

Proposals for the Government of Morocco
the Commission of Human Rights,
and the United Nations

submitted by Association Tamaynut (A.N.C.A.P.)
Working Group on Indigenous Peoples
28 July 1999

The expropriation of forests, mine sites and coastal lands in accordance with French colonial law and adopted by the government after its independence has caused harm to the inhabitants, tribes and communities. The rich forest, mine and coastal lands resources do not or rarely benefit the tribes, tribal federations and communal owners of estates after the application of Dahir Law in 1919. A flagrant example is the case of the Imidir community, in the Ouarzazate province, in the south of Morocco. It is the symbol of poverty and abuse of power of a government after the independence against the traditional owners of silver mining in Morocco after the French colonization.

Thus, the case of the Inezgane community in Dcheaira, Agadir reveals the loss of the 14 families who are left without any identity after the construction of the estate « Al Houda » on the land of this Indigenous community. The latest declaration of the Minister of Forests and Waters in the beginning of July 1999 have once again aggravated the situation of Indigenous peoples because he declared that never again can the Amazighe people be able to exploit the forests.

As such, the following actions are necessary:

1. The total and complete application of Article 8(j) of the Convention of Biological Diversity, and the consideration of indigenous law and oral systems in the Codes on Property, Management and Exploitation in the fields of land, forest, mining and coastal lands.
2. Within the context of traditional laws, the application of the principle of division of Central and Regional resources.
3. The obligation to commit 50 per cent of the income from the exploitation/development of communal, indigenous and tribal federal lands, and forests which they previously owned before the application of colonial laws, specifically that of 3 January 1916 pertaining to ownership of forests and its exploitation.
4. To exert pressure on the Government of Morocco to retract its statement declared in the beginning of July 1999 by the Minister of Forests and Waters concerning the ban on the exploitation of forests by the Indigenous peoples (Amazighe).
5. To institute real economic, social and cultural democratic measures as a concrete platform for a political democracy. This implies a comprehensive development plan for various issues based on the respect of the identity of Indigenous peoples.

WGIP 99/NAT. MAR/2

Report on rights related lands, forests, environment and development in Morocco
17th session of the Working Group on Indigenous Peoples
Geneva, 28 July 1999

1. (1) The lands, forests and beaches of Morocco were controlled by the very ancient Amazighes' rights which date back to thousands of years. Morocco was, like all of North Africa, a country of Imazighnes -- indigenous peoples from the beginning of History. Colonisation and immigration, which came from the east and from the north of Africa, have brought temporary changes on the system of management of these lands. These factors have influenced the relationship earth-nature-environment on one hand, and on the other, the relationship among the Amazighes Peoples themselves who were traditionally organized in tribes and communities.

2. (8) Within the scope of this law, the Minister of Interior has very wide powers because he can sometimes act in the name of the community or of their representative and a third party; the value of this situation is reduced if we know that the committee of tutelage is composed according to Article 3: Minister of the Interior or his interim, the Minister of the Agriculture or his interim, the Director of Political Affairs or Rural Affairs and two appointed members by the Minister of Interior. This same authority is transformed into a judiciary authority to consider the decisions coming from the authority of the elected collective indigenous communities.



32, Derb Guessous Bah El Had Rahat- Marrac.
Email: ldtis@maghrebnet.net.ma
Tél/fax: 212.7.73.01.39 / 212.7.72.63.13