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Introduction

In a UN referendum in 1973, Morocco pushed its claim of Western Sahara and proclaimed that it actually belonged to their kingdom (Maghour, p. 114). It threatened Spain with war so that Spain will move out of the said territories. Morocco pressured Spain and brought the case to the International Court of Justice. After this, Morocco, together with Mauritania, successfully claimed Western Sahara. Spain handed it over to these two neighboring countries. In 1975, the International Court did not historically legitimize Morocco's claim. Instead, it independently entitled the territory as Western Sahara (BBC Online, p. 1).

This paper shall discuss the historic and varied contentions for the expansion of Morocco into Western Sahara. It affirms that the constant postponement of the UN-initiated referendum on the Western Sahara's final status aggravate the long standing situation. Since 2007, the UN has not found the right negotiation atmosphere to make the Moroccan Government and the Polisario Front to agree on the status of Western Sahara. As it was, Morocco wanted autonomy for Western Sahara with ample time for their local administration. It still wanted to remain sovereign and lord over the Moroccan territory. On the other hand, the Polisario, as backed by Algeria for various racial and political reasons, wanted a referendum that highlighted the option for Western Sahara's independence (Maghour, p. 115).

The major problem in this prolonged negotiations is initially, the refugee problems. The stalled negotiations also promote occasional ethnic tensions in Western Sahara which result into violence. It is quelled by the Moroccan Army's security forces. The wall separating the Polisario area and the

Moroccan area is very dangerous for the Western Sahara's refugees. Many Saharawis live on both sides of these walls. Since these walls served as double barriers from the two warring camps, the Saharawis are continually trapped in this no man's land between the walls. They are restricted in these areas and they are prone to land mine explosions, which are heavily concentrated on these walls (Fiddian-Qasmiyeh, p. 56).

Brief Summary of the Controversy

In 1974, there were about 350, 000 civilians marched into the Western Sahara's territory (Humprey, p. 1). This was led by the Moroccan monarch, King Hassan II, who apparently envisioned the extension of its kingdom to Mauritania, Algeria and Sahara. Together, they staged a Green March and used air force to displace the rightful citizens of Western Sahara.

Hence, the rightful people of the place, the Sarahawis, became the besieged refugees. However, these refugees initially did not leave Western Sahara.

When the Moroccan Air Force bombed their desert camps in 1976, the Sarahawis were only forced to run in mass exodus to Tindouf, Algeria (Theofilopoulou & Mundy, p. 1). This instituted the leadership of the prominent nationalist and anti-colonial Saharawi group, the POLISARIO. They opposed the Moroccan forces.

The more obvious reason why Morocco does not want to give up the Western Saharan territory is obviously economic. Morocco is mainly composed of coastal plains, desert and mountains. It was characterized by extreme temperatures and desert sands. It was also mainly composed of Arabs and Berger people. Morocco has major cities called Casablanca, Marrakech, Fes,

Rabat, and Tangier (p. 1). With its forceful occupation of the Western Sahara in 1976, Morocco became successful and it enjoined the northern two-thirds of Western Sahara (the former areas occupied by Spain). In 1979, Mauritania withdrew its claim on Western Sahara and Morocco completely claimed the rest of the territory (p. 1).

The Polisario Front which went against the sovereignty of Morocco engaged the latter in guerilla warfare. Their stand-off was ended in a ceasefire in 1991 after a UN negotiation. The Moroccans have then built a 1, 700 mile-long defensive sand berm from 1980 to 1987. The purpose of this was to separate the Polisario and the almost 80% of the territory west of the berm which it controlled (Chawla, p. 1).

In tracing the historic and modern day conflict between Morocco and Western Sahara, Bhatia (p. 1) showed that the main origin of the conflict is the desirable or attractive locations of these two countries. Both Morocco and Western Sahara have been conquered by and have fought various empires. Morocco has an excellent geography within the Mediterranean. Apparently, the parts of Western Sahara which it controlled contain the phosphate mining industry which was a very lucrative business. During that time, there were about 2. 4 million tons of phosphate being produced and exported in Western Sahara, the sixth largest exporter in the world (Do or Die Editorial Staff, p. 1). These phosphate enriched lands constitute about 62% of Sahara's export commodities (Bhatia, p. 1). There is also a strong prospect of oil reserves in these areas It also has olives and grain. Morocco is also into wine making, fishing and in the exportation of important minerals such as copper, iron, lead, and silver. In the years to come, Morocco would

also become a very strategic point for military base (p. 1).

The presence of phosphates, gas and oil and uranium in Western Sahara is also very attractive not just for its neighboring Morocco but also for other large and pushy oil companies (p. 1). Western Sahara occupies more than 266, 000 square kilometers of Northwestern Africa. Its coastline extends to more than 1, 000 kilometers. Morocco, Algeria and Mauritania lie along its borders. Western Sahara's major cities and economic centers are Dakhla, Laayoune and Bojador. It is defined by many sandy dunes and stony plains but it has a major waterway at the Saguia al Hamra, in Northern Sahara. There are also other water channels but these are also dry most of the time. The climate is also very extreme, rainfall is low and agricultural production is minimal. The Saharawi people use less water and more of camel milk for their subsistence (p. 1). There are also frequent sandstorms which last for days. However, the territories occupied by Morocco on the coast of Western Sahara are very rich in fish resources (p. 1).

Worst Case Refugee Scenario

As the Western Sahara negotiations remain under a stalemate, the situations in these desert camps worsen. Western Sahara remains a war-torn region that lacks peace and security (Chawla, p. 1). This African region is characterized by human rights violations and a humanitarian crisis. The number of refugees and internally displaced persons has been consistently increasing.

Since the Moroccan expansion, the Saharawis have become a minority in their own native land. It was Morocco's deliberate policy to Moroccanize

Western Sahara and to sustain its occupation. The Northern Moroccans began to occupy the Western Sahara for strong economic motives from 1975 and 1991. Following the time of the OAU–UN Settlement Plan from 1991, the government of Morocco drove in more Moroccans and thousands of ‘ pro-Moroccan’ ethnic Saharawis from the Tarfaya region (p. 1). These peoples settled in the war torn region like virtual refugees. They lived in large wahda (unity) camps on the outskirts of Laayoune and Smara, Western Sahara’s major cities. They were asked to join in the UN referendum, which is still not taking place until now.

In her collective account of women and children refugees, Fiddian-Qasmiyeh depicted the plight of the Saharawi refugees (p. 325). While they are being collectively portrayed as “ passive victims of war and/or famine,” the scholar insists that in contrast, they have been invoked as active agents of constructing and maintaining their refugee camps since the early 1980s (p. 326).

The disparities in the refugee population in the occupied territories persist and intensify. The complete demographic breakdowns were hard to gather due to the continuous and increased growth of the imported Moroccan settlers (p. 327). The Moroccan authorities actually intend to integrate the native Saharawi refugees with the Moroccan settlers. They also wanted to outnumber the native Saharawi refugees by a ratio of 3 is to 1 (p. 327).

The increased number of Saharawi refugees first grew in 1976 after the Moroccan planes bombed civilian camps in the Western Saharan interior. This incident also evidenced that the Polisario resistance forces cannot protect the native Saharawis since they also lack the equipment. Hence, the

South-western desert region near Tindouf (in Algeria) became a potential safe region for refugees.

In 1979, another Saharawi exodus happened when Mauritania withdrew its claim over Western Sahara (Maghraoui, p. 120). Again, the exact figures were missing for the numbers of a smaller mass who flew from the said territory in two waves. After this, there has been small mass exodus in Western Sahara. The Saharawi refugees were often initially treated with suspicion and hostility because many of them feared that they were Moroccan infiltrators and spies.

For over 30 years, some tens of thousands Saharawi refugees have been living in the center of the Algerian desert in Tindouf (p. 1). These refugees are being caught in the crossfire between the Moroccan authorities and the Polisario Front. They have so little access to basic resources like food, water, healthcare, housing, and education. It is sad to note that the climate in this region is also very harsh. Since these camps are isolated, the refugees are also very vulnerable to its camps' conditions.

The refugees' inalienable rights, self determination and human rights are being violated under these conditions. Aside from the political and economic abuses of their inherent rights, they have not been given the right to speak, assemble, and associate. The Moroccan government repress these rights principally through laws that penalize affronts to Morocco's "territorial integrity" (Human Rights Watch Website, p. 1). These are sanctioned by arbitrary arrests, unfair trials, restrictions on associations and assemblies, and through police violence and harassment that is unpunished. There is also no freedom of movement and expression (p. 1).

The Polisario perfectly marginalizes those who question its leadership or general political ideology. Refugees can actually flee to Mauritania, if they want to. However, they are afraid and pressured to stay or they just leave without notice for fear of the Polisario officials.

The Moroccan authorities also ban peaceful demonstrations and does not acknowledge human rights organizations. Their security forces arbitrarily catch demonstrators and suspected Saharawi activists. They beat them and subject them to torture. These activists are also forced to sign incriminating police statements. Their courts convict and imprison them after unjust trials (p. 1).

According to Amnesty International, the practice of torture during detention still continues on a regular basis and the number of formal incidents grew sharply between 2002 and 2004 (Smith, p. 1). Many human rights abuses are believed to occur during the period of pre-arraignment detention. On the part of the Polisario's group, it was also indicated that they lead a harsh cruel camp system. There penalize, intimidate the refugees and ensure that they follow their group's edicts (p. 1). The Polisario publicly punish dissent and tortures and imprisonment of refugees are commonplace. Children refugees also witness how their parents are publicly punished.

While many Saharawi refugees attempt to flee from Tindouf, they just cannot. Those who are known to leave are instantly taken away from their family members. The authorities separate them to ensure that they will depart from their plans and stay in the camps as hostages. It also blackmails them to remain to be compliant to all the Polisario dictates as they await their reunification with their beloved. Those who successfully escaped from

the Tindouf camps witness the hardships and cruelty that exist in the refugee camps. They also attest to the corruptions of the Polisario leadership who utilizes financial and material support for their own causes.

Conclusion

As shown throughout this research paper, the Sarahawi refugees' rights have been abused, violated and they have been exploited by both the Moroccan government and the Polisario Front. They experience political abuses, economic exploitation, social injustices, and other abuses and repressions. Specifically, they have no right to speak, assemble, and associate. They are also arbitrarily arrested, detained and imprisoned. They are also tortured and forced to go to other lands away from their families or they are forced to stay inside the camps.

The complicated problem of the rightful heir of Western Sahara and its sovereignty strengthens the problem of the Southern African people and it is certainly a backlash of apartheid. The International Center for Terrorism Studies (ICTS) describes the problem as a “ problem of rebuilding the refugees' existences” (Smith, p. 1). The resolutions to the problems and issues of the refugees in Western Sahara are compounded by the terrorist insinuations of the resistant movements against Morocco. Another striking truth about this is problem is that the refugees can never solve their problems by just developing new roots.

The protection of refugees consists of several fields of activities. It immediately begins after the refugee has crossed the border of his country into a country of asylum. The United Nations validates those who are eligible

for the benefits of the Convention on the Status of Refugees. If this has not been accomplished, then, the refugee may find difficulties based on his defective legal status. This implies that there is a big difference between international protection from general legal assistance.

As a conclusion, the UN Commissioner is the formal agency that can clear up ways by which the refugee problems in Western Sahara are resolved. These are through voluntary repatriation, overseas resettlement and through integration either in the country of present residence or in combination with intra-European migration (p. 1). Of these three solutions, the first one is the least important.

When a refugee shows his intent to return to his home country, he "re-avails" himself of the protection of his national authorities and is not a refugee anymore. The U. N helps the refugee to establish contact with his national authorities so that he can be repatriated. The U. N. does not influence the refugee's decision. This is an inalienable right of the refugee. If repatriation is not feasible, overseas resettlement to countries such as the United States, Canada and Australia is the most viable option for refugees (p. 1).

These are difficult options for the Saharawis. The present mandate of the U. N. Security Council is to "find a mutually acceptable political solution that will allow for self-determination" (p. 1). This mandate is rather complex because the U. N. itself has historically provided a plebiscite on Western Sahara's independence. This idea is rejected by Morocco as it insists on its autonomy proposal to be taken as the baseline for negotiations (p. 1). This also implies that Morocco does not want the territory to be independent.

Meanwhile, the Polisario force has stated that it is willing to share the power with Morocco if and only if there are options for independence after a referendum. This ties the hands of the U. N. as it also recognizes Western Sahara as a non-self-governig territory (Maghraoui, p. 1).

The immediate remedy to the human rights conditions inside and outside the Tindouf camps is for the United Nations Security Council to establish a mechanism for regularly monitoring and reporting the human rights conditions both in Western Sahara and in the Tindouf refugee camps (p. 1). It must also expand the mandate of MINURSO to include human rights observation and reporting in both Western Sahara and in the Polisario-administered camps.

The Moroccan authorities should be obliged to allow on-the-ground monitoring of human rights conditions in Western Sahara by the proper UN authority. It must cease to administer its laws on “ territorial integrity” which suppress the freedom of the refugees.

The Algerian government must also be held liable for the human rights abuses in the Tindouf camps. The Polisario Front must ensure, on an continuous basis, respect for all of the human rights of camp residents. With all the allegations of human rights abuses that have arisen in Polisario-run camps in the last thirty years, the camps must be regularly inspected by ground monitoringof human rights organizations and international bodies.

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