

TIME TO ORGANIZE THE REFERENDUM ON SELF-DETERMINATION FOR THE WESTERN SAHARA

The undersigned trade unions demand the immediate cessation of all violations being carried out against the Saharawi people by the Kingdom of Morocco.

Over 130 years have passed since Western Sahara was occupied by Spain which abandoned the Territory by signing the illegal Madrid Agreement with Morocco and Mauritania on 14 November 1975. Mauritania renounced its claims over the territory and signed a peace treaty with the Polisario Front then Morocco annexed the areas that were occupied by Mauritania. In the 21st century, Western Sahara continues to be the last African Territory that remains occupied through the use of force and against the will of its people.

The rights of the people of Western Sahara are guaranteed by multiple resolutions of international bodies¹, which underline the incessant responsibility of Spain towards its former colony and the inalienable right of its people to self-determination.

It is regrettable that 45 years have passed of war, exile and suffering have passed without enabling the people of Western Sahara to exercise their right to self-determination and independence.

On behalf of thousands of our members, we demand the cessation of the unrelenting violations of the fundamental rights of the people of Western Sahara who have suffered a great deal as their land was occupied with over a hundred thousand Moroccan soldiers that erected a 2700km long sand berm with around ten million land mines. Over 170,000 Saharawis continue to live in dire conditions in refugee camps in the southwest of Algeria as they were forced to flee their homeland and the Moroccan army bombardment which used internationally prohibited Napalm and phosphorus bombs. Those who remained in the occupied areas suffer repression, forced disappearances, torture and long-term imprisonment at the hands of the Moroccan occupying forces.

The Saharawi people survive in extreme conditions of poverty thanks to international solidarity and humanitarian assistance despite the fact that their homeland is very rich in natural resources. These resources have been plundered by Morocco in violation of international law and with impunity.

We are extremely concerned about recent events in Western Sahara following the resumption of hostilities when in a flagrant violation of the ceasefire, the Moroccan military forces launched a brutal attack on unarmed Sahrawi civilians in Guerguerat in the Sahrawi Liberated Territory (Sahrawi Territory) in the early morning of 13 November 2020. Faced with this new act of aggression, the Saharawi liberation army had to engage the Moroccan forces in self-defense and to protect the civilians who were peacefully protesting in the area and had to be evacuated to safe locations.

The intensive military operation launched by the Moroccan occupying state on the Sahrawi Territory on 13 November 2020 has dangerously led to the collapse of the ceasefire and related military agreements. However, the UN has so far failed to hold Morocco accountable for its recent act of aggression on the Sahrawi Territory or even take any measures to deter it.

¹*resolutions 1514 and 2072; UNGA resolution 2229-XXI of 1966; Advisory Opinion of the International Court of Justice of 16 October 1975; UN Security Council resolution 690 of 1991, which established the United Nations Mission for the Referendum in Western Sahara (MINURSO); UN Security Council resolution 1541 of 2004; Admission of SADR as a member of the African Union (former OAU) in 1982; EU Court of Justice judgments of 21 December 2016 and 27 January 2018 on the illegality of the EU's trade agreements with Morocco and of February 2018 on fisheries agreements; UN General Assembly resolution 75/102 of 10 December 2020.* [UN](#)

We also deeply regret that on 10 December 2020, the outgoing US President Donald Trump announced that an agreement between Morocco and Israel on normalisation of relations had been reached with American mediation. As a quid pro quo for the deal, President Trump also made a proclamation declaring United States' recognition of "Moroccan sovereignty over Western Sahara".

The decision taken by the outgoing US President violates the UN Charter and resolutions including Security Council resolutions that the United States penned and approved over the past decades. The proclamation also contradictory to the traditional US policy regarding Western Sahara, breaks a longstanding position on the right of self-determination that is embodied in the US Constitution and negates one of its cardinal principles.

The proclamation further disregards UN General Assembly resolutions including resolution 2625 (XXV) of 1970, which stipulates that no territorial acquisition resulting from the threat or use of force shall be recognised as legal, and therefore it constitutes a violation of international Humanitarian Law and the erga omnes obligations of States not to engage in any act or in any form of assistance that may have the effect of consolidating an illegal situation created by a serious breach of the basic principles of International Law.

The legal status of Western Sahara is unequivocally clear. The International Court of Justice (ICJ), which is the United Nations principal judicial organ, issued an advisory opinion on 16 October 1975 in which it ruled that there was no tie of territorial sovereignty between the Territory of Western Sahara and the Kingdom of Morocco.

In reaction to President Trump's proclamation, many countries, including permanent members of the Security Council, have reaffirmed their positions regarding Western Sahara and their support for the UN resolutions on the self-determination of the people of Western Sahara. Some countries have described US President's decision as a violation of basic principles of international Law that would only lead to exacerbating the situation on the ground.

Furthermore, strong voices from the US Congress, civil society, and the political arena, including former US Secretary of State, James A. Baker III, have expressed their shock and disappointment regarding this attempt to trade away the self-determination of the people of Western Sahara and called on the incoming President to reverse Trump's decision.

We are hopeful that President Biden would reverse Trump's illegal decision. Biden's nominee for secretary of state, Antony Blinken, told the Senate Committee on Foreign Relations at his confirmation hearing that the administration would examine some of the commitments Trump made to incentivise countries to reach agreements with Israel. We hope recognition of Moroccan occupation of Western Sahara would be one of those commitments.

For all these reasons, we urge the United Nations, the European Union, President Biden of the USA, the African Union and the government of Spain, to comply with international legality and put in place the necessary means to hold the Referendum on Self-Determination for Western Sahara as soon as possible.

The undersigned demand the:

- immediate release of all Saharawi political prisoners in Moroccan jails and the end the repression of Saharawi population in the occupied areas;
- the withdrawal of the Moroccan occupying troops and the dismantling of the military berm (wall) erected by Morocco;
- end of the illegal plunder of the Saharawi natural resources.

We believe that the international community must assume its responsibility towards the people of Western Sahara and enable them to achieve their inalienable right to self-determination in accordance with UN and AU resolutions.

5th February 2021

Signatories:

Australian Council of Trade Union (ACTU), de Australia.

The Australian Workers Union (AWU), de Australia.

Maritime Union of Australia (MUA), de Australia.

CUT, de Brasil

CUT Auténtica, de Paraguay

CUT, de Colombia

CTA de los Trabajadores, de Argentina.

FRUGA, de Galiza.

SLG, de Galiza.

SOGAPS, de Galiza.

FSOC, de Canarias.

ESCULCA, de Galiza.

CUT, de Chile

CGTP, de Perú

ELA, del País Vasco.

CST/JBE, de Nicaragua.

BLLAHWU, de Butsuana.

BOFEPUSU, de Butsuana.

SAT, de Andalucía.

STEILAS, del País Vasco.

UITBB, Federación Internacional de Sindicatos de la Construcción (de la FSM)

FUS, de Uruguay.

ESNA (Encuentro Sindical Nuestra América).

PIT-CNT de Uruguay.

The Norwegian Union of Municipal and General Employees- Fagforbundet (Sindicato de Empleados Públicos Municipales y Generales), de Noruega.

Intersindical Canaria, de Canarias.

REDH, capítulo Honduras.

CTB de Brasil

USO de España

CUT, de Galiza.

Corriente Sindical Carlos Chile, de Argentina.

CGTP-IN, de Portugal.

PCOA (Plataforma de la Clase Obrera Anti-imperialista).

Observatorio de los Pueblos, de Venezuela.

Fundación Pueblo Constituyente, de Venezuela.

Sindicato Nacional de la Gran Misión Vivienda, de Venezuela

Federación Panchipriota del Trabajo (PEO), de Chipre

United Union Aotearoa / NZ, de Australia.

UGTA de Argelia.

ULNM, de Mauritania.

USTM, de Mauritania.

CMLT, de Mauritania.

UNTS, de Mauritania

CMS, de Mauritania.

UNSA, de Mauritania.

UPTM2, de Mauritania.

UITM, de Mauritania.

UETM, de Mauritania.

UMT, de Mauritania.