

Refugee Rights and the Western Sahara

- Tens of thousands of [refugees](#) have been sequestered in refugee camps in southwest Algeria near the town of Tindouf since 1975. Having initially fled or been forced to flee to the camps during hostilities between Morocco and the Polisario Front, the refugees are now warehoused¹ in Algeria in increasingly difficult conditions. The international system has done little to protect the rights of these refugees in what has become one of the longest encamped refugee situations in the world today.
- Although warehoused on foreign soil, the Sahrawi refugees have a substantial number of rights under international law, which [have not been protected](#) by the parties with direct responsibility for their welfare: Algeria, the Polisario Front, and the United Nations High Commissioner for Refugees (UNHCR). Algeria is a signatory to both the 1951 Convention relation to the Status of Refugees and its 1967 Protocol, the two most important refugee protection mechanisms in international law, but it has not discharged its responsibilities vis-à-vis the refugees on its territory, including according refugees the right to juridical status, gainful employment, welfare, freedom of movement, and documentation.
- The refugees are almost completely dependent on [international aid](#), as prospects for livelihood are limited both by the difficult physical environment and Algeria's refusal to grant refugees the right to work outside of the camps. The refugees rely on aid for food and non-food items, health care, education, water, sanitation, transportation, and other basic services. Anemia and malnutrition remain high, water resources are insufficient, primary schools and health-care centers operate with meager resources and supplies, and there is a dearth of secondary education facilities.
- Algeria and the Polisario have refused to allow a census that would improve relief assistance. Instead, as documented in 2007 [report](#) published by the European Union's Anti-Fraud Office (OLAF) and obtained by [Agence France Presse/Le Monde](#) in January 2015, the Polisario has engaged in a "well-organized, years-long" embezzlement of humanitarian aid designated for Sahrawi refugees, selling it on the black market for their own personal enrichment.
- A census, long-called for by the [UN Security Council](#) and [UNCHR](#), would also allow the registration of refugees and the provision of internationally-recognized documents to improve freedom of movement. The Polisario has refused refugees such documentation and placed additional [restrictions](#) on their movement, including checkpoints at roadways leading to, from, and in between the camps; limitations on foreign travel except to Mauritania; and severe restrictions on repatriation to Morocco.
- The continued warehousing of Sahrawi refugees in Algeria is a threat to the security and stability of the entire region. The camps are situated close to the porous border area between Mali, Mauritania, and Algeria, an area increasingly targeted by the spread of the Islamic State in North Africa and at the crossroads of illicit drug trafficking routes in the Sahel. Reports from the [UN Secretary General](#) have repeatedly warned of the dangerous threat posed by the "expansion of criminal and extremist networks" coupled with increased frustration and potential radicalization of the Sahrawi youth. As the 2016 report argues, "A settlement of the Western Sahara conflict would mitigate these potential risks and promote regional cooperation in the face of common threats and regional integration to bolster economic opportunity."

¹ The anti-warehousing campaign of the United States Committee for Refugees and Immigrants defines warehousing as the "practice of keeping refugees in protracted situations of restricted mobility, enforced idleness, and dependence, with their lives on indefinite hold."

- Now is the time to take action to guarantee the stability and security of the Maghreb and Sahel by resolving the refugee crisis. UNHCR must:
 - Monitor the Sahrawi situation more effectively to ensure accountability and transparency in aid distribution;
 - Call for an immediate census;
 - Establish a significant presence in the camps to ensure the protection of refugee rights, especially freedom of movement;
 - Establish an intimidation-free, voluntary repatriation program for Sahrawi refugees who wish to return to their previous homes and families in Morocco or elsewhere;
 - Promote durable solutions to the refugee crisis, including repatriation, resettlement, or local integration;
 - Prevent the militarization of the camps; and
 - Reconstitute its humanitarian approach into a rights-based approach that bridges the gap between relief and development to ensure the realization of all refugee rights.

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