



## **Submission No 6**

### **Inquiry into Australia's Trade and Investment Relations with North Africa (Algeria, Egypt, Libya, Morocco, and Tunisia)**

**Organisation:                    Australia Western Sahara Association (AWSA)**

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## **Submission to Joint Standing Committee on Foreign Affairs, Defence and Trade's Inquiry into Australia's trade and investment relations with North Africa**

### **Purpose of submission**

This submission, on behalf of AWSA, is intended to assist the Joint Standing Committee to appreciate an important aspect of the political, social and economic context in which any trade and investment activity by Australian companies would take place in North-West Africa.

### **Background**

Put shortly, relations between the countries which make up the Greater Maghreb, Morocco, Western Sahara, Mauritania, Algeria Tunisia and Libya (but not Egypt) are strained by the following facts. In November 1975, Morocco and Mauritania neither of whom had ever had sovereignty over the Saharawi people of Western Sahara, invaded that country as Spain gave up its former colony there. This was despite the fact that the International Court of Justice had given an advisory opinion (on 16 October 1975), as a result of a request by the king of Morocco, confirming that neither Morocco nor Mauritania had sovereignty over any part of Western Sahara when Spain began to colonise that country in 1884.

All through the Spanish colonial period, there was resistance by the Saharawi people. In 1975 the UN commission noted majority Saharawi support for independence. In 1976 tens of thousands of Saharawis fled to the refugee camps near Tindouf in south-western Algeria where at least 165,000 of them now live. The Saharawi Arab Democratic Republic (SADR) was established and presently is the democratically elected government which runs the camps and is a fully functioning government in exile.

In 1979 Mauritania signed a peace treaty with the Polisario Front, the political organization of SADR, and gave up its claims to Western Sahara. In 1998 Polisario and Morocco accepted a UN-OAU (Organisation of African States, now the African Union) proposal for a ceasefire followed by a referendum on self-determination for the Saharawi people.

In 1991 the UN established MINURSO (Mission des Nations Unies pour un Referendum au Sahara Occidental) to implement the peace plan and, in particular, to conduct the referendum. The referendum was delayed for the first of many times in 1992. Since then Morocco has consistently refused to allow the referendum to occur despite many resolutions by the UN renewing MINURSO's mandate and calling for the referendum to occur.

No nation recognizes Morocco's claim to sovereignty over Western Sahara. Over 70 nations recognise SADR as the legitimate government of Western Sahara, most recently the Republic of South Africa and Kenya. The African Union recognises SADR. Morocco is the only African nation not a member of the African Union.

## **The present situation in Moroccan occupied Western Sahara**

Life is very difficult in the harsh Hamada desert where the Saharawi refugees live (near Tindouf). While Algeria is willing to let them live there, there is no way in which such a number of people living in that region could become self sufficient. In any event, they do not wish to settle there permanently or seek refugee status elsewhere. They wish to return to their homeland, but only after the referendum, under which they will determine their own future, has been held. Consequently, they need to be supported by the UN Food Program and through other sources of humanitarian aid.

An Australian delegation, composed of members of AWSA and others, visited the refugee camps last year and witnessed the dire situation in which the Saharawis have been living for the past 30 years.

Those Saharawis who have remained in their homeland have constantly faced arrest, imprisonment, death and “disappearance” at the hands of the Moroccan occupying forces. Their escape is blocked by a 2,400km wall dividing Western Sahara into the coastal zone occupied by Morocco and the interior part held by the Polisario Front. AWSA had the opportunity to visit the areas under Polisario control as well as the wall or berm built by Morocco. During the visit we saw the remains of cluster bombs, landmines and a great number of unexploded devices.

Since May 2005, there has been an increase in this oppression. Peaceful demonstrations have been brutally put down. Many Saharawis have been arrested and imprisoned. Some have been tortured and some have “disappeared”. Women and children have been assaulted in their own homes and their property stolen by Moroccan police and soldiers. Outsiders, including parliamentarians from Spain and representatives of human rights bodies from Norway have been refused entry to Western Sahara.

In a statement issued 22 June 2005, Amnesty International said that:

“[I]t was greatly disturbed by reports of torture and excessive use of force by Moroccan security personnel when dispersing Saharawi protestors during demonstrations in Laayoune (the capital of Western Sahara) and several other cities in Morocco and Western Sahara in late May and early June” and “called on the Moroccan government to ensure that all reports of torture and ill-treatment of detainees held in connection with recent disturbances in Western Sahara are fully and impartially investigated and that all those charged are guaranteed fair trials.”

In a statement issued 1 July 2005, International Commission of Jurists (Australian Section) called for an end to human rights abuses in Western Sahara by Morocco and stated that it:

- “Condemns the torture and inhuman treatment of the Saharawi civilians by the Moroccan police and army.
- Deplores the show trials and the severe prison sentences handed to Saharawis by Moroccan courts.
- Demands the release of the Saharawi human rights activist Aminatou Haidar and all other Saharawi political detainees.

- Asks the Moroccan government to allow independent observers and the media to visit the occupied areas of Western Sahara.
- Urges the UN and the African Union to redouble their efforts so that a free and fair referendum is organised in Western Sahara as soon as possible and also requests the UN to include human rights monitoring in the mandate of its mission in the territory (MINURSO).
- Calls upon the Australian government to put pressure on Morocco to respect human rights in the Western Sahara as well as to cooperate with the UN and AU and allow the organisation a free, fair referendum of self-determination in Western Sahara. “

### **Some facts about Morocco today**

Although Morocco has a parliament, it is not a democracy. It is run in a very authoritarian manner by an absolute monarch. Under the Moroccan constitution the king enjoys “divine authority” which can not be questioned. The king appoints the Prime Minister, terminates the services of the Government and presides over Cabinet meetings. Acting on his own advice, and not that of others, he may dissolve the two houses of Parliament. He is actually, as different from nominally, the commander in chief of the armed forces. He exercises personally the right to grant pardon.

The Middle East Report 218 of Spring 2001 states: “Four decades after independence from France, more than half of Morocco’s 29 million people are illiterate, Nineteen percent of Moroccans live in abject poverty and 21 percent of the working-age urban population is unemployed, including some 100,000 university graduate.... Seventy percent of illiterates are women. Eighty percent of villages have no access to paved roads, running water or electricity, and 93 percent have yet to obtain basic health care facilities.”

The Royal family and its close associates control all the main industries and share the spoils of the state and are involved in the drug trafficking business. The Middle East Report 218 of Spring 2001 notes: “Morocco is the world’s largest hashish exporter. According to the World Customs Organisation, Morocco supplies 70 percent of the European hashish market....Hashish production is estimated to be 2000 metric tons per year, with up to 85.000 hectares devoted to cannabis production, with a market value of US \$ 2 billion.”

On the Western Sahara issue, Morocco has reneged on all the agreements it had signed with the Polisario Front under the UN supervision, obstructed the holding of the referendum on self-determination and clearly refused to comply with its international obligations to the UN.

Morocco has invaded and continues to occupy Western Sahara, thus creating instability in North-West Africa and hampering the progress of the Maghreb union. Morocco has violated UN resolutions and continues to commit atrocities and human rights abuses in the Western Sahara. This brings it into conflict with the international community and the African Union as well as its national neighbours. There are many governmental and non-governmental groups in Spain, Italy,

elsewhere in Europe and in the USA who support the Saharawis' right to a self-determination referendum. This adversely affects Morocco's standing in those communities.

### **Some official attitudes to the Western Sahara question from Australia, UK and USA**

On 29 November 2004, the Senate agreed to the following motion:

“That the Senate—

(a)notes that:

(i)the United Nations (UN) Security Council resolution 1570 of 28 October 2004 reaffirms its commitment to the self-determination of the people of Western Sahara,

(ii)the republic of South Africa extended full recognition and established diplomatic relations with the Saharawi Republic on 15 September 2004, and

(iii)the Saharawi Arab Democratic Republic is a fully-fledged member of the African Union recognised by over 70 countries worldwide; and

(b)urges the Government to:

(i)extend full support to the organisation of a free, fair and transparent referendum of self-determination for the people of Western Sahara,

(ii)vote in favour of the resolution on Western Sahara in the UN General Assembly,

(iii)use its best efforts to persuade Morocco to accept the latest UN peace plan that is based on the organisation of a referendum of self-determination in Western Sahara,

(iv)provide humanitarian assistance to the Saharawi refugees who need food and medicine urgently, and

(v)positively consider extending diplomatic recognition to the Saharawi Arab Democratic Republic at the appropriate time.”

In April 2005 the Foreign Affairs Committee of the United Kingdom Parliament stated that:

"We conclude that the ongoing conflict over the Western Sahara is harmful both to Morocco's international relations and reputation and to efforts to enhance regional cooperation. We recommend that the government work through the EU and UN to achieve a permanent end of the conflict".

In July 2004 Robert Zoellick the United States Trade Representative, stated in reference to the recent Free Trade Agreement between the USA and Morocco that

"The (USA) Administration's position on Western Sahara is clear: sovereignty of Western Sahara is in dispute, and the United States fully supports the United Nations efforts to resolve this issue. The United States and many other countries do not recognise Moroccan sovereignty over Western Sahara and have consistently urged the parties to work with the United Nations to resolve the conflict by peaceful means.

The Free Trade Agreement (FTA) will cover trade and investment in the territory of Morocco as recognised internationally and will not include Western Sahara."

### **Trade and the natural resources of the Western Sahara**

Western Sahara is a very dry place. It has a rainfall that averages two to three inches a year; however rainfalls may be two to three years apart. Nevertheless, the country has an abundance of natural resources. The fishery within the zones that Western Sahara would control as an

independent nation is both vast and valuable. In the middle of the 20<sup>th</sup> century substantial deposits of phosphate were found. Most of these are very high grade and one of them is spread over an area of 90 square miles! Substantial deposits of iron ore have been found and exploration for oil and gas has brought some success and is continuing, particularly in the off-shore areas of Western Sahara.

AWSA wishes to emphasise to the Joint Standing Committee that these are the resources of the Saharawi people. They are not Morocco's resources to exploit. The Saharawi people have not yet had the opportunity to determine their future as an independent nation or otherwise.

On 29 January 2002, , Mr. Hans Corell, Legal Counsel and UN Under-Secretary-General for Legal Affairs, stated in an opinion regarding arrangements between Morocco and oil companies to prospect for oil offshore Western Sahara that:

“[I]f further exploration and exploitation activities were to proceed in disregard of the interests and wishes of the people of Western Sahara, they would be in violation of the international law principles applicable to mineral resource activities in Non-Self-Governing Territories.”

In order to protect the interests of the Saharawi people and to prepare for the time when they return to the Western Sahara, in May of this year SADR announced the commencement of a licensing initiative to enable international oil and gas companies to participate in the exploration of its offshore territory.

### **The Greater Maghreb Free Trade Zone**

While the primary reason for the referendum on self-determination is to give the Saharawi people of the former Spanish colony of Western Sahara, who were never subject to the sovereignty of other nations, the right to determine their own future, there is another key, trade-related reason why the referendum should be held as soon as possible. All the governments of the Greater Maghreb, Morocco, Western Sahara, Mauritania, Algeria, Tunisia and Libya, including SADR, want to negotiate out a set of free trade arrangements which will not only increase the amount of economic activity but will increase the standard of living of the people of the area and bring other social benefits. This is unlikely to happen while Morocco continues to obstruct the referendum process and also to abuse the human rights of the Saharawi people in the occupied zone of Western Sahara. Morocco's actions strain its relations with Algeria and keep it out of the African Union.

### **Some concluding comments**

The ethical reasons why Australians should not increase its trade with Morocco and should be wary of existing trading arrangements will be obvious from what has been set out above. We should not trade with those who invade territories which is not theirs and who abuse the rights of, assault, imprison and kill the occupants of those territories. Nor should Australians trade where the material they might buy is the property of others. Western Saharan phosphate is being exploited at present and sold as Moroccan phosphate.

If Australian companies deal with Morocco to gain access to Western Saharan resources, it is possible that a Western Saharan government would not recognise such arrangements and Australian investments could be lost.

Neither AWSA nor, as we understand it Polisario, has any animosity towards the people of Morocco. However while the authoritarian anti-democratic government of Morocco continues its present treatment of the Saharawi people in the occupied zone of Western Sahara and its refusal to allow the referendum to occur, encouraging the increase in trade with Morocco would send the wrong message to African nations and nations and peoples generally about Australia's real values and real commitment to opposing human rights abuses.

From our visit and meetings with the Saharawi people and their leadership, we have concluded that they are pragmatic and secular. They wish to build a society based on respect of human rights and a solid democratic system. We believe that an independent Saharawi Republic would be a bridge between the West and North Africa and a significant contributor to stability and progress in North-West Africa.

All of this points to pragmatic reasons why it is Australia's trading and investment interests to press for the referendum to take place as soon as possible. When the Western Sahara question is resolved, many trading and investment opportunities will open up for enterprising Australian companies in North Africa, and North-West Africa in particular, as the countries of the Greater Maghreb move down the path of greater co-operation in an increasing number of areas of economic activity.

I would be happy to discuss the issues raised by this submission and elaborate upon some of the points made in it with the Committee at one of its public hearings.

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