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I'd like to begin by also acknowledging the aboriginal peoples who originally inhabited this beautiful place, which is particularly fitting at the start of a workshop on self-determination. And, speaking of stolen land, I also wish to acknowledge the Ohlone people of California, the original inhabitants of the land where I live and work.

In many respects, the right of self-determination is the most basic of human rights

If you don't have that, it's hard to have much else.

I'm generally uncomfortable with secessionist movements, I abhor ethnic chauvinism, and I'm not a big fan of the nation-state system in general, but as long as people are denied their right to self-determination, there is going to be suffering and there is going to be conflict

There are any number of peoples who have a strong moral claim to freedom from foreign rule: West Papua, Tibet, and Chechnya, to name a few

But there are only two nations officially recognized by the United Nations and the international community as non-self-governing territories under belligerent occupation: Palestine; and the subject of my remarks this evening: Western Sahara

This year marks the 50th anniversary of the landmark United Nations General Assembly resolution 1514 on the granting of independence to colonial countries and peoples. It is tragic that five decades later, well into the 21st century, we have to be talking about this topic at all. It is also ironic that one of the world's last colonies is being denied its right to self-determination by a country that itself was subjected to colonialism.

The nationalist Polisario Front launched an armed independence struggle against Spain in 1973, and Madrid eventually promised the people of what was then still known as the Spanish Sahara a referendum on the fate of the territory by the end of 1975. Irredentist claims by Morocco and Mauritania were brought before the International Court of Justice, which ruled in October of 1975 that – despite pledges of fealty to the Moroccan sultan back in the 19th century by some tribal leaders bordering the territory and close ethnic ties between some Sahrawi and Mauritanian tribes – the right of self-determination was paramount. A special Visiting Mission from the United Nations engaged in an

investigation on the situation in the territory that same year and reported that the vast majority of Sahrawis supported independence, not integration with Morocco or Mauritania.

During this same period, Morocco was threatening war with Spain over the territory. Though the Spaniards had a much stronger military, they were at that time dealing with the terminal illness of their longtime dictator Generalissimo Francisco Franco as well as increasing pressure from the United States, which wanted to back its Moroccan ally King Hassan II and did not want to see the leftist Polisario come to power. As a result, despite its earlier pledge to hold a referendum with the assumption that power would soon thereafter be handed over to the Polisario, Spain instead agreed in November 1975 to partition the territory between the pro-Western countries of Morocco and Mauritania.

As Moroccan forces moved into Western Sahara, roughly half of the population fled into refugee camps in neighboring Algeria, where they remain to this day. Morocco and Mauritania rejected a series of unanimous UN Security Council resolutions calling for the withdrawal of foreign forces and recognition of the Sahrawis' right of self-determination. The United States and France, meanwhile, despite voting in favor of these resolutions, blocked the United Nations from enforcing them. Meanwhile, the Polisario – which had been driven from the more heavily populated northern and western parts of the country – declared independence as the Sahrawi Arab Democratic Republic (SADR), which has been recognized by more than 80 countries and is a full member state of the African Union.

Thanks in part to the Algerians providing significant amounts of military equipment and economic support, Polisario guerrillas fought well against both occupying armies. Mauritania was defeated by 1979, agreeing to turn their third of Western Sahara over to the Polisario. However, the Moroccans then annexed that remaining southern part of the country as well. The Polisario then focused their armed struggle against Morocco and, by 1982, had liberated nearly 85% of their country. Over the next four years, however, the tide of the war was reversed in Morocco's favor thanks to the United States and France dramatically increasing their support for the Moroccan war effort, with U.S. forces providing important training for the Moroccan army in counter-insurgency tactics. In addition, the Americans and French helped Morocco construct an 800-mile "wall," primarily consisting of two heavily-fortified parallel sand berms, which eventually shut off more than three-quarters of Western Sahara – including virtually all the territory's major towns and natural resources – from the Polisario.

Meanwhile, the Moroccan government, through generous housing subsidies and other benefits, successfully encouraged thousands of Moroccan settlers – some of whom were from southern Morocco

of ethnic Sahrawi background – to immigrate to Western Sahara. By the early 1990s, these Moroccan settlers outnumbered the remaining Sahrawis indigenous to the territory by a ratio of more than 2:1.

While rarely able to penetrate into Moroccan-controlled territory, the Polisario continued regular assaults against Moroccan occupation forces stationed along the wall until 1991, when the United Nations ordered a cease fire to be monitored by a UN peacekeeping force known as MINURSO. The agreement included provisions for a return of Sahrawi refugees to Western Sahara followed by a UN-supervised referendum on the fate of the territory, with the Sahrawis native to Western Sahara being given the choice of voting in favor of either independence or integration with Morocco. Neither the repatriation nor the referendum took place, however, due to the Moroccan insistence on stacking the voter rolls with Moroccan settlers and other Moroccan citizens that it claimed had tribal links to the Western Sahara. Despite bringing in former US Sec of State James Baker as UN Special envoy, Morocco continued to ignore repeated demands from the United Nations that they cooperate with the referendum process and French and American threats of a veto prevented the Security Council from enforcing its mandate.

With the armed struggle suspended and the diplomatic initiatives stalemated, the people of Western Sahara several years ago decided to do the same thing as the Palestinians and South Africans had done in the 1980s. They decided that rather than wait for their exiled liberation movement to free them, they would take on the liberation struggle themselves through the use of widespread nonviolent resistance. the Sahrawi intifada for independence has galvanized a new generation of Sahrawis in their struggle for freedom. The single most important leader of the struggle in Aminatou Haidar, known as the Saharan Gandhi. Despite winning of a number of international HR awards and being a multiple nominee for the Nobel Peace Prize, few people are aware that one of the most significant nationalist struggles in the Arab Islamic world is led by a woman committed to nonviolent action

. Despite its sporadic nature and severe repression from Moroccan occupation forces, the Sahrawi's nonviolent intifada has forced Morocco to abandon the fiction that Western Sahara is just another part of Morocco, and instead put forward what they have referred to as it "autonomy" plan for the territory. Unfortunately, not only does the Moroccan plan for autonomy fall well short of what is required in bringing about a peaceful resolution to the conflict, it would set a dangerous precedent which threatens the very foundation of the post-World War II international legal system.

To begin with, the proposal is based on the assumption that Western Sahara is part of Morocco, a contention that has long been rejected by the United Nations, the World Court, the African Union and a broad consensus of international legal opinion. To accept Morocco's autonomy plan would mean that, for the first time since the founding of the United Nations and the ratification of the UN Charter more than sixty years ago, the international community would be endorsing the expansion of a country's territory by military force, thereby establishing a very dangerous and destabilizing precedent.

If the people of Western Sahara accepted an autonomy agreement over independence as a result of a free and fair referendum, it would constitute a legitimate act of self-determination. However, Morocco has explicitly stated that its autonomy proposal "rules out, by definition, the possibility for the independence option to be submitted" to the people of Western Sahara, the vast majority of whom - according to knowledgeable international observers - favor outright independence.

Even if one takes a dismissive attitude toward international law, there are a number of practical concerns regarding the Moroccan proposal as well:

One is that the history of respect for regional autonomy on the part of centralized authoritarian states is quite poor, and has often led to violent conflict. For example, in 1952, the United Nations granted the British protectorate (and former Italian colony) of Eritrea autonomous, federated status within Ethiopia. In 1961, however, the Ethiopian emperor unilaterally revoked Eritrea's autonomous status, annexing it as his empire's fourteenth province, resulting in a bloody 30-year struggle for independence and subsequent border wars between the two countries, which has taken hundreds of thousands of lives.

Based upon Morocco's habit of breaking its promises to the international community regarding the UN-mandated referendum for Western Sahara and related obligations based on the cease fire agreement eighteen years ago, there is little to inspire confidence that Morocco would live up to its promises to provide genuine autonomy for Western Sahara.

Indeed, a close reading of the proposal raises questions as to how much autonomy is even being offered. Important matters such as control of Western Sahara's natural resources and law enforcement (beyond local jurisdictions) remain ambiguous.

In addition, the proposal appears to indicate that all powers not specifically vested in the autonomous region would remain with the Kingdom. Indeed, since the king of Morocco is ultimately invested with absolute authority under Article 19 of the Moroccan Constitution, the autonomy proposal's insistence that the Moroccan state "will keep its powers in the royal domains, especially with respect to defense, external relations and the constitutional and religious prerogatives of His Majesty the King," appears to afford the monarch considerable latitude of interpretation.

Despite this, a majority of U.S. Senators recently signed a letter to U.S. Secretary of State Hillary Clinton endorsing Morocco's autonomy plan. Given years of support by the U.S. Senate to Israel's occupation policies and prior to that, Indonesia's occupation of East Timor, this is not too surprising, yet it is nevertheless disappointing.

A surprising number of conflict resolution specialists have also endorsed the Moroccan proposal as a legitimate compromise, or "third way" between independence and integration, noting ho how insistence upon a "winner take all" approach – such as a referendum offering a choice between autonomy and integration – is unworkable.

While encouraging such compromise and trying to find a win/win situation is certainly the preferable way to pursue a lasting peaceful settlement regarding most ethnic conflicts and many international disputes, Western Sahara is a clear-cut case of self-determination for a people struggling against foreign military occupation. This is not a matter of "splitting the difference," given that one party has the legally guaranteed right to self-determination and the other party is engaged in an illegal occupation. This is why the international community rejected Iraq's proposals in 1990-91 for some kind of compromise regarding its occupation of Kuwait. Talk of a 'mutually-acceptable compromise" not only ignores the gross asymmetry in power between the two sides, but the moral and legal asymmetry as well. The Polisario Front has already offered guarantees to protect Moroccan strategic and economic interests if allowed full independence. To insist that the people of Western Sahara must give up their moral and legal right to genuine self-determination nor to redefine self-determination to fit the so-called "political realities" as some suggest, is not a recipe for conflict resolution, but for far more serious conflict in the future. ,

As a result, the people of Western Sahara will likely continue their struggle. There are many cases of successful nonviolent liberation struggles in North Africa and the Middle East over the decades, including Egypt's 1919 revolution against British colonialism, the overthrow of the despotic Traore regime in Mali in 1991, the expulsion of Syrian forces from Lebanon in the Cedar Revolution of 2004, the ouster of military dictatorships in Sudan in 1964 and in 1985, and the overthrow the Shah of Iran in 1979, among others. Globally, some of the most oppressive governments in the world have been ousted through sustained NVA: The Communist regimes of Eastern Europe, Marcos in the Philippines, the apartheid regime of South Africa, the monarchy in Nepal, Suharto in Eastern Europe, Milosevic in Serbia, Pinochet in Chile, among many others

There are some special obstacles facing the nonviolent freedom struggle in Western Sahara. One is that Sahrawis are now a minority in their own county has a result of Morocco's illegal settlement policy.

Another is the repression. I've been to more than 60 countries, including Indonesia under Suharto and Iraq under Saddam Hussein, and I must say that Moroccan-occupied Western Sahara is the worst police state I have ever seen. AI and other reputable HR groups have documented widespread beatings, torture of nonviolent activists. Back in October, seven nonviolent activists were arrested and charged with treason. Days later, US Secretary of State Hillary Clinton arrived in Morocco and praised the govt human rights record and implied that she supported a continuation of the Bush administration's support for the Moroccan autonomy plan. A majority of Congress has also gone on record supporting it as well. Emboldend by Clinton's endorsement, the Moroccans illegally expelled Aminatou Haidar from her homeland, prompting a hunger strike in an airport in the Canary Islands that lasted a month. In nearly killed her, but it brought widespread international support and led President Obama to force the Moroccans to allow her return.

Morocco has been able to persist in its defiance of its international legal obligations toward Western Sahara largely because France and the United States have blocked the enforcement of resolutions in the UN Security Council and blocked or weakened others. As a result, at least as important as nonviolent resistance by the Sahrawis against Morocco's occupation policies is nonviolent action by the citizens of France, the United States, and other countries that enable Morocco to maintain its occupation. Networks in solidarity with the Sahrawis have emerged in dozens of countries around the world, most notably in Spain and Norway, but they have yet to have a major impact on the countries that matter the most.

Taking fuller advantage of new communications technologies, a better-organized, sustained, and media-savvy nonviolent resistance movement within the Western Sahara would not only make the territory more difficult for the Moroccans to rule on a day-to-day basis, but would also help toward building international support capable of eventually forcing governments to push Morocco to cease repressive actions and accept the Sahrawis' right of self-determination.

A successful nonviolent independence struggle by an Arab Muslim people would establish an important precedent in demonstrating how, against great odds, an outnumbered and outgunned population can win through the power of nonviolent resistance in a part of the world where resistance to autocratic rule and foreign military occupation has tended to spawn acts of terrorism and other violence. Furthermore, the participatory democratic structure within the Sahrawi resistance movement and the prominence of women in key positions of leadership could help serve as an important model in a region in which authoritarian and patriarchal forms of governance have traditionally dominated. The outcome rests not just on the Sahrawis, but also on whether the international community determines that such a struggle is worthy of its support.

As a result of the French and American veto threats, the UN Security Council has failed to place the Western Sahara issue under Chapter VII of the UN Charter, which would give the international community the power to impose sanctions or other appropriate leverage to force the Moroccan regime to abide by the UN mandates and other international legal obligations it has up until now disregarded. Polisario's unwillingness to compromise further should not be seen as the major obstacle impeding the resolution of the conflict. The Polisario has compromised enough already. It is therefore up to us – global civil society – to force our governments to live up to their international legal responsibilities

Indonesia was able to get away with its brutal occupation of East Timor for almost a quarter century because, like Morocco, the regime was supported by powerful Western nations. Just fifteen years ago, there was relatively little civil society activism regarding East Timor either and Indonesia's occupation and annexation of that country was seen as a fait accompli. Subsequently, though, concerted efforts by peace and human rights activists, church groups, and various NGOs in Canada, Great Britain, the United States, and elsewhere – particularly here in Australia -- eventually forced these countries to end their support for the Indonesian occupation. It was then, and only then, that the

Jakarta regime was finally willing to offer a referendum which gave the East Timorese their right to self-determination. It was similar international campaigns against the South African occupation of Namibia and against apartheid in South Africa itself that finally forced the international community to apply the necessary pressure that freed those nations. It may take similar grassroots campaign to ensure that Western powers live up to their international legal obligations and pressure Morocco to allow the people of Western Sahara to determine their own destiny.

The growth of the nonviolent resistance struggle in the occupied territories offers a unique opportunity to build international awareness of the conflict among civil society organizations that could offer much-needed solidarity with the freedom struggle inside Western Sahara. Such massive nonviolent action and other forms of noncooperation provides and important signal to the Moroccan occupiers and the international community that the people of Western Sahara still demand their freedom and will not accept any less than genuine self-determination.

The use of nonviolent methods of resistance also makes it easier to highlight gross and systematic violations of international humanitarian law by Moroccan occupation forces, gaining sympathy and support from the international human rights community and provide greater pressure on the French, American and other governments which continued to provide security assistance to Morocco and otherwise support the Moroccan occupation. The international outcry over the Moroccan's illegal expulsion of Aminatou Haidar last autumn and the overwhelming sympathetic press coverage she received is indicative of the power of nonviolent resistance to mobilize international support in a way armed struggle never could.

I fully acknowledge that I am not an expert on the Maghreb. I am not an uncritical supporter of the Polisario Front. I acknowledge that the numbers of people most immediately impacted by the Moroccan occupation, on a global scale, is relatively small. What motivates me to address this issue is that basic principles of human rights and international law must be upheld, even if it sometimes inconveniences my government and that – as with any fundamental moral or legal principle – it must be applied consistently. .

If the international community cannot fulfill its responsibilities on this issue – where the legal and moral imperatives are so clear – how can we deal with more complex issues? If the international

community can not uphold the fundamental right of self-determination, how can we successfully defend other human rights? If the international community cannot enforce a landmark World Court decision and a series of UN Security Council resolutions regarding such a blatant violation of the UN Charter as a member state invading, occupying, annexing and colonizing a neighboring country, how can we enforce any other provisions of international law?

The stakes are not simply about the future of one small country in northwest Africa, but the question as to which principle will prevail in the 21st century: the right of self determination, or the right of conquest? The answer could determine the fate not just of the Western Sahara, but that of the entire international legal order for many decades to come.