramilitary forces resort to repressive measures against those suspected of supporting the Polisario and independence. Private media and Internet access are virtually nonexistent.

The overwhelming majority of Sahrawis are Sunni Muslim, and the Moroccan authorities generally respect freedom of worship. Restrictions on religious freedom in Western Sahara are similar to those found in Morocco. Academic freedom is severely restricted.

Freedom to assemble or to form political organizations is restricted. For example, Sahrawis are largely unable to form political associations or politically oriented nongovernmental organizations. In January, King Muhammad pardoned some 20 political prisoners and detainees, among them activists working on human rights in the Western Sahara. Nonviolent demonstrations are often dispersed with excessive force by security forces, particularly in the form of beatings.

Little organized-labor activity occurs. The same labor laws that apply in Morocco are employed in Moroccan-controlled areas of the territory. Moroccan unions are present in these areas, but not active.

The civilian population living in Moroccan-controlled areas of Western Sahara is subject to Moroccan law. Activists in the territory and in Morocco suspected of opposing the government's Western Sahara policies have over the past decades been subject to particularly harsh treatment, including arbitrary killing, incommunicado detention, and torture.

Local and international human rights organizations say hundreds, if not more than 1,000, Sahrawis remain "disappeared." A new Equity and Reconciliation Commission, created in late 2003, has begun to investigate and document disappearances and other abuses that occurred between 1956 and 1999, but it has a limited mandate and no judicial authority. In a report issued in October, Human Rights Watch urged the commission to handle Western Sahara-related abuses "as thoroughly and fairly as those that occurred elsewhere." It said authorities "continue to persecute advocates of an independent Western Sahara, and are generally less tolerant of dissent in this region than elsewhere."

Freedom of movement within Western Sahara is limited in militarily sensitive areas, within both the area controlled by Morocco and the area controlled by the Polisario.

As in Morocco itself, women are subjected to various forms of legal and cultural discrimination. Female illiteracy is very high, especially in rural areas.