

WESTERN SAHARA: WAR AND REFUGEES, A CONFERENCE

The Refugee Studies Program of Oxford University (England) hosted the conference "Western Sahara: War and Refugees" on March 21 and 22, 1986. The meeting was designed to shed light on the legal, political and humanitarian aspects of the Western Sahara conflict for the benefit of professors and students, aid agencies, politicians and journalists. The agenda included discussions on "Decolonization and International Law", "Morocco, the Maghreb and World Powers", and "The Refugees and the Future".

Some 80 people from Europe, Africa and the United States attended, including two professors from Morocco, one of whom was a former Mayor of Rabat. American participation included Professor Thomas M. Franck of the Center for International Studies at New York University, John Kunstadter of the Albert Kunstadter Foundation in New York (a co-sponsor of the conference), and Teresa K. Smith, the Executive Director of Western Sahara Campaign, USA.

Professor Franck outlined "The Theory and Practice of Decolonization" with regard to the Western Sahara case. He noted that in the transition from empire to independent nation, one rule emerged: colonial boundaries could only be altered with the consent of the people. When the United Nations adopted resolution 1514 on the Declaration on the Granting of Independence to Colonial Countries and Peoples, self-determination was linked to territorial integrity. Franck said that one billion people had achieved independence during the four-decade history of decolonization, when, generally, the rule of decency and good order prevailed.

Western Sahara was the exception. Dr. Franck recalled that questions on historic title were put, by Spain and Morocco, to the International Court of Justice (World Court or ICJ). The Court's 1975 opinion, reflecting its 1972 hearing on Namibia, pronounced the supremacy of the norm of self-determination over historic title, self-determination being the absolute right of colonial peoples and the sine qua non for decolonization. Franck noted as the essential an ascertainment of the will of the colonized people at the moment before their independence. He traced the events of 1975-76, which ignored the ICJ ruling and culminated in the Tripartite Agreement (among Spain, Morocco and Mauritania) to partition the territory and share in its phosphate mines. Franck declared Morocco, in clear defiance of the law, deviated with impunity from the United Nations norms which demanded self-determination for the Sahrawi people. The most recent UN resolution, he said, maintained that Western Sahara was a question of decolonization which remained to be completed on the basis of the exercise of the Sahrawis' right to self-determination. Franck added that breaches of the law make the regime of good order break down, yielding to the designs of self-aggrandizement. The Falklands war might not have occurred, he said, if Morocco had not broken the law first in Western Sahara. Franck concluded that nations must realize they have a far greater interest in reasoned principles, in the habitual deference to self-determination, a benevolent, tried and sound norm.

Professor George Joffe's contribution on "The International Court of Justice and the Western Sahara Dispute" discussed the notions of sovereignty and self-determination. It confirmed the illegality of Morocco's presence in Western Sahara, citing the ICJ finding that there was no legal tie of territorial sovereignty between the Western Sahara and Morocco.

Responding to queries on the actual question put to the World Court (ICJ) and on the legality of the Sahrawi Arab Democratic Republic (SADR), Dr. Franck observed that the United Nations Charter allows the UN General Assembly to ask the Court questions, but not necessarily intelligent ones. The Court, he said, remarkably went beyond the questions put to it and said that even if there were stronger ties than personal allegiance, it would not constitute sovereignty, which would not have been dispositive. He added that generally the Court tries not to offend losing countries too much. Franck also noted that it is customary for States to recognize the independence of a country to be decolonized, until self-determination takes place. Thus recognition of the SADR would continue until a referendum is held. At that time the people of Western Sahara would choose their political status and if their country would be called by the name SADR or any other name.

Dr. David Seddon of the University of East Anglia and a Maghreb specialist spoke on "Morocco at War", from the military, political and economic aspects. He said Morocco was fighting the war on three fronts - at home, in the Sahara and in the international arena. It is a three dimensional conflict, as well: a military war, a political war in the territory and internationally, and a war on the economic front. Just having

visited the part of the territory of Western Sahara occupied by Morocco, Seddon outlined the components of Morocco's incorporation program. In the political sphere, the Moroccans had attempted to involve Sahrawis in the local administration and government. But opposition remained, and those who had joined the Moroccans were viewed as collaborators. Economically, the Moroccans had invested in infrastructure -- ie, roads, ports, communications. Seddon noted, however, the paramilitary nature of such projects. An additional element of the "Moroccanization" programs was the outright suppression of political opposition carried out by surveillance, arrest, and imprisonments. Turning to Morocco itself, Seddon reported that while all the political parties there supported the war, it remained to be seen whether its cost could outweigh its political benefit. He cautioned that the parties themselves exist by virtue of the King, they are too numerous to be effective, and are often perceived as being out of touch with the Moroccan masses. Seddon went on to cite the periodic bread riots in Morocco and believed a military coup could not be ruled out. He attributed the continuation of the war to the military and financial support from Morocco's allies, among them, the United States, South Africa, Saudi Arabia and France.

Dr. Warner Ruf of the University of Kassel (West Germany) gave a thorough account of "The Role of the World Powers" with particular emphasis on the increase in military aid from the United States in the last five years. Unfortunately, the paper slated as "Western Sahara: Conflict Point in the Maghreb" was unprepared and thus Dr. Hugh Roberts of the University of East Anglia was only able to present a few remarks. A proper paper might have discussed the instability in the region and lack of cooperation for economic development and integration among the Maghreb states (Algeria, Mauritania, Morocco, Tunisia and Western Sahara) stemming from the continuation of the war.

Biancamaria Scarcia of the Lelio Basso Foundation (Rome, Italy) discussed the topic "Women in the Western Sahara", outlining their role in precolonial Sahrawi society, during Spanish colonialism, and in this period of exile. Professor Scarcia stressed the resiliency of the Sahrawi women and their meaningful contribution to the development of Sahrawi culture, economy and political life.

James Firebrace from War on Want, a British non-governmental aid agency, had contributed a paper on "The Sahrawi Refugees: Lessons and Prospects". Unable to be present, his conclusions were provided: "After being bombarded last year with pictures of starvation, disease and often chaos in the camps of refugees and displaced people in Sudan, in Eritrea and in Ethiopia, it was a relief to see how radically the situation in the Sahrawi camps has changed, when a decade ago they were in a similar plight themselves. But the health and well being of the Sahrawi refugees is still tenuous and dependent on the continued interest of the international community. The vital areas of shelter and supplementary food seem to be particularly undersubscribed.

Any visitor to the camps cannot fail to be impressed by the organization by the Sahrawi authorities of their scarce resources and of the services they offer to the people. They have set up efficient health service with its emphasis on prevention; and the education of both Sahrawi youth and the adult population is clearly being given high priority. The Sahrawis have gone a long way towards constructing the basic structures of a caring society in which vulnerable groups -- the very young, the very old, and pregnant women are given a special place. They have also imaginatively kept the best features of traditional Sahrawi society while making strong inroads into breaking down its more oppressive aspects. The far-reaching changes in the status of women is the most dramatic example of this.

The Sahrawi efforts to develop their society while so many must stay in enforced exile deserve international support. For governments there is the need to assist, with basic supplies, one of the most tragic refugee problems of this half century. For those voluntary agencies who wish to work with local partners in Africa, funds for the programmes put forward by the Sahrawi Red Crescent will be well used, and even a little assistance will go a long way."

During a questions and discussion period, the Campaign's director took the floor in order to elaborate on a point raised by Dr. David Seddon, that being the political suppression of the Sahrawi people by Morocco. Ms. Smith provided information on the systematic denial of the Sahrawi people's rights and freedoms, occurring since 1975, through Morocco's military occupation, state of emergency legislation in effect, and effectuation of widespread disappearances. Seeing that Morocco's human rights record has been under attack, the topic would have been better served had a paper been presented on this issue.

Mohamed Sidati, Director of European Affairs for the Polisario Front, took up the parole, saying the SADR is now a member of the OAU and the Polisario is seeking, through diplomacy and a successful war of attrition, to resolve the conflict. It agrees to the international peace plan which calls for direct negotiations between Morocco and the Polisario to achieve a ceasefire and to establish the modalities for

a free and fair referendum on self-determination. Morocco, however, has left the OAU, refuses to negotiate with the Polisario, and continues to oppress a small nation by force. He pointed out that a solution to the conflict was essential for the return of stability to Northwest Africa and for cooperation among the Maghreb states.

Barbara Harrell Bond, the Coordinator of Oxford's Refugee Studies Program, concluded that "this historic meeting aimed to counter the international neglect of the Sahrawi refugees. Dialogue, a ceasefire and a referendum are the only solutions to the conflict. What is essential is that the years of suffering and separations of Sahrawi families in the Moroccan-occupied Western Sahara and in the refugee camps in southern Algeria, are brought to an end."

A collection of the papers presented at the conference will be published. For more information, write: The Refugee Studies Program, Queen Elizabeth House, 21 Saint Giles, Oxford, England.

Information on Sahrawi refugees and their self-help programs is available also from Western Sahara Campaign, USA, Box 20745, New York, NY 10025.



Appeal from the Sahara

For 10 years, war has forced 165,000 Sahrawis to live as refugees in the barren desert of South West Algeria. While the Polisario Front, their liberation movement, fights for their return to their homeland, their humanitarian organisation, the Sahrawi Red Crescent, has succeeded in establishing national agricultural health and education systems staffed exclusively by Sahrawis.

But the Red Crescent is stretched to the limit to take care of the basic needs of the refugees. They desperately need your support to provide food, blankets, clothes, medicines and educational materials. Even the smallest donation will be used exclusively to meeting these needs.

Please send checks, payable to **Sahrawi Red Crescent**, to:

**Refugee Appeal
Western Sahara Campaign, USA
Box 20745
New York, NY 10025**

Further information on the Sahrawi refugees and the work of the Western Sahara campaign is available also from this address.