

## **Report on the visit paid by an international trade union delegation to the occupied territories in Western Sahara from 17 to 22 February 2008**

To meet a commitment taken on during the trade union meeting in support of the Saharawi People held in October 2005, a delegation from CCOO in Spain, the Italian CGIL and the French CGT, comprising Juan Ortega and Victoria Montero, Leopold Tartaglia and Jean Jacques Guigon, visited the occupied territories in Western Sahara from 18 to 22 February.

The purpose of the visit was, above all, to ease the isolation of the Saharawis who live there and also to see the conditions of daily life for the Saharawis, interviewing representatives from organisations for human rights, workers, women, etc.

We also aimed to inform those who up to 1975 worked for Spanish companies or Spanish administrative bodies about the process of negotiation set up with the Spanish government to achieve pensions or compensation for them for the time spent working for Spanish interests.

For reasons that are not relevant here, Juan Ortega and Victoria Montero had to travel from Dakhla to El-Ayoum by bus. They were thus able to see the extent to which the Saharan territory is completely controlled by the Moroccan army. During the trip – about 650 kilometres – the bus was stopped several times at military checkpoints at which they, and only they, had their documents checked, with photocopies of their passports being retained by the soldiers.

On arrival at El-Ayoum, and while they were holding their first meeting with former workers for Spanish companies, the block of buildings containing the private house where the meeting was going on, was surrounded by police and the military, with the presence of the Deputy Governor, in a clear attitude of intimidation for both the Saharawis and the delegation.

For more than one hour, our passports were held and we were interrogated on various matters, then we were then “kindly invited” to go to the State Security building in El-Ayoum where our passports were withdrawn and we were retained for about two hours while our host, Eddia Sidi Ahmed Moussa, was interrogated for several hours. The next day, he was again interrogated in the Security offices, and throughout our visit we were “accompanied” with very little discretion by members of the police or the army who followed us wherever we went. Our liberation was no doubt the result of fast intervention by the respective foreign services or embassies, which were immediately notified.

### **Historical and political context of the Western Sahara**

The Western Sahara was a Spanish colony until 26 February 1976, when Spain finally withdrew from the territory.

In its capacity as a colonising power, Spain should have set up the mechanisms for decolonising the territory and guaranteeing that the Saharawis had the right to freely choose their future by means of a referendum on self-determination (*Resolution 1514. Declaration on the granting of independence to colonial countries and peoples. United Nations. General Assembly*).

However, on 14 November 1975, the Spanish government under Arias Navarro signed the Tripartite Agreements of Madrid, assigning the administration (but not the sovereignty) of Western Sahara to Morocco and Mauritania, thus betraying the

Saharawi people, neglecting its responsibilities and ignoring the United Nations recommendations and resolutions on decolonisation and self-determination.

After the signature of the tripartite agreements, the Moroccan and Mauritanian militaries occupied the territory, submitting the civil population, which was against the occupation and claimed its right to self-determination, to arrest, torture, sacking and disappearance (since 1975, over 500 Saharawis are reported as 'missing').

In this situation of occupation and repression, the Saharawis who were able to began a long exodus via the desert to the Algerian town of Tindouf, where they set up precarious refugee camps. During the exodus, the Moroccan air force bombed the civilians, causing hundreds of victims and injuries.

On 27 February 1976, the Democratic Saharawi Arab Republic was proclaimed and recognised by more than 80 countries belonging to the African Union. Morocco never accepted this decision by the African Union.

The Polisario Front (Popular Front for the Liberation of Seguia el Hamra and Río de Oro) was set up and started to fight on several different fronts. It took control of the refugee camps, began the fight for the liberation of its territory from the occupying countries which lasted 16 years, and initiated a diplomatic campaign at all levels to defend its right to self-determination in international for a.

In 1991, Morocco and the Polisario Front put an end to hostilities with the ceasefire agreed on in the Peace Plan for the Sahara, approved by the UN and the OAU, which determined that a referendum on self-determination would be held in which the Saharawi people could decide freely on their future. Over 16 years later, the referendum has still not been held because of constant opposition from Morocco which has ignored all of the UN and OAU resolutions urging compliance.

The General Assembly, the Security Council, the International Court of Justice and the legal department of the United Nations all clearly established that the Western Sahara is a matter of decolonisation which should be resolved by allowing the people to freely and sovereignly express their wishes.

After 16 years of warfare and 16 years of waiting for the referendum, Morocco continued to reject the Peace Plan, including the "arrangements" introduced by Mr Baker, the special envoy of the United Nations Secretary General, to try to save the Plan.

In essence, the second Baker Plan considered 5 years of autonomy after elections based on the original Saharan census allowing the constitution of an autonomous government under Moroccan sovereignty, and a subsequent referendum on self-determination with an expanded census including residents (also Moroccans) on 31 December 1999. The Polisario Front accepted the Plan, but Morocco rejected it.

Since its rejection of the second Baker Plan in 2004, Morocco has insisted that it is not prepared to accept a solution for Western Sahara unless it is "within the framework of sovereignty and territorial integrity for Morocco", and it is in this framework that it has presented its "Plan for autonomy" for this territory.

## **The rights of Saharawi workers**

The abandonment by Spain and the immediate occupation of the territory by Morocco (Mauritania soon gave up) should have led to the application of international agreements for the protection of the population in case of war or occupation.

But no measures were taken to prevent the exploitation of natural resources and the loss of workers' rights.

A significant case is that of the workers of the former Spanish phosphate company, Fosbucráa, the largest industrial centre in the former colony. There were also workers in other Spanish companies, such as Tejados y Construcciones, Montajes Nervión, Cubiertas y Contratas, and in the Spanish administration. Those who continue working are discriminated against, and the pensioners, like other former workers in the colony, have been abandoned by the Spanish Administration which should be providing benefits to them.

The situation of the active workers at Fosbucráa should be dealt with separately from that of the pensioners, widows or incapacitated workers formerly employed in a larger number of Spanish companies.

CC.OO. and UGT consider that the Spanish State should regularise its debts, and recognise and pay the benefits to which the former workers and their beneficiaries are entitled.

Together we studied the matters relating to the Saharan workers' claims. Initially, the idea was to adopt a procedure to facilitate recognition of the right to receive benefits from the Spanish National Social Security (INSS), with the collaboration of the workers involved, the Fosbucráa Workers and Pensioners Council in occupied Western Sahara and the UGTSARIO in the refugee camps in Algeria.

Since September 2003, several thousands of files have been sent to the Spanish Social Security.

After resolving a number of complications, the General Treasury of the Social Security provided us with the working history of all the workers who had requested it. After studying the resolutions received, the conclusion reached was that most of the workers had not paid contributions long enough to be entitled to claim a pension.

At that point, CCOO and UGT took the decision to try to achieve a political decision and, on 1 March 2007, a meeting was held with the Secretary of State for Social Security, Octavio Granados, to try to find a solution.

The Secretary of State explained the enormous difficulty for the Spanish State for recognising a non-contributory pension "outside Spain" and suggested it might be more feasible to achieve payment of compensation for the workers' lost rights. We were also told that the Social Security has a contingency fund which could be used to pay such compensation.

All that was needed was what we, mistakenly, considered a bureaucratic procedure: for the Spanish Parliament to accept an amendment to the State Budget Law recognising the compensation. However, in the Parliament, the governing group of the PSOE socialist party, which we expected to accept the amendment, rejected it. Unfortunately for the Saharawis, things did not go as expected.

We shall continue our efforts with the new government to be set up after the general elections held on 9 March 2008.

The wages of most of the Saharawi workers have been frozen, and many of them have had to become refugees because it is the only way they can survive. Meanwhile, Moroccan civil servants receive a pay-packet that is twice that of Saharawis. Many of those who protest are placed on boats by the Moroccans and sent to Spain, thus facilitating the emigration of Saharawis who face tremendous problems in finding work, even when they are qualified.

On the other hand, we saw that many parts of El-Ayoun seemed wealthier than many of the districts of, for example, Marrakech. The Moroccan colonists in El-Ayoun live in townships built specially for them, in terraced houses, and receive handouts of meat, oil, sugar and other essential products completely free of charge. They do not even have to pay for electricity or water.

## **Exploitation of natural resources**

We went close to the Fosbucr a phosphate factory (visits are not permitted) and we also went to the harbour at El-Ayoun where we saw tons of fish being unloaded (and where, by the way, 1 kilo of sardines fetches 10 eurocents, and 1 kilo of octopus 2 euros).

For some time, the Arab Democratic Republic of Sahara has been complaining in all the fora about the plundering of its territory and all its natural resources.

The occupied territories of Western Sahara have one of the world's largest phosphate deposits and probably some of the richest fishing stocks along the African coastline, in addition to considerable oil and gas reserves along the coast. The value of its natural resources has always been one of the main unspoken reasons for Morocco's occupation of Western Sahara.

A number of international companies are now political agents receiving benefits from the conflict. While Morocco exploits the country's resources, most of the Saharawis are forced to live in refugee camps in the Algerian desert in conditions of absolute poverty, without any way of benefiting from the commercial operations taking place in their homeland.

Those who live in the occupied territories are mostly unemployed, and many of the younger people are forced to secretly emigrate to flee from poverty, unemployment and military control of the territory.

The companies that are operating in the Western Sahara create jobs for the illegal Moroccan settlements in the fishing sector, through direct investment and for the export of fishing products to other countries.

This type of activity violates international law and goes against the wishes and interest of the majority of the Saharawi people. A large number of UN resolutions and international agreements protect the social and economic rights of this occupied people.

Regarding the phosphate mines in Bou Cr a, in 1968 there were 1,600 Saharawis working there, in what is today occupied Western Sahara. Today, most of them have been replaced by Moroccan settlers. In fact, of the 1,900 workers in the mines today, only 200 are Saharawis who suffer discrimination because they are under to exercise their rights to join a trade union and are unlikely to be protected by the existing Moroccan trade unions.

We also spoke to Ahmed, President of Western Sahara CSPRON, which was set up to prevent and denounce mass exploitation of the natural resources of Western Sahara – phosphates, sand, fishing, livestock, gas, poultry, the climate – by people who are not the legitimate owners, that is, Saharawis. It is almost impossible to organise peaceful demonstrations to make known the plundering that is taking place in Western Sahara. In fact, in 2002 the President of this Association was “expatriated” to a Moroccan village close to Marrakech.

## **Violation of human rights**

The city of El-Ayoun is heavily guarded by the Moroccan army, with soldiers everywhere. The same can be said about the tree type of uniformed police we saw there. In the evenings, the city gives the impression of being under siege because the police occupy the main streets and constantly prevent photos being taken.

Although the Saharawis are more or less accustomed to living with this heavy police presence, we saw for ourselves that many of them brought a variety of documentation hidden in their clothing to prevent the police from detecting it.

In El-Ayoun, we held interviews with a large number of workers (both in groups and individually) who had worked for Spanish companies until Spain's departure and for the Spanish Administration. We also spoke to representatives from various human rights organisations, the family members of missing people or prisoners, people who had suffered political reprisals and Saharawis living in the area. When we enquired about a possible visit to the Black Prison, we were immediately dissuaded and told it would be impossible.

The human rights organisations we contacted included ASVDH and CODESA. Neither of them has been recognised or legalised by Morocco, so they have to work in secret and are not allowed to meet normally with other NGOs. Some of their members with whom we spoke are Sidi Mohamed, a former prisoner of war who spent 26 years in prison, Sidi Ahmed Lemjayed, President of the Support Committee for the resolution and production of natural resources in Western Sahara, Mohamed Saoued Delle, a political prisoner from 1979 to 1991, from the Saharan Committee for the defence of self-determination.

They all spoke of the need for self-determination by means of a free referendum guaranteeing all the rights of the Saharawis, as established in the United Nations resolutions.

In spite of Moroccan efforts to destroy their identity – there is now just 1 Saharawi for every 9 Moroccans – they are doing everything they can to preserve it and defend their right to self-determination, on the basis of international law. Proof that their identity is being destroyed can be seen in the fact that Saharawi schoolchildren are obliged to speak in Moroccan.

In all the statements we heard, people spoke of demonstrations by Saharawis being violently repressed by the Moroccan army or police. There are people in prison for having expressed their opinion, for example, on their desire for self-determination. They suffer constant harassment and persecution and live under pressure, with intimidation and violation of their rights by the Moroccans. A few days ago, for example, a group of young people were arrested while they were preparing the commemoration of 27 February, the date on which the Arab Democratic Republic of Sahara was proclaimed. They are also being accused of drug trafficking.

All the power is in the hands of officials who apply great pressure, but over the last two years this pressure has been exerted not only physically but also psychologically, with people being forced to stay indoors.

The courts do not accept complaints from Saharawis because they interpret them as attacks on the kingdom of Morocco. Over 1,000 lawsuits have been submitted but none have been investigated. There are Saharawis who have been in prison for over one year without being convicted. It seems that there is no proper trade union protection for Saharawi workers because they can be dismissed for their opinions, and are then included on a sort of "black list".

Although they defend their positions without using violence, many Saharawis are randomly arrested after demonstrations, declarations or meetings, suffering torture and illegal arrest (right now, more than 30 of them are in the Black Prison and about 600 prisoners have gone missing over the last 30 years). All Saharawi families have or have had a victim – children, parents, grandparents, wives, etc.

And there are still cases of people going missing. For example, we met four mothers from a group of 15 families, who reported the disappearance of their children on Christmas night 2005. Thirteen of them were Saharawi militants that the Moroccan

security forces were searching for and who were receiving threats. The group had decided to flee and set out in secret for the Canary Islands. But the families, except for one which several days later received a call from their son which was immediately cut off, have had no news whatsoever.

They have repeatedly requested information from the Moroccan authorities, even with all the families going along together. The authorities just say the young men drowned although they have never offered any sort of proof to the families – no remains of the boat or news of the bodies. However, there are witnesses who say they saw the Moroccan security forces intercept the group on the beach before they were able to embark. Meanwhile, the families continue to demonstrate periodically before the government headquarters in El-Ayoun, but without receiving any reliable information about the missing young men.

We also heard about the legal proceedings to clarify the death of the first victim of the peaceful Saharawi rebellion, Hamdi Lembarki, murdered on 30 October 2005. According to the accusations, he was involved in a fight with the police, but eyewitnesses report that the young man was first hit violently in the street then was pushed into a police car which later dumped him. These eyewitnesses are people who, after many failed attempts, were eventually able to get Lembarki into a car that was to take him to a hospital. But the car was retained at a checkpoint for over an hour and a half so he died before he could reach help. As a result of the complaints presented by the family members and the witnesses presented during the proceedings, two policemen, Rouchadi Hassan and Abderrahim Bahja, were sentenced to ten years imprisonment but recent reports state that this was reduced to two years in the appeal proceedings which took place on 4 March this year.

The witnesses, who were keen to meet us in the hope of attracting international interest and support, told of constant intimidation and threats both in the courts, with ambiguous behaviour by the judges, and in their everyday lives and in their homes from the El-Ayoun police. Moreover, information confirmed by human rights organisations and international observers refers to privileges for the imprisoned police officers.

The violation of human rights in Western Sahara is particularly worrying, and reports have even reached Morocco. For example, Nicola Quatrano, the Italian magistrate from the Onlus International Observatory Association, from 5 to 15 January last, formed part of a delegation of international observers at certain proceedings against Saharawi militants at the Rabat court. On that occasion, the judge was able to collect and personally verify reports of police repression of popular and trade union demonstrations against rising prices, with sentences being passed out to trade unionists and human rights activists for the crime of expressing their opinions. In particular, representatives of the AMDH (Moroccan association for the defence of human rights) spoke of an Agadir court sentencing two UMT trade union militants to two years imprisonment for shouting slogans during the demonstration on 1 May 2007. A three-year sentence was also passed for five UMT and AMDH militants by the Laksar Lakbir court, also for shouting slogans on 1 May.

All the Saharawis want is compliance with international law. A number of resolutions have been passed by the United Nations since 1965. The International Court at The Hague recognises that this is a matter of decolonisation and the solution seems clear – a referendum for self-determination.

They also understand that, for a territory that is not very important strategically, the attitudes of the US and especially of Spain and France are key to the fact that nothing is being done.

The Spanish parliament has passed a number of resolutions defending the Saharawi people's right to self-determination but, clearly, strategic interests with Morocco have

led the government of Mr Zapatero to change its position on the cause of the Saharawi people. (Former Prime Minister González said on many occasions that Spaniards had an ethical and moral duty towards the Saharawi people).

In spite of the fact that the Saharawi cause has been abandoned by the international community, the people we met told us that peaceful resistance is multiplying and young people and women are joining the cause. They told us they have patience, willpower and hope on their sides, although the young people tend to be more extreme in their decisions.

Many people we interviewed told us that the only way in which they can break their silence and isolation and be heard is by “passing on the message” through us, through the few people that remember them and are able to overcome the Moroccan barriers set up to prevent them reaching through.

It is for this reason that our trade union delegation, which had the privilege of going there and hearing what they had to say, has the obligation to “pass on their message”.

The Saharawi people have a right to exist and to decide on their future. They have the right to live in peace, to maintain their culture and history without repression, torture or intimidation. They are entitled to exert their human rights and to achieve compliance with international law.

## **The role of the United Nations**

What solution could be fairer, more legitimate and more acceptable for the Saharawi people than one that respects the will of the population of this territory and that complies with the terms of international law and the United Nations resolutions?

The United Nations, which has a special responsibility towards the people of Western Sahara, including that of protecting them and preserving their natural resources, should not spare any efforts at guaranteeing that justice is done and that international legality prevails in Western Sahara, as it has in other parts of the world.

The Moroccan unilateral project for autonomy does not tie in with the United Nations resolution and cannot offer the “mutually acceptable political solution that will guarantee free determination by the people of Western Sahara” to which the international community and the Security Council aspire. It is more likely to just perpetuate stagnation of the conflict.

We tried to hold an interview with the MINURSO (United Nations Mission for the Referendum in Western Sahara), but it was not possible. The answer we received was that the person responsible for the Minurso Delegation was not present in the Occupied Territories.

The Saharawi people and the human rights organisation have a difficult relationship with the Minurso.

The Minurso mandate is limited to the preparation and organisation of the referendum and control of the ceasefire, but the civil population find it incomprehensible that a United Nations mission does not react to the exploitation of their natural resources and to violations of human rights. The Saharawi associations that have requested meetings or have in fact spoken with the Minurso, have systematically suffered repression by the Moroccan authorities, and even the use of symbols (Moroccan flags surround the Minurso offices) contrasts with the UN’s neutral role.

The main function of the Minurso at present is to facilitate visits to family members in the refugee camps, many of whom have not seen each other for over 30 years.

## **Conclusions**

As already stated, CCOO, CGT and CGIL made this visit in compliance with the resolution signed at the International Conference for solidarity with the Saharawi people held in Rome in October 2005.

We believe that, in international law and with mechanisms that have been frequently ratified by the UN, this long process of decolonisation on the African continent should be resolved in a way that will respect the rights of the Saharawi people to determine their future.

We are sure this is also the wish of the CES and the CSI.

After our direct contact with the real situation of occupied Sahara, we would like to make some suggestions for efficient action by the international trade union movement.

### **Regarding the rights of Saharawi workers:**

- The promotion of genuine, complete freedom of trade union association, the right to collective bargaining, the eradication of any type of discrimination in employment, payment or occupation for Saharawi workers, in full compliance with ILO agreements.
- Support of the various ways in which workers and pensioners are organised in the occupied territories, with collaboration and physical support for the Saharawi workers' Councils and the UGTSARIO.
- Promotion of a positive dialogue with the Moroccan trade unions to strengthen defence of the rights of all workers, with no discrimination.
- Promotion of visits by trade union delegations to both the occupied and the liberated territories in order to obtain direct information, promote knowledge and collaboration with workers and trade unions, and break down the wall of silence that surrounds them.
- Continued aid for the workers who worked during the colonial period for the Spanish Administration or companies, in their claims against the Spanish government and Social Security, regarding their possible pension rights.
- Consideration of the possibility of presenting this case to the ILO and taking this opportunity to achieve recognition of the Saharawi trade union movement in this international forum.

### **Regarding human rights:**

- Continued contact and collaboration with the Saharawi human rights organisations, and with international human rights organisations
- Development of international public opinion on the respect of human rights and compliance with all the international legislation applicable to an occupied territory.

### **Regarding a political solution:**

- Support for and application of the United Nations resolutions.

- Insistence that governments take on board and support the specific initiatives adopted by United Nations regarding the exercise of the right to self-determination of the Saharawi people.
- Promotion of awareness amongst public opinion.

## **Post scriptum**

We would like to express our thanks for the constant assistance provided, for which nothing was expected in return, by Eddia Sidi Ahmed Moussa and his extensive, wonderful family: his wife Salem and his children Moussa, Sidi Brahim, Badra, Fatimatou, Tabiba, Meftah, Nafai, Mohamed and Mansour. All of them helped us in their different ways, offering meals, conversation, information, contacts with all sorts of organisations, computer help, company, serving as guides, opening up the doors of their home and allowing us to feel completely at home ... in addition to giving us large numbers of gifts.

Above all, Eddia and his family feel that they are Saharawis, they are committed to the Saharawi cause and they act in consequence. In fact, we were retained by the police for about two hours, but Eddia had to put up with being interrogated for several hours over two days. He seemed to be completely used to it.

We are grateful and hope that life will reward him in some way.

March 2008

CCOO Spain

CGIL Italy

CGT France

## **STATEMENT OF THE 3<sup>RD</sup> TRADE UNION CONFERENCE FOR SOLIDARITY WITH WORKERS IN WESTERN SAHARA**

The trade unions signatories of this document that have participated in the Conference for solidarity with Saharawi workers and for a future of peace in Western Sahara, held in Rome on 28-29 October 2005, are deeply concerned about the living and working conditions and the actions of repression that the region is suffering.

The Trade Unions solicit the full recognition of the rights established in the Charter of Human Rights and in international conventions for all the men and women who are working in Western Sahara, and believe that international solidarity actions should be strengthened with the aim of overcoming the existing situation, re-launching international cooperation projects for the improvement of working, health and living conditions in the occupied territories and refugee camps. The European Union should play an important role under this respect and in the framework of a new and stronger Euro-Mediterranean cooperation.

The Conference believes that the entire democratic trade union movement should support and promote the initiative of UGTSARIO and facilitate the commencement of confrontation and cooperation with the trade unions of Morocco, that have participated in the Conference, to put an end to the war and to the consequent waste of economic and human resources, which may be used instead to launch a new policy of development in the interest of all the peoples living in the region and in Arab-speaking Maghreb. The existence of different opinions should not prevent the trade unions to take joint action for a pacific solution of the conflict, for the recognition of the rights of all people to self-determination, in accordance with international law and respecting the peaceful living together.

The trade union organisations signatories of the Conference share the position of the UN, particularly the Resolution 1495 and the plan for the pacification and self-determination of Western Sahara proposed by J. Baker, and see favourably the resolution adopted by the European Parliament on 27 October. In particular, natural resources (phosphates, oil, fishery, etc.) should be used in compliance with international law and in the interest of the peoples living in the region, in a spirit of cooperation. Therefore, the fishing agreement between the European Union and the Kingdom of Morocco should be revised with respect to the territorial waters of Western Sahara.

In order to pursue this commitment, the trade union organisations that have participated in the conference will review, together with Moroccan and Saharawi trade unions, the opportunities for a joint mission in Morocco and in Western Sahara, and invite international trade union organisations to take part in said mission in order to support dialogue, protection of rights, improving of living and working conditions also in compliance with ILO conventions, non-discrimination among workers, release of political prisoners and freedom of opinion and of circulation, in accordance with the Universal Declaration of Human Rights. At the same time, trade union organisations will implement the most appropriate measures to facilitate the action of Ugtsario among migrants from those countries, as has been done for all other migrants, and will support Ugtsario's request to join the international trade union organisations.

The spirit of this conference is to unite all workers against the war, to find a peaceful solution to the conflict according to the decisions of a legitimate super-national

authority such as the United Nations, knowing that this is the duty of our trade union and a lesson learned from our history.

**Rome, 29 October 2005**

**UGTSARIO, Western Sahara**

**CGIL, Italy**

**UGT Confederal, Spain**

**CC.OO. Confederal, Spain**

**UGTA, Algeria**

**OATUU, Organisation of African Trade Union Unity**

**COSATU, South Africa**

**CGTP, Portugal**

**CGT, France**

**SUD-rail, France**

**CSC, Belgium**

**CIG, Galicia/Spain**

**ELA-STB, Basque Country/Spain**

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