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U.S. Department of State

Western Sahara Country Report on Human Rights Practices for 1997

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WESTERN SAHARA

The sovereignty of the Western Sahara remains the subject of a dispute between the Government of Morocco and the Polisario Front, an organization seeking independence for the region. The Moroccan Government sent troops and settlers into the northern two-thirds of the Western Sahara after Spain withdrew from the area in 1975 and extended its administration over the southern province of Oued Ed Dahab after Mauritania renounced its claim in 1979. The Moroccan Government has undertaken a sizable economic development program in the Western Sahara as part of its long-term efforts to strengthen Moroccan claims to the territory.

Since 1973 the Polisario Front has challenged the claims of Spain, Mauritania, and Morocco to the territory. Moroccan and Polisario forces fought intermittently from 1975 to the 1991 ceasefire and deployment to the area of a United Nations (U.N.) peacekeeping contingent, known by its French initials, MINURSO.

In 1975 the International Court of Justice issued an advisory opinion on the status of the Western Sahara. The Court held that while the region's tribes had historical ties to Morocco, the ties were insufficient to warrant recognition of Moroccan sovereignty. According to the court, the people of the Western Sahara, called Sahrawis, are entitled to self-determination. Most Sahrawis live in the area controlled by Morocco, but there is a sizable refugee population near the border with Morocco, in Algeria, and, to a lesser extent, in Mauritania. The bulk of the Sahrawi population lives within the area delineated by a Moroccan-constructed berm, which encloses most of the territory.

Efforts by the Organization of African Unity (OAU) to resolve the sovereignty question collapsed in 1984 when the OAU recognized the Saharan Arab Democratic Republic, the civilian arm of the Polisario Front. Morocco withdrew from the OAU in protest.

In 1988 Morocco and the Polisario Front accepted the United Nations' plan for a referendum that would allow the Sahrawis to decide between integration with Morocco or independence for the territory. The referendum was scheduled for January 1992, but was postponed because the parties were unable to agree on a common list of eligible voters--despite the previous acceptance by both parties of an updated version of the Spanish census of 1974 as the base for voter eligibility. A complicated formula for determining voter eligibility was ultimately devised, and in August 1994, MINURSO personnel began to hold identification sessions for voter applicants.

The voter identification process ended in December 1995 and, after several fruitless efforts to persuade the two parties to cooperate, the U.N. Security Council formally suspended the identification process in May. The U.N. and friendly governments have continued to urge the two parties to seek a political solution to the conflict. In March U.N. Secretary-General Kofi Annan appointed former U.S. Secretary of State James Baker as his personal envoy to examine possible approaches for a peaceful settlement. Baker visited the region in March, and negotiations between the Moroccan Government and the Polisario began in May. In September representatives of Morocco and the Polisario met in Houston in the United States, and agreed to a series of compromise agreements on the 1991 U.N. Settlement Plan to hold a referendum under U.N. auspices. According to the Houston Accords, identification of potential voters, the referendum campaign, and vote must take place by December 1998.

Since 1977 the Saharan provinces of Laayoune, Smara, and Boujdour have participated in local elections organized and controlled by the Moroccan Government. The southern province of Oued Ed Dahab has participated in Moroccan-controlled elections since 1983. Sahrawis whose political views are aligned with Rabat fill all the seats allotted to the Western Sahara in the Moroccan Parliament.

The civilian population living in the Western Sahara under Moroccan administration is subject to Moroccan law. U.N. observers and foreign human rights groups report that Sahrawis have difficulty obtaining Moroccan passports, that the Government monitors the political views of Sahrawis more closely than those of Moroccan citizens, and that the police and paramilitary authorities react especially harshly against those suspected of supporting independence and the Polisario Front. Access to the territory is limited by the Moroccan Government, and international human rights organizations and impartial journalists have sometimes experienced difficulty in securing admission.

After years of denying that Sahrawis were imprisoned in Morocco for Polisario-related military or political activity, the Government of Morocco released 300 such prisoners in 1991. Entire families and Sahrawis who had disappeared in the mid-1970's were among those released. The Government of Morocco has failed to conduct a public inquiry or to explain how and why those released spent up to 16 years in incommunicado detention without charge or trial.

There are a number of other Sahrawis who remain imprisoned for peaceful protests which urged Saharan independence. Kelthoum el-Ouanat and five other Sahrawis were released in May 1996. El-Ouanat had been sentenced to a 20-year term after being arrested in October 1992 following a demonstration in Smara. Prior to her trial, she had been held in secret detention for up to 10 months during which time reportedly was beaten, tortured, and sexually abused.

In May 1995, 8 Sahrawi youths were arrested for demonstrating for Sahrawi independence; in June 1995, they were given 20-year sentences. The sentences were later commuted to 1 year by the King, and

the 8 Sahrawis were released in July 1996, 14 months after having been taken into custody. They report that they continue to be closely monitored by the Moroccan police.

There are credible reports that 10 Sahrawis were arrested, beaten, and kept in seclusion in May 1996 following demonstrations in several cities of the Western Sahara in support of Sahrawi independence. Reportedly these 10 demonstrators have been sentenced to terms of imprisonment ranging from 18 months to

7 years.

The Polisario Front claims that the Government continues to hold several hundred Sahrawis as political prisoners and approximately 300 prisoners of war (POW's). The Government formally denies that any Sahrawi noncombatants remain in detention. On October 31, 1996, Morocco released 66 Sahrawi combatants who were flown to the Tindouf area of Algeria under International Committee of the Red Cross (ICRC) auspices. They were accompanied by foreign diplomats. The Government also claims that 30,000 Sahrawi refugees are detained against their will by the Polisario in camps around Tindouf, Algeria. The Polisario denies this charge. There are credible reports that the number of refugees in Tindouf far exceeds 30,000, but the allegation that they wish to leave has not been substantiated.

The ICRC also reports that the Polisario now holds approximately 1,900 Moroccan POW's. A group of 185 POW's was repatriated to Morocco in a humanitarian airlift conducted under ICRC auspices in November 1995. In April Polisario leaders offered to release 85 Moroccan POW's as a good will gesture during U.N. envoy Baker's first meetings in Tindouf, but details of their release have not been arranged between Morocco and the Polisario.

Both the Moroccan Government and the Polisario Front refuse to repatriate the remaining POW's, claiming that the U.N. settlement plan calls for the release of POW's only after the identification process is complete.

Freedom of movement within the Western Sahara is limited in militarily sensitive areas. Elsewhere, security forces subject travelers to arbitrary questioning and detention.

There is little organized labor activity in the Western Sahara. The same labor laws that apply in Morocco are applied in the Moroccan-controlled areas of the Western Sahara. Moroccan unions are present in the Moroccan-controlled Western Sahara but are moribund. The 15 percent of the territory outside Moroccan control does not have any major population centers or economic activity beyond nomadic herding. The Polisario-sponsored labor union, the Sario Federation of Labor, is not active in the Western Sahara.

There were no strikes, other job actions, or collective bargaining agreements during the year. Most union members are employees of the Moroccan Government or state-owned organizations. They are paid 85 percent more than their counterparts outside the Western Sahara as an inducement to Moroccan citizens to go there. Workers in the Western Sahara are exempt from income and value-added taxes and receive subsidies on such commodities as flour, oil, sugar, fuel, and utilities.

Moroccan law prohibits forced labor, which does not appear to exist in the Western Sahara.

Regulations on the minimum age of employment are the same as in Morocco. Child labor appears to be less common than in Morocco, primarily because of the absence of industries most likely to employ children, such as rug knotting and garment making. A government work program for adults, the

Promotion Nationale, provides families with enough income that children need not be hired out as domestic servants. Children in the few remaining nomadic groups presumably work as shepherds along with other group members.

The minimum wage and maximum hours of work are the same as in Morocco. In practice, however, workers in some fish processing plants may work as much as 12 hours per day, 6 days per week, well beyond the 10-hour day, 48-hour week maximum stipulated in Moroccan law. Occupational health and safety standards are the same as those enforced in Morocco. They are rudimentary, except for a prohibition on the employment of women in dangerous occupations.

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