

BRIEFING

MINURSO MUST MONITOR HUMAN RIGHTS

"Alleged violations of the spectrum of rights over the reporting period demonstrate the critical need for the establishment of an effective international mechanism for regular independent, impartial and sustained human rights monitoring and reporting"

Leaked text from the Office of the High Commissioner for Human Rights (OHCHR), April 2011

The UN mission in Western Sahara (MINURSO) is the only contemporary peace-keeping mission without a mandate to monitor human rights.

Last year the UN Security Council (UNSC) and Group of Friends (GoF) acknowledged the need to tackle the extensive human rights violations plaguing the territory. For the first time language on human rights was included within the resolution. However these measures have proved futile. Violations continue unabated and UN efforts to monitor the situation have been paltry.

During the negotiations members such as France argued that the above measures should be assessed alongside Morocco's stated 'reforms' before firmer action is taken. **Now that these measures have failed, the Security Council must hold Morocco to account.**

CURRENT MEASURES – FAILED

In light of the lack of a monitoring mechanism, Western Sahara Resource Watch and the Western Sahara Campaign have been working with respected human rights groups including CODESA, ASVDH, Organización Saharawi Contra la Tortura en Dajla and Confederación Sindical de Trabajadores Saharauisto to monitor violations of human rights in the Territory.ⁱⁱ

- In August and September 2011 alone, we identified 34 credible allegations of human rights violations perpetrated against Saharawi citizens by members of the Moroccan Security Forces. These ranged from violent dispersal of demonstrations to threats of sexual violence and torture. We would be happy to provide detailed evidence of these allegations to UNSC members on request.
- Last year's resolution made provision for ad hoc UN monitoring "*welcoming the commitment of Morocco to ensure unqualified and unimpeded access to all Special Procedures of the United Nations Human Rights Council*". Following this the United Nations Independent Expert on Cultural Rights visited Morocco. The extent of her assessment of the situation in Western Sahara consisted of a one day visit to Dahkla. Whether this was due to obstruction by Morocco is unclear. Regardless, as the summation of UN efforts to monitor human rights it is wholly deficient.

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As the visits of the Independent Expert and the 2006 delegation of the OHCHR demonstrate, measures outside the Resolution process without direct accountability to the UNSC are fruitless.

Last year The OHCHR made very clear in its recommended language for the Secretary General's report on Western Sahara that MINURSO is the appropriate body to implement human rights monitoring. This would cover both Moroccan occupied Western Sahara and the refugee camps administered by the POLISARIO Front and therefore address any concerns raised by the Moroccan authorities about human rights in the refugee camps.

(I am) "particularly concerned about the widespread human rights abuses in the region...we wish to see it (MINURSO) renewed with a clear human rights monitoring role".

Rt Hon William Hague MP, former Shadow Foreign Secretary, letter to Western Sahara Campaign, 24.05.2010

The failure to monitor human rights:

Increases human rights violations—With violations going unchecked, Saharawi who call for their right of self-determination face harassment, arrest, sexual violence, imprisonment and torture. Including human rights monitoring within MINURSO's mandate would provide a deterrent to abuse and allow claims to be investigated with confidence.

Makes a mockery of the UN process- In 21 years MINURSO has failed to fulfil its obligation to organise a referendum, and watches in silence while rights are violated.

The U.N. mission was a laughing stock at diplomatic parties in Rabat.

Frank Ruddy, U.S. Ambassador (ret.) Former Deputy Chair MINURSO

Undermines UNSC credibility

Western Sahara has again been rated 'Worst of the Worst' in the Freedom House 2012 report. It is incongruous that the UNSC has condemned repressive administrations throughout North Africa whilst turning a blind eye to the Moroccan regime.

Prolongs the conflict – Human rights violations erode confidence in the UN process and undermine attempts to resolve the conflict. Repeated support is expressed within the Security Council for 'confidence building measures' to support the negotiations. Confidence cannot be built whilst human rights continue to be violated.

"The new generation - that of my son - is even more determined than those who came before," Saharawi human rights defender Aminatou Haider, BBC News, 22 December 2011

Increases instability – The stalemate cannot continue indefinitely. No people in history have ever given up their right to self-determination. In November 2010 Western Sahara experienced the worst violence since the ceasefire. The failure of the UN will ultimately lead to further civil unrest with a return to armed struggle becoming increasingly likely. The political stability of the Maghreb region faces further risk.

THE UNSC MUST MANDATE MINURSO TO MONITOR HUMAN RIGHTS

ⁱ WSRW was perturbed to see the resolution welcome the establishment of a National Human Rights Council in Morocco, replacing the old one. This has no relevance to Western Sahara as a non-self governing territory. Regardless, Human Rights Watch 2012 report states that Morocco's 'reforms' "had yet to transform Morocco's decidedly mixed human rights performance."

ⁱⁱ Amnesty International's 2011 report notes that "Saharawi human rights organizations continued to be blocked from obtaining official registration."