

Committee on Economic, Social and Cultural Rights

56th Session

21 September - 9 October 2015

Geneva

NGO Report – Morocco – :

**TAMAYNUT Organisation, TAMUNT IFFUS Confederation and
AGHARAS LKHIR Association**

July 2015

Table of Contents

A. INTRODUCTION.....	3
B. ECONOMIC, SOCIAL AND CULTURAL RIGHTS IN MOROCCO, THE NATIONAL CONTEXT AND COMMITMENTS	4
C. VIOLATIONS BY MOROCCO OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS.....	5
1. THE “IMIDER” CASE:	5
<i>a- Right to self-determination: (Article 1)</i>	<i>5</i>
<i>b- Non-discrimination: (Article 2).....</i>	<i>5</i>
<i>c- Right to work: (Article 6)</i>	<i>6</i>
<i>d- Right to an adequate quality of life: (Article 11).....</i>	<i>6</i>
<i>Suggestions and recommendations to the State of Morocco:</i>	<i>7</i>
2. THE “TADOUART” CASE:	8
<i>a- Right to self-government: (Article 1).....</i>	<i>8</i>
<i>b- Right to an adequate standard of living: (Article 11).....</i>	<i>8</i>
<i>Suggestions and recommendations to the State of Morocco:</i>	<i>9</i>
3. THE AMAZIGH LANGUAGE:	9
<i>a- The Right to education: (Article 13)</i>	<i>9</i>
<i>Suggestions and recommendations to the State of Morocco:</i>	<i>10</i>
4. CULTURAL IDENTITY:	11
<i>a- The Right to participate in cultural life: (Article 15).....</i>	<i>11</i>
<i>Suggestions et recommendations to the State of Morocco:</i>	<i>12</i>

A. INTRODUCTION

This report has been prepared for the United Nations Committee on Economic, Social and Cultural Rights (CESCR) by the Tamaynut Organisation, the Confederation of Amazigh Associations of South Morocco (Tamunt Iffus) and the Agharas Lkhir Association. It relies on 3 advocacy reports at the national level in the Imider and Tadouart cases, a charter called “AKAL” (Earth Charter : Annexe I), the memorandum of the Organisation on the Officialisation of Amazigh (Annexe II), the receipt of 20 reports from over 60 associations (sectors of Tamaynut and joint associations), as well as on the violations of the rights of the Amazigh Indigenous People of Morocco recorded under the heading, “Report an abuse”, accessible to all Amazighs on the Tamaynut Organisation internet portal <http://www.tamaynut.ma/>.

Tamaynut is an organisation that has been fighting since its creation in 1978 for the defence and promotion of the rights of the indigenous (Amazighs) in Morocco. It brings together over 28 sectors that are spread out across the Moroccan territory and endowed with administrative and financial independence.

Tamunt Iffus is a confederation that consists of several associations in the South of Morocco (over 58 associations). It also fights to defend the rights of Amazighs in Morocco.

Agharas Lkhir is a local association that represents in this report the population of the village of Tadouart, threatened by expulsion from their lands. It is supported by the village population and by several Human Rights organisations in Morocco. This association works mainly in the field of development.

Tamaynut, Tamunt Iffus and Agharas Lkhir wish to mention the support provided by the Youth Resource Centre on Human Rights (CODAP) and the Indigenous Peoples’ Center for Documentation, Research and Information (Docip).

B. ECONOMIC, SOCIAL AND CULTURAL RIGHTS IN MOROCCO, THE NATIONAL CONTEXT AND COMMITMENTS

Morocco has gone through several developments since the reign of King Mohammed VI, particularly with respect to the Amazigh cause. The Amazigh, in all its forms (identity, culture, language, civilization, etc.) was a very sensitive topic for discussion after Morocco gained independence in 1956, and it led to arbitrary arrests (*e.g.*, the case of Mayor HASSAN IDBELKACEM, who hung a sign written in Tifinagh calligraphy, the indigenous writing, on the door of his office), as well as to police and legal proceedings (*e.g.*, the 1994 case of the “Tilelli” detainees in Goulmima in southeast Morocco, who were detained after participating in the May 1st festivities using a banner with Tifinagh writing).

Thanks to the activism of the Amazigh movement, grassroots causes, and to the will and desire of the people to live in a State of law and democracy, the year 2011 saw large numbers of citizens involved in strikes and peaceful marches to improve their lives within the context of the February 20th movement. This consisted also of demands from the Amazigh movement (including officialisation of the Amazigh language in a constitution that is democratic in both form and substance, objectivity in the rewriting of that Moroccan history which always downplays the Amazighs, etc.).

In response to these activist demands, Morocco adopted a new constitution in July 2011 that consists notably of:

- The officialisation of the Amazigh language as part of an organic law that must implement it;
- The formation of an institute of languages and cultures;

During 2011, the State of Morocco gave the government five years to develop the organic laws, including the one related to the establishment of the Amazigh language as an official language in administrations, education, justice and public life. It is a tremendous challenge to take on.

Since 2011, Morocco has tried to work within a framework of respect for the new constitution and the provisions of its Article 5, particularly with regard to the

transcription of the names of several administrations and ministries into Amazigh using the Tifinagh alphabet.

C. VIOLATIONS BY MOROCCO OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

1. THE “IMIDER” CASE:

In the heights of Mont Alebbane, at an altitude of 1,400 meters, in the “IMIDER” region in Tinghir, Southeast Morocco, the world’s longest ongoing sit-in is taking place. It has been 4 years since the indigenous people of the Imider area started the sit-in to protest against Imider Metallurgical Company (SMI)’s exploitation of a silver mine, which has been producing 300 tons of silver each year since 1969.

a- Right to self-determination: (Article 1)

The protestors have been peacefully protesting against the company’s abuse since the 1990’s. SMI has been exploiting the ore without the free, prior and informed consent of the indigenous population of the region.

The State is neglecting to take adequate measures to protect the cultural identity of the Amazighs and is also prohibiting them from enjoying and fully and freely using their own natural resources and riches.

The State of Morocco uses these resources to protect its own interests and those of society by:

- the placement of satellite police stations and auxiliary forces in the surrounding areas of the mining zone;
- repressions and arrests within the ranks of the Amazighs: *e.g.*, the case of Mustapha OUCHTOUBANE (imprisoned for 4 years).

b- Non-discrimination: (Article 2)

Notwithstanding a few lines of the constitution that emphasize non-discrimination, the Amazighs remain the group that is the most vulnerable and most adversely affected by discrimination.

The indigenous Amazigh people do not enjoy the rights contained in the ICESCR on an equal footing. The ICESCR is affected by programs of Arabicisation that have contributed to the destruction of Amazigh culture.

In Morocco, an Arabicised country dominated by a foreign language and culture, the Amazigh language is under-represented in the education system, and it is also absent in the employment, health and law sectors.

It is also important to point out that the government is reaching the end of its term without having discussed the organic law on officialising the Amazigh language in the constitution. Nor has it involved or consulted with the Amazigh movement on the subject.

Our partnership notes the lack of strategies, visions and concrete programmes from State officials and employees regarding the Amazigh language and Human Rights.

Furthermore, it is clear that Morocco has not responded to paragraphs 7, 8, 9 and 10 of the Committee's itemized list, which address Article 2, paragraph 2, on the subject of non-discrimination.

c- Right to work: (Article 6)

SMI does not respond to the legitimate demands of the Amazighs at Imider, which involve social issues (employment of youth in the region, who make up only 14% of the mine workers), economic issues (unconditional and operational participation of SMI in the region's development and the fight against exclusion by developing citizens' projects that are also income-generating) and cultural issues (building primary and high schools, and making scholarships and financial aid available to students in order to re-stabilise their worrisome situation, keeping in mind that they have been boycotting the school system and have rejoined their families at the sit-in on Mont Alebbane, as we learned during our field visits).

d- Right to an adequate quality of life: (Article 11)

Since 2004, SMI has set about drilling and building wells to pump water for use in the mine.

The first outcome of this was none other than the weakening of water flow and its exhaustion to the point where it does not run for more than a few minutes a day.

Following our visits, the protestors have confirmed the presence of certain pollutants consisting of toxic materials that threaten life and living beings. Specifically, these include cyanide (which is used in mass quantities for the extraction of silver) and mercury (which detaches from the ore during collection of the pure silver).

The use of these chemicals has caused environmental damage that impacts the local fauna, including in particular the mysterious death of the livestock of the regions' inhabitants, as well as that of nomadic peoples.

The land of the Amazigh People and the resources necessary for them to maintain their traditional ways of culture and subsistence are being polluted and destroyed in order to appease the vested interests of the State and SMI. It is clear from this situation that the right to water, as part of the right to an adequate quality of life, has been violated.

This violation may be perceived by referring to the Committee's General Comment No. 12 (1999) and General Comment No. 15 (2002) on the right to water; these two references contain a detailed explanation of what this right entails.

Suggestions and recommendations to the State of Morocco:

- Respect the right of indigenous peoples at Imider to access their own riches themselves.
- Ensure a safe space for constructive and fruitful dialogue between the protestors of IMIDER and SMI representatives within the framework of a tripartite collaboration based on national and international law, in order to respond to the protestors' demands, particularly those involving access to work and an adequate quality of life for the region's inhabitants.
- Provide the Amazighs at Imider with the resources they need to develop, secure and control their access to water.
- Immediately end the pollution caused by mining in the IMIDER region.

- Conduct an environmental impact study in order to better evaluate the short- and long-term impacts of the pollution linked to mining in the IMIDER region.
- Review the legislative and institutional framework related to projects of natural resources exploitation, in consultation with the Amazighs (indigenous people) and enhance their capacity to monitor extractive companies and ensure that they do not have adverse effects on the Amazighs, their territory and their natural resources.

2. THE “TADOUART” CASE:

a- Right to self-government: (Article 1)

The right to land access is once again suffering a severe blow in the State of Morocco. The Amazighs from the TADOUART region, with 420 hectares of land, 4,000 inhabitants and 2,000 homes, situated 20km southwest of the city of Agadir, are condemned to leave their own lands. The dispossession of indigenous lands falls within the scope of a demarcation process in which more than 12 million hectares of indigenous lands are being taken by the State.

The State of Morocco continues to dispossess the Amazighs of their lands and property. Consequently, families immigrate to large cities, where they proceed to become merged, uprooted and stripped of their identity. The State does not respect the values of the right to self-government, such as meaningful involvement, participation and political recognition.

b- Right to an adequate standard of living: (Article 11)

The State's court ruling to expel more than 4,000 inhabitants, the Amazigh indigenous people of TADOUART, who dwelled in these lands even prior to the existence of the State/country, threatens a great number of lives and violates a collection of rights guaranteed by international instruments, including Article 11 of the ICESCR, which stipulates the recognition of every individual's right to an adequate standard of living for themselves and their family, as well as the legal security of tenure indicated in paragraph 8 of General Comment 4.

Suggestions and recommendations to the State of Morocco:

- Given the gravity of the situation in the TADOUART region, respond to the demands of the population and create an environment for constructive discussion so that an urgent solution may be found for a population arbitrarily condemned to leave their lands.
- Ensure an adequate quality of life to this population living under the threat of being expelled from their lands.
- Adopt without delay the necessary measures, specifically legal recognition and protection, to guarantee the right of the Amazigh People to freely access their lands, territories and natural resources.
- Take all necessary steps to prevent the Amazighs from being forcibly displaced from the lands and territories that they occupy, and which have historically belonged to them, as in the case of TADOUART.
- Take all necessary steps to establish a legal mechanism that will allow indigenous people to take action to reclaim their lands.

3. THE AMAZIGH LANGUAGE:***a- The Right to education: (Article 13)***

We have welcomed UNESCO's affirmation that the teaching of Amazigh in primary schools has effectively reduced the number of children not enrolled in school, according to a number of sources, which is in line with our rights and demands.

However, we note the lack of actual political commitment from the State of Morocco to ensure the success of the Amazigh language integration project within the education system.

The Moroccan government never respects the four basic principles of Amazigh teaching, namely: horizontal and vertical centrelines of writing, the obligatory character, standardization and, lastly, transcription using the Tifinagh alphabet.

Twelve years after the launching of the teaching of Amazigh in Morocco, the government is doing nothing to improve the position of this language within the educational system. The rate of development is too low (1.5%), based on the number of institutions that teach the Amazigh language and the number of beneficiaries when compared to the objectives set in 2003, which deemed 2010 the year that this language would reach the college level. In reality, in 2014, Amazigh education reaches only 14% of primary school students, according to officials and researchers from the Royal Institute of the Amazigh Culture (**IRCAM**); at this rate it will take a century for this language to become widely used.

Furthermore, the Amazighs are not represented in the decision-making processes that affect their language and their culture. The Superior Council of Education (**CSE**) decided the linguistic future of Morocco without any representation from the Amazighs (NGO and associations).

The government has not invested in basic education and literacy in the Amazigh language. This language is still absent from literacy programs.

The State of Morocco has not honoured Recommendation 58 of the Committee on Economic, Social and Cultural Rights from May 19, 2006: "The Committee recommends that the State party set up literacy programmes in the Amazigh language. It also invites the State party to provide free schooling in Amazigh at all levels."

Suggestions and recommendations to the State of Morocco:

- Respect the will of the Amazigh actor (NGO) to cultural self-determination and participation in plans and programmes that promote the Amazigh and human rights;
- Review the recommendations of the CSE strategic report in support of the enhancement of the Amazigh language, while respecting the four basic principles of the teaching of Amazigh;
- Integrate intercultural education into the education system in order to foster and strengthen the foundation of mutual relationships among the cultural groups;

- Guarantee Amazighs' access to education in their mother tongue and ensure that this education is adapted to their specific needs;
- Adopt urgent measures to preserve the Amazigh language and encourage its usage;
- Invest financial and human capital to improve the teaching of the Amazigh language within the education system.

4. CULTURAL IDENTITY:

a- The Right to participate in cultural life: (Article 15)

The right of parents to name their newborn children is not protected sufficiently by Moroccan laws.

The condition of *acceptability*, being a necessary element in the full attainment of the individual's right to participate in cultural life under conditions of equality and non-discrimination, is no longer respected.

Many complaints received at our organizations refer to the refusal of Civil Registry officers to register children with Amazigh names. Two of our activists have also encountered obstacles and difficulties in registering their children with the administration in Inezgan and Casablanca.

The Moroccan government refused a legal proposal presented by the opposition that sought to abolish the banning of Amazigh first names and to revoke nicknames and titles such as "Moulay", "Lalla" and "Sidi", which reveal discrimination and differentiation among citizens based on their origin.

The State of Morocco has not honoured Recommendation 59 of the Committee on Economic, Social and Cultural Rights of 19 May 2006: "The Committee invites the State party to consider making Amazigh an official language under the Constitution. It encourages the State party to take the necessary steps to enable parents to give their children an Amazigh name. It also urges the State party to take the necessary steps to guarantee fully the right of the Amazigh community to

exercise its own cultural identity, in accordance with article 15, paragraph 1(a), of the Covenant, which establishes the right to take part in cultural life.”

It is important to note that the Amazigh actor (NGO and associations) is still excluded from consent and participation in the implementation of programmes and plans that affect and concern the Amazighs. The 2011-2016 National Plan of Action on democracy and human rights is an example of such exclusion.

Suggestions and recommendations to the State of Morocco:

- Take the necessary measures to truly promote the use of the official Amazigh language.
- Implement Article 5 of the 2011 Constitution and adopt an organic law that recognizes Amazigh rights in their entirety, in consultation with NGOs and Amazigh civil society.
- End the prohibition and denial of the registration of Amazigh first names and revoke the discriminatory nicknames.
- Organise training sessions for managers and employees of the State on the subject of the Amazigh People (language, culture and civilization).
- Disseminate widely the concluding observations at all levels of society, particularly among the indigenous people, by translating them into the Amazigh language.