

[Hillary Clinton, phosphates, and the Western Sahara](#)

For more than a half-century, a series of United Nations resolutions and rulings by the International Court of Justice have underscored the rights of inhabitants of countries under colonial rule or foreign military occupation. Among these is the right to "freely dispose of their natural wealth and resources," which "must be based on the principles of equality and of the right of peoples and nations to self-determination."

As far back as 1962, [the United Nations determined](#) that "the right of peoples and nations to permanent sovereignty over their natural wealth and resources must be exercised in the interest of their national development and of the well-being of the people of the State concerned," and "violation of the rights of peoples and nations to sovereignty over their natural wealth and resources is contrary to the spirit and principles of the Charter of the United Nations." This reflects the longstanding legal principle, reiterated subsequently by the General Assembly, that "the right of the peoples of the Non-Self-Governing Territories ... to enjoyment of their natural resources and their right to dispose of those resources in their best interest."

Similarly, a series of decisions by the International Court of Justice regarding Namibia, Nauru, East Timor and Palestine has further codified the rights of non-self-governing people to control over their own natural resources.

Perhaps the most serious contemporary violation of this longstanding international legal principle involves the nation of Western Sahara, the former Spanish colony invaded, occupied, and annexed by Morocco in 1975. Morocco has ignored a series of U.N. Security Council resolutions and [a landmark World Court decision](#) underscoring the right of the Western Saharan people -- who are ethnically and linguistically distinct from most Moroccans -- to self-determination. However, France and the United States, veto-wielding permanent members of that body and longstanding allies of Morocco, have blocked the United Nations from enforcing its resolutions.

The Moroccan government and its supporters point to the kingdom's ambitious large-scale development projects in Western Sahara, particularly in urban areas. More than \$2.5 billion has been poured into the territory's infrastructure, significantly more than Morocco has procured from Western Sahara's natural resources and more than they would likely obtain in the foreseeable future. For this reason, the regime's supporters argue that they have fulfilled the requirements regarding interests, well-being, and development needs of the indigenous population.

However, most of the infrastructure development in the occupied territory has not been designed to enhance the standard of living of the Western Saharan people, but has instead involved the elaborate internal security system of military bases, police facilities, prisons, surveillance, and related repressive apparatuses; housing construction, subsidies, and other support for Moroccan settlers; and airport, seaport, and other transportation facilities designed to accelerate resource extraction. More fundamentally, the decisions on how to use the proceeds from the mines and fisheries are being made by the Moroccan government in the capital of Rabat, not by the subjugated population.

In 2002, then U.N. Under-Secretary-General for Legal Affairs Hans Corell determined that the exploitation of natural resources in Western Sahara is a "[violation of the international law principles](#) applicable to mineral resource activities in Non-Self-Governing Territories."

Unfortunately, this did not stop mining companies, oil companies, and fishing fleets from Morocco, Europe and the United States from effectively stealing from the people of Western Sahara -- or from trying to influence political leaders.

For example, the Office Cherifien des Phosphates (OCP), a Moroccan government-owned mining company that controls one of the world's largest phosphate mines in the occupied Western Sahara, is the primary donor to the Clinton Global Initiative conference last week in Marrakech. This and other support provided to the Clinton Foundation by OCP -- now totaling [as much as \\$5 million](#) -- has raised some eyebrows, given Hillary Clinton's efforts as secretary of state to push the Obama administration to recognize Morocco's illegal annexation of the territory through a dubious "autonomy" plan promoted by King Mohammed VI that would deny the people of Western Sahara the option of independence as international law requires.

About five years ago, opposition from Michael Posner, then assistant secretary of state for democracy and human rights, along with some key Democratic senators and members of the National Security Council convinced the White House to instead encourage further U.N.-led negotiations between Morocco and the Western Saharan government-in-exile, known as the Sahrawi Arab Democratic Republic (SADR.) The SADR has been recognized by scores of governments and is a full member state of the African Union, whose Peace and Security Council [has called for](#) a "global boycott of products of companies involved in the illegal exploitation of the natural resources of Western Sahara."

Since leaving office, Hillary Clinton -- now the leading candidate for the Democratic presidential nomination -- has continued her outspoken support for the autocratic monarchy. When she announced the Marrakesh meeting last fall, [she praised Morocco](#) as a "vital hub for economic and cultural exchange," thanking the regime "for welcoming us and for its hospitality." A number of key supporters, such as attorney Justin Gray and former Congressman Toby Moffett, are registered lobbyists for the Moroccan regime.

This has not gone unnoticed on Capitol Hill. "You've heard of blood diamonds, but in many ways you could say that OCP is shipping blood phosphate," [Rep. Joe Pitts, R-Pa., said](#). "Western Sahara was taken over by Morocco to exploit its resources and this is one of the principal companies involved in that effort."

Pitts and New Jersey Rep. Chris Smith, chair of the Human Rights Subcommittee of the House Committee on Foreign Affairs, [sent a letter](#) to the Clinton Foundation, saying, "Out of respect for internationally recognized human rights norms, the Clinton Global Initiative should discontinue its coordination with OCP and return any accepted money from the enterprise." The foundation did not respond.

As an attorney well-versed in international affairs, Clinton is no doubt aware of the legal and moral issues regarding the Moroccan occupation of Western Sahara and the seeming impropriety of her foundation accepting money from a government-owned company illegally exploiting the natural resources of a non-self-governing territory.

That she is willing to do so anyway raises some troubling questions.

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