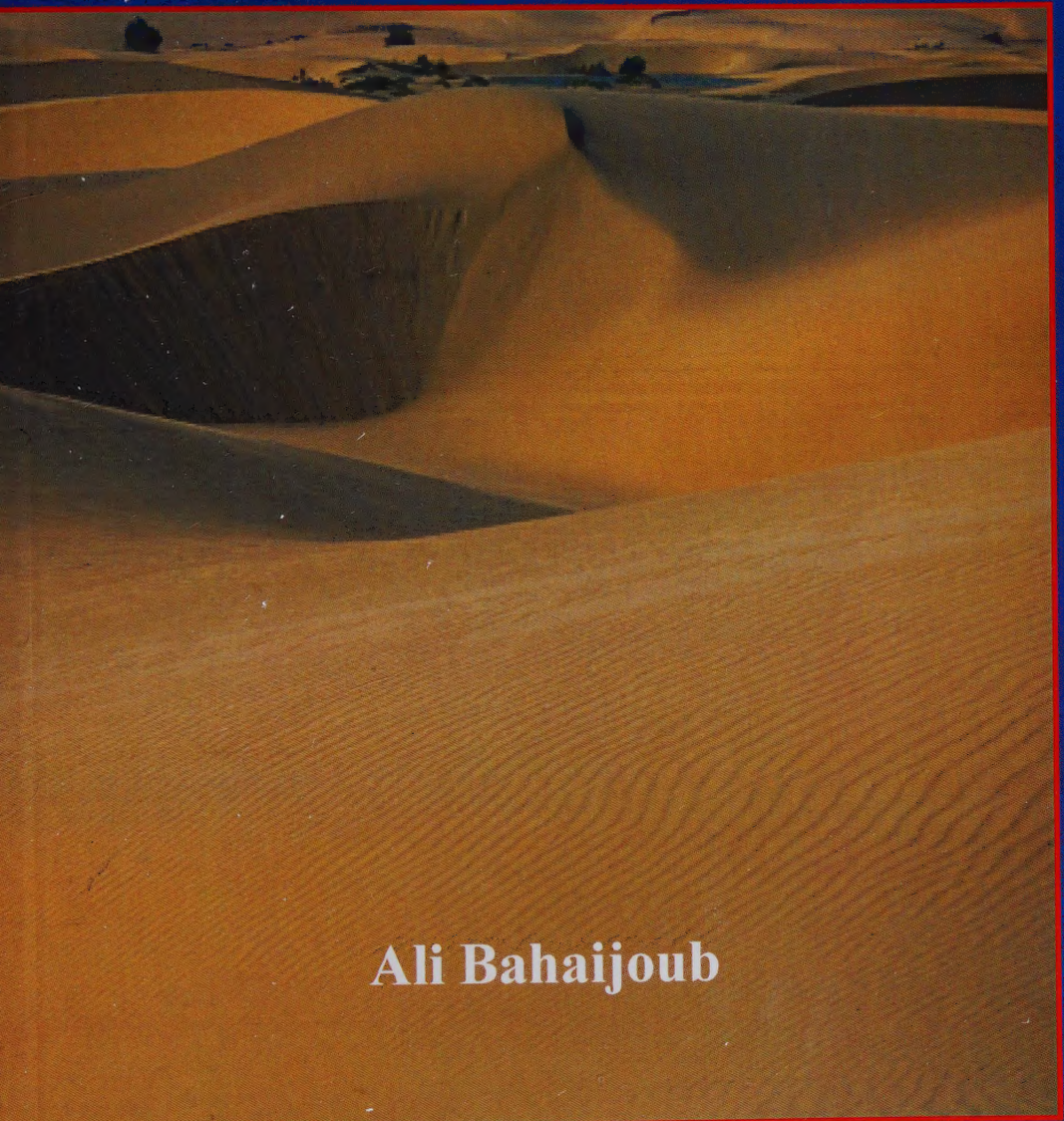


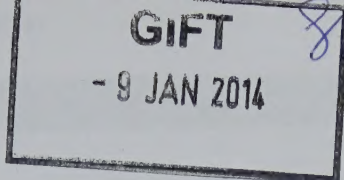
# **WESTERN SAHARA CONFLICT:**

**Historical, Regional and International  
Dimensions**



**Ali Bahaijoub**





# **WESTERN SAHARA CONFLICT:**

## **Historical, Regional and International Dimensions**

**ALI BAHAIJOUR**

**NORTH SOUTH BOOKS**





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# CONTENTS

|   | pages      |
|---|------------|
| Title.....  | 1          |
| Contents.....   | 3          |
| Glossory, Abbreviations and Acronyms.....                                   | 5          |
| MAP of Morocco, Western Sahara and neighbouring countries.....              | 8          |
| Chronology of Events.....   | 9          |
| Introduction.....   | 17         |
| <b>PART ONE: HISTORICAL BACKGROUND.....</b>                                 | <b>31</b>  |
| <b>Chapter 1: Historical Overview of North-Africa.....</b>                  | <b>33</b>  |
| <b>Chapter 2: The International Diplomatic and Political Developments</b>   |            |
| leading to colonisation of Western Sahara.....                              | 49         |
| - European Attempts to have a foothold on the Western Saharan Coast.....    | 49         |
| - Spain's First Settlement and Colonial Ambitions in the Sahara.....        | 49         |
| - The British Settlement in Cape Juby.....                                  | 53         |
| - Rio De Oro Proclaimed under Spanish Protection.....                       | 56         |
| - The Consolidation of Spanish Presence in Rio De Oro.....                  | 57         |
| - Sultan Mulay Hassan's Reaction to Increased Foreign Intrusion.....        | 59         |
| - The Trans-Saharan Trade and its Erosion by European Conquest.....         | 62         |
| - Franco-Spanish Rapprochement and Delimitation of Spheres of Influence..   | 65         |
| - The Internationalisation of the Moroccan Question.....                    | 67         |
| <b>PART TWO: SPANISH RULE OVER WESTERN SAHARA AND</b>                       |            |
| <b>RESISTANCE TO COLONISATION .....</b>                                     | <b>81</b>  |
| <b>Chapter 3: The ineffective Spanish Occupation due to Resistance.....</b> | <b>83</b>  |
| <b>Chapter 4: Spanish Rule over Western Sahara .....</b>                    | <b>93</b>  |
| <b>Chapter 5: The Process of Decolonisation.....</b>                        | <b>105</b> |
| <b>Chapter 6: The ICJ Ambiguous Verdict.....</b>                            | <b>119</b> |
| <b>Chapter 7: The Sovereignty Issue.....</b>                                | <b>129</b> |
| -The Concept of Sovereignty in European and Islamic Law.....                | 131        |
| -The Siba and Makhzan Concept.....  | 134        |
| <b>Chapter 8: The Moroccan Nation-State and Legitimacy.....</b>             | <b>139</b> |
| <b>PART THREE: THE REGIONAL DIMENSION OF THE CONFLICT .....</b>             | <b>145</b> |
| <b>Chapter 9: Inter-Maghrebi Relations.....</b>                             | <b>147</b> |
| - Tunisia.....  | 148        |
| - Libya.....  | 150        |
| <b>Chapter 10: Algerian-Moroccan Relations.....</b>                         | <b>161</b> |

## CONTENTS

|  |            |
|--|------------|
| <b>Chapter 11: Algeria and Western Sahara.....</b>                                       | <b>179</b> |
| <b>Chapter Twelve: Libya and Western Sahara.....</b>                                     | <b>199</b> |
| <b>Chapter Thirteen: Mauritania and Western Sahara.....</b>                              | <b>215</b> |
| <b>Chapter Fourteen: The Polisario Front.....</b>  | <b>233</b> |
| <b>Chapter Fifteen: Morocco's Claims over the Saharan Territory.....</b>                 | <b>255</b> |
| - The Greater Morocco Concept.....   | 256        |
| - Historical Ties.....   | 261        |
| - Treaties.....  | 262        |
| - Internal Manifestation of Moroccan authority in Western Sahara.....                    | 264        |
| - Religious Ties.....  | 266        |
| - Other links between Morocco and Western Sahara.....                                    | 267        |
| <b>PART FOUR: INTERNATIONAL DIMENSION OF CONFLICT....</b>                                | <b>275</b> |
| <b>Chapter 16: Superpowers and Other Interested Parties.....</b>                         | <b>277</b> |
| The United States and Western Sahara.....  | 278        |
| <b>Chapter 17: The Soviet Union and Western Sahara.....</b>                              | <b>291</b> |
| <b>Chapter 18: French involvement in the conflict.....</b>                               | <b>297</b> |
| <b>Chapter 19: Spain and Western Sahara.....</b>   | <b>307</b> |
| <b>Chapter 20: European Union and Western Sahara.....</b>                                | <b>317</b> |
| <b>Chapter 21: The Arab World and Western Sahara.....</b>                                | <b>321</b> |
| <b>Chapter 22: The Military Situation.....</b>   | <b>329</b> |
| <b>PART FIVE: INTERNATIONAL ORGANISATIONS, SELF-<br/>DETERMINATION AND AUTONOMY.....</b> | <b>337</b> |
| <b>Chapter 23: the Question of Western Sahara at the OAU.....</b>                        | <b>339</b> |
| <b>Chapter 24: The Western Sahara Issue at the UN.....</b>                               | <b>367</b> |
| <b>Chapter 25: The Tindouf Refugees .....</b>  | <b>385</b> |
| - Diversion of food aid.....   | 390        |
| <b>Chapter 26: The Self-Determination Principle.....</b>                                 | <b>405</b> |
| <b>Chapter 27: The Autonomy Concept.....</b>   | <b>411</b> |
| <b>Conclusion.....</b>   | <b>419</b> |
| - Fisheries.....   | 423        |
| - Phosphates .....   | 424        |
| <b>Appendices.....</b>   | <b>431</b> |
| <b>Bibliography.....</b>   | <b>476</b> |



## GLOSSORY, ABBREVIATIONS AND ACRONYMS

**AFRICOM:** To combat the rise of al Qaeda in Africa, the US created a new command on par with US Central Command, or CENTCOM. The US Africa Command, or AFRICOM, was officially created in February 2007. Prior to the creation of AFRICOM, the continent was divided between CENTCOM, European Command, and Pacific Command. The US has yet to establish a command headquarters for AFRICOM on the continent. Morocco, Algeria and other nations have turned down offers to host the headquarters and the command is currently based out of Germany.

**Amir Al-Muminin:** Commander of the faithful.

**AOSARIO:** Association des Originaires du Sahara anciennement sous domination

**AQIM:** GSPC became in 2006 al-Qaeda in the Islamic Maghreb espagnole (Movement of Natives of the Sahara formerly under Spanish occupation).

**AU:** African Union

**Bay'a:** Document or a contract recognising submission to a new Sultan. It is signed by the Ulama (plural for Alim religious scholar singular) of the major cities in Morocco.

**Baraka:** Divine blessing.

**Bled Makhzan:** Land of government or that part of Morocco which accepted government appointed Caids and paid taxes.

**Bled Siba:** Land of dissidence, or the area of the kingdom whose inhabitants refuse to pay taxes or accept government appointed caids. But they recognised the Sultan as the temporal and spiritual leader of the country and never rejected his authority.

**Cadi:** Judge in Islamic law (Sharia). The highest religious judiciary authority in town.

**Caid:** Or Qaid. Governor of a region. Now subordinate to a governor.

**Caliph:** King, Sultan, Sovereign.

**Calipha:** Sometimes written as khalifa. Representative of a king, governor.

**Chawiya:** Sometimes referred to as Shawiya or chaouia. It is the largest agricultural plain in Morocco stretching from Casablanca to Oum Rabia river south.

**CMRN:** Comité Militaire de Redressement National (Military Committee for National Recovery). Mauritania's military Junta after Ould Daddah was deposed.

**CMSN:** Comité Militaire du Salut National (Military Committee for National Salvation). Mauritania's second military Junta after Ould Daddah.

**COMINOR:** Comptoir Minier du Nord, Mauritanian Iron Company.

**Cortes:** Spanish Parliament.

**CRA:** Croissant Rouge algérien, Algerian Red Crescent Society

**CRS:** Croissant Rouge Sahraoui, the Sahrawi Red Crescent Society

**Dahir:** A royal decree, an official decree or a bill of law.

**Dar Al-Islam:** The abode of Islam; the Umma; the Moslem community.

**ETA:** Euzkadi Ta Askatasuna. The Basque Separatist Movement in Spain.



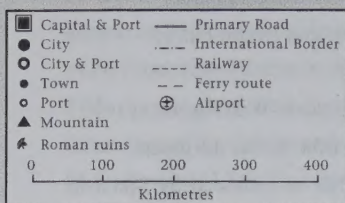
- EEC:** The European Economic Community now renamed European Union (EU).
- FAR:** Forces Armées Royales. Morocco's Royal Armed Forces.
- ECHO:** the European Union Aid Department
- FCO:** Foreign and Commonwealth Office. British Foreign Ministry.
- Fetwa:** or Fatwa, Formal legal opinion issued by a mufti or imam or group of ulamas.
- FLN:** Front de la Liberation Nationale, Algeria's only political party until end of 1980's.
- FLS:** Fronte de Liberacion del Sahara bajo Dominacion Espanola (Front for the Liberation of the Sahara under Spanish Domination).
- FLU:** Front de Libération et de l'Unité (Unity and Liberation Front)
- FWP:** United Nations Food World Programme
- GA:** United Nations General Assembly.
- Gharb:** A region in Morocco stretching from about 40 km north of Rabat to some 100 km south of Tangiers.
- GPRA:** The Provisional Government of the Algerian Republic.
- GSPC:** The Algerian Salafist Groups for Preaching and Combat
- ICJ:** The International Court of Justice.
- IGO:** UN High Commission for Refugees Inspector-General's Office
- Imam:** Prayer-leader in a mosque. Any person can be imam for prayers at any given time.
- Imamat:** The function of Caliph
- Jema'a:** Assembly of notables and tribal leaders in Western Sahara.
- Jihad:** Holy War. It can also mean to strive for a decent way of life or to struggle to succeed.
- Khotba:** Friday sermon performed by Muslims before the midday prayers
- Makhzan:** (or Makhzen) Moroccan government or administration.
- Maghreb:** 5 countries form the Maghreb: Mauritania, Morocco, Algeria, Tunisia and Libya.
- Marabout:** A religious saint. Holy man
- MOREHOB:** Mouvement de Résistance des Hommes Bleus. Blumen resistance movement.
- MINURSO:** The United Nations Mission for the Referendum in Western Sahara.
- MPAIAC:** Movimiento para la Autodeterminacion y la Independencia del Archipelago Canario (Movement for the Self-Determination and Independence of the Canary Archipelago)
- NFI:** non food items
- OAU:** The Organisation of African Unity. It was renamed the African Union in 2002.
- OCRS:** Organisation Commune des Regions Sahariennes.
- OLAF:** Office Européen de lutte Anti-Fraude. (European Union Anti-fraud Office)
- Ouma:** Or Umma. The Muslim nation
- PLS:** Parti de Liberation et du Socialisme (Party of Liberation and Socialism), in Morocco.
- POLISARIO:** Frente Popular para la Liberacion de Saguia el-Hamra y Rio de Oro (Popular Front for the Liberation of Saguia el-Hamra and Rio de Oro).

- PPS:** Parti du Progrès et du Socialisme. Morocco's former Communist party.
- Presidios:** The enclaves of Ceuta, Melillia and the Jaafarines Islands off Morocco's Mediterranean coast.
- PSOE:** Partido Socialista Obrero Espanol (Spanish Socialist Workers Party)
- PUNS:** Partido de la Union Nacional Sahraui(Sahrawi National Union Party)
- Rekkas:** A system of runners to relay information.
- SADR:** The Sahrawi Arab Democratic Republic proclaimed in South-West Algeria in 1976.
- Sahrawi:** An inhabitant of the Sahara originating from any tribe across the desert.
- Sakiat Al-Hamra:** Northern part of Western Sahara ceded to Morocco by Spain in accordance with the Tripartite Accord of 14 November 1975.
- Rguibat:** or reguibat, one of the Saharan tribes and the dominant one among the Polisario leadership. The Reguibat tribe is also subdivided into two entities, the Sahel Rguibat and the Charq who are themselves subdivided between different factions (Oulad Moussa, Souaad, T'Halat, Oulad Cheikh for the Sahel Rguibat/Loubeihat, Sallam, Fokra for the Charq Rguibat).
- Rio de Oro:** Tiris al-Gharbia. Southern part of Western Sahara with Dakhla as the main city.
- Sheikh:** Chief, an elder, head of a tribe, title for a learned scholar.
- Sudan:** the word refers to the Sahel region or the area from Western Sahara to the Libyan desert comprising southern Algeria, northern Mali, Niger and Chad.
- Sultan:** Moroccan monarch. The term King was adopted officially in Morocco in 1958.
- Terra Nullius:** Land without owner.
- Tiris Al Gharbia:** Southern part of Western Sahara ceded to Mauritania in 1975. Previously referred to as Rio de Oro.
- TSCTI :** the Trans-Saharan Counter-terrorism Initiative
- UCD:** The Central Democratic Union. Spain's right wing party.
- Ulama:** Plural of Alim. A member of the learned classes, especially a member of the formally constituted corps of religious scholars.
- Umma:** The Muslim community, the Muslim nation.
- UN:** The United Nations Organisation.
- UNEM:** Union Marocaine des Etudiants Marocains. Morocco's students' union.
- UNFP:** Union Nationale des Forces Populaires. A socialist party in Morocco
- UNHCR:** United Nations High Commission for Refugees
- USFP:** Union Socialiste des Forces Populaires. Morocco's main socialist party.
- Villa Cisneros:** renamed Dakhla.
- Zawiya:** A lodge often with a tomb of a Muslim saint. A small mosque where a Muslim local saint is buried. Sometimes a coranic school part of the edifice.



# MAP OF NORTH-WEST AFRICA

## MOROCCO







## CHRONOLOGY OF EVENTS

- 1878:** Acting for the “North-West Africa Company”, Donald Mackenzie established a trading post at Cape Juby burnt down by neighbouring tribes in 1880.
- 1884:** Spain imposed an illegal "protectorate" on the territory of Rio De Oro (Dakhla).
- 1887:** King Hassan I names Sheikh Ma El-Ainin his representative in the Sahara.
- 1895:** The trading post sold to Morocco for £50,000 following an agreement with Britain.
- 1902:** Ma al-Aynin settles in Smara.
- 1912-1956:** French and Spanish protectorate in Morocco
- 1956:** Within a month of Morocco's independence, anti-Spanish demonstrations occurred in Ifni and the months of June and July 1956 marked the start of Morocco's liberation army activity within the territory.
- 1957:** Moroccan army of liberation staged its first attack on Spanish garrisons in Western Sahara
- 1958:** A joint Franco-Spanish counter-insurgency campaign (operation Ouragan or Ecouvillion) drove thousands of Sahrawis to flee to southern Morocco.
- 1958:** Morocco and Spain signed the Cintra agreement (1 April) by which the Tarfaya region was handed over to Morocco.
- 1962:** Morocco addressed an official request to the UN Decolonisation Committee in June calling on Spain to enter into negotiations over handing over the occupied territories.
- 1964:** The UN called on Spain to apply UN 1960 Declaration on the occupied territories of Ifni and Western Sahara.
- 1965:** Spanish African territories, including Ifni and Western Sahara, were to figure on the UN General Assembly agenda for the first time.
- 1965:** UN Resolution 2072 of 16 December 1965 called on Spain to enter into negotiations with Morocco over Western Sahara and Ifni.
- 1969:** Ifni was ceded to Morocco.
- 1973:** Polisario was established in Mauritania, fostered in Libya and eventually harboured in Algeria. The first secretary

general was a Moroccan called El Ouali Mustapha Sayed who was a member of the Moroccan communist party.

**1974:** Algerian President Houari Boumediène declared his solemn support for Morocco's claims over Western Sahara at the Arab Summit in Rabat.

**1974:** Madrid announced the holding of a referendum in 1975 for integration with Spain or independence. Morocco objected for being ruled out of the process and called on the UN General Assembly to refer the issue to the International Court of Justice in The Hague.

**1974:** The UN General Assembly adopted resolution 3292 of December 13, requesting the ICJ to provide an opinion on whether the territory belonged to no one at the time of colonisation by Spain in 1884 (*terra Nullius*) and what were the legal ties between the territory and the kingdom of Morocco and the Mauritanian entity.

**1975:** The ICJ's verdict of October 16 ruled that the territory was not "*terra nullius*" and that a Moroccan political authority was exercised. Furthermore, legal ties of allegiance existed between Morocco and the Western Sahara at the time of Spanish colonization of the area in 1884.

**1975:** Spain announced officially it would not be bound by the ICJ verdict.

**1975:** Upon Spain's refusal to enter into negotiations with Morocco to hand over the disputed territory, King Hassan II decided to launch the "Green March" on 6 November.

**1975:** The Madrid Accord on 14 November put an end to Spain's occupation of Western Sahara and the agreement was reached in accordance with article 33 of the UN Charter and Security Council resolution 380.

The agreement was also approved by the "Jema'a", an assembly of notables representing all tribes in the territory. The accord was satisfactorily registered with the UN General Assembly in its Resolution (3458 B XXX) of December 10, 1975. The Madrid Accord provided for the withdrawal of Spanish Troops from the occupied territories by February 26, 1976 but the treaty was condemned by the Algerian government who proclaimed the

- “Saharan Arab Democratic Republic” (SADR) on their territory in February 1976 and attempted through armed guerrilla attacks by the Polisario, to enlist opposition to Morocco’s claims over the western Saharan territory.
- 1976:** Spain withdrew formally from the territory on 26 February and Polisario launched attacks on Moroccan troops from southern Algeria with Libya and Algeria as the main backers. The Sahrawi Arab Democratic Republic (SADR) was also proclaimed in Tindouf, south-west Algeria (27 February).
- 1976:** A Moroccan-Algerian armed confrontation took place in Amghala on 19 January and 136 Algerian soldiers were captured and were subsequently released in May 1987.
- 1976:** The Libyan leader Maamar Gaddafi claimed to have founded the Polisario and his assertion was confirmed by the first secretary general of the Polisario, El Ouali Mustapha Sayed who said at a press conference in Tripoli on 29 October 1975, “we came to Libya barefoot, we left armed”. The Libyan leader confirmed his ties with the Polisario in a letter to King Hassan II on 27 February 1976, stating that his country “fulfilled its Arab duty by providing the Polisario with arms and an office in Tripoli”.
- 1976:** The Saharan question figured in the Organisation of African Unity’s (OAU) agenda from 1976 onwards and proved almost fatal to the very existence of the Pan-African Organization.
- 1981:** At the Organisation of African Unity (OAU) Summit in Nairobi, Kenya, King Hassan II announced a referendum in Western Sahara.
- 1982:** The Secretary General of the OAU, Edem Kodjo, made the unilateral decision to admit the “SADR” as a member state without prior consultation with the Implementation Committee or the Chairman of the OAU, then Arap Moi of Kenya. The organisation was divided between “moderates” and “progressive” states led by Algeria and Libya at the height of the cold war.
- 1984:** Morocco decided to withdraw from the OUA following the Secretary General’s violation of article 4, 27 and 28 of the OAU Charter.



- 1984:** The Saharan question was moved to the UN.
- 1986:** King Hassan proposed the organisation of a referendum under the auspices and control of the UN.
- 1988:** A UN Peace plan was accepted by all parties on 30 August
- 1990:** The UN Security Council endorsed a Settlement Plan by adopting Resolutions 658 (1990) 32 and 690 (1991).
- 1990:** A UN referendum was accepted by all parties and an international peace-keeping force was set up in the area referred to as "MINURSO" (Mission for the Referendum in Western Sahara). The eligible voters were to decide whether they would prefer to be part of Morocco or opt for independence. MINURSO was trusted with compiling a list of eligible voters who can vote in the referendum.
- 1991:** A cease-fire was declared on 6 September and MINURSO started the process of identifying eligible voters for the referendum.
- 1995:** The identification process broke down due to differences on who should vote, what criteria to apply and who should be able to identify the eligible voters as most of the Sahrawis had no fixed abode.
- 1996:** On the advice of the UN Secretary-General, the Security Council voted on 29 May 1996, to suspend the identification process.
- 1997:** UN Secretary-General, Kofi Annan, appointed former US Secretary of State, James Baker, his Personal Envoy with a remit to assess the feasibility of the UN Settlement Plan.
- 1997:** A series of talks led to the Houston Agreement in September. This in turn led to the resumption, in December 1997, of voter identification.
- 2000:** Security Council Resolution 1309 of 25 July 2000, called for an acceptable political solution after the process of identifying eligible voters ran into insurmountable difficulties.
- 2000:** The UN Secretary General and his Personal Envoy, James Baker, concluded that the Settlement plan cannot be implemented and that another approach must be sought. The UN proposed a Framework agreement that would allow the Sahrawis the right to elect their own executive and legislative bodies, under Moroccan sovereignty, and have

exclusive competence over a number of areas namely: local government administration, territorial budget and tax law enforcement, internal security, social welfare, culture, education commerce, transportation, agriculture, mining, industry, fisheries environmental policy, housing and urban development, water and electricity and other basic infrastructure.

- 2001:** This proposal was endorsed on 29 June 2001 by the UN Security Council resolution 1359. Morocco accepted the proposal but Algeria and the Polisario “expressed strong reservations” to the draft framework agreement.
- 2001:** In his report of June 2001 to the Security Council, UN Secretary General described the “serious difficulties encountered in carrying out and concluding the identification process” and went on to point out that the “appeals process promised to be even lengthier and more cumbersome and contentious than the identification process, which itself lasted for five and a half years”.
- 2001:** In November, the Algerian president proposed another option that of the partition of the territory.
- 2002:** A UN Secretary General report published on 19 February included four alternative solutions to the problem namely the resumption of the UN settlement Plan, James Baker to revise the Framework Agreement, the partition of the territory or the termination of MINURSO by the UN Security Council.
- 2003:** The UN Secretary General Mr. Kofi Annan pointed out in his report (to the Security Council, 23 May 2003, S/2003/565) that “owing to the parties’ incompatible positions with respect to the possibility of negotiating changes in the draft framework agreement, which was favoured by Morocco, or the proposal to divide the territory, which was favoured by Algeria and the Frente POLISARIO, I presented four options, which would not have required the concurrence of the parties, which the Security council could consider in addressing the conflict over Western Sahara see S/2002/178)”. The UN Secretary General’s four alternative solutions were the resumption of the UN settlement Plan, James Baker to revise the Framework Agreement, the partition of the territory or the termination of MINURSO by the UN Security

Council.

- 2004:** James Bakers resigned as UN Secretary General's Personal Envoy.
- 2005:** Peter Van Walsum was appointed as the UN Secretary General Personal Envoy for the Western Sahara.
- 2006:** After the UN-brokered cease-fire on 6 September 1991, it took Algeria and the Polisario fifteen years to release hundreds of prisoners of war some of whom had spent over twenty five years in holes in the ground covered with corrugated iron and who were used as slave labour in the Tindouf camps, in South- West Algeria. Their release was secured by US Senators Richard Lugar and John McCain.
- 2007:** Prior to the adoption of Resolution 1754 and the start of the ongoing UN-sponsored negotiations, Morocco had submitted a proposal to grant full autonomy to the Saharan region within the framework of the Kingdom's sovereignty and territorial integrity. The Polisario had submitted their proposals a day before insisting on the implementation of one of the options of the Baker Plan related to the holding of a referendum that the UN deemed unworkable because of insurmountable difficulties. The other choices under the Baker plan were autonomy or integration.
- 2007:** In response to UN Security Council resolution 1754 adopted in April 2007 asking the parties to negotiate without preconditions under UN auspices, the Manhasset meetings took place in search for a political solution.
- 2007:** The UN-sponsored talks took place in Manhasset (Greentree Estate) near New York, on 18-19 June and 10-11 August 2007 and 7-8 January and 16-18 March 2008. The first rounds of negotiations served as an icebreaker after years of hostility between the conflicting parties who reiterated their willingness to cooperate with the UN to break the stalemate.
- 2008:** In his assessment of the situation on the ground, Peter van Walsum, the UN Secretary General's special envoy and mediator in talks on Western Sahara declared before the UN Security Council that, "an independent Western Sahara



was not a realistic proposition". He pointed out that "my conclusion that an independent Western Sahara is not an attainable goal is relevant today because it lies at the root of the current negotiation process".

- 2008:** UN Security Council resolution 1813 (30 April 2008) called on "the parties to continue to show political will and work in an atmosphere propitious for dialogue in order to enter into a more intensive and substantive phase of negotiations".
- 2009:** The American diplomat, Christopher Ross, was appointed as the UN Secretary General's Personal Envoy for Western Sahara to help broker a lasting and acceptable political solution.
- 2009:** informal talks between the conflicting parties took place in Vienna, Austria, on 10-11 August under the chairmanship of Christopher Ross.
- 2010:** Christopher Ross was attempting to organise another round of informal talks between the conflicting parties in the Spring.

## EVOLUTION OF MOROCCAN LAND AREA ACCORDING TO LAROUSSE

| Date  | Land area   |
|---|---|
| 1888  | 812 300 km <sup>2</sup><br>(cf. 2nd supplement of Grand<br>Dictionnaire Universel Larousse<br>1888) |
| 1900  | 800 000 km <sup>2</sup><br>(c f. Nouveau Larousse illustre 1891-<br>1904)                           |
| 1956  | 430 810 km <sup>2</sup><br>(comprising ex French Morocco, ex<br>Spanish Morocco and Tangier)        |
| 1958<br>(after the return<br>of the Tarfaya zone) | 456 810 km <sup>2</sup>   |
| 1969<br>(after the return of Ifni)                | 458 730 km <sup>2</sup>   |
| 1979<br>(after the recovery of<br>Western Sahara) | 710 850 km <sup>2</sup>   |



## INTRODUCTION

Prior to 1975, the Western Saharan territory was virtually unknown to the world. Subsequently and over the last three decades, it became a source of serious African political upheaval and a focal point of international interest, threatening not only the stability of North-West Africa but on one occasion even the very existence of the Organisation of African Unity (OAU).<sup>1</sup>

As the last African or Middle Eastern territory to be effectively colonised by a European power and one of the last to be freed from colonial yoke, the Western Sahara was considered in the 1950s and 60s primarily as an issue of decolonisation. At the United Nations General Assembly a series of resolutions were adopted calling on Spain, the colonial power, to undertake immediate action to liberate the territories of Western Sahara and Ifni from colonial rule.<sup>2</sup>

In 1975, the issue degenerated into a conflict with complexities ranging from a controversial and ambiguous verdict delivered by the International Court of Justice (ICJ), to a multiplicity of concerned and interested parties. The problem was further entangled into a web of juridical, diplomatic and military confrontations in regional and international fora which eventually gave it a wider international dimension.

Attention was drawn to the Western Sahara when King Hassan II of Morocco launched the "Green March"<sup>3</sup> and the territory was eventually ceded to Morocco and Mauritania following the conclusion of the Madrid Tripartite Accord of November 14, 1975.<sup>4</sup> The Accord was registered with the UN and since then the dynamics of the evolution of the conflict were mostly generated from policies and decisions made in Morocco and Algeria.

First, the late Algerian President, Houari Boumediène, reversed his initial support for Rabat and Nouakchott to denounce the Madrid pact as null and void. He also sponsored the Polisario Front<sup>5</sup> to challenge the newly-arrived Moroccan and Mauritanian administration in the Western Sahara.<sup>6</sup>

Boumediène, who initially allied himself with President Franco of Spain, became incensed at the news that the Madrid Accord was concluded without his effective participation in the talks. Consequently, he vowed to settle the score with Spain, Morocco and Mauritania.

Spain's formal withdrawal from Western Sahara on February 26,



1976 was followed the next day by the proclamation of the "Sahrawi Arab Democratic Republic" (SADR)<sup>7</sup> and thereafter, Boumediène embarked on a worldwide diplomatic offensive to discredit the Madrid Accord and at the same time launch military operations into the Western Saharan territory from Tindouf, in South-West Algeria, which became the permanent base of the Polisario leadership.<sup>8</sup>

On many occasions, the Polisario guerrilla attacks brought Algeria and Morocco on the brink of war. The military incursions were intended to force King Hassan to recognise the Polisario as the main protagonist, the purpose for which the self-proclaimed republic was established.

Up to 1978, the Saharan conflict was virtually a proxy war between Moroccan-Mauritanian forces and the Algerian-Libyan backed Polisario. Thereafter, the dimension of the dispute experienced a dramatic change diplomatically, militarily and at international gatherings. The series of events which followed had profound effects on the evolution of the conflict, inter-Maghrebi relations and the wider security and stability of North-West Africa:

1) A Moroccan-Algerian armed confrontation took place in Amghala, in Western Sahara proper, on 19 January 1976 and 136 Algerian soldiers were captured and subsequently released in May 1987.<sup>9</sup> It was a turning point in terms of potential armed confrontation between Morocco and Algeria.

2) President Boumediène of Algeria (1965-1978) decided in 1976 an Idi Amin-style mass expulsion of 45,000 Moroccan families living in Algeria.<sup>10</sup> His successors also proceeded to expel over 20,000 Tuaregs and Chambas in 1986 to neighbouring countries.<sup>11</sup>

3) The overthrow of President Mokhtar Ould Daddah of Mauritania on 10 July 1978 and the subsequent withdrawal of the new Mauritanian leaders from the disputed territory in August 1979,<sup>12</sup> resulted in strained relations with Morocco. Relations were worsened when Rabat discovered a secret clause in the agreement concluded with the Polisario in Algiers.<sup>13</sup> They reached an all time low when Nouakchott recognised the SADR in February 1984.<sup>14</sup> New leaders came and went following palace and military coups but they all maintained neutrality between two powerful neighbours, Morocco and Algeria.

4) The Libyan leader, Maamar Gaddafi, who originally supported Morocco's claims over Western Sahara and was opposed to the establishment of a Sahrawi state, changed sides to back his revolutionary neighbour, President Boumediène (1965-1978). He eventually recognised the SADR thus tipping the balance to swell the number of African States in favour of the SADR's admission to the OAU.<sup>15</sup> Libya's leader not only joined Algeria's worldwide diplomatic campaign to secure recognition for the SADR but also provided the military hardware needed by the Polisario to continue attacking Moroccan garrisons. He even attempted an unsuccessful union between the SADR and Mauritania.<sup>16</sup>

5) King Hassan's antagonist, President Boumediène, died in December 1978. It took his successor, Chedli Benjdid (1979-1992), some time to assert his authority over the political machinery dominated by pro-Boumediène military followers.<sup>17</sup> Left with his predecessor's Saharan legacy, President Chedli had yet to discard the radical socialist theory and Muslim Puritanism which characterised Boumediène's era. He attempted to warm up to the West and democratise his country and was not expected to renounce the radical socialist ideology which was now deeply rooted in the Algerian political and economic structure. His relations with Gaddafi were distant and raised concern following the Libyan inspired raid on the Tunisian mining town of Gafsa in January 1980<sup>18</sup> and the Libyan invasion of Chad.<sup>19</sup> Moreover, a power struggle surfaced at the beginning of the 1980s over who should have the upper hand over the running of the Polisario's worldwide diplomatic offensive and military activities. As a result, a period of mistrust ensued which led to a freeze in Libyan-Algerian relations and culminated in a rapprochement between Morocco and Libya in the summer of 1983.<sup>20</sup>

6) Libya's petro-dollars and Soviet-made arsenal coupled with Algeria's diplomatic offensive throughout Africa helped the SADR to gain recognition from 26 African states, mostly progressive, to force admission into the OAU. The move proved almost fatal to the existence of the Pan-African Organisation at the Freetown summit of 1980.<sup>21</sup>

7) Pressure from Algeria to increase support to the MPAIAC<sup>22</sup> as well as the Polisario's abduction of Spanish fishermen, forced the Madrid government to recognise the Polisario but not the SADR.<sup>23</sup> The

decision represented a shift in Spain's Saharan policy and stopped short of a break of diplomatic relations with Rabat.

8) Moroccan-American relations were at low ebb during President Jimmy Carter's term of office (1976-1980). His administration refused to sell arms to Rabat but the advent of Ronald Reagan to the White House saw a net improvement in relations translated into favourable responses to Morocco's requests for arms-supply to balance the Soviet arms sale to Algeria and Libya.<sup>24</sup>

9) France, under President Valery Giscard d'Estaing, officially observed neutrality but made it quite clear that any infringement on Mauritania's sovereignty would be dealt with by force if necessary. Boumedienne did not take the French seriously due to their economic interests in Algeria. Nonetheless, abduction by the Polisario of French nationals working in Mauritania resulted in the Paris government's decision to provide air cover for Mauritania's army between December 1977 and July 1978. President Francois Mitterand (1980-94), however, went out of his way to heal old wounds with Algeria. His government was strictly neutral in the conflict.<sup>25</sup>

10) Morocco's military strategy and strength underwent a radical change especially after the building of a "security wall" in 1979 around the disputed territory which was completed in 1988.<sup>26</sup>

11) The Polisario's Soviet armoury, supplied by Algeria and Libya, increased and became more sophisticated to the extent of surpassing most African states' military requirements.

Missile launcher Sam-6 or Sam-8 and T-72 Tanks were of some the highly advanced military hardware acquired by the Polisario and reportedly manned by Ex-Eastern Bloc military advisors from southern Algeria.<sup>27</sup>

12) As arms suppliers or watchdogs over their economic and strategic interests, the Superpowers remained interested bystanders and showed considerable restraint.<sup>28</sup>

13) On the Arab front, numerous attempts of mediation and reconciliation between Morocco and Algeria proved fruitless.<sup>29</sup> South

Yemen, when under a Marxist regime, was the only Arab state to come out in support of the Polisario but their backing has since waned. In Egypt, President Anwar Sadat, disheartened by the bitter attacks on the Camp David Accord (1978) by hard-line Arab states led by Algeria and Libya, even offered to send troops to the Western Sahara to repulse what he perceived as an Algerian-Libyan threat.<sup>30</sup>

**14)** The Saharan Issue dominated the OAU's agenda from 1976 onwards and proved almost fatal to the very existence of the Pan-African Organisation.<sup>31</sup> Morocco withdrew from the OAU in 1984 following the organisation's controversial admission of the SADR.<sup>32</sup>

**15)** Morocco and Algeria re-established diplomatic relations, a move that helped ease up tension in the region and paved the way for the proclamation of the Maghreb Arab Union in Marrakech in February 1989.<sup>33</sup>

**16)** The thorny issue was then moved to the United Nations where King Hassan II, in response to the UN Secretary General's appeal for a "search of a peaceful solution to the problem"<sup>34</sup>, offered in October 1985 an immediate unilateral cease-fire on condition that the territories under his responsibility were not attacked. He also proposed the organisation of a referendum under the auspices and control of the UN, in the early part of 1986.<sup>35</sup>

**17)** 1992-1998 Algeria was plunged into civil war when the army cancelled elections in January 1992 which the FIS (*Front Islamique du Salut*) was poised to win and the country descended into violence as Islamist guerrillas took the hills to fight the military regime.<sup>36</sup> This period saw a lull in Algeria's activities with regards to the Western Saharan issue as it was dealt with at the UN.

**18)** In 1999, Abdelaziz Bouteflika, Boumedienne's disciple and ex-foreign minister, became President of Algeria and has not come up with any tangible solution to the Saharan imbroglio except a proposal to divide the territory between Morocco and the Polisario.<sup>37</sup>

**19)** In July 1999, King Hassan II died and was succeeded by his son King Mohammed VI who adopted a different approach to



his father regarding the Western Sahara question and attempted to resort to diplomatic and conciliatory means to resolve the issue with neighbouring Algeria.

20) The threat of terrorism in North Africa has brought renewed interest in regional cooperation. The expansion of al-Qaeda network (AQIM), a terrorist outfit born during the Algerian Civil war and increasingly active across the Sahel region, may compel the major actors in the Western Sahara to come to terms with the new phenomenon that may go out of control to create havoc and instil fear in a vast territory stretching from the Atlantic to the Red Sea. As well as posing a domestic threat, Algerian Islamists have also contributed to transnational terrorism which brought renewed American interest in the region.

21) Morocco submitted an autonomy proposal to the UN Secretary General Ban Ki-moon on 11 April 2007 who welcomed it as "serious and credible" to move the process forward towards resolution; and also noted the Polisario Front counter-proposal for independence presented to him on 10 April 2007.<sup>38</sup>

22) France, the former colonial power in the Maghreb, came out openly in support of the Moroccan position regarding the Saharan issue. It said that Morocco's 2007 autonomy proposal deserved serious consideration by the parties.<sup>39</sup>

23) The diplomatic battle between the North-African antagonists shifted entirely to the UN where the issue went through different stages. Indeed, a UN Peace Plan was accepted by all parties on 30 August 1988 and subsequently a Settlement Plan was endorsed by the Security Council in June 1990<sup>40</sup> and the following year the UN brokered a ceasefire implemented on 6 September 1991.<sup>41</sup>

The Settlement Plan comprised the holding of a referendum. An international peace-keeping force was set up in the area referred to as "MINURSO". The eligible voters were to decide whether they would prefer to be part of Morocco or opt for independence. MINURSO was trusted with compiling a list of eligible voters who can vote in the referendum. The Spanish census of 1974 (less than 75,000) was used as a basis to start the identification process. Contrary to what was argued by the Polisario, the census was not completed by the Spanish

administration as confirmed by the Spanish colonel in charge of the operation.<sup>42</sup>

In 1995, the process of identifying eligible voters ran into difficulties partly because the UN relied mainly on Shioukhs (tribal leaders) from both sides to identify eligible voters for the referendum, and partly due to the fact that the inhabitants of the disputed territory did not have any fixed abodes and have always adopted a nomadic lifestyle. Furthermore, the tribal structure of the Sahrawis is very complex and so is the rivalry between them. The Shioukhs accepted some voters and rejected others yet these potential voters were from the same family or tribe. Appeals from both sides ran to thousands of cases and the identification process was halted as it became quite clear it would turn into a nightmare for UN officials. On the advice of the UN Secretary-General, the Security Council voted on 29 May 1996 to suspend the identification process.

After the UN-brokered cease-fire on 6 September 1991, it took Algeria and the Polisario fourteen years to release hundreds of Moroccan prisoners of war some of whom had spent over twenty five years in holes in the ground covered with corrugated iron and who were used as slave labour. Several of them died in captivity on Algerian soil despite repeated calls for their release from the UN, the International Committee of the Red Cross, the UN High Commission for Refugees and numerous other non-governmental organisations.<sup>43</sup>

The combination of Morocco's recent proposal of a "Sahara autonomous region", the Polisario Front's counter-proposal of independence and the UN Security Council's 30 April 2007 resolution calling for direct negotiations between the parties was viewed as a promising breakthrough in the protracted dispute. UN-sponsored talks took place in 2007, 2008 and 2009 but to no avail.

The turning point came about in 2008 through a frank speech before the UN Security Council by Peter van Walsum, the United Nations Secretary General's special envoy and mediator in talks on Western Sahara. In his assessment of the situation on the ground, he told the UN Security Council that "an independent Western Sahara was not a realistic proposition."<sup>44</sup> "My conclusion that an independent Western Sahara is not an attainable goal is relevant today because it lies at the root of the current negotiation process," declared Van Walsum, who was appointed as the Personal Envoy for the Western Sahara in 2005 and has mediated four rounds of negotiations between Morocco

and the Polisario Front.<sup>45</sup> He added that "what matters is how political reality and international legality interact to enable us to take the best decisions in real life", and called on the Security Council to recommend to the parties involved in the dispute to resume negotiations and take into consideration the political and international reality.

In a clear reference to the direct involvement of Algeria in the Sahara dispute, Ban Ki-moon's Personal Envoy blamed the persistence of the impasse on the fact that several countries deemed it "quite comfortable" to maintain the status-quo as it "spares them the responsibility of making difficult choices".<sup>46</sup>

He deplored the fact that the parties have not so far been able to engage in real negotiations and that "the process is deadlocked despite the agreement to hold a fifth round." He pointed out that "what is needed is a clearer advice from the Council itself. If the Council cannot make a choice, the parties cannot either."

Van Walsum suggested breaking the impasse by inviting the conflicting parties to reaffirm their principle agreement that "nothing is agreed upon unless there is agreement on everything." He also recommended negotiations without preconditions "on the assumption that there will not be a referendum with independence as an option". He suggested to the UN Security Council to temporarily withdraw the two proposals from the negotiations agenda for six to nine months stressing that the UN body "can affirm its intention to assess the process at the end of this trial period."<sup>47</sup> "If it (UN Security Council) sees the outline of a possible political solution, it may decide to extend the trial period, otherwise the status-quo and the inconsistent stances of the parties will resume," he concluded.

In his report to the 15-member Security Council, the UN Secretary General Ban Ki-moon stated that "I concur with my Personal Envoy that the momentum can only be maintained by trying to find a way out of the current political impasse through realism and a spirit of compromise from both parties. The international community will share my view that the consolidation of the status quo is not an acceptable outcome of the current process of negotiations."<sup>48</sup> UN Security Council resolution 1813 called on "the parties to continue to show political will and work in an atmosphere propitious for dialogue in order to enter into a more intensive and substantive phase of negotiations".<sup>49</sup>

In 2009, the UN Secretary General Ban-Ki-moon appointed Christopher Ross as his Personal Envoy for Western Sahara to help



broker a lasting and acceptable political solution through informal talks the first of which took place on 11 August 2009 in Vienna, Austria, with no solution in sight.

The impasse can be attributed in part to the reluctance of the main parties Morocco, Algeria and the Polisario to compromise on the fundamental elements of their respective positions and as an observer put, “ they have had vested interests in the status quo; the limited room for manoeuvre of both the Moroccan monarchy and the Algerian presidency, notably in relation to their respective military commanders; the lack of pressure for a change of policy from domestic public opinion in Algeria and Morocco; the insulation of the Tindouf-based Polisario Front from public opinion in the territory and the fact that, since the ceasefire took hold in 1991, the political cost of maintaining intransigent postures has appeared lower than the potential cost of moving away from them”.<sup>50</sup>

Morocco and Algeria have been locked into a long-standing dispute over the Sahara issue and only political will in Algiers and Rabat can solve it, said Boutros Ghali, former secretary general of the UN in an interview with the Algerian Arabic daily “Al-Khabar”. “Solving the Sahara issue lies in direct negotiations between Morocco and Algeria to reach a peaceful solution”, he said.<sup>51</sup>

Algeria has consistently refused to allow the International Red Cross or the UN High Commission for Refugees to conduct a census of the refugees in the Tindouf Camps. The Sahrawis in these Camps remain confined to an Algerian military zone where no movement is allowed even for Algerian citizens without prior authorisation from the Algerian military command. The refugees are not even allowed to move between camps without permission. The Sahrawis in South-West Algeria have never been free to roam the desert which has been their natural habitat and their exact number is still unknown.

There have been frequent rumours of peace formulae reached behind the scenes or about to emerge. While some reports focused on the evolution of the conflict and the inter-relation between Morocco and Mauritania on the one hand and Algeria, Libya and the Polisario on the other, others pointed to other parties, namely Spain, France and certain Arab states that played a part. In reality, however, the pattern of the conflict has been dictated by decisions made in Rabat and Algiers and only these two countries have had any significant impact on the evolution of the dispute.

Many scholars based their judgment on Christian values, principles and jurisdictions and failed to look at the issue from an Islamic-African perspective.<sup>52</sup> Others believed it was merely a question of decolonisation or self-determination.<sup>53</sup> Either way, the conflict was more complex than generally acknowledged. Indeed, one of the crucial points of the dispute concerned the question of sovereignty and the rival interpretations related to this complex concept.<sup>54</sup>

There was also the argument that a new development emerged in the form of Sahrawi nationalism which took root in the latter part of the Spanish colonial period,<sup>55</sup> or stemmed directly from the discovery of mineral resources.<sup>56</sup>

Furthermore, some press reports suggested that the core of the problem lay under the sandy territory of the disputed area in the form of phosphate rock.<sup>57</sup>

There was also the belief that behind the Saharan issue was an "ideology of territorial expansion" founded on the concept of "Greater Morocco".<sup>58</sup>

All these arguments will be examined as well as the OAU's (AU) endeavour to apply, whenever possible, the principle of the status quo to colonially inherited frontiers. The intention is to shed light on the multiple and complex causes of the conflict which reflect a broader struggle for hegemony in the Maghreb with Morocco and Algeria as the main protagonists.

Against this background, it is the intention of the author to seek to delineate the different facets of the conflict starting by the various historical roots from which the current situation emerged and providing an in-depth analysis of the issue of sovereignty in the context of international law and the Islamic jurisdiction.

The regional dimension is of vital importance as it amplifies the underlying dynamics of the dispute through the existing antagonism between the political and economic systems in the area. It also provides an insight into inter-Maghrebi relations and the roles played by the various parties concerned or interested in the conflict and their complex pattern of change in the aftermath of the Tripartite Madrid Accord of 14 November 1975. The role of Algeria and the Polisario are crucial in understanding the complexity of the issue and why it had taken so long to reach, as yet, a satisfactory conclusion.

Then, there is the wider international dimension with an in-depth analysis of the dispute at the OAU and the UN as well as the implication

of former colonial powers, the Super-powers and other third parties.

A brief examination of the self-determination principle and the autonomy proposal should throw some light on the ongoing debate on these two points and their relevance to the current impasse.

The military situation will also be examined in relation to the various developments experienced on and off the battlefield.

The real problem in this saga lies in the Moroccan-Algerian relations dating back to the time of Algeria's independence.<sup>59</sup> The historical context will facilitate an understanding of the complexities related to the Saharan issue. This is important to acknowledge if a new conflict-resolution dynamic is to be created.

The conclusion should provide an account of up to date events, new developments and arguments relating to future prospects of a peaceful settlement of the Saharan conflict and the establishment of the long sought-after unity of the Maghreb.



The late Algerian President Boumedienne with the Polisario founder Bachir Mustapha El Ouali



## NOTES

- 1 Now called the African Union. See speech delivered by President Daniel Arap Moi of Kenya at the OAU Summit in Addis Ababa, Ethiopia, June 8, 1983. Also, "Four year activities report of the Secretary General covering the periods between 1978 and July 1982", OAU Council of Ministers 39th Ordinary Session, Tripoli, Libya, 26 July -2 August 1982, pp. 165-171.
- 2 Wilfrid Knapp, *North-West Africa, A Political and Economic Survey*, Oxford University Press, London, 1977, p. 335.
- 3 Jerome B. Weiner, "the Green March in Historical Perspective", *the Middle East Journal*, No 20, Vol. 33, winter 1979, pp. 20-33.
- 4 See text in Appendix I,
- 5 The acronym Polisario derives from the Spanish name "Frente Popular para la Liberacion de Saquia El-hamra y Rio de Oro".
- 6 Attilio Gaudio, *Le Conflit du Sahara Occidental*, Nouvelles Editions Latines, Paris, 1978, pp. 20-21.
- 7 Joe Mercer, "The Sahrawis of the Western Sahara", *Minority Rights Group*, Report No 40, February 1979, pp. 13-14.
- 8 The Tindouf area, now Algerian territory, was once claimed by Morocco and led to a military confrontation between Morocco and Algeria in October 1963. A 1972 Accord ratified by Algeria but Morocco only did so in 1991 relinquishing thus the area to Algeria in exchange for a joint exploitation of the iron ore mines at Gara Djebilet. See John Damis, *Conflict in Northwest Africa*, Hoover Institution Press, Stanford, 1983, pp. 35-37.
- 9 *Africa Now*, London, April 1986, pp. 10-11; Attilio Gaudio, *Le Dossier du Sahara Occidental*, Nouvelles Editions Latines, Paris, 1978, pp. 386-387; Maurice Barbier, *Le Conflit du Sahara Occidental*, L'Harmattan, Paris, 1982, p. 185; Virginia Thompson and Richard Adloff, *the Western Saharans*, Croom Helm, London, 1980, p. 239; Raoul Weexteen, "La Question du Sahara Occidental", *Annuaire de l'Afrique du Nord* 15, 1976, p. 259.
- 10 *Jeune Afrique*, Paris, No 795, 2 April 1976. *Nouvel Observateur*, Paris, No 585, 26 January 1976; *Agence France Presse*, Geneva, 26 December 1977
- 11 *Le Figaro*, Paris, 23 May 1986; *Jeune Afrique*, Paris, No 1327, 11 June 1986, pp. 46-47 and No 1328, 18 June 1986, pp. 38-39.
- 12 The Mauritanian part of Western Sahara was roughly a third of the territory and was called by Spain, Rio De Oro. It was renamed Tiris Al-Gharbia in April 1976 and when it was taken over by the Moroccans in 1979 it became known as Wadi Dahab.
- 13 See text in Appendix II including the secret clause.
- 14 John Damis, op. cit., p. 33.
- 15 Libya recognised SADR in April 1980, a move that prompted Morocco to break diplomatic relations. Libya later froze recognition and maintained an ambiguous stand when diplomatic relations with Morocco resumed.
- 16 See chapter on Libya and the Western Sahara, p. 239.
- 17 David Lynn Price, *Conflict in the Maghreb: The Western Sahara*, Conflict

- Studies, No 127, *The Institute for the Study of Conflict*, London, February 1981, p. 7
- 18 *Jeune Afrique*, No 1114, Paris.
- 19 *The Middle East*, London, May 1984, pp. 42-44.
- 20 *Le Monde*, Paris, September 1, 1984, p. 3; *Arabia*, London, November 1984, pp. 14-15 and October 1984, pp. 22-23; *Impact International*, London, April 25 and 8 May 1986, p. 11-12; *the Financial Times*, London, 17 August 1984, p. 12; *The Times*, London, 15 August 1984, p.26.
- 21 See ample details in chapter on the OAU.
- 22 Movement for the Independence of the Canary Islands. The leaders of the MPAIAC were based in Algiers throughout the second half of the 1970's.
- 23 *The Times*, London, 5 December 1980, p. 5.
- 24 *Arabia*, London, September 1981, p. 28.
- 25 *The Guardian*, London, 19 October 1984.
- 26 *The Middle East*, London, January, 1986, pp. 7-9.
- 27 *The Times*, London, 15 October 1981, p.10.
- 28 The USA had no wish to see a "Sahrawi state" in the disputed area that could turn into a Soviet or Cuban satellite. On the other hand, important economic accords were concluded between Morocco and the Soviet Union in March 1978 for a 30 year period.  
The deal, hailed as the contract of the century, was worth over two billion dollars of Soviet investment to exploit the Meskala phosphate mines in Morocco. It was the biggest commercial deal ever made between the USSR and a developing country. See interview of M'Hamed Boucetta, Morocco's minister of foreign affairs, in, *Le Monde*, Paris, 27 June 1978; Virginia Thompson and Richard Adloff, *the Western Saharans*, op. cit., p.263.
- 29 *Arabia*, London, March 1985, pp. 28-29.
- 30 Virginia Thompson and Richard Adloff, Op. cit., p. 26.
- 31 *The Times*, London, 23 April 1982, p. 9; *the Financial Times*, London, 23 April 1982, p. 4.
- 32 *Le Monde*, 13 November 1984; *West Africa*, London, 19 November 1984, p. 2304.
- 33 *Le Monde*, Paris, February 1989
- 34 *UN Report on Western Sahara*, 30 September 1985, Ref. A/40/692.
- 35 *Africa Now*, London, November 1985, p. 20; *African Concord*, London, 7 November 1985, p. 26.
- 36 Martin Evans and John Philips, *Algeria, Anger of the Dispossessed*, Yale University Press, New Haven and London, 2007, p. XIV.
- 37 *UN Secretary General's report to the Security Council*, 23 May 2003, S/2003/565, Para. 43.
- 38 *UN Security Council Resolution 1871*, SC/9650, 30 April 2009.
- 39 Ibid.
- 40 *UN Security Council Resolution 658*, 1990.
- 41 *UN Security Council Resolution 690*, 1991.
- 42 Colonel Emilio Cuevas in, *ABC*, Madrid, 2 March 1999.
- 43 *UN Secretary General's report to the Security Council*, New York, 25 October 2000, S/2000/1029, para. 20; 20 June 2001, S/2001/613, para.11;

- 10 January 2002, S/2002/41, para. 26, 27, 28 & 29; 19 April 2002, S/2002/467, para. 12 & 19; 16 January 2003, S/2003/59, para. 12, 13 and 14; 23 May 2003, S/2003/565, Para. 11 and 12.
- 44 *Reuters*, 21 April 2008; AFP (Agence France Presse) 21 April 2008.
- 45 Washington, 24 April 24 (2008) /*PRNewswire-USNewswire*, *Le Monde*, Paris, 23 April 2008.
- 46 *Le Monde*, Paris, 23 April 2008.
- 47 Ibid.
- 48 *UN Secretary General's Report to the Security Council*, S/2008/251, 14 April 2008, p. 14.
- 49 *UN Security Council Resolution* 1813, 30 April 2008, p. 2.
- 50 Western Sahara: Out of the Impasse, *Crisis group*, Middle East/North Africa Report N° 66, 11 June 2007.
- 51 *Al-Khabar*, Algiers, 22 March 2008.
- 52 Maurice Barbier, *Le Conflit du Sahara Occidental*, L'Harmattan, Paris, 1982.
- 53 Virginia Thompson and Richard Adloff, op. cit., p. 19.
- 54 See chapter on sovereignty.
- 55 Tony Hodges, *Western Sahara, the Roots of a Desert War*, Lawrence Hill, Westport, Connecticut, 1983, 1983, p. 143.
- 56 Ibid. p. VII. Also Virginia Thompson and Richard Adloff, op. cit., p. 17.
- 57 *The Washington Post*, Washington DC, 9 November 1975.
- 58 Tony Hodges, Op. cit., p. VII.
- 59 Ferhat Abbas, *L'Indépendance Confisquée*, Flammarion, Paris, 1984; Frank E. Trout, *Morocco's Saharan Frontiers*, Droz, Geneva, 1969; Mohamed Maazouzi, *L'Algérie et les Etapes Successives de l'Amputation du Territoire Marocain*, Dar El-Kitab, Casablanca, 1976.



# **PART ONE**

## **HISTORICAL BACKGROUND**



Painting by E. Delacroix, 1845. Sharif Haj Abderrahman ben Muhammad ben Abdallah ben Ismail al-Aji surrounded by his guard and his principle officers about to leave his palace at Meknès, 23 March 1832. Courtesy of Musée des Augustins, Toulouse



## CHAPTER ONE: HISTORICAL OVERVIEW OF NORTH-WEST AFRICA

The Arab incursion in North-West Africa began in 642, only nine years after the death of the prophet Muhammad. Oqba Ibn Nafi<sup>1</sup> arrived in Morocco in 681 bringing Islam<sup>2</sup> to the region before moving on to conquer Gibraltar<sup>3</sup> and Spain.<sup>4</sup> The Arab achievement in assimilating North African inhabitants into the intense religious faith of Islam was remarkable in that it had a great effect upon the then uncultivated Berber population who made up the bulk of the Arab army conquering Spain.<sup>5</sup> This tremendous transformation is rightly depicted by Ibn Khaldoun,<sup>6</sup> the great fourteenth century North African historian and anthropologist: "The Arabs in their primitive state are the least adapted of all people for empire-building. Their wild disposition makes them intolerant of subordination, while their pride, touchiness and intense jealousy of power render it impossible for them to agree... only when their nature has been permeated by a religious impulse are they transformed, so that the tendency to anarchy is replaced by a spirit of mutual defence".<sup>7</sup> The Maghreb<sup>8</sup> under Islamic influence went through a period of political unrest mainly due to the reluctance of Berbers<sup>9</sup> to submit to total domination by the Mashreq.<sup>10</sup> Unable to stand up to the Arabs' might or reject their political protection, the Berbers resistance was eventually subdued but eastern exiles were welcomed into their fold. Among them was Idriss Ibn Abdullah<sup>11</sup> a descendent of the Prophet, who settled in Morocco and eventually founded the Idrissid dynasty.<sup>12</sup> His son Idriss II (808-823)<sup>13</sup> managed to bring under the Islamic banner "a number of Berber tribes which had hitherto each been independent".<sup>14</sup> Thus the Moroccan state was born and a historical process began with the establishment of seven dynasties,<sup>15</sup> the last two of which originated from the Sahara.<sup>16</sup> Terrasse describes this development in these terms: "The periodic conquest of inner Morocco by people from outer Morocco is an essential feature of Moroccan history. It has taken various forms but, in most cases, a dynasty born beyond the Atlas (mountains) has conquered Atlantic Morocco".<sup>17</sup>

Arab and Berber dislike of imperial authority in Damascus soon reasserted itself and local dynasties came about largely independently. Consequently, the Maghreb simply broke off with the East at the advent of the Almohad dynasty.<sup>18</sup> Until the Turkish predominance in the first half of the sixteenth century, Arab culture and political power



were based in Tunisia<sup>19</sup> then Egypt in the East,<sup>20</sup> while in the West the seats of power were in Spain<sup>21</sup> and Morocco.<sup>22</sup> Eastern Algeria and Tripolitania<sup>23</sup> were generally under Tunisian rule the power of which tended to radiate from the newly founded capital city of Kairawane which was replaced later by Mahdiya then Tunis.<sup>24</sup> Western Algeria was on the whole under Moroccan rule.<sup>25</sup>

If the founders of Moroccan dynasties were often descendants of tribes from the Western Sahara, the South has always played a predominant role in the political development of the Moroccan kingdom. Yussef Ibn Tachfine,<sup>26</sup> the Almoravid dynasty<sup>27</sup> Sultan,<sup>28</sup> who took the title of "Amir Al Muslimun",<sup>29</sup> widened his kingdom from Poitiers, in France, in the North to the Senegal River in the South and Algiers in the East with Marrakech as capital.<sup>30</sup> At the advent of the Almohads<sup>31</sup> in Morocco in the thirteenth century, a new dynasty, the Hafsids,<sup>32</sup> emerged in Tunisia through the transformation of the Almohad viceroys into independent reigning Berber families. These families were linked intimately to the Almohad movement. They ruled from Tunis for over 250 years and helped bring about the rudiments of present day Tunisian nationality.<sup>33</sup> It was the first time the Maghreb was united politically and such unity is still sought-after by Maghrebis.

Threats from Christian Spain towards the beginning of the sixteenth century against Tunisia, Morocco and the last Moslem state of Granada prompted the Tunisians to appeal for help from the powerful Turks in the East of the Mediterranean.

By this time, the Turks made themselves masters of the territories of the Middle East and North Africa with the exception of Morocco.<sup>34</sup>

The period of Turkish rule dating from early in the first half of the sixteenth century witnessed the distinct formation of today's frontiers of Eastern and central North Africa. That is Libya,<sup>35</sup> Tunisia and Algeria today.<sup>36</sup>

As the three entities were considered major naval bases, the Ottoman Empire turned them into Regencies.<sup>37</sup> In Tunisia and Libya<sup>38</sup> hereditary dynasties were established after a degree of independence from Istanbul was acquired. Tunisia was ruled since 1705 by Hussain Bey's family for 252 years through the French protectorate in 1881<sup>39</sup> and until the last Bey Amin was deposed on the proclamation of the Tunisian Republic on July 25, 1957.<sup>40</sup> The most important Turkish regency in North Africa, however, was Algeria<sup>41</sup> which underwent greater transformation and development and became the centre of

maritime activities of the Barbarossas<sup>42</sup> in the sixteenth century and later turned into an oligarchic republic.<sup>43</sup> The ruler, the Dey,<sup>44</sup> was elected for life, in the same fashion as the Doge of Venice, and twenty seven<sup>45</sup> ruled Algeria until the French occupation of the country in 1830.<sup>46</sup> Barbour argues that "in a sense Turkish rule was a westernizing influence, whether direct as in Tripoli or indirect as in Tunisia".<sup>47</sup>

In Morocco, nevertheless, the five dynasties<sup>48</sup> succeeding the Almoravids<sup>49</sup> from the eleventh century to the present day had all originated from the Sahara<sup>50</sup> and played a "decisive role in shaping the political and religious facets of Moroccan history".<sup>51</sup> At the end of Moslem Spain in 1492 and the reconquesta of the Iberian peninsula by the Christians,<sup>52</sup> the Spanish and Portuguese posed a constant threat to Morocco's coastal towns and managed to establish their presence in several centres. By the beginning of the fifteenth century the Portuguese occupied Ceuta,<sup>53</sup> Tangier,<sup>54</sup> Azila, Safi and Azemmour<sup>55</sup> and founded Mazagan (1415) (now El Jadida)<sup>56</sup> and Agadir (1505).

At the advent of the Saadiyin dynasty (1554-1659), the Sultan Ahmed Al-Mansour (1578-1603) was able not only to chase the Portuguese from the coastal towns<sup>57</sup> and hold the Turks at the Eastern frontier but also to dispatch an expedition across the Sahara to conquer Timbuktu and Gao and bring all the gold in the Sudan to Morocco.<sup>58</sup> After a brief period of decline following Al-Mansur's death, the emergence of the Alawite dynasty (1659-to present day), once again from the desert, reflects the important role the sahara had played in the shaping of Morocco's destiny.

At the beginning of the nineteenth century, the Moroccans kept to themselves thus avoiding becoming politically involved in the European powers' rivalry. The Makhzan<sup>59</sup> feared that excessive deliveries of goods or foodstuff to one of the opposing side could very well arouse jealousy, countercharges or imperative demands based on the most favoured nation clause enjoyed by the main belligerents namely Britain, France and Spain.<sup>60</sup> The export of most of Moroccan products were prohibited by 1814 and in the 1820's economic isolation reached its peak. The French occupation of Algeria in 1830 had a profound effect on the region and as Burke rightly said, "it set in motion a series of events that would by the end of the century lead to the undermining of the traditional system and emergence of new pre-colonial Morocco".<sup>61</sup> Indeed, the French conquest of Algiers upset the political balance in North Africa and led the Spaniards to believe it was time to attempt a

similar operation in Morocco. But the strong reaction from Britain and France, two powerful adversaries, postponed temporarily any further action. In any case, Britain would not have tolerated a Spanish presence on the southern side of Gibraltar whereas France's ambitions in Morocco were greater than Spain's.<sup>62</sup> The Madrid government, however, managed to hold on to the Presidios<sup>63</sup> of Ceuta and Melillia<sup>64</sup> and even occupied the Jaafarine Islands in 1844 with the reluctant consent of the French government of Louis Philippe which regarded any attempt to take possession of a port in Moroccan as a serious hindrance to the French policy of infiltration into the country.<sup>65</sup>

Morocco managed to retain its independence at the great expense of losing contact almost entirely with the outside world at a time when Europe was about to start its industrial revolution.<sup>66</sup> The economic and diplomatic pressure, however, led to a gradual opening-up which eventually resulted in European interference in the country's domestic affairs. Morocco's economic self-sufficiency and political strength were to be sapped by a series of economic and military crises which accounted for the French and Spanish infiltration and the eventual establishment of French protectorate in 1912.<sup>67</sup> The Sultan Mulay Abderrahman's support<sup>68</sup> to the Algerian leader Emir Adeldkader<sup>69</sup> who took refuge in Morocco in 1843 following his defeat by the French,<sup>70</sup> was the cause of the crushing defeat of the Moroccan army by the French at the Battle of Isly on August 14, 1844.<sup>71</sup>

It was the first conflict Morocco was engaged in with a European power since the sixteenth century. Julien maintains that the Sultan had no choice but to combat the French and "feared both the hazards of war and the prestige of the combatant Adeldkader who preached Al-Jihad<sup>72</sup>".<sup>73</sup> It is also argued that the Sultan's move against the French was encouraged further by the belief that Britain would back him up but the disappointment in London's inertia was probably greater than the humiliation of defeat.<sup>74</sup>

The political consequences of the collapse of the Moroccan army were far-reaching and as Miede put it, "much more than an army corps collapsed at Isly. The military reputation of Morocco vanished with it. For more than two centuries, there had not been a single European armed intervention that had not ended in failure".<sup>75</sup> The Moroccans, however, did not realise the full extent of their military inferiority. Foreign claims over Morocco were speeded up by the loss of military prestige and the Sultan could no longer hold out against demands of the European powers



especially when threats were carried out. Consequently, the Franco-Moroccan boundary treaty of Lalla Maghnia was signed in Tangier on September 10, 1845 to limit the frontier between Morocco and French Algeria for some 70 km.<sup>76</sup> Terrasse explains it in these terms, "from the Mediterranean to Teniet Es-Sassi the frontier was fixed but beyond to the Atlas desert it was only marked by tribes with the right of pursuit for the French".<sup>77</sup> The non-delimitation of the frontier enabled the French forces to encroach gradually onto the Moroccan Saharan territory without further hindrance. European commercial aggressiveness increased and the trade balance started to shift in their favour while Morocco's financial situation became gradually more precarious.<sup>78</sup> On December 9, 1856, Morocco concluded a treaty with Great Britain most favourable to the latter as freedom of trade, the abolition of all monopolies or exclusive privileges in commercial transactions were all recognized. Although, according to Sir John Drummond Hay, The British consul-General in Morocco,<sup>79</sup> the agreement was meant to contribute significantly to the economic development of the country, it soon became evident that it accelerated the country's bankruptcy.<sup>80</sup> The treaty was also extended to other European powers namely France and Spain and the Moroccan market was opened to a flood of cheap manufactured goods resulting in the country's loss of commercial monopoly.<sup>81</sup> In addition, the Moroccan government was compelled to relinquish its jurisdiction over some of its nationals working for foreigners and who enjoyed some kind of "diplomatic immunity in disguise".<sup>82</sup>

By the end of the nineteenth century Britain provided more than 80 per cent of Morocco's imports and the growth of foreign commercial penetration led to price increases and devaluation of the local currency thus putting the economic stability of the country into jeopardy.<sup>83</sup>

Spain revived the old dream of conquest at the expense of Morocco's weakness.<sup>84</sup> Spanish public opinion endeavoured to encourage military intervention and Santiago Alonso Valdespino claimed that such an act was Spain's inalienable duty, just as it was shameful for the army not to have acted since the French moved into Algeria.<sup>85</sup> Spain's continued occupation of the Presidios<sup>86</sup> and punitive expeditions, often unsuccessful against tribes, never produced any lasting effect. Nevertheless, the Madrid government was torn between the eagerness to penetrate effectively into Morocco and the agony of disorder prevailing in Latin America which constituted a vivid reminder to Spain of the consequences involved. The Vicalvaro Pronunciamento

in 1854 "*Vicálvaro Revolution*", however, rendered any pursuit of a consistent foreign policy virtually impossible. Nevertheless, Madrid took advantage of minor skirmishes around Ceuta between Moroccan tribes and its forces to declare war on Morocco on October 24, 1889.<sup>87</sup> The armed confrontation was brought to an end by British mediation and a peace treaty was signed on April 26, 1860.<sup>88</sup>

The terms of the treaty secured Spain possession of the Sierra Bullones near Ceuta,<sup>89</sup> and Santa Cruz de Mar Pequena on the Atlantic coast,<sup>90</sup> while the Sultan also pledged to pay an indemnity of 105 million gold Francs (20 million dollars), pending total payment of which the city of Tetuan was to remain under Spanish rule.<sup>91</sup> The financial consequence of the war were catastrophic for the Moroccan treasury<sup>92</sup> and left the government no alternative but to seek loans from the French who were ever-ready to oblige to exert political pressure and implement their policy of peaceful penetration into the country.<sup>93</sup> The French policy was coupled with gradual encroachment on Morocco's Saharan territories including the Eastern part of Western Sahara.

The Spanish-Moroccan war is considered by historians of the period as one of the watersheds of nineteenth century Moroccan history.<sup>94</sup> Although the French victory at Isly set in motion a series of events that were to lead to a French protectorate over Morocco in March 1912, the shock of defeat at the hands of a weak and disorderly power such as Spain undermined drastically the Moroccan ability to face up to the European challenge. The blow was inflicted not only to the Moroccan treasury which was drained of its hard currency reserves but also to the prestige of the warriors whose morale crumbled under the humiliation of defeat at the hands of the Spaniards.

As Morocco plunged into a state of economic chaos and military demoralisation, the Franco-Prussian war prevented France from reaching the Tafilalet Oasis, royal necropolis of the reigning dynasty. However, a revolt broke out along the South-Eastern frontier of Morocco in 1870 and was quelled by a large French military expedition. For a number of years tension prevailed along the frontier with Algeria and the growing threat of French invasion was ever looming.

In 1893 hostilities flared again between the Spanish garrison in the Melillia enclave and the neighbouring Rifian tribes. A diplomatic solution was reached at a high price for Morocco. The Sultan was to pay Spain 20 million pesetas in indemnities for a precarious settlement.<sup>95</sup> Further treaties followed but did little to improve relations as the

Spaniards could only move within the bounds set by Britain. The wars in Africa and the rapid decline of the Spanish rule of Isabel II coupled with the revolution of 1868 as well as the Cuban revolt and the Spanish civil war hampered Spain's pursuance of a consistent colonialist policy in Africa and Morocco in particular.

While recovering from the disasters of the revolutionary years of 1868-75 and the Cuban rebellion which led to the war with the United States in 1898, Spain was still unable to get a share of the African territory and unfit to assume the burden of controlling even the least manageable and distant parts at a time of intense colonial competition.

Until the end of the century, the Sultan of Morocco Mulay Hassan I (1873-1894) adopted a strategy of avoiding direct Makhzan military involvement with the French along the Algerian border and the Spanish enclaves, seeking a diplomatic solution as the only alternative to a dispute. The French intervention in Tunisia in 1880 under the pretext of alleged violations of the Algerian border by Tunisian tribes had led to the establishment of a French protectorate in that country and served as a vivid warning of the dangers resulting from frontier skirmishes.

As Morocco was drawn more deeply into the world economic order and its financial situation became precarious, the Sultan capitalised on the major European powers' rivalries which marked the changing diplomatic circumstances at the turn of the century. Britain's support for Morocco's independence kept France and Spain at bay and delayed any aggressive action along the frontiers. Nevertheless, the outbreak of the Anglo-Boer War in October 1899 temporarily weakened Britain's ability to restrain the other European forces and opened the way for the French offensive under the banner of the foreign minister Delcassé's policy of "peaceful penetration" which emerged in the Autumn of 1903 to change the international and domestic political order.<sup>96</sup>

From 1900 onwards, Morocco became the focal point of European powers' rivalry and a coveted strategic territory for the colonialists. Britain was staunchly opposed to any change in Morocco's status quo and so was Germany. This stand was not adopted to protect the Moroccan kingdom from falling prey to French or Spanish colonial ambitions but rather to protect their own political and economic interests. The issue aligned the leading European nations against one another and led to a new balance of forces emerging on the continent to change the history of the people of Africa.<sup>97</sup>

A series of diplomatic accords between 1900 and 1904 removed



Italy, Spain and Great Britain as opponents of the French designs in Morocco. In December 1900 a Franco-Italian secret agreement left a free hand to Italy in Tripolitania (Libya) in exchange for recognition of France's privileges in Morocco.<sup>98</sup>

A tentative French agreement was apparently reached with Spanish premier Francisco Silvela in November 1902. By its terms Spain was to secure Southern Moroccan territories from the Sus Valley to Rio de Oro and in the North from the city of Fez to the Mediterranean coast and between the Mulwiya River in the East to the Atlantic Ocean in the West.<sup>99</sup> Fortunately for Delcassé, the Spanish cabinet fell before the accord could be ratified, and his generosity was not put to the test. The new Spanish government, fearful of British opposition, simply dropped the matter. It was under greatly changed diplomatic circumstances that a Franco-Spanish accord was eventually concluded on October 3, 1904. By this time Delcassé was much less inclined to make substantial concessions, and the new accord limited Spain to a zone North of Larache and the Oueghra River. The accord also precluded Spain from acting in its sphere of influence until after France had acted on its own.<sup>100</sup> The paramount objective of Delcassé's diplomatic offensive was the ultimate rapprochement with Great Britain. Initial approaches were made in 1902 but the mistrust between the two traditional European rivals was greater than had been generally acknowledged. By 1903, however, the international diplomatic situation took a different turn and a series of negotiations resulted in the Cambon-Lansdowne secret agreement signed in London on April 8, 1904. By its terms, France was allowed complete freedom of action in Morocco in return for Britain's free hand in its claims over Egypt.<sup>101</sup> Territorial points of contention between the two European rivals in Africa and other parts of the world were also settled. Consequently the Entente Cordiale signaled the beginning of a major restructuring of the European alliance system and the transformation of the diplomatic world order.<sup>102</sup> The conclusion of the Cambon-Lansdowne Accord put an end to the Anglo-French rivalry and opened the way for France to engulf Morocco in its colonial offensive. It was only the tenacious desire of Moroccans for independence, which was deeply rooted in the traditional culture of the country and strengthened by many centuries of active resistance to European or Turkish conquest that temporarily prevented the French from adding the North African Kingdom to their colonial empire in Africa.

The increasing arrogance of the French in Morocco, however,

irritated the Germans who, in January 1905, became resolute champions of Moroccan independence exercising thus further pressure on the French.<sup>103</sup>

It was no secret that France and Germany were vying against each other in the great diplomatic crisis following the 1870 war. Ever since, the German Chancellor Bismarck had taken an interest in Morocco in order to exert more pressure on the French despite the fact that any real German interest in Morocco was virtually non-existent.<sup>104</sup> The German defence of Morocco's independence was motivated not by the principle of coming to the rescue of a weak nation but rather by the desire to annoy the French. A "Moroccan myth" of the sort was deliberately encouraged in Germany providing an image of a land of considerable wealth falling prey to colonial expansionism. The campaign brought its rewards when German traders and industrialists took an active interest in Morocco while the government of Berlin regarded it as a pawn for prospective political bargaining.<sup>105</sup> An international conference of all the signatories of the 1880 Madrid convention<sup>106</sup> was called for by the Moroccans and encouraged by the Germans to consider the question of reforms in an international context and would, therefore, diminish French claims to predominance.<sup>107</sup>

The French opposed the idea until Delcassé was removed from office while Kaiser Wilhelm II of Germany proclaimed his determination to protect Moroccan independence and even visited Tangier on March 30, 1905 in a show of force to heighten the crisis.<sup>108</sup>

The Conference of Algeciras took place from 16 January to 7 April 1906 only to confirm French diplomatic supremacy and assign special responsibilities to France and Spain to virtually control the political and economic policy of Morocco.<sup>109</sup>

The ratification of the Act of Algeciras by Mulay Abdelaziz (1894-1908) on June 18, 1906 signalled the rapid growth of French influence and the Moroccan government became virtually prisoner of the French banking consortium and dependent upon it for its daily subsistence.<sup>110</sup> The "sovereignty of the Sultan", however, was constantly reaffirmed both in the preparatory meeting<sup>111</sup> and in the text of the final Act.<sup>112</sup> Tardieu argues that "The conference decided the fate of Morocco in the presence of its representatives but without their consent".<sup>113</sup>

Although the Conference prevented the French-German conflict from degenerating into an open armed confrontation, the risk of a European war and the inherent apprehension about German aims in

Morocco dictated caution from the French in asserting their claims. French-Moroccan relations deteriorated as a result of the Algeciras Act and culminated in French military operations in Casablanca (1907) and Fez (1911) which precipitated further German intervention.<sup>114</sup> However, some hard bargaining followed and a French-German agreement was reached on November 4, 1911 by virtue of which Germany acquired part of French Congo while France was left free-hand in Morocco. The agreement opened the way to French protectorate over Morocco on 30 March 1912.<sup>115</sup> Consequently, France concluded an agreement with Spain on 27 November 1912 over the exercise of responsibilities in Morocco including Western Sahara. It could be argued that the Moroccan question (1900-1912) contributed to the causes of World War I in terms of international great power rivalries. This is evident in the 8 April 1904 Anglo-French agreement which established not only the *entente cordiale* and put an end to centuries of strife and disagreement between the two European powers but also initiated an alliance that went through two World Wars and remains in force to this day. It could also be contended that had Mulay Hafiz stalled the French two years longer, Morocco might never have fallen prey to colonial rule and Spain would have been unable to occupy Western Sahara as Morocco's resistance would have had precious time to gather momentum. The international diplomatic and political activities prior to the colonisation of the Western Sahara may give substance to this argument.



## NOTES

- 1 Oqba Ibn Nafi was leader of the conquering Arab troops sent by the Omayyad Caliph in Damascus to lead the conquest of North Africa and the propagation of Islam.
- 2 Ibn Khaldoun, *Histoire des Berbères*, translated from Arabic into French by De Slane, Vol. II, Geuthner, Paris.
- 3 Gibraltar was seized in 711 by a Moroccan general, Tarik Ibn Zayad whose name was given to the rock which was originally called Jabal Tarik. Jabal, which in Arabic means a mountain, was linked to the name Tarik and eventually resulted in the rock becoming known as Gibraltar. Tarik went on to conquer southern Spain as well.
- 4 For the conquest of Spain see, Ibn El Hakam, *conquête de l'Afrique du Nord et de l'Espagne*, translated from Arabic into French by A. Gateau, Algiers, 1947.
- 5 George Marcais, *la Berbérie Musulmane et l'Orient au Moyen age*, Aubier, Paris, 1946.
- 6 Ibn Khaldoun (1332-1406) was of Andalusian origin, born and brought up in Tunis but acquired his learning from al-Azhar university in Cairo, Kairawan in Tunis and Al-Karawiyine university, Fez, Morocco; See Yves Lacoste, Ibn Khaldoun, Paris, Maspero, 1966.
- 7 Ibn Khaldoun, *Muqaddima*, Beirut, 1900, p. 152. (in Arabic).
- 8 Morocco, Algeria, Tunisia, Libya and Mauritania. It is also known as North-West Africa. The name "Maghreb" in Arabic means literally where the sun sets or "Morocco" in Arabic.
- 9 The Berbers are the original inhabitants of North Africa. They still constitute an important portion of the region's population. Some 40 % of Morocco and Algeria's inhabitants are of Berber origin today. Since ancient Egyptian times, the Berbers had called themselves Imazighen which means the free men. For a detailed study see Ernest Gellner and Charles Micaud, *Arabs and Berbers*, Duckworth, London, 1972.
- 10 The Arab East. The Omayyads dynasty (660-750) ruled the Middle East, North Africa and Spain. It was founded after the assassination of Othman Ibn Nafi', the fourth caliph to succeed the Prophet. The Mashrek also means in Arabic: where the sun rises.
- 11 He arrived at Volubilis (a Roman town in Morocco) in 786 and became Imam because of his religious prestige as the prophet's great grandson. He died poisoned by an envoy of the Abbassid Caliph Harun Rachid in 791. More about him in Ibn Idhari, *Kitab Al Bayan Al Maghreb*, translated from Arabic into French by Fagnan, *Histoire de l'Afrique et de l'Espagne*, éditions Carboneil, Algiers, 1901, p. 304.
- 12 The Idrissid dynasty reigned only from 788-829. More details in Jean Brignon and Al, *Histoire du Maroc*, Hatier, Paris, 1967, pp 59-71.
- 13 He founded the first Moroccan Capital, Fez, in 812. More about his reign in Ibn Khaldoun, *Histoire des Berbères*, translated from Arabic to French by De Slane, Vol. II, Geuthner, Paris, p. 561.

- 14 Charles André Julien, *Histoire de l'Afrique du Nord de la conquête Arabe a 1830*, 2nd edition, revised and up dated by Roger Letourneau, Payot, Paris, 1952, p. 44.
- 15 The Idrissid dynasty (788-829), Al-Morabitin (1068-1145), Al-Mohad (1145-1245), AL-Merimid (1245-1465), Al-Wattassin (1465-1554), Al-Saadiyin (1554-1659) and Al-Alawite (1630-to present).
- 16 Henri Terrasse, *Histoire du Maroc*, édition Atlantides, Vol.1, Casablanca 1949, pp. 12-224.
- 17 Ibid, p.224.
- 18 Jean Brignon and Al, *Histoire du Maroc*, Hatier, Paris, 1967, p. 98.
- 19 Tunisia and the surrounding region was once called Ifriqiya, Arabic for Africa.
- 20 The Fatimid Dynasty (909-969) established a new capital called, Mahdiya, in Tunisia, then moved East to conquer Egypt and found Cairo as their permanent capital leaving Tunisia to be administered by their tributies, the Zirids who later became independent.
- 21 Spain was called then Andalusia or in Arabic Al-Andalus.
- 22 See ample details of Morocco's connection with Spain in Ahmad Ibn Khalid Al-Naciri, *Kitab Al-Istiqsa fi Akhbar Al-Maghrib Al-Aqsa*, 9 volumes in Arabic, Dar Al-Kuttab, Casablanca, 1956. French translation by Eugene Fumey, In, *Archives Marocaine*, Vol. 9; (for volume 7-9 of Arabic edition), 1906, volume 10, 1907.
- 23 Libya today. Tunis was founded by Hassan Ibn Nu'man in 698.
- 24 More details in Wilfrid Knapp, *Tunisia*, Oxford University press, London, 1970.
- 25 See Henri Terrasse, *L'histoire du Maroc des origines a l'etablissement du protectorat*, Vol. II, édition Atlantides, Casablanca, 1950.
- 26 He reigned from 1060 to 1106.
- 27 The Almoravid dynasty reigned from 1068-1145.
- 28 King. The Moroccan monarchs were always referred to as Sultans until 1957 when the title was substituted by king. Mohamed V was the first to adopt the title of king (1927-1961).
- 29 "Commander of moslems", the title "commander of the faithful" rested with the Caliph in Baghdad until the reign of the Almohad Sultan Abdel Mumen (1130-1163) who decided to adopt it. It was thereafter adopted by all Moroccan monarchs including the present one.
- 30 Yussef Ibn Tachfine (1060-1106) founded the city of Marrakech in 1070.
- 31 The Almohad dynasty (1132-1258) was founded by Abdel Mumen ben Ali who conquered Tunisia and Libya in 1156.
- 32 A dynasty established by a rebel Almohad governor.
- 33 Wilfrid Knapp, op.cit., pp. 346-348.
- 34 The Berber population of Morocco have always cherished their independence and resisted the Turks infiltration into the country.
- 35 Used to be called Tripolitania.
- 36 Nevill Barbour, a *Survey of North Africa*, Oxford University press, London, 1959, p. 32
- 37 Wilfrid Knapp, op. cit., p. 30.
- 38 For the emergence of present day Libya see the excellent account in Evans-Pritchard, *the Sanusi of Cyrenaica*, Oxford, London, 1949.

- 39 Mohamed Al-Sadiq Bey of Tunisia signed the treaty of Bardo on May 12, 1881 which made the Bey Head of state under the protection of France and provided the French with control of foreign affairs and finance.
- 40 Nevill Barbour, op. cit., pp. 32-33.
- 41 See the interesting testimony of the American Consul General in Algiers, Walter Shaler, in, *Sketches of Algiers*, Boston, 1826.
- 42 More details about Kheireddine Barbarossa and the Corsairs in Godfrey Fisher, *Barbary Legend*, Oxford, 1957, p.9
- 43 The ruling class consisted of some 20.000 Turkish-speaking people soldiers and civilians. The language spoken in the Diwan (principal council of state) was Turkish. The indigeneous population was excluded from power.
- 44 Similar to the Bey of Tunisia whose link with the Ottomans was mainly in the form of naval and military contribution to the government of Istanbul when required as well as expensive presents now and then.
- 45 Deys had their powers greatly reduced by the insubordination of ships captains and army officers. No less than fourteen out of twenty eight Deys died violent deaths.
- 46 More details on Algeria's occupation by France in Charles-Robert Ageron, *Histoire de l'Algérie contemporaine*, Paris, 1966; also, Charles-André Julien, *Histoire de l'Algérie contemporaine*, Paris, 1964.
- 47 Nevill Barbour, A survey..., op. cit. p. 33.
- 48 See footnote No 15.
- 49 The Almoravid Dynasty (1068-1146). See John Mercer, *Spanish Sahara*, Allen and Unwin, London, 1975, p. 75.
- 50 Henri Terrasse, *L'Histoire du Maroc, des Origines...*, op. cit., p. 256.
- 51 El Hiba was the son of Maa Al Aynine. See chapter on resistance. On El-Hiba see Edmund Burke III, *Prelude to Protectorate in Morocco*, University of Chicago Press, Chicago and London 1976, pp. 199-209.
- 52 Jean Célérier, "l'intérêt du Sahara Occidental pour l'étude du Maroc", paper presented at 7th congress of l'Institut des Hautes Etudes Marocaines, May 30, 1930, in *Hesperis*, Vol. XI, Librairies Larose, 1930, p. 8
- 53 Ceuta was occupied by the Portuguese in 1415 and remained under Spanish rule when the temporary union of the two countries ended by the revolt of the Portuguese in 1640.
- 54 Ceuta and Tangier are on the Mediterranean coast.
- 55 The other five towns are on the Atlantic coast.
- 56 Mazagan is now called El-Jadida.
- 57 The Portuguese were driven out of Agadir, Safi and Azemmour.
- 58 More details on Al-Mansur in Robert Cornevin, *History of Africa*, 4th edition, Paris, 1964, p.204; H. De Castries, " La conquête du Soudan par El Mansour (1591)", *Hesperis* 3, 1923, pp. 433-488.
- 59 Name of the Moroccan government until independence in 1956.
- 60 Jean-Louis Miège, *le Maroc et l'Europe*, 1830-1894, Presses Universitaires de France, Paris, 1961-62, Vol. II, p. 20.
- 61 Edmund Burke, III, *Prelude to Protectorate in Morocco*, University of Chicago



Press, Chicago and London, 1976, p. 20.

- 62 Confidential Handbook, *Historical Section of the Foreign Office*, "Spanish Morocco", no 129, London, June 1912, p. 7
- 63 Island, but the word also means garrisons and later understood as jails for garrisons or penal settlements.
- 64 Melillia was the first Spanish hold on the Moroccan Mediterranean coast in 1597 when the lord lieutenant of Andalusia seized the port on behalf of the Catholic sovereigns.
- 65 Confidential Handbook, *Historical Section of the Foreign Office*, "Spanish Morocco", No 129, London, June 1912, p. 8 .
- 66 Jean-Louis Miége, *Le Maroc et l'Europe*, Vol. II, op. cit., p. 35.
- 67 See the excellent account of Edmund Burke III, *Prelude...*, op. cit.,
- 68 Mulay Abderrahman reigned from 1822 to 1859. More details in Henri Têrresse, *Histoire du Maroc des origines à l'établissement du protectorat français*, Casablanca, edition Atlantides, 1950, Vol. II, pp. 313-340.
- 69 More about Abdelkader's role in resisting the French occupation in Algeria in, *Foreign Office* 52/40, February 1836; also Charles-André Julien, *Histoire de l'Algérie Contemporaine, la Conquête et les débuts de la colonisation (1827-1871)*, Press Universitaires de France, Paris, 1964.
- 70 Abdallah Laroui, *L'Histoire du Maghreb*, Maspero, Paris, 1970, p. 69.
- 71 On the Battle of Isly and its consequence, see Charles-Andre Julien, *Histoire de l'Algérie contemporaine...* op. cit., pp. 195-200.
- 72 Holy War.
- 73 Charles-André Julien, *Le Maroc face aux imperialismes 1415-1956*, Editions Jeune Afrique, Paris, 1978, p. 29.
- 74 Jean-Louis Miége, *Le Maroc et L'Europe...*, Vol. II, op. cit., p. 39-252.
- 75 Ibid, p. 194.
- 76 For a detailed account of the treaty and its consequences see Frank E. Trout, *Morocco's Saharan Frontiers*, Droz, Geneva, 1969.
- 77 Henri Têrresse, *L'Histoire du Maroc...*, op. cit., Vol. II, p. 323.
- 78 Eugene Aubin, *Le Maroc d'Aujourd'hui*, 8th édition, A. Colin, Paris, 1913, pp. 190-207.
- 79 Sir John Drummond Hay served in Morocco from 1829-1886. See a detailed account of his role in Philip G. Rogers, *A history of Anglo-Moroccan Relations to 1900*, Foreign and Commonwealth Office, London, 1975.
- 80 See the financial crisis that led Morocco to capitulation in, Germain Ayache , "Aspects de la crise financière au Maroc après l'expédition espagnole de 1860", *Revue Historique* 220, Paris, 1958, pp. 271-310.
- 81 Jean-Louis Miége, le Maroc et L'Europe..., op. cit., Vol. III, pp. 449-458.
- 82 The protégé status meant that some nationals enjoyed protection under foreign interests and were not liable to prosecution by Moroccan authorities despite the fact that offenders were Moroccans. See Budget Meakin, *The Moorish Empire*, Swan Sonnenschein, London, 1989, pp. 413-421.
- 83 Jean-Louis Miége, *Le Maroc et L'Europe...*, op. cit., p. 54.
- 84 Morocco was also called the Sherifian Empire. The word sherifian derives from a

- sherif, a person descendant of the prophet.
- 85 Santiago Alonso Valdespino, *la Question du Maroc examinée au point de vue Espagnol et Europeen*, Paris, 1859, p.52.
- 86 Ceuta was occupied by Portugal and had remained in the hands of Spain when the temporary union of the two countries ended by the Portuguese revolt in 1640. Melilla was seized by the lord Lieutenant of Andalusia in 1597. The Jaffarine Islands were not occupied by Spain until 1844.
- 87 Edward Szymanski, la guerre Hispano-Marocaine (1859-60), *Début de l'Histoire du Maroc Contemporain*, Rocznik Orientalistyczny 69, 1965, pp. 53-65.
- 88 The treaty is known as the treaty of Tetuan.
- 89 Articles 2 and 3 of the treaty of Tetuan.
- 90 Article 8 of the treaty of Tetuan.
- 91 Confidential Handbook, Historical section of the Foreign Office, "Spanish Morocco", No 129, London, June 1919, p. 9.
- 92 Germain Ayache, "aspects de la crise financière...op. cit., p. 271.
- 93 The impact of Morocco's capitulation is dealt with in Francis R. Flournoy, *British Policy Towards Morocco in the Age of Palmerston*, London and Baltimore, 1935, pp. 36-40.
- 94 Edmund Burke III, *Prelude to Protectorate in Morocco...*op.cit., p. 20; Germain Ayache, « Aspects de la crise financière au Maroc après l'expédition Espagnole de 1860 », *Revue Historique* 220, Paris, 1958, PP. 271-310; Edward Szymanski, "la guerre Hispano-marocaine (1859-60), début de l'histoire du Maroc contemporain", *Rocznik Orientalistyczny*, 29, 1965, pp. 53-65.
- 95 On the Melilla incident, see, Jean-Louis Miège, *le Maroc et L'Europe...*, op.cit., Vol IV, pp. 223-224.
- 96 More details in Edmund Burke III, *Prelude to Protectorate in Morocco...*, op. cit., PP.68-93; also André Gourdin, *la politique française*, Paris, 1906, pp. 192-194.
- 97 Ibid. pp. 75.
- 98 More details in Enrico Deleone, *la Colonizzazione dell'Africa del Nord*, 2 Volumes, Editore Cedam, Padua, 1960; also R.J.V. Rolo, *Entente Cordiale, The Origins and Negotiations of the Anglo-French Agreements of April 8, 1904*, Saint Martins Press, New York, 1969, PP. 127, 130, 136 and 137.
- 99 Edmund Burke III, *Prelude to Protectorate in Morocco...*, op. cit., p. 70.
- 100 Ibid, p. 70; also Tomas Garcia Figueras, *la Accion Africana de Espana en Torno al 98*, Vol. II, Madrid, 1966, PP. 52-53; Christopher Andrew, *Theophile Delcasse and the Making of the Entente Cordiale*, St. Martin's Press, London, 1968, pp. 146-151, 190-194, 216-227. The book provides an excellent account of the partition plans illustrated with a map in page 224.
- 101 Christopher Andrew, "France and the Making of the Entente Cordiale", *The Historical Journal* 10, 1967, pp. 89-105.
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- 103 Pierre Guillen, *L'Allemagne et le Maroc de 1870 a 1905*, P.U.F, Paris, 1967, pp. 813-827. Provides an interesting account of the origins of the Moroccan question from the German point of view.
- 104 Ibid, p. 825.
- 105 Ibid, pp. 837-841; Pierre Guillen, "l'implantation de Schneider, les débuts de la compagnie marocaine (1902-1906)", *Revue d'Histoire Diplomatique*, 1965, pp. 113-168; Neil Lewis, *German-Moroccan Relations, 1905-1914*, Department of History, University of Michigan, dissertation.
- 106 On the Madrid Convention of 1880, see Edmund Burke III, *Prelude to Protectorate in Morocco...*, op.cit., pp. 25,27,35 and 36.
- 107 On the origins of the conference see Andre Tardieu, *La Conference d'Algeciras*, Alcan, Paris, 1909. Ten nations took part in The Conference of Algeciras as well as Morocco and the United States.
- 108 Edmund Burke III, *Prelude to Protectorate...*, op. cit., pp. 84-85.
- 109 Ibid, pp. 86-87.
- 110 See, *Bulletin du Comite de l'Afrique France*, 1906, pp. 168-169.
- 111 International Conference of Algeciras, collection of official proceedings, Impreta Jose Balss y Cia, San Marco, Madrid, General Act, 4th plenary session, 1 February 1906, 10th plenary session, March 3, 1906, 13th plenary session, 26 March 1906.
- 112 Ibid, p. 375.
- 113 André Tardieu, *la Conférence d'Algeciras*, Alcan, Paris, 1907, p. 448.
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## CHAPTER TWO: INTERNATIONAL DIPLOMATIC AND POLITICAL DEVELOPMENTS LEADING TO COLONISATION OF WESTERN SAHARA

### European attempts to gain a foothold in the Coast

Several attempts at acquiring a foothold on the Western Sahara coastline were made between the French in 1405 <sup>1</sup> and 1850 <sup>2</sup> as well as the Germans in order to “intercept caravans heading for the Sudan ..., to avoid Moroccan customs and conclude agreements with tribal chiefs”.<sup>3</sup> The Belgium attempted to create a “Sanatorium of the red crescent in relation to the state of Congo”,<sup>4</sup> and so did the Italians<sup>5</sup> but failed due to resistance of the local tribes to foreign incursions. The Genovese Lanzarote Malocello was the first to discover the Canary Islands between 1321 and 1335 and until the end of the century; Portuguese and Spanish expeditions looted the inhabitants, the Guanches, of their modest wealth.<sup>6</sup> Spain eventually conquered the Canary Islands in 1490 and not only drove out the original inhabitants but their Gauchois dialect was also forbidden. Since then, exploratory expeditions and raids took place along the adjoining coast of Africa throughout the whole of the sixteenth century.

When the last Muslim kingdom of Granada fell to Philippe III of Spain in 1492, some of the 500.000 “Morisques” Muslims and Jews were driven out of Spain (1609-1612) and most of them settled in Rabat and the adjoining town of Sale to establish a corsairs activity (privateering), similar in operation to the Turkish Regency in Algiers and Tunis, and directed against Spanish and Portuguese ships moving along the Atlantic coast.<sup>7</sup> Although, Spain was given justification for its raids on the Moroccan coast, the Sale corsairs posed a certain danger that left Spain no option but to refrain from its frequent attacks or face the consequences.

### Spain's first settlement and colonial ambitions in the Sahara

Spain was not prevented from establishing a trading and slaving post at Santa Cruz de Mar Pequena in 1476 by Diego Garcia de Herrera, lord of the Canary Islands. This settlement lasted only until 1524 owing to the hostility of the neighbouring tribes.<sup>9</sup> This site was forgotten for

some three centuries, but references of it were made in some Spanish-Moroccan treaties although the extract whereabouts of the foothold remained a mystery.<sup>10</sup> European interest in the Sahara was aroused by the economic prospect the Sudan's hundred million consumers offered and which could be apparently reached through the Sahara from the coast.<sup>11</sup>

Several European attempts were made to set foot on the Western Sahara coast either for academic reasons,<sup>12</sup> commercial interest,<sup>13</sup> or simply a forced landing.<sup>14</sup> In 1764 a Scottish captain, George Glas, attempted repeatedly and unsuccessfully to establish a trading post at Puerto Cansado along the western Saharan coast and was killed the following year.<sup>15</sup> His adventure gave rise to concern in Madrid and the Spanish government recalled its presence at Santa Cruz by sending ambassador Jorge Juan to the Moroccan Sultan Sidi Mohamed Ben Abdallah (1757-1790) to request the reestablishment of a settlement along the western coast. Despite the sultan's reluctance to comply with Spain's request, the Spaniards attached too much importance to having a site on the Atlantic coast of Morocco opposite the Canary Islands to take no for an answer. This is illustrated in the correspondence exchanged between the Spanish ambassador and his ministers.<sup>16</sup> Negotiations, however, were carried on to result in a treaty of friendship on 28 May 1767. By the terms of this treaty, Morocco accepted all forms of trade and mutual cooperation without acknowledging the existence of Santa Cruz. The Moroccan position was further in evidence when, in a letter addressed to the King of Spain on 19 September 1774, the Sultan stated his intentions to recover Ceuta and Melillia. The letter was followed by a total siege of Melillia from 9 December 1774 to 16 March 1774.<sup>17</sup> Another treaty was concluded between Morocco and Spain on 1 March 1779 article 22 of which became a focus of argument between two scholars on the question of sovereignty.<sup>18</sup> Lazrak argues that the translation of the text was erroneous,<sup>19</sup> while Barbier believes that Lazrak's interpretation of article 22 is not convincing.<sup>20</sup> Lazrak maintains that the translation should be as follows: "If many Spanish ships were to land at the Nun River and to adjoining coast, his Moroccan Majesty, although exercising no authority and to honour his friendship with his Catholic Majesty, promises to use all the proper means available to secure the safety of the crew and other persons who were unfortunate to befall in the hands of the area's inhabitants".<sup>21</sup> Barbier insists, however, on the term sovereignty instead of authority,

yet, the Arabic text indicates clearly authority. The vital question is why would the Spaniard ask the Sultan to intervene to rescue captives if his authority or sovereignty was not recognised? Spain was certainly aware of the Sultan's leverage on his subjects be they the roaming "nomads" or those leading a sedentary life. Otherwise, he would not have been approached to use whatever means available to secure Spanish captives' freedom. Moreover, for argument sake, supposing the Sultan had no authority over the Sahrawis or his sovereignty did not extend over the area, why then should Spain refrain from using its army or navy to secure a desperately needed foothold on the Sahara coastline to prevent other Europeans from doing so? Article 18 stipulates that "... His Imperial Majesty concedes to the people of the Canary Islands and the Spaniards the exclusive fishing rights from Santa Cruz to the North and no other nation would exercise such rights on any part of the coast". This clause illustrates the fact that if the Sultan's sovereignty had not been exercised in the area, it would not have been necessary to grant such fishing concessions and make a point of it in a treaty. The issue of sovereignty or authority has given rise to a number of arguments, which will be discussed in the context of Bled-Siba and Bled-El-Makhzen.<sup>22</sup>

Nevertheless, whatever Barbier's interpretation of the text may be, it is evident that translations of documents from one language to another had in the past and indeed in the present given rise to differences of opinion. To illustrate this point article 18 of the Spanish-Moroccan peace and commercial treaty of 28 May 1767 states in Spanish that "His Majesty Sidi Mohamed will abstain from deliberating on the subject of the settlement that his Catholic Majesty wishes to establish south of the Nun River, for he can not be held responsible for any incident or misfortune that might occur, since his sovereignty does not extend that far beyond the vagabond and ferocious peoples who inhabit this country causing damage to the people of the Canaries".<sup>23</sup> The text in Arabic, however, provides an entirely different meaning: "His Imperial Majesty warns the inhabitants of the Canary Islands against any attempt to fish on the coasts of the Wadi Noun and beyond. His majesty denies all responsibility for what could befall them at the hands of Arabs of that region against whom it is difficult to apply sanctions since they have no fixed place of residence, move about as they wish, erecting their tents wherever they see fit. The people of the Canaries are certain to be ill-treated by them".<sup>24</sup>

The issue of sovereignty is not mentioned here and instead the



Sultan confirms his power of decision-making over the region whose inhabitants' way of life made it difficult to apply any concrete measures. Moreover, the Sultan had no reason whatsoever to call his subjects "vagabonds" as the "nomadic" tribes were generally considered honourable, dignified and intensely religious. It could well be that Spain resorted to any means to make use of its so-called "rights" to prevent other powers, especially Britain, from doing so.<sup>25</sup> It is no secret that interpreters and translators were sometimes instrumental in changing the course of events and their competence or lack of it especially in the 18th or 19th century could well have led to a successful or disastrous outcome. They were sometimes anxious to please both sides and a word here or there did not matter as long as the parties concerned appeared to be satisfied. Although from the sixteenth century onwards Spain's activities along the Saharan coast consisted of a few slave raids carried out from the Canary Islands, Spanish colonial dreams were revived by nineteenth century European territorial expansion in Africa.

Spain's victory over Morocco in 1860 is considered by Miège as the catalyst to the birth of Spanish imperialist ideology.<sup>26</sup> This war, according to Miège<sup>27</sup>, also sparked off the Africanist movement of scholars in Spain led by Robert Ricard<sup>28</sup> and later by Van Acker<sup>29</sup> and Toms Garcia Figueras.<sup>30</sup> Figueras contends that the sensitivity of North-African question was amply illustrated in the great interest the subject generated among writers, geographical societies and the media.<sup>31</sup> The Tetuan war<sup>32</sup> and the Spanish-Moroccan treaty of 26 April 1860 under the terms of article 8<sup>33</sup> granted Spain, by force of arms,<sup>34</sup> a territory sufficient for the establishment of a fishing post similar to the one it had possessed at Santa Cruz which remained ill-defined.<sup>35</sup> In 1878, the Moroccans proposed to purchase back the settlement but instead of complying with the request,<sup>36</sup> Spain informed all major European powers on 26 December 1884 of its intention to place the Rio de Oro coast from Cape Bojador to Cape Blanc under Spanish protection.<sup>37</sup> A number of factors interwoven together urged Spain to make such a move. Spain's victory over Morocco in 1860 had not only given a boost of confidence to private commercial interests in Madrid but had also given birth to a powerful colonial group calling for Spain to have a share in the carve up of Africa. The "Spanish-African commercial company" was formed in the summer of 1883 to "develop Spanish-African commercial relations by setting up trading posts and a regular steamship service".<sup>38</sup> The main backer of the company was the important firm

of armaments “Lopez y Lopez” founder of the “Spanish Transatlantic Company” which played a vital role in Spain’s colonial affairs.<sup>39</sup> The “Atlas Company” was also set up to run a fisheries business on the Sahara coastline and a “Spanish society of Africanists and colonialists” was formed in Madrid in December 1883 to “develop the colonisation of Africa”.<sup>40</sup> This society organised an important political meeting on 30 March 1884 to put theories into practice.<sup>41</sup> Consequently, a petition was addressed to the Cortes (parliament) on 6 June 1884, conferences were organised and a magazine “La revista de Geografia Commercial” was founded to rally the support of the masses to their aims<sup>42</sup>.

Most important is the fact that all these companies<sup>43</sup> were effectively led or backed by influential personalities in the government or the Cortes (parliament)<sup>44</sup>. These companies were in favour of a foothold south of Cape Juby basing their claims on the application of article 8 of the 1860 treaty. This area was considered to “contain more fish and easily accessible”<sup>45</sup> than the “Ifni region between Wadi Nun and Agadir” which, until as late as 1878, Spain had considered the region most closely corresponding to the former Santa Cruz de Mar Pequena<sup>46</sup>. Spain’s protection over Rio de Oro came not only on the eve of the Berlin Conference in 1884 which was to settle European powers’ differences over their colonial possessions in Africa but also as a consequence of the British<sup>47</sup> and the French<sup>48</sup> near miss to establish a permanent post on the Sahara.

### **The British Settlement in Cape Juby**

The most significant threat to Spain’s interest in the area was undoubtedly Donald Mackenzie’s trading post at Cape Juby. In 1875, a Scottish engineer by the name of Donald Mackenzie called on the Lord Mayor of London to explain that a substantial part of the Sahara should be flooded with sea water from the Atlantic Ocean, so that ships could sail from England direct to the outskirts of Timbuktu. From there it would be possible to travel through West Africa by the River Niger. The approach to the Niger basin from the north was important, he explained, as the river was not navigable near its mouth because of the shallow delta and the harsh climate conditions.<sup>49</sup> The Victorians were fascinated by the name of Timbuktu regarded as a kind of El Dorado, centre of vast untapped area of trade in such exotic products as gold, ivory, ostrich feathers and gum Arabic. Timbuktu was annexed by France in 1881

and the Mackenzie's scheme was based on the belief that the area of the Sahara known as El Jorf was below sea-level and that Sakiat el-Hamra was separated from the sea by only few kilometres. The scheme, "may be as worthy of serious consideration and energetic efforts as the great enterprise of M. de Lesseps (who had successfully opened the Suez Canal)".<sup>50</sup> M. de Lesseps had successfully completed the Suez Canal eight years earlier and who, when addressing a Congress of Orientalists in Marseilles, said he considered the plan might "easily be realised".<sup>51</sup>

In 1878, acting on behalf the "North-West Africa Company", Mackenzie established a trading post at Cape Juby which was burnt by the neighbouring tribes in 1880.<sup>52</sup> A masonry fort was later built in a secure position and Spain jealously viewed the British move as an act of rivalry<sup>53</sup> while the Moroccan authorities looked upon it as an intrusion and levied exorbitant taxes on Mackenzie's company to prevent any hope of attracting caravans from the hinterland and divert trade from Moroccan markets.

Towards the end of 1879, another company was set up in London and was named the Soos and North African Trading Company.<sup>54</sup>

On 1 March 1882, the British Government warned the Directors of the Company that the territory in which they proposed to trade was within the Sultan's dominions and that consequently, if the Moroccan authorities took steps to prevent illegal trading, the Soos and North African Trading Company could be not expect any protection from Her Majesty's Government. The company took no notice of the warning and in February 1883 sent a ship loaded with tents and provisions which landed in Arkshish,<sup>55</sup> south of Ifni. A force was sent by the Sultan to the area to arrest James Curtiss and another Englishman named Andrews who were taken to Marrakech and later released without charges but their goods were confiscated and their huts destroyed. The Directors of the Company requested Lord Granville, then Foreign Secretary,<sup>56</sup> to demand compensation for the damage and losses incurred by the Company. In a letter dated 22 September 1883, the Foreign Office reminded the Company of earlier warnings and refused to intervene. The Company was wound up in December 1893 on the petition of its creditors.<sup>57</sup> Meanwhile, the Sultan remained concerned about the activities of Mackenzie at Cape Juby. There was an exchange of letters in December 1879 between Sidi Mohammed Bargach and Sir John Drummond-Hay, the British Minister at the Court of Morocco, in which the Moroccan government again claimed that the territory south



of Wadi Draa was Moroccan.

Mackenzie's North-Africa Company carried on trading on a smaller scale and had nothing of substance to offer especially after its application for a Royal Charter was turned down. As a British diplomat observed, "it is certain that at that time, before the days of the *Entente Cordiale* with France, on wider political grounds Britain wished to have friendly Morocco on the south side of Gibraltar. They were, therefore, not anxious to take over responsibility for land claimed by Morocco, especially when it was sheer desert which could do them little good anyway".<sup>58</sup>

The trading post was later sold to the Moroccan government following a British-Moroccan agreement on 13 March 1895.<sup>59</sup> No one is better placed than Mackenzie to give a brief and relevant narrative of his settlement: "Now that Cape Juby and the surrounding country unfortunately form part of the Moorish Empire, having been transferred to the Sultan of Morocco in 1896, it will no doubt interest a good many of the British people to have a brief narrative of the founding of that settlement and its ultimate transfer to Morocco: It was in the year 1875 that at a meeting held at the London Mansion House, under the presidency of the Lord Mayor, I first unfolded my plan for opening up direct communication with North-Central Africa, from the north-west coast opposite the Canary Islands...I pointed out that I had reason to believe that there existed in the Western Sahara, a vast depression which might be submerged by the waters of the Atlantic, thus opening a navigable way to the interior".<sup>60</sup> Reluctant to have any foreign intrusion and in an effort to discourage Mackenzie's plan as well as not to offend the British government, the Moroccan Makhzen told Mackenzie that the Sultan's "dominions did not extend so far South".<sup>61</sup> Mackenzie adds that "the Sultan was fully aware that many attempts had been made at various periods to gain a footing on that coast and that all those efforts had come to tragic terminations... His Majesty and his ministers now began to regret having officially stated that Cape Juby was outside Moorish territory. They were astute enough to know that if my enterprise succeeded it must seriously affect Morocco both politically and commercially. Commercial intercourse between Morocco and the Sudan (Sahara) had existed from time immemorial, and was always of great importance to the Moorish treasury...an independent British settlement ...would be a very serious blow to the southern trade of Morocco. He (the Sultan) foresaw also a political danger. Arms and



ammunitions, he feared, might be poured in ... for the use of the natives hostile to Moorish rule".<sup>62</sup>

On Spain's views regarding the British settlement, Mackenzie pointed out that, "the Spanish government had meantime been looking on with some degree of distrust at our progress. They were afraid that the whole coast opposite might become British and that even the Canary Islands might transfer their allegiance. As a precaution, the garrisons of these delightful islands were increased and in 1885, the Spanish government took formal possession of a long stretch of coast from Cape Bojador to the South (Rio de Oro) and a military station was established at the River de Oro".<sup>63</sup> Although the British trading station served as a deterrent to Spanish encroachment on the region, the Moroccans viewed it not only as an intrusion but also as a political and commercial threat. "The alarm of the Moorish authorities took a serious and practical form in 1882. The Sultan, at the head of an army about 20,000 strong, marched into the Sus country for the purpose of bringing the refractory tribes of those districts under his sway, and, further, of overawing the inhabitants around Cape Juby, so that no trade or intercourse should take place with us".<sup>64</sup> The British settlement was sold to the Sultan Mulay Abdelaziz (1894-1908) on 13 March 1895 for £ 50,000.<sup>65</sup> The agreement<sup>66</sup> stipulates that nobody would have any claim to the lands between Wadi Draa and Cape Bojador and all hinterlands as that territory (Sakiat el Hamra) belonged to Morocco. More important, in the second clause of the agreement, the Moroccan government undertook not to cede any part of the territory concerned, without the consent of the British government.<sup>67</sup> Britain, at least, by virtue of this agreement, recognised the Sultan's sovereignty over the southern territories (Sakiat el Hamra) and Mackenzie's testimony, although resentful of the Sultan's move to drive him out of the area, is further evidence in support of Morocco's claims of sovereignty over the Western Sahara.

### **Rio de Oro proclaimed under Spanish protection**

Mackenzie's testimony and revelations prompted a swift decision by Spain to put Rio de Oro under its protection to deter any outside interest from setting foot on the Sahara coastline. Madrid acted deliberately as a result of, "pressure from the colonial society, intent on protecting Spanish fishing and potential trade along the Sahara coast against various other

European nations active in North-West Africa, and against the looming Mackenzie in particular".<sup>68</sup> However, what law entitled Spain to declare a protectorate over Rio de Oro. Furthermore, international law during the colonial period recognised only two types of protectorates. One was the international type that applies to the Moroccan case where two entities forming actual states entered on the one state and protection on the other. This colonial type of protectorate was concerned only with territories, "which contained small tribes with a chief but not people with its own government".<sup>69</sup> Barbour maintains that "the southern frontiers of Morocco in fact represent the limit of more or less effective Moroccan administration at the moment of the inauguration of the protectorate at the time of Morocco's greatest weakness. It was primarily a line agreed by the French and Spanish protectorate to settle their own disagreement over the division of Moroccan territory. It has never been acknowledged by an independent Moroccan government. Indeed, the French-Spanish convention of 1912, in delimiting the area of the Spanish protectorate south of the Dra'a, implied that the area outside the line was also the territory of the Sherifian Empire for some undetermined distance".<sup>70</sup> The French historian Vidal argues that before Spain's troops "could make a permanent incursion into a country on which it had had designs for so long, the Moroccan problem had to be put to the European powers. Thus, after many changing fortunes Spain was able to achieve its aim, but more by dint of diplomatic manoeuvring than by force of arms".<sup>71</sup>

Paradoxically as it may seem, the "protectorate treaty" on the Rio de Oro region has no material existence whatsoever; therefore, theoretically and legally, Spain's protectorate over this territory remains invalid for the simple reason that there is no material evidence, international recognition or lawful existence to Spain's protectorate over this region. It was a Spanish declared-protectorate recognized by colonial Spain and no one else.

### **Consolidation of Spanish presence in Rio de Oro**

The Spanish government of Premier Canovas Del Castillo granted the representation of the "Sociedad Espanola del Africanistas y Colonistas" to Captain Emilio Bonelli<sup>72</sup> who had led an expedition to Rio de Oro in November-December 1884<sup>73</sup> and not only set up two trading stations in the area but also signed, on behalf of his company, Covenants<sup>74</sup> with local tribes willing to evade paying tax to the Makzhen and minimize

the growing cost of land Transport.<sup>75</sup> Looking closely at the accord,<sup>76</sup> it was evident that it involved transfer of ownership between private individuals and no mention was made of Moroccan sovereignty or the Sultan's authority. Following Spain's declared protectorate over the Rio de Oro which only covered the coastal strip between Cape Bojador and Cape Blanc and no reference was made with respect to Sakiat El Hamra,<sup>77</sup> a Spanish royal decree of 10 July 1885<sup>78</sup> named Bonelli commissioner invested with the civil and military command of the new Saharan possessions. Bonelli carried out two commercial expeditions into the Tiris and the Adrar Soutouf region.<sup>79</sup> In 1885, the "Commercial Geographical Society" organised two government-sponsored expeditions to the Sahara.<sup>80</sup> The first one was headed by Jose Alvarez Perrez to explore the Sakiat Al-Hamra region.<sup>81</sup> A commercial and protection agreement was wangled from the Izargueni tribe but the Madrid government refused to occupy the territory under such pretext.

The second expedition led by Julio Cervera, a captain in the engineer, Francisco Quiroga, professor of natural history and science and Felipe Rizzo, an interpreter experienced in Spanish-African affairs, was meant to explore the Tiris and Adrar area<sup>82</sup> and to obtain treaties with commercial advantages for Spain. They managed, after great difficulties, to sign two accords on 12 July 1886. The first was with tribal chiefs of the Cape Bojador-Cape Blanc-Ijlil zone who renounced their territories over to Spain "from the Atlantic Cap Bojador to Cap Blanc and the western limits of the Adrar".<sup>83</sup> The second treaty was signed with the Emir of Adrar despite strong opposition from his fellow tribesman. This treaty granted Spain the territories of Adrar Tmar. Nevertheless, in the face of local hostility and lack of official support from either the Makzhen or the French, the Spanish government decided not to get involved in what was termed "society's affair". The matter was dropped until further manoeuvres were carried out either with the local chieftain and in particular Ouled Dlim, or the Sultan who still considered Spain's action as an intrusion on Moroccan territory. He lacked the military strength to defend it because of pressing matters on the frontiers with Algeria where French troops were poised to invade the country at the slightest pretext. However, the French greeted Spain's encroachment on the Saharan interior with strong reservations.<sup>84</sup> France had already concluded treaties with the Emir of Adrar and Shenguit (Mauritania) despite the Sultan's endeavour to deter any foreign incursion on the area by sending a delegation in 1880 bearing gifts and a letter to the Emir of Adrar, Ahmed Ould M'Hammed, "to



confirm his functions and congratulate him for the way he administrated Adrar".<sup>85</sup>

It could be argued that the Spanish government had to come out of its shell to intervene in order to satisfy an increasingly demanding public. Such action was justified, in the eyes of the Spaniards, to prevent loss of face in case of a possible withdrawal from the Saharan coast. It was also meant to safeguard Spain's political interest in the area as well as promote commercial deals. The Madrid government had to get involved more directly in the Saharan question not only by substituting its authority to that of the "Spanish-African Company" but also to impose a "protectorate" on Rio de Oro to be recognised solely by Spain.

If events were to be accelerated by the advent of Senior Moret to the ministry of Foreign Affairs at the end of November 1885,<sup>86</sup> the initial period of Spanish colonisation of Rio de Oro was characterised by the exploitation of the area's modest "wealth". This was the work of a group of profiteers always seeking state support and blessing for their activities either in the Sahara, Cuba or the Philippines.

The fishing industry proved the only viable project worth pursuing as it did not necessitate much contact with the local tribes whose interest in fish is almost non-existent even at present. Attacks by neighbouring tribes, especially the Ouled Dlim in 1887,<sup>87</sup> 1891 and 1892, compelled the newly-arrived settlers to remain within the confines of their military camp in Villa Cisneros (now Dakhla). In a letter to his Minister of Foreign Affairs in 1900, Mr De La Martiniere, the French charge d'affaires in Tangiers, referred to the Spanish presence in Villa Cisneros as, "that shadow garrison whose relations with the tribes in the interior are thought be non-existent".<sup>88</sup> This is a view charged by Miége who points out that, "the inhabitants proved restive. The anti-foreign movement of Ma Al Ainin, who was established at Smara, obliged the Spanish to barricade themselves in Villa Cisneros".<sup>89</sup> This state of affair actually prevailed until after the Spanish civil war.<sup>90</sup>

### **Mulay Hassan's reaction to increased foreign intrusion**

When the Sultan learnt that Spaniards had gained a foothold on Rio de Oro, an official protest was addressed to the Madrid government.<sup>91</sup> On 9 March 1885, two years after work had begun on building a fort at Villa Cisneros, the neighbouring tribes attacked the Spanish settlers for the first time destroying buildings, burning huts and causing loss



of life and injuries to their occupants. The survivors fled to the Canary Islands and the Spanish government addressed an official protest to the Sultan.<sup>92</sup> The protest represents in itself an implicit recognition of the Sultan's sovereignty and authority over the area. Why would Spain protest if it was understood that the territory was *terra nullius*.<sup>93</sup> Spain attempted repeatedly and unsuccessfully to lay claims to the Rio de Oro and have the Sultan endorse it. The monarch was never inclined to comply with Spain's wishes when they were related to Morocco's territorial integrity.

The Spanish Ambassador in Tangier<sup>94</sup> even approached Mohamed Larbi Torres, the Sultan's commissioner for foreign affairs in the same city, to seek guidance from the Sultan about the southern frontiers of the Kingdom. The Sultan Mulay Hassan (1873-1894) replied on 6 June 1886 as follows: "Our southern frontier is bounded by Egypt, the Sudan and Maghnia (Algeria). With respect to Rio de Oro, an investigation conducted among the inhabitants of the region called 'Dakhla', has revealed that it is occupied by the Ouled Dlim and Laroussiyine tribes, our loyal servants who have settled in the vicinity of Marrakech and Fez".<sup>95</sup> This reply, Barbier argues, implies the Sultan's ignorance of the region and shows his lack of opposition to Spain's settlement in Rio de Oro. Ouled Dlim and Laroussiyine, he adds, were not under the Sultan's authority and no mention was made of the Reguibat.<sup>96</sup> What ought to be recalled, however, is the fact that the Sultan had already paid a visit to the South in 1882 to appease the local tribes' agitation resulting from Spanish and British intrusions on the coast.<sup>97</sup> The trip took him over a year to make as the means of transport those days were not as developed as today. Moreover, the area was renowned for its inhospitable surroundings and unique lifestyle. To control such a sparsely populated area and vast territory meant a dispersal force incapable of lasting very long. As for the Ouled Delim<sup>98</sup> and Laroussiyine, they constituted the most important tribes of the western part of the Sahara affected by Spanish incursion and indeed remain scattered all over Morocco as far north as the Gharb region.<sup>99</sup> The bulk of the Reguibat tribe concentration,<sup>100</sup> however, is around the Tindouf and the Eastern part of Western Sahara which was hardly affected by Spanish intrusion<sup>101</sup>. Therefore, they constitute a minority on the coastal territories if compared to other tribes such as Ouled Delim, Laroussiyine and Ouled Ben Sbaa.<sup>102</sup> Furthermore, the Sultan did not remain lethargic to Spain's territorial ambitions in the Sahara as Barbier

implies, Mulay Hassan did circulate a diplomatic note the same year, through his minister of foreign affairs to all representatives of foreign states in Tangier,<sup>103</sup> to protest against the intrusion of certain European powers especially Spain into the Sahara.<sup>104</sup>

If Spain was confident of the validity of the “protectorate” over Rio de Oro, why was the Madrid government so anxious to seek the Sultan’s approval to the deed? To maintain law and order as well as give substance to his authority, Mulay Hassan, in a move against Spain’s designs over the Sahara and Mackenzie’s settlement, left Marrakech for Mogador (Essaouira) on 16 March 1886 with a 40.000 men strong army to set up permanent military posts in Tiznit, Kasbah Ba Amrane, Assaka and Goulimine. In June 1886, a detachment of the Sultan’s troops arrived near Mackenzie’s trading post and had compelled the local tribesmen to refrain from the dealing with the “intruders”.<sup>105</sup>

As the Sultan was at this time gravely concerned about French designs on territories in the East, and the Sahara was no longer an object of further threat, Mulay Hassan returned to Marrakech in August. Another expedition to Tafilalt in 1893-94 was aimed at reasserting the Makhzen authority over the area and deter foreign encroachment but his task was never finished as he died in 1894. Mulay Hassan’s decision to defend Moroccan territory was prompted by the risk of losing much of his support within the country if he showed no leadership to sustain his religious and political authority.

He was undoubtedly placed in a difficult position and sought to play off the powers against one another to maintain the status quo. Despite the numerous problems beleaguering his reign, Mulay Hassan invested local chiefs in the desert territories with Moroccan offices, maintained an active correspondence with them, welcomed delegations from them to his court and supplied arms and ammunition to selected leaders such as Ma Al Aynin.<sup>106</sup>

In the period after 1880, the sale of arms was booming through smuggling to tribal population of the hinterland. It was a lucrative business from which none of the great European powers appear to have refrained.<sup>107</sup> The acquisition of modern weapons by the tribes contributed further to the undermining of the military reforms Mulay Hassan was anxious to carry out and impeded the activities of the regular army which enjoyed the monopoly of arms and superiority of fire power over the rural population and the land of dissidence. The availability of arms had a profound impact on the balance of power

between tribal factions and encouraged dissidence among the tribes unwilling to pay tax dues to the Makhzen. In addition, with deliberate foreign encouragement at the turn of the century, tribal chiefs became powerful and rural unrest was exacerbated further to undermine the Makhzen's authority to the extent that even pretenders to the throne emerged.<sup>108</sup> Most important is the fact that if the Markhzen refrained from pressing its rights to stand up to foreign intruders, it also took no action that might have implied a renunciation of its claims over the eastern or southern territories of the country. The strategy of Mulay Hassan in disputes over the Saharan coast or the border with Algeria, was based on avoiding, at any cost, direct military confrontation with France or Spain and urging, instead, the tribes to launch attacks while seeking a diplomatic solution. Although his policy worked with the British vis-à-vis Mackenzie's settlement, it failed to get the same results with Spain. The French, however, not only encroached on Moroccan territory in the east virtually unopposed but also diverted trade from the Sudan to Saint-Louis, in Senegal, as caravan trade could no longer compete with the speed and the low cost of shipping freight.

### **Trans-Saharan trade and its European conquest**

Following centuries of frustration and disappointment, the inspiring achievements of the desert trade was ultimately revealed to inquisitive western minds. Indeed, the determined and sometimes courageous and infatigable explorers were soon followed by their countrymen, in armed strength, to conquer and eventually alter the whole pattern of African life and institutions. Trade was certainly the most affected throughout Africa as a result of European conquest and was to become the dominant factor in the need and the mercantile instincts of the western world. The desert trade served as a magnet which drew European merchants to North-West Africa and was instrumental in changing the course of history in the region. Historians explicitly point out that the Western Sahara was considered a passage route for trade with the Sudan.<sup>109</sup> Several routes were established through the great desert between the eighth and eleventh century<sup>110</sup> but it was under the Almoravids in the eleventh century that the great road to Lemtouna was established and still used at present.<sup>111</sup> Another route was also established at Gondor when the expedition of the Sultan Ahmed El-Mansour (Ad-Dahbi) to the Sudan take place in 1590.<sup>112</sup>



The Sahara also enjoyed a number of wells for caravans some as old as 745.<sup>113</sup> Touat and specially the town of In Salah in the southern district of Tidikelt, was one of the most active commercial crossroads in the Sahara. In Salah linked the Western Sahara and central Sudan not only to Morocco and Algeria but also to Tunisia and Tripolitania (Libya).<sup>114</sup> Figuig was an important Trans-Saharan entrepot until the French occupation of Algeria in 1830 which led to a rapid decline of its role.<sup>115</sup> The volume of its commerce gave it the title of "little Fez" and historians wrote that it had more than three hundreds shops.<sup>116</sup>

The number of days a caravan took from Tafilelt<sup>117</sup> to Timbuktu depended mostly on the route, the size of the caravan; the length of intermediate stop-over, the time spent fighting raiders or avoiding nomadic attackers. The weather was also taken into account according to each season of the year. Generally it would take forty to sixty days to cover the distance.<sup>118</sup> Nonetheless, Goulimine in the North-West of the Sahara, famous for its camel market even today, and Atar, South-West where the Malians and Senegalese sell their products, constitute, with Tindouf in South-West Algeria and Timbuktu in the far South, the main centres of trade across the Western desert. Although the port of Mogador<sup>119</sup> was the main terminal of the caravan route and the main outlet to products for Europe, the Goulimine-Tafilelt-Timbuktu route remained the more accessible.

A quarter of the imports brought to Mogador were destined for trans-Saharan trade and Morocco enjoyed a period of Saharan commercial boom from the 1840's to about 1875.<sup>120</sup> In the nineteenth century and especially at the wake of the industrial revolution, commercial outlets were sought-after and the Sudan became a prime target for its "one hundred million consumers".<sup>121</sup>

With the French conquest of Algeria in 1830, the rebuilding of the route of Tindouf in 1852, commercial recession in Europe, the competition of European outlets in West Africa and political insecurity in south-western Morocco, there was a European drive to disrupt caravan trade and replace it with shipping freight much less costly and less time consuming. Furthermore, duty-free trading stations were established<sup>122</sup> and trans-Saharan trade was diverted to Saint Louis (Dakar).<sup>123</sup> French expansion into western Sudan and the occupation of Timbuktu in 1894, dealt the final blow to the Makhzen's livelihood and diminished north-bound traffic into Morocco to a mere trickle to satisfy nomads' needs.<sup>124</sup> Walter Harris bore witness to the shift in trade when he visited Tafilelt



in 1883: "... of the roads to the South of Taflelt but little need be said, as proportionately only a very small amount of the Sudan trade comes into Morocco by this route, the greater portion being taken via Tindouf and the Sus to Mogador".<sup>125</sup> In addition, the institution of slavery was abolished in all French territories in 1848 and anti-slavery movements increased pressure just as the Algerians were preparing to revitalise the Saharan trade.<sup>126</sup> Miège reckons that the years 1858-1870 were the most prosperous period of caravan trade in Morocco and the Sahara. During these years a number of Moroccan Jewish merchants settled in Timbuktu.<sup>127</sup> Bovill also reasserts this fact by stating that, "up to 1880's the Saharan trade was a factor of considerable importance in the economy of Morocco".<sup>128</sup>

Despite Mulay Hassan's effort to deter France and Spain from encroaching on Moroccan territories by reasserting his sovereignty over the city of Timbuktu in 1880 and 1891;<sup>129</sup> the growing colonial threat was becoming glaringly evident following the French occupation of Timbuktu in 1894. This resulted in placing all caravans under French control. Thereafter, the Timbuktu-Saint Louis route assumed monopoly over the Trans-Saharan caravans. Moreover, caravan traffic was seriously eroded by the development of sea and air routes which left only a reduced commercial activity responding to the needs of nomads. As an illustration of the consequences of this erosion, the turnover of six-monthly market-fair at Si Ahmed Ou Moussa, dropped from one million francs in 1878 to half that figure in 1888 and to a quarter in 1900. Moreover, the Sus famine at the turn of the century compelled the inhabitants of Southern Morocco to move up north and vacate territories which once enjoyed prosperity and had been economically ruined by the decline in trans-Saharan traffic caused by colonial trade monopoly.<sup>130</sup> European commercial penetration did not only erode the old political and economic structures of the region but also caused disruption between the Makhzen and tribes. These were encouraged to trade under cover to avoid tax duties and were illegally armed to defy the central authority.

Morocco's defeat yet again by Spain near Melillia in 1892, led to serious economic difficulties throughout the country as the settlement of the conflict meant the payment of a large indemnity to the victor, Spain. Capitalising on Morocco's misfortune, France and Spain embarked on carving up the Saharan territory unopposed<sup>131</sup> as the Sultan met a sudden death in 1894.<sup>132</sup> He left a heavy legacy to his fourteen-year

old son Mulay Abdelaziz (1894-1908) who was unprepared for such a task at a difficult period of Morocco's history.<sup>133</sup> The French seizure of Touat, the vast oasis territory in the north central Sahara, East of Tindouf, started in December 1899 and initiated the first major foreign incursion on Moroccan territory. As Dunn rightly put it, "the ease with which the French army secured the submission of Touat, revealed Morocco's military and diplomatic impotence as nothing had done since the war with Spain in 1859-1960".<sup>134</sup> Indeed, he went on to point out that "Mawlay Hassan himself had failed to stem the tide of European penetration; Abdelaziz was utterly engulfed by it".<sup>135</sup>

Until 1900 the fate of Morocco lay in the hands of the Grand Vizir and Regent, Ahmed Ben Mussa,<sup>136</sup> and by the time the young and inexperienced Sultan Mulay Abdelaziz reached majority in 1900, all the latent weaknesses of the Moroccan political and economic system became glaringly apparent.<sup>137</sup>

The Sultan had no representatives of his own abroad to provide independent reports apart from a consul in Gibraltar and a representative in Cairo. The special delegations the Sultan sent at times to European capitals were mainly ceremonial in character and proved unable to explain the Moroccan position to deter European colonial ambitions. By the turn of the century, "the fate of the Moorish Empire depends on the fate of Europe as truly as if it were reduced already to a provincial level".<sup>138</sup> The Moroccans adopted, henceforth, a "passive resistance" translated into being engaged in a policy of evasion and playing off European powers against each other.<sup>139</sup>

### **Franco-Spanish rapprochement and delimitation of spheres of influence**

By its geographical situation, Morocco was of the utmost importance strategically to all maritime European powers. The opening of the Suez Canal in 1869 further enhanced the argument that any measures adopted to control passage through it or across the Dardanelles, were of little use unless the Straits of Gibraltar were secured. Tangier and Ceuta were obviously key points with a significant role to play. If Tangier had fallen in the hands of the British, the gateway of the Mediterranean would have been in London's control. Spain, France and Germany made sure that would never be the case. Therefore, despite differences of opinion on certain matters related to Morocco's future, the Franco-Spanish

relations strengthened at the wake of the British and German interest over Moroccan territories. As a party concerned and interested in the Sahara to broaden its North-West African possessions, France greeted with reserves Spain's formal notification of 26 December 1884 to place Rio de Oro coast under Spanish protection. Negotiations were initiated in March 1886 to sort out their differences and demarcate the territories under Spanish or French influence. A Franco-Spanish protocol was signed on 26 October 1886 to draw the boundary limits to "French possessions of the Senegal" and "Spanish possessions".<sup>140</sup> The limits beyond which Spain could extend its occupation to the South were duly defined but there was no mention of the final point of the boundaries to the North.<sup>141</sup> This is probably why Spain was prompted to ask the Moroccan Sultan where the boundaries of the Kingdom ended.<sup>142</sup> France was anxious to put an end to Spain's territorial expansion on the Atlantic coast so that its own designs on the Sahara and what is now Mauritania as well as the rest of Morocco would not be jeopardised by a precipitated action from Spain. However, an attack by tribes on Rio de Oro settlement provided Spain with the pretext to reassert its claims over the territory by issuing a royal decree on 6 April 1887 to place the territory of Rio de Oro under the military governorship of the Canary Islands.<sup>143</sup> From then on the term "protectorate" was no longer used and Spain adopted the same policy in Rio de Oro as that of France in Senegal.

Although Franco-Spanish negotiations were interrupted due to the Spanish-American war of 1898, they were resumed again and resulted in the conclusion of the 27 June 1900 agreement which delimited their sphere of influence in the Western Sahara. Once again the territories granted to Spain were not demarcated on the northern side.<sup>144</sup>

Bogged down by internal strife and an embarrassing defeat at the hands of the Americans, Spain was compelled to reach an understanding with its powerful ally, France. The French were, by then, in the driving seat vis-à-vis Morocco and the Sahara until French protectorate was proclaimed in Morocco in March 1912. France's powerful position was acknowledged by a Spaniard who pointed out that, "even if it were easy to conquer Morocco, it could not be done without the friendship of France, which has Morocco's frontier at its mercy through its presence in Algeria, where it has natural base for offensive and defensive operations... As far as the Moroccan question is concerned, the fact that the means at our disposal are vastly inferior to those of France

obliges us to submit completely to that country if we are to achieve lasting success".<sup>145</sup>

Following the Franco-Italian agreement of December 1900, further discussions between Spain and France resumed and came up with a draft convention dated 8 November 1902 that Madrid government declined to ratify without prior approval of Britain. If one were to analyse article 2 and 3 of the draft,<sup>146</sup> it is evident that Sakiat el Hamra was clearly Moroccan territory in 1902. This argument is substantiated by the limits of a map in the work of a respected Spanish writer.<sup>147</sup> French-Spanish negotiations eventually culminated in the conclusion of the 3 October 1904 convention.<sup>148</sup> By a public statement of the same day, the two governments acknowledged that an agreement was reached on the scope of their "rights" and the safeguarding of their interests in Morocco. It was also pointed out that "they remained firmly committed to the territorial integrity of the Moroccan Empire under the sovereignty of the Sultan".<sup>149</sup> However, the contents of the 1904 convention remained secret until 1912 lest Morocco discovered what was in store for it by the two signatories. The Spanish Minister of state told his country's ambassador in Paris that "some means have to be found to convince Morocco that everything decided by Spain and France is purely in Morocco's interest".<sup>150</sup> Article IV, allocated the area between the Atlantic sea board and 26' North, 27' 40' North and 8' 40' West, to the Spanish sphere of influence. In short, Sakiat el Hamra was still part of the Moroccan Kingdom and was not included in the delimitation process until 1912 by virtue of the 27 November 1912 French-Spanish Convention.<sup>151</sup> Prior to the Algeciras Conference, Spain and France held a series of talks to adopt "a joint defence of their interest".<sup>152</sup>

### **The internationalisation of the Moroccan question**

If the secret agreement of 3 October 1904, by the virtue of article III, was to define the sphere of influence of Spain and France in southern Morocco, the French-German treaty of 4 November 1911 was to inflict the fatal blow to the last glimmer of hope the Moroccan Makhzen was clinging to by relying on one power (Britain) or another (Germany) to keep French-Spanish colonial ambitions at bay. Although the Algeciras Conference<sup>153</sup> reiterated the "sovereignty and independence of the Sultan as well as the integrity of his states and economic freedom",<sup>154</sup> it empowered Spain and France to develop their political and economic



influence in Morocco. Spain was particularly enchanted with the outcome as the Prime Minister, Senior Maura, clearly stated before the Spanish Senate: "In Morocco, Spain will find the equivalent of what it lost in the Caribbean".<sup>155</sup> The international and multilateral status established by the Algeciras Act placed a limitation on the French-Spanish protectorate over Morocco by asserting the territorial integrity of Morocco, a fact not ignored by the subsequent French-Spanish agreement of 27 November 1912.<sup>156</sup>

Furthermore, the Act stripped the 1904 French-Spanish secret agreement of any legal value, since it was inconsistent with the provisions of article 123 which states that "all treaties which the signatory powers have concluded with Morocco shall remain in force. However, it is agreed that in the event of a conflict between the provisions of such treaties and those of the present General Act, the stipulations of the latter shall prevail".<sup>157</sup> The French government was fully aware of this legal clause and the reasons provided by Spain in 1911 as justification for refusing to make public the secret agreement text is a case in point. On the other hand, Mr. Cruppi, the French minister of foreign affairs, had the following to say to Mr. Geffray, the French ambassador in Madrid: "... We should, nevertheless, take account of the fact that Algeciras Conference laid down as principles the integrity of Morocco and the sovereignty of the Sultan. France and Spain have subscribed to these principles together with the other powers, and they are now acknowledged as the fundamental tenets of European policy. If the 1904 agreement were to be published,<sup>158</sup> public opinion, the press and parliaments in the different countries might discover that there is some discrepancy between that agreement<sup>159</sup> and the Algeciras Act. Some of the governments which signed the Act., especially Germany, might be prompted to ask questions or even to register a protest, and it would not be easy for us to avoid either having to explain that the French-Spanish agreement is fully in keeping with the guidelines set by the Algeciras Act or state that it has been reversed by that same Act...".<sup>160</sup>

Equally relevant is the explanation required by the Madrid government when the French had demanded guarantees covering the entire Moroccan Kingdom. This was related to a draft financial agreement between Morocco and France which was about to be finalised. On March 18, 1911, Mr. Cruppi sent a reply to Senior Perez Caballero, the Spanish ambassador in Paris, stating the following: "... It would have been contrary to the principles of Moroccan integrity

laid down in the preamble to the Algeciras Act to have done otherwise. We cannot allow the Moroccan government to suspect that its territory was divided into zones of influence between France and Spain...”,<sup>161</sup> a reference to the secret French-Spanish agreement of 3 October 1904. The irony is that the Algeciras Act served not only as a warrant for Spain and France to exert greater influence and control over Moroccan affairs but also as a legal status devised and ratified by the great powers to protect Morocco’s integrity and sovereignty.

The period following the Act was characterised by the rapid increase of French influence in Morocco and to a lesser extent that of Spain. The French policy remained loyal to the programme of peaceful penetration and reforms of institutions in cooperation with the Sultan as laid down by the French foreign minister, Theophile Delcassé. The extent of Spanish interest in Morocco, however, is best described by Parsons in these terms: “in foreign affairs almost the only preoccupation of the Spanish government and people is Morocco”.<sup>162</sup> If the risk of a general war in Europe and the looming German threat dictated prudence, a diplomatic deadlock ensued until 1911.

The French-Spanish Convention of 27 November 1912,<sup>163</sup> was the final document under which the Western Sahara was to assume its final status under Spanish protectorate leased to it by France following the French-Moroccan protectorate treaty of 30 March 1912.<sup>164</sup> It could be argued that colonial law should not be considered suitably applicable and acceptable to the realities of the colonised states and to the interest of their peoples. A law cannot be enforced if it is not consistent with the colonised country’s realities and institutions.<sup>165</sup> In the case of the Western Sahara and Morocco, Islamic law remains paramount in the light of the juridical system in force in the region.

The basis of this argument is embedded in the UN Charter which forbids the use of threats or force against “the territorial integrity or political independence of any state”.<sup>166</sup> It is further emphasised by the UN Declaration on the granting of independence to colonial countries and peoples; “any attempt to destroy in part or in whole the national unity and territorial integrity of a country is incompatible with the aims and principles of the United Nations Charter”.<sup>167</sup> Therefore, despite the fact that partition of Morocco’s territory was brought about by the French-Spanish treaties of 27 June 1900, 3 October 1904 and 27 November 1912, under no circumstances were the Moroccan authorities inclined to relinquish any territory to the colonial powers were it not

by dint of arms or outright occupation under one pretext or another. There is no legal substance or argument applied to judge the validity of the diplomatic decisions reached by France and Spain over Morocco's Saharan territories or any African territory for that matter. Colonial rules and laws should not be accepted as legally binding and final for the simple reason that their conceptions were designed to serve the interest of the colonial powers and not the colonised. Therefore, in all fairness, the validity of treaties between foreign powers should assume the force of law only if the colonised state was signatory to it under no restriction or duress. This is evidently not the case with regards to Morocco and its Saharan territories or most of African and Arab states.



Sultan Mulay  
Hassan I, 1873–1894



Sultan Mulay Abdel-  
Aziz, 1894–1908



Sultan Mulay Hafid  
1908–1912



Sultan Mulay Youssef  
1912–1927

## NOTES

- 1 The French Jean de Bethencourt reached the Canary Islands to establish a settlement in 1403 and landed at Cap Bojador in 1405 only to loot a Tekna caravan. See Robert Picard, "Les relations des Canaries et de la Berberie au XVI siècle", *Revue Africaine* 71, 3e et 4e trimestres 1930, pp. 207-224; also by the same author, « Recherches sur les Relations des Iles Canaries et de la Berberie au XVIeme siècle », *Héspéris* 21, 1935, pp.79-129.
- 2 Leopard Panet, *Première exploration du Sahara Occidental, Relation d'un voyage du Sénégal au Maroc 1850*, le livre Africain, Paris 1968, p. 190; Jean-Louis Miège, *Le Maroc et l'Europe*, 1830-1894, Presses Universitaires de France, Paris, 1961, Vol. 2, p. 314.
- 3 Ibid, Miège, p. 337; also Pierre Guillen, *L'Allemagne et le Maroc 1830-1905*, presses Universitaires de France, Paris, 1967, p. 130. Attempts were also made later by the British (1873-83), Italians (1869-1875), Germans (1886), French (1881-1883) and Belgiums (1887-1998).
- 4 Miège, *Le Maroc et l'Europe* ... op.cit., p. 340; also colonel Baron Lahure, *Lettres d'Afrique, Maroc et Sahara Occidental*, Edition Oscar Lamberty, Bruxelles, 1905.
- 5 Raymond Maury, Les navigations médiévales sur les côtes sahariennes antérieures a la découverte portugaise (1434), Lisbon, *Centro de Estudos Historicos Ultramarinos*, 1960; In 1869 an Italian mission was dispatched to the region of Wadi Noun and in 1878 another attempt was made by an expedition sponsored by the Italian geographical society. More details in Jean-Louis Miegé, *Le Maroc...*, op.cit., Vol. III, p. 298.
- 6 Robert Rezette, *The Western Sahara and the Frontiers of Morocco*, Nouvelles Editions Latines, Paris, 1975, p. 52; Maurice Barbier, *Le Conflit du Sahara Occidental*, L'Harmattan, Paris, 1982, p. 31.
- 7 Ibid, Robert Rezette, p. 51.
- 8 Tomas Garcia Figueras, *Marruecos*, Madrid, 1944, p. 303.
- 9 Tomas Garcia Figueras, *Santa Cruz de Mar Pequena, Sahara*, Madrid, 1941, p. 34.
- 10 Nevill Barbour, *A Survey of North-West Africa*, Oxford University Press, London, 1959, p. 192; also, John Mercer, *Spanish Sahara*, Allen & Unwin, London, 1976, pp. 84-90; Vial de Morla, "Espana en el Africa Occidental, la primera ocupacion de la costa del Mar Menor de Berbera por los Espanoles (1476-1524)", *Africa* 23 (354), June 1971, pp. 231-235.
- 11 Miège, op.cit., Vol III, p.293; Paul Marty, "Le Sahara Espagnol (Rio de Oro)", *Revue du Monde musulman* 46, August 1921, pp.161-213 ; John Mercer, op. cit., pp. 105-108; Robert Rezette, op.cit., pp. 54-72; Miège, « les origines de la colonie Espagnole du Rio de Oro », in, *le Sahara, rapports et contacts humains*, 7ème colloque d'histoire, Aix-en-Provence, 1967, pp. 198-221 ; Attilio Gaudio, *le Dossier du Sahara Occidental*, Nouvelles Editions Latines, Paris, 1978, pp. 101-105; Rachid Lazrak, *le Contentieux territorial entre le Maroc et l'Espagne*, Dar El Kitab, Casablanca, pp. 57-63.



- 12 Leopold Panet, Première exploration du Sahara Occidental, Relation d'un voyage du Sénégal au Maroc, 1850, le livre Africain, Paris, 1968, p. 190; on Europe expeditions until the middle of the fourteenth century see Frederic De La Chapelle, « Esquisse d'une histoire du Sahara Occidental », *Hesperis* 11, 1930, pp. 35-95; C. Fulcrand, « Exploration de la baie d'Arguin », *Revue Maritime et Coloniale*, May 1861, pp. 495-510; Bou-El-Moghdad, « Voyage par terre entre le Sénégal et le Maroc », *Revue Maritime et Coloniale*, May 1861, pp. 477-494; Leon l'Africain, *Description de l'Afrique, tierce partie du monde*, Nouvelle Edition par Ch. Schefer Leroux, Paris, 1897-1898, 3 Vols; Joachim Gatell, Viajes por Marruecos, el Sus, Uad Nun y Tekna, *Memoire de la Sociedad de geografia*, No 1, Madrid, 1887.
- 13 John Mercer, *Spanish Sahara*, op.cit., pp. 76-102; Robert Richard, « Les portugais et le Sahara Atlantique au XVème siècle », *Hesperis* 11, 1930, pp. 97-110; Maurice Barbier, *Le conflit du Sahara Occidental*, éditions l'Harmattan, Paris, 1982, pp. 32-33.
- 14 De Brisson, *Histoires du naufrage et de la captivité de M. De Brisson, officier de l'administration des colonies avec la description des deserts de l'Afrique, depuis le Sénégal jusqu'au Maroc*, Barde et Manget, Geneva, 1780; Alexander Scott, « Account of the captivity among the wandering Arabs of the Great African Desert », *Edinburgh Philosophy Journal*, No 7, 1821; Robert Adams, *The narrative of Roberts Adams, a sailor, who was wrecked on the western coast of the Great Desert, and resided several months in the city of Timbukto*, Murry, London, 1816.
- 15 George Glas, *The Discovery and Conquest of the Canary Islands*, London, 1764.
- 16 The Western Sahara before the ICJ, *Memorandum presented by the Kingdom of Morocco*, 1975, p. 9.
- 17 El sitio de Melillia de 1775, contiene el diario del ataque y defensa de la plaza de Melillia contra el ejercito el Emperor de Marruecos por su misma persona desde el 9 de diciembre de 1774 », *Publicaciones del Institucion General Franco*, Tangier, 1939.
- 18 Extracts of the treaty in Philippe Husson, *La question des frontieres terrestres du Maroc*, PhD thesis, Paris, 1960, pp. 100-101; Rachid Lazrak, *Le contentieux territorial entre le Maroc et l'Espagne*, Dar El Kitab, Casablanca, 1974, pp. 391-393.
- 19 Rachid Lazrak, *Le contentieux...*, op.cit., pp. 134-135.
- 20 Maurice Barbier, *Le conflit...*, op.cit., pp. 44-45.
- 21 Unofficial translation.
- 22 Bled-Siba: Land of dissidence or the area of the kingdom whose inhabitants refuse to pay taxes or accept government appointed caids. But they never rejected the authority of the Sultan.  
Bled-El-Makhzen: land governmental control inhabitants paid taxes and sent delegations too the Sultan during feasts.
- 23 Rachid Lazrak, *Le contentieux...*, op.cit., pp.389-390.
- 24 The Arabic interpretation is in Allal El Fassi, *Livre Rouge*, éditions Peretti, Tangier, 1961, pp. 13-14.

- 25 Robert Rezette, *op.cit.*, p. 55.
- 26 Jean-Louis Miège, "*Les origines...*", *op.cit.*, p.196.
- 27 *Ibid*, p. 197.
- 28 Robert Richard, contribution a l'étude du mouvement africaniste en Espagne, in *Bulletin Hispanique*, 1930.
- 29 Van Acker, *Pan Hispanism, its Origin and Development to 1886*, Berkeley, 1959, IX, 166 pages.
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- 36 The Western Sahara before the ICJ, a memorandum presented by the Kingdom of Morocco, 1975, p. 9. The Moroccans' claim was substantiated by documents No 36 and 37 presented to the ICJ.
- 37 Jean-Louis Miège, *Les origines...*, *op.cit.*, p. 210.
- 38 *Foreign and Commonwealth Office Archives* 99/218, April 30, 1884, Public Record Office, London ; *Africa Explored and Civilised*, 1 October 1883, p. 271.
- 39 Francisco de Cossco, *Cien anos de vida sobre el mar: la Compania Transatlantica 1850-1950*, Madrid, 1950.
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- 46 Jean-Louis Miège, *Le Maroc et l'Europe...*, *op.cit.*, Vol. III, p. 326.
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  - 56 Lord Granville (1815-1891). He was Secretary of State for Foreign Affairs 1870-74 and 1880-85 under William Gladstone.
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  - 68 John Mercer, *Spanish Sahara*, Allen & Unwin, London 1975, p. 106.
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  - 70 Nevill Barbour, *A survey of North-West Africa*, Oxford University Press, London, 1959, p. 63. The pre-occupation period is best described in A.J.P. Martin, *Quatre siècles d'Histoire Marocaine*, Paris, 1923. Martin was a military interpreter who used Arabic documents which he collected throughout his career. He encountered official opposition to the publication of his book.
  - 71 Emile Vidal, *La politique de l'Espagne au Maroc*, Montpellier, 1913, p. 181.
  - 72 Bonelli, "Emilio Bonelli Hernando: un espanol que vivio para Africa", in the *Archives of del Instituto de Estudios Africanos*, Vol. I, January 1947, p. 29. Bonelli served as an informer for the Spanish ministry of foreign affairs, see *Afrique Explore*, March 5, 1883, p. 81 and also the issue of June 2, 1883, p. 166.
  - 73 Jean-Louis Miége, *Les origines...* op.cit., p. 208.
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- 75 Jean-Louis Miège, *Les origines...* op.cit., p.208.
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- 78 The decree text is in Jean-Louis Miège, *Le Maroc et l'Europe*, op. cit., pp. 216-217; also in *La Gaceta*, 15 July 1885.
- 79 Emilio Bonelli, "Viajes al interior del Sahara", in *Boletin de la sociedad de geografia de Madrid*, November-December 1886, pp. 324-338.
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- 85 Ahmadou Mamadou Ba, the Emirate of Trarza from 1872 to 1908, *Bulletin de Sociologie*, Geographie et Archeologie, Oran, Vol. 53, fasc. 190, 1932, p. 103.
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- 87 The 1887 attack precipitated Spain's declaration of "protectorate" over the Rio de Oro on 6 April 1887.
- 88 *French diplomatic documents 1871-1914*, first series, Vol. XVI, document No 115, pp. 190-192.
- 89 Jean-Louis Miège, *Le Maroc...* op.cit., Vol. III, p.333.
- 90 John Mercer, *Spanish Sahara*, op.cit., p. 108; Robert Rezette, op.cit., p. 60.
- 91 February 29, 1884, *Official Army Documents*, Spanish possessions in West Africa, Madrid, 1900, p. 68.
- 92 Ramoz Espinoza de La Montevios, *Espana en Africa*, Madrid, 1903, p. 123.
- 93 Land without owner.
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Morocco was established in 1912. Rabat then became the capital and all diplomats were moved there.

- 95 Robert Rezette, op.cit., p. 61 ; Maurice Barbier, *Le conflit du Sahara Occidental*, L'Harmattan, Paris, 1982, p.55 ; The Western Sahara before the ICJ, *Memorandum presented by the kingdom of Morocco*, The Hague, 1975, p.13, documents No 9 and 14.
- 96 Maurice Barbier, op.cit., p. 55.
- 97 E. Gerenton, « Les Expéditions de Moulay el Hassan dans le Sous, 1882-1886 », l'Afrique Française, *Renseignement coloniaux*, Septembre 1924, pp. 265-286.
- 98 Attilio Gaudio, *Le dossier du Sahara Occidental*, op.cit. pp. 52-54.
- 99 The Gharb region starts about 40 km north of Rabat and ends some 100 km south of Tangiers.
- 100 G. Bullon Dias, "notas sobre Geografica humana de los territorios de Ifni-Sahara", *Direccion Generale e Marruecos y colonias*, Madrid, 1944-45, pp. 123-138; David Hart, "The social structure of the Reguibat Bedouins of Western Sahara", *The Middle East Journal* 16 (4), Autumn 1962, pp. 515-527.
- 101 E.W. Bovill, *The Golden Trade of the Moors*, Oxford University Press, London, 1968, p. 46; also L. Cabot Briggs, *Tribes of the Sahara*, London, 1960, p. 126.
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- 103 Tangier was the base for all foreign diplomatic representations in Morocco until 1912 when the French moved the capital to Rabat instead of Fez.
- 104 Espinoza de los Monteiros, *Espana en Africa*, Madrid, 1903, p. 146; also in *Western Sahara before the ICJ*, op.cit., p. 13, document No 60.
- 105 P.G. Rogers, *A history of Anglo-Moroccan relations to 1900*, op.cit., p. 213.
- 106 On Ma Al Aynin, see Chapter on resistance.
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- 108 Bu Hmara attempted to undermine the Sultan's authority by claiming the throne. He temporarily controlled the north-eastern region before he was crushed. Ample details in E. Burke, op.cit., pp. 62-68 and 136-137.
- 109 Vernet, Islamisation, *Tetuan*, 1957, p. 138.
- 110 Domenech Lafuente, *Algo sobre Rio de Oro*, op.cit., p. 21.
- 111 Ibid, p. 30; also F. De Lachapelle, "Esquisse d'une histoire du Sahara occidental", *Hesperis* XI, 1930, provides a good introduction to the Sanhaja, the tribe from which the Almoravid dynasty stemmed.
- 112 H. De Castribes, La Conquête du Soudan par El Mansour 1591, *Hesperis* 3, 192 pp. 433-488; Maurice Delafosse, Les relations du Maroc avec le Soudan a travers les ages, *Hesperis* 4, 1924, pp. 153-174; Mac Guckin de Slane, conquete du Soudan par les marocains en l'an 999, *Revue Africaine*, 1857, pp. 287-298. It provides an account of the 1591 expedition; E.W. Bovrill, *The Golden Trade...* op.cit., pp. 195-206.

- 113 Vernet, *Islamisation*, op.cit., p.138 ; an important study of European activities in the Maghreb in the Middle Ages is that of Mas Latrie, *Relations et Commerce de l'Afrique Septentrionale ou Maghreb avec les Nations Chretiennes du Moyen Age*, Paris, 1886.
- 114 See map on Trans-Saharan routes. Tripolitania is Libya today.
- 115 Ross E. Dunn, *Resistance in the Desert*, Croom Helm, London, 1977, p. 107.
- 116 E. Carette and E. Renou, *Recherches sur la Geographie et le Commerce de l'Algérie Meridionale*, Paris, 1844, pp. 92-94; also see E. Daumas, *Le Sahara Algérien*, Paris, 18445, pp. 266-269. These are the only European works on Figuig in the nineteenth century.
- 117 D. Jacques-Meunie, "Abbar, cité royale du Tafilelt », *Hesperis* 46, 1959, p. 15; L. Mercier, « Notice Economique sur le Tafilelt », *Renseignements coloniaux*, June 1905, p. 220; Walter Harris, *Tafilelt*, London, 1895, pp. 305-306.
- 118 W. Newbury, « North African and Western Sudan trade in the nineteenth century: a re-evaluation", *Journal of African History*, 7, No 2, 1966, pp. 233-246; Jean-Louis Miége, *Le Maroc et l'Europe*, op.cit., Vol. II, pp: 146-154; Vol III, pp. 74-95, 358-366; Vol. IV, pp. 381-385.
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- 120 Jean-Louis Miége, *Le Maroc...* op.cit., Vol II, pp. 146-154 and Vol. III, pp. 74-95; Vol. IV, op.cit., p. 57; Ross E. Dunn, op.cit., p.109.
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- 122 Mackenzie's trading post in Cape Juby and Spain's settlement in Rio de Oro.
- 123 Saint Louis is now Dakar the Senegalese capital which became the main French West African port and commercial centre.
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- 126 Ross E. Dunn, op. cit., p. 109.
- 127 Jean-Louis Miége, *Le Maroc et l'Europe*, op.cit., Vol. III, p. 194.
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- 133 More on Mulay Abdelaziz in Edmund Burke, *Prelude ... op.cit.*, pp. 47-98.
- 134 Ross E. Dunn, *Resistance in the Desert...* op.cit., p. 23.
- 135 Ibid.
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- 137 On Mulay Hassan's legacy, see Edouard Michaux-Bellaire, "L'Héritage de Moulay El Hassan", *Revue du Monde Musulman* 9, 1909, pp. 412-420.
- 138 Budgett Meakin, *The Moorish Empire*, Swan sonnenshein, London, 1899, p. 425.
- 139 Frederick V. Parsons, *The Origins of the Moroccan Question 1880-1900*, Duckworth, London, 1976, p. 14.
- 140 *Memorandum on Western Sahara* before the ICJ, 1975, p.14.
- 141 See the delimitation of Spanish possessions in ibid, p. 14.
- 142 The request was made on 29 February, see, *Official Army Documents*, Spanish possessions in west Africa, Madrid, 1900, p. 68.
- 143 Rachid Lazrak, *Le contentieux territorial entre la Maroc et l'Espagne*, Dar El Kitab, Casablanca, 1974, p. 64.
- 144 See text in Appendix VII.
- 145 Senior Ribera, *Revista de Aragon*, Madrid, November 1901.
- 146 Article 2 stipulates: "If, though the weakness of the Moroccan government and its incapacity to maintain security and public order, or for any other reason, it proves impossible to maintain the status quo, the government of the French Republic and the government of the King of Spain shall determine as follows the limits within which each of them shall have the exclusive right to restore calm, protect people's lives and possessions and guarantee freedom of trade". Article three, :On the one hand, the line demarcation between the French and Spanish spheres of influence shall start from the intersection of longitude 14° 02' west of Paris (12° 0 west of Greenwich) to which reference is made in the convention of June 27, 1900, with latitude 26° 0 north, which it shall follow until it meets the roads shown by the broken line linking Bir Abbas to Mader Im Ougadir vis Tindouf as indicated in Annex I to the present convention...".
- 147 Tomas Garcia Figueras, *Spanish Claims to the North of Africa*, Madrid, 1946, p.18.
- 148 Full text in Ian Brownlie, *African Boundries*, A Legal and Diplomatic Encyclopedia, C. Hurst, London, 1979, pp. 151-153.
- 149 *Memorandum on Western Sahara before the ICJ*, op.cit., p. 16, Doc No 47.
- 150 *Memorandum of the Escuela Diplomatica Espanola*, Madrid, 1950, p. 200.
- 151 Full text in Ian Brownlie, *African Boundaries*, op.cit., pp. 71-73.
- 152 *Journal Officiel*, Chamber of Deputies, Doc. No 2559, 27 February 1913, p. 85.
- 153 The conference started on 16 January 1906 and ended on 7 April 1906 with the adoption of a General Act.
- 154 Preamble to the Act of Algeciras, *Algeciras International Conference*, 16 January 1906 – 7 April 1906, 1906, p. 375.
- 155 A reference to the outcome of the Spanish-American war of 1898 which had deprived Spain of the Cuban Islands, Puerto Rico and the Philippines archipelago.

- 156 See full text in Appendix XVI.
- 157 The Algeciras Act, Article 123. The Act was finally signed by Morocco on 18 June 1906. See the consequences of the Act in Edmund Burke, *Prelude...* op.cit., pp. 85-93. For more details on the Conference see, Andre Tardieu, *La Conférence de Algeciras*, Paris, 1906; for full text of the Act see, Affaires du Maroc, 1906, Vol II.
- 158 The October 1904 Franco-Spanish secret agreement was not made public until a deal was made between Germany and France in 1911 by virtue of which Germany was accorded part of the Congo and in return, France was to have free hand in Morocco.
- 159 Meaning the secret agreement between France and Spain dated 3 October 1904.
- 160 *French Diplomatic Documents*, 1871-1914, second series, Vol. 13, document No 22, pp. 281-382.
- 161 *French Diplomatic Documents*, 1871-1914, second series, Vol. 13, document No 19, pp. 357-359.
- 162 F.V. Parsons, *The Origins of the Moroccan Question 1880-1900*, Duckworth, London, 1976, p. 28.
- 163 See full text in Appendix XVI.
- 164 Full text in, Ian Brownlie, *African boundaries*, op.cit., pp. 70-71.
- 165 S. Bastid, "Territorial problems in the judgement of the International Court of Justice", in *collected lectures of the Academy of International Law of the Hague*, Vol. 107, 1962, p. 448.
- 166 *The UN Charter*, Article II, paragraph 4.
- 167 *The UN Declaration*, 14 December 1960, Article 6, Resolution 514 (XV).





## **PART TWO**

# **SPANISH RULE OVER WESTERN SAHARA AND RESISTANCE TO COLONISATION**



Public audience of Sharif Sidi Muhammad ben Abderrahman IV, at the city of Fès in November ,23 1868, receiving the British Delegation of Tangier, represented by Sir John Drummond-Hay and accompanied by his staff and family. Courtesy of Mr. Robert Drummond-Hay, London.



### CHAPTER THREE: THE INEFFECTIVE SPANISH OCCUPATION OF WEST- ERN SAHARA DUE TO RESISTANCE

Throughout Morocco's history, external dangers provided a strong catalyst to unity. Spanish presence in the Western Sahara was confined wholly to isolated areas along the coast namely Villa Cisneros from 1884 to 1916 then Cape Juby and la Guera from 1920 to 1934. It was extended to the hinterland only after the Second World War with the establishment of Spanish West Africa in 1946. Resistance of the tribes to Spanish intrusion contributed in large measure to impeding Spain's total acquisition of the territory even under conventional international law. Prior to the French-Spanish protectorate over Morocco in 1912, the resistance in the Sahara was led by Ma Al Aynin a representative of the Sultan.<sup>1</sup> Mercer refers to him as "the most important figure in the territory's history".<sup>2</sup> Ma Al Aynin enjoyed considerable prestige and his religious zeal inspired him with the will to resist the growing European incursions into the Sahara at the end of the 19th century. Miège points out that "the population proved restive. The anti-foreigner movement of Ma Al Aynin, who was established at Smara, obliged the Spaniards to barricade themselves in Villa Cisneros".<sup>3</sup> In 1886, he called on the Sahrawi tribes to resist the expedition to Idjil by the Spanish explorers Julio Cervera Baviera, Felipe Rizzo and Franciso Quiroga.<sup>4</sup> He was nominated Khalifa<sup>5</sup> of the Sultan Mulay Hassan (1873-1894) in the Sahara in 1887<sup>6</sup> and was instrumental in organizing attacks against foreign would-be conquerors.<sup>7</sup> The Sultans, Mulay Hassan and Mulay Abdelaziz (1894-1908), provided Ma Al Aynin with all the material needs for his resistance activities in Sakiat Al-Hamra and beyond.<sup>8</sup> Burke argues that, "One of the claims to legitimacy which Abdelaziz retained to the end of his reign was his support of resistance in the South. Close relations between the Alawi dynasty and the family of Ma Al-Aynayn persisted until 1912"<sup>9</sup>. Indeed, the Saharan leader not only made numerous visits to the Court<sup>10</sup> and established two Zawiyas<sup>11</sup>, one in Marrakech and the other in Fez<sup>12</sup>, but was also given a large quantity of rifles<sup>13</sup> and his return to his hometown was marked by a series of incidents between his partisans and French nationals.<sup>14</sup> From 1890 to 1900 Ma Al Aynin and Ouled Delim tribes caused all sorts of difficulties for Spanish political missions along the Saharan Coast<sup>15</sup> and for British commercial enterprises at Cape Juby. Consequently, the Spanish



presence in the Sahara was limited to Villa Cisneros and the surrounding area.<sup>16</sup> Thereafter, however, Ma Al Aynin became aware of French ambitions and the dangers posed by Xavier Coppolani, the new French Commissioner-General appointed to Mauritania in 1901. Coppolani's control of Trarza and Brakna and his eventual advance on the Idou Aich of Tagant and the killing of their Emir in February 1905 resulted in his assassination on May 12, of the same year.<sup>17</sup> The resistance movement was solidly rooted in Islamic traditions and principles and so was the Sultan's legitimacy.

Ma Al Aynin proclaimed "jihad" against the French and Spanish penetration into the desert and urged Cheikh Sidiya<sup>18</sup>, by way of a letter in October 1905, to recognize the sovereignty of the Sultan and take up arms against French encroachment on the abode of Islam.<sup>19</sup> Ma Al Aynin's religious ideas prompted a French diplomat to suggest that his action was reminiscent, in varying degrees, of the modern theory of Pan-Islamic revival.<sup>20</sup> This theory is to a large measure substantiated by the respect Ma Al Aynin commanded from "all Moslem peoples from the Atlantic to the longitude of Timbuctu and from the South of Morocco to the rivers of Guinea".<sup>21</sup>

The French advanced from Algeria and their colonies of Sudan and Chad to annex Morocco's South-Eastern territory while Spain secured a foothold along the Atlantic Coast of the Sahara. The pacification of large areas of Western Sahara was undertaken by the French employing native allies, who were once notorious raiders, and became valuable volunteers for the Saharan Camel Corps established by the French in 1902.<sup>22</sup> Consisting primarily of the Chaamba nomads, the French Camel Corps proved instrumental in the defeat of the powerful Ahaggar Tuaregs the same year. The French tactics were to succeed partly because the task was "what Chaamba nomads have always known best and loved most dearly, namely the pursuit and destruction of rival tribes and especially their traditional blood enemies, the Tuareg and Moors".<sup>23</sup>

With material assistance flowing from the Sultan to Ma Al Aynin to keep up resistance to foreign incursions, the Makhzen managed to pursue a Saharan policy based almost entirely on both the prestige and religious influence of the "marabouts" as well as on the nationalist sentiments of the local tribes. As Marty put it, the Makhzan "provided cover for its Southern front by arranging for the Sahara to be policed by the only force really capable of carrying out the task, and it was in a position to claim the right to make diplomatic protests against any

European ventures".<sup>24</sup> Because of the privileged relationship Ma Al Aynin enjoyed with the Sultan, he was asked in 1905 by all the tribes in the far South of the Sahara to make representations to the Sultan with a view to acquiring modern arms to fend off foreign penetration in their region. As De Segonzac remarked, "Ma El Ainin left for Fez and spoke to the young Sultan Abd El Aziz in his capacity as spiritual leader of the entire Sahara. He conveyed the region's homage to the sovereign and sought his support on its behalf".<sup>25</sup> In a letter addressed to the tribes, the Sultan said among other things: "...As for the resources you lack, the help you expect from us and the interest you ask us to take in your affairs, it is our solemn duty to have your interest in mind and, if it please God, you will receive from us all you desire. We order you, therefore, to give our envoys a most cordial welcome and to do your utmost in assisting them perform the mission entrusted while at the same time complying, as we would wish, with all that the Sheikh (Ma Al Aynin) tells you".<sup>26</sup> The Sultan's envoys were led by his cousin, Mulay Idriss Ben Abderrahman ben Suleiman<sup>27</sup> who was appointed Khalifa of Adrar and bearing 14 Dahirs<sup>28</sup> for the nomination of Emirs and Caids in the Sahara.<sup>29</sup> Burke describes the episode in these terms: "At about this time a Makhzan representative was sent to establish at least the facade of Moroccan sovereignty in the extreme South. He was given hospitality by Ma Al Aynin, a fact which provoked a formal French protest. The Sultan, nonetheless, refused to recall him".<sup>30</sup> When the chiefs, who were to lead the Saharan tribes into combat, were handed their Dahirs by Mulay Idriss, a united defence alliance was formed and was concentrated around two main areas: Smara and Adrar. In the latter region, Ma Al Aynin's son Sheikh Hassana was acting as regent to the young Emir Ould Aida and a communication system of a kind called "Rekkas"<sup>31</sup> was devised to keep the Sultan informed of the French activities in Mauritania and whether their influence was extending northward.<sup>32</sup>

Thus Adrar became the focal point of anti-French resistance while Ma Al Aynin dispatched envoys throughout Mauritania preaching revolt against the French and called for a "summit" of the leading tribal chiefs with the presence of the Sultan's envoy Mulay Idriss who came specially to give the Sultan's seal of approval to Ma Al Aynin's resistance activities.<sup>33</sup>

Ma Al Aynin's effective resistance to foreign encroachment on the Sahara was disclosed in a report to Governor-General Roume on

November 14, 1905 by the Commissioner representing the General Government of French West Africa in the civil territory of Mauritania. He stated that, "we are obliged to acknowledge that, for some time now, a movement has been set up for the deliberate and specific purpose of opposing our activities and our advance into the territory and that intrigues are being fomented against us to varying degrees. These have their origin in the Seguiet el Hamra, where the principle Sheikh has been proceeding with his plan of action. In the last few days, he has threatened some of the tribes which have already accepted our influence of their own free will and has called on them to revolt. Moreover, with the support of the Moroccan government, he is supplying the people of the Adrar with quick-fire arms and ammunition. He is even offering to arm people under our administration who would be prepared to abandon our cause".<sup>34</sup> Roume also sent a report to the Minister for the Colonies pointing out that, "...From all the reports we have received, it is obvious that the manoeuvres directly hostile to our influence, which I have already mentioned, are continuing and on the increase. They originate in the Sakiat el-Hamra region and are led by Sheikh Ma El Ainin in the name of the Sultan of Morocco, very probably with the connivance of the Government's representative in Southern Morocco...".<sup>35</sup> Such observations may give substance to the argument that the Sultan's authority extended throughout Western Sahara despite the scarcity of inhabitants, the vastness of the territory and the great distance involved.

While French troops kept advancing on Moroccan territory from the South-East and Spain was poised to encroach on any territory from its coastal base at Villa Cisneros, the Moroccan government was anxious to avoid any direct armed confrontation with the superior French army lest it would provide it with the sought-after pretext to step up its incursions into Moroccan territories from the Algerian front. The only possible course of action left to the Sultan was covert resistance by his representative in the Sahara, Ma Al Aynin, whose logistic needs were always met by the Makhzen. The Sultan also called on his subjects to provide Ma Al Aynin with the necessary help needed to resist foreign invasion of Moroccan territory. Faced with the dilemma of combating two European powers poised to carve out colonies soon after the demarcation agreement was signed in 1886, the Moroccans had no choice but to avoid direct confrontation and resort to the policy of stalling French advances on Moroccan territory from



all sides and by any means available. The French rightly considered the Moroccan policy as a double game which indeed it was. The evasive answer the Makhzen gave to the request of the French consul in Fez on Ma Al Aynin and Mulay Idriss's covert activities in Western Sahara illustrate to a certain point the Makhzen's eagerness to play for time. As pointed out by the French, "Mulay Idriss was required to investigate the situation and to ascertain whether the regions we occupy belong to Senegal or else recognize Moroccan authority. If we were to reach the second conclusion, he was naturally not supposed to declare a holy war (such madness had never occurred to any member of the Makhzen) but to provide the Court of Fez with the necessary information. The Sultan would then be in a position to enter into negotiations in proper form with the French Government for the purpose of demarcating the respective zones of influence".<sup>36</sup>

Once again, French patience was running out in view of the Makhzen's ambiguous policy deliberately adopted by the Sultan to play for time to fend off imminent French occupation. The signing of the Algeciras Act in 1906<sup>37</sup> sparked off an internal political controversy that eroded the Sultan's authority and proved a source of great concern to Ma al-Aynin. In Domenech Lafuente's own words, "foreign interference in the country had disturbed the Moroccan people.

People from all social origins, and especially politicians and nationalists, sent letters and messages to the Sheikh (Ma Al-Aynin), asking him to intervene so as to prevent the chaos that was being predicted. The marabout advised everybody to spare no effort, for the sake of unity and to banish injustice, and warned them of the disastrous consequences of discord".<sup>38</sup> as a result, the Algeciras Act, the occupation of the Shawiya by the French<sup>39</sup> and the Sultan Mulay Abdelaziz's compromises with the colonial powers, provoked a widespread revolt throughout the country which prompted his brother Mulay Hafiz (1908-1912)<sup>40</sup> to challenge him for the throne. Ma Al-Aynin came out in support of Mulay Hafiz's claims in response to the Sultan's inertia vis-à-vis the foreign powers. Consequently, Mulay Abdelaziz was deposed by his brother Mulay Hafiz who continued to provide the necessary assistance to Ma Al-Aynin to carry on his struggle against foreign forces of occupation in the South, in the name of the Sultan.<sup>41</sup> According to Burke, "Abdel-Hafiz (Sultan) had an opportunity to demonstrate his strong support of resistance activities in the extreme South of Morocco. on May 17, (1909) Mawlay Ahmad Haybat Allah ( El Hiba ), a son of



Ma Al-Aynayn, arrived (in Fez) and was accompanied by a group of 'blue men' from the Sahara. He was accorded the same honours and attentions that had been given the great qaid and stayed as a guest of the Sultan. Like his predecessor, Abd Al-Hafiz found it politically useful to associate himself with resistance forces in the South, thereby strengthening his regime without seriously compromising himself with the powers."<sup>42</sup>

By the end of 1908, Ma Al-Aynin controlled virtually the entire Western Sahara from his base in Smara. While Spanish troops were confined to their forts in Villa Cisneros, French forces became the prime target of the resistance even in Mauritania. In fact, two of Ma Al-Aynin's sons, Sheikh Hassana<sup>43</sup> and Sheikh Taleb Khiair were entrusted with the task of leading the struggle in Mauritania and the East of Western Sahara.<sup>44</sup> The French retaliated by occupying the Adrar in July 1909 and routing the forces of Ould Aida and Ma Al-Aynin's sons. It was the beginning of the end for Ma Al-Aynin's "jihad" in the desert as the French hardened their position towards the Makhzen. While the French-Moroccan negotiations were going on over the sought-after French evacuation of the Shawiya region in 1909,<sup>45</sup> the Paris Government began to adopt a tough stand towards the Sultan and several demands were made notably the call on the Makhzen to sever all links with Ma Al-Aynin and refrain from "supporting resistance in Mauretania".<sup>46</sup> The Sultan's response to such a request was constantly put off until the signing of the French-Moroccan agreement of March 4, 1910.

By then, the Sultan's attempts to fend off French conquest proved useless as Morocco's diplomatic isolation became complete. In addition, the stranglehold of Paris banks upon the Moroccan treasury posed the worst threat over Mulay Hafiz's regime. French terms boiled down to a repudiation of all that Mulay Hafiz had stood for. Therefore, under duress, he was left no choice but to comply with France's wishes. As far as Moroccans were concerned, it was the last straw as capitulation to France sent vibrations of disgust and outright condemnation throughout the country which led to an uprising not only against what was considered a "Sultan's sell out" to the French but most importantly against increased foreign presence in the hinterland.<sup>47</sup> The very thing the Sultan feared to compromise his rule in the eyes of his subjects was brought about by his compromises with the French, although article 10 of the 1910 agreement was never implemented. The sheer anger and feeling of betrayal it provoked led people to call upon Ma Al-Aynin

to take up arms against the growing threat from French troops in the North and South of the Country. As a result, Ma Al-Aynin moved from Smara to settle in Tiznit in May 1910 from where he made preparations for an armed expedition against the French. He marched towards Fez at the head of untrained armed men from the main tribes of the Sahara and the Atlas mountains.<sup>48</sup> He was defeated in the Tadla plain<sup>49</sup> in June-July 1910 by well-armed French troops headed by General Moinier. He returned despondent to Tiznit where he died on October 28, 1910. For the French he "removed a destabilising force from the region".<sup>50</sup> By this time, Morocco was in turmoil partly because of the Sultan's inability to muster enough men and arms to stand up to the superior French firepower and partly due to the French resolve to take over Morocco whatever the cost.

Ma Al-Aynin's son El Hiba<sup>51</sup> proclaimed himself Sultan in 1912 after French protectorate was imposed on Morocco<sup>52</sup> and unsuccessfully attempted to fight French penetration into the country. He was defeated near Marrakech in 1913.<sup>53</sup> The movement of El Hiba magnified the Sultan's inability to honour his bond to the *Uma* by way of "jihad"<sup>54</sup> which remains an important clause of the Sultan's contract with his people as we shall find out in later. Nonetheless, it was the French and not the Spaniards who occupied the Sahara and weakened the resistance. Spanish troops were unable to venture outside their barracks by the coastal town of Villa Cisneros until after the French pacification campaign of the rest of the country was completed by 1934.

## NOTES

- 1 Mohamed Sidi El-Mustapha, nicknamed Ma Al-Aynin (water of the eyes) Ibn Mohamed Fadil, who belonged to venerated family that created a new Islamic brotherhood "The Fadilia"; See Tony Hodges, *Historical Dictionary of Western Sahara*, Scarecrow Press, London, 1982, PP.209-212; G. Desire-Vuillemin, "Chaikh Ma-El-Aynin et le Maroc", in *Revue d'Histoire des Colonies*, Editions Larose, Paris, 1958; Henri de la Bastide, "une Grande Famille du Sud-Marocain: les Ma El-Ainin ", *Maghreb-Machrek*, N0 56, March-April 1973, pp. 37-39; Domenech Lafuente, *Ma El Ainin, Senor de Smara*, Tetouan, 1954, 164 pages.
- 2 John Mercer, *Spanish Sahara*, George Allen & Unwin, London, 1975, p. 109.
- 3 Jean-Louis Miegé, *le Maroc et l'Europe*, Paris, 1962, Vol. III, p. 333.
- 4 Mahjoub M. Ould Boye, *Vie et role de Cheikh Ma el Ainin dans la resistance a l'occupation coloniale en Mauritanie*, dissertation, University of Paris-VI , 1976; Tony Hodges, *Historical dictionary...*, op. cit., p.210.
- 5 Representative or governor.
- 6 Maurice Barbier, *Le Conflit du Sahara Occidental*, Editions l'Harmattan, Paris, 1982, P.56; Hodges, *Historical Dictionary...*, op.cit., p. 210.
- 7 One of the comprehensive accounts of Ma al Aynin's activities is in J. Caro Baroja, "Un Santon Sahariano y su familia ", *Estudios Saharianos*, Madrid, 1955, pp. 295-326.
- 8 les "Fadelia", *Revue du Monde Musulman*, N0 31, 1915-1916, pp. 160-166.
- 9 Edmund Burke, *Prelude to Protectorate in Morocco*, University of Chicago Press, Chicago, 1976, p. 47.
- 10 Al-Moutabassir, "Ma el Ainin Ech-Changuity ", *Revue du Monde Musulman*, No 1, 1907, p. 348. He paid seven visits to Mulay Abdelaziz, four in Marrakech and three in Fez. The Sultan provided him with the necessary material to build the town of Smara which was completed in 1902.
- 11 The Zawiya is a lodge often with a tomb of a Muslim saint. A small mosque and a Coranic school are usually part of the edifice.
- 12 Tony Hodges, *Historical Dictionary...*, op. cit., p.211.
- 13 Affaires du Maroc, 1906-1907, 3, Nos 3-5; *Bulletin du Comite de l'Afrique Française*, 1906, p. 260.
- 14 Affaires du Maroc, 1906-1907, 3, No 48 ; *Bulletin du Comite de l'Afrique Française*, 1906, pp. 338 and 373.
- 15 Villa Cisneros was attacked on 4 March 1892 and on 2 and 3 November 1894. The first attack on the town was on 9 March 1885 which prompted the Spanish government to address an official protest to the Sultan. The protest could be considered as an implicit recognition of the Sultan's sovereignty over the area. See Ramoz Espinoza de la Montevios, *Espana en Africa*, Madrid, 1903, P.123.
- 16 Maurice Barbier, *Le Conflit du Sahara...*op. cit., p. 56.
- 17 Ibid; T. Hodges, *Historical...*op.cit., p.211; Attilio Gaudio, *Le Dossier du Sahara Occidental*, Nouvelles Editions Latines, Paris, 1982, p.77.
- 18 Ma Al Aynin was appalled when, in 1902, the tribal leader Cheikh Sidiya Baba of the Ouled Birri in Trarza allied himself with the French.

- 19 T. Hodges, *Historical...op. cit.*, p. 211; Maurice Barbier, *op. cit.*, p. 56; Paul Marty, *Etudes sur l'Islam Maure*, Leroux, Paris, 1916, pp. 135-136.
- 20 Report sent to the Governor-General of French West Africa by R. Arnaud, Tangier, May 1907.
- 21 Paul Marty, *Etudes sur l'Islam Maure*, Leroux, Paris, 1916, p. 113.
- 22 E.W. Bovill, *the Golden Trade of the Moors*, Oxford University Press, London, 1968, p. 250.
- 23 L. Cabot Briggs, *Tribes of the Sahara*, London, 1960, P. 203.
- 24 Paul Marty, *op.cit.*, p. 113.
- 25 R. De Segonzac, "El Hiba, fils de Ma El Ainin", *Afrique Française, Renseignements Coloniaux*, March-April, 1917, p. 64.
- 26 This letter which is dated 23 Safar 1323 Hegir (1905), was found in Ma Al aynin's papers at Smara on March 1, 1913 by Colonel Mouret, the French officer who captured the town. It was addressed to the assembly of the Arroussiyyine tribe. See Paul Marty, *op. cit.*, pp. 113-136.
- 27 Mulay Idriss was Caid of Tafilelt.
- 28 A Dahir is an official Decree and also a bill of law.
- 29 Attilio Gaudio, *op. cit.*, pp. 76-77; *Affaires du Maroc*, 1906-1907, 3, Nos 108,186 and 207; *Bulletin du Comite de l'Afrique Française*, 1906.
- 30 Edmund Burke, *Prelude...op. cit.*, p. 90.
- 31 A system of runners to relay information between Mogador (now Essaouira) Smara and Adrar, today's equivalent of a messenger service.
- 32 Attilio Gaudio, *op. cit.*, p. 78; T. Hodges, *Historical...op. cit.*, p. 211.
- 33 Gaudio, *ibid.* On relations between Ma Al Aynin and the Makhzen see, Frank E.Trout, *Morocco's Saharan Frontiers*, Droz, Geneva, 1969, pp. 156-162.
- 34 *French Diplomatic Documents*, *Affaires du Maroc*, Vol. III, 1906-1907, p. 5.
- 35 *Ibid*, pp. 3-4.
- 36 *French Diplomatic Documents*, *Affaires du Maroc*, Vol. III, 1906-7, Paris, p. 171
- 37 *French Diplomatic Documents*, *Affaires du Maroc*, 2nd series, Vol. 13, Document No 202, Paris, 1871-1914, pp. 380-382.
- 38 Angel Domenech Lafuente, *Algo Sobre Rio de Oro*, Madrid, 1946, p. 99.
- 39 For the different stages of French occupation of the Shawiya (around Casablanca) and what followed see, *Affaires du Maroc*, 1908-1910, Vol.5, Nos 112, 120, 129, 144, 145 and 249; Archives du Ministère de la Marine, service Historique, Paris, series BB2, BB3 and BB4,correspondence, Fleet Movements (Morocco).These archives include interesting remarks on the origins of the Shawiya uprising in 1907 sparked off by Ma Al-Aynin and his followers on their return from Fez to Smara. They also contain impressions of Moroccans in other ports along the Atlantic coast.
- 40 Mulay Hafiz was his brother's governor in Marrakech.
- 41 Attilio Gaudio, *Dossier...op.cit.*, p. 80.
- 42 Edmund Burke, *op.cit.*, p. 136; also Général Charles Mangin, *Archives du Ministère de la Guerre*, No 47, section d'outre-mer, serie C-22, Paris, 4 June 1909; *Bulletin du Comite de l'Afrique Française*, Paris, 1909, p.222-223.
- 43 Hassanani was acting as advisor and regent to the Emir of Ould Aida.



- 44 H. Martin, *les tribus nomades de l'ouest et du nord mauritanien du Sahara espagnol et du sud-marocain*, CHEAM, Paris, 1939, p. 132.
- 45 On the Chawiya episode see, Edmund Burke, op. cit., pp.109-13 and 195-96.
- 46 Ibid, p. 139.
- 47 Article 10 of the Franco-Moroccan agreement of March 4, 1910 reads as follows: " With respect to Sheikh Ma Al-Aynin and the enemies of France in the Sahara, the Moroccan government shall prevent these agitators from receiving any encouragement and assistance in the form of money, arms and ammunitions. It shall dispatch letters, copies of which shall be sent of the French delegation, to the authorities in the Sous and the Oued Noun instructing them to stamp out arms smuggling in those regions".
- 48 Attilio Gaudio, *le Dossier...*op.cit., p. 81.
- 49 Near Beni Mellal see map on Morocco.
- 50 Edmund Burke, op. cit., p. 155.
- 51 See the excellent account on El Hiba in Edmund Burke, op. cit., pp.199-209; Abbas Ibn Ibrahim Al-Marrakchi, *Al-I'lam bi man hall Marakech wa aghmat min al-A'lam*, 5 vols, Fez, 1936, especially vol.2, pp. 290-95; Robert De Segonzac, "El Hiba fils de Ma El Ainin", *Renseignements Coloniaux*, Paris, 1917, pp. 62-69.
- 52 Al Marrakchi, Ibid, vol. II, pp. 294-295; also *Bulletin du Comite de l'Afrique Française*, Paris, 1912, pp. 345-50.
- 53 The final battle was at Sidi Bu-Othman on September 6, 1912 and French troops were led by Colonel Mangin. A French expedition which set out from Mauritania under Col. Mouret ended with the destruction of Smara in 1913.
- 54 Holy war. See John R. Willis, "Jihad fi Sabil Allah, its doctrinal basis in Islam and some aspects of its evolution in 19th C. West Africa", *Journal of African History* 8, No 3, 1967, pp. 395-415.



## CHAPTER FOUR: SPANISH RULE OVER WESTERN SAHARA

If the November 27, 1912 French-Spanish agreement was the final document granting Spain a lease on Western Sahara, Madrid's hold on the territory was confined to a few settlements on the West African coast with Villa Cisneros as the main centre. Indeed, from 1884 to 1916 Spanish occupation was in the form of "two or three officers and one or two platoons of soldiers from the Canary Islands confined to their presidios at Villa Cisneros".<sup>1</sup>

When Tarfaya (Cape Juby) was occupied on June 30, 1916 it was briefly renamed Villa Bens in honour of Captain Francisco Bens who governed Villa Cisneros from 1903 to 1925 under the Canary Islands military command. Bens proved instrumental in reinforcing Spain's hold on the coastal settlements and even managed to occupy La Guera in 1920. Spain's presence, however, was designed to safeguard and promote its commercial and military interests in the Canary Islands and there was no intention of developing the African mainland except as a penitentiary for political and criminal prisoners or as a base for the foreign legion.<sup>2</sup>

In view of the inhabitants' constant hostile attitude to any foreign invasion of the Saharan territory, it took nearly 50 years for Spain to make any serious venture into the hinterland and 78 years to assume full military and administrative control of the territory after proclaiming it a protectorate in 1884. The advent of the Spanish Republic in 1931, however, and most importantly France's crushing defeat of the Reguibat tribe at Tindouf in 1934,<sup>3</sup> prompted Spanish troops to come out of their coastal isolation. Until 1934, the Spanish presence did not extend beyond the settlements at Villa Cisneros, Tarfaya and La Guera. As an observer pointed out, "in its relations with the Moors, Spain is a neighbour not a ruler. It refuses to take any external action which, if there were a mishap, might lead to reprisals or even worse".<sup>4</sup> In 1934, Spanish possessions were surrounded by French posts at Fort Gouraud, Bir Moghreïn, Ain Ben Tili, Agmar, Chegga, Tindouf, Goulimine and Ksar Souk. Sensing the protection afforded to them, the Spaniards came out of Villa Cisneros in 1935 for a reconnaissance mission along the Coast and in 1936 they occupied Smara from their military post at Cape Juby (Tarfaya).

French troops, however, had the upper hand and, to maintain

order, penetration into various areas in Western Sahara was necessary on several occasions. Owing to the inactivity of Spanish garrisons, the French Colonel Paley even requested in 1911 an alteration in the frontier agreed upon in the 1900 and 1904 French-Spanish agreements.<sup>5</sup>

More significantly, the Spaniards even considered handing over the entire territory to the League of Nations. The journal *"L'Afrique Française"* remarks in this regard that "the Spanish Government has made it known that it wishes to hand-over to the League of Nations the territories Spain occupies in Morocco, which it considered are of no use to Spain and too costly".<sup>6</sup>

The French Resident General in Morocco reacted by publishing the following communiqué: "Spain does not possess any protectorate in Morocco but merely occupies a zone of influence which was granted to it under the treaty of November 27, 1912. It is not for Spain to hand-over this prerogative to the League of Nations."<sup>7</sup>

One could argue that such a reaction, if anything, illustrates the fact that Spain was, in theory, simply acting as caretaker of a territory leased to it by France, the main signatory of the protectorate treaty with Morocco. The failure of Spanish troops to control Western Sahara suggests that the responsibility proved too heavy to bear and that Spain was only clinging to the territory to defend its possessions in the Canary Islands. Morocco's inability to act was restricted by the protectorate and French military operations in the desert and the mountains to quell any revolt by way of superior fire power. Nevertheless, Spanish occupation of Western Sahara holds no legal bearing by virtue of the fact that Morocco did not enter into any agreement with the government of Madrid. If the Moroccan authorities were unable to act it was because the country was going through a difficult period politically and economically. European penetration into the country did not help either, in fact, it made it difficult for the central government to engage in any military action further south at a time when French troops were deployed along the frontier and poised to invade Moroccan territory at the slightest pretext.

Although the Western Saharan territory was placed under the authority of the Spanish High Commissioner in Morocco after the conclusion of the French-Spanish agreement of 27 November 1912, a decree granted him the attributions of Governor-General of the territories of Ifni, Rio de Oro and Spanish Sahara on 29 August 1934.<sup>8</sup> The decision illustrates to a certain degree Spanish recognition that these

possessions were Moroccan or at least had common characteristics that prompted Spain to unify them under a single authority based in Tetuan. In this connection Domenech Lafuente noted: "this unification was to lead to what we have come to call the "Makhzenisation" of the Colony, which brought no advantage to the Colony but a danger, however faint of a more or less imminent awakening of nationalism in Morocco ".<sup>9</sup>

Indeed, Spain allowed the Khalifa of the Sultan of Morocco in Tetuan<sup>10</sup> not only to enact laws for all the Spanish possessions but also agreed that the regional administration was answerable to the Khalifa's authorities in the Northern zone which had been under Spanish protection since the signing of the French-Spanish treaty of November 27, 1912.

The main reason given for bringing these territories together was that: "the populations of the territories in North-West Africa where Spain exercises rights of occupation, protectorate possession or sovereignty, are characterized by a manifest affinity of race, language and custom which is sufficient in itself to suggest that command over these territories and the policy followed there should be unified...The most appropriate authority would be the Spanish High Commissioner in Morocco, who in addition to his own duties, could take over those needed to create such a unity of command. He could be assisted in his supervisory functions by the existing bodies in the Northern Zone of the protectorate, with these territorial authorities acting as delegates of the High Commission." <sup>11</sup>

At the awakening of Moroccan nationalism following the Second World War, the territories of Ifni and the Sahara were turned, on 20 July 1946, into a special governate known as the "Government of Spanish West Africa" under the authority of a Governor General based in Ifni and endowed with military, political and administrative powers.<sup>12</sup> This reorganisation separated Morocco's Northern zone from Western Sahara and came about as a result of sour relations between France and Spain throughout the Second World War and after.

While strengthening its position in its African possessions, Spain also attempted to undermine France's presence in Morocco: "the local Spanish authorities caused prayers to be said in the mosques of their territory in the name of the Sultan of Morocco and no longer in that of the Blue Sultan, Ma El Ainin. They also encouraged nomads throughout Western Sahara to buy in the well-stocked markets of their settlements, which contrasted sharply with the meagre ones in wartime Mauritania." <sup>13</sup>

This policy was further enhanced by the decision to make the



Western Saharan markets duty-free with shipped supplies from Europe. Furthermore, in contrast to France, Spain never attempted to collect taxes from the nomads nor compelled them to give up possession of arms. Henceforth, the territory became a convenient hide out for Moroccan nationalist fugitives from French heavy handed treatment.

Following Morocco's independence on 2 March 1956, Spain declared in a statement signed in Madrid on 7 April 1956, that the French-Spanish agreement of 27 November 1912, no longer governed "future relations between Morocco and Spain".<sup>14</sup> Spain also pledged to retrocede to Morocco the southern protectorate. By declaring the French-Spanish agreement of 1912 as null and void, Spain was then compelled by its own undertaking<sup>15</sup> to renounce the territories of Sakiat Al Hamra. Indeed, these territories were officially given to Spain to administer only after Morocco became a French protectorate and by virtue of the 1912 French-Spanish accord.

The growing unrest in Western Sahara following Morocco's independence was exacerbated further by attacks from the Moroccan Liberation Army.<sup>16</sup> Anti-Spanish demonstrations were reported in Ifni on 10 April 1956. On 23 November 1957, however, elements of the Liberation Army backed by the Ait Ba-Amrane tribe launched a major attack on Ifni and compelled Spanish troops to retreat to the town centre until air cover and parachuted reinforcement came to their rescue from the Canary Islands. Attacks on Spaniards and their supporters throughout the Saharan territory ensued as well as the destruction of Cape Bojador's light house and Spanish posts.<sup>17</sup> In view of an increasingly precarious situation, Spain decided by decree on 10 January 1958 to turn Ifni and Western Sahara into Spanish provinces administered separately as those of the Metropole. The decision was apparently, "to adapt it to geographical, ethnic and military realities".<sup>18</sup> In fact, it was merely a measure to further consolidate Spanish grip over its possessions that were gradually becoming uncontrollable due to a sweeping drive for freedom throughout the colonised African territories. As Spain was faced with a formidable challenge from the Liberation Army which virtually made Spanish troops prisoners in their own barracks, it eventually needed the combined French-Spanish military might to quell the uprising in what is termed by the Spaniards as "Operation Ouragan" and by the French "Operation Ecouvillon".<sup>19</sup> The French mobilised 14,000 troops and some 100 combat aircraft to inflict a damaging blow to the mobilisation of Sahrawis in a state of revolt and

in search of integration with Morocco. The French-Spanish expedition succeeded in defeating the Liberation Army in February 1958.<sup>20</sup> As a result, thousands of Sahrawis took refuge in Southern Morocco to escape Spanish repression against those who took part in the struggle.<sup>21</sup> Ironically, on 10 January 1958, a month before "Operation Ecouvillon", Spain introduced some changes to the occupied territory following the dissolution of "Africa Occidental Espanola".<sup>22</sup>

In view of Morocco's aggressive nationalism, Madrid subsequently decided to temporarily placate Rabat by ceding it Tarfaya on 10 April 1958.<sup>23</sup> It also reinforced its military presence in the Sahara and proceeded to reorganise the administration by implementing the policy of "provincialisation".<sup>24</sup>

The belated retrocession of Tarfaya to Morocco could hardly justify Spanish prolonged presence in the rest of the Saharan territory. It was merely a tactical move to play for more time to stall Morocco's territorial claims over Western Sahara.

A Decree on 19 April 1961 proclaimed Layoune as capital of "Spanish Sahara" because of its strategic location. The same Decree not only introduced a reformed judicial system combining tribal customary law with Spanish judiciary but also placed the civil administration directly under the Spanish Prime Minister's responsibility.<sup>25</sup> In so doing, the Spanish government attempted to assimilate the Saharan territories by resorting to an administrative regime modelled on that of the Canary Islands. The discovery of phosphate deposits in 1963 had undoubtedly enhanced the value of Western Sahara in the eyes of General Franco and a sudden interest was aroused in the area. As a result, the political development was superseded by economic interest and the military and political machinery was moved from Rio de Oro to Sakiat Al-Hamra because of its proximity to the Bou Craa phosphate mines. It was no accident that Western Sahara and Ifni were turned into two "provinces" of Spain with representations at the Cortes. These areas were entirely neglected for over 80 years of Spanish rule until their economic potential became apparent. A Decree was promulgated on 29 November 1962 apparently to improve the efficiency of the every day running of the two "provinces" by introducing a new administrative structure, based on the election of municipal councils (Ayuntamientos) at Layoune and Villa Cisneros presided over by a mayor (Alcalde).<sup>26</sup>

Although Spain attempted to fill in the constitutional gap, the territory still lacked a representative body at a time when international

pressure was brought to bear to decolonise African territories. To appease international criticism of its handling of the Saharan territories and to fend off Morocco's persistent irredentist claims, Spain embarked on reforms to improve the social and economic situation in Western Sahara and Ifni. The budget allocated to these territories was quadrupled from 53.5 million Pesetas in 1960 to 207.3 million in 1961. A further 225.7 million Pesetas for public works was also granted by the Madrid government in 1965 to bring the total annual budget to 552 million Pesetas. A director of social and economic planning was appointed the same year.<sup>27</sup> By 1974, however, the annual budget for Western Sahara was increased to the staggering figure of 2.460 million Pesetas, 69 % of which represented subsidies from the Madrid Government.<sup>28</sup> Chronic drought in 1959-63 and 1968-74, the attraction of office employment and trade, prompted a number of locals to seek a better standard of living than the precarious nomadic life.<sup>29</sup> Consequently, the number of Sahrawis living in the three main urban centres (Laayoune, Smara and Dakhla) tripled between 1967 and 1974.<sup>30</sup>

On the constitutional level, further reforms were introduced. Indeed, El Joumani was elected president of the Provincial Council and two mayors, one from Laayoune (a Spaniard) and the other from Villa Cisneros, Souleimen Ould Abdellahi<sup>31</sup> were to represent the Saharan territory in the Cortes in July 1963.<sup>32</sup> Following the second local elections in June 1965, El Joumani was replaced as president of the Provincial Council by another Rguibi, Siala Ould Abeida. In 1967 the number of deputies in the Cortes from Western Sahara and Ifni was increased to six.<sup>33</sup>

To forestall Moroccan claims over Western Sahara and Ifni as well as counter the increasing international criticism of colonial rule, a Spanish Decree was proclaimed on 11 May 1967 to establish the "Jema'a"<sup>34</sup> as a way of appeasing the growing demand for the implementation of the self-determination principle in accordance with UN General Assembly resolution 2229(XXI) of December 20, 1966.<sup>35</sup>

The Jema'a 82 members all of Sahrawi origin, were elected every four years<sup>36</sup> through the traditional local customs.<sup>37</sup> This assembly became the highest constitutional body in the land representing the local administration and promoting the general interest of the territory's indigenous population.<sup>38</sup> Siala Ould Abieda<sup>39</sup> became the first president of the Jema'a and Baba Ould Hasseina<sup>40</sup> his deputy at the assembly's inaugural session on 11 December 1967.<sup>41</sup> Although the Jema'a members



were not elected by universal adult suffrage, the mere institution of such a body not only conferred some sort of respectability on Spanish rule as tension between locals and colonisers eased but also brought about a structural hierarchy among the various tribes that had faded away since Ma Al Aynin's charismatic days.

In a drive to associate the indigenous population with the social and economic and constitutional development, forestall the UN's repeated call for the implementation of the self-determination principle as well as Morocco's territorial claims, Spain decided, in a tactical move, to cede the territory of Ifni to Morocco on 4 January 1969. On 20 December the same year, the name of the "Administration of African Colonies and Provinces" was changed to the less offensive colonial term of "Direccion General de Promocion de Africa". On 30 April 1973, the number of members of the Jema'a was increased to 102 to create a newly-structured traditional institution of Sheikhs<sup>42</sup> and notables modelled in part on the European notion of Upper and Lower Houses.<sup>43</sup> The decision came about as a result of a motion addressed to General Franco in February 1973 in which the Jema'a outlined, among other things, the Sahrawis' wish to determine their own future through a referendum. They requested that the existing judiciary and constitutional bodies be gradually developed in order that, "the population of the Sahara will have a greater share in the functions and powers of the internal administration".<sup>44</sup> Despite the limited powers of the Jema'a which remained advisory, it filled the political vacuum and enacted laws relating to the budget and taxation as well as civil, penal and social Islamic laws. In a belated response to the Jema'a motion, Franco stated in a letter dated December 1973 that, "the Saharan people whose secular coexistence with the Spanish people was, from the outset, entirely voluntary, are the exclusive masters of their fate and no other power has the right to go against their will".<sup>45</sup> The letter outlined a new political and administrative statute for the territory, based on the principle of internal self-rule exercised by the Jema'a while Spain would continue to look after the territory's international affairs, defence and internal security. The executive power was invested in a Governing Council comprising fifty per cent of the Jema'a's elected representatives and the Governor-General and his nominees.

The introduction of these constitutional reforms illustrated Spain's growing concern over the future of the territory and the policy of assimilation was accelerated to placate critics and eventually absorb the African territory into the Metropole as was the case with the



Canary Islands. The proposed reforms were also meant as a preliminary step towards Spain's planned referendum, the arrangements for which remained secret until it was announced in 1974. Morocco objected to the planned referendum partly due to the absence UN involvement from the outset and partly because it did not include the Sahrawis who sought refuge in southern Morocco following "Operation Ecouvillon" in 1958. Most important, the planned referendum restricted the choice of the voters to independence or the status quo while the possibility of integration with a neighbouring state, i.e. Morocco, was simply ruled out.

At the time of the UN Visiting Mission to Western Sahara in May 1975, there were only two Sahrawis with higher university degrees (a doctor and a lawyer), twelve technicians, not all serving the administration, while medical staff or teachers were practically non-existent. This example of neglect illustrates to a large measure the negative effect Spanish rule had on the Saharan territories. It is fair, however, to say that Spain refrained from interfering in the locals' customs and religious practices maintaining mosques and even providing salaries for Imams.<sup>46</sup> Nevertheless, the intellectual capacity of the Sahrawis was never to develop beyond the teaching of the mosques and religious ceremonies as a way perhaps of keeping the population under Spanish patronage and paternalism. One of the most important links between Western Sahara and Morocco was the application of Moroccan laws of Caliphan origin throughout the occupied territory. Colonialism had indeed increased the indigenous inhabitants' fervour with Islamic practices as a symbol of unity that ran counter to the colonisers ideals and ambitions. Under colonial rule Sahrawis sought refuge in religious practices and leadership. The latter was provided by the Moroccan Sultan as the spiritual leader in whose name prayers were performed. Colonialism also brought with it the notion of paternalism to prolong the occupation of territories from which economic benefits could be derived. Spain's paternalism and cultural drive became increasingly amplified in the second half of the sixties and early seventies. They were translated into various incentives<sup>47</sup> aimed mainly at winning the Sahrawis's approval to either Madrid's prolonged rule or settling for an autonomy under Spanish tutelage. As an observer put it, "had not the Third World in the UN been stirred up by anti-colonialists resolutions passed at the instigation of those three countries (Morocco, Algeria and Mauritania), had not the prospect of great wealth to be derived from the desert's mineral resources whetted the Sahraouis' appetites, and finally

had not Spain in consequence felt compelled to form a representative assembly and a supportive pseudo-political party, the tribal chiefs of the Spanish Sahara might have been content to settle for an autonomous government under Spain's aegis. Until 1970, it seemed as if the Yemaa's pleas to stay with Spain and Franco's antiphonal reassurances that he would never abandon the Sahrawis might continue to be exchanged indefinitely".<sup>48</sup>

The risk involved for Spanish interests at home and in Western Sahara was not negligible partly because Morocco pursued a relentless campaign to liberate not only Western Sahara but also the presidios.<sup>49</sup> Of concern to Franco was also the growing Sahrawis' awareness of their constitutional and civil rights at a period when post-colonial Africa and international opinion brought pressure to bear on Spain to abandon its colonies. While this tendency was progressing and despite the powerful colonial lobby with vested interest in phosphate and fishing grounds as well as the protection of the Canaries, Spain meant all along to exploit fully the territory's modest wealth as long as it possibly could. Paradoxically as it may seem, Franco defended the Sahrawis' right to self-determination in 1974-75, yet, he ignored that of the Spaniards. Once he sensed that the diplomatic heat intensified and the territory was slipping through his fingers, he sided with Algeria on whose hydrocarbon exports Spain had become heavily dependent. The fear of MPAIAC<sup>50</sup> being used as a political weapon at a time of internal turmoil was also another factor that prompted Franco to act in collusion with President Boumediène. All in all, the process of decolonisation took a different course from the one expected by Spain's colonial administration and Algeria's military establishment.

## NOTES

- 1 Henri Martin, *Le Sahara Espagnol*, C.H.E.A., Paris, 1939, p. 84.
- 2 *Le Monde*, Paris, October 24, 1967.
- 3 Tindouf was under Moroccan control by virtue of the French Decree of August 5, 1933. It was placed under the authority of the Resident General and the Commander in chief of the French troops in Morocco. Documents on this subject are to be found in, Mohamed Maazouzi, *l'Algérie et les étapes successives de l'amputation du territoire marocain*, Dar El-Kitab, Casablanca, 1976, pp. 191-200; also by the same author, *Tindouf et les frontières méridionales du Maroc*, Dar El-Kitab, Casablanca, 1977, pp. 162-169; Frank E. Trout, op. cit. pp. 317-323.
- 4 "La question de Rio De Oro", *L'Afrique Française*, 1931, pp. 13-15.
- 5 Henri Martin, *Le Sahara Espagnol*, Paris, C.H.E.A., 1939, p. 95.
- 6 *L'Afrique Française*, 1931, p. 494.
- 7 *La Presse Marocaine*, 29 June 1931.
- 8 Attilio Gaudio, *Le Dossier du Sahara Occidental*, Nouvelles Editions latines, Paris, 1978, pp. 114-115; F. De Lachappelle, "Les Possessions Espagnoles au sud du Maroc", *Revue Militaire Française* 161, Novembre 1934, pp. 189-202; Robert Devereux, "Spain's role in North Africa", *World Affairs Quarterly* 29(2), July 1958, pp. 152-176.
- 9 Domenech-Lafuente, in, *Revista Africana*, June-July, 1945, p. 20
- 10 The Sultan's representative in the Spanish protectorate zone.
- 11 *Boletin Oficial de la zona*, Year XXII, No 24, August 31, 1934, pp. 623-625.
- 12 Guy Heraud, "Aperçu sur l'Organisation des territoires espagnols d'Outre-mer", *Revue Juridique et Politique de l'Union Française* 8 (3), July-September 1954, pp. 309-316.
- 13 Virginia Thompson and Richard Adloff, op. cit., p. 107.
- 14 See full text in Rachid Lazrak, op. cit., pp. 427-428; also in Francois Bardos, "les Relations Hispano-Marocaines", *Confluent*, May 1956, pp. 8-10.
- 15 Article II of the Madrid statement says that Spain, "reaffirms its determination to respect the territorial unity of the Empire (Morocco) as guaranteed by international treaties. It undertakes to carry out all measures necessary to give effect to that unity". Text in Lazrak, *Ibid*.
- 16 John Mercer, *Spanish Sahara*, Allen and Unwin, London, 1976, pp. 197-201; Attilio Gaudia. *Le Dossier du Sahara...* op. cit., pp. 183-191.
- 17 Maurice Barbier, *Le Conflict du Sahara Occidental*, op. cit., p. 68.
- 18 *Revista Africana*, Madrid, February 1958.
- 19 Tony Hodges, *Historical Dictionary...*, op. cit., pp. 274-276.
- 20 More details about this event in, John Mercer, *Spanish Sahara*, op.cit., pp. 220-224; Christine Gartier, "Operation Ecouvillon", *Revue des deux Mondes*, Paris, November 1960, pp. 93-102; B. Fessard De Foucault, "la question du Sahara Espagnol", *Revue Française d'Etudes Politiques Africaines*, Paris, December 1975.
- 21 John Mercer, *ibid*.

- 22 *Boletín Oficial del Estado*, Madrid, January 14, 1958.
- 23 The conclusion of accord by the foreign ministers of Morocco and Spain was in Cintra, Portugal, on 1 April 1958. It is often referred to as the Cintra accord which sanctioned the decolonization of Tarfaya by Spain.
- 24 Administering Western Sahara and Ifni as provinces of Spain.
- 25 *Boletín Oficial Des Estado*, Galeta de Madrid, No 95, 21 April 1961, p. 577.
- 26 *Boletín Oficial Des Estado*, Galeta de Madrid, No 297, 12 December 1962, p. 2217
- 27 Manuel Melis Caveria, "La Provincia de Sahara el plan de desarrollo economico y social", *Africa*, No 295, Instituto de Estudios Africanos, Madrid, July 1966, p.4.
- 28 Report of the UN Visiting Mission to Western Sahara, 1975, *General Assembly Official Records*: 30th session, Supplement No 23, UN Doc. A/10023/Rev.1,P. 52.; also Virginia Thompson and Richard Adloff, op.cit., p.123. For the influx to Western Sahara of the high number of unemployed from the Canary Islands see, *Resumen estadística del Sahara Español* (ano 1969), Marid, *Instituto de Estudios Africanos*, p. 10.
- 29 J. Maestre, *El Sahara en la crisis de Marruecos y España*, Akal, Madrid, 1975, p. 190; UN Document A9623, Add.4 (part 2), 13 November 1974, pp. 24-25.
- 30 *Censo 74*, Servicio de Registro de Publicacion, Censo y Estadística, El-Ayoun, 1974, pp. 38-88; also, *Resumen...*, op. cit., p. 10.
- 31 Ould Abdellahi was a tribal chief of the Ouled Dlim tribe.
- 32 *Chroniques Etrangeres*: Espagne, No 63-69, Sept. 1963; J.Yanguas Miravette, "El Nuevo regimen de administracion local de la provincia de Sahara", *Africa* 20 (253), January 1963, pp. 2-4; J.Cola Alberich, "El Nuevo regimen legal de la provincia de Sahara", *Revista de Política Internacional* 55, May-June 1961, pp. 69-79.
- 33 John Mercer, *Spanish Sahara*, op. cit., p. 200.
- 34 General Assembly comprising tribal leaders and local notables as well as representatives of the indigenous population. The Jema'a is also referred to as the "Asamblea General del Sahara".
- 35 *Boletín Oficial de la Provincia de Sahara*, El-Ayoun, No 134, June 5, 1967. Spain abandoned its policy of "provincialisation" in Equatorial Guinea in 1963 and internal autonomy was instituted.
- 36 The 82 seats of the Jema'a were allocated to the main tribes as follows: Reguibat (49), Tzarguien (10), Ouled Dlim (7), Larossiyine (5), Tidrarin (4), Ahl Ma Al Aynin (2), Ait Lahcen (2), and three to other tribes. More details in, Virginia Thompson and Richard Adloff, op. cit., pp. 110-111; Robert Rezette, op. cit., pp. 103-107.
- 37 Members were not elected through a secret ballot but by tribal choice of leadership. It was an assembly of tribal chiefs and local notables.
- 38 Maurice Barbier, *Le Conflict...*, op. cit., pp. 72-73; "La Yemaa o Asamblea General de Sahara", *Africa*, No 309, September 1967, pp. 516-20
- 39 From the Reguibat tribe.
- 40 From the Ouled Dlim Tribe.
- 41 Manuel Castilla Ortega, "Se constituye la Asamblea General de Sahara", *Africa* 24, No 310, October 1967, pp. 516-520.
- 42 Sometimes called Shoyoukh, singular for Sheikh. The term can be bestowed on a tribal chief or a religious leader.



- 43 *Boletín Oficial de Sahara*, El-Ayoun, N0 287, April 30, 1973; Robert Rezette, op. cit., pp. 106-107; John Mercer, *Spanish Sahara*, op. cit., p. 200. Various committees were established, see details in, *Africa* 24, No 310, October 1967, pp. 516-518
- 44 Report of the UN Visiting Mission to Spanish Sahara, 1975, in, *General Assembly Official Records*: 30th session para.128.
- 45 Ibid, Para.129; also Robert Rezette, op. cit., pp. 108-109.
- 46 R. Pelissier, "les territoires espagnols d'Afrique", *la Documentation Française*, Notes et Etudes Documentaires, No 2951, Paris, 3 January 1963.
- 47 Inducements included tax free goods, imported food stuffs virtually at cost price, free trips to Mecca for notables...etc. See, *Le Monde*, 24-25 October, 1967.
- 48 Virginia Thompson and Richard Adloff, op. cit., p. 112.
- 49 Ceuta, Melilia, The Penon (or rock), de Veles de la Gomera, the Penon d'Alhucemas and the Jaffarine Islands; ample details in, Robert Rezette, *The Spanish Enclaves in Morocco*, Nouvelles Editions Latines, Paris, 1976.
- 50 See chapter on Algeria and Western Sahara.



The International Court of Justice in The Hague



## CHAPTER FIVE: THE PROCESS OF DECOLONISATION

Within a month of Morocco's independence in 1956, anti-Spanish and pro-Moroccan demonstrations occurred in Ifni. The months of June and July 1956 marked the start of Morocco's Liberation Army activity within Western Sahara spearheaded by the nationalist movement "The Istiqlal".<sup>1</sup> In 1957, the Tekna and the Reguibat tribes revolted against Spanish rule partly because they expected Western Sahara to be free from colonial rule and be integrated into independent Morocco.<sup>2</sup>

The Moroccan Army of Liberation (MLA)<sup>3</sup> mustered strength and acquired a new impetus in the latter part of 1957. Inspired by the success of the nationalist movement which led the kingdom to independence, the Sahrawis responded to the insurrectionary appeal of the MLA. Thereafter, units of the MLA began a series of attacks on French positions near Tindouf.<sup>4</sup> In February 1957, the armed recruits launched the first of several attacks against French positions near Bir-Moghrein north of Mauritania.<sup>5</sup>

Murder of Spaniards and their supporters ensued. Spanish installations were destroyed including the lighthouse at Boujdor while Spanish garrisons and convoys were attacked. Consequently, in a tactical move, the Spanish Governor -General of Western Sahara, General Mariano Gomez Zamalloa, withdrew his troops to the coastal towns and especially to Ifni<sup>6</sup> which then served as the capital. Even Smara was deserted when the liberation movement staged a full- scale attack on Ifni in November where Spanish troops were to retreat the following month.<sup>7</sup>

It could be argued that had it not been for French sophisticated weaponry, Spanish troops in Western Sahara would have probably been overrun and driven out of the territory. Due to the attacks on French positions in Mauritania and the Tindouf area, the French and Spaniards joined forces to safeguard their interests against a common adversary: Morocco. A secret meeting in San Sebastian in August 1957 between the French minister of Foreign Affairs and his Spanish counterpart laid the foundation for military and economic cooperation.<sup>8</sup> The meeting is regarded as a catalyst in French-Spanish relations and a turning point in Western Saharan history. It resulted in the crushing defeat of the Moroccan Liberation Army in February 1958 by the combined French-Spanish military power in "Operation Ouragan".<sup>9</sup> It also represented a joint attempt by the colonial powers to serve their interest against any

Moroccan endeavour to endanger their presence either in the Western Sahara, Mauritania or Algeria for that matter.<sup>10</sup> King Mohammed V (1927-1961) was not deterred from pursuing his crusade to repossess the Saharan territories. Indeed, in a show of defiance to the French-Spanish demonstration of firepower against the Liberation Army, he paid a visit to the southern part of the country along the frontier with Western Sahara to deliver a rousing speech at M'Hamid on February 25, 1958 in which he promised "to continue to do everything in our power to recover our Sahara and all that which, by historical evidence and by the will of its inhabitants, belongs as of right to our kingdom".<sup>11</sup> He also saluted his "faithful Sahrawi subjects who wanted to return to their mother country". The strengthening of the Spanish military presence in the area and the growing tension with Rabat resulted in the belated retrocession to Morocco of a strip of territory known as Tarfaya by virtue of the Cintra Agreement signed on April 1, 1958. The move was meant to temporarily placate the Moroccan claim over the Western Sahara but the Moroccan campaign for the return of all the territories under Spanish rule did not lose its momentum. Notables from Western Sahara claiming Moroccan nationality were streaming to Rabat and the Moroccan radio started a special broadcast to "Morocco's Saharan brothers" in September 1958.<sup>12</sup>

Although the Ifni enclave was formally under Spanish rule, it was taken over by the Moroccan army with the exception of Sidi Ifni the town which was still under Spanish military control.<sup>13</sup>

In view of Morocco's aggressive nationalist demands, the government of Madrid proclaimed Ifni a Spanish province to signal to Rabat that Tarfaya was the last concession to be made. The Moroccans, however, considered the Cintra Agreement as the first step in repossessing the much larger territory of Western Sahara. The Moroccan Foreign Minister Ahmed Balafrej made it quite clear that the signing of the Agreement did not bind his country to respect the southern boundary with the rest of the Sahara.<sup>14</sup>

As much as the Moroccans wanted to pursue their vigorous campaign to repossess the Western Saharan territory, the attention was temporarily diverted to prevent France from granting independence to Mauritania. Indeed, by 1960, Franco-Moroccan relations reached an all time low partly because of Rabat's overt support to Algerians seeking refuge in Morocco and turning the town of Oujda into a formidable base for Algerian resistance and leadership. Furthermore, the Moroccan king

refused to accept any economic, military and most important territorial concessions from France to withdraw support to Algerian leaders and rally to the designs and policy of the Paris government.

In a show of intense displeasure with Morocco's attitude, France granted independence to Mauritania in 1960, despite vigorous Moroccan protests. It could be argued that had Morocco sided with France on the Algerian question, Morocco today would have comprised Mauritania, Western Sahara and South-Western Algeria.

As most African states were still emerging as independent entities, the task was easier for France to resist Morocco's protest at international gatherings and the Moroccans could obviously not match the French diplomatic clout in Africa or at international forums. Morocco was eventually resigned to accept the *fait accompli* after ten years of disputing Mauritania as an independent state.

The fruitless efforts focused on Mauritania diverted attention from the more important Moroccan claims to Western Sahara; nor were these helped, either by the death in February 1961 of King Mohammed V, nor by the Algerian-Moroccan frontier war in 1963, and most importantly the discovery of phosphates in Western Sahara the same year.

Meanwhile, Spain was consolidating its grip over the disputed territory despite a reported display of cordiality during King Hassan's visit to Madrid in July 1963 which was hailed as an important step towards improving relations between the two countries.<sup>15</sup>

Morocco was reported to have rejected, once again, an offer from Spain made originally in 1956, that of having all the Saharan territories in exchange for Morocco's recognition of Spanish sovereignty over the *Presidios*.<sup>16</sup>

Spain was pursuing a prudent and carefully planned policy with the Maghreb states based on economic cooperation and moral support for the Palestinian question. At the same time, it gained from the rivalry between Morocco and Algeria, and Morocco's claims over Mauritania, working to appease the kingdom's territorial claims and maintain control over the Sahara.

Franco's display of sympathy towards King Hassan during the Algerian-Moroccan October war in 1963 was interpreted as a gesture of goodwill in the vain hope that Morocco's recovery of Tindouf and the relentless pursuit to rally support against Mauritania's independence might deflect attention from the Western Sahara. A Spanish-Moroccan friendship society was formed in Madrid in June 1965 "to prepare



the Spanish public for the probable cession of its territory in Africa to Morocco".<sup>17</sup> It merely illustrated Spain's willingness to improve relations without territorial concessions while Morocco displayed a moderate stand in the vain hope of convincing Franco that sooner or later he had to relinquish the Saharan territories to Rabat by peaceful means and in a framework of bilateral cooperation.

On the international front, when the first rounds of talks between Algeria and France were taking place in 1960, the French insisted on limiting Algerian independence to the northern area adjacent to the Mediterranean, excluding thus, the hydro-carbon-rich Saharan territories.

At the UN, Morocco was adamant on the question of territorial dismemberment of independent states and while campaigning vigorously in favour of Algeria's case it was also lobbying for Morocco's claims over the Atlantic Sahara. The Moroccan representative at the UN invoked the respect of paragraph 6 of the UN Declaration on granting independence to peoples and countries still under colonial rule<sup>18</sup> which, in this case, granted the right of dismembered states, Morocco and Algeria, to achieve national territorial integrity.

It was a principle that Algeria later rejected to embrace the OAU principle of the sanctity of colonial frontiers. Nonetheless, Spain became increasingly aware of world opinion and Morocco's pressing demands and this was demonstrated in the somewhat defensive attitude adopted by Franco's government when submitting the first report on its African dependencies to the UN Committee on Non-self-governing territories in May 1961. Morocco responded by addressing an official request to the UN Decolonisation Committee in June 1962 to call on Spain to enter into negotiations with Rabat over the Saharan territories.

Despite King Hassan's preoccupation with the frontier conflict with Algeria, his UN representative recalled in September 1963 his country's claims over Western Sahara and invited Spain to enter into negotiations to decolonise the area. In a resolution adopted on October 16, 1964, the UN Decolonisation Committee called on Madrid to take the necessary measures to apply the UN 1960 Declaration on the occupied territories of Ifni and Western Sahara.<sup>19</sup> The following year Morocco was fully preoccupied by the October 1963 war with Algeria and Spanish African territories were to figure on the UN General Assembly agenda for the first time in 1965.<sup>20</sup>

A UN General Assembly resolution 2072 of December 16, 1965

called on Spain to enter into negotiations with Morocco over the Western Sahara and Ifni.<sup>21</sup> As Spain was clearly not prepared to do anything to comply with the UN request, Morocco went even further in June the following year proposing to the Decolonisation Committee that the right of self-determination be applied to the territories occupied by Spain. Morocco's move was made to ensure the liberation of the Sahara and Ifni either imposing negotiations on Spain or by the free expression of the territories' inhabitants. It was also meant to change Spain's attitude at least within the Decolonisation Committee.

After a period of hesitation, Madrid's UN representative declared his country to be in favour of the application of the right of self-determination although Spain had no intention of implementing it according to the internationally recognised norms of procedure. Consequently, a more forceful General Assembly resolution was adopted on December 20, 1966 urging Spain to acknowledge and adopt the necessary steps to implement the Sahrawis' right to self-determination.<sup>22</sup> As no significant move was made by Spain to carry out UN resolutions, Morocco's attitude hardened, especially as Mauritania entered the diplomatic scene to press for its case with full support from Algeria though with far fewer arguments than Rabat.

As the heat was increasing on Spain and time seemed no longer on its side, the Madrid government stated, in a letter to the President of the UN Committee of 24 September 1966, that it would accept self-determination in Western Sahara on Spanish terms.<sup>23</sup> By endorsing the UN self-determination principle without the slightest intention of putting it into practice, Franco believed the move constituted a counter-attack to Morocco's claims. He embarked thus on political and constitutional developments within the Western Sahara and Ifni as a way of responding to the self-determination principle: An indication that Spain was only playing for time to stall Morocco's claims over the Saharan territories.

Meanwhile, Morocco was pursuing a vigorous diplomatic campaign at international forums and enjoyed the majority vote at the UN General Assembly and the unanimous support of the Pan-African Organisation.<sup>25</sup> By the summer of 1967, the Franco government decided to enter into negotiations with Morocco over Ifni, a territory that was eventually ceded to Morocco on June 30, 1969.<sup>26</sup> The accord was not contested by Algeria, Mauritania, the OAU or even the UN for that matter. However, Madrid had no intention of holding a referendum

of self-determination in Western Sahara under UN-supervision and control. Instead, it embarked on a vast socio-economic and political development within the territory while offering various inducements to the indigenous population in an attempt to win their loyalty in case of a UN-sponsored referendum in the disputed territory. Spain's new approach in the Western Sahara was condemned by the Moroccan representative at the UN who pointed out that Spanish activities in the occupied territories "tended to constitute a sort of a tête-à-tête referendum between the Sahrawi population and Spain".<sup>27</sup>

While the Spanish government repeatedly evaded complying with the UN and the OAU resolutions, it did not, however, reject them outright. It simply multiplied obstacles and provided excuses to implement them. Nevertheless, the Franco government refused the setting up of a special UN Committee as stipulated by UN General Assembly resolution 2229(XXI) of December 20, 1966.

The referendum was deliberately delayed indefinitely and Franco looked to Algeria and Mauritania to play off Morocco's consistent claims over the Western Sahara. Rabat did not sever diplomatic or economic relations with Madrid; on the contrary, they were improved further as were cultural links.<sup>28</sup>

Franco's attempts to placate Morocco's territorial claims were such that during the Spanish foreign minister Lopez Bravo's visit to Rabat in June 1970, the Moroccans were offered the joint exploitation of the Bu Craa phosphates mines in Western Sahara as an inducement. This, too, was rejected by Morocco at a time when the question of Gibraltar surfaced at international gatherings. Spain was anxious to secure Morocco's backing which might prove instrumental in rallying Arab and African support.<sup>29</sup>

Furthermore, Morocco's relations with Algeria and Mauritania were improving at a steady pace after the meeting of Boumedienne and Ould Daddah with King Hassan at Nouadhibou, Mauritania, on September 14, 1970. It resulted in the setting up of a committee to coordinate their strategy for a common diplomatic campaign at the UN aimed at forcing Franco's government to comply with the General Assembly's December 1965 resolution.

As international pressure increased on Madrid and the anti-colonial lobby was mobilised, Franco's government, in a tactical move, let it be known that a referendum would be held in the Western Sahara under Spanish auspices. It was to exclude refugees in Southern Morocco who



fled the area during the "Operation Ouragan" in 1958 and the choice offered the voters would be restricted to independence under Spanish aegis or the status quo.<sup>30</sup> Up to this period, Morocco was Spain's only interlocutor with regards to Western Sahara despite Mauritanian claims that questioned the very existence of the Mauritanian entity. Nouakchott was relying on the Sahrawis' desire to be reunited with their tribal relatives to opt for integration with Mauritania. The country's precarious economic situation, however, left much to be desired for the Sahrawis to embrace this argument on ethnic grounds. President Ould Daddah who remained fearful of Morocco's claims over Mauritania needed an assurance that if the Western Sahara was to be part of Morocco the latter's claims over his country should not be revived. Furthermore, aware that Algeria was becoming aligned with Spain over the future of the territory and that an independent Saharan state would represent a buffer zone, Ould Daddah was clearly pleased to accept King Hassan's offer of partitioning the territory in the framework of Maghreb unity. The move signalled the beginning of new relations between Rabat and Nouakchott and put an end to any territorial ambitions that Morocco may still harbour over Mauritania.

Boumediène, however, was tacitly opposed to any partition or any option that might exclude his country from exerting influence and acquiring access to the Atlantic coast for the shipment of the Gara Djebilet iron-ore. His conviction that Mauritania's president would not enter into any agreement with Morocco or Spain without prior Algerian consent was made stronger by the belief that the proposed Spanish referendum would not result in the Sahrawis' choice to remain associated with a European colonial power whatever inducements were offered. Therefore, an independent state in Western Sahara would emerge, one way or the other, as Boumediène's ultimate choice.

On the other hand, Spain was in favour of nominal independence for the territory rather than relinquishing it to Morocco and Mauritania. Spain feared that a Moroccan take-over might jeopardize Spanish investment and interests in Western Sahara. Paradoxically as it may seem, Franco found himself more aligned with Algeria on whose hydro-carbon exports his country was heavily dependent. Boumediène was also threatening to make use of Franco's opponents harboured in Algiers lest Spain failed to comply with his wishes. Boumediène's tacit support for Spain's plan to establish a Saharan state apparently emerged at the end of 1966<sup>31</sup> when Algeria and Mauritania were still



firmly opposed to Morocco. This was partly because Rabat had not yet recognized the Mauritanian entity and partly due to the ongoing strained Algerian-Moroccan relations over the unsettled frontier dispute and their growing ideological differences.

To counter-balance the Spanish-Algerian-Mauritanian alliance, the Moroccan government embarked on a vigorous diplomatic campaign to break up the axis through a rapprochement with Algeria and a peace overture to Ould Daddah. At the Islamic Summit Conference in Rabat in 1969, King Hassan and Ould Daddah publicly buried their long-standing differences and the following year diplomatic relations were established.

Furthermore, the Moroccan Monarch went out of his way to reassure the Mauritanian President that the Saharan question should not constitute an apple of discord between the two countries and that an understanding could be achieved in the framework of Maghreb unity. Ould Daddah was pleased with the outcome and sought to align himself with King Hassan at a time when Boumediène's revolutionary ideas became irritating to the King. Ould Daddah had nothing in common with his Algerian counterpart and once Morocco recognised his country's sovereignty, his fears of a Moroccan territorial threat were permanently removed and Algeria's usefulness as a partial deterrent simply faded. This was a time when Boumediène was taking for granted Ould Daddah's alignment with the Algerian policy in North-West Africa.

The process of the entente cordiale between Morocco and Algeria reached the final stage at the conclusion of the Ifrane Treaty in 1972.<sup>32</sup> It was further cemented at the OAU Summit in Rabat in 1974 when Boumediène declared that, "it is necessary to reaffirm our total solidarity with our Moroccan brothers in the ensuing struggle to reestablish their sovereignty over their territories still under colonial occupation. As for the Sahara that still bears a colonial name, the moment has come to implement the liberation policy that we have defined in Nouadhibou".<sup>33</sup> This was a clear reference to the meeting of the three Maghrebi heads of state at the Mauritanian coastal town of Nouadhibou in 1970.

Ever since the Rabat Arab Summit in 1974, the Ifrane accords concluded between Algeria and Morocco over the frontiers remained a dead letter as in the following years Algeria sought to become an interested and concerned party in the decolonisation process of Western Sahara calling openly for the independence of the territory.

Critics of Morocco's claims to the disputed territory contend that

the statements made by Boumediène during the OAU Rabat Summit were related to the Presidios and not Western Sahara. Since they were rather ambiguous. Nevertheless, it can be argued that Algeria's support for Morocco's claims over Western Sahara was pledged again publicly at the Arab Summit in Rabat in 1974. Morocco and Mauritania were supported by Algeria as the rightful claimants and concerned parties that were directly interested in the territory's future.

What is intriguing, however, is the fact that Boumediène pledged support to Morocco and Mauritania twice at international gatherings, not to mention at regional summits, yet he was still seeking assurances from Franco as to what form of government the disputed territory should have in the future. Indeed, secret accords were concluded with Spain in July 1973 and October 1975 by virtue of which Boumediène pledged to campaign vigorously in favour of the independence of the Saharan territory at international gatherings. In return, Spain would safeguard Algerian political and economic interests in the area.<sup>34</sup>

Furthermore, in May 1973 the Polisario Front was formally established in Mauritania and fostered later in Libya. It was eventually harboured in Algiers as a trump card to resort to in case the evolution of events did not work out according to Boumediène's regional plans.

Two days later, King Hassan revealed in a message to Franco that when they met in 1970, Spain was offered the temporary use of the towns of Villa Cisneros (Now Dakhla) and Laayoune as military bases to ensure the defence of the Canary Islands in return for Spain's recognition of Moroccan sovereignty over the Western Saharan territory.<sup>35</sup> The king also reiterated his country's preference for cordial relations with Spain and warned that he would not hesitate to use force, should Madrid attempt to establish a puppet state in the Sahara. A worldwide Moroccan diplomatic offensive ensued to include even the communist bloc;<sup>36</sup> while on the internal front; King Hassan's domestic political adversaries were transformed almost overnight into loyal subjects forming a united front behind his Saharan policy. Encouraged by the national fervour vis-à-vis the Sahara, and to translate words into action, King Hassan deployed troops along the western Saharan border and military activities became visible on the southern front while the diplomatic campaign gave no sign of abating.

With the heat coming from all sides and following a visit to Madrid of the Moroccan Prime Minister Ahmed Osman, Spain announced on 20, August 1974 the intention to hold a referendum in the Western

Sahara early in 1975. King Hassan retaliated the same day by stating that, "Morocco prefers diplomatic and peaceful means but if these will not lead to repossessing its territories, it would not hesitate to use other means". The tension between Rabat and Madrid reached a dangerous stage and armed confrontation was not far off. Meanwhile, Boumediène was convinced that whatever the outcome, he would emerge a winner on the assumption that if Morocco and Spain had gone to war, Morocco would seriously weakened. On the other hand, if King Hassan's threats had not been carried out and a referendum had taken place according to Spain's wishes, an independent state would have been established and the Algerian President would have had a free hand in the running of its affairs or at least its political orientation. Spanish leaders, on the other hand, were purposely made aware of the prominent position Algeria held within the Non-aligned Movement<sup>37</sup> and the OAU<sup>38</sup> as well as the influence it exerted over certain liberation movements, prominent among which were Spanish opposition groups.<sup>39</sup>

In view of this development a Franco-Boumediène partnership emerged to ensure that Morocco would have no economic or territorial concessions in the Western Sahara and that Algeria would derive numerous benefits including participation in the exploitation of the mineral resources in the Sahara, free access to fishing and above all the opening of a corridor to the Atlantic coast to allow viable commercial exploitation of the Gara Djebilet iron ore mines. In return, Algiers would check Spanish separatist movements based in Algiers and increase trade links to offset the trade imbalance in Algeria's favour because of the large quantity of hydro-carbon sold to Madrid. Furthermore, the Polisario which played no significant role inside or outside the Western Sahara prior to the November 1975 Madrid Accord was to be moulded into an Algerian way of thinking and used within the disputed territory to rally support for an independent state with Spanish blessing in disguise. The Algiers government was also ready to campaign in favour of Spain in international forums. Whatever the outcome, Boumediène was convinced his policy would prevail. Therefore, the lip-service support to Morocco was merely rhetoric as later developments were to prove.

Sensing the danger of the Franco-Boumediène collusion and anxious to avoid an armed struggle with Spanish armed forces and the incalculable risk involved, not to mention the loss of credibility at home if backing down was considered, King Hassan announced at a press conference on September 17, 1974 his intention to request the



UN General Assembly to refer the Saharan question to the International Court of Justice (ICJ).

Whether it was a stroke of luck or skillful manoeuvring in diplomatic terms, the fact remains that King Hassan's move proved to be most disarming and totally unexpected by Boumediène and Franco who flatly rejected it.<sup>40</sup> It was then that Algeria's duplicity surfaced and the Franco-Boumediène alliance began to crack. On 30 September 1974, Morocco called upon the UN General Assembly to refer the Saharan issue to the ICJ and in the course of the debate at the 29th session in December, the Moroccan Minister of Foreign Affairs touched on the issue of recourse to the ICJ either by the parties concerned jointly submitting the case to the court or, if that proposal was not accepted by Spain, through the General Assembly requesting an advisory opinion from the Court on the question of sovereignty over the disputed territories at the time of Spanish occupation.<sup>41</sup>

From that time, Algeria's attitude towards Morocco experienced a profound change that was unexpected in Maghrebi circles and the Polisario was brought by Boumediène to the forefront in an attempt to pressurise Morocco and gain time to elaborate a new strategy that would favour Algeria's interest in the region and leave Morocco in the cold. For a country that had no claims on Atlantic Sahara and had publicly pledged support to Morocco and Mauritania to recover the disputed territory, Algeria not only prolonged the diplomatic and juridical process but also demonstrated from the outset that any development in the region must be initiated in Algiers otherwise it would not be acceptable. Moreover, Boumediène was convinced that President Ould Dadda was incapable of doing anything without approval from Algiers. So much so that a change of heart was rather unthinkable whatever the outcome. Mauritania, on the other hand, was in general agreement with Morocco's proposal<sup>42</sup> and subsequently a General Assembly resolution was adopted on December 13, 1974<sup>43</sup> referring the case to the ICJ to give an advisory opinion on the following questions:

- 1) Was Western Sahara (Rio De Oro and Sakiat El Hamra) at the time of colonisation by Spain a territory belonging to no one (*terra nullius*)? If the answer to the first question is in the negative,
- 2) What were the legal ties between this territory and the Kingdom of Morocco and the Mauritanian entity?"<sup>44</sup>



## NOTES

- 1 Allal El-Fassi was the leader of the " Istiqlal", Morocco's principal nationalist party. See his book, *Livre Rouge avec Documentation*, Edition Marcello Peretti, Tangier, 1961, 340 pages; also Jean Lacouture, les revendications sahariennes du Maroc, *Le Monde Diplomatique*, May 1958, p.5.
- 2 Attilio Gaudio, *Allal El-Fassi ou l'histoire de l'Istiqlal*, Editions Alain Moreau, 1972, pp. 195-205.
- 3 In Arabic "Jaich At-Tahrir". In January 1956, Ben Hammou Mesfioui, from the Rif region (north of Morocco), was appointed Commander of its southern zone.
- 4 Frank E. Trout, *Morocco's Saharan Frontiers*, Droz, Geneva, 1969, pp. 420-23.
- 5 Chroniques Etrangères: Espagne; *la Documentation Française*, No 181, Paris, 31 March 1957.
- 6 Ifni was ceded to Morocco on June 30, 1957.
- 7 Chroniques Etrangères: Espagne, *la Documentation Française*, No 190, Paris, December 31, 1957.
- 8 *The Economist*, London, 30 November 1957.
- 9 Joe Mercer, *Spanish Sahara*, Allen and Unwin, London, 1976, pp. 220-224; B. Fessard de Foucault, "La question du sahara espagnol", *Revue Française d'Etudes Politiques Africaines*, Paris, December 1975; Georges Chaffard, *Les carnets secrets de la decolonisation*, Paris, Calman-Levy, 1965, pp. 251-293.
- 10 *La Vie Française*, Paris, August 3, 1957.
- 11 Attilio Gaudio, *Le Dossier du Sahara Occidental*, Nouvelles Editions Latines, Paris, 1978, pp. 163-165.
- 12 Virginia Thompson and Richard Adloff, *The Western Saharans*, Croom Helm, London, 1980, p. 155.
- 13 M. R. Thomas, *Sahara et Communauté*, Presses Universitaires de France, Paris, 1960, P.13; C. Gallagher, Morocco and its Neighbors, American Universities, *Field Service Reports*, April 1967.
- 14 *Le Monde*, Paris, 23 March, 4 and 19 April 1958.
- 15 "Les relations Hispano-marocaines", *Maghreb*, 3, May-June 1964, pp. 10-12.
- 16 William Zartman, "The Sahara: Bridge or Barrier?", *International Conciliation*, No.541, January 1963; Virginia Thompson and Richard Adloff, op. cit., p.157.
- 17 *The New York Times*, April 5, 1961.
- 18 *UN Declaration* 1514.
- 19 Resolution adopted without opposition by 20 votes in favour and 3 abstained including the US, see, *U.N. Official Documents*, A/AC 109/100; also A/5800/Rev1, ch IX, 112, p.304.
- 20 Richard Comyns Carr, "Spain and Morocco: a New Phase", *The Contemporary Review* 205, No.1183, August 1964, pp. 409-412.
- 21 The resolution was adopted by a majority of 100 votes to two (Spain and Portugal) and requested "the Spanish government, as the administering power, to take all the necessary measures for the liberation of the territories of Ifni and Spanish Sahara from colonial domination and, to this end, to enter into negotiations on the problems

- relating to sovereignty presented by these two territories". See UN General Assembly, Resolution 2072, December 16, 1965, in, *General Assembly Official records*: 20th session, supplement 14, UN Document A/6014, PP.59-60.
- 22 UN General Assembly resolution 2229 (XXI) of December 20, 1966, *General Assembly Official Records*: 21st session. Supplement 16, UN Document A/6316, pp. 72-73; see also P.A. Dessens, "Le litige du Sahara Occidental", *Maghreb-Mashrek*, No.71, Jan-March 1976.
  - 23 Rachid Lazrak, *Le contentieux...*, op. cit., p.301.
  - 24 See chapter on Spanish Rule; Also Virginia Thompson and Richard Adloff, op. cit., pp.131 and 135-139.
  - 25 Richard Comyns Carr, "Spain and Morocco: a New Phase", *The Contemporary Review* 205, No.1183, August 1964, pp. 409-412.
  - 26 The agreement was signed in Fez on January 4, 1969 but the eventual hand-over took place in June following the withdrawal of Spanish troops. See text of the agreement in Rachid Lazrak, *Le contentieux territorial entre le Maroc et l'Espagne*, Dar El-Kitab, Casablanca, 1974, pp. 429-433.
  - 27 See report of decolonisation Committee 668 session, April 23, 1969, *General Assembly Documents*, A/AC, 109/PV 668.
  - 28 A fishing agreement was concluded in 1969 and a permanent committee for economic cooperation was set up in March 1971. See text of the fishing agreement in Rachid Lazrak, *Le contentieux...*, op. cit., pp. 434-439.
  - 29 *The Economist*, London, June 20, 1970.
  - 30 *Ya*, Madrid, June 11, 1970.
  - 31 Ahmed Osman, "Stratégie de négociation et récupération du Sahara", Driss Basri and Al, *Edification d'un Etat Moderne*, Editions Albin, Paris, 1986, p. 30.
  - 32 See chapter on Moroccan-Algerian Relation.
  - 33 Ahmed Osman, op. cit., P. 318.
  - 34 Ahmed Osman, op. cit., P. 319; see also Morocco's reply to the request for information contained in the operative part of resolution 2D (xxx1x) of the sub-commission on the prevention of discrimination, August 31, 1976, *UN Document*: Commission on Human Rights, E/CN.4 sub.2/391, June 15, 1977.
  - 35 *Le monde*, Paris, 10 July 1974.
  - 36 *Christian Science Monitor*, USA, 9 April 1973.
  - 37 Algeria chaired the Non-Aligned Movement from 1973-1976.
  - 38 Algeria was looked upon in Africa as a heroic state that had emerged victorious from a bloody war of liberation. This image was capitalised upon by Boumedienne who often considered himself the Fidel Castro of Africa.
  - 39 The separatist movement claiming the independence of the Canary Islands (MPAIAC) was harboured and sustained in Algiers and was even provided with radio broadcasts on short waves beamed to the Archipelago. Some ETA Basque leaders were also based in Algiers. See *The Financial Times*, London, March 5, 1987, p. 2.
  - 40 A letter dated September 23, 1974 from the Moroccan Minister of Foreign Affairs to his Spanish counterpart states Morocco's proposal "to submit jointly with the Spanish government, the question of the Western Sahara to the arbitration of

the International Court of Justice". See *UN General Assembly document* No.19, A/9771 and annex.

- 41 *UN General Assembly document*, No. 4, pp. 8-10; Doc. No. 6, pp. 6-19 and 33-38; Doc No.8, pp.14-18; Doc. No.10, pp.25-29.
- 42 *UN General Assembly Doc.* No. 4, pp. 20-22, 27, 35-38, 40-44, 50-51, 62-64, 68 and 70-71.
- 43 See *UN General Assembly Docs.* No. 12, pp. 29-30 and No. 22.
- 44 The Secretary General of the UN informed the President of the ICJ on December 17, 1974 to give an advisory opinion without prejudice to the application of the principles embodied in General Assembly resolution 1514 (XV) of December 14, 1960.



The Spanish Governor lowering the Spanish flag when Spain officially withdrew from Western Sahara



The Moroccan flag being officially raised after the Spanish flag was lowered in the presence of the Spanish Governor and the President of the Jemaa and Moroccan officials



## CHAPTER SIX: THE ICJ AMBIGUOUS VERDICT

Colonial Spain's refusal to accept arbitration at the International Court of Justice (ICJ) constitutes in itself a significant argument that the Spanish government's claims over the Western Sahara were on shaky ground. Why would Madrid reject the proposal if it was so sure of its rights over the disputed territory? This contention is further illustrated by the Spanish Foreign Minister's announcement at the UN on 1 October 1975 that his country would not be bound by the ICJ verdict.

Spain put forward a number of objections which, in its view, would render an opinion on the Moroccan claims incompatible with the Court's judicial function. Some of the objections were based on the consequences from Madrid's lack of consent to the adjudication of the questions referred to the Court. Another related to the alleged academic nature, irrelevance or lack of object of the questions which, it considered, should lead the Court to decline to give an opinion.<sup>1</sup> While the Court was satisfied with its competence to deal with the UN's request, Spain stated before the Court that it did not consent to the submission of the issue to the jurisdiction of the Court and did not deem it necessary to abide by the rulings.<sup>2</sup>

The Court, however, pointed out that the consent of an interested party may be relevant not for the Court's competence but for the appreciation of the propriety of giving an opinion. Therefore, the legal controversy stemmed from proceedings of the General Assembly and dated back to 1958. Indeed, in a letter addressed to the UN Secretary-General on 10 November 1958, the Franco government stated: "Spain possesses no non-self-governing territories, since the territories subject to its sovereignty in Africa are, in accordance with the legislation now in force, considered to be and classified as provinces of Spain". This prompted Morocco to express reservations in a communication to the Secretary-General on 20 November 1958 by declaring it "claimed certain African territories at present under Spanish control as an integral part of Moroccan national territory".<sup>3</sup> Once again when Spain gave information on the Saharan territories and the Presidios to the UN on 12 October 1961, Morocco expressed, in the Fourth Committee of the General Assembly, "the strongest reservations" claiming that the territories in question "formed an integral part of Morocco and the statutes at present governing them were contrary to international law and incompatible



with the territorial sovereignty and integrity of Morocco". In response to Morocco's reaction, the Madrid government pointed out at the General Assembly on 10 October 1961 that, "...the historic presence of Spanish citizens on the West coast of Africa, not subject to the sovereignty of any other country...the rulers of Morocco have recognised on repeated occasions that their sovereignty does not extend to the coasts of the present Spanish province of the Sahara".<sup>4</sup> These accusations and counter-accusations demonstrated the fundamental issue of sovereignty at stake. Indeed, it is an issue that triggered the legal controversy that arose in the General Assembly from 1966 to 1974, a period in which Morocco while not abandoning its legal position, accepted the application of the principle of self-determination that Spain had been stalling for eight years. The legal controversy reemerged when Morocco challenged Spain's legal claim over the Western Sahara and explicitly requested the Court to arbitrate. The issue between Morocco and Spain regarding the Western Sahara, however, was not over the legal status of the territory occupied by Spain but over the rights of Morocco over it at the time of colonization. Thus, the Court settlement of the issue was meant to assist the General Assembly in deciding on the policy to be adopted in order to accelerate the decolonisation process in the territory.

Algeria, however, eager to be part of the Court's proceedings despite its stated non-territorial claims, pointed out that the self-determination of peoples is the fundamental principle governing decolonisation, enshrined in the General Assembly resolution 1514 (XV).<sup>5</sup> Indeed, such a principle is sacrosanct but how come that the government of Algiers did not apply it to the Sahrawis of Southern Algeria and persist in denying it to the Eritreans.

Morocco, nonetheless, expressed the view that the General Assembly did not settle the principles and techniques to be followed but merely recommended the free choice from two basic principles: that of self-determination indicated in paragraph 2 of resolution 1514<sup>6</sup> and the principal of the national unity and territorial integrity of countries proclaimed in paragraph 6 of the same resolution.<sup>7</sup> Moreover, The General Assembly resolution 1514 (XV) provided the basis for the process of decolonisation and was complemented further by resolution 1541 (XV) which was invoked by the Court to give more than one possibility for free and voluntary choice to the inhabitants of the disputed territory, namely:

1. *Emergence as a sovereign independent state.*
2. *Free association with an independent state; or*
3. *Integration with an independent state.*

Extensive arguments, divergent views, tangible facts and related documents were presented to the Court by Spain, Morocco and Mauritania as to how, and in what form, the principles of decolonisation applied in the case of Western Sahara.<sup>8</sup>

Spain's argument that there existed no ties of any kind between Morocco and Western Sahara was contradicted by a score of evidence based on diplomatic instruments, ethnic considerations, common customs, similarity in social and cultural life, the same language, a common religion and religious practices, submission to the authority of the Sultan, the same aspirations to defend Dar al-Islam from foreign intrusion and, equally as important, the common identity of belonging to the same nation.

Consequently, the Court's verdict to the *terra nullius* concept was in the negative and in accordance with the terms of the request, it proceeded to examine the second question related to whether there were legal ties between the territory and the Kingdom of Morocco and the Mauritanian entity.<sup>9</sup> The Court decided that there existed, at the time of Spanish colonisation, legal ties of allegiance between the Sultan of Morocco and some of the tribes living in the territory of the Western Sahara. On the other hand, the Court concluded that "the materials and information presented to it do not establish any tie of territorial sovereignty between the territory of Western Sahara and the Kingdom of Morocco or the Mauritanian entity. Thus, the Court had not found legal ties of such nature as might affect the application of resolution 1514 (XV) in the decolonisation of Western Sahara".<sup>10</sup>

In recognising the existence of legal ties of allegiance between the Moroccan King and tribes in Western Sahara, the Court implied territorial sovereignty between Western Sahara and Morocco. This is because sovereignty in Islamic law belongs to God alone and earthly sovereignty is no more than a delegation of powers provided to the King through an election by consensus known as the "Bay'a".<sup>11</sup> Indeed, the "Bay'a" is an act of allegiance carried out by representatives of tribes or regions and is often given physical expression in the form of a written document or a contract. The Court sought to separate the theoretical context of Islamic law and the specific and traditional system of the

Moroccan state at the time of the colonisation of the Sahara. By so doing, the Court attempted to separate the inseparable, that is to say, the Moroccan state from the Islamic law on which the statehood legitimacy of the country was still based. Furthermore, the Court sought all along to apply international law and jurisdiction as a matter of procedure and necessity to reach a verdict in the modern sense of the word. The attempt, however, failed to examine the case in its Islamic environment or concept or under Islamic jurisdiction that still governs the region.

With regards to the sovereignty issue, the only judge in the ICJ who was an authority on Islamic law and the important role it plays in a Muslim community, was Vice-President Fouad Ammoun, a Maronite Christian from Lebanon, who made relevant observations regarding the issue of sovereignty and the Court's confirmation of the existence of legal ties between Morocco and Western Sahara. He stated that the Court minimised the nature of these ties and was of the opinion that "allegiance to the sovereign is of a political and constitutional character."<sup>12</sup> He pointed out that, "The Sultan combined in his person the legislative and executive powers, to which was added the spiritual power. He exercised those powers by means of Dahirs, which were issued -a significant fact- under his sole signature."<sup>13</sup> To substantiate his argument, he said the Sultan at that time personified the State, all of whose powers he duly exercised. Therefore, as the ICJ rightly pointed out, "allegiance to the Sultan, or sovereign, was equivalent to allegiance to the State. This entailed acknowledging that the legal ties between Morocco and Western Sahara recognised by the Court took the form of political ties, indeed ties of sovereignty".<sup>14</sup> Judge Forster, who expressed a separate opinion to that of the Court, also endorsed Judge Ammoun's argument and put the emphasis on the legal ties, "in particular those of allegiance", described in the Advisory Opinion and which "indicate the existence of state power and the exercise of political administration analogous to a tie of sovereignty exercised in the Sahara, a territory to which access was difficult, and over tribes some of which were nomadic and others settled."<sup>15</sup> The ad-hoc Judge Boni also recognised that "the Court has not taken sufficient account of the local context." He pointed out that, "insufficient emphasis has been placed on the religious ties linking the Sultan and certain tribes of the Sakiat el Hamra. For these tribes, the Sultan was Commander of the Faithful, that is to say, the Steward of God on earth for all matters, whether religious or not. He was thus regarded not only as religious leader but as director of

their temporal affairs. The legal ties between them were thus not only religious, which no one denies, but also political, and had the character of territorial sovereignty."<sup>16</sup>

It is important to point out that the ICJ had difficulty in placing the "Bay'a" in a legal context, especially in relation to sovereignty as it is understood in the West. The Court was merely concerned with providing an advisory opinion according to the texts and irrespective of the specific character of the region. This specificity is found in the Islamic nature of the area which governs its basic political, social and religious structures and is embedded in the history and institutions of the Kingdom.

The idea of linking tax payment with visible means of control does not hold any ground in the Sahara for the simple reason that the Sultan could not have expected much tax from the meager possessions of Saharan tribes spread out in a vast desert territory the size of Britain, nor did he possess the appropriate means (jeeps, planes, radars and modern fire-power) to keep in line or quash rebels and self-appointed opponents in the area. In those days a return trip from the capital to the Sahara could take a year on horseback or camel. The Sahrawis benefited immensely from the Moroccan trade routes running across the desert and various commercial centres in the North.<sup>17</sup>

Good jurists though poor historians, the ICJ judges ruled that there was no Sultan who fulfilled the role of sovereign in the desert, despite the fact that the tribes living there paid allegiance to the very same Sultan and performed their prayers in his name every Friday.<sup>18</sup> The ICJ judges also overlooked the fact the Sultan often made use of the loyal support of outstanding local figures (Ma Al-Aynin), whose influence held sway over the people much more than would an armed expedition. Allegiance also meant the Sultan's authority was sought after by tribes to settle disputes and legitimise their belonging to the *Umma*.

If the Sultan showed inability to exercise this authority, allegiance would be withdrawn as had happened in the past (Mulay Abdelaziz 1896-1908).

The nature of the legal ties Morocco had with the Western Sahara were not specified in qualifying them as allegiance ties, satisfied Moroccan claims especially underlining, "when a State claims sovereignty over territory, its own structure may be an element to be taken into account to determine the genuineness of the manifestations



of State activities considered as evidence of this sovereignty".<sup>19</sup> The following paragraph from the Advisory Opinion is even more specific stating that, "at the time of the decolonisation of the Western Sahara by Spain, the Cherifian State had certainly a particular feature. This feature is due much more to the religious Islamic links which used to unite the population and to the allegiance of the different tribes to the Sultan through their caids and their sheikhs than to the concept of territory". If this specific feature of the Moroccan sovereignty was recognised then it differs widely with the European concept of territory limited by strictly physical frontiers because of the existence of personal allegiance links among tribes, and the attachment of men to the Cherifian Sovereign, united to Him according to the Islamic Law.

The difference between the territorial notion of sovereignty as applied to Algeria under French sovereignty and that of Morocco recognised by the Protectorate treaty of Fez of 30 March 1912, implied the obligation on behalf of the protecting state to maintain the territorial integrity of the Kingdom. This was further emphasised by the terms of the French-Moroccan Declaration of 7 March 1956 and the Spanish-Moroccan Declaration of 7 April 1956, through which France and Spain reaffirmed their determination to respect Morocco's integrity already guaranteed by international treaties.

Morocco's claims were somewhat weakened by those of Mauritania partly because at the time of colonisation of Western Sahara by Spain in 1884, the Mauritanian entity did not exist. Thus, the Court was not concerned with legal ties of state sovereignty but merely with other legal ties. Moreover, the present statehood of Mauritania "is not retroactive" and the "legal ties" invoked by Mauritania overlapped with those of Morocco.<sup>20</sup>

Mauritania did not oppose Morocco's claim of authority in some northerly areas of Western Sahara but did not recognise the allegiance to the Sultan of other tribes in the area. Most important, Mauritania never admitted that Sheikh Ma Al-Aynin represented the authority of the Sultan in Western Sahara. It insisted, instead, that he was a Shinguitti (Mauritanian) notable who acquired influence and prestige as head of a religious brotherhood in Mauritania and later became a political figure in Sakiat el-Hamra. Mauritania was also of Spain's opinion that Ma Al-Aynin dealt with the Sultan on a basis of cooperation between equals and that the relation between them was not one of allegiance but rather that of alliance.<sup>21</sup> When it was asserted that the Reguibat tribe always

recognised the suzerainty of the Tekna confederation, and through them that of the Sultan, again both Spain and Mauritania insisted that the Reguibats were marabout warriors totally independent.<sup>22</sup> Consequently, Morocco was facing two fronts and the arguments provided were weakened not by lack of evidence but rather by an opposition within its own ranks. It is understandable that Mauritania should defend its case but not at the expense of an ally anxious to protect even its own interest. The main difficulty was that Mauritania did not have "the character of a personality or corporate entity distinct from the several emirates and tribes which composed it". Therefore, the assertion that the Mauritanian entity enjoyed, "some form of sovereignty in Western Sahara is not one that can be sustained".<sup>23</sup>

In siding with Spain over certain arguments put forward by Morocco, Mauritania was not attempting to undermine Rabat's position but merely to assert its claim to a territory over which it had no legal claim. It could be argued that had Morocco faced Spain alone at the ICJ, its case might have been considerably strengthened at the beginning.

Morocco's claims were undoubtedly weakened by its association with Mauritania to the process of decolonisation and the presentation of a joint lawsuit before the ICJ. Had Morocco presented the case alone before the Court, the outcome might have been different and the verdict might have turned out to be more precise or at least more satisfactory than the one pronounced on 16 October 1975 which satisfied none other than the judges. The Court was anxious to be more diplomatic than matter of fact in dealing with complex issues. One might even remark that the outcome reflected to a certain degree the lethargic state of affairs in most international organisations the role of which was increasingly more symbolic. The Court was, to a certain extent, just as responsible for the prevailing tension in North West Africa as were any of the parties concerned or interested. It was not entirely to blame but a clear-cut decision and consideration of the region's historical as well as religious environment might have contributed positively in defusing the ongoing tension and in narrowing the gap between the various conflicting views. It is to be recalled that the dimension of the dispute was more a matter of regional concern before it was brought to the attention of the world.

The ICJ recognised the existence of allegiance between tribes in Western Sahara and Morocco. Yet, its ruling provided a contradiction in which Moroccan sovereignty was denied. Morocco did not insist on the sovereignty notion attached to the allegiance concept to justify its claims

over Western Sahara despite the existence of the Moroccan state since the eighth century. A prominent feature of Morocco's Islamic history has been the inseparable political and religious authority of the Sultan which is the basis of the Moroccan state. The legitimacy of the Moroccan monarchy rests on the dual bases of historical tradition and religion that play a significant role in the political discourse of the country. The secular and religious legitimacy of the Moroccan state is unparalleled in Africa or the Arab world. Morocco has never suffered from the sort of identity problems which afflict many African and Arab states because it is able to appeal to centuries of independent government. It was never part of the Ottoman Empire and its own institutions, governmental structure and culture survived the colonial period more or less intact.

Contradictions were bound to emerge from the Court's opinion where a confrontation arose between the classic notions conveyed by the terms "state" and "sovereignty".

It was this aspect of the Court's judgment that Morocco sought to ascertain so as to justify its claims to the Western Saharan territory. Therefore, the crucial issue of sovereignty calls for a close examination of the way it had been interpreted bearing in mind the religious environment of the region and the criteria on which the legitimacy of the Moroccan statehood is based.

## NOTES

- 1 See details in the *ICJ reports of judgments*, Advisory Opinions and Orders, Western Sahara, Advisory Opinion of 16 October 1975, No. 414, The Hague, 1975, pp. 21-23.
- 2 Ibid, pp. 22-23.
- 3 Ibid, p. 25.
- 4 Ibid, p. 26.
- 5 Ibid, p. 30.
- 6 Paragraph 2 reads as follows, "all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development".
- 7 Paragraph 6 states: "any attempts aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purpose and principles of the Charter of the United Nations".
- 8 See details in the ICJ pleadings, Oral Arguments, Documents, *Western Sahara*, vol I, Request for Advisory Opinion, Written statements and Documents; vol. II, Written Statements and Documents; vol III, Written Statements and Documents; vol. IV, Oral Statements; vol. V, Oral Statements and correspondence, The Hague, 1975.
- 9 The *ICJ Reports of Judgments*, op. cit., p. 40.
- 10 Ibid, p. 68. Para. 162.
- 11 The nearest interpretation to the "Bay'a" concept is the act of allegiance. The difference is that the "Bay'a" is often given physical expression as a written contract between the King and his people.
- 12 *International Court of Justice*, Reports of Judgments, Advisory Opinions and Orders, Western Sahara, The Hague, 16 October 1975, p. 83.
- 13 Ibid.
- 14 Ibid.
- 15 Ibid, p. 103.
- 16 Ibid, p. 173.
- 17 Ross E. Dunn, *Resistance in the Desert*, Croom Helm, London, 1977, pp. 106-130.
- 18 A special sermon is performed by Muslims before the midday prayers on Fridays. It is called "Khotba" and it is performed in the name of the Sultan.
- 19 *International Court of Justice*, Reports of Judgments, Advisory Opinions and Orders, Western Sahara, The Hague, 16 October 1975, Paragraph 94.
- 20 Ibid, p. 49.
- 21 Ibid, p. 47.
- 22 Ibid, p. 48.
- 23 Ibid, p. 63.





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The annual Allegiance ceremony, Al Baya



## CHAPTER SEVEN: THE SOVEREIGNTY ISSUE

Spain's refusal to negotiate with Morocco over the decolonisation of Western Sahara was based on the claim that the territory had never been under Moroccan sovereignty. In other words, *terra nullius*.<sup>1</sup> Spain's argument was largely founded on the preconceived notion that a "backward" territory, i.e. territory inhabited by peoples organised on a tribal rather than a modern state basis, was therefore subject to occupation and exploitation by "civilised European nations". This concept was the core of territorial disputes between rival colonial powers. Arguing the point of under-development, Cavare points out that "the territories in question were located in countries which had not reached an advanced stage of civilisation and were not subjects to political authority of the type exercised by contemporary civilised states, especially in Europe".<sup>2</sup>

Colonial occupation and usurpation in the 19th and the beginning of the 20th century was often justified on the grounds that races and civilisations were not all equal and that those of Europe claimed to be far superior to those in Africa. As an author typical of the period said, "Nomads and savages do not count as rulers".<sup>3</sup>

The exercise of authority over a territory may not necessarily take the form prevalent in Europe but may equally embrace other very different institutional models as is the case with Western Sahara where sovereignty is incorporated in the Moroccan religious and political system. As a land of transit routes, Western Sahara never ceased to experience acts of sovereignty. These were fewer in number and less frequent than in urban or agricultural areas partly because the area was not developed and was thinly inhabited and partly due to the harsh climatic conditions. Moroccan sovereignty has been exercised over Western Sahara since the foundation of the Moroccan state in the 8th century and even when the country was under a French and Spanish protectorate (1912-1956). It is based on the precepts of Islam embodied in the constitutional structure of the Kingdom. The protectorate treaty of 30 March 1912 explicitly stipulated that Morocco's sovereignty over its territories would remain intact.<sup>4</sup> Thus, it was evidently impossible to dissociate sovereignty of a state which, although appreciably different in structure from European nations, was, nevertheless, recognised by them as a sovereign state.<sup>5</sup> The *terra nullius* concept might well be argued

before the international jurisdiction in the case of territorial problems related to islands or uninhabited lands, but cannot be applied to Western Sahara the entire history of which was linked to that of Morocco before partial Spanish occupation in 1884. There is also a hereditary form of legitimacy drawn from the ruling dynasty's being descendant from the Prophet Muhammad (*Sharif*) and was established during the Saadien dynasty (1509-1659) that preceded the present Alawite dynasty (1660-present). The king draws on his legitimacy from the spiritual role he plays among his people as commander of the faithful, an important concept that blends the temporal and spiritual and bestows on the king a unique collective recognition as sovereign whose legitimacy is at once hereditary and spiritual and remains unparalleled in the West.

Spanish presence in the area was confined for a long time to isolated points on the coast.

First, at Villa Cisneros from 1884 to 1916 then at Cape Juby and La Guera from 1920 to 1934.<sup>6</sup> The hinterland was not occupied until after the Second World War when Spanish West Africa was established in 1946.<sup>7</sup> Effective occupation of the entire territory would not have been secured had it not been for the combined Franco-Spanish forces against the Moroccan army of liberation in February 1958<sup>8</sup> following operation "Ouragan".<sup>9</sup>

European interest in the Sahara region was aroused by the economic prospect that the Sudan's hundred million consumers offered and the prospect that they could be reached from the Atlantic coast.<sup>10</sup> Trade became the dominant factor attracting the mercantile instincts of the Western world and served as a magnet to change the course of history in north-west Africa and in the Sahara in particular. As Bovill put it, "from their bases in southern Algeria, the French were beginning to make their influence felt in areas south of the Atlas that always acknowledged the suzerainty of the Sultan of Morocco".<sup>11</sup>

The classical law of nations deemed it appropriate to acknowledge that any society capable of entering freely into treaty relations with another should be considered "sovereign". Nevertheless, it was only in the 19th century that "the positivist school of thought among international lawyers began to distinguish between sovereign states and others".<sup>12</sup>

Since Morocco's sovereignty over the Western Sahara necessitates a comparison between the patterns of behaviour enacted by a colonial ruler and those displayed by a country that fell victim of colonial rule, the former has to fulfil the requirements for the exercise of sovereignty



laid down in the conventional law of occupation and annexation, while the latter has to ensure that its acts of sovereignty fall within the framework of the traditional pattern on rule and type of law applied throughout the territory. In other words, the coloniser may defend the case in the light of the conceptions and rules governing the exercise of power in Europe and Spain in particular, while the colonised's claims should be examined through their ruling laws and traditional system of government prevailing at the time of colonisation and even at present.

### **The Concept of Sovereignty in European and Islamic Law**

International law looks at the concept of sovereignty from a European point of view and definition of the term territory of a "sovereign, or sovereign state".<sup>13</sup> In Islamic law, however, sovereignty belongs to God alone and earthly sovereignty is conferred by a population's Bay'a<sup>14</sup> which is no more than a delegation of powers subject to an election by consensus on the part of the community. In Morocco, the Bay'a is carried out by tribal, communal or religious representatives in the name of their communities and is often given physical expression in a written document called "Act of al Bay'a".<sup>15</sup> This "social contract" or pact between the sultan (king) and his people constitutes the basis of the traditional Moroccan state and bounds all concerned not with the duties and rights of subjects vis-à-vis the Sultan or vice versa but their obligations towards the *Umma*<sup>16</sup> of which they are part. The Bay'a was not merely the performance of an "Act of allegiance" in the western sense of the term,<sup>17</sup> but was an actual written document of investiture that the sultan acquired when he first took office and to which he becomes irrevocably bound. It represents a mandate which the sovereign holds as evidence of his legitimacy and acceptance of his role by the people he governs. Indeed, it was not unusual for sultans to seek as many Bay'a as possible from different groups and people of all walks of life that made up the *Umma* to reinforce his authority.

Local groups, tribes and political or religious leaders often took advantage of the "Act of al-Bay'a" to request some sort of individual or community benefits from the sultan in the form of tax relief, amnesty, government position, an act of mercy, implementation of prospects or settlement of a tribal feud.<sup>18</sup> Thus, sovereignty in the Islamic world is still a "social contract"<sup>19</sup> and the ties of allegiance<sup>20</sup> interwoven together provide a concept that is not suffered but accepted.



The concept of allegiance has been and still is in very large measure one of the basis of nationality in European law and especially in Anglo-Saxon law.<sup>21</sup> It is often acknowledged that taking an oath to the king is out of date. Yet, it is no surprise that the British are subjects of Her Majesty or that immigrants to Canada and Australia take an oath of allegiance to the Queen of England and her descendants before becoming citizens. Some countries adopt the theory of perpetual allegiance under which the subjects of such countries cannot, either by their personal acts or even by swearing loyalty to another sovereign, rid themselves of the natural allegiance which they owe to their original sovereign. This bond can be dissolved only with the consent of the sovereign. In England, for instance, perpetual allegiance was recognized until the Act of March 12, 1870. The theory is still being in force in legal practice in the United States. Under the Delbruck Act of 22 July 1913, Germany authorised the retention of German nationality even in cases of naturalisation in another country and it was only the Treaty of Versailles that obliged it to abandon the theory of allegiance.<sup>22</sup> Although the principle of perpetual allegiance is characterised by the authority invested in the state to break the tie of nationality of its citizens, the former Soviet Union states' practice with respect to nationality was also indicative of the durability of the principle of allegiance under different socio-political systems. The tie of allegiance is not merely formal in nature but has a specific and effective legal character recognised by the International Court of Justice.<sup>23</sup>

The European notion of the nation-state applies to a territory with people sharing a range of common experiences such as language, history and culture.<sup>24</sup> Again, the Muslim view on the subject can be different. Moore contends that, "religion and politics were never sharply differentiated in Muslim political culture. Rather than acquiring an autonomous principle of legitimacy, the political sphere was intertwined with religion".<sup>25</sup> Given the inseparability of the political and religious authority of the sultan according to the precepts of Muslim law (Sharia),<sup>26</sup> it is misleading to claim that the sultan possessed only religious authority over the population as was argued by the Spaniards when they occupied the Western Sahara.<sup>27</sup> For instance, on 8 June 1904, the Duke of Almodovar remarked in the Spanish parliament "what is the Empire of Morocco in reality? It is not an international entity corresponding to our view of a sovereign state. Rather, it is a vast territory populated by tribes whose link is religion. These tribes do not have a sense of political obedience to the Sultan. That is why there is

no geographer who is capable at present of defining its boundaries".<sup>28</sup> The European notion of territorial criteria is, as Burke rightly put it, "an inappropriate measure of an Islamic polity, where more personal standards, like submission to Islam and allegiance to their Amir,<sup>29</sup> held away. For a Muslim the fundamental fact was membership in Dar al-Islam, the Abode of Islam, and participation in the ongoing life of the community of the faithful".<sup>30</sup> The Moroccan ruler has been at the same time *Imam* (prayer-leader), *Caliph* (successor to the Prophet) in whose name the *Khotba* (sermon) is delivered in every mosque<sup>31</sup>, and *Amir Al-Muminin* (Commander of the Faithful) entrusted with the defence of the *Umma* (Muslim Nation-State) and the absolute obligation to organise and wage *Jihad* (holy war) against foreign invaders. The jihad is not simply "war" against the infidels but a complex concept in its theological implications and broadly means striving. It remains the one duty a *Caliph* could never avoid otherwise his side of the Bay'a bond could be breached and his replacement could, quite legally, be achieved.<sup>32</sup> The popular outrage against Sultan Mulay Abdelaziz<sup>33</sup> forced his replacement in 1908 by Mulay Hafiz who in turn failed to respond to the popular sentiment in 1912 and provided El Hiba,<sup>34</sup> son of Ma Al-Aynin, with the pretext to proclaim himself leader of the *jihad* against French occupation.

The Caliph was never hereditary simply because, "the ultimate authority could not become the exclusive propriety of a family or a tribe and the believers are invested with the power to designate the successor to Muhammad among the most deserving".<sup>35</sup> The question of the right of succession simply never arose neither was the privilege of birth. The Sultan was sometimes deposed because of his breach of contract with the people. Moroccan history recorded several instances when the *Ulamas*, pressed by popular grievances, removed the Sultan.<sup>36</sup> Even a crown prince was deposed after he showed neglect of duties and inability to govern. The Sultan's choice to succeed him is valid only after it is ratified by the community through the Bay'a which Ibn Khaldun refers to as "a commitment to obey. Whoever performs it, recognises his Emir's right to govern".<sup>37</sup> Thus, the real holder of sovereignty remains the community according to Muslim political practice and the Sultan's sovereignty is equivalent to a governmental one but not to "national sovereignty" as it is commonly known. His sovereignty is defined by fundamental rules of the Muslim law that grants royal institutional and spiritual powers in the community. The Sultan-Caliph then is only a

governor not a legislator and his temporal powers are invested in him by the community through the practice of the Bay'a.

### **The Siba and Makhzan Concept**

A number of scholars understand the difference between the Alawite sultan's temporal authority over subservient tribes (Bled al-Makhzan) and his spiritual power extending over the dissident tribes (Bled as-Siba).<sup>38</sup> The absence of precise territorial limits to the Moroccan state was attributed to the Muslim concept of greater importance being given to the Sultan's political and religious authority over the inhabitants rather than political control over the territory. Trout points out that "while on philosophical grounds this interpretation in to a degree valid, in actuality the lack of competitive political powers in the Sahara prior to the arrival of the French and Spanish made boundaries unnecessary there".<sup>39</sup>

The Moroccan state was throughout the 19th century depicted as divided into Bled al-Makhzan,<sup>40</sup> and Bled as-Siba,<sup>41</sup> depending upon the size of the power and authority of the governing Sultan. This description was reflected in a desire to dispute not so much the actual existence of the central power as the conditions in which that power was exercised. An area or tribe could, and frequently did, move from submission to dissidence. Nevertheless, while dissident tribes resisted the temporal power of the reigning sultan, his spiritual authority was invariably accepted. The French historian Aubin remarked that "even in the most distant parts of Bled as-Siba there is no tribe which is not in relations with the Makhzan".<sup>42</sup> These relations continued to exist during stormy periods between the tribes and the Makhzan. Gellner appropriately confirms this argument by stating that, "dissidence was not against the Sultan as such, but against his oppressive local representatives. There is an element of truth in this: reverence and some kind of religious acceptance of the *sherifian* dynasty on the throne may in certain cases have been combined with resistance to his political representatives".<sup>43</sup>

It was virtually impossible to pin-point the time and duration of dissidence of a tribe or region or make count of who was under submission and who was not. Burke argued it would be most inappropriate "to attempt to draw a map of Morocco which seeks to delimit the extent of Makhzan and Siba territories. In addition, depending upon circumstances, the relationship of a particular tribe with the central power varied over time with the differential power

of Makhzan and the changing fortunes of its leaders. The particular degree of interaction is depended a great deal upon the individuals and circumstances involved".<sup>44</sup> The distinction between Bled al-Makhzan and Bled as-Siba was based on a shift of submission with no territorial limits. Powerful sultans reduced areas of dissidence, yet, it could spread again at times of domestic upheaval.<sup>45</sup> It was this state of affairs that frequently provided colonial justification for claiming that the sultan was unable to maintain law and order. European perceptions were often on a totally false assessment of the Moroccan state structure and many a time it was foreign interference that led to the worsening of the very conditions of Siba for which the sultan was blamed.<sup>46</sup> The limits of the sultan's authority or sovereignty were measured by the extent of recognition through the Bay'a and this area was to extend to the Western Sahara. As Desire-Vuillemin rightly put it, "whether we liked it or not, the 'Moroccan question' could not be confined to the Bled al-Makhzan or even to the line of the Atlas; influences did not stop at frontier-post and nor did the interests of nomadic tribes".<sup>47</sup> Morocco was a unit that appeared at times fragmented but united as soon as there was fear of foreign conquest. It could be argued that despite divergences of opinion across Britain's political spectrum, the invasion of the Falkland Islands by Argentinean troops in April 1982 rallied support to the government and a united front was formed. Such a reaction was also experienced in Morocco when the Turks and many European powers attempted on many occasions to unsuccessfully conquer the country and Spain's presence in the Western Sahara did not cover the entire territory but a couple of coastal footholds because of local resistance.



## NOTES

- 1 Land or territory without owner.
- 2 L. Cavare, *Le Droit International Public Positif*, Paris, Vol.2, 1969, p.675.
- 3 A. Rivier, *Principes de Droit des Gens*, Paris, 1869, p.188.
- 4 See text in Appendix No XVIII.
- 5 The Allegiance Act of 1906 and the British-Moroccan agreement over Mackenzie's trading post are two documents confirming this fact.
- 6 Henri Marchat, "Revendications Marocaines", *Revue de la Défense Nationale*, January 1959, p.63-81.
- 7 Tony Hodges, «The Origins of Sahrawi Nationalism », *Third World Quarterly*, Vol.5, No 1, London, 1983, p. 33.
- 8 The Moroccan Army of Liberation's repeated attacks confined Spanish troops to their coastal posts and even compelled them to abandon the town of Smara.
- 9 Referred to as "Ecouvillon" or "Hurricane". Tony Hodges, *Historical Dictionary of Western Sahara*, Scarecrow Press, London, 1982, pp. 274-276.
- 10 Jean-Louis Miège, *Le Maroc et*, Vol.3, op.cit., p. 293; Paul Marty, «Le Sahara Espagnol (Rio de Oro) », *Revue du Monde Musulman* 46, August 1921, pp. 161-213; John Mercer, *Spanish...*, op.cit., pp. 105-108; R. Rezette, op.cit., pp. 54-72 ; J-L Miège, « Les origines... », op.cit., pp. 189-221; Attilio Gaudio, *Le Dossier du Sahara*, Nouvelles Editions Latines, Paris, 1978, pp. 101-105.
- 11 E.W. Bovill, *the Golden Trade of the Moors*, op. cit., p. 46.
- 12 Thomas Hodgkin, "Diplomacy and Diplomats in the Western Sahara", in *Colston Research Society*, Colston Papers, Edited by R.L.Gregory, Buttersworth, London, 1973, p.23.
- 13 *Chambers Dictionary*, p. 1056.
- 14 The nearest explanation to the Bay'a is "act of allegiance" or "pledge of allegiance". It is a contract that binds the ruler and his people.
- 15 E. Tyan, "Bay'a", in, *Encyclopedia of Islam*, 2nd edition, Leiden, London, 1960, pp. 1113-1114; Mohamed Lahbabi, *Le Gouvernement*, op.cit, pp. 41-48.
- 16 The Muslim nation-state.
- 17 Not simply a bow which is only a ceremonial procedure but a contract.
- 18 The Sultan remains the ultimate arbiter in local disputes whose authority and advice are almost unquestionable.
- 19 Acceptance of the Sultan as a ruler and a protector of the Umma.
- 20 Referred to today as nationality.
- 21 According to an entry in, *Encyclopedie de Droit International Privé*, quoted in, *Dictionary Larousse XX*, allegiance means an obligation of an individual to be loyal and obedient to the nation to which he or she belongs or to the sovereign to whom he or she is subject.
- 22 See the Treaty of Versailles, article 278.
- 23 *The international Court of Justice, reports and judgments, advisory opinions and orders*, 11 April 1949, p. 182.
- 24 T. Bottomore and P. Goode, *Austro-Marxism*, OUP, 1978, p.103; A.D. Smith, *Theories of Nationalism*, Duckworth, London, 1971, p. 2.
- 25 C.H. Moore, *Politics in North Africa*, Little Brown, Boston, 1970, p. 9.

- 26 Jerome B. Weiner, "The Green March in Historical Perspective", *The Middle-East Journal*, Vol.33, No 1, winter 1979, pp. 20-33.
- 27 See *Spain's Memorandum* presented to the ICJ.
- 28 Session of the *Spanish Cortes*, Vol. 12, Madrid, 1903, No 166.
- 29 It means the Sultan or Amir Al-Muminin (Commander of the Faithful).
- 30 Edmund Burke, *Prelude...*, op.cit., p. 13; see also A.G.P. Martin, *Quatre Siècles d'Histoire Marocaine*, Paris, 1923, pp. 456-458.
- 31 Ibn Khaldun points out that, "the essential task of the Imam (Caliph) is to ensure the temporal and spiritual well-being and welfare of the community", Ibn Khaldun, *Les Prolégomènes*, translation of Baron de Slane, Vol.I, Paris, 1934-37, p.426; see also the definition of Caliph by, El Mawerdi, *Le Khalifat selon El Mawerdi*, translation of Le Comte Leon Ostrorog, Paris, 1900, p. 80; there are seven conditions the Caliph should accomplish to fulfill his mission. See; Mohamed Lahbabi, op. cit., pp. 27-28.
- 32 Ross E. Dunn, *Resistance in the Desert*, Croom Helm, London, 1977, pp. 248-262; Clement Henry Moore, op.cit., pp.9-18; R. Willis, "Jihad fi Sabil Allah, its Doctrinal Basis in Islam and some Aspects of its Evolution in Nineteenth Century West Africa", *Journal of African history* 8, No 3, 1967, pp. 395-415.
- 33 Revolt was provoked by Saint-Réné Tailandier's mission to Fez in 1905. Details in, *Archives Marocaines*, Vol.3 and in, Edmund Burke, *Prelude...* op. cit., pp. 80-84.
- 34 Ample details in Edmund Burke, *Prelude...* op. cit., pp. 199-209.
- 35 Louis Milliot, *Introduction a l'Etude du Droit Musulman*, Paris, 1953, p. 19.
- 36 The Alawite Sultan Mulay Ahmed Ad-Dahbi, was revoked by popular revolt for his incompetence. The Saadyine Sultan El-Mutawakil Mohamed Ibn Abdallah (1574-1576) was dethroned by a Fatwa (a legal decision by the Ulama); Al-Naciri, *El Kitab El Istiqsa fi Akhbar Al-Maghrib Al-Aqsa*, Vol.9, Dar Al-Kuttab, Casablanca, 1956, pp. 114-115.
- 37 Ibn Khaldoun, *Les Prolégomènes*, Vol. I, op.cit., p.424.
- 38 Edmund Burke, *Prelude...* op. cit., pp.12-13; Eugene Aubin, *Le Maroc d'Aujourd'hui*, A. Colin, Paris, 1913, p. 241; Ernest Gellner, *Saints of the Atlas*, Weidenfeld and Nicolson, London, 1969, p. 5.
- 39 Frank E. Trout, *Morocco's Saharan Frontiers*, Droz, Geneva, 1969, p. 17.
- 40 Where the government was supreme taxes were paid, governors ruled and laws respected. See A. Sghal, "L'Edification Nationale au Maghreb", *International Social Sciences Review*, Vol. 23, No 13, 1971, p. 473.
- 41 Where the government was impotent and unruly tribes devoted themselves to feuds and banditry. Land of dissidence.
- 42 E. Aubin, *Le Maroc d'Aujourd'hui*, 8th édition, A. Colin, Paris, 1913, p. 241.
- 43 Ernest Gellner, *Saints of the Atlas*, op. cit., p. 5.
- 44 Edmund Burke III, *Prelude...* op. cit., p.13.
- 45 Ample details in, Edouard Michaux-Bellaire, "L'Organisme Marocain", *Revue du Monde Musulman* 9, 1909, pp. 1-33; Ernest Gellner and Mecaud, eds., *Arabs and Berbers*, London, 1973, pp. 175-199.
- 46 Edmund Burke, *Prelude...* op. cit., pp. 26-62.
- 47 G. Desire-Vuillemin, *Contribution a l'Histoire de la Mauritanie*, Dakar, 1962, pp.159-160.

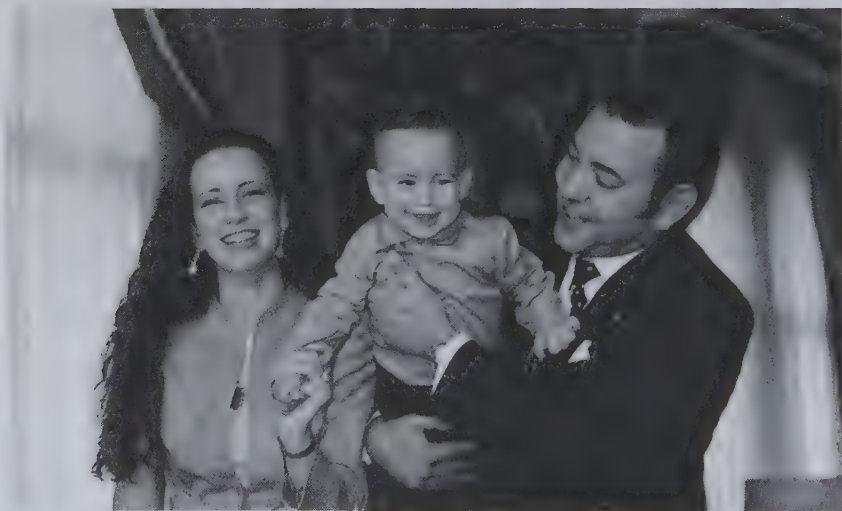
## Monarchs of Morocco since independence in 1956



King Mohammed V (1927-1961)



King Hassan II (1961-1999)



Princess Lalla Salma with King Mohammed VI (1999- ) and Crown Prince Moulay Hassan



## CHAPTER EIGHT: THE MOROCCAN NATION-STATE AND LEGITIMACY

The mere experience of the Moroccan state, according to Touval, is “legitimised by the principle of continuity of the historic state, rather than by colonial boundaries or a nationalist movement. In this sense, Morocco too is an exception among African states, possessing a legitimising principle which others do not have”.<sup>1</sup>

Morocco stands out as the exception among colonial territories in Africa with a historical state legitimacy that was for a long time derived from the ruling dynasty and it was only in the 19th century that nationhood began to be accepted as the legitimising principle.<sup>2</sup> However, the nucleus of the Moroccan state was formed in the 8th century and the present ruling Alawite dynasty, which claims descent to the prophet Muhammad, has been in power since 1660. The spiritual ascendancy of the monarchy over the Moroccan people remains an important element in the continuity of national identity. Being the third oldest nation in Africa after Egypt and Ethiopia in terms of continuous historical growth around a defined territorial nucleus and the second oldest monarchy in the world after Japan, Morocco’s mere existence today is totally based on its dynastic statehood legitimacy. A dynasty, although succeeding previous ones in the second half of the 17th century, has never ceased to exist and still rules a sovereign nation.

The theory that most African states were satisfied with their colonial boundaries and the “status quo” leads to the question why Morocco has consistently refused to endorse the same terms where boundaries had been imposed to cut across tribes and ethnic groups. The answer lies in the uniqueness of the Moroccan case and the fact that the terms “status quo” and “revisionist”<sup>3</sup> to describe states’ attitude to irredentism could simply not apply to it. The Moroccan case should be examined in an entirely different context due to the following ten reasons:

- 1) There is incompatibility between the western and traditional Islamic concepts regarding the delimitation of boundaries and the fact that the borders had never been clearly defined except for the first 100 miles by virtue of the Franco-Moroccan Treaty of Lalla Maghnia of 18 March 1945.<sup>4</sup>
- 2) Morocco’s territory was never colonised in the proper sense of the word but rather put under French and Spanish protectorate. Tangiers was submitted to an international administrative authority.<sup>5</sup>



- 3) The Sultan was legally always the sovereign of all Moroccan territories while the territorial unity of the country was never questioned by the different occupiers to whom the Sultan "delegated" part of his power.<sup>6</sup>
- 4) Morocco's territory was dismembered by more than one colonial power.<sup>7</sup>
- 5) When the French, who leased the protectorate of the northern and southern Moroccan territories to Spain, recognised Morocco's independence in 1956, they formally agreed to "work for the liberation of Moroccan territory still administered by Spain".<sup>8</sup>
- 6) Colonial frontiers never separated the various parts of Morocco. Only provisional lines of demarcation existed as illustrated by the different territories returned to the kingdom.<sup>9</sup>
- 7) Moroccan nationality remained intact throughout the occupied territories and was dealt with in an international multilateral agreement.<sup>10</sup> Indeed, France made a point of excluding Moroccan nationals from the scope of the Decree of 29 April 1920 related to French nationalisation of foreigners residing in Morocco. This was carried out without excluding Algerian and Tunisian nationals. Article one of the Decree stipulates, "After the age of 21, foreigners who are not subjects of the Sultan of Morocco and who can provide proof of three years' residence in either Morocco, with the exception of the Spanish zone of the Sherifian Empire, or France, Algeria or Tunisia, may be naturalised provided that their most recent period of residence was Morocco". Similarly, article one of the French Nationality Act of 10 August 1927 provides that, "young persons who were born in France of a foreigner not a subject of the Sultan of Morocco and who are domiciled in Morocco shall acquire French nationality...".<sup>11</sup>
- 8) Morocco's sovereignty was not theoretically lost even during the protectorate period. The French Court of Cassation (high court) always maintained that the Franco-Morocco protectorate treaty of 30 March 1912 "did not have the effect of causing Morocco to lose its autonomy".<sup>12</sup>
- 9) The rivalries of the occupying powers and the countless border corrections and contestations which resulted have made it impossible to clearly define the different zones of foreign influences and numerous areas refused to submit to foreign interference.<sup>13</sup>

- 10) Although Spanish occupation of the Western Sahara started in 1884 it did not become effective throughout the territory until 1934 or indeed 1958 following the joint French-Spanish military operation "Ecouvillion".<sup>14</sup>

If Morocco's claims over Western Sahara were justified by the existence of their historic state from precolonial and even under French and Spanish protectorate (1912-1956), historical claims also exist over a population and a status of sovereignty where the boundaries of the state were outlined not by territory but the people living on it.

The Sultan may not have obtained any tax revenues from the Sahrawis living in the desert for the simple reason that the meagre oases and camel herds did not offer much of a wealth to be taxed on. Without jeeps or planes, what means of transport did the Makhzan have time to maintain troops or send an armed column to subdue tribes and force them to pay taxes? To control such a vast arid territory would have necessitated a dispersal force incapable of lasting very long. The total number of inhabitants in 1974 was 73,497,<sup>15</sup> and in 1926, Sir Guillerme Rocafort, a doctor in the colonial service, wrote a revealing account in an article that provides a vivid picture: "Villa Cisneros, the capital of the colony of Rio de Oro, currently consists of twenty houses –or rather masonry huts with a single room 3 metres high and 4 metres square– plus twenty-eight raimes or kind of field tent. The native population does not amount to more than 150 people, in addition to which there is a military detachment of 35 men, a governor of captain's rank, a lieutenant, a doctor, a police officer, a chaplain and the agent of the 'Transatlantica' shipping company. That, in detail, is the population of Villa Cisneros".<sup>16</sup> Therefore, one could ask what the number would have been in the 19th century. This dimension alone needs to be taken into serious consideration. Moreover, tribes could pay taxes one year and disappear the following year simply because of the mobility of the population of the Sahara attributed mostly to their nomadic way of life and the fact that the territory had always been considered a place of passage. This argument is given substance by *Revista Africa* even at a later stage of Spanish presence in the area, "inhabitants: in this area, too, no fixed tribes can be allocated to a particular Office, as the mobility of its groups and even of its families does not permit it. It is an area of transition, a meeting-point of races, a question on which we shall not digress by speaking of the Berbers and the Arabs. We will,

however, say that it is a region of passage in its alternations of nomadic tribes, which come and go across the river Draa at intervals dictated by the rainy seasons".<sup>17</sup> Even soldiers were, at times, forced to levy taxes in order to get paid. This procedure of linking taxes with highly visible means of control was fundamentally part of the idea of the state as it developed in Western Europe. Therefore, a realistic approach would be to accept the fact that the Sahara is not a country but a desert, a sea of sand and rocks from which only a few isolated inhabited areas emerge around the oases.

The importance of the Sahara to the south of Morocco was no less important than the Mediterranean Sea to the north of the country. The important aspect of the desert was not so much to occupy space or have a settlement there but rather to be able to cross it just as one crosses the sea. This argument is substantiated by Terrasse's remarks that: "The Moroccan oases which were a hallway and a secondary entrance to Morocco were also the ports of the desert. The caravans that crossed the Western Sahara reached the Draa and the Tafilalet. There it was that the Mediterranean Barbary joined up with the real Africa. It was through this channel that Morocco entered into trade and sometimes political relations across the Sahara with Senegal and the Sudan. In fact, that was the only direction where Morocco could claim to represent civilisation".<sup>18</sup> Even if, at times, the sultan's political control did not reach the Western Sahara, his recognised religious authority in the area reinforced Morocco's claims for, indeed, in Morocco and throughout the Islamic world, religious and political powers are intricately and inseparably intertwined. Equally noteworthy is the fact that the Sultan's claims of descent from the Prophet Muhammad only provided him with his *sherifian* status and *baraka* but make little impact on his professional duties simply because Islam makes no distinction between the spiritual and temporal nor between the religious and secular life.

If the founders of the OAU in 1963 opted for colonial frontiers as definitive boundaries, it was only to ensure that newly Independent African states would not engage in perpetual fighting among themselves. The need was there because these states had been created either as a result of arbitrary administrative divisions, or as compromises in the power struggle of European colonial rulers.

Although the result of such independence meant, at times, the arbitrary separation of members of the same tribe or ethnic group, African leaders resigned themselves to accept the "status quo" as the lesser evil for

the sake of unity and stability. Nevertheless, it was never their intention to prevent the few African nation-states which existed before the colonial era from recovering and safeguarding their territorial integrity. This applies to Morocco which has never suffered from the sort of identity problems that still afflict a few African and Arab states. It remains the only nation in the Arab world and Africa, with the exception of Ethiopia, able to claim independence for more than a thousand years. This period of independence has enabled the country to develop its own traditions and institutions that have remained almost intact to the present.

Morocco was never part of the Ottoman Empire and was relatively unchanged by 44 years of French colonial rule. Therefore, its sovereignty originates from centuries of secular and religious legitimacy. This is in marked contrast to any African or Arab state. Moreover, the fact that the Kingdom was a French protectorate and not a colony, reinforces the argument that the country's sovereignty was not compromised and the principle of intangibility of frontiers could, therefore, not apply to it. The UN duly registered Spain's hand-over of Tarfaya to Morocco in April 1958 and Ifni in 1969, an act also endorsed by the OAU. The question, however, hinges on why these territories were gradually recovered by Morocco without much fuss from neighbouring states or international organisations despite being inseparable part of "Spanish Sahara". Yet, the last part, Atlantic Sahara, became a focal point of regional and international attention.

The political implications of such a shift produced almost a fatal trap for the OAU and the UN, even though the whole process was largely triggered by inter-Maghrebi politics and relations.



## NOTES

- 1 Sadia Touval, « The source of status quo and irredentist policies », in, Carl Gosta Vidstand ed., *African Boundary problems, The Scandinavian Institute of African Studies*, Uppsala, 1969, p. 109.
- 2 Ibid, p. 107.
- 3 Morocco is regarded as pursuing a conservative policy; see, Ibid, p. 103.
- 4 Frank E. Trout, *Morocco's Saharan Frontiers*, op. cit. pp. 19-51.
- 5 The USA and thirteen European states including France and Spain.
- 6 Throughout the protectorate period (1912-1956), many Dahirs (Decrees) were promulgated and issued under the Sultan's name. See, Cour de Cassation Criminelle, 27 June 1936, Re-1935, p. 559; also, Pierre Lyautey, *Lyautey l'Africain*, texts and letters of Marshal Lyautey, vol. 4, 1919-1925, Plon, Paris, pp. 25-26.
- 7 France and Spain as well as twelve other powers administering Tangier.
- 8 See joint Declaration by Morocco and Spain on Morocco's independence on 7 April 1956 with traditional protocol in, Ian Brownlie, op. cit., pp. 153-154.
- 9 For the different stages of Moroccan liberated territory, see map, p. 334.
- 10 See article 15 of the Madrid Convention of 3 July 1880; article one of the French Nationality Act, 10 August 1927.
- 11 See also the Additional Protocol of the Ifni Treaty of 4 January 1969 concluded between Spain and Morocco in, Rachid Lazrak, *Le Contentieux...* op. cit., p.433. Article one stipulates that, "all persons having exercised their right of choice provided for by Article 3 of the agreement must renounce their Moroccan nationality before their names enter into the Spanish nationality register prepared for this purpose. Such renunciation must be made in writing in the presence of the competent Moroccan authorities, who shall issue a certificate to the persons concerned..."
- 12 *The French, Cour de Cassation Criminelle*, 27 June 1936, Re-1935, p. 559; also, *Judgments of the ICJ*, 27 August 1952 on the right of American nationals in Morocco; the Fez Treaty of 30 March 1912, in Appendix XVIII.
- 13 See list of documents in, M. Maazouzi, *L'Algerie...* op. cit., pp. 169-207.
- 14 Tony Hodges, *Historical Dictionary...* op. cit., pp.274-276 and XXIV.
- 15 *Censo/74*, Gobierno General de Sagra, El Aiun, June 1975, 150 pages.
- 16 *Revista Hispano-Africana*, Madrid, November-December 1926.
- 17 *Revista Africa*, Madrid, June-July 1945.
- 18 H. Terrasse, *Histoire du Maroc*, Vol. I, éditions Atlantides, Casablanca, 1952, pp.9-10.

## **PART THREE**

# **THE REGIONAL DIMENSION OF THE CONFLICT**



***Left to right:*** Mauritanian President Ould Tayaa, Tunisian President Ben Ali, King Hasssan of Morocco, Algerian President Benjdid and Libyan Leader Gaddafi



## CHAPTER NINE: INTER-MAGHREBI RELATIONS

The Maghreb states share the same Berber, Arab, African and Islamic heritage. With the exception of Libya,<sup>1</sup> all states of the region experienced French rule in one form or another which undermined the traditional society. The French introduced a political and economic order that appears to have deeply affected the fabrics of this multiracial community linked for centuries to Africa through trade caravans.<sup>2</sup>

Unity and solidarity among North African states reached its zenith during the Algerian war of liberation when both Morocco and Tunisia provided Algeria with political and military support to achieve independence and this resulted in reprisals from the French colonial authorities. The existing affinities among the peoples of the five Maghrebi states<sup>3</sup> and the similarity of their historical destiny would have presumably resulted in the establishment of a regional set up geared to promote multilateral cooperation and enhance the possibility of a united front. Such a set up would have been aimed at self-preservation and protection from economic ills. The reality, however, is far from this logical conclusion mainly because each state has developed interests which are often mutually inconsistent.

The period from 1958 to 1975 was characterised by periods of relative *détente* and sometimes badly strained relations. Meddling by one regime in the internal affairs of another, usually in the form of clandestine subversion prevented the construction of a united Maghreb.

Independent states of the Maghreb<sup>4</sup> found themselves divided over border disputes,<sup>5</sup> mutually contradictory economic interests, divergent political systems and alliances as well as ideological differences. These states have adopted policies either deeply rooted in the nation's history (Morocco and Tunisia) or acquired after independence (Algeria and Mauritania) or have been more recently developed as in the case of Libya. Since Colonel Muammar Gaddafi toppled King Idriss in a bloodless coup d'état on 1 September 1969, new policies and approaches have been developed.<sup>6</sup>

By 1975, the Sahara question came into the fore and put the unity concept on the back burner as President Boumediène launched his ideological concept of the 'Maghreb of peoples', a type of revolutionary union implying the dismantling of conservative regimes in Morocco and



Tunisia and replacing them with socialist entities similar to the Algerian model. This approach was counterbalanced by Gaddafi's vision of total Arab unity, from the Gulf to the Atlantic Ocean. Regional unions were supposed to be a means to achieve Arab unity not an end in itself. Gaddafi's concept jeopardized Boumedienne's claim for leadership of the region and ushered in a period of prolonged antagonism and ambivalent relationship between Algeria and Morocco.

The ideal of "Maghreb Unity", so ardently sought, has somehow eluded the leaders and the peoples of North-Africa. This theme has been echoed in all the region's capitals and emphasised by every leader and political party at home and at international gatherings but to no avail. On 27-28 April 1986, the leaders of political parties from Morocco, Algeria and Tunisia<sup>7</sup> met in Algiers to commemorate the Tangiers Conference<sup>8</sup> and amplify the need for a united Maghreb. This unity could, if cemented, transcend political and ideological differences but nothing has transpired so far.<sup>9</sup> The subject is kept alive as a pretext for dialogue but good intentions have proved insufficient to defuse tension between the states of the region over key issues such as the Western Sahara or border disputes. Furthermore, neither cultural homogeneity nor the striking similarity in common basic needs between the five Maghrebi states have resulted in political unity. The only unifying factor remains the religious dimension which played a major role in the history and development of the nationalist movement in the Maghreb. Nonetheless, it could still prove a vital component in bringing about a united Maghreb if a genuine political will emerges.<sup>10</sup> As it was rightly pointed out, "Islam as a current of thought and body of symbols is important to politics in all five Muslim countries and plays a greater role in official discourse than religious symbols do in the West".<sup>11</sup>

## Tunisia

President Habib Bourguiba of Tunisia attempted to lay claim to his country's Saharan territories in the autumn of 1961 and during the "Bizerte Affair" by sending armed elements beyond Bordj Al-Khadra (ex Fort Saint). The French forces in Algiers swiftly repelled the move. Following Algeria's independence in 1962, Bourguiba pointed out that the carve up of the Sahara created a Maghrebi problem. He suggested that the Sahara should be considered either as an entity governed jointly by the Maghreb states, a solution he preferred, or the territory could

be divided according to the Meridians of each state. This, he added, could take place according to the Mediterranean facade of each state of the region.<sup>12</sup> The idea was immediately rejected by Algeria. The latter benefited territorially from colonial rule and enjoyed a vast Saharan hinterland bulging inside all neighbouring states.<sup>13</sup>

Tunisian-Algerian relations were at their lowest ebb partly because President Ahmed Ben Bella (1962-1965) was accused, in concert with Egypt, to have supported Salah Ben Youssef in his struggle for power against Bourguiba and partly due to the Algerian refusal to extradite Tunisians charged with an abortive plot to assassinate Bourguiba.

Frontier problems became also a source of permanent friction and in the face of strong Algerian opposition and the fact that the military balance was heavily in Algiers' favour, Tunisia gave up the claims to territories annexed by French Algeria. Subsequently, an agreement was reached in April 1968 to demarcate common frontiers.<sup>14</sup> Because of Bourguiba's unwavering support for Morocco's claim over Western Sahara, Tunisia was subjected to subversive activities from neighbouring Algeria and Libya. The Gafsa incident is a case in point.<sup>15</sup> Arms from Libya were also found in southern Tunisia at the end of 1978.<sup>16</sup>

A brief reconciliation took place in August 1976 when Libya and Tunisia submitted their border dispute over the oil-rich Gulf of Gabes to international arbitration. The ICJ verdict of 24 February 1982 favoured Libya.

Tunisia has been an interesting bystander in the Saharan conflict attempting at various levels and occasions to implement the unity ideal but in vain. The problem of succession to Bourguiba, the lingering political vacuum and the looming threat of Gaddafi's revolutionary ideas compelled the Tunisian leaders to adopt a noncommittal policy. This approach had neither hurt long-standing Tunisian-Moroccan relations nor antagonise Algeria. Consequently, a "Treaty of Fraternity and Concord" was signed with Algeria in Tunis on 19 March 1983 which Mauritania joined in December the same year.<sup>17</sup> The political vacuum created by the absence of an established successor-elect to Bourguiba, forced Tunisia to opt for strict neutrality in the Saharan issue. It also embarked on various attempts at mediation and reconciliation between Morocco and Algeria but to no avail.<sup>18</sup>

The conclusion of the Treaty of Fraternity and Concord, masterminded by the Tunisian Premier Mohamed Mzali,<sup>19</sup> was part of the build-up he needed to guarantee his succession to President Bourguiba.

Mzali believed Algeria was able to provide a strong deterrent against any interference from Gaddafi during a transitional period.<sup>20</sup>

It was claimed that the 1983 treaty was open to all Maghrebi states, yet when Libya wanted to join, it was asked to sort out frontier differences with Algeria before it could become eligible. At stake was the border region from Ghadames to Djanet known as the Ghat region, which had been a subject of dispute between Tripoli and Algiers since independence.<sup>21</sup> Tunisia's relations with Algeria and Libya had experienced ups and downs and remained no less shaky than previously.<sup>22</sup>

Gaddafi's decision to expel some 30,000 Tunisian workers in the summer of 1985 unless they embraced Libyan nationality, led to relations between the two countries reaching an all-time low.<sup>23</sup> The uncertainty over Bourguiba's successor overshadowed any effective or significant role in Maghrebi politics despite attempts to bring all the conflicting parties together to sort out their differences. Urged by the need to exercise a cautious policy of keeping everyone at arms-length because of a murky political situation at home, the Tunisian leadership seemed more anxious to maintain strict neutrality in the Saharan dispute as a safer option during a period of delicate transition that eventually led to the removal of Bourguiba and the advent of President Zine El Abidine Ben Ali in a palace coup on 7 November 1987.

## Libya

The advent of Gaddafi to the Maghreb scene did not occur soon after the 1969 bloodless coup against King Idriss partly because Libya's new leader flirted with the idea of cementing a union with the Arab East, especially Egypt. He considered himself the logical successor to the Egyptian president Jamal Abdul Nasser with whom he was immensely enthralled.<sup>24</sup> He repeatedly attempted to unite his country with a number of Arab states but to no avail. Following his bitter disappointment with the Arab East, he turned to the Maghreb.

In May 1970, Libya abstained from attending the Algiers meeting of the Maghreb Permanent Consultative Committee<sup>25</sup> but called on neighbouring Tunisia to form a union on 16 September 1972. Bourguiba managed to dodge the idea and was eventually persuaded to establish an "Arab-Islamic Republic" at a meeting in Djerba in January in 1974. Disagreement over details soon surfaced and the whole idea was nipped in the bud.<sup>26</sup> Bourguiba was never forgiven for what Gaddafi

considered a "snub" despite a brief truce in August 1976 when the two states submitted their border dispute to international arbitration<sup>27</sup> the outcome of which was in Libya's favour.

Following the 1967 Arab-Israeli war, Gaddafi embraced the Arab hardliners' doctrine to challenge Zionism. The end of Israel's ties with African states in 1973<sup>28</sup> was attributed, by an African observer, to the prestige of the Algerian president Houari Boumediène.<sup>29</sup> Gaddafi was also instrumental in the outcome and remained the only Arab ruler of the "rejectionist front"<sup>30</sup> not bent on suing for peace to settle the Israeli-Palestinian issue.

Gaddafi made use of Islam as a modernising ideology<sup>31</sup> and hoped to create an Islamic Saharan state stretching from Western Sahara to the Sudan.<sup>32</sup> A map was even drawn of an area of 20,000 km sq to be annexed by Libya.<sup>33</sup> Almost routinely, Gaddafi was accused of plotting to overthrow African leaders including Morocco's and Tunisia's.<sup>34</sup>

He has endeavoured to promote his own brand of revolutionary ideas, political doctrines and economic order to supersede conventional practices popular among Libya's elite.<sup>35</sup>

There are over 400 million Muslims in Africa who remain susceptible to Gaddafi's preaching for a new brand of an Islamic socialist philosophy. Should such a trend take off, the political order of Africa would undergo a radical transformation. Gaddafi's chairmanship of the African Union in 2009 could prove a turning point to realize Gaddafi's sought-after dominance of the African continent when he was left with no room to manoeuvre in the Mediterranean basin (he refused to join the Union for the Mediterranean in July 2008) and became isolated in the Arab World because of his irrational and confrontational behaviour towards his Arab peers.

Despite his unpredictability, Gaddafi often reiterated his equal aversion to communism and imperialism. He viewed Communism as godless and untrustworthy and capitalism as exploitative and unprincipled and that is why he suggested the "Third Universal Theory" as an alternative in his *Green Book*.

His support for the Polisario has been equally paradoxical as he vehemently rejected the notion of creating "mini-states" to exacerbate Arab division. Yet, he would still make available to the Polisario sophisticated arms to fight Moroccan troops in the Western Sahara. It is often argued that his actions were prompted by his dislike for monarchies and Morocco's was no exception. He saw himself as a "saviour" ever



ready to topple moderate regimes to establish "revolutionary" figures inclined to embrace his ideology and institutional doctrines. He once predicted that "the era of the *Jamahiriya* (state of the masses) will be established everywhere".<sup>36</sup> He claimed not to be "a political leader and have no political position of leadership. I only lead the revolution. Maybe this is the source of the confrontation between me and some leaders and governments who practise politics when I practise revolution".<sup>37</sup>

Contrary to official statements, Gaddafi has remained the ultimate power in Libya and has not managed to stay long in the Arab or African mainstream.

Compared to most African states, Libya enjoyed a phenomenal degree of financial wealth derived from oil revenues.<sup>38</sup> This provided Gaddafi with an immense sense of freedom to manoeuvre in any direction in pursuance of a foreign policy, the guidelines of which are still difficult to define. Regional leverage never escaped Gaddafi's objectives. Encouraging a military confrontation between Morocco and Algeria was never ruled out as an option to propel his desire to assume leadership in North-West Africa, an aim Boumediène also pursued relentlessly.

Seeking ideological comfort in his revolutionary neighbour, Gaddafi signed a defence agreement with Boumediène in 1975 and called for a union at a meeting at Hassi Messaoud on 29 December the same year. Algeria avoided a union and called, instead, for other links to be consolidated. As a result, Gaddafi embraced Algeria's Saharan stand and openly channelled arms to the Polisario despite his initial support to Morocco's claims and strong opposition to what he termed "mini-states".

The Polisario captives interviewed by foreign observers reported that Libyan officials were once handing out large sums of money to new recruits from the drought-stricken Sahel region to join the guerrillas in the fight against Moroccan troops.<sup>39</sup> Libya had apparently established secret air bases in Mali, Chad and Mauritania to airlift arms and supplies to the Polisario.<sup>40</sup> Their ranks were also swollen with a number of Sahrawis of Malian, Algerian, Mauritanian and Nigerian (Niger) origin.<sup>41</sup>

In view of the phenomenal numerical size of the Libyan arsenal that largely exceeded national defence requirements, Gaddafi's arms supply to the Polisario and other separatist movements were very generous by international standards.<sup>42</sup> In May 1981, General Ahmed Dlimi Commander of the Moroccan Southern military zone said that 80 per cent of the Polisario's military hardware was provided by Gaddafi.<sup>43</sup>

The rate of armour per serving soldier in Libya was probably greater than in any other country in the world. The country's regular armed forces numbered over 71,000 men, a staggering figure for just over three million inhabitants at the time.<sup>44</sup>

The conventional argument is that the size of Libya's arsenal was greater than need be for a relatively small country. Such superior fire-power constituted a formidable force of influence in the region. If anything, it reflected Gaddafi's somewhat revolutionary ideas and unpredictability. There was also the question of whether Gaddafi's weapons represented a realistic military force for Libya's own security and defence needs, or it was destined for usage other than self-defence.<sup>45</sup> Nevertheless, what remained at stake were not Gaddafi's visionary map of "Greater Libya" and what it entailed nor the uranium riches in neighbouring Niger and Chad, but rather the stability and security of the region as well as the territorial integrity of neighbouring states.

His relations with the Algerian President Houari Boumediène experienced ups and downs throughout the Saharan conflict. Frontier differences,<sup>46</sup> mistrust and Gaddafi's attempt to bring the Polisario leadership from Algiers to Tripoli were some points of friction. When relations between the two North-African states were at low ebb, Gaddafi managed to go behind Algeria's back to supply arms and financial aid to the Polisario. This was evident in the establishment of an air-base in the Nawa region on the Mali-Mauritanian border to apparently airlift military hardware to the Polisario without having to violate Algerian air space.<sup>47</sup> Since April 1985, however, Algerian troops were deployed along the border with Libya some 40 kms into the nominally Libyan Ghat region reportedly rich in gas.<sup>48</sup>

Tension between Libya and Algeria was generated not least by the Moroccan-Libyan rapprochement that came about as a result of the Algerian president Chedli Benjdid's snub to Gaddafi's request to join the 1983 Algerian-Tunisian treaty until border differences were settled. The major hurdle in their relations remained Algeria's claim over part of South-West Libya. Benjdid believed that by urging Gaddafi to sort out border problems with Algeria before joining the treaty, would result in a prompt settlement in Algeria's favour. The outcome, however, turned out to be the unexpected as Gaddafi flew to Rabat to mend fences with King Hassan to form a temporary union with Morocco and even threaten to take the Algerian-Libyan border dispute before the ICJ.<sup>49</sup> Algeria was unhappy with Libya's reconciliation with Morocco and its strained

relations with Tunisia. Although relations remained cool despite several high-level contacts between the two countries, the dispute over the Ghat region proved a greater hurdle than has generally been acknowledged. Algeria claimed that the disputed territory was wrongly handed over under the same Franco-Italian treaties Libya referred to to justify its presence in the uranium-rich Ouzou Strip in northern Chad. Libya's involvement in Chad was another bone of contention between the two neighbouring states and so was Gaddafi's support to Chedli's opponents abroad.

Although Gaddafi befriended King Hassan through the signing of the "Arab-African Union Treaty" of 14 August 1984,<sup>50</sup> the move was meant to counter-balance the Algerian-Tunisian treaty of March 1983. As a result, Gaddafi temporarily stopped supplying arms and funds to the Polisario and declared neutrality in the Saharan conflict by endorsing Morocco's call for an UN-supervised referendum.

The Algerian-Tunisian "Treaty of Fraternity and Concord" was said to be open to all Maghreb states to join but when Gaddafi requested to join, he was told by Chedli Benjdid to sort out frontier differences with Algeria before becoming eligible as a signatory to the treaty. The rejection was too much to bear for Gaddafi who eventually defected to the unlikely conservative camp of King Hassan<sup>51</sup> to sign the Oujda Treaty considered by many observers as a "marriage of convenience". Gaddafi was in search of a pact to get at Algeria's snub but it also served the immediate needs of the signatories in political and economic terms. Most importantly, the Oujda Treaty highlighted the tacit agreement of Libya to stop supporting the Polisario and for Morocco to adopt a neutral position in the Chadian conflict in which Libya was enmeshed.

Rabat and Tripoli embarked on economic ventures that proved limited in financial and commercial gains. The ventures proved as inadequate as those entered into by Algeria, Tunisia and Mauritania. In short, as one observer put it, the Oujda Treaty, "alarmed Algeria, irritated Tunisia, angered the US, discreetly shocked King Hassan's allies in the Arab world and worried his Western supporters. It also dealt a hard blow to Polisario."<sup>52</sup>

Gaddafi's temporary stop of arms delivery to the Polisario represented a severe blow neither Algeria nor the Polisario Front ever expected. Coming as it did at a time of dwindling oil revenues, it left Algeria alone shouldering the entire logistic and financial needs of the armed guerrillas and the worldwide diplomatic campaign of the SADR.

One could argue that King Hassan and Gaddafi were brought



together only by circumstantial developments and mutual strategic interests. It was also contended that King Hassan's moderating influence would eventually help restrain Gaddafi's disruptive policies in Africa and the Middle East.<sup>53</sup> Following the conclusion of the Oujda Treaty, King Hassan was reported to have been instrumental in bringing France and Libya to sign an agreement in September 1984 to withdraw their respective forces from Chad.<sup>54</sup> The Chadian President Hissène Habré and the French President Francois Mitterrand's frequent visits to Rabat made King Hassan's role in the region prominent as a mediator.

The Oujda Treaty was clearly a high-risk policy for King Hassan in diplomatic terms as his Western allies, prominent among them the US and France did not approve nor did his African peers. The denouement came about when the Israeli Premier Shimon Perez met with King Hassan in Morocco in July 1986 in an attempt to revive the Middle East peace process.<sup>55</sup> Gaddafi denounced the King as "traitor" and so did Algeria. A joint Libyan-Syrian communiqué was also issued at the end of President Hafiz Al-Assad's visit to Tripoli in August 1986, explicitly condemning King Hassan's meeting with Perez. As a result, King Hassan revoked the Oujda Treaty on 28 August 1986 and put an end to a short-lived association that had at times proved embarrassing for Moroccan interests abroad.

In an attempt to capitalise on the rift, the Algerian President Chedli Benjdid paid two visits to Libya within a month hoping to secure Gaddafi's pledge to resume military and financial support to the Polisario guerrillas. In September 1987, Gaddafi accepted to sign The Algerian-Tunisian-Mauritanian treaty on condition that the treaty would be open to all Arab states and that all boundaries among member states should be abolished. These reservations were unacceptable to Algeria and Libya was again precluded from joining the treaty. To keep Gaddafi on his side, Benjdid even embraced Gaddafi's ever-sought-after dream of union and consented to put it into work in November 1987<sup>56</sup> but the venture was never implemented.

In a period of 18 months, the alignment that characterised Maghrebi relations for decades since Algeria's independence in 1962 between moderate states (Morocco-Tunisia) and radicals (Algeria-Libya) was transformed by an emerging polarisation along Algeria-Tunisia-Mauritania versus Morocco-Libya. But it was short-lived as realignment resumed again once the Oujda Treaty of abrogated and Maghreb Arab Union was proclaimed in 1989.



In his memoirs published in 2003, President Ould Daddah stated that the Algerian position towards the Saharan conflict was a pattern of violent protest against the Moroccan government's delay of ratifying the border agreement which was initially agreed upon between King Hassan II and President Boumedienne.<sup>57</sup>

The consequences of the various treaties concluded among Maghrebi states and the permutation of changing loyalties have only amplified the divisive issues; most prominent among them was the Western Sahara issue. It has for a number of reasons become the make or break solution to the region's political and economic stability. The conflict constitutes a major hurdle to regional development and the implementation of the Arab Maghreb Union proclaimed in Marrakech in 1989. Trade among Maghrebi states represents on average only 2 per cent of foreign trade for each of the member states despite the existence of economic complementarity and enormous potential for commercial ties.<sup>58</sup>

Although the Maghreb has been a priority for the European Union<sup>59</sup> but not the United States,<sup>60</sup> it now represents a region of significant interest for both. The importance of the Maghreb and the neighbouring Sahel states has been propelled into the forefront in recent years due not only political, economic and energy interests but most importantly because of military, strategic and security concerns caused by the surge of radical Islam in the region and the activities of the militants affiliated with al Qaeda in the Islamic Maghreb (AQIM).<sup>61</sup> Unlike the European Union which is interested in promoting economic partnership and trade, the United States has focused predominantly on security matters and established a security system in the region.

Following the military coup de force in 1991 that blocked the electoral victory of the *Front Islamique du Salut* (FIS) in the legislative elections, violent confrontation ensued throughout Algeria between armed forces and rebels until 1998 and resulted in over 200.000 deaths. Since then sporadic attacks have remained with sometimes substantial loss of life. The Salafist Group for Preaching and Combat (GSPC) announced in September 2006 that it had become part of al Qaeda's regional franchise, al Qaeda in the Islamic Maghreb (AQIM). Indeed, AQIM embarked on four attacks in Algeria since 20 May 2009, but the death tolls in such attacks were smaller than the June 17 attack which cost the lives of 18 policemen and one Chinese worker while six gendarmes and two Chinese workers were wounded in the attack.<sup>62</sup>

AQIM incorporated the GSPC with apparently elements of

Morocco's Islamic Combatant Group, Libya's Islamic Fighting Group, several Tunisian groups, most notably the Tunisian Combatant Group, and jihadists in Mali, Niger and Mauritania. However, the vast majority of the group's infrastructure came from the GSPC, and attacks since the founding of AQIM in 2006 have reflected this. Indeed, in spite of the many high-profile Libyan and Moroccan militants who serve as part of the al Qaeda core leadership, Libya and Morocco have managed to contain the activities of AQIM within their borders but the group has remained an Algeria-based phenomenon that poses a threat to the whole region. It was this new development that aroused US interest in the region as well as the energy importance of Libya and Algeria, two major suppliers of oil and gas to Western Europe. The US feared that the terrorist attacks could spill-over into Europe and it became a prime concern for the security of the US and its NATO allies.

Nevertheless, Algeria and Morocco have been the dominant states in the Maghreb and their bilateral relations remain of great importance to regional integration.

As a grouping, the Maghreb would have a strong voice in international negotiations especially with the European Union and would be able to defend the interest of the region with vigour in international forums. The absence of cooperation on various issues, notably security, terrorism and immigration, also pose a serious threat to the stability of the region.

Nonetheless, the deeply-rooted mistrust and antagonism between Morocco and Algeria has not been a recent phenomenon but dates back to the beginning of the 1960's. The Western Sahara issue may not be understood without examining the deeply-rooted unresolved border dispute between Morocco and Algeria. Indeed, the relevance of the Moroccan-Algerian relations to the prevailing tension in the Maghreb is of vital importance to understand the different facets of the Western Sahara conflict.

## NOTES

- 1 Libya was under Italian occupation from 1911 to 1951.
- 2 Ross E. Dunn, *Resistance in the Desert*, op. cit., pp. 106-134 and 262-272.
- 3 Morocco, Algeria, Tunisia, Libya and Mauritania.
- 4 Libya became independent in 1951, Morocco and Tunisia in 1956, Mauritania in 1960 and finally Algeria in 1962.
- 5 Ample details in, Ian Brownlie, *African Boundaries*, C. Hurst, London, 1979; A. Martel, *Les Frontières Saharo-Tripolitaines de la Tunisie*, PUF, 1965.
- 6 Ruth First, Libya, *the Elusive Revolution*, London, 1974; John Wright, *Libya: A Modern History*, Croom Helm, London, 1981; Jonathan Bearman, *Qadhafi's Libya*, Zed Books, London, 1986.
- 7 Morocco was represented by the nationalist party "The Istiqlal" and "The Union of the Socialist Popular Force" (USFP). The FLN represented Algeria and "The Destour Socialist party" Tunisia. See, *el-Moudjahid*, Algiers, April 25, 26-27 and 28, 1986.
- 8 The Tangier Conference of 27 April 1958 was the real catalyst for the "Maghreb Unity" ideal. *Al-Mithaq Al-Watani*, No 1921, Rabat, 24-25 April 1983.
- 9 See final communiqué of the Algiers meeting in, *L'Opinion*, No 7566, Rabat, 30 April 1986, P. 2.
- 10 Recent studies have thrown some light on the important role played by religion in the Maghreb. See Michael Brett, "Islam in the Maghreb", *The Maghreb Review*, Vol. 2, No 3-4, 1977 and vol. 3, No 5-6, London, 1978; African Concord, London, 2 January 1986, pp. 25-26.
- 11 William Zartman and al, *Political Elites in Arab North Africa*, Longman, London, 1982, p. 19.
- 12 Pierre Rondot, "Le Grand Maghreb Arabe:Projet et Perspectives", *L'Afrique et L'Asie Modernes*, No 143, Paris, Winter 1984-85, p. 52.
- 13 A. Martel, *Les Frontières Saharo-Tripolitaines de la Tunisie*, PUF, Paris, 1965, pp. 109-110; J.R.V. Prescott, *Boundries and Frontiers*, Croom Helm, London, 1978; Ian Brownlie, *African Boundaries*, op. cit., pp. 89-97.
- 14 Pierre Rondot, op.cit., p. 52.
- 15 *International Herald Tribune*, 13 October 1980. Commandos trained in Libya came through Algeria on 27 January 1980 to destabilise Bourguiba's regime. The arms were apparently delivered by the Polisario guerrillas using northern Mali and South-East Algeria. Details in, Mohsen Toumi, "La Politique Africaine de la Tunisie", in, Slimane Shikh and al, *Le Maghreb et L'Afrique Sub-Saharienne*, éditions du CNRP, Paris, 1980, pp. 158-164.
- 16 *Demain l'Afrique*, 24-29 April, 1979.
- 17 *Arabia*, London, March 1985, pp. 28-29.
- 18 Ibid.
- 19 He was replaced in 1986 by Rachid Sfar and even fled the country across the Algerian border in fear of retaliation from opponents.
- 20 See reports in, *African Concord*, London, 29 August 1985, p. 21; *South*, London, July 1984, p. 27; *Arabia*, London, March 1985, pp. 28-29.

- 21 Ian Brownlie, *African Boundaries*, op. cit., pp. 27-43 and 127-132.
- 22 Claudia Wright, "Tunisia: Twilight for the Bourguiba regime?", *Atlantic Monthly*, Boston, November 1980.
- 23 *Concord Weekly*, London, 29 August 1985, p. 21.
- 24 See Gaddafi's Pan-Arabism in, *African Concord*, 8 May 1986, pp. 15-16.
- 25 Comité Permanent Consultatif du Maghreb established by Morocco, Algeria and Tunisia in 1965 to promote politico-economic and cultural cooperation among the Maghreb states.
- 26 *New Africa*, London, August 1982, p. 21.
- 27 George Joffè, Frontiers in North Africa, Paper submitted at the *BRISMES International Conference on the Middle-East Studies*, London, July 1986, pp. 10-12.
- 28 The October 1973 Israeli-Egyptian war. It is also referred to as the Oum Kippur war.
- 29 Adeoye Akinsaniya, *Afrique Contemporaine* 10, March-April 1977, p. 24.
- 30 It comprised Algeria, Libya, Syria, South Yemen and Iraq. The latter withdrew when Libya and Syria sided with Iran in the Gulf war.
- 31 *Sijil El-Qawmi*, 10 vols, Tripoli, 1978; Herve Blenchot and Monastiri, "L'Islam du Colonel Gaddafi"; *colloque sur l'Islam*, CRESM, June 1978.
- 32 *The Times*, London, 19 December 1980, p. 13.
- 33 Herve Blenchot, "Libya's African Policy", in, Slimane shikh, op. cit., p. 76.
- 34 *The Times*, London, 14 January 1981, p. 13.
- 35 *The Green Book*, 3 Vols, English edition, Public Establishment for Publishing, Tripoli, 1980.
- 36 *Newsweek*, Washington D.C., 20 July 1981, p. 18.
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- 39 David Lynn Price, Conflict in the Maghreb: The Western Sahara, *Conflict Studies*, No 127, Institute for the Study of Conflicts, London, 1979, p. 14.
- 40 *The Guardian*, London, 16 May 1981.
- 41 David Lynn Price, *Conflict in the Maghreb*, Op. cit., p. 14.
- 42 Claudia Wright, "Libya and the West, Headlong into Confrontation?", *International Affairs*, Royal Institute of International Affairs, Vol. 58, No 1, London, winter 1982, p. 36.
- 43 *Le Monde*, 2 June 1981, p. 7.
- 44 *The Military Balance 1986-87*, op. cit., p. 26.
- 45 D. Chaplin, "Libya: Military spearhead against Sadat ?", *Military Review*, November 1979; John Cooley, "The Libyan Menace", *Foreign Policy* 42, Spring 1981, pp.74-93; Chester Crocker Assistant Secretary of State for Africa, Statement before the Senate Foreign relations Committee, 8 July 1981.
- 46 George Joffè, "Frontiers in North Africa", op. cit., pp. 7-8.
- 47 *Jeune Afrique*, Paris, No 1915, 18 June 1980.
- 48 *Africa Confidential*, Vol. 26, No 15, London, 17 July 1985, p. 6.
- 49 *Concord Weekly*, London, 29 August 1985, p. 21.
- 50 Details in, *Marchès Tropicaux et Méditerranéens*, 3 February 1983, p. 260.
- 51 Gaddafi paid an unexpected 24 hour visit to Rabat in July 1983. It lasted



- several days. A second visit in August 1984 resulted in the conclusion of the Oujda Treaty. The Moroccan town, Oujda, served as the FLN headquarters during the Algerian uprising (1954-1962).
- 52 *Arabia*, London, October 1984, p. 22.
  - 53 *The Times*, London, 16 August 1984, p. 6 and 31 August 1984, p. 1.
  - 54 *African Concord*, London, 22 January 1987, p. 7.
  - 55 *Le Monde*, Paris, 24-25 July 1986; *the Observer*, London, 27 July 1986, p. 13; *The Financial Times*, London, 29 July 1986; *The Times*, 25 July 1986.
  - 56 *Jeune Afrique*, No 1383, Paris, 8 July 1987, pp. 17-18; also, No 1384, 15 July 1987, pp. 44-47; and No 1386, 29 July 1987, pp. 32-35.
  - 57 *Asharq Al-Awsat*, London, 15 August 2007.
  - 58 "Les Enjeux de l'Intégration Maghrebine", *working document No 90*, July 2003, Moroccan ministry of finance and privatisation; see also Jawhar Chatty, "La Nécèssaire Integration Economique Maghrebine", *La Presse*, [www.lapresse.tn](http://www.lapresse.tn).
  - 59 *North-South*, London, July 2008, pp. 16-23.
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King Mohammed VI of Morocco with  
the Algerian President Abdelaziz Bouteflika



## CHAPTER TEN: ALGERIAN-MOROCCAN RELATIONS

The Western Sahara issue helped to magnify the political challenge for hegemony in the Maghreb which has arisen from ideological principles and deeply-rooted antagonism between Morocco and Algeria over boundary disputes. Indeed, as early as 1963, the future Algerian President, Houari Boumediène (1965-1978), made it quite clear that, "the Algerian revolution cannot be contained within our frontiers. It will only be successful if it is extended to Morocco and Tunisia".<sup>1</sup>

Boumediène's concept of a "united people's Maghreb"<sup>2</sup> meant that unity could only be achieved if the Moroccan and Tunisian regimes were to align themselves with Algeria's own radical socialist doctrine. This was also reflected in his predecessor's vision of what political system to adopt. On the morrow of independence, the first President of independent Algeria, Ahmed Ben Bella, once said that "*le socialisme est un large éventail qui va de celui de Fulbert Youlou à celui de Fidel Castro. Nous avons choisi Fidel!*"<sup>3</sup>

Such public statements indicated the course of action envisaged by the Algerian leaders and reflected to a certain extent the apprehension felt by neighbouring states as to what political shape the Maghreb was likely to take in the future. In other words, ideological alignment became an important factor that at times transcended all other considerations. Algeria and its revolutionary neighbour in the East, Libya, stood for the Eastern front in North Africa against Morocco and Tunisia allied to the West.

Many scholars and experts argued that the Moroccan-Algerian conflict has been mainly due to the ideological boundaries that separated the two neighbours since their independence. During the Cold War, both countries appeared as being satellite states in the East-West race for ideological domination over the world.

Since independence in July 1962, Algerian leaders argued vehemently in favour of the sanctity of frontiers established by colonial rule. This argument was based not only on the simple fact that Algerian territories had grown in size to the detriment of Morocco and Tunisia but also because Algeria could hardly trace its statehood existence to precolonial time. Morocco's irredentism, however, may be justified by the existence of the Moroccan historic state even under the French and Spanish protectorate (1912-1956). Indeed, only a few contemporary

African and Arab states can trace their statehood to the precolonial period. Furthermore, Morocco's irredentist claims are rather unique in as much as other cases in Africa could not match the Moroccan context for its specificity and dynastic dimension. The country's existence is wholly based on its dynamic statehood legitimacy. Touval argues that the Moroccan state is "legitimized by the principle of the continuity of the historic state rather than by colonial boundaries or a nationalist movement. In this sense, Morocco too is an exception among African states possessing a legitimizing principle which others do not have".<sup>4</sup>

The absence of territorial limits to the Moroccan state is attributed to the Muslim concept of a greater importance being given to the political and religious authority of the King over the inhabitants rather than political control over territory. Trout argues that "while on philosophical grounds this interpretation is to a degree valid, in actuality the lack of competitive political powers in the Sahara prior to the arrival of the French and Spaniards made boundaries unnecessary there".<sup>5</sup> Indeed, the scarcity of inhabitants or their constant movement and the inhospitable climate in the Sahara proved a valid deterrent for the Moroccan Makhzan to embark on any significant social or economic development in this arid region of the kingdom. The French also felt the same way, therefore, not even boundaries were considered necessary when the Lalla Maghnia accords were concluded with Morocco in 1845.

Leaders of post-independence Algeria prided themselves on their radicalism in both domestic and international affairs. They also became staunch supporters of the territorial status quo and the sanctity of colonial boundaries. This is understandable in the sense that such a policy would result in the country holding on to the vast territories inherited from the colonial power to the detriment of neighbouring Morocco and Tunisia.

The Rabat and Tunis governments blamed France for usurping and dismembering their territories and argued that despite the Algerian territory being considered an indivisible part of France and an extension of the motherland on the other side of the Mediterranean, their territories should not have been encroached upon.

The idea that most African states were satisfied with their colonial boundaries led to the question why had Morocco refused to endorse the same measure? The answer lies in the uniqueness of the Moroccan case and the fact that the term "status quo" and "revisionist" to describe states' attitude to irredentism could simply not apply to Morocco. First,

there is the incompatibility between the Western and traditional Islamic concepts related to the delimitation of boundaries. In the Islamic context, the boundaries are outlined not by territory but by the people living on it. Furthermore, the contradiction between the Western and traditional Islamic concept of sovereignty and nationhood remains a complex question in need of extensive empirical research.<sup>6</sup> The conflicting notions of status quo and revisionism often gave rise to international debate. The breakthrough came about at the OAU Cairo summit in July 1964 which adopted, as a safety-valve, a resolution calling on all member states to "respect the borders existing on their achievement of national independence".<sup>7</sup> This OAU resolution thus provided legitimacy to the status quo with the sole purpose of avoiding bloodshed. Morocco and Somalia expressed reservations when they became members of the Pan-African Organisation in September 1963. As the Moroccan representative pointed out, "the signing of the Charter could not in any way be interpreted as either an explicit or implicit endorsement of these facts which Morocco refuses to recognise nor as renunciation of the pursuit of our rights by the legitimate means at our disposal".<sup>8</sup> There were two conflicting principles involved here. First, Algeria's defence of the intangibility of African frontiers drawn by colonialism. Second, the reconstruction of a historic state dismembered by European colonial rule which was endorsed by Morocco. The dogma of the intangibility of African frontiers was adopted by the OAU for purely pragmatic reasons to avoid a chaotic situation that would affect almost all African states with varying virulence and degree. If this principle was applied literally to Morocco's case, the country would be divided into six states: Tangier, a Spanish influenced Moroccan state in the North, a French influenced Moroccan state in the South, the state of Tarfaya, the state of Ifni and the Western Saharan state.

European powers carved up African territories in accordance with their own interests and not those of the indigenous population. Therefore, one has to take the local context into consideration and examine European decisions carefully so that arbitrary measures could be avoided in the interest of those directly concerned.

When Boumediène supported the self-determination principle for the Sahrawi population, it was, as an observer pointed out, done "under cover of a less noble principle, more realistic and illegitimate, of respect for the frontiers drawn by colonising imperialism".<sup>9</sup>

Morocco's case is also unique because it was the only country in



Africa that was colonised by two European powers (France and Spain) apart from Tangier which was administered by 13 European powers and the United States.

These are facts unmatched in Africa, therefore, the OAU safety measure relating to the sanctity of colonial frontiers could not apply to Morocco simply because of its uniqueness and the different stages covered to recover usurped territories.<sup>10</sup>

Morocco claimed territory from Algeria and vigorously opposed Mauritania's independence on the grounds of historical rights. The Western Sahara was claimed by Morocco as far back as 1956.<sup>11</sup> Other territories were later recovered such as Tangier (1957), Tarfaya (1958) and Ifni (1969). When the Kingdom did not accept the Cairo resolution, the status quo had to apply to future disputes and this was justifiable on the grounds that the upholding of the status quo meant that existing disputes at the decolonisation period were part of the status quo and as Browlie points out "accepted for better or worse".<sup>12</sup> The Moroccans argued that their country's historical borders were encroached upon by French and Spanish colonialism which usurped parts of the Kingdom.

Many African border disputes were triggered by the arbitrary boundaries drawn up by distant colonial rulers. If in 1963 the drafters of the OAU Charter resolved to impose the old colonial frontiers as permanent boundaries, this was to ensure that the newly-independent African states would not engage in perpetual military confrontations. It was not a compulsory principle imposed on member states and as pointed out by Brownlie, "if the colonial alignments were discarded, alternative alignment would have to be agreed upon".<sup>13</sup> The need was there because some African states were created as a compromise in the power struggle among European colonial rulers or as a result of arbitrary administrative divisions often carried out for convenience or self-interest.

Boumediène's determined support for the sanctity of frontiers frequently contradicted the principle of self-determination as was the case with Eritrea. Moreover, he called for the implementation of the right of self-determination for the inhabitants of the Western Sahara but never proposed a similar opportunity for the dwellers of the Algerian Sahara nor those in Tindouf, the Tuareg nomads or even for that matter the people of Algeria.

The deeply-rooted mistrust between the two Maghrebi states originated from the time Algeria became independent and the problem of frontiers

surfaced as a thorny subject. Moroccan-Algerian frontiers were drawn partially and doubtfully on the basis of a Franco-Moroccan protocol drawn up in Paris on 20 July 1901<sup>14</sup> and those of 20 April 1902 and 4 March 1910.<sup>15</sup> These protocols foreshadowed the Varnier Line of 1912 and the Trinquet Line of 1938. However, the only recognised and legally binding agreement was the Franco-Moroccan treaty of Lalla Maghnia concluded on 18 March 1845 which clearly defines a stretch of some 150 km from the mouth of the Kiss to Taniat Sassi.<sup>16</sup>

No delimitation further south was seemed necessary because it was considered the start of the desert proper and territorial boundaries were deemed irrelevant partly because of the nomadic lifestyle of the inhabitants of the Sahara. Although it was left to Moroccan and Algerian tribes to define the limits of their territories in the Sahara, it turned out, in actual fact, to be a subtle manoeuvre to allow French troops to encroach upon Moroccan territory on various occasions. And since Algeria was considered an indivisible area of France (*département Français*), the more territory added to French-Algeria from neighbouring Morocco and Tunisia the better. Thus, French policy was concerned with territorial enlargement of the Metropole, of which Algeria was an inseparable part, than by any desire to find a solution to a problem, which could have been easily achieved had the political will existed.

No Algerian state ever existed with a centralised administrative rule prior to the French colonial presence (1830-1962). Algerian territory was part of the Ottoman Empire from the sixteenth century to the French occupation and prior to this period it formed part of empires in Morocco or the Arab East. Therefore, when Morocco and Tunisia became independent in 1956, Algeria was still an indivisible part of France. Had it not been for France's persistent refusal to grant French nationality and voting rights to Algerian Muslims, Algeria might still have remained a French Province. Even when independence was being considered for Algeria, the French were still eager to hold on to the oil-rich Algerian Sahara and only grant independence to the northern part of the country. Morocco was approached to support a French Saharan state called "*Organisation Commune des Régions Sahariennes*" (OCRS), in return for all Moroccan territories usurped during French protectorate.<sup>17</sup> The French Decree of 10 January 1957 instituted the OCRS and article 12 even stipulated that the government was authorised to conclude any agreement with neighbouring states willing to accept the OCRS objectives.<sup>18</sup> The response of King Mohamed V (1927-1961) was that

frontier differences would be resolved with an independent Algerian government. Ultimately, his successor King Hassan II reached an agreement with Ferhat Abbas, President of the Provisional Government of the Algerian Republic (GPRA), on July 6, 1961, recognising, among other things, that "the territorial dispute created by an arbitrary delineation imposed by France was ultimately to be resolved by direct negotiations between Morocco and Algeria" and would be examined by an Algerian-Moroccan committee following Algeria's independence.<sup>19</sup>

Morocco decided to sort out the border question with an independent Algeria rather than with the French colonisers. When Algeria was granted independence on 5 July 1962, the first President, Ahmed Ben Bella (1962-1965), reneged on the agreement leaving Moroccans embittered insofar as they allowed the FLN to use Moroccan territory as a rear base during the war of independence, refused France's territorial inducements (the Tuat region including Tindouf and Mauritania) if Morocco would seal off its frontiers with Algeria and stop Algerian fighters' infiltration into Algerian territory. Moreover, Oujda was the headquarters of the Algerian External Delegation comprising the political leaders in exile including the first Algerian President Ben Bella and the current President Abdelaziz Bouteflika (1999- ). The Algerian leadership adamant refusal to consider talking about the border dispute "remained an open wound for many Moroccans".<sup>20</sup> The Western Sahara issue cannot be understood without knowing this background and the unresolved border dispute between Morocco and Algeria.

Ben Bella vehemently advocated the sanctity of colonial frontiers. When King Hassan paid an official visit to Algiers from 13-15 March 1963, he touched on the pending frontier problems and President Ben Bella asked for time to consolidate his grip on the reins of power and for talks on the subject to be postponed until September-October of the same year.<sup>21</sup> Meanwhile, Ben Bella used the frontier dispute to secure control over the troubled mountain region of Kabylia and to support Moroccan left-wing opposition parties in plotting against the King.<sup>22</sup> His complicity was widely reported in the Moroccan press and he moved closer to Egypt of Jamal Abdel Nasser to embrace a more radical ideology based on revolutionary socialism.

On the Eastern front, Tunisian-Algerian relations were at their lowest ebb after Ben Bella, in concert with Egypt, was accused of supporting Salah Ben Youssef in his struggle for power against the then President Habib Bourguiba and refused to extradite Tunisians charged



with an abortive plot to assassinate their President. Moreover, frontier problems were a source of permanent friction until they were resolved by an agreement at the end of 1970.

Following the first Algerian-Moroccan frontier incidents, the foreign ministers of the Maghrebi states met in Oujda on 5 October 1963 to agree on the adoption of the necessary measures to "normalise relations". Three days later border clashes<sup>23</sup> ensued and a full scale military confrontation appeared inevitable.<sup>24</sup>

The conflict was triggered by an Algerian armed attack on the villages of Hassi Beida and Tinjoub which resulted in the death of ten Mokhaznis<sup>25</sup> who refused to leave their posts. Both countries drifted into the first serious armed conflict between newly independent states in the Arab World. Western powers observed strict neutrality but the Soviet Union was discreetly shipping weapons to Algiers aboard Cuban freighters. The Egyptian President Nasser also sent arms, military advisors and troops to bolster Ben Bella's armed forces while diplomatically he attempted to rally the support of the Arab League member states behind Algeria.<sup>26</sup>

It was the then infant OAU that managed to restore peace and temporarily stall the belligerents. Under the chairmanship of the Ethiopian Emperor Haile Selassie, a conference was hastily arranged at the Malian capital, Bamako, on 29-30 October 1963 in the presence of Ben Bella, King Hassan and the Malian President Modibo Keita. The outcome was the Bamako agreement<sup>27</sup> calling for the end of hostilities and the search for a peaceful solution acceptable to the two North African states.<sup>28</sup> A four- member commission was formed to supervise the cease-fire and the withdrawal of all troops from the demilitarised zone. This was eventually achieved on 4 November 1963 under the supervision of Ethiopian and Malian officers.<sup>29</sup>

However, at an OAU ministerial meeting in Addis Ababa in mid-November 1963 Algeria refused to negotiate directly with Morocco over the frontier question. Consequently, an OAU seven-member committee was established to come up with a lasting compromise but to no avail.<sup>30</sup> Although no progress was recorded over the demarcation of frontiers or in the improvement of relations, the end of hostilities was considered a positive step for which the OAU could claim credit. However, the ad hoc committee was unable to carry out the task assigned to it partly because of Algeria's categorical refusal to give any concessions on the inherited colonial territories and partly due to the constant war of



words between the belligerents highlighted by accusations and counter-accusations over uprisings in the Kabylia region and student unrest in Casablanca.

These mutual recriminations left no room for a third party to assume a mediating role although they were not acute enough to trigger another armed conflict.

As King Hassan later pointed out, "the policy of Ben Bella's government towards Morocco had been so violent, the propaganda against us so extreme that we had to choose between two solutions: Either to stiffen our will and demand an immediate settlement of the disputed frontier question, or to remain within the status quo. The first attitude would have entailed the risk of a civil war embracing the whole Maghreb. We did not have a moment's hesitation, preferring a strong and friendly neighbour to one who is hostile and vindictive".<sup>31</sup> In reality, however, the status quo proved a safer option at least for a while and the mutual mistrust continued. Paradoxically as it may seem, King Hassan believed that the existence of territorial problems with Algeria was duly acknowledged by international forums and were to be settled through peaceful means. Ben Bella, however, was under the impression that the Bamako agreement recognised Algeria's inherited colonial territories.<sup>32</sup> He even repudiated the GPRA's agreement concluded with Morocco arguing that only the National Council of the Republic was invested with the authority to adopt such a decision. The GPRA's attributions, he pointed out, "were limited exclusively to safeguard the national heritage and not to ruin it by a commitment of any kind".<sup>33</sup>

His meetings with King Hassan at the Arab Summit in Cairo in January 1964 and the OAU Summit in July were to temporarily dispel tension and herald a thaw in relations. A reconciliatory meeting also took place at the Moroccan Mediterranean village of Saidia on 12 May 1965 in the course of which some economic agreements were concluded as a step towards normalisation of relations. This process of rapprochement was abruptly shattered the following month by the overthrow of Ben Bella by his defence minister Colonel Houari Boumedienne. The latter turned out to be much less inclined to honour the GPRA's commitment with Morocco when he stated that "Algeria's frontiers are not negotiable".<sup>34</sup> His position was further hardened by the decision on 8 May 1966 to deploy troops throughout the demilitarised zone and even nationalise the disputed Gara Djebilet iron ore mines some 150 km south of Tindouf. The move rekindled the acrimonious verbal exchanges

and the two North African States embarked on a dangerous arms race unprecedented in the region's history. As the tension increased, King Hassan called on the OAU and the ad hoc committee was reactivated to appease the belligerents. No progress was registered in the efforts of the OAU or Arab mediation and the issue was temporarily eclipsed by the June 1967 Israeli surprise attack on Egypt, Syria and Jordan.<sup>35</sup>

At the Algiers OAU Summit of September 1968, Algerian-Moroccan relations were slightly improved, following a Boumediène-Hassan meeting. The event initiated a dialogue which had stalled for over two years and marked the first sign of reconciliation despite their territorial differences. Their mutual antagonism was exacerbated, however, by the ideological differences that separated the two regimes.

Even the complementary nature of the Algerian-Moroccan economies and their growing importance could not transcend their respective political, ideological and personal differences.<sup>36</sup>

However, the conclusion of the Ifrane treaty on 15 January 1969<sup>37</sup> markedly improved relations between the two countries and the Boumediène-Hassan meeting in Tlemcen on 27 May 1970 led to a joint committee being formed to examine ways of solving the frontier issue.<sup>38</sup> As a result, King Hassan's long standing feud with President Mokhtar Ould Daddah of Mauritania came to an end in the context of the long-sought after united Maghreb and the "Ifrane spirit". An entente of a kind emerged on 14 September 1970 at Nouadhibou<sup>39</sup> whereby it was understood that Morocco was to relinquish all claims to any colonial territories inherited by Algeria in return for a joint exploitation of the Gara Djebilet iron ore mines and Algerian support to Morocco's claims over the Western Sahara. The Treaty was agreed in principle on 15 June 1972 and ratified by Algeria on 17 May 1973 but not by Morocco pending the election the following year of a new parliament. The Treaty included three conventions: the first, recognised the de facto Moroccan-Algerian frontier as the legal boundary; the second, called for the joint exploitation of the world biggest iron ore deposits at Gara Djebilet, 100 miles south-west of Tindouf in Algeria, through a Moroccan port on the Atlantic; and the third called for the setting up of a joint cement company in Oujda to cater for the need of the north-east of Morocco and the north-west of Algeria. Of the three conventions, only the third was immediately implemented. Algeria ratified the border agreement in 1973 but Morocco, because of the Western Sahara issue, delayed the ratification. The second convention, calling for the joint exploitation of

the iron ore deposits at Gara Djebilet, has yet to be implemented.

The Nouadhibou-formed committee of coordination met in Algiers in January 1972 and its objectives remained on course with regards to driving Spain out of Western Sahara. At the OAU Summit in Rabat in June 1972, it was solemnly announced that Algerian-Moroccan frontier differences were over. The Agadir meeting on July 23, 1973<sup>40</sup> showed no strain in relations and Algeria's attitude was not hostile to claims over Western Sahara by Morocco and Mauritania. Indeed, Algeria disclaimed any territorial interest and showed readiness to help decolonise the disputed area. This attitude encouraged King Hassan and Ould Daddah to agree in September 1974 to share the territory to dispel any rumours of Moroccan "territorial ambitions" over Mauritania and put an end to the outdated concept of "greater Morocco". The agreement was welcomed by Boumediène who attended the Arab Summit held in Rabat in October 1974 and endorsed it publicly before his Arab peers.<sup>41</sup> He stated that, "from now on the matter rests with Morocco and Mauritania. I can say that I am in agreement and that there is no problem...If our brother Presidents and Kings endorse this form of agreement between the two countries to decide the liberation and demarcation of what is to be the Moroccan zone and what is to be the Mauritanian one, then I will be among those who subscribe to this formula".<sup>42</sup> "We are with Morocco and Mauritania for the libration of each piece of its land, not only the Western Sahara or the Sahara under Spanish rule, but also Ceuta, Melilla and all the Islands still occupied by Spain", He told his Arab peers at the summit.<sup>43</sup> This solemn undertaking was one of the main reasons why Arab states did not come out in support of Boumediène's Saharan policy. If Boumediène had no claims over the Western Sahara, then by what 'principle' did the Algerian army embark on an expedition in the disputed territory in January and February 1976 to secure strategic posts and round up indigenous inhabitants who were placed in camps in Tindouf. Why then did Boumediène pour millions of dollars into an arms-race and a worldwide diplomatic campaign that Algeria and Morocco could ill-afford. Furthermore, two secret agreements were signed with Spain in 1973 and 1975.<sup>44</sup>

As events were to prove, King Hassan was unaware of Boumediène's long term intentions camouflaged under ideological incompatibility between two regimes based respectively on revolutionary socialism and liberal conservatism. Boumediène's consistent no-claim approach was contradictory in the sense that he was involved in a



dangerous game that often stopped short of a military confrontation.

There has always been a current of opinion among the Algerian political elite, although in the minority, favourable to Morocco's territorial claims especially with regards to the Western Sahara. In 1976, four leading historical figures of the Algerian nationalist movement Fehrat Abbas (President of the GPRA 1958-1961), Benyoucef Benkheda (President of the GPRA 1961-1962), Benyoucef Lahouel (General Secretary of the Mouvement pour le Triomphe des Libertés Démocratiques, 19550-54), Sheikh Kheireddine (a member of the *Ulama* Association), publicly dissented from Boumedienne's policy of resisting Morocco's claim and favoured a negotiated settlement with Morocco while the military simply opposed it.<sup>45</sup> Another, even more prominent Algerian nationalist, Mohamed Boudiaf, one of the nine historic founders of the FLN in 1954 and briefly president of Algeria who was assassinated on 29 June 1992 by a member of his own bodyguards while participating in a televised public event, also publicly accepted Morocco's claim.<sup>46</sup> His assassination took place in suspicious circumstances because it was reported that he was determined to reduce the army's power and influence and eradicate corruption to embark on social and economic development that would benefit his countrymen. Was he assassinated because the military leadership did not agree with his stand regarding the Western Saharan question? Or was it because he started to look into the military's golden nest and became too close to blow up their cover?

Even the first Algerian President Ahmed Ben Bella (1962-1965) later recognised that "colonialism amputated Morocco's frontier which extended to Senegal".<sup>47</sup>

The dilemma of borders has been a hotbed of tension in relations between Morocco and Algeria after the latter's independence in 1962. Tension reached its utmost in 1963 when the tragic war broke out leaving deep open wounds that have not yet healed.

Algeria's position has always been based on the inviolability of frontiers inherited from the colonial powers.<sup>48</sup> At the UN Morocco was adamant on the question of territorial dismemberment of independent states and while campaigning vigorously in favour of Algeria's case not to be amputated of its oil-rich Saharan territory, it was also lobbying for its own claims over the Atlantic Sahara. France called for the creation of a Saharan state in Southern Algeria as a distinct entity called "Organisation Commune des Régions Sahariennes" (OCRS).



Morocco invoked the respect of paragraph 6 of the UN Declaration on granting independence to peoples and countries still under colonial rule which granted the right of dismembered states, in this case, Morocco and Algeria, to achieve national territorial integrity. It was a principle that Algeria later rejected to embrace the OAU principle of the sanctity of colonial frontiers. But Algeria's own saharan frontiers are also artificial.<sup>49</sup> Colonial rule deprived Morocco of "its Saharan hinterland but bequeathed to Algeria a share of the Sahara that greatly exceeds the territory to which the precolonial Algerian state, the Ottoman Regency of Algiers, ever laid claim".<sup>50</sup>

Given the fact that the Western Saharan question was defined by the UN as a matter of self-determination and that Algeria could not admit to being a concerned party to the conflict, this principle has obscured a significant aspect of Algeria's principled objection to Morocco's position and has indeed prevented any progress towards the settlement of the issue.

Paradoxically as it may seem, since the advent of a formal multi-party system in Algeria in 1989, not one single party has ever made an issue of the Saharan question or challenged the government policy on the subject.

The older generation of the Algerian military leadership tends to be more loyal to Boumediène's pro-Polisario policy as a matter of faith. From 1992 onwards, the army acquired enormous power and influence following the overthrow of President Chedli Benjdid who boldly introduced a multi-party system and a democratic process as well as reaching an understanding with King Hassan leading to a rapprochement between Algiers and Rabat.

For improving relations, the most important event was the summit meeting at the frontier town of Akid Lotfi on 26 February 1983 between President Chedli Benjdid and King Hassan in the presence of King Fahd of Saudi Arabia. It was the first top-level talks since the start of the Saharan question in 1975. At this meeting Benjdid tried to resort to Maghreb integration and a "solution in the Maghreb framework" as a final settlement to the Western Sahara conflict allowing everyone to save face. Economic incentives were discussed such as a gas pipeline from Algeria across Morocco to Spain, the export of the iron ore deposit at Gara Djebilet through Moroccan ports and joint exploitation of the Bu Craa phosphate mines in the Western Sahara.<sup>51</sup>

Although the meeting did not result in the sought-after breakthrough

in resolving the Western Sahara issue, it did initiate new improved Moroccan-Algerian relations that culminated in the restoration of diplomatic relations on 16 May 1988, which ended a 12-year pause, and the proclamation in Marrakech of the Maghreb Arab Union on 17 February 1989.

In a joint communiqué, Algeria and Morocco reaffirmed all previous bilateral treaties, accords, and conventions, and called for a resolution of the Western Sahara conflict by means of a referendum. There was no mention in the communiqué of Algeria's long-held public insistence that direct Morocco-Polisario negotiations were a precondition for a settlement of the conflict. It was understood at the time that the Saharan issue should not interfere with the improvement of bilateral relations. During Benjdid's meeting with King Hassan on 18 February 1989, the two North-African leaders agreed to go ahead with the \$2 billion Trans-Maghreb gas pipeline which runs from the gas fields of north-west Algeria across northern Morocco to Spain with possible future extension to France. To outsiders, the major obstacles to resolving the Western Sahara issue appear to be removed. First, King Hassan reversed a long-standing refusal to negotiate directly with the Polisario when he invited representatives of the movement to informal talks in Marrakech in January 1989.<sup>52</sup> The rapprochement greatly helped the creation of the Maghreb Arab Union which gave priority to economic integration as a pragmatic approach pending the resolution of the Western Sahara question, although it involved political co-ordination and looked to future political integration. The grouping, however, had a limited impact on regional reconciliation and had not facilitated the resolution of the Western Sahara conflict as the Maghreb's most divisive issue and an Algerian-Moroccan agreement on the conflict remains paramount to any future settlement of the issue or revival of the Maghreb Arab Union.

The opportunity to democratise Algeria during Chedli Benjdid's presidency seemed to have been lost by his forced departure and the powerful military leadership simply ignored how to address the key issues around which violence erupted in 1992-93. There was also the need to accept the failure of the strategy of eradication of the Islamists and to open up the political process or mend fences with neighbours. For the legal political parties they simply toe the line and there was no opportunity for them to participate meaningfully in the political life and make the government and institutions of the state accountable

to elected politicians. If that ever happens in future, it would mark a significant new departure in Algerian politics and would contribute to the resolution of the Western Sahara issue.<sup>53</sup>

Since December 1991, Algeria has been seized by a wave of violence which verged on civil war between 1992 and 2000. But the violence, although abating, is still lingering on ever since and was triggered by a military-backed coup that blocked the electoral victory of the , the Islamic Salvation Front '*Front Islamique du Salut*' (FIS) in the 1991 legislative elections. Bloody confrontations between the security forces and Islamic militants ensued and the number of people killed during this period was put at over 200,000.<sup>54</sup> But the violence has not faded away as the Salafist Group for Preaching and Combat (GSPC) announced in September 2006 that it became al Qaeda in the Islamic Maghreb (AQIM) and embarked on sporadic attacks on military and security targets in Algeria.<sup>55</sup>

The advent of President Abdelaziz Bouteflika in 1999, who was Boumedienne's close confidant and foreign minister, it was hoped that, since he was born and brought up in Oujda, north-east of Morocco, he would favour a period of detente with Morocco and seek to heal open wounds caused by years of mistrust, rivalry and antagonism. There was also hope that he would eventually reach a compromise solution to the Saharan conflict. However, he turned out to be a devoted disciple of Boumedienne and the military's preferred candidate to continue with the Saharan issue with more vigour and intransigence despite rumours that he apparently sought an understanding with King Hassan before he died in July 1999. The following month, however, two leading members of the powerful military, former defence minister Major General Khaled Nezzar and former Navy commander Major General Abdelmajid Taright, attended the Polisario congress as VIPs. This was interpreted in Rabat as a disapproval by the army of any search to a rapprochement with Morocco and a warning to Bouteflika to give up his conciliatory position vis-à-vis Morocco and stick to the status quo.

During his US visit in November 2001, Bouteflika was reported to have told James Baker "that Algeria was no longer opposed to the 'third way' in Western Sahara".<sup>56</sup> This meant that Algiers would consider a compromise solution to the Western Saharan question. The news triggered a wave of confusion in Algiers emphasised by numerous press articles and commentaries but the government was forced to issue official statements reiterating Algeria's initial position.<sup>57</sup> Once

Bouteflika changed course and adopted a hard-line position, senior army officers made conciliatory gestures of their own to cover up their true colours. Indeed, in March 2003, the former defence minister and retired Major General Kahaled Nezzar told a Moroccan newspaper that “Algeria does not need another state at its borders”.<sup>58</sup> Was this statement meant to irritate the President or was it simply a cover up of the real position of the military leadership vis-à-vis the Saharan issue?

Algerian policy regarding the Western Sahara became an issue in the broader context between the army leadership and the presidency.<sup>60</sup> As an observer of the Algerian scene put it, “on the one hand, it can be used to wrong-foot the president. On the other hand, the army commanders are widely considered to have a vested interest in the status quo”.<sup>59</sup>

The President and his government are permanently handicapped in their efforts to make progress towards a solution of the Saharan question because they are often disowned by the army when exploring compromises and a rapprochement with Morocco including the re-opening of borders between the two countries.

In his memoirs published in 2003, the Mauritanian President Ould Daddah (1960-1977) stated that the Algerian position towards the Saharan conflict was a pattern of violent protest against the Moroccan government's delay of ratifying the agreement on the borders which was initially agreed upon between King Hassan II and President Boumedienne.<sup>60</sup>

A prominent Moroccan political figure was asked to explain the continuing rifts between Morocco and Algeria despite the potential of integration and cohesion between the two countries and he answered ironically that, “we have experienced more conflict than convergence and this might have created a complex that psychologists, not political scientists, could resolve.”<sup>61</sup> The antagonism between Algeria and Morocco remains deeply-rooted and following the war of the sands in 1963, wounds have been opened and have been poked further by the Algerian military leadership's role in the dispute. It would certainly take time for the wounds to heal even after the Western Saharan question is resolved.



## NOTES

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- 7 *OAU Document*. AHG/RES 16 July 1963. See text in Ian Brownlie, *African Boundaries*, C. Hurst & Co, London, 1979, p. 11.
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- 17 M. Maazouzi, *L'Algérie et les Etapes Successives de l'Amputation du Territoire Marocain*, Dar El-Kitab, Casablanca, 1976, p. 137.
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- 20 Western Sahara: The Cost of the Conflict, *Crisis Group*, Report No 65, 11 June 2007, p.3
- 21 See text of King Hassan's press conference on 14 October 1963 in Mohamed Maazouzi, *L'Algérie et les Etapes...* op. cit., pp. 225-233.
- 22 Mohamed Basri and Mehdi Ben Barka were accused of masterminding a plot to overthrow King Hassan in July 1963 and taking the Algerian side in the frontier dispute partly because of close links with Ben Bella.
- 23 Details in Frank E. Trout, *Morocco's Saharan...*, op. cit., pp. 426-430.

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- 26 N. Boyer, *Le problème des frontières du Maroc*, CHEAM, dissertation, No 4237, Paris, 1968. The Moroccans captured an Algerian helicopter near Ain Chouater with four Egyptian officers on board.
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- 28 As the Arab League headquarters were in Cairo Nasser greatly influenced its proceedings. It was not acceptable to Morocco as a forum to settle disputes with Algeria. King Hassan accused the United Arab Republic (Egypt and Syria) of open hostility and the use of Egyptian forces against Moroccan troops. The Arab League mediation committee comprised of Tunisia, Lebanon, Libya and the UAR. President Bourguiba's good offices were rejected by Ben Bella because of Tunisia's claims at the time over the Edjeleh oilfields. See *Maghreb I*, January-February, 1964, pp. 12-13.
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- 32 See Ahmed Ben Bella's speech at Colomb-Bechar on 10 December 1963 in *El-Moudjahid*, 11 December 1963.
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- 36 A. Tiano, *La Politique Economique et Financière du Maroc Indépendant*, Presses Universitaires de France, Paris, 1963, p. 146.
- 37 See text in, *Journal Officiel de la Republique Algérienne* 11, Algiers, 5 February 1969, pp. 82-84.
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- 39 The Hassan-Boumedienne-Ould Daddah meeting in Nouadhibou on September 14, 1970 led to a committee of coordination being set up to coordinate their strategy for a common diplomatic offensive at the UN General Assembly to force Spain to comply with the UN December 1965 resolution.

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- 42 The author has a recording of the speech.
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- 44 See chapter on Spain's involvement.
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- 46 Ibid p. 12.
- 47 *Le Matin du Sahara et du Maghreb*, No 9581, Casablanca, 15 April 1997. p. 1.
- 48 Toby Shelley, *Endgame in the Western Sahara*, London, 2004, p. 27; also Western Sahara: out of the Impasse, *Crisis Group*, Middle East/North Africa Report No 66, 11 June 2007, p. 12.
- 49 Western Sahara: Out of the Impasse, *Crisis Group*, Middle East/North Africa Report No 66, 11 June 2007, p. 12.
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- 51 *Le Monde*, Paris, 1 March 1983, p. 1 : *Le Matin*, Paris, 19 May 1983, p. 12.
- 52 John Damis, The Maghreb Arab Union and regional reconciliation, in, *North Africa: Nation, State and Region*, edited by George Joffé, Routledge, London 1993, p. 294-295.
- 53 For an excellent account of the crisis period in Algeria see *Crisis Group*, The Algerian Crisis: Not Over Yet, Africa Report N°24, 20 October 2000.
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- 56 Yahia H. Zoubir and Karima Benabdallah-Gambier, "Morocco, Western Sahara and the Future of the Maghrib", *Journal of North African Studies*, 9,1, spring 2004, p. 62.
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## CHAPTER ELEVEN: ALGERIA AND WESTERN SAHARA

Algeria stated that it had no territorial claims or economic designs over the Western Sahara yet had no wish for the territory to be under Moroccan control. This stance was underlined by President Houari Boumediène's volte-face over his initial support for the Moroccan-Mauritanian claims to the territory and by his constant call for the Sahrawis to exercise their right of self-determination that would lead only to independence and not integration with Morocco. The insistence on independence for the Western Sahara was not merely for the principle of self-determination, as it was often portrayed by opponents of the Moroccan claims but rather for geopolitical, ideological and economic self-interest. The Sahara issue is merely one of the bilateral problems plaguing relations between the two North African countries, though it receives higher visibility and thus often conceals other topics of dissent.

A Saharan state under Algeria's influence would increase its influence in inter-Maghrebi politics and regional hegemony. The Algerian revolutionary socialist ideology was another aspect of foreign policy that needed to be taken into account. Boumediène's ideological vision for the Maghreb was threatening to neighbouring Moroccan and Tunisian interests.<sup>1</sup> Economically, however, an outlet onto the Atlantic that had nothing to do with Morocco would have been welcomed by Algeria in order to export iron ore from the Gara Djebilet mines that were supposed to be jointly exploited in conformity with the Moroccan-Algerian Ifrane treaty of 1972.<sup>2</sup> However, Morocco could have been left out of the deal on the grounds that Rabat never ratified the 1972 treaty that was to settle, once and for all, the demarcation of the common frontiers. The Gara Djebilet mines are considered one of the largest iron ore deposits in the world located in a disputed area of Algeria, 130km south-east of Tindouf, 300km from the Atlantic Ocean and 1,600 km from the Mediterranean. If exploited via the Mediterranean, it would not be commercially viable than if it was via the Atlantic.

In terms of economic warfare, Algeria had the upper-hand partly because of the mass repatriation in 1976 of some 45,000 Moroccan families living in Algeria<sup>3</sup> and the fact that Moroccan exports to Algeria were simply wiped out overnight not to mention Algeria's refusal to open borders with Morocco after they were closed following a terrorist attack by an Algerian national killing two Spanish tourists in Marrakech in



1994. Borders were still closed in 2010 between the two North African states as Algeria refused to open them until the Saharan question was resolved. Algeria was also reaping the benefit of the oil boom which provided it with the financial capacity to indulge in a risky venture that could have seriously endangered the stability and the security of North-West Africa.

Boumediène's call for the self-determination principle to be exercised by the Sahrawi population had always been accompanied by "independence" in every document presented by Algeria at international gatherings. Had he been interested only in the Sahrawis' right to determine their own political future under international supervision, the independence notion would not have been stressed so vehemently in every available forum.

At the OAU Summit in Nairobi in June 1981, a resolution was unanimously adopted calling for a cease-fire and a referendum to be held in the Western Sahara. The self-determination principle was no longer valid in the eyes of the Algerian rulers who constantly called for independence of the Saharan territory. Boumediène would only have been satisfied with an independent Sahrawi state under his influence, otherwise, the prevailing tension in the area would linger on as long as Algeria could afford the exorbitant cost. Boumediène had always taken pride in backing various movements worldwide with exceptions based mainly on ideological differences and political self-interest. Indeed, when Bangladesh was poised to exercise the right to self-determination, Boumediène opposed it. Moreover, Eritrea was a vivid reminder of Algeria's contradictory policy. The UN entrusted Ethiopia solely with a mandate over the former Italian colony whose people were poised to determine their political future through a UN-supervised referendum. The Eritreans had been fighting for three decades to exercise their right to self-determination, yet, Algeria chose to support the Marxist Ethiopian regime despite the Eritreans' claim of "brotherhood" in Islam. Eritrea was recognised by the UN long before the OAU was even established but the Pan-African Organisation had never looked into the issue simply because Somalia and Eritrea's backers did not have the financial muscle or the diplomatic clout available to Algeria and Libya to bring the matter to the attention of African leaders. Furthermore, Emperor Haile Selassie went out of his way to make Addis Ababa the OAU's permanent headquarters so that the Eritrean, the Ogaden and the Tigrayan issues would not be brought before his African peers.

Boumediène's support for Mengistu Haile Mariam's Marxist regime gave Ethiopia renewed vigour against the Ogaden, the Tigrayan and the Eritrean independence movements whose claims had far more solid foundations than those of the Polisario, the MPAIAC or even the Basque separatist ETA. Indeed, the ethnic, religious, cultural and linguistic dimensions of the Eritreans were markedly different from those in power in Addis Ababa. Yet, paradoxically, Algeria had snubbed the Eritrean claims to support the Marxist regime in Ethiopia. The question, therefore, was why the self-determination principle was so vital for the Sahrawis in the eyes of Boumediène and yet not for the Bangladeshis, the Eritreans, the inhabitants of Ogaden and Tigray and even the Algerian Sahrawis. The latter were slaughtered in their thousands when France called for the creation of a Saharan state in Southern Algeria as a distinct entity called " Organisation Commune des Régions Sahariennes " (OCRS).<sup>4</sup> The proposal was opposed not only by Algerians but also Moroccans and Tunisians who stuck to the idea that the Sahara becomes an integral part of their respective national territories. Consequently, president Bourguiba hurried troops to the territories claimed by Tunisia while the Istiqlal party supported King Hassan's request to postpone negotiations with France over border problems until Algerian independence was achieved and without French participation.<sup>5</sup>

During the Evian negotiations leading to Algeria's independence, the Algerian National Liberation Front (FLN)<sup>6</sup> rejected French arguments for a self-determination referendum for the Reguibat, Tuareg and Chambaa tribes that were natives of the Algerian oil-rich Sahara. The Algerian leadership rejected not only the idea but proved heavy-handed with their own countrymen in a state of rebellion in the south of the country. Although French colonial interest was to retain control over the hydro-carbon wealth of the area, the French proposed referendum was advanced in the name of "people's freedom", a principle cherished by the Algerian leaders of the independence struggle most of whom were imprisoned, driven into exile or simply liquidated by Boumediène's hitmen after he seized power in 1965.

Paradoxically, in 1976 Boumediène deported over 45,000 Moroccan families living in Algeria some of whom had even taken part in the Algerian war of independence.<sup>7</sup> Yet, the most exaggerated estimates of the number of Sahrawis in the Tindouf camps did not exceed twenty thousand.<sup>8</sup> Furthermore, Algeria, which prided itself on being

the champion of the "oppressed" and the sanctuary of revolutionary movements,<sup>9</sup> embarked, in May 1986, on the mass deportation of over twenty thousand Sahrawis of Tuareg origin presumed to be from neighbouring Mali and Niger.<sup>10</sup> Such inhumane acts, whether in Algeria, Nigeria or Ethiopia, go unnoticed in African forums especially the OAU despite the fact that these moves were totally unjustifiable by any international standard related to human rights. Not a single reference was made to the Algerian action at the subsequent OAU summits or regular ministerial meetings. This unfortunate episode was simply brushed under the carpet as were most of Africa's problems related to human rights abuses and repressive measures. It was reported that the Algerian leadership embarked on a large scale deportation of Tuaregs but in 1976 went about rounding up Sahrawis within the Western Sahara to place them in the Tindouf camps to swell their numbers.<sup>11</sup> The Sahrawis in Tindouf were not allowed to leave the camps nor to be counted by the UN High Commission for Refugees or the International Committee for the Red Cross, a situation in total contradiction to the traditional nomadic lifestyle of the Saharan tribes and their environment. The people in the Tindouf camps have, on numerous occasions, been encouraged by their relatives and the Rabat government to return to the Western Sahara. Some have, indeed, managed to escape at great risks including prominent members of the Polisario leadership.<sup>12</sup>

Would it be wrong to assume that the Tuaregs no longer served Algeria's geopolitical interests as did the Sahrawis in the Tindouf camps? Was their reluctance to join the Polisario ranks the price of their expulsion as the logical alternative?<sup>13</sup>

Some of the Tuareg tribes joined the Polisario camps out of necessity dictated more by their need to survive rather than politising, the reason being the devastating drought experienced by the Sahel region in the seventies and the beginning of the eighties. What logic was there in preferring one group of Sahrawis to others if it were not for pure geopolitical interest? As Ferhat Abbas, the most respected leader of the Algerian revolution, pointed out: "regarding the Western Sahara issue, he (Boumediène) apparently wished to support the right of a population to self-determination. Perhaps, one should ask him to respect first the Algerians' right to determine their country's "options" and to whom was denied not only the liberty to democratically choose their regime but also the right to free speech and meetings. How could Boumediène in these circumstances pose as a champion of peoples's



liberty? ".<sup>14</sup> Indeed, behind the rhetoric of Boumediène's adherence to the self-determination principle lay the reality of the political challenge for regional hegemony and the ideological differences between the Algiers and Rabat regimes.

The inhabitants of Western Sahara, argue the Moroccans, are entitled to their right to self-determination but it does not automatically imply independence. Algeria, however, has already made up the Sahrawis' mind by recognising the SADR and launching a diplomatic offensive worldwide to secure its recognition. Such hasty decisions prejudice and even invalidate well in advance the legitimacy of the sought-after referendum.

Algeria advocated the exercise of the right to self-determination but recognising the SADR before that principle was freely exercised contradicts the very argument the Algerians advanced. By recognising the SADR and giving a safe haven in Algeria, Boumediène purposely determined the course of events and dictated the outcome of the referendum when the very existence of the disputed territory and its political future was still to be decided.

The mere recognition of the SADR illustrates that Boumediène made him a judge and jury and underlined the fact that he was not interested in the implementation of the self-determination principle he so ardently evoked but rather in taking matters in his own hands and imposing a self-proclaimed republic.

Algerian lobbying in concert with Libya achieved a great deal for the Polisario in Africa in diplomatic terms at a time when the continent was going through a difficult economic period. Aid packages were welcomed even from unlikely donors as Gaddafi. Oil-rich Algeria capitalised on the oil price hike in 1990s to rally support for the SADR from a number of small states that were influenced less by principled arguments than Algerian financial aid.

Emerging victorious from a war of liberation, Algeria became firmly committed to the support of liberation movements all over the world ranging from the MPAIAC<sup>15</sup> to the MOROS in the Philippines<sup>16</sup> as well as ETA<sup>17</sup> and the Polisario.

The question, however, was where to draw the line between, on the one hand, national and, on the other, separatist or secessionist movements. Algerian diplomacy has never favoured the aspirations of oppressed minorities. The Eritreans in Ethiopia and the Tuaregs in southern Algeria were cases in point.<sup>18</sup> In support of this argument,



Algeria condemned the creation in 1967 of the "state of Biafra" proclaimed by Lt-Colonel Emeka Ojukwu and even dispatched pilots to Lagos to help crush the uprising. Biafra was only recognised by four African states before the capitulation came about on 2 January 1970 with the sad result of a million dead and thousands in the throes of famine in a paradoxically oil-rich country.

Had the "Biafra state" survived, it might well have triggered off secessionist rebellions in other parts of Africa.

Algeria also denounced Cabinda separatism despite the proclamation of an independent state during the Libreville OAU summit in July 1977. The move was made on ideological lines with the regime in Luanda and not on principles as the enclave did not even have common borders with Angola.

Although Algeria's relations with Libya were cautious and distant, Gaddafi's intervention in Chad was not opposed nor was his interference in the affairs of other African states. As long as Libya's strongman continued to provide the Polisario with arms and would-be diplomatic campaign worldwide, virtually any other activities by Libya were condoned by Algiers. The only contrary reaction to Gaddafi's international activities was President Chedli Benjdid's remark that his country "does not believe in the export of revolution".<sup>19</sup> Chedli's policy was in stark contrast to that of his predecessor who once believed that "Algeria's revolutionary socialism would have to encompass neighbouring states to be successful".<sup>20</sup>

Aware of his role as champion of revolutionary Africa, Boumediène had once viewed King Hassan as strongly opposed to the spread of his revolutionary ideas and one that he would have liked to see replaced if radical political change was to succeed in the Maghreb.

The contradiction in Boumediène's policy of providing unlimited support for the Polisario was highlighted by his failure to assist the Eritreans or militants of the Somali-speaking Ethiopian province of the Ogaden. On the other hand, he once supported the Japanese Red Army faction and the American Black Panthers simply in order to get at the American administration whose policy he opposed to ideologically. He also harboured hijackers and terrorists to demonstrate his opposition to any Western policy doctrine.<sup>21</sup> In the 1970s, Boumediène was strongly criticised worldwide for providing refuge to notorious activists such as Carlos 'the Jackal', the freelance international terrorist, and dissidents opposed to regimes in neighbouring states. He would have nothing

to do with separatist groups such as the IRA, the Corsican Liberation Movement, the Breton separatists in France or any of the separatist movements in the Middle East. Yet, he harboured ETA leaders<sup>22</sup> and allowed the MPAIAC<sup>23</sup> to broadcast anti-Spanish propaganda on Algerian radio. He set up headquarters for the MPAIAC in Algiers and sought its recognition as a liberation movement by the OAU all for strategic and political interest.<sup>24</sup>

Following the conclusion of the Tripartite Madrid Accord on 14 November 1975, relations between Madrid and Algiers reached crisis point. In an attempt to discredit the legitimacy of the Accord, Boumediène urged Spain to host an extraordinary OAU conference on the Western Sahara. A vast Algerian diplomatic campaign was launched among the Spanish left to call into question the Madrid Accord and evoke the sovereignty issue. At the same time the MPAIAC leadership, based in Algiers, worked hard to link the independence of the Canary Islands to that of the Western Sahara. As a result, a number of Spanish communist and socialist leaders paid visits to Algeria,<sup>25</sup> while terrorist attacks were reported in the Canary Archipelago presumably instigated by the MPAIAC but planned in Algiers.<sup>26</sup>

Algerian induced pressures on Spain led Madrid to announce that only administrative control over the Western Sahara was transferred to Morocco and not sovereignty. On the other hand, the attack on Spain's policy in the Canary Archipelago proved counter-productive since it helped rally support for the Madrid government from all walks of life and political tendencies in Spain. The stick and carrot policy Algeria adopted vis-à-vis Spain backfired when Polisario representatives were subsequently deported and their Madrid office was closed following an attack on a Spanish trawler in September 1985.<sup>27</sup> Realising that the oil weapon had become impotent and insisting on using the same technique to put pressure on Spain to yield to Algeria's demands, the Algiers government gave refuge to Senor Tromn Iturbe, one of the most influential leaders of ETA, who was deported from France in July 1986.<sup>28</sup>

It was certainly not conceived as a humane gesture but rather as an acquisition of a political trump card that might come useful later. Indeed, if the humanitarian element had anything to do with it, Boumediène should have appealed to Franco to spare the lives of five Basques sentenced to death in 1975 when more than half the world's leaders appealed for clemency. Boumediène did not lift a finger simply

because there was a secret agreement between Madrid and Algiers over the future of the Western Sahara founded on mutual economic benefits and the fact that Franco and Boumediène favoured an "independent" state in the disputed territory.<sup>29</sup>

The Mauritanian Minister of Foreign Affairs Hamdi Ould Maknas told the UN General Assembly on 14 October 1977 about the meeting held in Geneva, Switzerland, in October 1975 between Spanish, Algerian and Polisario representatives in the course of which Algeria offered to guarantee Spanish economic and cultural interests in the Western Sahara and withdraw its support from the MPAIAC. In return, Spain would unilaterally proclaim the independence of the territory.<sup>30</sup>

It is worth pointing out that Spanish-Algerian relations were based more on common economic interest than ideological alignment. Hydrocarbon was the main reason for Madrid's eagerness for closer links with Algiers in the wake of reduced trade ties with France. Algeria looked to Spain as the nearest European state to provide it with light industries and consumer goods. Most important, Algeria and Spain favoured an independent state in the Western Sahara for reasons related to their commercial interests and the political configuration of the Maghreb. As pointed out by an observer, "there is a good deal of evidence that he (Boumediène) had done a private deal with Franco to share effective control of the newly independent state".<sup>31</sup>

Ideologically, Franco and Boumediène were diametrically opposed as chalk and cheese. The ultra conservative regime of the Caudillo had nothing in common with Boumediène's revolutionary brand of socialism which often proved irritating when Algiers provided a safe haven to Spanish dissidents prominent among whom were the MPAIAC leaders and later those of ETA. In the eyes of Spain, Algeria provided, "the most effective nearby check on Morocco's irredentism".<sup>32</sup> Through the Polisario, Boumediène also provided a valuable distraction for any Moroccan claims over the Spanish occupied enclaves along Morocco's Mediterranean coast. As long as Boumediène and King Hassan were at loggerheads over their frontiers and the Western Sahara, Spain would be safe from any Moroccan territorial claims over Ceuta, Melilla and the Jaafarine Islands. On the other hand, to thwart Morocco's territorial claims and ensure Spain's support for Algiers' policy in the Maghreb, Boumediène possessed two important assets. First, hydrocarbon exports to Spain were badly needed by the growing Spanish industrial sector in the wake of the world oil crisis. Indeed, a



new economic and financial agreement was concluded on 20 June 1972 by virtue of which Spain agreed to purchase 25 billion cubic meters of Algerian gas annually for a twenty-year period beginning in 1974.<sup>33</sup>

The second option concerned Boumediène's encouragement of Spanish subversive and dissident groups to seek refuge in Algiers. These groups were harboured not for the principle of providing political asylum to persecuted activists, but rather for use as political weapons and a source of retaliatory measures when the occasion permits, as was the case with the leadership of MPAIAC and later that of ETA.

Spain adopted a very cautious policy towards Algeria although at times much too accommodating. Indeed, Mohamed Khider, one of the historical leaders of independent Algeria,<sup>34</sup> was assassinated in Madrid and his murderer was mysteriously never brought to justice. He was shot by Boumediène's hitmen and it was believed that the Spanish police covered up the whole episode to avoid alienating Algeria and prompt Boumediène to activate Spanish subversive activists based in Algiers.

At the conclusion of the Madrid Accord, Boumediène made a vehement attack on Spain which was simply censored in the Spanish press.<sup>35</sup> He also provided the MPAIAC leadership with air-time on Radio Algiers to broadcast anti-Spanish programmes and embark on a worldwide diplomatic campaign to secure recognition for the Polisario and the MPAIAC as African liberation movements in the quest for independence of the Western Sahara and the Canary Islands respectively. Boumediène's indignation was so intense that Algerian troops were dispatched to the Western Sahara to round up the indigenous inhabitants and put them in camps in Tindouf so as to internationalise the Saharan question. He succeeded in securing the OAU recognition of the MPAIAC as an African liberation movement in 1976.<sup>36</sup>

The move provoked an unexpected outburst of nationalist fervour in Spain resulting in the formation of a united front of all political parties against the Algerian challenge. The crux of the matter was not Boumediène's concern over the future of the Canary Archipelago but rather that of the Western Sahara as illustrated later when the MPAIAC was simply dropped from Algiers' list of "causes" supported by its foreign policy.

As an observer pointed out, "neither Bouteflika<sup>37</sup> nor his bosses care anything about the MPAIAC, to which they attach little importance despite all their statements to the contrary. It is the Sahara which



concerns them and it has become an obsession".<sup>38</sup>

The above arguments substantiated the fact that there was no consistent criteria adopted by Boumediène in his support for national, separatist or even secessionist movements. The choice that was made and how it was adopted depended more on the political, economic and ideological interests which guided Boumediène's foreign policy, as it did to merits of the arguments in favour of Algeria's priorities in strategic terms. The use of the MPAIAC and the Basque leadership as a means to pressurise Madrid into submitting to Algeria's demands with regards to the Polisario, constituted an expandable factor in Algeria's regional politics. Boumediène's revolutionary line of thinking simply had an intense dislike for the conservative Moroccan monarch whom he saw as a bulwark against the spread of the Algerian revolutionary brand of socialism. The Algerian President chose to foster and sustain the Polisario financially and militarily for the sole purpose of advocating a plebiscite that would only confirm the existence of the SADR, that Algeria proclaimed and harboured, and impose it as an "independent state" under Algerian influence. He wanted a client state in the Sahara to ensure a short and profitable route to the Atlantic for the iron ore mines in Gara Djebilet. It was the only way for the mines to be commercially viable. Access to the Atlantic was not the only reason as the encirclement of Morocco by radical states was also part of Boumediène's vision of the Maghreb.<sup>39</sup>

Furthermore, the Algerian leadership did not want to see any growth in Morocco's territory, but rather a small Sahrawi state than a powerful Moroccan monarchy with whom frontier problems are still unresolved.

The Saharan issue provided a useful focus for Algeria's rulers to distract their countrymen's attention from internal political, economic and social problems; it also proved a useful instrument to rally support for unpopular government policies. The Saharan issue totally dominated the country's foreign policy and national media coverage. The Polisario was provided with daily radio broadcast and in 2009 with a television station to transmit anti-Moroccan programmes. The official Algerian newspapers have devoted daily coverage and at times pages to publicise exaggerated reports of Polisario "exploits".<sup>40</sup> Polisario leaders have been provided with Algerian diplomatic passports for their frequent travel abroad and were always included as members of official Algerian delegations to international gatherings. Financial and military

support given to the Polisario by Algeria exceeded that provided to all other liberation movements put together. The cost of Polisario to Algeria ran into billions of dollars. The maintenance of over 50 SADR embassies and representations worldwide as well as the cost of over 10,000 trips abroad annually for Polisario representatives were all paid for from Algerian funds.<sup>41</sup> As for arms supply to Polisario guerrillas, the quantity was endless from both Algeria and Libya. The Polisario's armoury included tanks and Sam 6,7 and 8 missile launchers. Coming from their bases in Algeria, Polisario guerrillas launched a major attack on the defensive wall with 110 armoured vehicles on 25 February 1987.<sup>42</sup> The uniqueness of the situation was the fact that there had never existed a liberation movement in the world capable of striking with tanks and heavy artillery the way Polisario could from military bases in Algeria. The armoury at Polisario's disposal surpassed that of a number of African states' defence requirements and capabilities. A tank and its ammunition and spare parts were believed to cost around five million dollars, a considerable sum by African standards. Some states in Africa could not match the weapons Polisario guerrillas possessed nor the number of men swelling their rank and all because of Algeria's everlasting support. The conflict was equally costly for Rabat and both Algeria and Morocco would have done better to concentrate on their economic and social development.

Algeria has been engaged in a proxy war that could still degenerate into an open armed confrontation with Morocco if a political solution is not found. Boumediène's Saharan policy did not have the sought-after effect amid the Algerian people as the lukewarm response made him the more determined to carry on his vendetta with King Hassan and Ould Daddah. As pointed out by an observer of North African affairs referring to Boumediène, "for whom support of the Polisario was both a commitment and a convenient attack on two political enemies, King Hassan II and Ould Dadda".<sup>43</sup> Boumediène's Saharan policy did not meet with approval from the Algerian people or Algerian elite. "The Algerians' general response to such pleas has ranged from lukewarm to clearly antagonistic on the part of a few politically conscious members of the elite."<sup>44</sup>

In the spring of 1976 four historical leaders of the Algerian war of independence including Ferhat Abbas called on Boumediène to contain his hostility towards Morocco and reminded him of Rabat's crucial support during the struggle for independence. They urged him

to put an end to the fratricidal conflict and to cooperate with Morocco in the framework of a united Maghreb.<sup>45</sup> The appeal went unanswered and instead, Boumediène did everything in his power to thwart Morocco's claims over the Western Sahara and seek ways of destabilising the Rabat regime. He used his country's influence in international gatherings such as the Non-Aligned Movement over which he presided from 1973-1976 to highlight the Saharan question.

Spanish double dealing led to uncertainty over the future of the Western Sahara while Algerian-Libyan collusion and diplomatic lobbying in Africa resulted in multiple recognitions of the SADR.

French involvement in Mauritania where French citizens were abducted and held for ransom in Algiers culminated in the internationalisation of the Saharan issue. Boumediène did not hesitate to resort to military pressure under the banner of the Polisario until his plan was exposed at the Amghala battles which resulted in the capture by the Moroccan army of over 130 officers and troops.<sup>46</sup> The captives and a large quantity of Algerian arms which had been seized were presented to the international press. Following this event, which left no doubt about Algerian intentions, several Arab states and the Arab League Secretary-General attempted to mediate but their efforts were met with Algerian hostility. The Egyptian daily *Al-Ahram* wrote in this connection that "the proposal made to the heads of state of Morocco and Algeria by the Egyptian President for a freeze on military operations along the frontier received a discouraging reply from the Algerian President".<sup>47</sup>

The direct military intervention of the Algerian army at Amghala, located more than 200 km from the Algerian frontier, constituted a violation of the provisions of the UN Charter regarding the respect for the sovereignty and territorial integrity of member-states. Morocco reported the violation to the UN Security Council on 28 January 1976. As the main backer of the Polisario both diplomatically and militarily, Algeria's involvement in the Saharan imbroglio was not as principled or committed to the Sahrawis' rights as Algerian representatives would have us believe at international forums. In fact, it was simply a ploy aimed at disguising the considerable vested interest in the long-standing rivalry between the two Maghrebi states. The Saharan issue was used by Boumediène and his successors to distract his countrymen's attention from internal social and economic problems and to divert those Algerians who wanted to engage in politics, especially the Berbers of Kabylia who were calling for autonomy of their region and the recognition of



their language and culture.<sup>48</sup>

When Morocco and Mauritania decided in the framework of Maghreb Unity to present a joint case to repossess Western Sahara, Boumediène confirmed before his Arab peers, at the Arab Summit in Rabat in 1974, that he was consulted on the matter and gave "full approval with no ulterior motive".<sup>49</sup> Up to the spring of 1975, Boumediène still had his seal of approval on the Moroccan-Mauritanian joint claims to force Spain out of the Sahara. His minister of foreign affairs Abdelaziz Bouteflika had talks with King Hassan in July 1975 and Algerian support was still in force.<sup>50</sup> While the joint diplomatic campaign was agreed upon to drive Spain out of the Saharan territory, Boumediène was discreetly fostering Polisario guerrillas in Algiers and conducting secret contacts with Spain.

In September 1974, Moroccan troops were deployed on the Southern front and an armed confrontation with Spain appeared imminent. Boumediène believed that an armed conflict between Rabat and Madrid would weaken them and result in strengthening Algeria's stand to dictate the outcome of the Saharan affair. He expected Spain to withdraw from the Sahara only if it was dislodged through armed struggle. The military option, therefore, appeared the logical conclusion: partly due to the fact that the pro-Saharan lobby in Madrid had become more powerful; and partly because the nationalist movements in Morocco increased their pressure on King Hassan to adopt a more forceful stand vis-à-vis Franco's intransigence.

When King Hassan held a press conference on 17 September 1974, he was expected to declare war on Spain. Instead, he announced that the Saharan dispute was to be referred to the ICJ. The move disarmed King Hassan's adversaries and temporarily diminished the risk of war with Spain. At the same time, the proposed Spanish referendum for independence or integration with Spain was postponed sine die. Henceforth, Algeria joined forces with Spain and increased pressure on Ould Daddah to withdraw his joint claims in order to discredit Morocco's call for arbitration.

The UN debate began under ominous circumstances for Morocco as the President of the General Assembly that year was no other than the Algerian foreign minister Abdelaziz Bouteflika. The first half of 1975 was marked by a flurry of diplomatic contacts and violence in the Sahara instigated by the Polisario and the Moroccan-backed Front of the Liberation and Unity formed on 21 March 1975. Events were



to take a different turn following the ICJ's verdict on 16 October 1975. The launch of the "Green March" on 6 November 1975 and the intense diplomatic flurry in Madrid and Rabat resulted in the Tripartite Madrid Accord of 14 November 1975.<sup>51</sup> The rapid evolution of these developments led Boumedienne to adopt an aggressive approach translated into unleashing heavily armed Polisario guerrillas on Moroccan and Mauritanian positions. Boumedienne's resentment at being excluded from the Tripartite proceedings was best illustrated by Algeria's Foreign Minister's public statement: "Algeria would not accept any resolutions whatever they may be if it was not associated with their elaboration and implementation as a concerned and interested party".<sup>52</sup> Thereafter, Boumedienne devoted his country's wealth, diplomacy and military strength to thwart any Moroccan-Mauritanian take-over to the extent of engaging his troops in a number of battles early in 1976.<sup>53</sup> The Algerian army's defeat at Amghala prompted Boumedienne to reconsider the military option and seek other means to get at King Hassan and particularly Ould Dadda with whom the Algerian President had a score to settle for not complying with his wishes.<sup>54</sup>

In a letter to the UN Secretary General on 19 November 1975, Boumedienne declared the Madrid Accord null and void.<sup>55</sup> Nonetheless, following the Amghala battle, King Hassan sent a message to the Algerian head of state imploring him either to refrain from interfering in the Western Sahara or declare war.<sup>56</sup> The Algerian Saharan policy experienced a profound change: this was translated into proclaiming the SADR, increasing the Polisario's fire-power and swelling their ranks with Tuareg, Reguibat and Chaamba refugees who had fled the chronic drought in the Sahel region. Boumedienne, in unison with Gaddafi, also embarked on a diplomatic offensive worldwide to secure recognition for the SADR.

Military operations were conducted under the banner of Polisario guerrillas. The very nature of Algeria's declared interest in the Western Sahara meant that Boumedienne was determined to make the territory independent irrespective of the inhabitants' wishes. This resulted in by the proclamation and recognition by Algeria of the SADR and the appointment of Polisario leaders with questionable credentials.<sup>57</sup> And whenever possible, Boumedienne internationalised the issue through debating it at every international forum available to Algerian diplomacy and allies. Indeed, the issue became the first priority of Algeria's foreign policy since 1975 and no effort or expense has been spared to achieve

the sought-after goal that of an independent Western Sahara. Algeria's commitment to the Polisario was such that even when a sponsored special report was published by an international publication to commemorate Algeria's independence, half a page was dedicated to the guerrillas' military "exploits".<sup>58</sup>

Internationally, Algeria had often linked political support or important commercial contracts with developing countries to recognition of the SADR.<sup>59</sup> When President Benjdid toured eleven African states in 1981 prior to the OAU summit, he stressed that continued support for the Frontline states depended on reciprocal backing for the SADR's admission as an OAU member.<sup>60</sup> He also visited Latin American countries to drum up support for Polisario.<sup>61</sup>

The furthest any given country is from the battleground, the more vulnerable it became to Algeria's aggressive diplomacy. Algeria believed that the pressures of the armed conflict and the diplomatic campaign would eventually result in King Hassan's overthrow.<sup>62</sup> In fact, the reverse occurred, as the King's popularity reached an unprecedented scale when even parties of the left rallied to his Saharan policy. King Hassan had probably underestimated Boumedienne's tenacity and thought it would eventually fizzle out and probably, he never expected his Saharan policy to generate so much enthusiasm and patriotism at home.

The self-determination principle was not the prime motive in Algeria's Saharan policy but rather the intense rivalry with Morocco over who should assume the leadership in the region. Algeria was on Morocco's side against Spain but once they lost their common foe, the old enmity broke out and ideological differences were sharpened at varying degrees. The question was whether the rivalry would eventually diminish in intensity to leave room for pragmatism or other developments would further accentuate tension in the Maghreb. The unprecedented political role and power of Algeria's military since the advent of formal pluralism in 1989 was magnified during the civil war that killed over 200,000 people in the 1990's after the military cancelled the legislative elections that the Islamists were poised to win. Since then, the authority of the military machinery that Boumedienne helped to build has emerged, once again, more powerful and not much has changed to sort out differences between Morocco and Algeria or take up the numerous political, economic and social challenges facing the country.<sup>63</sup>

The Algerian armed forces role in the country's political arena remains critical for the simple reason that it continues to see itself as the guarantor of Algeria's stability, therefore, retaining an intimate involvement in the country's political affairs. Since the army has the upper hand in the political and economic spheres, tackling its role and blatant interference in politics would be a daunting task for civilian control or any political party leadership in the country. Winning the army's support for change will be an enormous challenge that could lead to a democratic process and eventually to the swift settlement of the Saharan issue.

With thousands of Sahrawis living in dreadful conditions in camps in Tindouf, south-west Algeria, the Saharan question has simply crippled efforts to promote badly-needed economic and strategic cooperation between Morocco and Algeria as both face the challenge of a rising tide of Islamist militancy and a wave of African illegal migrants and terrorism.

Ever-ready to oblige in terms of arms-supply and worldwide diplomatic support for the Polisario, Gaddafi's effective role in the Saharan imbroglio was significant in the sense that he once became a major player who introduced a new dimension to the conflict.

## NOTES

- 1 President Boumediène once said that Algeria's revolution could only be successful if it encompassed Morocco and Tunisia. See Joe Mercer, "the Sahrawis of Western Sahara", *Minority Rights Group*, Report No 40, London, 1979, p. 6; also E. Meric, "le conflit algero-marocain", *Revue Française des Science Politiques*, Paris, August 1965.
- 2 See chapter on Moroccan-Algerian Relations.
- 3 *Nouvel Observateur*, No 585, Paris, 26 January 1976.
- 4 Virginia Thompson and Richard Adloff, *The Western Saharans*, Croom Helm, London, 1980, p. 229; also P. Maillot, "la Politique Marocaine de Non-dependence", *Revue Juridique et Politique D'Outre-mer*, Paris, January- March 1963; *Marchés Tropicaux*, Paris, 2 December 1961.
- 5 P. Maillot, *ibid*.
- 6 The FLN was the Algerian armed movement in quest for independence and was transformed later into the country's sole political party.
- 7 *Nouvel Observateur*, No 585, Paris, 26 January 1976.
- 8 *Le Monde*, Paris, 6, 7 and 8 August, 1976; *Jeune Afrique*, 28 November 1975; *New York Times*, 12 October 1976 and 20 March 1977; Virginia Thompson and Richard Adloff, *op. cit.*, pp. 252-253.
- 9 Moroccan dissidents opposed to King Hassan's regime were welcomed in Algiers and provided with means to carry on with their activities.
- 10 *Jeune Afrique*, No 1327, Paris, 11 June 1986, pp. 46-47 and No 1328, 18 June 1986, pp. 38-39; *Le Figaro*, Paris, 23 May 1986.
- 11 Jon Lee Anderson, *Guerrillas: The inside stories of the world's revolutionaries*, Harper Collins, London, 1992, p. 7.  
Press interview by Ahmed Osman, former Moroccan Premier, London, April 1980. Also press briefing by General Mohamed Bennani commander in chief of the Southern military zone, Agadir, 7 March 1985.
- 12 Several leading Polisario members including the SADR's foreign minister Brahim Hakim defected to Morocco. *Jeune Afrique*, No 1406, 16 December 1987, p. 7 and No 1407-1408 of 23 and 30 December 1987, pp. 44-50.
- 13 *Jeune Afrique*, No 1327, Paris, 11 June 1986, p. 46.
- 14 Ferhat Abbas, *L'Indépendance confisquée*, Flammarion, Paris, 1984, p. 173.
- 15 Movement for the self-determination and independence of the Canary Islands.
- 16 The MORO National Liberation Front is a movement fighting for self-determination and freedom of Bangsamoro South of the Philippines.
- 17 *The Financial Times*, London, 5 March 1987, p. 2.
- 18 *Jeune Afrique*, No 1327, Paris, 11 June 1986, pp. 46-47 and No 1328, 18 June 1986, pp. 38-39.
- 19 *Arabia*, No 7, London, March 1982, p.14.
- 20 Joe Mercer, "the Sahrawis of Western Sahara", *op. cit.*, p. 6.
- 21 *The Middle East International*, No 79, London, January 1978, pp. 16-18.
- 22 *The Financial Times*, London, 5 March 1987, p.2.
- 23 Movement for the self-determination and independence of the Canarian Archipelago. See Virginia Thompson and Richard Adloff, *op. cit.*, pp. 150-151.



- 24 *Le Monde*, Paris, 23 December 1977; *the Christian Science Monitor*, 27 December 1977.
- 25 *Jeune Afrique*, Paris, 5 November 1976.
- 26 Virginia Thompson and Richard Adloff, op. cit., p. 151.
- 27 *The Times*, 3 March 1986, p. 7; *Africa Now*, London, November 1985, p. 20.
- 28 *The Financial Times*, London, 5 March 1987, p. 2.
- 29 Virginia Thompson and Richard Adloff, op. cit., p. 150.
- 30 Senor Antonio Cubillo, leader of the MPAIAC, was resident in Algiers throughout the seventies.
- 31 *The New Stateman*, London, 4 August 1978.
- 32 Virginia Thompson and Richard Adloff, op. cit., p. 147.
- 33 *Industries et Travaux D'Outremer*, April 1972.
- 34 Khider opposed Boumedienne's regime and lived in exile in Madrid where he was assassinated by Boumedienne's hitmen.
- 35 *The New York Times*, 28 November 1976. Boumedienne called the Accord "Spain's pure and simple capitulation to pressure".
- 36 *Christian Science Monitor*, 27 December 1977; *Le Monde*, 23 December 1977.
- 37 Abdelaziz Bouteflika was Boumedienne's foreign minister until 1979. He was later invited by the military establishment to become president in 1989. See *North-South*, London, May 2009, p. 23.
- 38 *El Pais*, Madrid, 18 April 1978.
- 39 *The Daily Telegraph*, London, 7 August 1978.
- 40 *El-Moudjahid* in French and *Ach-Chaab* in Arabic, are both government-run dailies. Polisario communiqués on the human and material losses of Morocco's armed forces were published almost daily by these newspapers and would show, if taken literally, that Moroccan troops were wiped out ten times over.
- 41 *Fuerza Nueva*, Madrid, 30 January 1987.
- 42 *Le Matin du Sahara*, No 5887, Casablanca, 26 February 1987, p. 1.
- 43 William Zartman, "Conflict in the Sahara", Middle East Problem paper, No 19, *The Middle East Institute*, Washington D.C., March 1979, p. 7.
- 44 Virginia Thompson and Richard Adloff, op. cit., p. 29.
- 45 Ibid.
- 46 Ibid, p. 239; Maurice Barbier, *Le Conflit du Sahara Occidental*, L'Harmattan, Paris, 1982, p. 185; Raoul Weexsteen, "la Question du Sahara Occidental", *Annuaire de l'Afrique du Nord* 15, 1976, p.259.
- 47 *Al-Ahram*, Cairo, 8 February 1976.
- 48 *North-South*, London February 2010, pp. 24-25.  
Algeria experienced an upsurge of Islamic fundamentalism that threatened the regime and eventually defied its institutions in the mid-eighties. See *African Concord*, London, 2 January 1986, p. 26.
- 49 *Marchés Tropicaux*, 11 July 1975.
- 50 *Le Monde*, Paris, 9 April 1981.
- 51 See full text of the Tripartite Madrid Accord in Appendix I.
- 52 André Dessens, "le Problème du Sahara Occidental trois ans après le départ des Espagnols", *Maghreb-Machrek*, No 83, January-March 1979, p. 77.

- 53 *The Scotsman*, Edinburgh, 26 July 1978.
- 54 See chapter on Mauritania.
- 55 Attilio Gaudio, *Le Dossier du Sahara Occidental*, Nouvelles Editions Latines, Paris, 1978, pp. 20-21.
- 56 Ibid, p. 386-387.
- 57 See chapter on the Polisario.
- 58 *The Guardian*, London , 3 July 1987, p. 15.
- 59 Interviews with Indian and Yougoslav journalists and academics who confirmed their respective countries' recognition of the SADR was linked mainly to commercial contracts.
- 60 *8 DAYS*, Vol. 3, No 22, London, 6 June 1981, p. 28.
- 61 *Africa Now*, London, July 1985, p. 21.
- 62 *El-Moudjahid*, Algiers, 7 May 1976.
- 63 *North-South*, London, may 2009, p. 23; also April 2009, p. 32



The Libyan leader Maamar Gaddafi



The Libyan leader Maamar Gaddafi with the Algerian President Bouteflika and Polisario secretary general Mohamed Abdelaziz



## CHAPTER TWELVE: LIBYA AND WESTERN SAHARA

Libya was an unpredictable element yet important player in the Western Saharan dispute. When Gaddafi came to power in 1969, the Libyan revolutionary command council fully supported Morocco's claims to the Western Sahara. The backing was seen as part of the national discourse on the Arab-Unity ideal to which Gaddafi was committed. Yet, there was no love lost between the revolutionary Gaddafi and the conservative Moroccan monarch. In July 1971, when an attempt was made to overthrow King Hassan of Morocco, the Revolutionary Command Council (RCC) at once placed Libyan troops on alert and broadcast to the effect that these were ready to fly to Morocco to defeat any counter-coup. The King's supporters quickly defeated the attempted coup to leave Gaddafi exposed and looking foolish so that on 22 July, 12 days after the coup attempt, the two countries broke off diplomatic relations.

In June 1972, Gaddafi announced he would support a people's war to free the Western Sahara from colonial rule.

The first two years of the Polisario Front's existence showed Libya as the movement's main financial backer and arms supplier. Gaddafi's readiness to support what he regarded as radical causes was often lacking in statesmanship as well as being incompetent or not properly thought through. He opened his paramilitary training camps to the Polisario guerrillas while funding and arming an array of dissident or separatist groups on several continents. In 1975, Gaddafi hit at King Hassan II for not engaging in an armed struggle to drive Spanish colonialism out of the Saharan territory. The Moroccans were at this period engaged in a diplomatic battle on all fronts to secure peacefully the withdrawal of Spanish troops from the disputed area and avoid a military confrontation.

Following Spain's formal retreat in February 1976, Gaddafi switched his support entirely to the Polisario and at times even exceeded that of Algeria. He also hardened his position towards Morocco to the extent of addressing a message to King Hassan in which he opposed Morocco's recovery of Western Sahara and called for the "self-determination of the Sahrawi people" but not the creation of a Sahrawi state.<sup>1</sup> The Libyan military arsenal became the largest in North-West Africa and over 22 billion dollars were spent by 1984 on increasingly sophisticated Soviet



military hardware that included MIG 23, 25 and 27 combat planes as well as T-62 and T-72 tanks.<sup>2</sup> In short, "the ratio of armoury per serving soldier was probably greater than in any other country."<sup>3</sup> The overflow of arms worldwide originating from Libya caused concern in the international community and particularly in North-West Africa. Moreover, the Soviet Union was "willing to supply Libya with virtually any item of military equipment",<sup>4</sup> and some of this armoury had already been channelled to the Polisario guerrillas who possessed Soviet tanks and Sam missiles-6,-7,-8, and -9.<sup>5</sup>

By the spring of 1981, it was estimated that Libya was providing almost nine-tenths of military aid to the Polisario.<sup>6</sup> As an observer of North-African affairs pointed out, "Libyan support for the Polisario Front has been a mixed blessing for Algeria. Tripoli has been an enthusiastic and generous ally of Algiers in the Sahara conflict."<sup>7</sup>

Libya and Algeria were, from the outset of the dispute, the prime supporters of the Polisario activities be they diplomatic or military. Libya's foreign policy has never been explained and seemed rather spontaneous in its form and conduct.<sup>8</sup>

Libya's involvement in the Saharan imbroglio goes further than has been acknowledged. Gaddafi's men went on a recruiting spree in 1976-77 to enlist Malians, Nigerians (from Niger) and Chadians to join the Polisario ranks. The offer of 200-500 dollars as a recruitment fee proved rather irresistible for the victims of the drought stricken African Sahel region.<sup>9</sup>

Furthermore, the Libyans joined the Algerians to campaign worldwide on behalf of the Polisario and even became entangled in a tacit struggle with the Algerian leadership over who should have control over the Polisario.<sup>10</sup> The unpublicised friction between Algiers and Tripoli became increasingly tense. So much so that following secret contacts between Algeria and Morocco in 1981, there were talks of the Polisario leadership transferring their headquarters from South-West Algeria to Tripoli.<sup>11</sup> The idea was dropped partly because of Gaddafi's unpredictability and Algeria's proximity to the Saharan territory and partly due to the fact that if the Polisario leadership moved to Tripoli, Algeria would simply close its frontiers with Libya in retaliation. The Polisario leadership knew that without Algerian support, their movement would crumble overnight so that an alternative to Algeria was simply unthinkable.

Compared to other African states, Libya enjoyed a phenomenal

degree of financial wealth derived from oil revenues, which provided Gaddafi with great freedom of manoeuvre in his controversial foreign policy. Regional leverage, however, never escaped Gaddafi's objectives. Encouraging a military confrontation between Morocco and Algeria would allow Libya's strongman to achieve his ideological aims in the region. He would allow him to assume the leadership in North-West Africa and ultimately establish an "Islamic Saharan state" extending from the Atlantic Sahara to the River Nile.<sup>12</sup> The chronic drought experienced by the Sahel region in the 1970s and early 1980s would have persuaded a large number of tribesmen in the area "to welcome a Libyan-inspired United States of the Sahara if such a country promised them an improved livelihood".<sup>13</sup> Indeed, the massive recruitment of these victims into the ranks of Polisario forces was only part of an unhatched plan that prompted Gaddafi's enthusiastic backing for a Saharan Summit Conference held in the Malian capital, Bamako, in March 1980. The conference was attended by the heads of state of Algeria, Libya, Mauritania, Mali and Chad. As John Damis pointed out, "Libya's intervention in Chad, its sponsorship of the dissident Liberation Front of North Mali and its support for various anti-government groups in Niger point in the direction of a Libyan-dominated pan-Saharan confederation."<sup>14</sup> Ambitions of this scale irritated the Algerian authorities as they tended to deflect attention from the activities of the Polisario. They considered such grandiose plans as a serious threat to Algeria's ultimate objective of emerging as the dominant power in the region.

Gaddafi's Saharan policy was clearly unacceptable to the Algerian leadership but as long as funds and arms supplies poured into Tindouf, Gaddafi was left to indulge his short-lived whims.

Gaddafi's aversion to monarchies and moderate regimes was public knowledge and his dislike for King Hassan of Morocco was no exception. For years, he supported the King's opponents abroad and provided media-space and sanctuary for Moroccan dissidents.<sup>15</sup> He also set up a powerful radio station to broadcast to Morocco and following the abortive coup of 1972 against King Hassan II, the Moroccans were exhorted to join the coup-plotters against the King. The following year a subversive operation in the Atlas Mountains in Morocco was apparently masterminded in Tripoli and a vigorous campaign was pursued thereafter against King Hassan's rule.

At the beginning of the Saharan dispute, Gaddafi was supportive

of Morocco's claims over the territory. Indeed, on 13 February 1975, Zaid Dourdah, secretary-general of the Libyan Ministry of Foreign Affairs, informed the Spanish Ambassador in Tripoli of Libya's concern over Spain's refusal to withdraw from the Western Sahara. Dourdah reiterated his country's support for Morocco's claims over the Saharan territory, the enclaves of Ceuta and Melilla as well as the Jaafarine Islands off Morocco's Mediterranean coast.<sup>16</sup>

Yet, following the conclusion of the Madrid Accord of November 14, 1975, Gaddafi switched sides to seek ideological comfort in his radical neighbour Boumediène with whom he concluded a defence pact in the Algerian oil town of Hassi Messaoud on 29 December 1975. The agreement was a turning point in Libya's Saharan policy which had been highly inconsistent and ambiguous. He became a bitter opponent to King Hassan and went out of his way to thwart Morocco's Saharan policy not only through a rigorous diplomatic campaign but also by channelling substantial financial and military aid to the Polisario guerrillas to fight for the control of the Saharan territory. His alignment with Algeria was strengthened further when relations with Egypt reached their lowest ebb to the point of near open military conflict. When the Egyptian Air Force raided Libyan airfields and occupied a Libyan oasis during brief border clashes in July 1977, Boumediène came to Gaddafi's rescue and urged the Egyptians to withdraw.<sup>17</sup>

When France came to Mauritania's defence against Algerian-backed guerrilla attacks on the vital economic assets of the country, Franco-Algerian relations became strained reaching almost breaking point.<sup>18</sup> In addition, the Libyan backed Frolinat forces in Chad experienced setbacks at the hand of the French-backed troops in that country. Thus, France became a common foe providing Boumediène and Gaddafi with an added incentive to cement their alliance.<sup>19</sup> When President Anwar Sadat of Egypt concluded the Camp David Accord with Israel in 1977, the relationship was reinforced further by the formation of the Rejectionist Front of which Algeria and Libya were prominent members. Their solidarity was centred on the rhetoric of "neocolonialism" and "imperialism", a clear reference to France and the US.<sup>20</sup> Nonetheless, Gaddafi's Sahara policy was highly controversial and erratic and his relationship with Boumediène also experienced ups and downs. On the one hand, he would provide generously for the Polisario's financial and military needs but would refuse to recognise the SADR stating clearly his opposition to the creation of a Saharan



mini-state that would not only prove economically unviable as a state but would politically “balkanise the Arab nation”.<sup>21</sup> Although he refrained from recognising the SADR, he would still reassure Algeria and the Polisario that “Libya’s recognition of the SADR is only a formal question bearing in mind the fact that the Libyan Arab Republic was one of the first countries to support the Sahrawi people’s struggle”.<sup>22</sup> Gaddafi eventually recognised the SADR on April 14, 1980 at a time when Algeria was anxious for an extra vote to force the SADR’s admission to the Pan-African Organisation during a stormy session in Freetown, Sierra Leone.<sup>23</sup> Gaddafi’s switch from one side to another at whim and lack of principles was clearly magnified by his support for Iran in the first Gulf war (1979), the rejection of the leadership of the Palestinian Liberation Organisation following Israel’s invasion of Lebanon and his unexpected volte-face vis-à-vis the Eritreans. Indeed, as the Algerians aligned with the Addis Ababa Marxist regime, Gaddafi also switched his support to the new regime in Ethiopia from October 1976 onwards, a move that heralded the change of alliances in the Horn of Africa when Somalia opted for the American camp and Ethiopia for the Soviet one.<sup>24</sup> It could be argued that such developments illustrated to a large degree that ideological principles played a greater role in the discourse of the Algerian and Libyan foreign policy.

Libya’s relations with Algeria, however, experienced periods of tension partly due to frontier differences over the Ghat region, Gaddafi’s support to Algerian dissidents, disagreement over Chad and who should have ultimate control over the Polisario leadership and activities. The mistrust was sharpened further when Gaddafi attempted to form a Sahrawi-Mauritanian federation during President Ould Daddah’s visit to Tripoli in April 1978. The move was viewed in Algeria as betrayal of what the Polisario stands for. This was clearly stated in the Algerian Arabic government daily: “All aid to Mauritania can be construed in the prevailing situation as an indirect recognition of the *fait accompli* in the Western Sahara”.<sup>25</sup> Gaddafi’s eagerness in attempting to win over Mauritania showed no sign of abating even following Ould Daddah’s overthrow in July 1978. The newly arrived military Junta in Nouakchott was constantly reminded of the federation plan during their frequent visits to Tripoli to obtain aid. The overthrow of Ould Daddah marked the beginning of an active period of Libya in the Saharan imbroglio. In fact, the following months witnessed a flurry of diplomatic activities centred mainly on the military Junta in Nouakchott, the Polisario



and Algeria. The outcome was Nouakchott's unilateral decision to withdraw from Tiris al-Gharbia without consulting Morocco. The Moroccans kept silent and observed the flow of visits to and from Algiers and Tripoli. The peace treaty signed between Mauritania and the Polisario in Algiers on August 5, 1979 signalled the end of Nouakchott's military involvement in the conflict and presence in the Western Sahara. Nevertheless, relations with Libya remained strong despite an internal power struggle within the military leadership. During a visit to the Mauritanian capital, Nouakchott, on 19-21 April 1981, Gaddafi reiterated his wish to establish "a union between Mauritania and the Polisario Front when objective conditions permit".<sup>26</sup> Within weeks of Gaddafi's statement of intent, he unexpectedly embarked on improving relations with Morocco in preparation for the forthcoming OAU summit in Nairobi. Indeed, a rapprochement with Morocco materialised when Rabat withdrew opposition to Tripoli as a venue for the OAU summit and diplomatic relations were restored in June 1981.<sup>27</sup> Libya showed signs of moderating its position vis-à-vis the Saharan dispute and endorsed King Hassan's proposal for a referendum in the Western Sahara. With Morocco keeping a low profile, Libya secured the approval of the OAU to stage the 1982 Summit conference in Tripoli, which would automatically confer on Gaddafi the chairmanship of the Pan-African Organisation.<sup>28</sup> Another reason that urged Gaddafi to mend fences with Morocco was the increasing hostility towards him from Washington, Cairo and Khartoum and a number of African states. In addition, the Chadian problem was coming to the boil and Morocco's opposition to Libyan involvement there would prove difficult to cope with. Consequently, Gaddafi opted for reconciliation with a number of his former foes including King Hassan II of Morocco.<sup>29</sup>

As Gaddafi continued to supply the Polisario with increasingly sophisticated arms, his diplomatic campaign for the Polisario, although discreet, came into the open when Libya publicly sided with the Algerian camp at an OAU ministerial meeting in Addis Ababa in mid-February 1982 following the unexpected admission of the SADR as an OAU member.<sup>30</sup> Furthermore, the Polisario guerillas' military operations increased to the extent of nearly turning into open confrontation between Algerian and Moroccan forces when two Moroccan planes were shot down in a missile attack from neighbouring Algeria.<sup>31</sup> Gaddafi's antagonism towards the Moroccan monarch reached a climax when the OAU Summit scheduled for Tripoli in August 1982 failed to

take place.<sup>32</sup> This constituted a serious setback to Gaddafi's pride and foreign policy. It also signalled the beginning of Gaddafi's decline in terms of international prestige and a warning that his African policy had to be reconsidered if he was ever to be an accepted spokesman for the continent. To add insult to injury, more African leaders turned up the previous month in Zaire's capital, Kinshasa, for President Mitterrand's annual conference with French speaking states<sup>33</sup> than at the abortive OAU summit rescheduled for Tripoli in November 1982.<sup>34</sup> It could be argued that the failure to stage the OAU summit in Tripoli could be construed as a diplomatic victory for Morocco but Libya's active role in lobbying for recognition of the SADR worldwide and in Africa in particular benefited Algiers and boosted the Polisario's stand in the international arena.

Gaddafi was widely viewed as a staunch supporter, arms supplier and financier of all kinds of breakaway groups be they 'national liberation movement', separatists, revolutionaries or dissidents. Some were referred to as "terrorists" others as "freedom fighters". Very often Gaddafi's support or lack of it for any movement was regarded as unpredictable and could change at any moment depending on circumstances such as that of the Polisario (regional rivalry),<sup>35</sup> for ideological reasons (the Eritrean)<sup>36</sup>, out of revenge (IRA)<sup>37</sup> or even because of personal pique (PLO and King Hassan).<sup>38</sup> There was simply no principle attached and it only reinforced the notion of unpredictability in Gaddafi's pledge of support by 1981 to an estimated 45 groups of all trends.<sup>39</sup> Libya began to recognise the SADR as the legitimate government of the Western Sahara starting April 15, 1980. At the time of writing, it is still common for Sahrawi students to attend schools in Libya and Cuba.

Libya's foreign policy derived to a large extent from Gaddafi's own ideas, philosophy and ideology and almost entirely based on Gaddafi's confrontational attitude to the world and in particular to the West and whoever was associated with it. King Hassan was well-known for his alignment with the Western powers while maintaining good relations with the Soviet Union. Gaddafi's antagonism towards the US was to culminate in the American navy shooting down two Libyan planes over the Gulf of Sirte in August 1981.<sup>40</sup> The US air raid on Tripoli and Benghazi in April 1986<sup>41</sup> and the military debacle in Chad in February 1987 were also cases in point.<sup>42</sup> Gaddafi's performance on the international scene was met with failure despite being certain of the rightness of his cause and his vision of the world. His long term goals and aspirations whether related

to the Saharan question or international relations have been measured by his relations with neighbouring states and, at time, his willingness to make tactical concessions to pave the way for the achievement of a given goal. The huge financial revenues from oil exports, combined with a small population have provided Gaddafi's regime with an asset unequal in Africa or the developing world to indulge in activities that far exceeded the means of any of Libya's neighbours. Yet, as success continued to elude the Libyan leader, radicalism became the order of the day against a background of growing popular discontent, increasing international isolation and dwindling oil revenues. As a keen observer of Libyan affairs pointed out, "... The Libyan revolution has failed to achieve its major goals. The Libyan people continue to respond half-heartedly to Gaddafi's revolutionary philosophy, the world has not accepted him as a great political and economic thinker, the Arabs have rejected his efforts to 'unify by force', a Palestinian state has not replaced Israel, and the West has not been punished for its colonialist arrogance".<sup>43</sup>

Against this background, Libya's motivation in the Saharan issue was generated by various factors related partly to relations with Algeria and Morocco. With regards to the latter, Gaddafi's animosity towards King Hassan, or any monarch for that matter, was common knowledge. On many occasions the Libyan leader made no secret of his preference for a "revolutionary" regime in Rabat. Gaddafi's long standing admiration for rebel groupings be they national, revolutionary, separatist or otherwise constituted a sharp contradiction as far as the Polisario was concerned if the elusive yet ardently sought after goal of Arab unity was taken into account. He publicly admitted his disapproval of creating another small, non-viable state in the Western Sahara that would only fragment the Arab nation and he deemed it his task to "unite". Yet, he would provide the Polisario with sophisticated armoury to fight Moroccan forces while depriving the Eritreans from such crucial aid to pursue their struggle against the Marxist regime in Addis Ababa. He called for the self-determination of the Sahrawis, yet the same principle was denied to the Eritreans and the Libyans for that matter. When Gaddafi received a Moroccan delegation in September 1977, he condemned the extremism of all parties concerned in the Saharan issue, which led to division in the Maghreb. He overlooked the fact that his role was prominent in the evolution of the conflict. He rebuked Morocco and Mauritania for considering the Saharan dossier



as closed and denounced Algeria's insistence on prior recognition of the Polisario as the sole representative of the Sahrawis and its call for the creation of a state in the Western Sahara that would only weaken the Arab fold. Once again, Gaddafi's contradiction was magnified when, in search of additional votes in the OAU 1980 Freetown Summit in favour of the SADR, he recognised the self-proclaimed republic despite the fact that he made no secret of his opposition to its existence. Although Gaddafi's alignment with Algeria's radical socialism appeared logical, he remained opposed to its spread in North Africa, as it would thwart his preaching for a "third universal theory".<sup>44</sup> Moreover, Gaddafi was tacitly apprehensive of Boumediène's hegemony in the region; a sentiment illustrated by the ups and downs in their relations and their constant mistrust of one another over their frontier differences.<sup>45</sup> The mistrust was also demonstrated by Gaddafi's attempt to move the Polisario leadership from Algiers to Tripoli so as to have the upper hand in the Front's military and diplomatic activities. When relations were at low ebb, Gaddafi went behind Algeria's back to supply arms and funds to the Polisario. This was evident in his attempt to establish an air base in the Newa region on the Malian-Mauritanian border to airlift military hardware to the Polisario guerrillas so that Algerian air space was not violated.<sup>46</sup> Tension between Algiers and Tripoli resulted in Algerian troops being deployed since April 1985 along the border with Libya some 40kms into the nominally Libyan Ghat region reportedly rich in gas.<sup>47</sup>

The tension was generated not least by the Moroccan-Libyan rapprochement that came about as a result of President Chedli Benjdid's snub to Gaddafi who wanted to join the Algerian-Tunisian treaty of "Fraternity and Concord" and was told to sort out border differences with Algeria before becoming eligible.<sup>48</sup> Nor was it prompted by the acute tension between Tripoli and Tunis over the expulsion of Tunisian workers from Libya.<sup>49</sup> In fact, even differences over the Polisario's loyalty to either side were relegated to second place and so were the Chadian question and the Algiers-Tripoli quarrel over the withdrawal of Palestinians from Lebanon following Israel's invasion. What remained at stake was Algeria's claim over that part of South-West Libya known as the Ghat region and the fact that Gaddafi was expected to yield to Algerian demands or face isolation in the region.

States in North Africa have in the past given in to Algerian territorial claims (Tunisia, Niger, Mali and even Morocco) yet, Gaddafi



made it quite clear he was not prepared to compromise and seemed set on contesting the Algerian claim by diplomatic or military means. He even threatened to take the border dispute to the International Court of Justice in The Hague.<sup>50</sup> Algeria claimed that the disputed territory was wrongly handed over to Libya under the same Franco-Italian treaties Libya referred to in justification for its troops' presence in the uranium-rich Aouzou strip in northern Chad.<sup>51</sup> The border issue remains unresolved to this day and may be revived at periods of tension between the North-African states.

Meanwhile, the Algerian leadership never expected Gaddafi to execute a volte-face and call on his former foe King Hassan of Morocco to mend fences. The Libya-Moroccan reconciliation was considered a setback to Algeria's diplomacy despite the lack of warmth in the relations between the governments of Tripoli and Rabat. Libya's involvement in Chad was another bone of contestation with Algeria and so did Gaddafi's support of President Chedli Benjdid's opponents abroad spearheaded by the former President Ahmed Ben Bella (1962-1965).

Although Gaddafi temporarily mended fences with King Hassan following the conclusion of the Arab-African Union Treaty of 14 August 1984,<sup>52</sup> his initiative was apparently meant to offset the Algerian-Tunisian treaty of "Fraternity and Concord" concluded in March 1983 and also to thwart any Algerian move to exclude Libya from playing a role in the region. Gaddafi's new approach obviously suited Morocco's interest in the area especially as Libya stopped arms supplies and financial aid to the Polisario in return for Morocco's neutrality in the Chadian conflict. The two countries both accepted the call for a UN-supervised referendum as the best solution to settle the Saharan dispute. The two North African treaties had been hailed as a step-by-step approach towards building a solid and lasting political and economic relationship in the Maghreb. The "Fraternity and Concord" treaty was said to be open to all Maghreb states. Yet, Libya was not permitted to join nor was Morocco for that matter until their respective border problems were resolved with Algeria. The rejection angered Gaddafi so much that he temporarily defected to the unlikely conservative camp of King Hassan.<sup>53</sup> The Libyan-Moroccan treaty was believed to be a plan to counter-balance the Tunis-Algiers-Nouakchott axis and establish a much wider grouping open to all Arab and African states as indicated by the adopted denomination "the Arab-African Union Treaty".<sup>54</sup> The Rabat-Tripoli treaty was considered as a "marriage of convenience"

meant to counter-balance Algeria's hegemony and serve the goals of the signatories both politically and economically.<sup>55</sup> The assertion that the treaty would result in economic benefits to Morocco<sup>56</sup> was unfulfilled as exchanges were limited in financial significance and commercial scope. As one observer put it, "the treaty alarmed Algeria, irritated Tunisia, angered the US, discreetly shocked King Hassan's allies in the Arab World and worried his Western supporters. It also dealt a hard blow the Polisario".<sup>57</sup>

Gaddafi's temporary stoppage of arms supply to the Polisario dealt a severe blow neither Algeria nor the Polisario leadership ever expected. Coming as it did at a time of dwindling oil revenues, Algeria was left with the task to shoulder the cost of the proxy war waged against Morocco and the upkeep of thousands of guerrillas and "refugees" in the Tindouf camps. King Hassan's gain in Maghrebi politics did not come cheap in African diplomatic terms as countries fearful of Gaddafi's controversial plans for the continent and unfamiliar with inter-Maghrebi politics, showed signs of disillusion with Morocco's foreign policy. Consequently, the SADR gained further recognition from other African states in the ensuing OAU summit in Addis Ababa in November 1984. President Buhari of Nigeria was at the forefront of African leaders who showed displeasure at the Moroccan-Libyan rapprochement by simply recognising the SADR.<sup>58</sup> The OAU summit was marked by Morocco's withdrawal from the Pan-African Organisation when the SADR's membership was not revoked by the summit conference.<sup>59</sup> It was thought that King Hassan's moderating influence might prove instrumental in restraining Gaddafi's disruptive activities in Africa.<sup>60</sup> Indeed, soon after the conclusion of the "Arab-African" treaty, King Hassan was reported to have played a significant role in bringing France and Libya to conclude an agreement in September 1984 to withdraw their respective forces from Chad.<sup>61</sup> The Chadian President Hissen Habrè and his French counterpart Mitterrand's frequent visits to Rabat confirmed the fact that King Hassan played the role of an honest broker as he was then acceptable to all parties concerned with the Chadian conflict. Although Gaddafi and the Moroccan monarch were brought together only by mutual benefits and circumstances dictated by the evolution of the political climate in the Maghreb, their treaty was clearly a high-risk policy for King Hassan in diplomatic terms and proved to be of limited duration. When the Israeli Prime Minister Shimon Perez met King Hassan in the Moroccan town of Ifrane in July

1986 in an attempt to revive the peace process in the Middle-East,<sup>62</sup> Libya's strongman denounced the King as a "traitor" and so did Algeria. In addition, following a meeting in Tripoli in August 1985 between President Hafiz al-Assad of Syria and Gaddafi, a joint communiqué was issued explicitly condemning King Hassan's talks with Perez.<sup>63</sup> As a result, the Moroccan monarch simply revoked the "Arab-African" treaty in a televised speech on 28 August 1986.<sup>64</sup> It was the end of a short-lived association that had at time proved counter productive for Moroccan interests abroad. In his desire to capitalise on the rift, the Algerian President paid two visits to Libya within a month in the hope of securing Gaddafi's pledge to resume the diplomatic, military and financial support to the Polisario but to no avail. Aware of the Algerian leadership's reluctance to form a union with Libya, Gaddafi called upon President Chedli Benjdid to establish a federation. The proposal was meant as a ploy to avoid responding favourably to Chedli's belated offer to join the "Fraternity and Concord" treaty despite the fact that this time no conditions were imposed.

In a diplomatic move, the Libyan leader referred to the union ideal between Algeria and Libya as the best option for a united Maghreb without frontiers, a clear reference to the ongoing border problem between Tripoli and Algiers that still soured their relations. Frequent meetings followed which led to economic links and the conclusion of several commercial and cultural agreements.<sup>65</sup> Gaddafi even talked of a confederation with Algeria but the Algerian foreign minister denied the report.<sup>66</sup> Gaddafi's enthusiasm for Algeria's proxy war in the Sahara seemed to be fading and lip-support and rhetoric became the order of the day. It was reported that Gaddafi had resumed aid to the Polisario but the volume had substantially been reduced.<sup>67</sup> Nonetheless, his interest in the Saharan imbroglio did not fade entirely as illustrated by his meeting in the Algerian town of Annaba on 7 February 1988 with the SADR's president, Mohamed Abdelaziz. Although he reiterated his opposition to the creation of a Saharan state, he proposed that the Front be dissolved militarily and become a legitimate political party in Morocco.<sup>68</sup> Gaddafi also stated that the Saharan issue was an Arab problem that should have found a solution within the Arab framework, a reference perhaps to the Arab League which kept avoiding discussing the issue.<sup>69</sup>

The suggestion was probably put forward to accept the argument of President Mobutu Sese Seko of Zaire that a league of black African

states should be formed to counter the Arab League, a move that would undoubtedly have led to the end of the OAU or at least changed its nature drastically.<sup>70</sup>

Whatever the consequence of the two Maghrebi treaties,<sup>71</sup> they clearly magnified the divisive issues among the states of the region and the most prominent among them remained the Western Saharan conflict with its capacity to destroy the Maghreb's political and economic stability and security.

During a visit to Rabat in October 2009, the Libyan minister of foreign affairs, Al-Baghdadi Ali Al-Mahmoudi, confirmed in a newspaper interview that Libya was in favour of Morocco's territorial integrity and unity and that the Western Sahara was Moroccan.<sup>72</sup> This is the latest development in the newly improved relations between Rabat and Tripoli that both sides seek to consolidate as trading and strategic partners.

Libya's on and off interest in the Saharan dispute may be viewed as a pragmatic political approach adopted by Gaddafi in line with his new foreign policy, free of revolutionary ideas, following his rehabilitation and comeback into the fold of the international community after mending fences with the US, Britain and the West. But, being a maverick, Gaddafi remains an important player in the Saharan issue and the region with an unpredictable approach and an agenda that no one can foresee except himself.



## NOTES

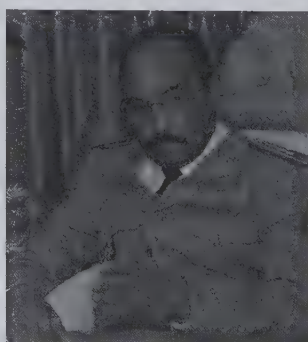
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- 32 See account in *Jeune Afrique*, No 1128, 11 August 1982, pp. 41-48.
- 33 *Le Monde*, Paris, 15 October 1981, p.10.
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- 35 To get at King Hassan despite his rejection of a state in the Sahara
- 36 To align with Ethiopia's Marxist regime against even his fellow Muslims in Eritrea whose fate is yet to be decided by dint of arms.
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- 53 Gaddafi paid a visit to Morocco on 30 June – 4 July 1983 and 13 August 1984 which culminated in the conclusion of the Oujda Treaty.

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- 56 *The Times*, London, 13 September 1984, p. 5.
- 57 *Arabia*, London, October 1984, p. 22.
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- 59 See chapter on the question of Western Sahara at the OAU.
- 60 *The Times*, London, 16 August 1984, p. 16 and 31 August 1984, p.1.
- 61 *African Concord*, London, 22 January 1987, p. 7.
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- 63 *The Financial Times*, London, 28 August 1984, p. 4.
- 64 *Maroc Soir*, Casablanca, 29 August 1986; *Jeune Afrique*, 10 September 1985.
- 65 *The Times*, 30 October 1987, p. 9; *Jeune Afrique*, No 1416, Paris, 24 February 1988, pp. 17-19; *The Guardian*, London, 19 June 1987, p. 6.
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The late President  
Mokhtar Ould Daddah



The current Mauritanian President  
Mohamed Ould Abdelaziz



## CHAPTER THIRTEEN: MAURITANIA AND WESTERN SAHARA

Mauritania's interest in Western Sahara was purely territorial in nature, irrespective of any other consideration. Politically, the territory ceded to Nouakchott by the Madrid Accord of November 14, 1975 provided an added justification for the country's sovereignty previously claimed by Morocco. Most important, however, it would serve as a buffer zone to check Morocco's irredentist claims over Mauritania.

Economically, however, more desert land meant greater chances of discovering oil or other minerals that would add wealth to one of Africa's poorest countries. President Mokhtar Ould Daddah did not press his country's claims on the Western Sahara aggressively partly because the Spanish presence in the area provided a useful buffer zone between Mauritania and Morocco.

Compared with Rabat, Nouakchott's claims were moderate in diplomatic terms and were not backed by any armed struggle or worldwide diplomatic campaign to reinforce the argument. Even at the ICJ, Mauritania's arguments appeared weak as they were based solely on close ethnic and cultural ties, and were rendered weaker by the fact that Mauritania was not a state at the time of the colonisation of the Western Sahara and had always been part of the Moroccan kingdom.

The Mauritanian-Moroccan joint stand to claim Western Sahara was in marked contrast to the mutual suspicion of the 1960s, for Rabat did not drop its claims to Mauritania until 1969.<sup>1</sup>

Mauritania's alignment with Morocco's policy came about as a result of various meetings between the heads of state of Morocco, Algeria and Mauritania.<sup>2</sup> A common front was formed to decolonise the Saharan territory while Morocco and Mauritania agreed to jointly claim the territory and, once recovered from Spain, to partition it.

Morocco laid claim to the whole Western Saharan territory on the morrow of independence and every year at the United Nations General Assembly.<sup>3</sup> More importantly, the Algerian President Houari Boumedienne gave his blessing publicly to the Rabat-Nouakchott common stand at the seventh Arab Summit in Rabat in October 1974.<sup>4</sup> Once the November 1975 Tripartite Madrid Accord was concluded, a partnership emerged to partition and develop the recovered Saharan territory. The partition treaty was concluded in Fez on April 14, 1976, and five days later it was ratified by the Mauritanian Parliament.



Morocco's military and economic aid became vital in support of Ould Daddah's defiance of Boumediène's threats and also to the survival of his regime.<sup>5</sup> At the Bechar meeting of November 10, 1975, for example, the Algerian President had attempted to persuade Ould Daddah to abandon his agreement with the Moroccans and opt instead for the independence of Western Sahara as sought-after by Algeria.

Ould Daddah claimed in an interview that Boumediène told him: "your country is weak and fragile and has long and difficult borders to defend. We have decided to support the Sahrawis against all-comers, in the name of revolutionary solidarity. We will put everything we possess at their disposal and, if necessary we shall permit the engagement of Algerian volunteers 50 to 100.000 to occupy the Sahara. They will thus be able to attack you within your borders, to destroy your economic installations and even reach your capital..."<sup>6</sup> Ould Daddah then said that, "less than a month later, on December 5, 1975, we suffered the first series of Algerian attacks against Mauritania at three points of our territory."<sup>7</sup>

Six months later Algeria organised a suicidal operation aimed at overthrowing Ould Daddah's regime. On June 8, 1976, the Mauritanian capital was attacked by units led by officers of the Algerian regular army and the Polisario guerrillas transported in over one hundred army vehicles with several thousand troops and tons of weapons, ammunition and fuel. The French radio pointed out in a broadcast that "...the scope of the operation, a motorised raid across 700 km of desert with heavy armoury and substantial logistic support, indicates that it was not the action of a few nomads but an attack prepared and orchestrated by the Algerian High Command".<sup>8</sup> The main objective of the attack on the capital was apparently to overthrow Ould Daddah's regime and proclaim a new Mauritanian republic the policy of which would be dictated by Boumediène.<sup>9</sup>

Paul Balta claims that the Polisario secretary general, El Ouali Mustapha Sayed, appealed to Ould Daddah to renounce his alliance with Morocco and form a federated state with the Polisario.<sup>10</sup> It was a crushing setback for the Algerian-backed guerrillas who were intercepted at Akjoujt some 150 miles North-East of the capital. Among the more than two hundred guerrillas killed was El Ouali, the Polisario's founder and secretary general.

From the outset of the Saharan dispute, Mauritania joined Morocco in the diplomatic campaign and prominently at the proceedings of

the ICJ, the signing of the Madrid Tripartite Accord and the military operations to defend their own undisputed territories from Algerian-backed guerrilla attacks.

In terms of manpower, economic resources and military strength, Mauritania was the least able of the North-African states to sustain the cost of the proxy war. The conflict brought no material benefit or diplomatic gains to offset the sustained losses in human and financial terms which posed a serious threat to an already fragile national unity. Mauritania's relations with Algeria were so good initially that in March 1967; Ould Daddah called for the right of Algeria to be consulted over the future of the Saharan territory.<sup>11</sup> This may have reinforced the argument that Boumediène had earlier set his hopes on creating an independent state in the disputed territory. At this stage, however, Mauritania sided with Algeria against Morocco over the frontier problem while Rabat had not yet recognised the Mauritanian entity.

The proxy war engaged by Boumediène against Ould Daddah was intended as a punishment for the Mauritanian leader's partnership with Morocco in the Saharan imbroglio and a lesson for his refusal to disengage from the Moroccan alliance. At the start of the conflict, the Polisario guerrillas' attacks were directed mostly at Mauritanian objectives.

As attacks multiplied to register Boumediène's indignation at Ould Daddah's change of sides, the Mauritanian President became increasingly aware of the growing damage sustained by his country from the Algerian sponsored attacks. As a result, his dependence on Morocco and France proved crucial if his armed forces were to repel the Polisario guerrillas whose armament became increasingly sophisticated. Consequently, Ould Daddah entered into a security pact with Morocco on 13 May 1977.<sup>12</sup> This pact established a joint Mauritanian-Moroccan high command and allowed for the dispatch of Moroccan troops to protect Mauritanian towns and vital economic installations.

The first meeting of the joint military command took place in Nouakchott on 19-20 June 1977 and a month later the first batch of Moroccan troops flew to Zouerate to reinforce the protection of the iron ore mines there.<sup>13</sup> Meanwhile, Nouakchott's armed forces were increased from 1,500 men to nearly 17,000 over a few months.<sup>14</sup>

Nevertheless, the vastness of the Mauritanian territory, which is twice the size of France, meant it was impossible for the Mauritanian army of a few thousand ill-trained soldiers to patrol effectively. They

could neither defend their territory proper or Tiris Al-Gharbia, despite Moroccan and French assistance.<sup>15</sup>

Although the Franco-Mauritanian military accords of 1973 were later renounced by Ould Daddah as part of a wider programme to lessen his country's dependence on France and appease the left-wing opposition group, the Movement National Démocratique (MND), he turned to France, yet again, for military assistance. In September 1976, a new defence agreement was concluded between France and Mauritania providing for French instructors. In January the following year, the agreement was widened to include the dispatch of French military personnel to Mauritania while French arms supplies were resumed.<sup>16</sup> France was reluctantly dragged into the conflict because of its determination to protect its nationals living and working in Mauritania.<sup>17</sup> During an attack on Zouerate, a group of Frenchmen were discovered having a drink at the airport bar "le Ranch". As a result, a doctor and his wife were gunned down and six others were taken hostage.<sup>18</sup> The next day, French women and children were evacuated and only 80 of COMINOR's<sup>19</sup> 280 French employees were left behind.<sup>20</sup> Boumediène underestimated both the French President's resolve and public sentiments over the hostage issue. Neither the French left nor the Polisario's traditional sympathisers were pleased with Boumediène's arm-twisting tactics to get the Paris government to negotiate directly with the Polisario representatives for the release of the hostages. Boumediène insisted that the Polisario was the main interlocutor but the French government stood firm and called upon Algeria to free the hostages.<sup>21</sup>

Boumediène thought the methods he had used to extract concessions from Spain would also have worked with France. The reality, however, turned out to be the exact opposite as the operation of hostage taking proved counter-productive. As an illustration of the aversion the French had for such activities, two French railway technicians were taken hostage in late October. The move prompted the Paris government to act swiftly in military terms and come to Ould Daddah's rescue to avoid any further capture of French nationals working in Mauritania. Consequently, French Jaguar planes based in Dakar, Senegal, launched attacks on the Polisario columns as soon as raids were reported against the Zouerate-Nouadhibou rail links transporting iron ore, the only export the country had.<sup>22</sup>

As Algeria was confronted by France and it became obvious that



the Paris government would not yield to Boumedienne's pressures be it economic or otherwise, tactics were suddenly changed and a publicity stunt was staged to hand over the hostages to the UN Secretary General Kurt Waldheim in Algiers on 23 December 1977.<sup>23</sup>

France, being the former colonial power in North-Africa and knows more than anyone else what was at stake, refused point-blank to negotiate directly with the Polisario for the release of its nationals held hostage in Tindouf which is Algerian territory. It also repudiated the terrorist attack perpetrated against the Mauritanian Ambassador in Paris.<sup>24</sup>

Boumedienne's misjudgment of France's stance led to relations reaching an all time low, especially when he resorted to economic reprisals against French commercial interests.

The Saharan imbroglio raised the political stakes for Ould Daddah since Boumedienne had become obsessed with overthrowing Ould Daddah's regime at whatever cost. At first, Ould Daddah did not take Boumedienne's threats seriously and believed the anger would blow over in a matter of weeks. Instead, Boumedienne turned Mauritania into a battle ground to face up to what the Mauritanian head of state called the Algerian challenge. The conflict brought no material compensation to Mauritania and posed a serious threat to its fragile national unity. The economic centres of the country became permanent targets of the Polisario guerrillas' raids despite Rabat's military support and ambiguous French pledges of protection. Soon, it became apparent that Mauritania was bearing the brunt of a costly war in which it had the most to lose and the least to gain partly due to the growing number of guerrilla attacks on its economic installations and the mounting diplomatic pressure from Algeria and Libya, the main supporters of the Polisario worldwide.

Algeria opposed the Moroccan-Mauritanian take-over of Western Sahara by every means available short of direct confrontation. Ould Daddah insisted that Algeria had created the conflict and only a change in Boumedienne's hostile policy could end to the dispute. The Mauritanian claim to the territory lacked both the vigour and the national fervour and unity the issue aroused in Morocco. The absence of a consensus within Mauritania proper resulted from the racial division inherent in the Sahel region and the consequent fragile national unity. As a keen observer of North African affairs rightly pointed out, "the question of Mauritania's national identity-whether Arab or black African- has provoked periodic racial tensions since the first years of independence".<sup>25</sup>



The Polisario guerrillas, meanwhile, intensified their attacks on economic targets within Mauritania despite the dispatch of five Moroccan battalions to reinforce the beleaguered Mauritanian forces and France's ambiguous air cover. Financial assistance from Arab states was also forthcoming especially from Saudi Arabia. The Saudis apparently provided Mauritania with some 400 million dollars from 1976 to 1978, roughly twice Mauritania's annual budget. Nevertheless, defence expenditure increased 64 per cent from 1975 to 1977 while in 1978 defence spending was estimated at 60 per cent of the national budget.<sup>26</sup>

The sharp rise in defence expenditures and the fall in revenues from iron ore exports, the main source of foreign currency earning, caused partly by a world recession and partly by the Polisario attacks, led Mauritania to the brink of economic collapse. The country's foreign debt amounted to \$467 million, the equivalent of 92 per cent of the GDP of about \$500 million. The situation was made worse by a chronic drought that seriously affected the country's crops and herds.<sup>27</sup>

The untenable military and political situation coupled with economic misfortunes created a crisis which culminated in a group of officers overthrowing Ould Daddah's regime on the night of 9-10 July 1978.<sup>28</sup>

A Military Committee for National Recovery, "Comité Militaire de Redressement National"(CMRN), was set up under the presidency of Lieutenant-Colonel Mustapha Ould Mohamed Salek whose aim was to "save the country from ruin and dismemberment in order to preserve national unity and defend the existence of the state".<sup>29</sup>

At a press conference on 12 July 1978, Ould Salek pledged to "set out a time table with Morocco" that would lead to peace in the region. On 14 July Ould Salek stated in a radio broadcast his determination to find a peaceful solution to the Saharan conflict in accordance with his country's interest and in agreement with Morocco.<sup>30</sup> A clear reference of his desire to include Morocco in a global settlement of the dispute. King Hassan's closest adviser Ahmed Reda Guedira and Colonel Ahmed Dlimi commander of Morocco's Southern military zone were dispatched to the Mauritanian capital to assess the new situation and seek guidance on the CMRN's plans for the future.<sup>31</sup> Rabat believed the coup was masterminded by Algeria and Libya but was relieved to discover that the orientation of the new Junta in power seemed moderate and that it was even prepared to "honour its commitments" with Morocco.<sup>32</sup> In

reality, however, the military leaders were playing for time to decide what step to take next without offending any of the parties involved in the Saharan dispute.

The Polisario announced a temporary cease-fire on 12 July 1978<sup>33</sup> to provide the new military regime with more time to rethink its Saharan policy. The decision was welcomed by the Junta in Nouakchott but there was no precise policy devised for the Saharan dispute nor were there any plans to do so. However, divisions soon appeared in the CMRN as some members favoured Morocco and others Libya, Algeria and the Polisario. The latter alliance was keen to encourage negotiations between the Polisario and the new Mauritanian leadership. Meanwhile, as tension sharpened between Algiers and Rabat, almost leading to open military confrontation, the new development in Nouakchott was briefly overshadowed by Boumediène's death in December 1978 and the advent of President Chedli Benjdid to power in Algiers in February 1979.

The new Algerian leadership initially pursued Boumediène's policy almost to the letter and kept pressing Nouakchott to enter into negotiations with the Polisario.<sup>34</sup> Anxious neither to leave Morocco out of a settlement nor to alienate Algeria, Ould Salek even proposed in January 1979 a referendum in the Mauritanian held part of Western Sahara. The proposal was flatly rejected by the Polisario leadership who demanded instead the recognition by Mauritania of the sovereignty of the SADR over the whole Western Saharan territory and the hand over of Tiris El-Gharbia to the guerrillas.<sup>35</sup>

Ould Salek was determined to pave the way for a global solution between all the parties concerned and get his country out of the conflict without loss of face.<sup>36</sup> His pressing problem, however, was the disastrous economic situation which threatened his country's survival and he could not "overstress how catastrophic it is".<sup>37</sup> By the end of 1978, Mauritania's foreign debts had reached \$574 million, the equivalent of 138 per cent of GNP.<sup>38</sup>

Faced with numerous economic and social problems and unable to find a way out of the Saharan conflict, without offending one party or the other or lose face, Ould Salek's regime was caught between the irreconcilable Moroccan-Algerian interests. Consequently, a "palace coup" took place on 16 April 1979<sup>39</sup> and the CMRN was replaced by the CMSN (Comité Militaire du Salut National) led by Lt-Colonel Ahmed Ould Bouceif.<sup>40</sup> All political activities were suspended and

a new Constitutional Charter was adopted.<sup>41</sup> Ould Salek remained a figure-head President while executive powers were assumed by Ould Bouceif. On 12 April 1979, the new regime decided to free all ministers of Ould Daddah's government but forbade them to engage in any political activity. They were to remain in their native villages. Ould Daddah was also freed on 4 October on grounds of ill-health. He went to Paris for medical treatment. The government was responding to a number of requests from friendly leaders from France, Morocco and Senegal who sought his freedom on humanitarian grounds.

Upon assuming power, Mauritania's new strongman pledged respect of all international commitments and expressed the wish for Moroccan troops to remain in his country.<sup>42</sup>

In pursuit of a settlement of the Saharan issue, Ould Bouceif paid a visit to Rabat on 2 May 1979 for talks with King Hassan. He then proceeded to Paris to reassure President Giscard d'Estaing of his intentions and request more aid to remedy the disastrous economic situation his country was facing.

Anxious to defend his country's territorial integrity by holding on to Moroccan troops and asking for more military assistance from France, Ould Bouceif also hoped for a settlement with the new Algerian leadership.

Since the Saharan dispute was seen to be Boumediène's heavy legacy, it was believed that the new leadership in Algiers might be more flexible towards Nouakchott and Rabat in the search for a viable solution. Ould Bouceif wished to restore diplomatic relations with Algeria but President Benjdid reproached him for being too close to Morocco.

On a visit to Tripoli on 21-23 April 1979, Mauritania's foreign minister Ahmedou Ould Abdallah held talks with his Libyan counterpart Ali Abdessalam Triki. A controversy emerged over what was said and agreed upon. First, Nouakchott issued a denial that talks were held in the presence of Polisario representatives. Then, according to a supposedly joint-communiqué published at the end of the Tripoli talks, Abdallah was alleged to have promised the "hand over to the Polisario" of Tiris Al-Gharbia and would start talks with the guerrillas on 26 May in order to eventually conclude a peace treaty.<sup>43</sup> This was denied by Mauritania and Ould Abdallah accused the Libyans of deliberately changing some passages in the original text of the joint communiqué.<sup>44</sup> Political analysts believed the accord comprised probably two parts.<sup>45</sup>



In the first part, Libya agreed to participate in developing the iron ore deposits at Kalaba, a farming project at Kalakal and the building of the Nouakchott-Nama road. Tripoli was apparently prepared to provide Nouakchott with substantial financial aid.

In the second part of the accord, Mauritania agreed to hand over to the Polisario its part of Western Sahara and recognise their authority over the whole disputed territory. The final arrangements were to be implemented at another meeting scheduled in Tripoli on 26 May 1979.<sup>46</sup> Meanwhile, an Algerian delegation paid a secret visit to Nouakchott to meet Ould Bouceif and persuade him to sue for peace as the price of severing links with Rabat.<sup>47</sup> Nouakchott pointed out that any deal with Libya would not be automatically accepted by the Algerian leadership. As a result, during an official visit to Paris on 3-4 May, Ould Bouceif made it quite clear that his country was willing to grant self-determination to the population of Tiris Al-Gharbia in conformity with the appropriate procedures of the UN and the OAU. The Mauritanian position was outlined in a letter addressed to the UN on 23 May 1979.<sup>48</sup> No Mauritanian representative turned up in Tripoli on 26 May for the scheduled talks with the Polisario.

The success of a peaceful outcome was by this time just as far away as it had been when Ould Bouceif took power and the situation became more complex and intolerable.

Ould Bouceif's growing concern and dilemma was rightly pointed out in a report of the OAU wise men committee. The committee, led by Presidents Moussa Traore of Mali and Olusegun Obasanjo of Nigeria, met Ould Bouceif in Nouakchott on 1 May and subsequently reported that "Mauritania and the Polisario cannot restore peace by themselves alone without the guarantees of the two powerful protagonists, Algeria and Morocco". This was a clear indication that Morocco and Algeria were the main players in this political game.<sup>49</sup>

If the Tripoli Accord had been implemented, it would have antagonised Morocco and Algeria. The Algerian leadership resented Gaddafi's courtship of the Polisario and the fact that his initiatives were taken without consultation.

It was the accidental death of Ould Bouceif on 27 May<sup>50</sup> that brought about a radical change in Mauritania's position. On 31 May, Lt-Colonel Mohamed Khouna Oul Haidallah<sup>51</sup> became Premier and three days later President Ould Salek handed in his resignation and was replaced by Lt-Colonel Mahmoud Ould Louly.<sup>52</sup> The new regime was



intensely courted by Algeria and sooner after the state funeral of Ould Bouceif in which Chedli was well represented, a high level Mauritanian delegation flew to Algiers on 12 June and again on 30 June to have talks with the Algerian leadership about restoring diplomatic relations and finding a solution to the Saharan dispute. In fact, it was the beginning of a rapprochement that eventually led to Mauritania's withdrawal from Tiris Al-Gharbia and alignment with Algeria and Libya as new financial backers to the military regime. The change was also accelerated by the Polisario attack on the small locality of Tichla, in Tiris Al-Gharbia, to mark the anniversary of the cease-fire declared a year earlier following Ould Daddah's overthrow.<sup>53</sup> Ould Haidallah's volte-face was confirmed at the OAU Summit in Monrovia, Liberia, on 17-20 July 1979 when Mauritania voted in favour of an Algerian sponsored resolution. Morocco warned that if Mauritania withdrew, Rabat would exercise the right of preemption to safeguard its security.<sup>54</sup> Tension between Morocco and Algeria reached an alarming stage short of an open military confrontation as it became evident that Ould Haidallah was determined to end the Saharan stalemate.

On 30 July, Ould Haidallah stated that he had no claims over Western Sahara and wished to enter into negotiations for a peaceful settlement. Talks in Algiers on 3 August ended three days later with the conclusion of a peace agreement between Mauritania and the Polisario representatives in the presence of four Algerian ministers.<sup>55</sup> The accord stipulated that Mauritania had "no territorial or any other claims over Western Sahara". However, in a secret agreement made public later, Nouakchott undertook to withdraw from the Mauritanian held part of the Sahara and to "hand it over to the Polisario at the latest on 5 March 1980".<sup>56</sup>

Algiers and Nouakchott restored diplomatic relations a week later on 14 August and King Hassan ordered the evacuation of Moroccan troops in Mauritania from 9 August.

The Algiers accord<sup>57</sup> made no reference in the published text to Moroccan troops based in Northern Mauritania and Tiris Al-Gharbia nor did it mention the self-proclaimed Polisario's republic. In addition, no reference was made to a cease-fire in Western Sahara and most important, no word was mentioned of a referendum in the disputed area to allow the inhabitants to exercise their right to self-determination. In short, it was a *fait accompli* that left no choice for Morocco but to react to the double-dealing to safeguard its security and interest in the region.

The news of the conclusion of the Algiers treaty was a considered a serious blow to Morocco's diplomacy. King Hassan not only declared the treaty as null and void but called on Nouakchott to abide by its international commitments otherwise Morocco would assume "the responsibility to defend continuity".<sup>58</sup> A clear reference to the defence pact between Morocco and Mauritania as well as other joint accords.

When the Moroccans discovered the secret accord, it became a race against the clock between the Moroccan and the Algerian-backed Polisario forces to take over Tiris Al-Gharbia. The presence of 1500 Moroccan troops in Dakhla gave the edge to Rabat to assert authority while waiting for military reinforcement.

Meanwhile, the population of Dakhla felt betrayed by Ould Haidallah's "sell out" to the Algerian-Libyan camp. Demonstrations ensued to express anger at Mauritania's capitulation and the fact that the population was never consulted about their future status.

On 14 August 1979, 360 representatives of the 16 tribes of Tiris Al-Gharbia led by the highest religious authority in the land, the Cadi of Dakhla, flew to Rabat to perform the Bay'a ritual to King Hassan and opt for Morocco. Thus Tiris Al-Gharbia was formally proclaimed a Moroccan province under the name of Wadi Dahab.<sup>59</sup>

The following day Mauritanian troops and administrative officials were withdrawn.<sup>60</sup> On 23 August, the CMSN revoked the Mauritanian-Moroccan defence agreement of May 1977. As a result, Moroccan troops were completely withdrawn from Mauritanian territory by 26 December 1979.<sup>61</sup>

By faking a weak protest at Morocco's take-over and avoiding a total surrender to the Algerian-backed guerrillas, Ould Haidallah managed to extricate his country from the Saharan imbroglio without much loss of face.<sup>62</sup> He also received much needed financial rewards from Algeria and Libya. Despite the annoyance of all the parties concerned with the conflict for not having full satisfaction, each obtained some sort of concession as a consolation prize. Had the Algerian-backed Polisario guerrillas not been satisfied with the outcome, attacks would have been intensified against Nouakchott and Northern Mauritania would have turned into a base for military operations.

On the other hand, Morocco would have made Mauritania a target for reprisals had Tiris Al-Gharbia been handed over to the Polisario. Algeria, however, scored in diplomatic terms since Ould Haidallah added his voice to the worldwide Algerian-Libyan campaign in favour

of the SADR.

Although the parting of ways was not characterised by violence or acrimonious exchanges, relations between Rabat and Nouakchott were to reach their lowest ebb when Mauritania accused Morocco of masterminding an abortive coup d'état on 16 March 1981.<sup>63</sup> The allegation was vehemently denied by Rabat. However, contrary to what some observers believed and despite Ould Haidallah's pledge to adopt strict neutrality,<sup>64</sup> he clearly sided with Chedli Benjdid and Gaddafi on whose financial aid he became heavily dependent to shore up his country's economy.<sup>65</sup> He repeatedly voted against Morocco at various international gatherings especially the OAU and the UN.

Paradoxically, the Mauritanian representative who signed the Algiers Accord defected to set up an opposition group in Paris a year later. Colonel Ahmed Salem Ould Sidi who formed the Mauritanian Democratic Alliance (ADM), stated that he had held two secret meetings in Algiers in June and July 1979 with high level Algerian officials,<sup>66</sup> who demanded that Tiris Al-Gharbia be handed over to the Polisario.<sup>67</sup> There was never any mention of a referendum or the right of the Sahrawis to self-determination. They were simply dictated terms to be complied with or else.

Ould Haidallah's association with Libya was sufficiently close to persuade Gaddafi to propose a merger between Mauritania and the SADR at a meeting in Tripoli in the presence of Mohamed Abdelaziz.<sup>68</sup> As his support for the Algerian-Libyan camp became evident, Ould Haidallah eventually recognised the SADR in December 1983, a move that angered Rabat and proved unpopular at home.

It could be argued that the "greater Morocco" concept often referred to by critics<sup>69</sup> to explain Morocco's irredentist claims, no longer held for had the Moroccans intended to put it into effect, according to Allal El-Fassi's theory,<sup>70</sup> the military coup d'état that overthrew Ould Daddah provided the perfect pretext to create a regime in Nouakchott favourable to integration or federation with Morocco. Moroccan troops were then stationed on Mauritanian territory and could have overrun the ill-trained Mauritanian armed forces. Another opportunity was provided when Mauritania withdrew from Tiris Al-Gharbia and unilaterally opted out of international agreements without prior consultation.<sup>71</sup> Instead, Morocco respected Mauritania's sovereignty despite the newly-arrived leadership's bid for peace with the Polisario without prior consultation with an ally with whom several treaties were concluded.

Ould Haidallah's domestically unpopular Saharan policy eventually led to his overthrow in a "palace coup" on 12 December 1984 which brought to power Colonel Mouawiya Sidi Ahmed Ould Taya. The new leader was determined to adopt strict neutrality over the Saharan issue despite overtures from Libya, Morocco and Algeria.<sup>72</sup>

Gaddafi was the first to recognise the new regime while Benjdid dispatched General Rachid Benyelles, defence ministry secretary general, to Nouakchott who was followed a few days later by the foreign minister Dr Ahmed Taleb Ibrahimi to assess the new junta's intentions.

To Morocco's annoyance, a communiqué was published to reaffirm Mauritania's support for the Polisario and adherence to the "concord and fraternity" treaty concluded with Algeria and Tunisia in 1983.<sup>73</sup>

Ould Taya attended the Casablanca emergency Arab summit in August 1985 and remained to have talks with King Hassan who decided to write off a sixty million dollars loan owed by Mauritania.<sup>74</sup> Fences were mended on various issues especially the firm commitment of Ould Taya to stay out of the Saharan dispute. Diplomatic relations were restored and links with neighbouring Senegal improved.

Indeed, President Sedar Senghor of Senegal had once made vigorous protests against the Polisario's massacre of thousands of Mauritanian blacks. He had repeatedly called for an international inquiry to look into the fate of Mauritanian troops captured by Polisario guerrillas. Senghor was adamant that between 2 to 3000 Mauritanian blacks had been killed by the Polisario guerrillas.<sup>75</sup> These accusations were again advanced at the OAU summit in Freetown, Sierra Leone, in July 1980. The Polisario leadership did not, to date, respond to Senghor's accusations nor did they allow the International Committee of the Red Cross to conduct a census of the "refugees" or the captives of the war in camps at Tindouf. A number of international humanitarian organisations requested permission from the Algerian authorities to assess the situation in the camps but in vain.

Spain's relations with Mauritania were mainly determined by relations between Paris and Madrid. However, official visits took place on both sides and it was agreed to rename Rio de Oro "Spanish Mauritania".<sup>76</sup>

The only bone of contention was the Western Saharan question prior to the Madrid Accord as pointed out by Spain's foreign minister during a visit to Nouakchott.<sup>77</sup> Cultural and commercial links were limited in volume and strength.<sup>78</sup>



Unlike Ould Haidallah's rule which was marred by controversies,<sup>79</sup> the shuttle diplomacy employed by Ould Taya was far more successful despite an abortive coup d'état on October 23, 1987 which only made him more determined to follow a cautious path both domestically and internationally. Although the frequent change of sides in a complex permutation of changing loyalties had earned Mauritania the nickname "chameleon" of North-West Africa, Ould Taya's rule led to an even-handed diplomacy in inter-Maghrebi politics.<sup>80</sup>

The question is whether Mauritania's policy of strict neutrality will be pursued with vigour irrelevant of inter-Maghrebi disputes or it is bound to be dragged into an orbit from which it would be difficult to exit. One thing is certain, however, economically and politically Mauritania could not afford to get involved in anything that would compromise its present neutral stand at whatever cost. Furthermore, unlike his predecessor, Ould Taya did not have any ethnical link with Western Sahara. Therefore, his relationship with Algeria, Libya and particularly the Polisario guerrillas appeared noncommittal, a sign perhaps that Mauritania had no wish to get involved in the dispute between its powerful neighbours Morocco and Algeria despite the fact that some Polisario members are of Mauritanian origin.

In 2008, Sidi Ould Cheikh Abdellahi became the first Mauritanian democratically elected President after a period of transition supervised by a military council that deposed the previous president in a bloodless coup in August 2005. He was also deposed by an army coup in 2008 and eventually Mohamed Ould Abdelaziz, a former general and head of the presidential guards, became president following elections in June 2009.<sup>81</sup> Since then, Mauritania has adopted strict neutrality in the Saharan question to strike a balance between two powerful neighbours in the North and East of the country.

## NOTES

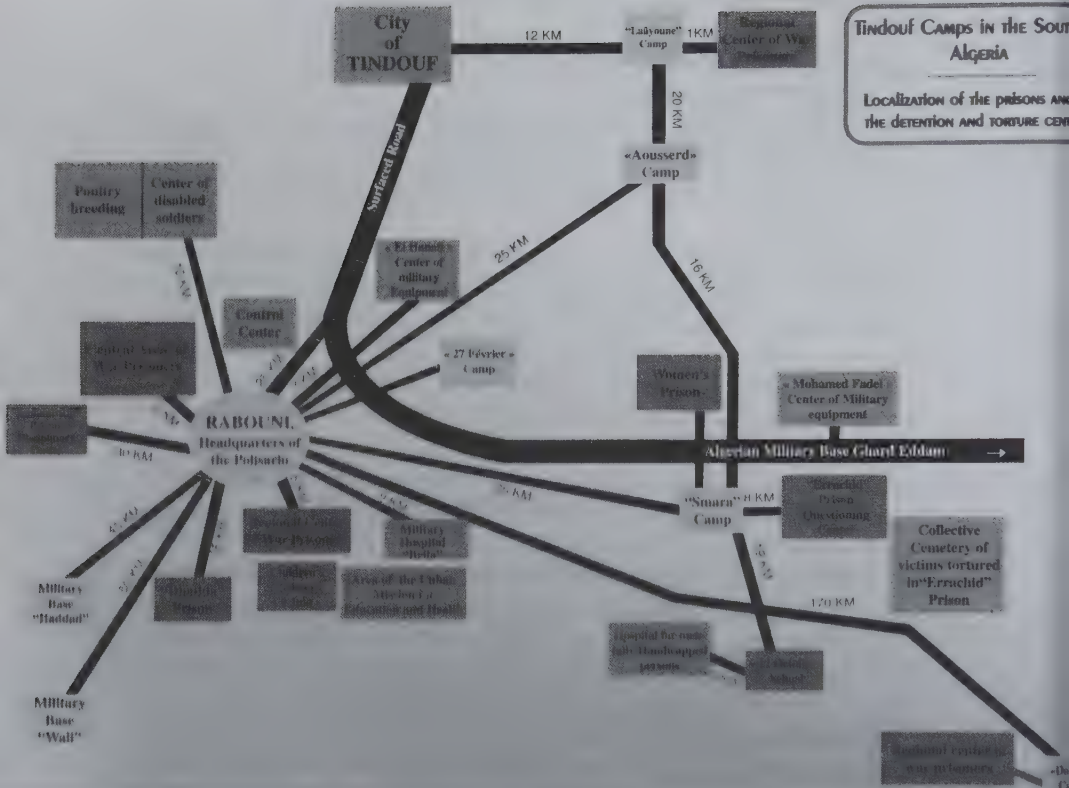
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- 48 UN Official Documents, A/34/276.
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- 50 Ould Bouceif was killed in a plane crash while heading for a meeting with the Senegalese President in Dakar on May 27, 1979.
- 51 Ould Haidallah was defense minister and also chief of staff following the 10 July 1978 coup. He was born in Bir-Enzaran, Rio De Oro, and belonged to a Reguibat tribe. See biography in, *Afrique Contemporaine* 104, July-August 1979, p. 48; also *le Monde*, Paris, 18 September 1979, p. 4.
- 52 Ould Louly was minister of administrative affairs and vocational training. He was also a member of the CMRN and the CMSN. See biography in, *Afrique Contemporaine*, 104, July-August, 1979, p. 48.

- 53 *Le Monde*, Paris, 17 July and 21 July 1979.
- 54 *Le Monde*, Paris, 27 July 1979.
- 55 *Afrique Contemporaine* 105, September-October 1979, p. 30. The accord was signed with the Polisario and not by the "SADR" to avoid Rabat's reaction.
- 56 *Sahara Libre*, (Polisario Front), No 88, 22 August 1979; *Sahara Info* 43-44 (Polisario Front), March-April 1980, p. 3.
- 57 See text of accord including the secret clause in, Appendix XI, p. 437.
- 58 *Le Monde*, 7 August 1979, p. 1; *The Economist*, London, 11 August 1979, p. 52.
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- 62 Christine Jouvin, "la Paix en Mauritanie", *Les Temps Modernes* 404, March 1980, pp. 1616-1629.
- 63 At the wake of the coup, Mauritania broke diplomatic links with Rabat. *Arabia*, London, No 2, October 1981, p. 33; *The Times*, London, 4 April 1981, p. 7.
- 64 John Damis, *Conflict*, op. cit., p. 33; Tony Hodges, *Western Sahara*, op. cit., p. 276; in a letter to the UN dated 18 August 1979, Haidallah called for his country's neutrality and territorial integrity to be respected. See *UN Official Documents*, A/34/427.
- 65 Ould Haidallah's dependence on Algeria and Libya was such that even the presidential plane was provided by the Algerian airline. The author witnessed Haidallah's arrival at Nairobi's airport in June 1981 and at Addis Ababa in June 1983 to take part in the OAU Summits.
- 66 The Algerian officials were colonel Kasdi Mesbah, Ahmed Taleb Ibrahimi presidential counsellors and Mohamed Sadek Benyahia foreign minister.
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## THE POLISARIO FRONT



The Polisario headquarters in Rabbouni near Tindouf



## CHAPTER FOURTEEN: THE POLISARIO FRONT

Contrary to what has been assumed and stated repeatedly since the inception of the conflict,<sup>1</sup> the Polisario Front (Frente Popular para La Liberacion de Saguia El-Hamra y Rio de Oro) was founded, with the help of Libya's leader Colonel Muammar Gaddafi by a group of anti-colonial militants in Mauritania (Al Kadihin = Preletarians) on 10 May 1973.<sup>2</sup> Gaddafi claimed to have set up the movement with the sole aim of ending Spanish colonialism in Western Sahara and not to establish an independent state to weaken the Arab nation's potential and create further obstacles to the implementation of Arab unity.<sup>3</sup> His claim was substantiated by remarks made by the first secretary general of the Polisario, El Ouali Mustapha Sayed, at a press conference in Tripoli on 29 October 1975, that "we came to Libya barefoot, we left armed".<sup>4</sup>

Gaddafi made no secret of his connection with the Polisario in a letter to King Hassan on 27 February 1976 when he stated that his government "fulfilled its Arab duty by providing the Polisario with arms and an office in Tripoli".<sup>5</sup> The Polisario was given a consignment of arms and broadcasting facilities.

El Ouali was born,<sup>6</sup> brought up and educated in Morocco.<sup>7</sup> He formed a group of militant students at Rabat University who were already active within the Moroccan opposition progressive parties. He maintained close contact with Ali Yata, the Moroccan Communist party leader of Le parti de Libération et du Socialisme<sup>8</sup> in whose journal El Ouali even contributed to a study on the prevailing situation in Western Sahara and made a call for its integration with Morocco.<sup>9</sup> Ali Yata confirmed his links with El Ouali in his books and journalistic writing, prominent among them is an editorial published in his party's daily in which he explained that "with El Ouali and other Sahrawi comrades, we prepared, in several meetings in Rabat, a working plan for the defence of our national cause of recovering the Western Sahara. This plan provided in its first stage, for a domestic and foreign campaign of awareness on the Sahrawi question, contacts with our Sahrawi compatriots and the organisation of mass action against the occupying forces. In the second stage, it was planned to train militants for violent acts against the enemy".<sup>10</sup> During his student days at the Rabat Law Faculty and especially in 1972, El Ouali became a restless activist who called for armed militancy together with the Moroccan opposition parties (Istiqlal,

PLS, UNFP) to drive Spanish colonialism out of the Western Sahara and return the territory to its rightful claimant: Morocco.

In 1972, El Ouali organised the Tan Tan protest with participants demanding Spanish departure from the region. The protest was dispersed heavy-handedly by the Moroccan police in response to the Moroccan adopted policy of solving the issue peacefully and in conformity with a process that had started in April 1958 by the recovery of Tarfaya followed by the Ifni zone in June 1969.

El Ouali's close links with the opposition parties made him a suspect in the eyes of the Rabat authorities which did not see eye to eye with opposition groups throughout the country especially after two abortive coup attempts on King Hassan's life in July 1971 and August 1972.<sup>11</sup> The ensuing mistrust between leftist opposition parties and the Palace was exacerbated further by another foiled coup in March 1973 that was masterminded by Algeria<sup>12</sup> and Libya. This prompted El Ouali and a handful of his classmates to leave Morocco in search of a place where they could form a movement in favour of Morocco's claims but opposed to the regime's political ideologies. This was contrary to the account that the Sahrawi student group in Rabat "lost patience with the Moroccan opposition parties, who despite their verbal anti-Spanish militancy, were not prepared to provide any practical support".<sup>13</sup> These political groupings suffered difficult times after a series of arrests and lengthy judicial and police inquiries in the aftermath of the March 1973 abortive coup.<sup>14</sup> In fact, the authorities were so jumpy over political activities that even a book in favour of Morocco's case titled "Le Sahara Occidental Marocain" written by the communist party leader, Ali Yata, was censored the day of its launch at a press conference in Rabat on 8 May 1972.<sup>15</sup>

The proceedings of the press conference were published in the Communist bilingual daily "Al-Bayane" in French on 9 May 1972 and in Arabic on 11 May 1972. Large extracts were produced by the Istiqlal party dailies "L'opinion" and "Al-Alam" and a wave of protest against the government action ensued.

A series of public rallies in several cities were organised by the largest trade union the UMT (Union Marocaine de travail) in favour of the liberation of the Sahara but El Ouali's call in 1972 for armed struggle together with the Moroccan opposition parties<sup>16</sup> went unheeded because of the skirmishes between the official milieu and the opposition as well as the government crack down on political activists of the left. With Algeria

ever-ready to provide assistance to any Moroccan dissident in quest for foreign aid whether financial or military in the wake of the abortive March 1973 coup, the political ambience within Morocco was rather explosive and universities were repeatedly strike-bound (1969-73), so that, the Saharan issue slipped temporarily into the back burner until the end of the trials of the coup plotters early in 1974.<sup>17</sup> There was a period of considerable political tension in the early 1970s between the Palace and opposition parties which created a climate of political uncertainty and mistrust, exacerbated further by student unrest and a series of trade union strikes. In these circumstances, the Moroccan authorities were in no mood to tolerate the activities of a nucleus of militant students calling for an armed struggle against Spanish occupation in Western Sahara. The army was thus restructured with renewed emphasis on its function as a non-political body and the relentless claims to Western Sahara were revived again this time by King Hassan following a tour of Southern Morocco in May 1972. The King reassured the Sahrawi tribes that they were “neither forgotten nor neglected” and explained that his diplomatic efforts to convince Spain to return the territory to Morocco were not “in contradiction with our firm determination to link up again with our subjects living in the Sahara”.<sup>18</sup>

The Nouakchott meeting in May 1973 and in Agadir in July the same year between President Boumediène, King Hassan and the Mauritanian head of state Mokhtar Ould Dadda were meant to prepare the ground for a common front on the decolonisation of the Western Sahara.

Algeria displayed an attitude, to say the least, of restraint with regard to Morocco and Mauritania's claims over the territory. Meanwhile, El Ouali and his Rabat student followers, who were prominent militants within the Moroccan Student Union (UNEM)<sup>19</sup> and the parties of the left, approached Gaddafi who provided them with the necessary material and moral boost at a time when money and arms were evidently in abundance in Tripoli following the world oil crisis of 1973 and the sudden flow of petro-dollars into Libyan coffers. Gaddafi was a staunch supporter of any Moroccan dissident opposed to King Hassan's regime. Therefore, his eagerness to extend aid to Moroccan dissident groups or opposition members was no surprise to anyone least of all the Moroccan monarch who could not forget that the Libyan leader had applauded the previous abortive coups before even making certain of their success. The only major problem for El Ouali and his group was the absence



of a base along the Western Saharan frontiers. Mauritania allowed the creation of Polisario on its soil on 10 May 1973. El Ouali was elected secretary-general and a manifesto was published including no reference to independence but "revolutionary violence and the armed struggle as the means by which the Sahrawi Arab African population can recover its total liberty and foil the manoeuvres of Spanish colonialism."<sup>20</sup>

The Polisario's existence was not known to the outside world until July 1973 when a communiqué was issued in Nouakchott.<sup>21</sup> By this time, Spain offered Mauritania a share out of the interest in Western Sahara although it was never publicly revealed. Their common objective was to thwart Morocco's Saharan claims and keep Algeria's ideological influence at arms length from Atlantic Sahara. The Spanish government believed that Nouakchott being the weaker state would be more likely to accommodate Madrid's planned neocolonial take over. There was even a suggestion of a Mauritanian-Saharan Federation.<sup>22</sup> King Hassan and Ould Dadda, however, managed to overcome their differences and agreed upon a joint stand to challenge Spain's "decolonisation plan" at the Arab Summit in Rabat in October 1974 at which Boumediène publicly endorsed their plan and gave his blessing to the Rabat-Nouakchott agreement.

The Polisario initially made approaches to President Boumediène who, however, was not interested partly because the then unknown group had no experience in political activism nor any significant following from inside or outside Morocco or even in the Western Sahara itself. Instead, he encouraged Id Ouard Moha<sup>23</sup> leader of the liberation movement MOREHOB<sup>24</sup> to open an office in Algiers in March 1973. Moha left Rabat disillusioned with the ongoing political tension between the Palace and opposition parties and disgusted with the then Moroccan minister of interior, General Oufkir's, attitude to Morocco's interest.<sup>25</sup> Seeking political support from Algeria on the same plane as the other dozens or so liberation movements based in Algiers, Moha soon realised that Boumediène was more interested in Western Sahara than "the solidarity with liberated peoples from European tutelage".<sup>26</sup> Moha left Algiers in May 1974 to settle with his group in France because "we refused to take part in a meeting attended by Spanish and Algerian officials".<sup>27</sup> Meanwhile, El Ouali, who was apparently arrested and deported during a visit to Algeria in 1973,<sup>28</sup> moved on to the Libyan capital where he set up his headquarters and started broadcasting anti-Spanish programmes in 1974.

Nevertheless, no Libyan arms were allowed to transit across the Algerian territory and Boumedienne even confiscated arms and land rovers sent by Libya to the Polisario in Mauritania via Algeria.<sup>29</sup> When Moha's MOREHOB, the only Sahrawi Liberation movement recognised by the UN and the OAU, left Algiers to set up office in Paris, then Brussels, Boumedienne, meanwhile, encouraged El Ouali and his group to settle in Algiers. Moha claimed that in 1975 one could only find some 130 genuine Sahrawi militants among the horde of nomads from Southern Algeria, Northern Mali and Niger, Chadians as well as Moroccan and Mauritanian dissidents.<sup>30</sup> He also claimed that his organisation the MOREHOB had more than 6,000 members with branches and contacts in the Western Sahara and Europe as well as intellectual supporters in Madrid and Tenerife. All this time, no mention was ever made of independence for the Western Sahara. It was the move of the Polisario to Algiers where the movement was fostered and moulded into Boumedienne's line of thinking that prompted the group to come out in favour of full independence for the territory. The Polisario admitted in a Congress report dated July 1975 that, "the revolution was not clear in its first year about certain of its goals".<sup>31</sup> It was during the second congress held by the Polisario in Algiers from 25-31 August 1974 that the word independence first figured in the group's manifesto.<sup>32</sup> By this time an Algerian-Spanish partnership was established and sealed by a secret agreement concluded in July 1973 by virtue of which the two countries would support the establishment of an independent state in the Western Sahara and ensure that Morocco would be left out of any future dealings in relation to the territory. Algeria was to be allowed to participate in the exploitation of minerals and fishing while the Gara Djebilet iron ore mines, south of Tindouf, could prove a highly prized profitable commercial operation if a railway line was constructed across the Western Sahara to the Atlantic. In return, the Polisario, by this time still unknown and with no significant following or backing, could be nursed by strong Algerian support to bolster the chances of an independent state in Atlantic Sahara if the need arose. More important to Spain, Boumedienne agreed to put an end to the activities of Spanish separatist movements based in Algiers and increase trade links with Spain to compensate for the trade imbalance heavily in favour of Algeria mainly because of the large quantity of hydrocarbon sold to Madrid and on which Spain had become dependent in the wake of the oil crisis of 1973.<sup>33</sup> Algeria then became the largest

African market for Spanish exports and a Spanish-Algerian chamber of commerce was established in 1974.

Moreover, Boumediène was convinced Morocco would never be able to dislodge Spanish troops from the disputed territory without risking an all out military confrontation with the superior Spanish armed forces. Spain, he believed, would withdraw from the territory in response to another UN resolution. He was also confident that the Mauritanian President was firmly on his side and would never enter into an agreement with King Hassan whatever the outcome. Therefore, King Hassan could either accept the status quo, engage in a dangerous military confrontation with Spain or face disruption at home. Indeed, the opposition parties in Morocco were pressing for action on all fronts and their impatience reached breaking point. A Moroccan-Spanish armed conflict was a dangerous alternative as far as King Hassan was concerned, yet, backing down could be equally dangerous with the opposition calling repeatedly for action. The only option left was diplomatic and Spain provided him with the perfect opening.

Indeed, when Franco announced on 20 August 1974 his intention to hold a referendum in the Western Sahara early in 1975, the Moroccan monarch reacted at a press conference in Rabat on 17 September 1974 with his decision to request the UN General Assembly to refer the Saharan issue to the ICJ.

For Boumediène and Franco, this Moroccan move was totally unexpected. Most importantly, it signalled the beginning of Algeria's open involvement with the Polisario as the only option left to counterbalance the Moroccan diplomatic move. Rabat became the centre of a flurry of diplomatic activities in the late summer of 1974 when King Hassan embarked on a worldwide campaign to rally support for Morocco's claims.

On the international front, the move seemed to gain favourable response at a time when Portugal's African possessions began to collapse, leaving Spain even more exposed as the last bastion of European colonialism in Africa. At the UN General Assembly session in September 1974, the Moroccans reminded everyone that Spain abstained from voting on an adopted resolution the previous year recalling the UN recommendations to decolonise the Western Sahara.<sup>34</sup> Throughout the months preceding the ICJ Advisory Opinion in October 1975, Morocco stepped up its diplomatic drive against Spain in Africa and the Arab world. Algeria, however, still in collusion with Spain, started in



earnest arming, training and financing the Polisario in preparation for an independent state in the Western Sahara, a policy Boumediène was determined to carry out whatever the cost. The tension between Rabat and Madrid escalated to an all-time high as the Spanish sent naval reinforcements to the Mediterranean enclaves of Ceutra and Melilla and increased the number of legionnaires in the Western Sahara to protect from sabotage the conveyor belt carrying phosphates from the Bu Craa mines to the sea. On his part, King Hassan deployed some 20.000 troops along the southern front to face the Spanish challenge and rally support at home from opposition parties and the international community.

Meanwhile, with the Polisario as the only trump card to play, Algeria embarked on a vigorous yet discreet campaign in collaboration with Franco's government to portray the Algerian-sponsored guerrilla group as the sole representative of the Sahrawi population. Boumediène's ultimate objective was to prepare the ground for the UN fact-finding mission which was about to pay a visit to the disputed region in May 1975.<sup>35</sup> The Algerian authorities took advantage of the Moggar gathering (the Saharan Fair) which attracted nomads from Southern Morocco, the Western Sahara, Northern Mauritania and the Sahel region, to recruit Tuaregs and Chambas to pass off as Sahrawis originating from the Spanish Sahara. As a Spanish observer pointed out, "there can be no doubt that Algeria is trying to pass off as refugees from the Western Sahara not only her own Reguibat tribes but also tens of thousands of Tuaregs, Chaambas and other nomads from Mali and even Niger who abandoned their usual pastures as a result of the dramatic drought in the Sahel."<sup>36</sup> The Polisario recruits were sent on an expedition to the Western Sahara to drum up support for independence of the territory. When the UN mission arrived in Layoune, the Polisario leaders and followers were urged to make a strong impression on the UN envoys, which they certainly did and the Spanish were there to witness it. The question was how could Spanish troops and administration tolerate demonstrations in favour of the Polisario when the very same Polisario leaders were presumed to be launching attacks against distant Spanish military posts in the Western Sahara? There was no logic in this development especially when the Spanish foreign legion took enormous pride in its performance. Furthermore, if as reported by the UN mission, the Polisario was drawing its support from the Sahrawis, how did the mostly nomadic inhabitants of the territory know about the existence of such a movement whose leaders were based in Algeria and had



no following within the territory? Tight Spanish security and control of the territory, and the existence of Spanish-sponsored movements, made the likelihood still more remote for the Polisario to emerge as a popular force. Moroccans claimed that the demonstrations in favour of independence were stage-managed by the Algerian and Spanish governments in conformity with the clauses of the secret agreements concluded in July 1973 and 1975.<sup>37</sup> By this time, Morocco had already achieved its diplomatic objective at the UN General Assembly in 1974 when it was decided to submit the Sahara Issue to the ICJ. In addition, prominent Sahrawi leaders who were groomed and prepared to take over an independent state, as wished for by Spain and Algeria, defected to Morocco. These defectors included Khatri Ould Sidi Said Al-Joumani, president of the Sahrawi Assembly the "Jema'a", the Cadi of Layoune, the highest religious authority in the territory and Khali Hanna Ould Rachid, who was secretary general of the PUNS, the only political party in the territory, and was groomed by the Spanish to become president of the independent Sahrawi state.

Equally as important, Spanish troops in the Western Sahara were on full alert pending a surprise move from the Moroccan forces deployed along the frontier. In these circumstances, the Polisario leaders could not have come to Layoune if the Spanish authorities had not been party to the whole operation. In fact, even if the Polisario leaders managed to slip into the territory and be seen publicly organising demonstrations in Layoune, surely the Spaniards would have been able to arrest them afterwards even for a face saving exercise but nothing of the kind ever happened as the Polisario leaders went back to Tindouf as easily as they had come into the territory. Spanish troops were roughly equal in numbers to the indigenous population and could not have allowed a demonstration unless they were instructed to do so. In fact, the event was meant to take place to further Spanish interests otherwise Polisario members would not have been allowed. One can presumably conclude that Spain was in collusion with Algeria and that was why the Polisario leadership was allowed free hand in the territory to campaign for independence, a policy cherished by both Boumedienne and Franco. In addition, the UN mission of inquiry composed of the Ambassadors of Iran and Cuba and headed by the Ivory Coast Ambassador Simeon Ake could hardly tell the difference between the Sahrawis of various ethnic groups or regions just as an OAU inquiry commission could hardly distinguish between an Ethiopian from Tigray, Ogaden, Eritrea or Somalia. Only

an Arab League inquiry commission could have performed such a task without being wholly duped and with the minimum of precision. None of the members of the UN mission spoke Arabic or the local dialect "Hassania". In the circumstances, they were unlikely to be able to assess the true sentiments of the population without being off the mark. Spain, as the ruling colonial power, staged a well-orchestrated march in Layoune in May 1975 with the sole purpose of discrediting Morocco's claims and impress the UN fact-finding mission. This was performed with the full backing of Algeria, the Polisario leaders and members of the PUNS formed by the Spanish authorities in November 1974.<sup>38</sup>

The Secretary General of the PUNS, Khali Henna Ould Rachid, defected to Morocco while the UN mission was still in the Western Sahara when he discovered Spain's manoeuvres with Algeria and the Polisario. He later confirmed that the large demonstrations, organised wherever the UN team went, were simply of Spanish making in close collaboration with Algeria and aimed at convincing the UN representatives that the Sahrawis wanted independence and rejected integration with Morocco.<sup>39</sup>

The UN's subsequent report was a setback to Morocco's diplomacy efforts and a victory for the Spanish-Algerian-Polisario collusion.<sup>40</sup> However, a close examination of the UN visiting mission report of October 11, 1975 may throw some light on aspects not referred to thus far especially the passage stating that: "The population showed, by its demonstrations and statements, that it supported the objectives of the Frente Polisario and PUNS favourable to the independence of the territory".<sup>41</sup> Yet, the secretary general of the PUNS, Khali Hanna Ould Rachid had defected to Morocco while the UN team was still in Western Sahara and accused Spain and Algeria of instigating something the indigenous population had no part in. His account was confirmed by other leaders of the PUNS and the Jemaa who had fled to Morocco from Spanish intimidation or inducements in political or financial terms.

The PUNS was the only recognised political party in Western Sahara. Spain believed that the leaders of the PUNS could be moulded into Spanish ways of thinking to eventually take over the affairs of the "state" and safeguard Spanish interests in the area. If the PUNS was favourable to the independence option, as the UN team put it, how come that the same option was immediately brushed aside by the leaders of the movement who accused Spain of double-dealing?

By the UN Mission's own admission, "the Frente Polisario,

although considered a clandestine movement before the Mission's arrival, appeared as the dominant political force in the territory."<sup>42</sup> How was it that an underground movement was suddenly demonstrating in Layoune under the noses of Spanish troops unless it was part of a plan? This could only have taken place if Spain was to reap some benefit from the operation. Indeed, Pedro Cortina y Mauri the Spanish foreign Minister met El Ouali in Algeria on 9 September 1975. Their talks centred on Spanish-Algerian interests in the Western Sahara and resulted in an agreement by virtue of which the disputed territory would be granted independence under a Polisario government in return for Spanish privileges in the phosphate and fishing sectors for 15 to 20 years.<sup>43</sup> This was further evidence that the staged demonstrations during the UN visit were planned in advance to discredit Morocco's claims.<sup>44</sup> More important, groupings, shiukhs and local representatives based in Western Sahara, Morocco or Mauritania were not consulted by the UN mission nor were the elders of the Sahrawi tribes.<sup>45</sup> Although the guerrilla movement was considered by some as a liberation movement that succeeded in imposing its presence in international forums,<sup>46</sup> many also agree that without Algerian support and to a certain extent Libya's backing, the movement would crumble overnight.<sup>47</sup>

The big question was whether the Polisario was representative of the Sahrawis or, merely as one observer pointed out, no more representative of the territory than the Algerian Sahara, as the bulk of its forces comprised Mauritians, Algerian Tuaregs, Reguibats and Chaambas from neighbouring Mali and Niger who had abandoned their usual pastures driven by hardship as a consequence of the chronic drought that ravaged the Sahel region.<sup>48</sup>

The AOSARIO<sup>49</sup> was the last Sahrawi movement established in 1975 by Ahmed Ould Rachid and comprised all political parties and Liberation movements operating inside and outside the Western Sahara before Spanish withdrawal.<sup>50</sup> It claimed that the Polisario leadership was comprised mainly of Moroccan and Mauritanian dissidents with "no genealogical links whatsoever to the liberated territory".<sup>51</sup> The bulk of the Polisario leadership was composed of Moroccan and Mauritanian dissidents serving the Libyan-Algerian alliance that spared no effort in financial, logistic or diplomatic support to promote the Polisario as a liberation movement.

Unlike the MOREHOB, the Polisario was never recognised as a liberation movement by the OAU or the UN and its upsurge into



the international arena was brought about by consistent Algerian and Libyan support. The Spanish-Algerian collusion only came to light some years later. Indeed, a letter dated 15 May 1973 sent by Algeria's then foreign minister, Abdelaziz Bouteflika, to his Ambassador in Madrid under the reference (133) (CAB. conf-ESP-AP) was published by a Spanish magazine and said that "... Consequently our government wants to inform the Spanish Prime Minister and his Minister of Foreign Affairs that any policy hostile to Algeria's strategic interests in the Western Sahara will bring reciprocal measures which can only prejudice Spanish interests, and not only in the area. We want to make clear that, any accord that does not take into account our points of view regarding a final settlement of this colonial dispute, would oblige us to reconsider previous accords, mainly economic-ones, and to mobilise our potential to destroy the privileged image that Spain enjoys in certain African countries, in South America and in the Arab world. We recall that the chairmanship of the Non-aligned countries conference will be assumed by us with effect from September this year".<sup>52</sup> The content of the letter which has never been denied, underlines the "strategic interests" of Algeria in the Western Sahara and no reference was ever made to the Sahrawi population or their rights. The Algerian influence worldwide was also emphasised in many ways and so was the leverage Boumediène had over Spanish political and economic interests in the region. This episode took place only two months before the first secret accord was concluded between the governments of Madrid and Algiers which cemented a relationship between Boumediène and Franco that ceased only following the conclusion of the Madrid Tripartite Accord and the subsequent death of the Spanish President.

Furthermore, the Spanish left-wing parties were unable to obtain a genuine assurance from Boumediène that the Canary Islands would cease to be the object of traditional pressures and subversive activities masterminded in Algiers. As pointed out by a Spanish observer, "neither Bouteflika nor his bosses care a damn about the MPAIAC, to which they attach little importance despite all their statements to the contrary. It is the Sahara which concerns them and it has become an obsession".<sup>53</sup> Indeed, it was a question of interest, not principle, that brought Boumediène and Franco closer together as was later revealed following the conclusion of the second secret accord between Spain and Algeria.

On 9 September 1975, Spanish-Algerian high-level talks in



Algiers resulted in an agreement to grant independence to the Western Sahara under a Polisario government in return for the safeguard of Spanish commercial interests for 15 to 20 years.<sup>54</sup> The Mauritanian Minister of Foreign Affairs Hamdi Ould Maknass confirmed before the UN on 14 October 1977 that another meeting took place in Geneva in October 1975 between Spanish, Algerian and Polisario representatives at which Algeria offered to guarantee Spanish economic and cultural interests in the Sahara and withdraw its support for the Canary Islands independence movement.<sup>55</sup> This was another illustration of Algeria's pursuit of the ultimate objective that of depriving Morocco of regaining its territorial integrity. Spain's dealings with Algeria and the Polisario did not exclude Mauritania. Indeed, in an attempt to safeguard Spanish privileges in the area, El Ouali met Ould Dadda in June 1975, reportedly to form a federation between Western Sahara and Mauritania headed by the Mauritanian President.<sup>56</sup> Spain sought all possible allies to counterbalance Morocco's claims over the Western Sahara and the Presidios. What deserves further examination is whether the Polisario really represented a nationalist movement as it claimed. The answer was debatable and may not be conclusive because of the complexities of the concept of "nationalism". These are arguments advanced by Barbier<sup>57</sup> and Hodges<sup>58</sup> over the existence of "Sahrawi nationalism" are questionable for the following reasons: The term Sahrawi is not a nationality but refers to anyone belonging to any tribe living in the Western Sahara, in southern Morocco, Mauritania, Algeria, Mali, Niger, Chad and even the Libyan desert. Indeed, if "Sahrawi nationalism" emerged, it should not be confined only to the Western Sahara but should include all the Sahara from the Atlantic coast to the Red Sea simply because the tribes of the area had no defined boundaries and had been roaming the desert from one end to the other regardless of frontiers or any other consideration or obstacles. Moreover, it is not possible to talk of Reguibat nationalism and rule out nationalism of the Tuareg, the Chambaas, the Ouled Dlim, Laarssiyine and Ouled Ben Sbaa (Sbaiyine) who were the dominant force in the Sahara for centuries until they were rounded upon by a combined force of several tribes headed by the Reguibat at the beginning of the 20th century. Therefore, if there is to be any Sahrawi nationalism it must include all the Sahrawis living in the Sahara from the Atlantic to the Egyptian desert encompassing the desert in Mauritania, Mali, Algeria, Niger, Chad, and Libya. In the wake of independence, the Algerian Sahrawis were denied the exercise of

their right to self-determination although the whole idea was prompted by colonial interest. The Sahrawis in favour of such a move were dealt with harshly by the Algerian government, a treatment that resulted in thousands of victims.<sup>59</sup> Since the Algerian government was so anxious for the Sahrawis of Western Sahara to exercise their right to self-determination, why was this same right denied to those in the Algerian Sahara and the Berber population of Kabylia, or for that matter, the Algerian people who never had a say in the running of the country's affairs nor the choice of their political leaders or their constitutional options?<sup>60</sup> Whether Sahrawi nationalism really existed, and whether the Polisario represented the population of the Sahara matters only so far as the Sahrawis have the choice to pick their own representatives and exercise the right to determine their political future. If, however, the principle of nationalism constitutes the creation of a state, then, in Morocco's case this principle would have led to the establishment of a dozen states: a Spanish speaking Moroccan state in the North, a French-speaking one further South, a Rif state around the Rif mountains, a free state in Tangier, a state in Sidi Ifni, one in Tarfaya, a Tachalhit Berber speaking state in Agadir, a Tamazight Berber speaking state in the Atlas mountains, an Arab-African state in Marrakech and a Sahrawi state further South.

It is a phenomenon that applies to most African states if ethnic, linguistic, racial and economic considerations were adopted as criteria for state building. The inviolability of African frontiers established under colonial rule was recommended by the OAU and adopted for purely pragmatic reasons aimed at avoiding conflict. The fragility of the social-economic system of the inhabitants of the Western Sahara resulted in political loyalties being sometimes well below the level of nationalism or fidelity to the nation states of the region. Indeed, it is common for people of Saharan background to vest their loyalty, in order of importance, to family, tribe and Islam. Therefore, the link with the Moroccan reigning dynasty is not only religious (the King being the Commander of the faithful) but also through family blood-ties. Indeed, numerous sultans' marriages to women of Saharan origin provided living proof of a family blood-bond that only death could break. Moreover, the current reigning Alawite dynasty in Morocco and indeed previous ones originated from the Sahara providing legitimacy not only in terms of family ties but also tribal and religious and dynastic ties.<sup>61</sup> Had there ever been a Saharan nation or state in history? The answer is

emphatically “no” and as a historian observed, “a people is far too great a thing to hide up one’s sleeve. It is noticed and distinguished itself from other nations by the space it occupies or by its state of development, or the influence it exerts on other nations.”<sup>62</sup> Given the fact that the Sahrawis had very little sense of territorial boundaries and have been known for their long-standing aversion for fishing or farming, it is not easy to envisage a viable entity in the Western Sahara except in some form of dependency. The kaleidoscopic and multi-centered character of the area is made even more complex by the ever tense inter-relationship between the various Sahrawi tribes who have diverse, conflicting and critical local interests.

As an observer rightly pointed out, “the indispensable cultivation of a sense of nationhood among the Sahrawis would necessarily destroy the tribalism and regionalism that have always been their strongest bonds.”<sup>63</sup> Therefore, the argument that the Polisario represents a nationalist movement does not hold water as illustrated further by the absence of accurate information related to the number and origin of the men who make up the rank and file of the guerrilla force and the refugees in Tindouf. This state of affair was largely attributed to Algeria’s constant refusal to grant the International Red Cross and the UN High Commissioner for Refugees permission to conduct a census in the Tindouf camps and the tight-lipped attitude adopted by Algerian officials who attempted at every possible occasion to pretend that the Saharan question was a matter for the Polisario leaders to discuss and not Algerians. Yet, contacts made with the Polisario were made through Algerian officials and on Algerian soil. Polisario leaders travelled worldwide on Algerian passports, documents, funds and instructions. Paradoxically, most Polisario leaders were not true Sahrawis originating from Western Sahara proper. Up to 1976-77, the Polisario leadership was composed mainly of Moroccan and Mauritanian dissidents and a few Reguibat tribesmen with a taste for adventure rather than political gains. Following the “Green March” on 6 November 1975 and the aftermath of the Madrid Accord of November 14, some troops demobilised by Spain reportedly offered their services to the highest bidder.<sup>64</sup> Algerian officials were believed to have outbid even Gaddafi to lure some of these soldiers of fortune or Harkis (auxiliary forces) to Tindouf. Moreover, it was widely reported that the Polisario’s recruits came from as far as Chad, Niger and Mali partly because of the chronic drought that almost annihilated the Sahel region in the 1970s and the beginning of the 1980s



and partly due to the financial inducements offered by oil-rich Libya and Algeria, a task made easier by the nomadic character of most tribes in the Sahara who have for centuries ignored frontiers and still roam the desert from the Atlantic to the Nile. Nonetheless, the Polisario's casualty list, the size of its armed forces and the number of refugees in the Tindouf camps remain a mystery to the international community and an exclusive privilege of the Algerian authorities. Who is a genuine Sahrawi from tribes of the Western Sahara and how many are there in the Tindouf camps is anybody's guess.<sup>65</sup>

There are contradictory views and reports on the number of Sahrawis in Western Sahara, Morocco, Mauritania and Algeria. The Polisario put the exaggerated total at 185,000, a figure purposely inflated to create confusion. Even the staunchest of Polisario supporters<sup>66</sup> dispute the figure and put the total at 165,000. However, the UN High Commissioner for Refugees put the approximate figure in December 2008 at 90,000.<sup>67</sup> Some observers accepting the Spanish census of 1974 of some 73,500 inhabitants in the Western Sahara referred to some 59,000 people of Saharan origin living in Morocco and 14,000 in Algeria.<sup>68</sup>

In mid-December 2007, the Polisario held its twelfth Congress in Tifariti, located in the zone between the Western Sahara international border and the berm in in flagrant violation of the ceasefire brokered by the UN in 1991. This is an area under supervision of MINURSO and the Polisario refers to it as its "liberated zone". During the congress, the Polisario leadership discussed the possible resumption of hostilities and made clear that their position would be uncompromising as ever.

The Polisario founder and first Secretary-General Mustapha, El Ouali, was killed on 9 June 1976 during an attack on Nouakchott and was born in Tan Tan in 1950 and his family still lives there. He was educated in Taroudant then Rabat University thanks to a government scholarship. He joined the Communist Party and maintained close contact with Ali Yata and the then pro-Soviet *Parti de Liberation et du Socialisme* and contributed to a lengthy study of how Morocco could recover the Western Sahara, "the Reality of our Usurped Saharan Province" published in the party's journal *Al-Mabadi* in May 1972.<sup>69</sup> Bachir Mustapha Sayed, the number two man in the Polisario and brother of the founder of the movement was also born in Tan Tan in Morocco in 1953 and was educated.<sup>70</sup> Mohamed Ali Beiba the number three man in Polisario and ex Prime Minister of RASD was born in Tarfaya in 1950 and was educated in Tan Tan.<sup>71</sup>



Brahim Hakim was the SADR's foreign minister from 1976-1985. He played a major role in achieving major diplomatic successes for the Polisario notably at the OAU, the UN and the Non-aligned Movement. Disillusioned with the Polisario leadership's uncompromising positions and total reliance on Algeria, he defected to Morocco in 1985 and became a roving ambassador. Several other prominent leaders of the Polisario notably their representative in Ethiopia, Italy, the Canary Islands and Canada not to mention several Chioukhs also defected to Morocco for the same reasons.

Mohammed Abdelaziz, Secretary-General of the Polisario and president of the SADR since 1976, was born and educated in Morocco in Bou-Izakan, Casablanca and Rabat then settled in his parents' town of Tan Tan. His father is a retired soldier of the Moroccan army and lives near Beni Mellal by the Atlas Mountains.<sup>72</sup>

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Mohamed Ali Ould El-Ouali, known also as Omar Hadrami or Omar El Admi, was born and educated in Goulimine in southern Morocco where his father was a member of the Auxiliary force. He became head of the Polisario's security and intelligence and defected to Morocco in the 1980s.

Mohamed Lamine Ahmed, the first Prime Minister of the SADR, was born in Tan Tan in 1948 and obtained a law degree from Rabat University.

Mohamed Salem Ould Salek, ex-minister of information, was born in Tarfaya in 1944 and pursued his secondary education in Marrakech. He had a Moroccan government grant to study at Rabat University and another to finish his studies in France. His family is still living in Tarfaya. The minister of defence, Brahim Ghali Ould Mustapha, was also born in Tarfaya in 1945 and had some schooling in the same town. He later joined the Spanish colonial army and left it when the Spaniards departed from the area to join the Polisario in Tindouf. He is

the only one of the high ranking officials of the Polisario who had any military experience with the colonial power.<sup>74</sup> The list of Moroccan or Mauritanian born and bred officials of the Polisario is rather long and can be consulted in the Historical Dictionary of Western Sahara.<sup>75</sup>

Many observers believe that Algerian officials were largely responsible for the creation of the Polisario and the running of its affairs.<sup>76</sup> President Boumediène fostered, recruited, trained, armed and harboured the Polisario guerrillas for the sole purpose of getting at King Hassan with whom he had long-standing differences. The viability of the Polisario as a movement depends entirely on the on-going rivalry between Morocco and Algeria for dominance and influence in the region and feeds on the antagonism of their different political and economic systems. The Polisario is unable to sustain an effective military struggle without Algerian arsenal, military know how and Libya's arms supply. Some analysts seem to put the emphasis on the dedication and military attacks launched by the Polisario but few have pointed out that the movement depends totally on Algeria to provide military and economic aid as well as a safe haven and everyday necessities of life.

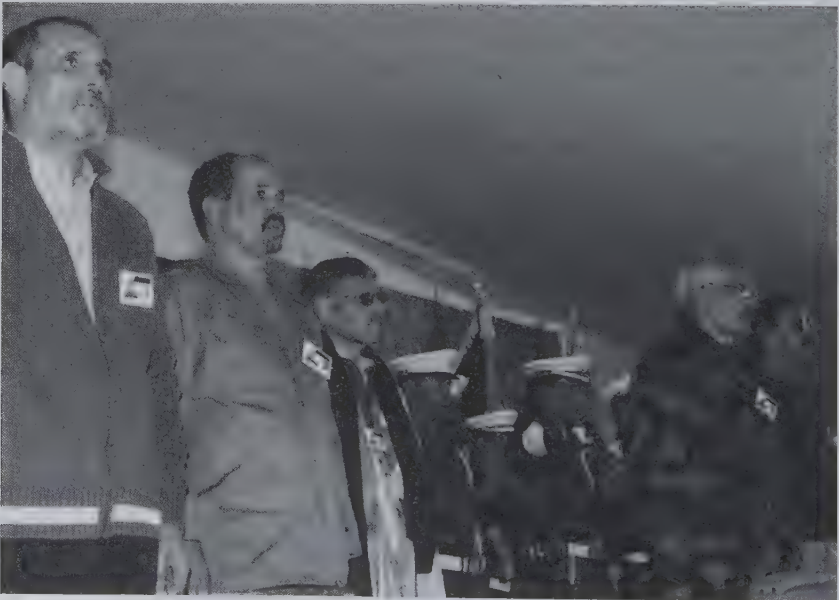
An observer pointed out, "of all guerrilla armies, the Polisario Front is perhaps the most dependent on external support".<sup>77</sup>

Since 1975, the Polisario's command structure has remained static, as has that of the SADR. Mohammed Abdelaziz has been head of the Polisario and president of the SADR since 1976 and the concentration of power in the hands of a few has left no room for the emergence of a new political elite to replace the old guards. Lack of transparency and political and military stagnation have exacerbated the situation in the Tindouf camps and led to a number of important historical figures defecting to Morocco. Tribal rivalry remains one of the prominent cause of divisions within the ranks of the Polisario despite the dominance of the Reguibat tribe to whom Mohammed Abdelaziz belongs and the overwhelming majority of the Polisario leadership. The Reguibat tribe is also subdivided into two entities, the Sahel Reguibat and the Charq who are themselves subdivided between different factions (Oulad Moussa, Souaad, T'Halat, Oulad Cheikh for the Sahel Reguibat/Loubelihat, Sallam, Foqra for the Charq Reguibat). The dominance of the Reguibat in the camps leads to clientelism especially with regards to the distribution of international aid and even visits of families to the other side of the security wall sponsored by the UN.<sup>78</sup> As Amnesty International noted, freedom of movement appears to depend on one's

loyalty to the leadership and “in the Tindouf camps in south-western Algeria, over 100.000 Sahrawi refugees are reliant on humanitarian assistance for survival. This group of refugees does not enjoy the right to freedom of movement in Algeria and Amnesty International continues to express concerns about human rights abuses in the camps, particularly related to the rights to freedom of expression and freedom of association and to the ongoing impunity enjoyed by those responsible for grave human rights abuses committed in previous years”.<sup>79</sup>

Amnesty also pointed out that “little independent information was available about conditions in the refugee camps run by the Polisario Front in Algeria. No steps were known to have been taken to address the impunity of those accused of committing human rights abuses in the camps in the 1970s and 1980s”.<sup>80</sup>

No matter how skillfully orchestrated its campaign in the international scene and military exploits on the ground, the Polisario would disappear overnight without Algerian sponsorship. The dynamics of the evolution of the conflict lie behind the decisions and policies adopted in Rabat and Algiers and as long as the governments of these two capitals have not come to any sort of a compromise, the conflict will linger on for some years to come.



Mohamed Abdelaziz Secretary General of the Polisario since 1976  
(second from left)

## NOTES

- 1 Tony Hodges, *Western Sahara, the Roots of a Desert War*, Croom Helm, London 1983, pp. 157-164; Ahmed Baba Miske, *Front Polisario, l'ame d'un peuple*, Editions Rupture, Paris, 1978; Leila Badia Itani, *Al-Polisario: Qaid Wa Thawra*, Dar Al-Massirah, Beirut, 1978.
- 2 Gaddafi's speech delivered on the 18th anniversary of the Libyan Revolution (1/9/87). See text in bulletin of JANA-Jamahiriya News Agency published in London on 2 September 1987, p. 14; also *Jeune Afrique*, No. 1384, Paris, 15 July 1987, pp. 11-13.
- 3 Libya did not send a delegation to attend the second anniversary of the SADR at Tindouf on 27 February 1978 not even a message of support. Libya's recognition of the SADR was not until April 15, 1980 at a time when Algeria was anxious for an extra vote to obtain the vital 26 OAU members to force the controversial SADR's admission into the OAU.
- 4 See *El-Moudjahid*, Algiers, 30 October 1975.
- 5 *Jeune Afrique*, No. 796, Paris, 9 April 1976, pp. 36-37.
- 6 The Moroccans say he was born in Tan Tan a town in Southern Morocco and the Polisario maintains he was born in the Hammada East of Western Sahara.
- 7 Leila Badia Itani, *Al-Polisario: Qaid Wa Thawra*, Dar Al-Massirah, Beirut, 1978. Her account is based on an interview with Mohamed Lamine Ould Ahmed a close student friend of El Ouali in Rabat and later a member of the nucleus that formed the Polisario; see also Tony Hodges, *Historical Dictionary of Western Sahara*, Scarecrow Press, London, 1982, pp. 113-117.
- 8 This party of the Moroccan left was later renamed *Parti du Progrès et du Socialisme* (PPS) with Ali Yata as leader.
- 9 "The Reality of our Usurped Saharan Province", published in the *Parti de Liberation et du socialisme's* journal *Al-Mabadi* in May 1972.
- 10 *Al-Bayane*, Casablanca, 11 June 1976, p. 1.
- 11 Wilfrid Knapp, *North-West Africa*, Oxford University Press, London, 1977, p. 282 and 304-311.
- 12 Ibid, p. 310; also *Le Monde*, Paris, 17 March 1973.
- 13 Tony Hodges, *Western Sahara, The Roots of a Desert War*, Croom Helm, London, 1983, p. 159; also by the same author, *The Origins of Sahrawi Nationalism*, in *Third World Quarterly*, vol. 5, No. 1, London, January 1983, p. 51.
- 14 Wilfrid Knap. Op. cit., p. 310.
- 15 Ali Yata, *Le Sahara Occidental Marocain*, Editions Al-Bayane, vol. 1, Casablanca, 1982, p. 24.
- 16 *The Istiqlal*, Parti de libération et de socialisme and l'union nationale des forces populaires (UNFP).
- 17 Wilfrid Knapp, Op. cit., p. 310-311.
- 18 *Le Matin*, Casablanca, 25 May 1972; *Reuters*, dispatch from Rabat, 24 May 1972.
- 19 *Union Nationale des Etudiants Marocains* (UNEM).
- 20 *Annuaire de l'Afrique du Nord* 1975, CNRS, Paris, 1976, p. 985.



- 21 See the dailies *Le Matin*, Casablanca, 21 July 1973; *L'opinion* and *Al-Alam*, 21 July 1973.
- 22 John Mercer, "The Sahrawis of Western Sahara", *Minority rights Group*, Report No. 40, London, February 1979, p. 8.
- 23 The name was linked and became Edouard Moha a pseudonym of Bachir Fighuigui leader of the resistance movement des "Hommes Bleus".
- 24 Mouvement révolutionnaire des hommes bleus. See details about this movement in Tony Hodges, *Historical Dictionary of Western Sahara*, Scarecrow Press, London, 1982, p. 248-251.
- 25 General Oufkir was minister of interior and was killed following the second coup d'état in August 1972. See Moha's own account in Edouard Moha, *Un Sahraoui révélé*, Editions Albin Michel, Paris, 1983, pp. 23-24.
- 26 Edouard Moha, *Ibid*, p.26.
- 27 *Ibid*, pp. 26-27
- 28 Tony Hodges, *Western Sahara*, op. cit., p. 162.
- 29 *Ibid*. See also *Le Monde*, Paris, 7 July 1977.
- 30 Edouard Moha, op. cit., p.27.
- 31 "Bilan de deux années de lutte de notre peuple", *20 May*, No. 21, July 1975, p. 15.
- 32 "Manifeste politique, adopté par le deuxième congrès", in *Le Peuple Sahraoui en lutte*, Polisario Front, 1975, p. 50.
- 33 On 20 June 1972 Spain agreed to buy 25 billion cubic metres of gas annually for a 20-year period beginning in 1974. See Virginia Thompson and Richard Adloff, *The Western Saharans*, Croom Helm, London, 1980, p. 148
- 34 See report of the special committee, UN General Assembly, 29th session, *UN Document*, A/9623/add.4 (part II) p. 23.
- 35 Virginia Thompson and Richard Adloff, *The Western Saharans*, op. cit., p. 169.
- 36 Juan Goytisolo, "Atlantic Sahara, two years later", in *El Pais*, Madrid, May 1978.
- 37 *Ibid*.
- 38 *Partido de la Union Nacional Saharaoui* (PUNS). It was formally registered and recognised by the Spanish authorities on 16 February 1975.
- 39 Account based on an interview with the author in Rabat in 1988.
- 40 Report of the UN visiting mission to Spanish Sahara, 1975, in General Assembly official Records; 30th Session, Supplement No. 23, UN Document A/10023/Rev 1.
- 41 UN General Assembly, 13th Session, Doc. A/AC. 109/L.1063/AD.4, 11 November 1975.
- 42 *Ibid*.
- 43 Tony Hodges, *Historical Dictionary of Western Sahara*, op. cit., p. 116.
- 44 Statement by Morocco's Prime Minister, Ahmed Osman, in February 1978.
- 45 For details on these movements see Tony Hodges, *Historical Dictionary of Western Sahara*, op. cit.
- 46 Tony Hodges, Maurice Barbier and Claude Bontems, the latter in "the Government of the Saharawi Arab Democratic Republic", *Third World Quarterly*, vol. 9, No. 1, London, January 1987, p. 168-186.

- 47 David Lynn Price, Attilio Gaudio, Joe Mercer and John Damis.
- 48 David Lynn Price, "Morocco and the Sahara: Conflict and Development." the *Institute for the Study of Conflict*, London, October 1977, pp. 5-7.
- 49 Association des Originaires de Sakiat el Hamra et Rio de Oro. Ahmed Ould Rachid is a pseudonym for Edouard Moha who eventually rallied to Morocco's position.
- 50 *The PUNS, the Jemaa, the MOREHOB (Mouvement Révolutionnaire des Hommes Bleus)*, the FLU (*Front de Libération et de l'unité*) and the FLS (*Front de Libération du Sahara*). See Attilio Gaudio, *Le Dossier du Sahara Occidental*, Nouvelles Editions Latines, Paris, 1978, p. 211. The armed struggle of these groups was transformed, according to their leaders, into a political and diplomatic offensive to force Spain to leave and equally as important preserve the unity of the various tribes such as the Ouled Dlim, Reguibat, Tekna and Ma El Ainine. Account based on personal interviews.
- 51 See *AOSARIO bulletin*, "Saguiet El Hamra et le Rio de Oro, comparaison et retrospectives", 1977, p. 14.
- 52 *Sahara Flash*, Madrid, No. 3, September 1977, pp. 13-14.
- 53 *El Pais*, Madrid, 18 April 1978.
- 54 Tony Hodges, *Historical Dictionary of Western Sahara*, op. cit., p. 116.
- 55 Juan Goytisolo, "Atlantic Sahara, two years later", in *El Pais*, Madrid, May 1978.
- 56 John Mercer "The Sahrawis of Western Sahara", *Minority Right Group*, Report No.40, London, February 1979, p. 8; see also *ibid*.
- 57 Tony Hodges, *Western Sahara*, op. cit., pp. 149-166; by the same author, "Sahrawi Nationalism", *Third World Quarterly*, vol. 5, No. 1, London, January 1983, pp. 28-57.
- 58 Maurice Barbier, *Le Conflit du Sahara Occidental*, Editions l'Harmattan, Paris, 1982, p. 359.
- 59 *Jeune Afrique*, No 1327, Paris, 11 June 1986, pp. 46-47 and No 1328, 18 June 1986, pp. 38-39; *Le Figaro*, Paris, 23 May 1986.
- 60 Ferbat Abbas, *l'Indépendance Confisquée*, Flammarion, France, 1984, p. 173. See also pp. 224-227 for the appeal addressed to Boumedienne by 5 historical leaders of Algeria calling for an end to the conflict between Morocco and Algeria.
- 61 See Henry Gaillard, l'histoire et l'organisation du protectorat marocain, *Bulletin Officiel*, Rabat, 1915, p. 15.
- 62 Germain Ayache in an interview with *Jeune Afrique*, No. 994, Paris, 23 January 1980.
- 63 Virginia Thompson and Richard Adloff, *the Western Saharans*, op.cit., p.256.
- 64 *Le Monde*, Paris, 6,7 and 8 August 1976; *Jeune Afrique*, Paris, November 28, 1975, the *New York Times*, March 20, 1977.
- 65 See *BBC* transcript of a broadcast from New York by Martine Dennis, tape No. 27297, 10 July 1987.
- 66 Claude Bontems, "the government of the Saharawi Arab Democratic Republic", *Third World Quarterly*, vol. 9, No.1, London, January 1987, p. 169; Tony Hodges, *Historical Dictionary of Western Sahara*, op. cit., pp.287-289.
- 67 *Aujourd'hui le Maroc*, Casablanca, 12 December 2008.

- 68 *Jeune Afrique*, Paris, 25 November 1977.
- 69 Tony Hodges, *Historical Dictionary of Western Sahara*, op. cit., pp. 113-117
- 70 Ibid, p. 54.
- 71 Ibid, p. 218-219; See *Jeune Afrique Magazine*, Paris, No. 36, April 1987, p. 37; see also David Lynn Price, "Morocco and the Sahara: conflict and development", conflict studies, No.88, *The Institute for the study of conflict*, London, 1977, p. 5.
- 72 Tony Hodges, ibid, p. 230-231.
- 73 Ibid, p. 179-180; *Le Politicien*, Dakar, 22 March 1985; special issue, "OAU: what future", p. 42
- 74 *Jeune Afrique Magazine*, Paris, No 36, April 1987, p. 38.
- 75 Tony Hodges, *Historical Dictionary of Western Sahara*, Scarecrow Press, London, 1982.
- 76 David Lynn Price,, op cit, p. 5; John Damis, *Conflict in North-West Africa*, Hoover institution Press, Stanford, 1983, p. XVI; Juan Goytisolo, "Atlantic Sahara, two years later", in *El Pais*, Madrid, May 1978.
- 77 Jon Lee Anderson, *Guerrillas: The inside stories of the world's revolutionaries*, Harper Collins, London, 1992, p. 109.
- 78 *Le Monde*, Paris, 7 November 2006.
- 79 *Amnesty International*, London 2003, at <http://web.amnesty.org/library/index/engmde280072003>.
- 80 *Amnesty International* Report 2009, The state of the World's Human rights, London, 2009, p. 234.



## CHAPTER FIFTEEN: MOROCCO'S CLAIMS OVER THE SAHARAN TERRITORY

The history of Western Sahara is often assumed to have started only when the Europeans set foot in the territory - that is when formal colonisation of the area began in 1884. This preconceived notion is strengthened by the traditional colonial European bias as well as the absence of interest from past historians in a desert land of no human, cultural or economic value. It is possible to understand the latter argument because the Sahara is not a country but a desert; its importance was similar to that of the sea. The importance of the desert was not to occupy space and develop centres in a sea of sand and rocks but merely to cross it freely to get from one commercial centre to another. That is how it remained until Spanish and French colonialists came to occupy the area and use it as military bases for their foreign legions.

Historically speaking, the people of the Sahara were never a distinct group forming a nation, nor a homogeneous community that distinguished them from others in Morocco or neighbouring countries since the official Spanish census of 1974 showed the total number of inhabitants of Western Sahara did not exceed 74,000,<sup>1</sup> and had excluded themselves from modern developments by their nomadic way of life. It can be assumed that the Sahrawis numbered only a few hundred in 1884, scattered throughout a vast and arid territory.

Prior to 1912, Morocco's southern frontiers extended only to the Senegal River and Moroccan nationals crossed the Sahara according to their interest and at random without restrictions whatsoever, except climatic.

As a historian put it, "when a Moroccan merchant passed beyond Tarfaya, towards the South, he had no frontier to cross, no passport to produce, no customs to pay, no licence or statement to show, and no money to change."<sup>2</sup> Such arguments explain the links between Western Sahara and present-day Morocco. Historical ties between these regions date back to the inception of the Moroccan state and throughout various dynasties that ruled the kingdom.<sup>3</sup> The land relationship was strengthened further from the fifteenth century onwards when both Spaniards and Portuguese showed colonial interest in the coastal areas of the Maghreb countries. The existence today of strong traditional ties between Northern Morocco and the Sahara shows that these ties have taken generations to develop through a sense of patriotism, brotherhood



in Islam, tribal bonds which spread across the country and the sense of belonging to a nation that had existed since the eighth century. The relationship is also demonstrated in various cultural, historical, ethnic and political dimensions prominent among them is the spring from the Sahara of the overwhelming majority of dynasties that had ruled the country, including the current Alawite dynasty that has been in power since 1660.

The greatest revered saint of Northern Morocco, Mulay Abdesselam Ben M'shish whose tomb is at Jbel El Alam in the Tetouan region, traces his origins to the Reguibat tribe in Sakiat el-Hamra and remains a revered ancestor throughout the kingdom.<sup>4</sup> He is considered a saint all Moroccans visit to seek solace, peace of mind or spiritual comfort. The Reguibat tribe is the largest in Western Sahara and they are the descendants of the Idrissid Moroccan Chorfas, some of whom settled in Sakiat el-Hamra. Even the royal family is directly descended from a Saharan woman from Atlantic Sahara, Khenata Bent Cheikh Bakkar el Maghfiri, who married Sultan Mulay Ismail (1646-1727). The latter was the son of a Filali Saharan and his wife was the mother of Mulay Ismail's successor.

The mobility of the population of the desert was largely due to the fact that the territory had always been a place of passage because of the inhospitable nature of the surroundings. As pointed out by a Spanish observer, "It's an area of transition, a meeting-point of races, a question on which we shall not digress by speaking of the Berbers and the Arabs. We will, however, say that it is a region of passage in its alternations of nomadic tribes, which come and go across the river Draa at intervals dictated by the rainy seasons."<sup>5</sup> There is no doubt that the territory was inhospitable and posed a serious challenge for anyone to cross. It can also be argued that the interest of a desert was similar to that of a mountain. It was a segment of the whole and formed part of a vast country.

### **The Greater Morocco Concept**

Almost everyone interested in Morocco whether for academic or journalistic reasons raises the issue of the famous map of the Moroccan nationalist leader, Allal El Fassi.<sup>6</sup> The map was published after Morocco's independence in March 1956. It outlined Morocco's historical state before French and Spanish occupation and called for the kingdom's lost

territories to be restored to their rightful claimant.<sup>7</sup> Contrary to normal practice and as Algeria and the Polisario keep raising the question, it would be of interest to look closely at the relevance of this concept.

Morocco never disputed Mali's independence in 1960 and the question of that country's North-Western territory was never raised in official circles in Rabat following the kingdom's independence. However, Morocco's claims over the south-western corner of Algeria especially the Tindouf area, were a bone of contention between the Kingdom and independent Algeria. When a French protectorate was imposed on Morocco in 1912, the Tindouf region was administered from Agadir in Morocco until 1952. Moroccan troops remained there until 1950 and thereafter the payment of troops at Tindouf was made with Moroccan money until 1960, that is, two years before Algeria was granted independence.<sup>8</sup>

The Moroccan claim was based on the argument that Paris decided to give independence to the kingdom while holding on to territories that it wanted to incorporate into Algeria which was considered to be part of France. The Tindouf area was annexed to Algeria just before Morocco's independence, an arbitrary move that had no legal bearing, especially in the absence of demarcated frontiers between Algeria and Morocco.<sup>9</sup>

As for Mauritania, the state and political structures of which are still "flimsy even by Third World standards",<sup>10</sup> the balance of rights whether historical, ethnic, geographical, religious or even economic, show a distinct argument in favour of Morocco as a nation-state rather than Mauritania, a sparsely inhabited vast territory and that had never constituted a national coherent and homogeneous entity.

Had the Moroccans accepted France's offer to end their effective support for the Algerian armed struggle or had they given their blessing to the creation of a Saharan state in the Algerian Sahara,<sup>11</sup> Morocco would probably have kept all its historical territories. The Moroccan authorities refused to deal with the colonial power to the detriment of their own interests which were to demonstrate solidarity with Algerian nationalists. To accept a separate Saharan entity within Algeria and Algerian resistance fighters as rebels, would simply have been an explicit recognition of the legitimacy of French sovereignty over the Algerian Saharan territory.

The Moroccan king and nationalist leaders preferred to trust the Algerians for a satisfactory outcome of their territorial differences in the spirit of Maghreb unity. Thus, understandably, when Algeria's

rulers opposed Rabat's recovery of Western Saharan this led to deep resentment in Morocco.

The resentment, if not bitterness, felt by most Moroccans at Boumediène's Saharan policy, would ramble for a long time to forget as Moroccans felt betrayed by the rulers of independent Algeria.

In retaliation for Morocco's active support for the Algerian resistance and refusal to accept French designs on the Algerian Sahara, France granted independence to Mauritania. The kingdom was not strong enough to resist the superior French fire-power nor their worldwide diplomatic clout especially at a time when most African states were just emerging from French colonial rule as independent entities. However, once Morocco recognised Mauritania in 1969, the concept of "Greater Morocco" was no longer valid and the argument was substantiated further by the Moroccan-Algerian Tlemcen Accord of 27 May 1970 and the Rabat agreement of 15 June 1972.

More important, Morocco's willingness to include Mauritania in the Madrid Accord of 14 November 1975 was a last gesture of good will and neighbourliness to give peace of mind to Mauritania and show that the kingdom's irredentist ambitions over it were gone for ever.

With regards to the sector of Mali included in El Fassi's map, it was simply never raised between the two countries.

Nonetheless, it is worth examining Morocco's land evolution through the authoritative encyclopedia Larousse, (see illustration in page 16) which makes it clear that the Kingdom has in fact shrunk in terms of territory since the establishment of the Franco-Spanish protectorate over Morocco in 1912. Therefore, Morocco has not been practising an expansionist policy as its opponents or critics imply<sup>12</sup> but merely attempting to recover what was once its rightful territory before the protectorate was imposed in 1912.

Morocco agreed to recognise Algeria's colonial frontiers as a goodwill gesture to enhance the spirit of solidarity for a united Maghreb. The contention that it was a pragmatic approach to bury the hatchet and start afresh was also valid in a region that had suffered from border disputes.

Morocco was vehemently opposed to the dismemberment of African states under colonial rule. This approach was illustrated by King Mohamed V's refusal to accept that Algeria be divided into an independent North and a separate Saharan state in the South, rich in hydrocarbon and under French control. For their part, Moroccans query

why Algeria was so keen to bring about the dismemberment of the kingdom.

Morocco, nevertheless, transgressed the sacrosanct principle of accepting colonial frontiers to which African states agreed when signing the OAU Charter in 1963. But Morocco and Somalia expressed strong reservations to the principle because their territorial recovery had not been completed. If the thirty three heads of state who founded the OAU decided to accept the colonial frontiers as permanent boundaries, it was only to ensure that the continent's independent states would refrain from engaging in perpetual armed confrontations among themselves. The need was there for purely pragmatic reasons insofar as if it was revoked it would open the Pandora's box of racial, tribal, linguistic and territorial conflict which would affect all newly-formed and independent states in Africa with varying virulence. The decision was taken for purely pragmatic reasons because these states had been created either as compromises of European colonial powers, or as a result of arbitrary administrative divisions, or even simply as an entity remaining as clay in the hands of the colonial power for years to come.

The OAU founders, therefore, resigned themselves to accepting the colonial frontiers as necessary compromise but it was never their intention to prevent African nation-states from recovering their rightful territory usurped by colonial rule.

The OAU approved the recovery of Ifni in 1969 which was an integral part of Spanish Western Sahara. It also approved Cabinda's return to Angola and rejected the Cabinda separatist movement despite the fact that the enclave happened to be, territorially at least, part of Zaire. The contradiction in the OAU's policy became blatant when it concerned the Eritrean question which seemed never to be included in any OAU summit agenda despite the ongoing armed conflict for nearly three decades. It was obvious that there was no principle involved simply because the OAU headquarters happened to be in the Ethiopian capital, Addis Ababa, and *l'hospitalité l'oblige*? The Eritreans had a more convincing case to discuss than many that have been dealt with since the inception of the Pan-African Organisation.

When Algeria supported the self-determination principle for the inhabitants of Western Sahara, its move was disingenuous for as an observer of Maghrebi politics pointed out, "she does so under cover of a less noble principle, more realistic and illegitimate, of respect for frontiers drawn by colonising imperialism".<sup>13</sup>



The principle of respect for colonial frontiers could not apply to Morocco partly because of reservations expressed prior to the signing of the OAU Charter and partly due to the historical nation-state that remained intact even during the protectorate. The uniqueness of the Moroccan case is reinforced further by the fact that it was put under two colonial powers.

Tangiers was administered by 13 European powers and the USA. Moreover, it took France no less than eight bloody campaigns between 1902 and 1934 to pacify its part of Morocco.

Spain spent more than seventy years in an attempt to establish complete control over Ifni and nearly 400 years (15th century to 1934) to establish a foothold in the coastal centres.

Since the Sultan remained theoretically the ultimate authority in the land, the monarch was always legally sovereign over all his territories and the territorial unity of the country was never questioned by the different occupiers to whom the Sultan delegated part of his power.

Indeed, the foreign powers signatory to the Algeciras Act in April 1906 recognised Morocco's sovereignty then and never questioned it throughout the protectorate period.

Morocco was not a state created by a colonial power, as is the case with many African entities; it was not a province of an empire, as were Algeria, Tunisia, Libya to the Ottoman Empire; nor was it conquered by one colonial power which would probably have increased its territorial size as did the British in India and the French in Algeria. It was conquered more by ruse than dint of arms (the peaceful penetration policy of Delcassé). It was also divided into five zones to weaken the resistance (Tangier submitted to international jurisdiction, Spanish Morocco in the North, Spanish Sahara (Tarfaya, Ifni, Sakiat el-Hamra, Rio de Oro), and French Morocco as well as Mauritania.

It was the only historic African state to be dismembered by European colonialism which consistently attempted to reconstruct its territories or what was left of them.<sup>14</sup> Most important, Morocco's territorial claims took precedence not only over the discovery of phosphates in Western Sahara but also over the establishment of the OAU and the independence of Mauritania and Algeria. Indeed, the kingdom laid claim to sovereignty over Western Sahara on the morrow of independence.<sup>15</sup>

The concept of historic Morocco had to be revised in order to reconcile it with the realities of the independent states of Algeria,

Mauritania and Mali. As far as the Western Sahara was concerned, however, the principle of self-determination was invoked and a referendum was adhered to by all parties concerned and interested. The inhabitants of Moroccan territories usurped by the colonial powers were never given the chance to determine their own destinies but faced with a fait accompli dictated by colonial interest.

Were the Mauriticians ever given the option of integration with Morocco or independence? Were the inhabitants of the Tindouf region ever asked to which country they wished to belong? Had Spain offered integration with Morocco as an option in its proposed referendum in Atlantic Sahara in 1974? These questions demonstrate the extent of territorial controversies that still beset Africa and worry international organisations.

### Historical Ties

Historians of impeccable credentials, unaware of the implications the Sahara would have had on the region later, bear testimony to the fact that Western Sahara has never ceased being a geographical prolongation of the Moroccan kingdom and under the religious and temporal authority of the Sultan.<sup>16</sup>

However, because of the nomadic nature of tribes in the Sahara, the influence was cultural, commercial and religious in character and had only intermittently implied close political links. The description given by Spain of the nomadic life in the desert in 1884 approached an idyllic vision of what was a harsh reality. The sparsity of inhabitants and the inhospitable climate made the desert a mere sea of sand used by caravans as boats use an ocean. If Western Sahara at the time of colonisation was cut off from any external political authority, this would have been largely due to the effect European colonial ambitions had over Morocco.

If Youssef Ibn Tachfine of the Almoravid dynasty had achieved the political and religious unity of Morocco and Western Sahara in the twelfth century,<sup>17</sup> Ahmed el-Mansour of the Saadian dynasty reinforced it in the sixteenth century.<sup>18</sup> Mulay Hassan (1873-1894) of the Alawite dynasty consolidated the existing ties at the end of the nineteenth century,<sup>19</sup> despite the fact that the Moroccan state experienced periods of what is referred to as "Bled Makhzan" and "Bled Siba".<sup>20</sup>

Powerful dynasties succeeded in reducing the area of Bled

Siba although it widened again at times of domestic upheaval. These transitional developments in the Moroccan society merely described two types of relationship between the local authorities and the central power and not a territorial separation nor the dismissal of the religious and secular authority of the Sultan. The existence of these different types of periods did not affect in any way the unity of the country nor did it challenge the legitimacy of the central power represented by the Sultan but rather the conditions for the exercise of that power.

The absence of precise territorial limits to the Moroccan state was attributed to the Muslim concept of giving more importance to the political and religious authority of the Sultan over his subjects rather than political control over territory. The appeal by Morocco to territorial integrity was not prompted by economic designs on Western Sahara as sometimes referred to by critics. To explain the nationwide fervour on purely commercial interest is, as Weiner put it, "to ignore massive evidence of deeply felt Moroccan belief in historical and legal claims based upon Islamic concepts of allegiance and sovereignty".<sup>21</sup>

Morocco's irredentism was justified by the existence of the Moroccan historic state even under French and Spanish protectorate (1912-1956) and the mere existence of the Moroccan state is according to Touval, "legitimised by the principle of the continuity of the historic state, rather than by colonial boundaries or a nationalist movement. In this sense, Morocco too is an exception among African states, possessing a legitimizing principle which others do not have."<sup>22</sup> Therefore, Morocco's territorial and historical claims are unique in as much as other African countries cannot match them in historical terms, legitimacy or specificity.

## Treaties

An analysis of the treaties provided by Morocco to the ICJ to justify claims to Western Sahara should point to the existence of a Moroccan authority extending, at least, to Sakiat el-Hamra. The two sixteenth century treaties of Alcacovas and of Cintra between Spain and Portugal recognise that the authority of Morocco extended beyond Cape Bojador. Article 18 of the treaty between Morocco and Spain of 28 May 1767 stipulates that the Moroccan sovereignty extended beyond Wadi Noun, i.e. further south into Sakiat el-Hamra.<sup>23</sup> The Court rejected this treaty arguing that Article 18 had been superseded by Article 38 of the

Spanish-Moroccan treaty of 20 November 1861.<sup>24</sup> It was not, however, explicitly abrogated by Article 38 but merely reinforced. In fact, the recognition of Moroccan sovereignty was established by Article 18 and could not subsequently be denied unless expressly stated that the information contained in Article 18 was abrogated by Article 38.

The Anglo-Moroccan Agreement of 13 March 1895 explicitly points to the specific international recognition by Britain that Morocco's territory extended as far south as Cape Bojador.<sup>25</sup> The provisions of the treaty, however, appear to the court to represent, "an agreement by Great Britain not to question in future any pretensions of the Sultan to the lands between the Dra'a and Cape Bojador, and not recognition by Great Britain of previously existing Moroccan sovereignty over those lands. In short, what those provisions yielded to the Sultan was acceptance by Great Britain not of his existing sovereignty but of his interest in that area."<sup>26</sup> What interest would the Sultan have in the area except to safeguard the inviolability of Moroccan territory from foreign powers? European powers were then only too keen to get hold of Moroccan territories in the wake of the Berlin Conference. What good would a remote trading post be to the Sultan if the stakes were not more important than the mere foothold in an inhospitable territory? Why would the Sultan pay the considerable sum of £ 50,000 compensation for a trading post that would turn derelict overnight if it was not to stave off colonial threats?

The struggle against foreign invaders was a constant feature of Morocco's history from the fifteenth century onwards. Therefore, the purchase of the British trading post constituted an attempt to thwart, yet again, another foreign incursion on Moroccan territory. Because of Britain's superior firepower, diplomatic means proved more effective than an armed struggle especially at a time when foreign troops were poised on all fronts awaiting the right moment or rather the pretext to invade. When referring to the treaty, the Court does not say "represent" but "appear to represent" despite the fact that the text is clear and should be interpreted accordingly. Spain's argument that the treaty could not be invoked against it, may hold valid only if the Madrid government was asked to adhere to the provisions of the treaty. Nonetheless, since the main objective of the whole exercise was to establish a recognition by a foreign power of Morocco's extended authority to Western Sahara, the treaty should have been accepted by the Court as an authentic instrument of legal bearing.



On the other hand, it is common knowledge that at a time when colonial expansion was at its height, secret treaties were concluded between European powers to serve their territorial ambitions in Africa. France and Britain signed a treaty on 8 April 1904 which bound the French not to interfere with British designs regarding Egypt and in return Britain would leave France a free hand in Morocco.

A similar agreement was concluded between France and Germany to which Gabon was abandoned in return for French freedom of action in Morocco. Spain also concluded a secret treaty with France on 3 October 1904 to share Moroccan territory. Morocco rightly protested but that was all it could do because European colonial law at the time did not forbid secret treaties, yet international morality has always condemned them. Although morally wrong, these treaties empowered third parties to dispose of Moroccan independence by secret negotiations unknown to Morocco. Is that not also morally and legally wrong? Or was there one law for colonial powers and another for Africa?

### **Internal manifestations of Moroccan authority on Western Sahara**

Economic activities were based almost wholly on caravan trade throughout the vast Saharan territory. The main ports were in Morocco proper namely Mogador (now Essaouira), Agadir and Tarfaya. Roads leading to caravan centres were also built by the Moroccans to extend the economic link with a remote area of the kingdom despite the sparsity of its inhabitants. From the eighth to the eleventh century, road building across the Sahara was the order of the day. The Lemtouna road which has been in existence for some 900 years is still being used and the Sultan Mulay Rachid used it in two of his expeditions to go beyond Western Sahara in the seventeenth century.<sup>27</sup> The Jouder road was built during the reign of Ahmed el-Mansour who used it on the occasion of his expedition to the Sudan.<sup>28</sup>

The Moroccan Sultans exercised executive power through Dahirs given to caids to whom the responsibility of the region was entrusted. The caids were military commanders who also had administrative and religious functions to perform. The choice of caids often fell on persons distinguished for their influence, religious importance or scholarly abilities combined with leadership talent. The post was not honorary, as some have inferred, but carried official explicit approval of the Sultan. The appointment or dismissal was also implemented in accordance

with the performance of each individual. This is similar to the modern equivalent of a governor. In the light of these considerations, no rule of international law required the governmental structure of Morocco or any state for that matter to follow a particular pattern as illustrated today by the diversity of the forms of state structures in the world.

The geographical prolongation, the common ethnological, cultural and religious ties that link Morocco and Western Sahara are considerable and it can be argued that the two territories were only temporarily separated by colonialism which divided Morocco into several areas. When the occupation of the Saharan territory was eventually completed in 1934, the colonial authorities did so in the name of the Khalifa of Tetuan, i.e. the representative of the Sultan in the Northern Zone controlled by Spain.

Furthermore, until 1946 the politico-military government of Ifni and Western Sahara was known as "The Southern Protectorate Zone". From 1946 to 1958 the administrative order of the Saharan region was modified to the colonial status of "territory of Spanish West Africa". The extension of the influence of the Khalif (caliph) legislation meant that there was, once more, a joint legal system as there had been before 1934.

In 1958, Spain embarked on the "provincialisation" of Atlantic Sahara and it was not until 19 April 1961 that the break from the Khalif legal system occurred by the establishment of a "legal system" of the "Province of the Sahara". Therefore, if Western Sahara was considered Spanish territory, why did the Madrid government allow the Sultan's Khalifa in Tetuan to enact laws for Rio de Oro and Sakiat el-Hamra? It was simply because the regional administration was answerable to the Khalifa's authority in the Northern Zone of Morocco under Spanish protectorate since 1912.

Barbour added validity to the Sultan's influence in the Sahara before even the Saharan issue came alive: "until 1900 the Sultan exerted influence as far as Tuat through a Khalifa (lieutenant) at Tafilalet and as far as Saguiaat Al-Hamra and the far south through his Khalifa at Marrakech. Foreigners clearly regarded the regions south of the Draa as a Moroccan sphere of influence. Since they wanted to secure concessions there they sought them from the Sultan."<sup>29</sup> Indeed, the Sultan's executive power in remote areas such as Western Sahara was exercised by Dahirs bestowed on people who showed leadership qualities which enabled them to make their authority felt and carry out

their tasks in accordance with the accepted norms and Ma Al-Aynin was a case in point.<sup>30</sup>

These Dahirs constituted a vivid expression of Morocco's sovereignty over the territory of Western Sahara as pointed out by Jacques Robert: "the Dahir is, in all domains, an act of sovereignty."<sup>31</sup> Even today governors, ambassadors and high level officials are still appointed by Dahirs emanating from the king.

### Religious Ties

The firmly rooted religious ties between Morocco and Western Sahara constitute an important factor in the intricate links between the religious and political life and what it entails in terms of nationality and identity. Religion has always played an important unifying role for the heterogeneous group of tribes in Morocco and the Western Sahara. Communications and relations were made possible solely through the existence of a number of religiously sanctioned customs. The Friday prayers, for instance, were performed in the Western Sahara in the name of the Sultan even during Spanish rule, a fact that proved the traditional recognition of acceptance of the Sultan's religious authority which remained inseparable from his political authority.<sup>32</sup>

Even during the Sultan Mohamed V's exile in Madagascar (1953-1955), prayers continued to be performed throughout the Western Sahara in the name of the exiled Sultan and not in that of the Sultan imposed by the French colonial rulers against the people's will.<sup>33</sup>

For the believer, the fundamental principle of being part of the Umma or Dar Al-Islam<sup>34</sup> takes precedence over worldly possessions or any other consideration.<sup>35</sup> The existence of religious ties between the inhabitants of Western Sahara and the Moroccan monarchy was no secret as witnessed by Paul Cambon, the French ambassador in Madrid, who made the following observation in a dispatch to his minister of foreign affairs: " It has always been recognised that the territorial sovereignty of the Sultan extends as far as his religious suzerainty, and as it is beyond doubt that the population of Cape Juby are subject to him from the religious point of view, we could consider his sovereignty as indisputable".<sup>36</sup>

The European notion of territorial criteria is totally different from that of an Islamic kingdom like Morocco or Saudi Arabia where the caliph is invested with both the temporal and spiritual leadership of

the nation.<sup>37</sup> Burke argues that the territorial notion applied in the West constitutes, "an inappropriate measure of an Islamic polity, where more personal standards, like submission to Islam and allegiance to the Amir, <sup>38</sup> held sway."<sup>39</sup> Indeed, despite a segmentary society,<sup>40</sup> Islam does not prevent ethnic or national solidarity between Sahrawi tribes and others in Morocco but tends rather to consolidate it especially at a time of foreign threat or desecration of Dar Al-Islam which is opposed to that of the unbelievers (Dar Al-Harb). Such threat justifies the call for mutual assistance in cases of a holy war (Jihad). The religious tie is thus a constituent element of the legal ties that form the Moroccan nation and its political character. Under colonial rule, the indigenous population, whether in Morocco or Western Sahara, sought refuge in Islamic practices and leadership. The latter was provided by the Sultan as commander of the faithful and God's deputy on earth in the eyes of the believers of his community.

Colonialism also brought with it the notion of "the superior race", deeply resented by the local inhabitants of North Africa. As Meakin said, "the natives are despised, if not hated...the conquerors have repeated in Algeria the old mistakes which have brought about dire results in other lands, of always retaining the position of conquerors and never unbending to the conquered, or encouraging friendship with them..."<sup>41</sup> Indeed, colonial paternalism was designed to prolong the occupation of territories from which economic benefits were extracted. Such paternalism did not work for the colonial rulers as effectively as might have been expected, not only because of the temporal and religious role invested in the Sultan but most importantly because of the social, cultural and religious practices embedded in the country's history, identity and aspirations.

### **Other Moroccan links with Western Sahara**

Apart from the various arguments presented at the ICJ concerning the many acts of allegiance by Sahrawi leaders to the Sultan, especially that of the highest religious authority of the area, the Cadi of Layoune. The tax-collecting and military expeditions were also political instruments used by past Sultans to defend the region from French and Spanish incursions.

Even British encroachment on Western Sahara was stopped by the conclusion of an agreement on 13 March 1895. This adds both validity



and acknowledgement of Morocco's sovereignty over the disputed territory. As Joe Mercer points out, "the Moroccans' demand for the desert is based on ethnic and cultural identity and upon the Sultan's alternating acceptance by or conquest of the Saharan people throughout history; documents ranging from acts of homage to tax demands have been produced to support this affirmation."<sup>42</sup> In marked contrast to Spanish assertions, in 1969 the chief inspector of Spain's armed forces "came out in support of the Moroccan claim to Spanish Sahara. He was at once dismissed by Franco and his action kept out of the press."<sup>43</sup>

The proclamation of independence in 1956 prompted King Mohamed V to lay claims over the Western Sahara. The territory would have been liberated in 1958 by the Moroccan Liberation Army had it not been for French military intervention (Ecouvillon operation)<sup>44</sup> which came to the support of Franco's armed forces and drove thousands of local people to emigrate to the north and settle in the towns of Goulimine and Tan Tan. Until 1975 all the movements that fought Spanish occupation of Atlantic Sahara did so in the name of reunification with Morocco.

Diplomatic campaigns launched worldwide at various international forums, were conducted by Morocco after 1956 as well as constant pressure exercised on Spain to liberate the territory. Even the Polisario leadership was in favour of integration with Morocco until their adoption by Boumediène in 1975 when the issue took on a new dimension.

In the wake of independence, Moroccans claimed that their full territorial integrity had yet to be achieved. A process to achieve this was embarked upon by the abolition of the Tangier international zone in 1957. Then, the Spanish occupied province of Tarfaya was recovered in 1958 followed by Ifni on the conclusion of the Treaty of Fez on 4 January 1969.

Morocco, Spain and Mauritania entered into negotiations in accordance with Article 33 of the UN Charter and Resolution 380 adopted by the UN Security Council on 6 November 1975 which culminated in the conclusion of the Madrid Accord of 14 November 1975. Paragraph two of the Madrid Agreement stipulates that, "the Spanish presence in the territory would definitely end by February 26"(1976), while paragraph three points out that "the Opinion of the Sahrawi population, as expressed through the Jema'a, will be respected."<sup>45</sup> Consequently, on 10 December 1975, the UN General Assembly adopted resolution 3458 B(XXX), taking note of the Madrid Agreement and recorded at the UN Secretariat in accordance with Article 102 of the Charter.<sup>46</sup>

Another resolution was presented by Algeria which did not refer to the Madrid Accord but called on Spain to take the necessary measures "to implement the right to self-determination".<sup>47</sup>

Paradoxically, the Algerian resolution was also adopted so as to satisfy all parties concerned or interested in the Saharan question. This ambiguity, however, reflected the degree of divisions over the issue between the pro-western states and those of radical or communist leaning.

On 26 February 1976, the local assembly of the territory, the Jema'a, met in an extraordinary session, to discuss the future of the territory and the Madrid Accord, in the presence of and with full participation of the Spanish Governor-General. The decision, which was witnessed by scores of journalists and neutral observers, espoused reintegration with Morocco.

Moroccans claimed that by this act, the inhabitants of Western Sahara freely exercised their right to self-determination through their local assembly, an argument the Algerian and the Polisario leaderships disputed. However, consultations and confirmation by local assemblies has been an established practice in determining the opinion of colonial populations about their future. The process of decolonisation in almost all the British colonies was achieved through local assemblies. One may recall the cases of Goa with India, the Oasis of Bauraimi with Oman and West Irian with Indonesia.

By avoiding violence to recover Atlantic Sahara, King Hassan's diplomacy appeared to have been met successful. The Saharan issue marked a turning point in the political spectrum of Morocco, for despite economic ills that had afflicted the kingdom in the late 1970s and early 1980s; a united front was formed between the palace and all the political parties of various ideologies. This unity was cemented overnight by the "Green March" and its aftermath. Indeed, with the exception of the defunct UNFP,<sup>48</sup> all parties took part in the municipal, communal or legislative elections. While the Madrid Accord put an end to Spain's presence in the Western Sahara, it also signalled the beginning of a Moroccan-Algerian proxy war. The human and material costs incurred by the Moroccans, if anything, only made them more determined to fight back against what they considered to be Algeria's wrong-doing. The resentment and indignation remained so deep nationwide that even if the issue was resolved, it would probably take years to instil a climate of trust. Contrary to Boumediène and Gaddafi's predictions, King

Hassan's popularity soared to an all-time high as a result of his Saharan policy. The king managed to draw strength from the deep emotions and strong patriotic feelings of his subjects to acquire a solid political base to support the legitimacy of the Alawite dynasty that had ruled the country since 1660.

In short, the Sahara issue provided the monarch with the perfect opportunity to re-establish his authority after some years of political turbulence and two assassination attempts. However, his popularity and authority and that of his successor King Mohammed VI in 1999 may depend largely on the outcome of the Saharan dispute despite the fact that time seems to be on Morocco's side and Moroccans' unconditional support still looks unshakable.

Meanwhile, the overwhelming patriotic fervour was not matched by international support as Algeria's diplomatic offensive gained ground through legitimate or dubious means, especially among left-wing countries and at international forums including the Organisation of African Unity.

## NOTES

- 1 *Censo/74*, Gobierno General de Sahara, El Aioun, 1975; *the Report of the UN Mission to Western Sahara*, A/10023/Rev.1, Vol.3, Ch 8, p. 39. In 1960, Spain gave the UN these figures: 23,793 inhabitants, 5,304 of them European; in 1966, the indigenous population was 33,512; the official census in 1967 showed 56,742 of whom 10,184 were Europeans (Spanish) of temporary residence. Spanish troops were excluded from the official census but they numbered about 10,000 in 1966 and over 20,000 in the 1970's.
- 2 German Ayache, *Jeune Afrique*, No 994, Paris, 23 January 1980, p. XVII.
- 3 Abdallah Laroui, *L'Algérie et le Sahara Marocain*, Serar, Casablanca, 1976, pp. 65-69; German Ayache, *Etude de l'Histoire Marocaine*, Société Marocaine des Editeurs Réunis, Rabat, 1979, pp. 177-199, 339-349 and 389-412.
- 4 George Joffé, "Moroccan Attitudes over the Western Sahara", Paper presented at a seminar at the Africa Centre, London, 10 October 1979, p. 5.
- 5 *Revista Africa*, Madrid, June-July 1945.
- 6 He was president of the nationalist party "the Istiqlal" and became a staunch advocate of the "Greater Morocco" thesis. More in, Attilio Gaudio, *Allal El Fassi ou l'Histoire de l'Istiqlal*, Editions Alain Moreau, 1972, pp. 152-154; also A. Gaudio, *Le Dossier...* op. cit., pp. 153-157.
- 7 The "Greater Morocco" map was first published in the Istiqlal Arabic daily, Al-Alam, 5 July 1956. On Morocco's irredentist claims, Frank E. Trout, op. cit.; Sadia Touval, op. cit.; Allal El Fassi, *Livre Rouge avec Documentation*, Marcello Peretti, Tangier, 1961, 340 pages; and, *La Vérité sur les Frontières Marocaines*, Marcello Peretti, Tangier, 1961, 180 pages and maps.
- 8 Georges Salvy, "le Grand Jeu Politique dans le Désert", *Le Monde*, 31 January 1976, p. 2; John Damis, *Conflict in Northwest Africa*, op.cit., p.17; Frank E. Trout, op. cit., pp. 286-392.
- 9 Ample details in Frank E. Trout, op. cit., pp. 286-392.
- 10 *The Times*, London, 11 July 1978.
- 11 See details in chapter on Moroccan-Algerian Relations.
- 12 Tony Hodges, *Western Sahara, the Roots of a Desert War*, Lawrence Hill, Westport, Con., 1983, pp. 85-96; Maurice Barbier, *Le Conflict...* op. cit., pp. 76-81; *Revolution Africaine*, Special Issue, Algiers, 24 June 1981, p. 45.
- 13 Juan Goytisolo, *Atlantic Sahara, Two Years Later*, *El Pais*, Madrid, May 1978.
- 14 The other African state is Ethiopia but it was not dismembered by Italian rule as was Morocco under the French and the Spaniards. Abdallah Laroui, *L'Algérie et le Sahara Marocain*, Serar, Casablanca, 1976, pp. 26-30.
- 15 *The Yearbook of the UN*, 1959, p. 298; 1960, p.503; 1961, p. 418; 1963, p. 435.
- 16 J-L. Miegé, *Le Maroc et L'Europe*, Vol.3, op. cit., pp. 343-354; Edmund Burke, *Prelude to Protectorate in Morocco*, op. cit., pp. 199-209; Angel Domenech Lafuente, *Algo Sobre Rio De Oro*, Madrid, 1946, p. 19. This Spanish historian confirms that the Sultan Abdallah Ben Yassine administered the Sahara until his death in 1040; A.G.P. Matin, *Quatre Siècles d'Histoire Marocaine au Sahara de 1504-1902*, Felix Alcan, Paris, 1923, p. 369; Frank E. Trout, op. cit., pp. 150-



- 155; Emile Vidal, *La Politique de L'Espagne au Maroc*, Montpellier, 1913, p. 181; Gonzalo De Reparaz, *Politica de Espana en Africa*, Barcelona, 1907, p. 84; Nevil Barbour, *Survey of North-West Africa*, Oxford University Press, London, 1959, pp. 61-62; E. F. Gautier, *Sahara the Great Desert*, English translation by D.F. Mayhew, New York, 1935, p. 211.
- 17 Frédéric de La Chapelle, "Esquisse d'une Histoire du Sahara Occidental", *Hesperis* 11, Paris, 1930, pp. 35-95; Robert Rezette, op. cit., pp. 38-42. The title of Amir Al-Muminin (Commander of the Faithful) was adopted by Youssef ben Tachfine to assert his religious and political authority and independence. The title was adopted by subsequent Sultans including King Hassan and is explicitly stated in the Moroccan constitution.
- 18 H. De Castries, "La Conquête du Soudan par El Mansour (1591)", *Hesperis* 3, 1923, pp. 433-488; Charles André-Julien, *History of North Africa*, Routledge and Kegan Paul, London, 1970, pp. 232-234; Lloyd Cabot Briggs, *Tribes of the Sahara*, Harvard University Press, Cambridge, 1960, pp. 46-47.
- 19 E. Gerenton, "Les Expéditions de Moulay El Hassan dans le Sous 1882-86", *l'Afrique Française, Renseignements Coloniaux*, September 1924, pp. 265-286.
- 20 Edmund Burke, op.cit., pp. 12-13; Edouard Michaux- Bellaire, " L'Organisme Marocain", *Revue du Monde Musulman* 3, Paris, 1908, pp. 1-33.
- 21 Jerome B. Weiner, "The Green March in Historical Perspective", *Middle-East Journal*, Vol. 23, Winter 1979, p. 33
- 22 Sadia Touval, "The Sources of Status Quo and Irredentist Policies", in, Carl Gosta Widstrand ed., *African Boundary Problems*, The Scandinavian Institute of African Studies, Uppsala, 1969, p. 109.
- 23 Text in Rachid Lazrak, *Le Contentieux Territorial entre le Maroc et l'Espagne, Dar El-Kitab*, Casablanca, 1974, pp. 389-390.
- 24 Full text of article 8 in, ibid, pp. 402-403.
- 25 See text of treaty in, ibid, pp. 406-408.
- 26 ICJ, Reports of Judgments, op. cit., p. 54.
- 27 Angel Domenech Lafuete, *Algo Sobre Rio De Oro*, Madrid, 1946, p. 30.
- 28 Ibid, pp. 28 and 30.
- 29 Nevill Barbour, *Survey of North-West Africa*, Oxford University Press, London, 1959, p. 61.
- 30 See Angel Domenech Lafuete, op. cit., p. 33; Cordero Torres, *Traité Elémentaire du Droit Colonial Espagnol*, Madrid, 1941, p. 315. Several Dahirs were presented by Morocco at the ICJ hearing as annexes to the Kingdom's Memorandum, March 1975. See specially the Dahirs in Documents 4, 5 and 8 related to Western Sahara.
- 31 Jacques Robert, *La Monarchie Marocaine*, L. G. D. J., Paris, 1963, p. 122.
- 32 Jerome B. Weiner, "The Green March... , op. cit., p. 23.
- 33 *Marchés Tropicaux*, 12 September 1953.
- 34 The Muslim nation while Dar Al-Islam is the abode of Islam.
- 35 More details in, Edmund Burke, *Prelude...* op. cit., P. 13.
- 36 *Documents Diplomatiques Français*, 1871-1914, 1st séries, Vol.3, p. 514.
- 37 Al Mawerdi, *Le Khalifa selon El Mawerdi*, translation by Le Comte Leon

- Ostrorog, Paris, 1900, p. 80; also Mohamed Lahbabi, op. cit., pp. 27-28.
- 38 It Means Amir Al-Muminin or Commander of the faithful.
- 39 Edmund Burke, Prelude...op. cit., p. 13.
- 40 E. Gellner, "Tribalism and Social Change in North Africa", in, W. H. Lewis, ed., *French-Speaking Africa: The Search for Identity*, Walker, New York, 1965, pp. 107-118.
- 41 Budget Meakin, *Life in Morocco*, London, 1905, pp. 308-309.
- 42 John Mercer, *Spanish Sahara*, Allen and Unwin, London, 1976, p. 231.
- 43 Ibid, p. 236.
- 44 See chapter on Spanish ineffective occupation due to resistance
- 45 See full text in appendix I.
- 46 Annex III to UN Document S/11880, 19 November 1975, in, *Security Council Official Records*, 30th year, Supplement for Oct-Nov-Dec., 1975, p. 41; *Chronique de L'ONU*, January 1976, p. 93; *Annuaire de L'Afrique du Nord* 14, 1975, pp. 974-975. 52 voted in favour and 42 against including Algeria and communist bloc countries. Spain, USA and EEC states voted in favour.
- 47 Resolution 3458 A(XXX), 10 December 1975. Adopted by 88 votes in favour none against and 41 abstained including the USA and Spain while Morocco, Mauritania and China did not take part in the vote; *Chronique de L'ONU*, January 1976, p. 93; *Annuaire de L'Afrique du Nord* 14, 1975, p. 974.
- 48 Union Nationale des Forces Populaires (UNFP). The leader, Abdallah Ibrahim, was Prime Minister in the 1950s but his party has almost no followers now after his death.



**PART FOUR**

**INTERNATIONAL  
DIMENSION OF THE  
CONFLICT**





***Left to right:*** King Mohammed VI, President Bill Clinton, Princess Lalla Meriem and Mrs Hillary Rodman Clinton



## CHAPTER SIXTEEN: THE SUPERPOWERS AND WESTERN SAHARA

Morocco's geographical location made it of particular importance to the superpowers in strategic terms while its historical ties with the Arab World and economic links to the European Union increased concern about the ongoing conflict in North-West Africa. Indeed, many believed that it was only a matter of time before Morocco and Algeria sorted out their differences but as no solution was in sight, all interested parties became greatly concerned that the dispute would degenerate into an armed confrontation between the two Maghrebi states with dire consequences for the region.

The Saharan issue's regional ramifications made it of particular interest to Europe, Africa and the Arab World but as long as the conflict was confined to the desert, the superpowers remained discreetly in the background. Washington and Moscow had, in fact, been watchful of any significant development that may affect the ideological configuration in the area despite other more pressing problems in Africa and the Middle East. However, it goes without saying that the availability of military hardware from the US and the Soviet Union to Rabat, Algiers and Tripoli illustrated quite evidently where their sympathies lay. Thus, ideological considerations played a significant role in the alignment of all the parties concerned and interested in the Saharan conflict.<sup>1</sup> Although reluctant to be drawn into the conflict not of their own making, the two superpowers could not remain indifferent to the outcome. Nevertheless, the end of the Cold War, the disappearance of ideologies, the dismantlement of the Warsaw Pact and the crumbling of communist regimes all over the world introduced a new era of strategic and political realignment dictated mainly by economic interests. The threat of terrorism in North Africa has brought a new dimension to the conflict. In Algeria the army controls the state and not the other way round as it is normal in democratic regimes. As the American President George W. Bush identified Bouteflika's regime as a vital ally in the "war on terror", the Algerian military leadership grasped the implications of the Bush strategy to underpin the regime and maintain the status quo. Behind the American support, security concerns and economic interests loom large.

## THE US AND WESTERN SAHARA

Morocco's strategic importance, economic orientation and pro-Western ideology ensured that the Americans looked more favourably upon Rabat's liberal regime than the radical socialism in Algiers.

The US had little interest in Morocco's mineral wealth but a good deal in the oil and gas of Algeria. Like Moscow, Washington remained neutral in the Saharan conflict and welcomed the call for a referendum under UN control. The role of the US over the Sahara dispute was initially termed "ambiguous" <sup>2</sup> or rather nuanced.<sup>3</sup> During Jimmy Carter's term of office (1976-1980), US foreign policy was in a state of lethargy especially during the first two years. This had an adverse impact on relations with Morocco. It took months to finally announce on 20 October 1979 US intention to sell Morocco a number of military aircrafts<sup>4</sup> with the intention of placing Morocco "in a position of strength from which to negotiate".<sup>5</sup> But it was not until 20 January 1980 that congressional approval was sought and granted some weeks later.<sup>6</sup>

US arms-supply to Morocco prior to the Carter administration's approval was part of a restructuring of the Moroccan armed forces initiated by a visit to the kingdom of a team of high level American military experts led by Brigadier General Edward Partain. The mission recommended that Morocco's defence capabilities should be strengthened to meet any threats from neighbours.<sup>7</sup> The restructuring process was to be completed during 1979/80.

Although the arms purchase agreement was concluded in 1975, deliveries were not made until 1980. The bulk of the finance to acquire this military hardware came mostly from the Arab Gulf states especially Saudi Arabia. Morocco's use of American weapons was subjected to limitations under a 1960 security assistance agreement whereby US-supplied arms may only be used for internal security and self-defence. The clause was intended as a safety measure to prevent American weapons being used against Israel but it became a point of contention especially with regards to the interpretation over the defence of Morocco's frontiers. The Carter administration's persistent refusal to lift restrictions on arms-sales to Morocco provoked widespread disbelief and resentment among Moroccans who felt betrayed by a long-standing ally.<sup>8</sup> As an observer rightly put it, "Washington's reluctance to provide arms for what Moroccans considered legitimate self-defence introduced an element of friction into United States' harmonious relations with

Morocco".<sup>9</sup> The Carter administration had been anxious not to upset Algeria's leaders who were helping in the release of the American hostages from Iran.<sup>10</sup> The chill in relations ended with the advent to power of President Ronald Reagan whose administration made it quite clear from the outset that "America's allies and close associates should expect understanding and reliable support".<sup>11</sup> The US supported the Madrid Accords because it believed they, "offered the best basis for an eventual peaceful settlement".<sup>12</sup> To Algiers' annoyance, US-Moroccan relations improved rapidly after Reagan took office and all restrictions were lifted on pending arms requests.

A number of American officials paid frequent visits to Morocco including Alexander Haig then Secretary of State and Casper Weinberger, the Defense Secretary.<sup>13</sup> The setting up of a joint military commission<sup>14</sup> led to the granting of landing facilities at Casablanca airport to the US Rapid Deployment Force by virtue of a bilateral military agreement signed on 27 May 1982 and valid for six years.<sup>15</sup> Morocco did not have any US military bases as was sometimes alleged<sup>16</sup> but retained a veto over the transit of US forces in case they were deployed against a friendly Arab or African state.

As Morocco was the first country to recognise an independent United States of America and had close relations ever since, it was rather the wider strategic dimension in the region and the kingdom's privileged geographical location as well as the regime's political and economic orientations that compelled the US to seek close relations with Rabat although there were considerable American business interests in Algeria.

The geopolitical importance of Morocco outweighed the US commercial interests in Algeria. Nonetheless, in 1976 the US had become Algeria's leading trade partner surpassing even the traditional and former colonial power, France.<sup>17</sup>

Anxious to avoid taking sides in the Saharan dispute, Washington agreed in 1981 to provide Algeria with six Hercules C-130 transport planes. Vice-president George Bush also included Algeria in his tour of the Maghreb.<sup>18</sup>

Although the first meeting of the US-Moroccan military commission was held in Fez on April 26-27, 1982,<sup>19</sup> relations dating back two centuries were seriously eroded following the kingdom's conclusion of the Oujda Treaty with Libya in August 1984.<sup>20</sup> It was believed that the State Department was taken by surprise,<sup>21</sup> and American anger



was evident at a time when Gaddafi, President Reagan's *bête noire*, continued his acrimonious exchanges with Washington that culminated in the US bombing of Tripoli and Benghazi in April 1986.<sup>22</sup>

Despite US fury over the Moroccan-Libyan regional pact, King Hassan, remarked an American observer, remained "his own master".<sup>23</sup> Nonetheless, the Oujda Treaty caused worldwide concern and it "alarmed Algeria, irritated Tunisia, angered the US, discreetly shocked King Hassan's allies in the Arab World and worried his Western supporters. It also dealt a hard blow to the Polisario".<sup>24</sup>

For Morocco, however, it was a tactical move designed to end Gaddafi's arms supply and financial aid to the Polisario while also offsetting the Algerian plan to form a united front in the Maghreb against Rabat.

The pact was clearly a high-risk policy for King Hassan in diplomatic terms but contrary to the wide interest it generated, the move was purely dictated by regional imperatives related to the Saharan issue. The "Arab-African Union Treaty" with Libya was an arrangement of convenience,<sup>25</sup> which duly served its purpose and was revoked by King Hassan two years later when Gaddafi denounced the Israeli Prime Minister Shimon Perez's visit to Morocco in July 1985.<sup>26</sup> There was further Moroccan anger at the use of offensive language in a joint communiqué following a visit to Tripoli by Syria's President Hafiz Al-Assad.<sup>27</sup>

King Hassan remained unperturbed and confident that his American alliance would survive despite President Chedli Benjdid's visit to Washington and the lifting of the 22-year US arms sale ban to Algeria.<sup>28</sup> It was the first ever visit of an Algerian President to the US and was designed primarily to aggravate the temporary rift between Rabat and Washington than to reap any other benefit. The Washington trip provided Algeria with an opportunity to resolve the long-standing political differences between the two countries. Moreover, Washington wanted to send a signal to King Hassan to warn him that closer relations with Gaddafi could harm Morocco's long term interests. At the same time, the US wished to lure Algeria away from its traditional alliance with the Soviet Union and Cuba.

The US viewed the conflict in the Western Sahara as part of the Cold War, branding the Polisario Front a Soviet ally. The US policy was supportive of Morocco militarily but not politically as Washington did not defend Morocco's case in international arenas.

In 1980, the US became Algeria's number one trading partner with an exchange value estimated at over seven billion dollars.<sup>29</sup> Morocco's economic wealth, however, remained insignificant to American policy makers who were aware of the kingdom's strategic position and consistent stand against communism. Nevertheless, the overall balance of power in the Maghreb lay at the root of most of Washington's decisions. Algeria and Libya experienced no restrictions whatsoever in the acquisition of arms from the Soviet Union. On the other hand, Western powers never denied Morocco any military hardware as long as it was paid for in hard currency. France and Spain were far more generous than the US with regards to loans to purchase weapons but not as generous as the Arab States of the Gulf region. Morocco's arms purchase from the US could not match the quantity acquired by Algeria and Libya from the Soviet Union. A comparison of each of these countries' military capabilities with that of the Kingdom would illustrate the extent of Soviet-made armoury being used in the Saharan conflict before the UN-brokered cease-fire in 1991.<sup>30</sup>

At the end of the Cold War, Morocco lost its strategic significance in the eyes of US policy-makers as old alliances were reviewed and new ones emerged. This change also decreased American interest in the Western Sahara issue. However, what characterised US policy towards the conflict was the fact that it maintained a neutral stance and publicly called for a peaceful settlement of the conflict.

During Bill Clinton's two-term presidency (1993-2001), there was little change in the American policy of neutrality. However, by the end of Clinton's second term, a whiff of change took place when American policy-makers realised that diplomatic efforts to resolve the dispute may not lead to a final settlement and the unresolved issue may threaten the stability of the region with renewed violence and instability that could spill over southern Europe and jeopardise US strategic and economic interests.

The advent of George W. Bush to the White House (2001-2009) brought little or no change to the neutral stance on the Western Sahara, although it intervened in other issues of interest to Rabat, such as mediating the dispute with Spain over the Leila Island crisis.

The year 2003 saw a sudden shift in policy when the United States released a statement supporting the Baker peace plan which proposed integration of the Territory with Morocco, or independence, or a continuous autonomy, all three to be decided by the people of Western

Sahara at a referendum. The idea of dividing the Territory came from President Bouteflika of Algeria in November 2001, who also informed James Baker that Algeria and the Polisario would be prepared to discuss division of Western Sahara. In a subsequent visit to Morocco Baker informed King Mohammed VI of the Algerian proposal but responded that Morocco would not contemplate a division of the Territory.<sup>31</sup>

The fluctuations in US position showed the underlying interest to maintain room for manoeuvre between its traditional ally, Morocco, and the new partner in the fight against terror, Algeria. The US policy vis-à-vis the Saharan imbroglio was often expressed through decisions at the UN pressing the world body to maintain an indefinite involvement in the issue and look for ways to resolve it.

Although the political, economic, security and cultural relations between the Maghreb countries and the European Union are much closer than with the United States, Washington's revived interest in the region was prompted by the 11 September 2001 attacks on American targets and the emergence of "the global war on terror".

As some members of the al-Qaeda terrorist network, the so called "Arab Afghans," were of North African origin and predominantly Algerian, the fight against this organisation has contributed to an unexpected *rapprochement* in US-Algerian relations.<sup>32</sup>

As Morocco was regarded a traditional strategic ally to the West during the cold war, Algeria has, since independence in 1962, been considered a revolutionary socialist regime siding with the soviet block and its allies worldwide. However, the new American policy to eradicate terrorism helped Algeria militarily to stem the rise of Islamic rebels within Algeria and the Sahel region. Indeed, Algeria became a US strategic partner in the fight against al-Qaeda in the Maghreb and developed advanced military, security, political and economic ties with Washington to the extent of harbouring American military bases in the Algerian desert at Tamanrasset to train recruits in the fight against Islamic guerrillas affiliated to al-Qaeda in the Maghreb and monitor and gather intelligence on their movements in the vast desert.<sup>33</sup> Cooperation against terrorism offered Algeria an opportunity for a political *rapprochement* with the US, although the two countries did not share the same concept on terrorism, notably regarding the right of the Palestinians to resist Israeli occupation while Hamas is perceived differently by Washington and Algiers.

The year 2003 saw a sudden shift in US policy when a statement



was released supporting James Baker's plan which offered two alternative solutions: either granting the Saharan provinces autonomy within a federal kingdom of Morocco with unspecified borders, or accepting the partition of the territory. However, this did not translate to a firm position as President Bush reiterated that any settlement would not be imposed on Rabat, acknowledging the sensitivity of the issue to Morocco's internal politics. It was a stand that revealed the centrality of the war on terror in the Bush administration's strategies, as it viewed the conflict in the Sahara as intertwined with Morocco's cooperation in Washington's antiterrorism campaign.

Launched in March 2004, the Trans-Saharan Counterterrorism Initiative (TSCTI) with the participation of North African and the Sahel region countries, has led, since 2005, to a multilateral manoeuvres in the Sahel with the US in Operation Flintlock. Algeria authorised US elite troops to use Algerian territory to track down terrorist groups and monitor their activities in the Sahara.<sup>34</sup> The new American policy benefited Algeria by providing it with additional know-how to improve its counter-insurgency techniques, training new recruits and equipping security forces with sophisticated weapons. The policy also legitimised Algeria's own war against Islamic rebels who have been fighting for the restoration of the democratic process that was hijacked by the military in 1991 following the cancellation of elections that the then moderate Islamic movement was poised to win. As the conflict within Algeria between the security forces and the Islamic movement reached a stalemate by the beginning of the new millennium, the 9/11 event in the US had a profound effect on Algeria's military and security policies when the US stepped in to provide the necessary assistance and turn things around for the beleaguered Algerian military leadership. The Algerian Salafist Group for Preaching and Combat (GSPC) became al-Qaeda in the Islamic Maghreb (AQIM) in January 2007. AQIM is the result of al-Qaeda's efforts to unite the various Salafist groups in North Africa. While the GSPC has always had very close relationship with al-Qaeda, the group officially merged with al-Qaeda in September 2006 and was officially renamed AQIM in January 2007.<sup>35</sup> AQIM's campaign of violence in Algeria<sup>36</sup> was to spill over into neighbouring countries in the Maghreb and the Sahel. The US government designated AQIM as a terrorist organization after the June 2009 murder of an American NGO worker in Nouakchott, Mauritania, and the May 2009 murder of a British hostage in northern Mali.<sup>37</sup> Three Spanish aid workers kidnapped were



also kidnapped reportedly by AQIM operatives in northern Mali and Mokhtar Belmokhtar, the leader of AQIM's smuggling and kidnapping operations in northern Mali and southern Algeria was apparently in charge of the hostages.<sup>38</sup> Bouteflika's presidency stands to benefit from the ongoing threat of terrorism often manipulated by the government to maintain the state of emergency and limit freedom.<sup>39</sup> The establishment in 2006 of a new Algerian-US military base at Tamanrasset, the administrative capital of the country's extreme south, was cloaked with secrecy in case it provoked popular uprising.<sup>40</sup> To bolster support and deflect criticism away from his pro-American policy, Bouteflika has resorted to traditional nationalist discourse attacking the French and their liberal values.<sup>41</sup> Conveniently, however, it allowed Bouteflika, like his mentor Boumediène before him, to look strong by standing up to the old colonial power while the democratic process initiated by Chedli Benjdid who was ousted by the military establishment on 11 January 1992, was simply nipped in the bud.

Since relations with Algeria and Libya have been normalised, their hydrocarbon resources have become of prime interest to the US.

The Libyan leader's 40 years firm hold on power was marked by acute tension with the West especially the US and the United Kingdom.<sup>42</sup> After years of Western and UN sanctions following the Lockerbie disaster, Gaddafi renounced his plan to develop a nuclear arsenal and weapons of mass destruction (December 2003), mended fences with the US (June 2004), Britain (March 2004) and the European Union.<sup>43</sup> In June 2006, the US rescinded Libya's designation as a state sponsor of terrorism and eventually signed a pact on defence cooperation in January 2009.<sup>44</sup> Libya also agreed to assist Algeria and Mali in their fight against al-Qaeda in the Islamic Maghreb. The agreement seeks extensive intelligence collaboration between the countries in an effort to rid the Sahara of terrorism. Regional leaders have grown more vocal about pooling resources in order to halt the upsurge of AQIM attacks.<sup>45</sup> For the US, the 9/11 events transformed its perception of the Maghreb region in geopolitical and security terms extending to the Sahel region. It also increased interest in the area's underground wealth and strategic position. It could be argued that the American presence in the region remains a destabilising factor that attracts terrorist attacks and that the threat was greatly exaggerated to maintain US permanent presence through AFRICOM and achieve its objective of controlling the region's hydrocarbon resources and fending off China's encroachment on

mineral-rich Africa.

While US-Algerian trade was worth \$22 billion in 2008, mainly hydrocarbon,<sup>46</sup> US-Moroccan trade volume is substantially less but varied and has been increasing annually since the conclusion of the Free Trade Agreement between the two countries that came into force in January 2006 which US regard as a means of enhancing regional security and stability. In 2004, the US designated Morocco a “major non-NATO ally”. This designation has been extended to Australia, Egypt, Japan, Israel and Kuwait.

President Bush’s war on terror viewed the conflict in the Sahara as intertwined with Morocco’s cooperation in Washington’s worldwide anti-terror campaign.

During his second term, the US abandoned the effort to resolve the seemingly endless and increasingly sterile dispute over the voter list for the referendum and instead began to encourage a political solution to the problem based on the sovereignty/autonomy formula. This has remained US policy to this day. American support of Morocco has been steadfast despite calls for a political solution acceptable to all parties. When the UN declared the referendum operation as “unworkable” and “unrealistic”, Morocco’s autonomy proposal in April 2007 received full support from the American administration describing it as “serious and credible proposal to provide real autonomy for the Western Sahara”.<sup>47</sup> Washington also encouraged the protagonists to engage in direct talks without preconditions. Assistant Secretary of State David Welch said: “We consider the Moroccan proposal to provide real autonomy for Western Sahara to be serious and credible”.<sup>48</sup> He also stated during a congressional hearing that the Polisario counterproposal “does not seem, in our judgment, to contain new ideas by comparison (to the Moroccan proposal)”.<sup>49</sup> This statement resonated with former US Secretary of State Madeleine Albright assertion that, “by giving the people of the Western Sahara a true voice in their future through the full benefits of autonomy as presented by Morocco, a credible political solution can be achieved.”<sup>50</sup>

This was also reiterated by Tom Casey, US State Department Deputy Spokesman when stating that, “we believe the Moroccan proposal to provide real autonomy for the Western Sahara and provides a serious and credible option, and we hope that the Polisario will engage in discussions on this proposal as a realistic starting point that could lead toward resolution of the dispute”.<sup>51</sup>

On 1 May 2008, the State Department pronounced publicly its support for the Moroccan autonomy plan stating that, “an independent Sahrawi state is not a realistic option. In our view, some form of autonomy under Moroccan sovereignty is the only realistic way forward to resolve the long-standing conflict”.<sup>52</sup> The US could not impose the Moroccan autonomy plan by force but former American high officials such as former secretary of State Madeline Albright and David Welch, suggested that the new Barack Obama administration should do just that to finish with the issue and promote Maghreb integration that eluded the region since the start of the Sahara conflict.<sup>53</sup>

Should one expect any change in US policy regarding Western Sahara under President Barack Obama’s administration? It has succeeded in integrating the Maghreb countries in a closer security partnership that compels them to cooperate with each other but it is very unlikely that the American administration will decide between the ongoing status quo or imposing a political solution to the conflict.



The Algerian President Bouteflika between the Russian President Medvedev and the American President George Bush

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Russian President Vladimir Putin with  
King Mohammed VI of Morocco



## CHAPTER SEVENTEEN: THE SOVIET UNION'S ROLE IN THE CONFLICT

Ideologically, the Soviet Union and its allies aligned themselves with Algeria and the Polisario. The Kremlin opposed the "Green March"<sup>1</sup> and voted along with the Warsaw Pact countries in favour of the Algerian resolutions at the UN and against that of Morocco related to the Madrid Accord.<sup>2</sup> The USSR had close diplomatic and commercial relations with Algeria and Libya whose military weapons were 95 per cent Soviet-made.

Unlike the US with Morocco, Moscow raised no objection to its sophisticated arms to be channelled to the Polisario guerrillas through Algiers and Tripoli, apart from an outburst by the Soviet ambassador in Dakar, Senegal, warning against "foreign intervention in Western Sahara" and pointing out that "it is possible to ignore the Polisario in the search for a solution in the Sahara".<sup>3</sup> Although Moscow maintained open support for nationalist movements in Mozambique and Angola, it adopted discreet and prudent support for the Polisario. Indeed, all Soviet allies with the exception of Warsaw Pact countries have recognised the SADR but provided no military aid to Polisario guerrillas. Following Boumediène's visit to Moscow on 12-14 January 1978, a joint communiqué advocated support for a swift negotiated settlement to the Saharan issue. Similar statements were made during Boumediène's other calls on Soviet leaders and Chedli Benjdid's visit to Moscow in June 1981.<sup>4</sup>

Both the United States and France had strong strategic, political, and economic interests in North Africa. The conflict did not become an arena for Cold War competition but discreet support to allies because the Soviet Union was ever-ready to sell arms to Algeria and Libya and at the same time adopt a low, pragmatic profile towards Morocco. The superpowers had a tacit understanding over the Saharan issue which came low on their political agendas and it was not of their own making. This was partly because they were not colonial powers in North-West Africa but had strategic and economic interests in the area. Moscow established very close political and military ties with Algiers while Morocco did the same with the US.

In view of Boumediène's own brand of socialism and Algeria's progressive role in Third World affairs, Moscow and Algiers concurred on many issues related to international relations and the World economic



order. Algeria played an important role in the 1960s paving the way for Moscow to foster closer relations with newly-independent African states. Emerging victorious from a bloody war of independence that created worldwide sympathy, Algeria capitalised on the mood and the Kremlin benefited from Boumediène's revolutionary stand against "imperialism". It was an easy rhetoric to advocate before the masses at a time when some African leaders lacked confidence or experience and welcomed a helping hand wherever it came from to assert their grasp over the reins of power. During the brief war between Morocco and Algeria in October 1963, Moscow came out openly in support of Algiers and urged its allies to do likewise.

The USSR endorsed Ben Bella's brand of socialism and that of Boumediène while publicly referring to the FLN, Algeria's sole political party, as a model to follow to build socialism in Third World countries.<sup>5</sup>

At the outset of the Saharan conflict about 500 millions dollars worth of Soviet arms were delivered to Algiers as part of a plan to modernise Algeria's defence capabilities.

The flow of Soviet-made sophisticated weaponry to Algeria accelerated from 1976 and reached a total value of 8-10 billion dollars by 1987.<sup>6</sup>

There was a five-year military sales accord worth some three billion dollars in 1980 and in 1987 an agreement was reached for arms-delivery worth one billion dollars. According to an observer, "as a result of several large arms deals since 1975, Algeria has become the fourth largest purchaser of Soviet weapons among Third World countries".<sup>7</sup>

Although Soviet bases are not allowed on Algerian soil, Soviet warships made frequent calls to Algerian ports and Soviet planes were permitted to fly across Algeria's air space and use airfields for refuelling stops. Algerian airstrips were crucial during the extensive Soviet-arms airlift to Angola in 1975-76 and for the transport of Cuban troops. By 1979, there were 11,500 Soviet and East European technicians in Algeria,<sup>8</sup> a greater number than any other foreign nationals based in Algeria and second only to Soviet personnel in Ethiopia in the African continent.

The use of Sam-6 and Sam-8 missiles by the Polisario to shoot down two high altitude Moroccan planes in October 1981, prompted military experts to point out that these missiles were normally used to equip Warsaw Pact forces and Libya was one of the few exceptions to be

provided with such sophisticated weaponry. The missiles had been fired by East-German or Cuban technicians trained to operate such advanced military equipment.<sup>9</sup> Cuban involvement was revealed when Moroccan patrol boats seized a Cuban ship off the Western Saharan coast clearly pursuing activities other than fishing.<sup>10</sup> Cuba also provided military training to the Polisario recruits, and sent military experts, teachers and doctors to the Tindouf camps as well as military hardware.<sup>11</sup> There was even some evidence of Cuban participation in attacks on Moroccan troops.<sup>12</sup>

Although Soviet economic assistance was provided for a number of Algerian development projects,<sup>13</sup> paradoxically, it was with Morocco that Moscow's economic stakes were greater. This was partly because of a 1958 trade agreement that was renewed and developed on a regular basis. The conclusion of a multi-billion dollar phosphate deal on 10 March 1978 and a 300 million dollar fishing accord on 27 April 1978<sup>14</sup> made it the most important economic agreement the Soviet Union ever signed with a developing country.<sup>15</sup>

When Algeria questioned article I of the fishing agreement which refers to "Morocco's Atlantic coast", the Soviet ambassador in Algiers emphasised that the accord did not apply to the territorial waters of Western Sahara. Rabat, however, saw it differently as the Atlantic coast meant all territories under its control.

Even though the Soviet Union is the second-largest phosphate producer in the world after the US, Morocco is the third largest producer and the number one exporter while possessing nearly two-thirds of the world reserves.

To meet its COMECON partners' import requirements and plan for the 1990's when Soviet phosphate would be exhausted, the Soviet-Moroccan "contract of the century", provided Moscow with Moroccan phosphates and phosphoric acid over a thirty-year period. In return, the Soviets promised to invest two billion dollars in the development of the Meskala phosphate mine which had reserves of some ten billion tons of high-grade ore.<sup>16</sup> Morocco was also to get soviet oil, timber and chemical products. Soviet economic ties with Algeria, however, never reached such a scale and remained secondary to arms sales.

The Kremlin's reluctance to be drawn into the Saharan imbroglio and maintain a discreet and prudent policy was dictated more by the strong economic links it had established with Morocco than by political and ideological considerations shared with Algeria. Ironically, Morocco

became the first economic partner of the Soviet Union in Africa and Algeria the main US trading partner. Ideologically, however, they were diametrically opposed.

No Polisario official was ever received officially in Moscow, further evidence that the conflict was between Morocco and Algeria despite the latter's claim to the contrary. No criticism was ever directed against Rabat from Moscow, and there was never any Soviet or Russian intention of recognising the SADR.<sup>17</sup> Nevertheless, Moscow kept voting for Algerian-sponsored resolutions at the UN and urging its African allies to do the same. When Yakov Malik, the Soviet ambassador to the UN and president of the UN Security Council in 1975 started lobbying actively in favour of Algeria, Rabat made it quite clear that any direct Soviet involvement in the dispute would result in a break in diplomatic relations.<sup>18</sup> Consequently, by adopting strict neutrality in the Saharan conflict, Moscow sought to avoid a head on collision with the US and protected vital interests in Algeria (arms sale) and Morocco (phosphate). The Soviet Union had more to lose and little to gain from getting involved in the Saharan dispute.

Meanwhile although the two superpowers were reluctant to be drawn into the conflict or take sides, they could not remain indifferent to the outcome.

If the going gets tough and Russia was forced to choose, it is self-evident that it would side with Algeria and the same thing would apply to the US vis-à-vis Morocco.

Since the fall of the Soviet Union in 1989, Russia has maintained a neutral position in the Saharan conflict and kept a balancing act between Morocco and Algeria.

Western Europe has also been concerned with the lingering Algerian-Moroccan dispute and kept a watchful eye on developments in the region as the main protagonists remain important associate economic partners.

## NOTES

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- 2 David Lynn Price, "Morocco and the Sahara: Conflict and Development", *The Institute for the Study of Conflicts*, N0 88, London, October 1977, p. 14. On 10 December 1975, the US abstained in the UN General Assembly vote on the Algerian-sponsored resolution (3458A) and endorsed Morocco's resolution (3458B) which adopted the Madrid Accord.
- 3 *Le Monde*, Paris, 8 November 1977, p. 3.
- 4 *Le Monde*, Paris, 21 October 1978 and 12 June 1981.
- 5 K. Andreyev, "Algeria: Charting the Road Ahead", *New Times* 80, No 27, July 1980, pp.14-5; A. Kapikrayan, "Algeria: Maturity of the Revolution", *New Times* 80, No 26, June 1980, pp. 14-15; *Africa Report*, No5, Sept-October 1987, pp. 52-56.
- 6 See, "Military Balance", *International Institute of Strategic Studies*, London, 1976 and every year until 1987; also the yearly book of (SIPRI), *The Stockholm Peace Research Institute*, 1976, and every year until 1987.
- 7 John Damis, *Conflict...* op. cit., p. 129.
- 8 *El-Moudjahid*, Algiers, 8 June 1981, P.3; John Damis, op. cit., p. 129.
- 9 *Daily Telegraph*, 15 October 1981, p. 4; *the Times*, 15 October 1981, p. 10.
- 10 *The Financial Times*, London, 11 February 1981, p. 3.
- 11 *Jeune Afrique*, No 1407-1408, Paris, 23-30 December 1987, p. 49.
- 12 David Lynn Price, "Morocco and the Sahara: Conflict and Development", *The Institute for the Study of Conflict*, No 88, London, October 1977, p.6; *The Daily Telegraph*, London, 15 October 1981; *The Times*, 15 October 1981, p.10.
- 13 *New Times* 79, No 45, November 1979, p.27; John Damis, op. cit., p. 129.
- 14 Text in, *Revue Juridique, Politique et Economique du Maroc*, Rabat, 2nd semester, 1979, pp. 273-276.
- 15 *The Financial Times*, 11 March 1978; *Maghreb-Machrek* 81, July-September 1978, pp. 6-8; *Le Matin du Sahara*, Casablanca, 10 February 1978; *Jeune Afrique*, No 916, 26 July 1978, pp. 27-28 and 30.
- 16 The Meskala phosphate reserves alone represent more than five times as much as Bu Craa phosphate mines in Western Sahara. Proven reserves of Phosphate rocks in the disputed territory amount to less than three per cent of Morocco's total proven reserves. On Moroccan-Soviet links see, *Le Matin du Sahara*, Casablanca, 10 February 1978, pp. 1 and 4.
- 17 At the second anniversary of the SADR in February 1978, there was no Soviet presence from the party but a message of sympathy was sent by the Soviet Solidarity Committee with the Peoples of Africa and Asia, denouncing " the imperialist and neo-colonialist interference " and called for "a peaceful settlement of the Western Saharan problem" by way of self-determination. See, *Sahara Libre* 53, 15 March 1978, p. 21.
- 18 *UN Monthly Chronicle* 12, No 10, New York, November 1975, p. 10





President Nicolas Sarkozy of France



## CHAPTER EIGHTEEN: FRENCH INVOLVEMENT IN THE CONFLICT

Spain and France were the two European countries directly concerned with the Saharan question. Unlike the former colonial ruler in Western Sahara, France was dragged into the conflict from 1976-1978. This came about when French nationals were killed by the Polisario and others were taken hostages so as to exert pressure on Paris to recognise the separatist movement and its political wing the SADR.

Having first hand information on the various stages of the colonial period as the main colonial power in the region, France welcomed the Madrid Accord as a valid international commitment to defuse tension in the Maghreb and allow Morocco to recover the usurped territories. The French President Valéry Giscard D'Estaing acknowledged that, "it seemed sensible to let Morocco and Mauritania come to an agreement with Spain. It is true that we consider the multiplication of micro-states as regrettable".<sup>1</sup> He was also in favour of talks between Spain and Morocco over the future of the Saharan territory.<sup>2</sup> When the conflict broke out, He attempted repeatedly to mediate between Morocco and Algeria and even called on the good offices of well-respected African leaders to bring the two sides together but to no avail.<sup>3</sup>

After the nationalisation of French investments in Algeria, Boumediène encouraged Ould Daddah to lessen his dependence on France. To the annoyance of Paris, the Mauritanian President had renounced his country's military agreements with France in 1973, withdrew from the Franc zone and then nationalised the iron ore mines at Zouerate in 1974. However, following the Madrid Accord and Boumediène's threat to Ould Daddah,<sup>4</sup> the latter looked increasingly to France to shield him from any subversive activities originating from Algiers.

The Polisario's raid on Nouakchott in June 1976 led Ould Daddah to seek urgent French military assistance to protect vital economic installations run by French concerns.<sup>5</sup>

A new Franco-Mauritanian military accord was concluded on 2 September 1976 providing for military cooperation that included the dispatch of military instructors and arms supply to Nouakchott.<sup>6</sup>

The Polisario's raid on Zouerate on 1 May 1977 dragged Paris into the conflict. The murder of a French doctor and his wife and the kidnapping of six French nationals held captive in Tindouf,

forced France but to act to protect its citizens living and working in Mauritania.<sup>7</sup> The raids were designed to persuade France to recognise the Polisario while also stopping all activities in the Zouerate mines to paralyse Mauritania's economy. French women and children were evacuated from the mining town as a precautionary measure<sup>8</sup> and Paris accused Algeria of harbouring the guerrillas who perpetrated the attack. France insisted that the release of the hostages must be secured by the Algerian government.<sup>9</sup>

Two more French technicians were abducted on 25 October 1977 in an attack on the Zouerate-Nouadhibou railway. Paris lodged a strong protest to Algiers pointing out that "if such criminal acts were to continue, the activities of all French nationals working in Mauritania would be at risk".<sup>10</sup> Boumediène underestimated French reactions and his intimidating tactics backfired. The French reaction was based on the need to protect French nationals, satisfy the widespread anger and contempt caused by Boumediène's policy and safeguard Mauritania's economic installations managed by the French. The French government stand was reflected its determination to prevent the destabilisation of Mauritania and signal to African allies that France was not to be pushed around and would honour commitments irrespective of the consequences.<sup>11</sup> In response to pleas from Ould Daddah, France provided air cover for Mauritania's forces from December 1977 to July 1978. The French air force had a base at Ouakkam airfield on the Cape Verde peninsula near Dakar, Senegal, which harboured some eleven hundred French troops under the 1974 Franco-Senegalese military accords.<sup>12</sup>

Technically, the French move constituted a breach of its neutrality in the Saharan imbroglio but it was dragged into the conflict reluctantly to protect its interests in the area and show that it still held influence. Paris made it quite clear that force would be used if necessary against any infringement of Mauritania's sovereignty. It refused to negotiate the release of the hostages directly with the Polisario and denounced the terrorist attacks against the Mauritanian ambassador in Paris.<sup>13</sup> The French minister of foreign affairs, Louis de Guiringaud, stated in an interview that "... a Polisario leader implicitly admitted in statements made at Tindouf on 20 May (1977) that our compatriots are being held, although he gave no specific details...We are ready to enter into any humanitarian contacts to secure their release. On the other hand, we cannot be involved in attempts to be capitalised upon for political ends such as innocent civilians seized in a conflict to which France

is not a party. We refuse to accept such political blackmail".<sup>14</sup> *Radio France International* pointed out in a commentary that "there can be no doubt that the armed group which carried out the abduction came from Algeria. It is holding the six Frenchmen on Algerian territory and setting conditions for their release from Algerian territory".<sup>15</sup>

The French foreign minister confirmed the attack had been carried out by "forces coming from outside, and we know very well where they come from". This was a clear reference to Algeria where the French ambassador was called to the Algerian foreign ministry to explain the minister's remarks.<sup>16</sup>

As there was no positive reaction from Algiers, the French reinforced their military contingent in Cape Verde to its full capacity of some 12,000 men and deployed more fighter jets including "Jaguar". This French military build up was strongly condemned by Algiers, referring to it as "French imperialism" assuming the role of "the Gendarme of Africa"<sup>17</sup> and a letter was addressed to the UN Security Council on 9 November 1977<sup>18</sup> to lodge a protest against France's action<sup>19</sup> while King Hassan announced that his troops would resort to the right of hot pursuit after Polisario guerrillas continued attacks not only in Western Sahara but inside part of Morocco's undisputed territory.<sup>20</sup>

Since the intimidating tactics resorted to by Algeria and the Polisario showed no sign of abating,<sup>21</sup> there were further acrimonious exchanges between Paris and Algiers which contributed to relations reaching an all time low. In a show of force to protect its nationals and interest, France became more determined to stand up to the challenge although it had no desire to get involved in a conflict not of its making. The Paris government declared that, "our air force is ready to ensure the security of our nationals in Mauritania when in danger and at the request of the Nouakchott government."<sup>22</sup> Direct French military intervention was never confirmed officially despite the Polisario's claim to the contrary.<sup>23</sup> However, the foreign minister acknowledged in the National Assembly on 21 December 1977 that the Paris government was compelled "to make certain arrangements, at the request of the Mauritanian authorities, to safeguard French nationals",<sup>24</sup> and arrangements left no doubt that France was providing Nouakchott with military assistance be it arms supply or air-cover.

The French military operation "Lamantin" (Sea-cow), as it was named by the Chief of Staff General Mery, was meant more as a show of force to remind Boumediène of French fire-power than direct military



involvement.<sup>25</sup> Nonetheless, there were reconnaissance missions over strategically important targets and the possibility of France becoming seriously involved in the conflict increased.

Meanwhile, the hostages became a liability for Algeria and the Polisario's interest not only in the region but worldwide. It also provoked a wave of anti-Algerian feelings in France,<sup>26</sup> so much so that Algerian immigrants became subjects of intimidation.<sup>27</sup>

Franco-Algerian relations reached their nadir when Boumediène resorted to economic reprisals against French interests. His retaliatory measures included the boycott of French goods and an end to imports of French products.<sup>28</sup> Such measures did not deter the French from continuing their military aid to Mauritania nor to give in to Algeria's political blackmail.

Consequently, having conceded that the political pressure and blackmail that had worked well with the Spaniards had the opposite effect on the French, Boumediène realised that the sooner the hostage crisis was over the better for him and the Polisario to continue with their temporarily stalled global campaign to secure further recognition for the SADR. Otherwise, the Saharan issue would take a new twist that might culminate in an open armed confrontation between French and Algerian forces and the outcome would be disastrous for Boumediène and the Polisario. Subsequently, it was announced that the captives would be handed over to the UN Secretary General Kurt Waldheim in Algiers on 23 December 1977.

The sought-after publicity stunt before Christmas did not have the desired effect as Boumediène was met with a wave of criticism in the French and European media over his policy of harbouring wanted terrorists such as Carlos the Jackal, the Abou Nidal group and the Japanese Red Army.<sup>29</sup>

On the release of the hostages, the French minister of foreign affairs announced that "the Nouakchott government requested French military aid and on two occasions units of the French forces came to their assistance".<sup>30</sup> France continued to provide Mauritania with air-cover to protect the Zouerate-Nouadhibou rail link from Polisario attacks<sup>31</sup> until Ould Daddah was toppled in a bloodless military coup d'état on July 10, 1978.<sup>32</sup>

The coup and the new leadership's subsequent withdrawal from the conflict signalled the end of France's military involvement in the dispute which was left to the military and diplomatic ability of Algeria

and Morocco.

In contrast to its strained relations with Algeria, France's ties with Morocco were strengthened further during Giscard D'Estaing's presidency (1974-1981) so that problems between the two countries were resolved. Furthermore, France assumed a prominent role in the industrial and economic development of Morocco following the conclusion of a number of accords.<sup>33</sup> Since independence, the Moroccan armed forces had been equipped with French arms and technology and the arms-supply to Rabat was not interrupted. This was partly because of long term contracts and partly due to the powerful French arms lobby which was not prepared to lose a lucrative market in the face of Algerian pressures while their military requirements were amply met by the Soviet Union without restrictions. Thus, arms sales to Morocco were not affected and the army benefited from a revamp of its military hardware even after the expiry in 1985 of the bilateral arms agreement.<sup>34</sup>

Although technically, France's brief involvement in the conflict breached its neutrality, it was forced to it by Algeria's arm-twisting tactics that eventually backfired.<sup>35</sup> The hostage crisis was regarded by the French as political blackmail and proved counter-productive for Algeria and the Polisario when France intervened militarily. France's prestige was further enhanced in Francophone Africa and, at the same time, a warning signal was sent to Libya over its involvement in Chad.

It could be argued that the French stand in the Western Saharan conflict had a bearing on Libya's later defeat in Chad in 1987.<sup>36</sup>

The first sign of a shift to neutrality emerged at Giscard D'Estaing's press conference on 15 February 1979 when he referred to the Saharan dispute as a "problem of decolonisation".<sup>37</sup> From then on there was a slight improvement in Franco-Algerian relations mainly reflected in trade links until the advent of the socialists to power in Paris in May 1981.

The socialist French President Francois Mitterand's election victory created apprehension and uncertainty in Rabat as fears increased over a possible switch in France's foreign policy in favour of Algeria. Morocco's concern was further exacerbated by the French socialist party links with Algeria and its call for the recognition of the Polisario. Mitterand went out of his way to mend fences with Algeria to the extent of expelling President Chedli Benjdjid's opponents in France including the first president of independent Algeria, Ahmed Ben Bella.<sup>38</sup>

The Polisario was also allowed to open an information office in

Paris in February 1982 but was not recognised. France did not favour one Maghrebi state over the other and kept its distance from the warring factions. Until his re-election in May 1988, Mitterand and Chedli met six times, four of their meetings in Algiers, while telephone contacts became frequent.<sup>39</sup>

Chedli became the first Algerian President ever to pay an official visit to France which signalled a new era in economic and political relations.

Franco-Moroccan relations, however, went through a patchy period in the first two years of Mitterand's presidency but the latter's visit to Rabat in January 1983 marked a thaw in relations and put an end to a period of mistrust. Contrary to his predecessor, Mitterand sought to strike a balance in relations with the Maghreb leaders. His country had neither recognised Morocco's sovereignty over Western Sahara nor the Polisario and the SADR. Having been the dominant colonial power in the area with special ties to Algeria and Morocco, France kept a close watch on events as French interest of political, economic and cultural nature were at stake.

In political terms, Mitterand adopted an even-handed policy in the Saharan dispute and adhered, like the superpowers, to a policy of an interested bystander. But the advent of President Jacques Chirac changed the course of France's Saharan policy and became more forceful in pointing out that the conflict had lasted for too long and was detrimental to the region's economic and security interests. He called for a political solution to be achieved between the two regional powers, Morocco and Algeria, to serve the interest of the whole Mediterranean region. He attempted to mediate between King Hassan and Chedli Benjdid and managed to bring them closer but the military hierarchy in Algeria was not happy with Chedli's initiative to mend fences with Morocco and introduce a multi-party system as a process towards democracy. They forced him to resign and his departure signalled the end of the democratic process in Algeria and the consolidation of the army's grip over the political, economic and constitutional powers of the country and, most importantly, brought Algerian-Moroccan relations back to square one.

Jacques Chirac was a close ally of King Hassan but his visit to Algeria in early 2003 led to a marked Franco-Algerian rapprochement. His successor, President Nicolas Sarkozy (2008- ), came out openly in support of Morocco's autonomy proposal calling for a politically

negotiated settlement of the dispute. "The Kingdom (of Morocco) has proposed a serious and credible autonomy plan as a basis of negotiation.... this constitutes a new proposal element after years of stalemate," said the French President on 23 October 2007 and added that "France also favours a negotiated political solution that will allow for the emergence of a dynamic and prosperous Maghreb Union to benefit all countries in the region including the Union for the Mediterranean that President Sarkozy proclaimed in Paris in July 2008."<sup>40</sup> Jean-Maurice Ripert, Permanent Representative of France to the United Nations pointed out that "as the (Security) Council has had occasion to state on numerous occasions, there is no solution other than a negotiated, mutually acceptable political solution to the issue of the Western Sahara, whose resolution remains necessary — as all are convinced — not only for the Sahara but for the entire Maghreb region.... While the negotiations must resume, France wishes also to recall the importance of the autonomy proposal put forward by Morocco in 2007, which, in our view, provides a basis for negotiation that is credible, transparent and constructive and that respects the principle of self-determination and is thus worthy of close attention by all parties".<sup>41</sup>

President Sarkozy's stand is reinforced by France's close strategic, economic and cultural relations with Morocco and the fear, like Spain, of a mass influx of immigrants and loss of economic and political influence if an Iranian-style revolution erupted in the southern flank of the Mediterranean. On his first to Morocco as president, Sarkozy declared before the Moroccan parliament that, "I am keen to assume my responsibilities as Head of State. Morocco has put forward a serious and credible plan for autonomy as a basis for negotiation. For France, only a political solution, negotiated and agreed by the two parties under the auspices of the United Nations, will resolve this conflict that has gone on for too long. The Moroccan plan for autonomy exists, it is on the table and it represents a new proposal after years of deadlock. I hope that the Moroccan plan for autonomy may serve as a basis for negotiating a reasonable settlement".<sup>42</sup>

As the Western Sahara was not a French colonial domain or sphere of influence, an independent state there could destabilise a fragile region that France considers of vital importance to its political, economic, strategic, military and cultural interests. France pays particular attention to political and social development in North Africa which it still considers, more or less, its *chasse gardée*, especially at a time when



Islamist groups were intent on overthrowing the Algerian regime and threatening the security and stability of the region. Although it knows the Maghreb better than anyone else, France continues to adopt a balancing act between Morocco and Algeria by avoiding controversies and letting the two Maghrebi states slug it with each other at regional and international levels.

Unfortunately, the Sahara issue remains a major stumbling block to Moroccan-Algerian relations and regional integration.

## NOTES

- 1 *Le Monde*, Paris, 1-2 February 1976.
- 2 *Le Figaro*, Paris, 7 May 1975; ABC, Madrid, 8 May 1975.
- 3 Mediation attempts were made by President Senghor of Senegal and his Ivory Coast counterpart Felix Humphrey Boigny.
- 4 See Chapter on Mauritania.
- 5 *Keesing's Contemporary Archives*, London, 23 September 1977, p. 28573.
- 6 Robert Taton, "le sahara occidental vu du cote mauritanien", *Europe-Outremer*, No 574, November 1977, pp. 13-14; according to Maurice Barbier, *le Conflit...* op.cit., p. 248, the agreement was concluded for a year and renewable by tacit consent but was never submitted to the approval of the French Assembly nor was it ever published. The Polisario claimed that the text of the accord is published in, *Sahara Info* 25-26, Algiers, May-July 1978, pp.11-12.
- 7 *Le Monde*, Paris, 3 May and 10 May 1977; *France-Soir*, Paris, 5 May 1977; *Keesing's Contemporary Archives*, London, 23 September 1977, p. 28573.
- 8 *Le Monde*, Paris, 4 May 1977.
- 9 *Le Monde*, Paris, 6 May and 26 May 1977, p. 8.
- 10 *Le Monde*, Paris, 28 October 1977.
- 11 André Dessens, "le problème du Sahara occidental trois ans après le départ des espagnols", *Maghreb-Machrek*, Vol.76, No 83, January-March 1979, p. 84.
- 12 Robert Taton, op.cit., p. 14.
- 13 *Keesing's Contemporary Archives*, London, 23 September 1977, p. 28573.
- 14 *Le Figaro*, Paris, 25 May 1977.
- 15 *Radio France International*, 1 June 1977.
- 16 *Keesing's Contemporary Archives*, London, 23 September 1977, p. 28573.
- 17 Abdelfettah K., "Sahara Occidental: la coalition imperialo-reactionnaire", *El Djeich* 177, Algiers, February 1978, p. 33.
- 18 *UN Security Council Official Documents*, S/12442/Rev.1, October supplement, November and December 1977, p. 68.
- 19 See French response on 22 December 1977, in, *UN Security Council Official Documents*, S/12503, November-December 1977, P.106. France emphasised that the objective was to ensure the protection of civilian nationals in Mauritania.
- 20 In a speech on 6 November 1977 to mark the anniversary of the Green March, King Hassan II warned Algeria that "every time Moroccan borders are violated in the future by the so-called Polisario, the Moroccan army will use its right of pursuit whatever the consequences". See, *Le Monde*, 8 November 1977; *Maroc-Soir*, Casablanca, 7 November 1977, p.1.
- 21 More French nationals were abducted. *The Times*, London, 9 November 1977.
- 22 Statement by the Quai D'Orsay on 19 December 1977; *Le Monde*, Paris, 20 December 1977.
- 23 SADR's communiqué, 17 December 1977; see *El-Moudjahid*, Algiers, 18 December 1977.
- 24 *L'Humanite*, Paris, 22 December 1977.
- 25 André Dessens, op. cit., pp. 78-84.

- 26 *Le Monde*, Paris, 4-5 December 1977 and 6 December 1977.
- 27 Ibid.
- 28 *Marches Tropicaux et Méditerranéens* 34, Vo. 73, 1978, PP.131-132.
- 29 *Le Figaro*, Paris, 25 May 1977; *the Daily Telegraph*, London, 9 November 1977; *the Times*, London, 9 November 1977.
- 30 *Le Monde*, Paris, 25 December 1977.
- 31 *Le Monde*, Paris, 24 October 1979, p. 1; André Dessens, op. cit., p. 78.
- 32 For ample details see chapter on Mauritania.
- 33 John Damis, op. cit., pp. 115-116.
- 34 For a breakdown of French arms-supply to Morocco see, the register to Arms Trade with Third World countries, *Stockholm International Peace Research Institute*, World armaments and Disarmament: SIPRI Yearbook for the years 1976-1987.
- 35 In 1978 about 12.000 of the 20.000 French troops overseas were based in Africa. Details in, "La Coopération Militaire Franco-africaine", *Europe-Outremer*, No 567-568, April-May 1977.
- 36 *Africa Report*, Vol. 32, No 5, New York, September-October 1987, pp. 20-27.
- 37 *El-Moudjahid*, Algiers, 4 March 1979.
- 38 *Jeune Afrique*, No 1428, Paris, 18 May 1988, p. 16.
- 39 Ibid.
- 40 *North-South*, Vol. 2 No 7, London, July 2008, pp. 16-23.
- 41 France at the United Nations. <http://www.franceonu.org/spip.php?article3880>.
- 42 French President Nicolas Sarkozy's speech before the Moroccan Parliament on 23 October 2007. accessed on 7 December 2009. [http://www.ambafrance-uk.org/State-visit-to-Morocco.html#outil\\_sommaire\\_3](http://www.ambafrance-uk.org/State-visit-to-Morocco.html#outil_sommaire_3)



## CHAPTER NINETEEN: SPAIN AND WESTERN SAHARA

In the 1960's, the staunchest support for Morocco's territorial claims came from the Casablanca-Bloc labelled the radical African grouping<sup>1</sup> as opposed to the Monrovia Group considered "moderate".<sup>2</sup>

Yet, in the seventies and the eighties, Morocco's main backing came from Western and moderate states prominent among them were the conservative Arab countries of the Gulf. Those hostile to Morocco's policies apart from the obvious ones i.e. Algeria and Libya, were found among the "revolutionary", "Marxist" and so-called "socialist" regimes with the exception of China and the Warsaw Pact countries.

Apart from the parties involved directly in the Saharan conflict i.e. Morocco, Algeria, Mauritania, Polisario and to a certain extent Libya, France and Spain were the two European powers most directly concerned. This was partly because the latter was the former colonial power in Western Sahara while France had political, economic and cultural interests to safeguard not to mention the special historical links with the Maghreb.

When the UN General Assembly debate on Western Sahara resulted in the adoption of resolution 2229 of December 20, 1966 which called upon Spain to grant the Sahrawi population the right to self-determination, Algeria's UN representative pointed out that a solution to the Western Saharan problem constituted the key to peace in the region.<sup>3</sup> This assertion remains valid today although it was made when Algerian-Moroccan relations were at their lowest point and Boumedienne pursued ideologies incompatible with those of his neighbours and had become enthralled with Nasser's proclaimed for Pan-Arabism.<sup>4</sup>

The Saharan question could have been solved long before 1975 through negotiations between Morocco and Spain in accordance with UN decisions.

As a colonial power, however, Spain deliberately stalled the process of decolonisation and merely informed Rabat or the UN Secretary General of any measures taken unilaterally. Madrid's policy was encouraged to a certain degree by Morocco's irredentist claims over Mauritania (1960-1969) and its unsettled frontiers with Algeria. Even when these problems appeared resolved, Spain embarked on a new diplomatic course to play for time. It granted independence to Spanish Guinea on 12 October 1968 and returned Ifni to Morocco the following



year. Furthermore, flash points in the Middle East and Africa (Southern Africa, Ethiopia and Chad) as well as the geographic isolation of Atlantic Sahara and the relatively small number of its inhabitants made it difficult to focus international attention upon it. Lack of European interest in this remote and barren territory of Africa, the absence of superpower rivalry in the region and Franco's firm hold on Spanish affairs meant the Saharan issue came low on the list of problems troubling the world.

Franco wanted to integrate the Saharan territory into Spain or at best grant semi-independence reminiscent of Manchuria in 1932 and Slovakia in 1939.<sup>5</sup> The bitterness generally felt by the Spanish military towards Morocco was illustrated by their active role colluding with Algeria prior to their withdrawal from Western Sahara in February 1976.<sup>6</sup> Despite Spain's connivance with Algeria to promote the Polisario leaders as representatives of the Sahrawis in the quest for independence, the Madrid government later realised that economic interests in the disputed territory were not as important in the long term as the defence of the Canary Islands. Indeed, Spanish policy makers later came to see that an independent Sahrawi state under an Algerian-moulded Polisario leadership might pose a serious threat to the political future of the Archipelago. Spanish dissidents and subversive groups harboured in Algiers would be able to find a safe haven in a Sahrawi state under strong Algerian influence. The proximity of the Saharan coast to the Canary Islands would make the latter vulnerable to any subversive activities and an ideal place for any Spanish dissidents or groups hostile to the regime in Madrid.

Ideologically, Franco and Boumediène were diametrically opposed and had nothing in common except their agreement over an independent Sahrawi state. Madrid's conservative regime never approved of Boumediène's revolutionary brand of socialism nor could it hide the irritation caused by Algeria's readiness to provide a safe haven for Spanish dissidents.<sup>7</sup> The contradictory objectives of the parties involved in the conflict and the looming uncertainty over Spain's political future in the wake of Franco's fatal illness, played an important role in the final decision adopted by Madrid, to support Algeria's policy.

Furthermore, Spain was determined to hold on to the Presidios as the most cherished possessions for the Spanish army.<sup>8</sup> These territories, claimed by Morocco, remained the only outlets left for the Spanish legionnaires. The political fate of the Presidios will, apparently, be linked to that of the outcome of the Anglo-Spanish talks over Gibraltar.

The proximity of Morocco to Spain and the Canary Islands, the Presidios being on Moroccan territory, the historical affinities developed between Moroccans and Spaniards during Moslem Spain (8th century to 1492) coupled with the Spanish protectorate over Morocco (1912-1956), weighed heavily in Morocco's favour and against Algerian economic and subversive threats.

By treating Morocco as a threat to its interests at a time of political uncertainty in Spain,<sup>9</sup> the Madrid government hoped to salvage its economic and cultural links in Western Sahara and Morocco.

Spanish policy makers were well aware that Morocco's claims were justified both historically and according to juridical, ethnic, geographical and religious considerations. Nonetheless, to appease Algeria's demands and lessen Boumediène's opposition, Madrid stated that it was only transferring administrative control to Morocco over Western Sahara and not sovereignty. The ambiguity of the Spanish move made it possible for Algeria to dispute Morocco's legitimate claim to the Saharan territory and thereafter to pursue a relentless diplomatic campaign to discredit the validity of the Madrid Accord.

Spain's Move added fuel to the fire or as an observer put it, "sowed the seeds of greater discord in an already troubled area."<sup>10</sup> On February 15, 1978, the Cortes (parliament) refused by 175 votes to 142 to renounce the Madrid Accord. Consequently, Algeria urged Spain to recognise the SADR or face the consequences by way of attacks on Spanish trawlers, economic sanctions and the sponsorship in Algiers of the Canary Islands independence movement.

Algerian-Spanish relations descended to outright hostility characterised by Boumediène's increased interference in Spanish domestic affairs by allowing anti-Spanish broadcast on Algiers's radio and urging the OAU to recognise the MPAIAC as an "African liberation movement".<sup>11</sup> However, Boumediène had miscalculated alienating even the socialist party leadership in Spain whose nationalism prevailed over ideology. Had it not been for their strong economic ties,<sup>12</sup> diplomatic relations would have been broken especially when the official Algerian daily "El-Moudjahid" bitterly criticised Spain's political and economic policy in the Canary Islands and called it the bastion of Spanish colonialism in Africa.<sup>13</sup>

Boumediène's anti-Spanish campaign backfired as Spaniards of all political affiliations backed their government and anti-Algerian feeling grew even among the leadership of the Spanish left.

Spain reacted to Boumediène's intimidating tactics by recalling its ambassador in Algiers. Algeria's objective was to compel Spain to denounce the Madrid Accord.<sup>14</sup>

In return, the MPAIAC leadership in Algiers,<sup>15</sup> could be kept under control. Boumediène's aid to MPAIAC depended entirely on the evolution of the situation in the Sahara. The MPAIAC in Algeria could not conduct major military operations in the Canaries. Polisario guerrillas, however, had bases in Algeria and were provided with the means to engage in military operations as well as worldwide diplomatic and information campaigns. As an observer pointed out, it looked "as if the Spanish character of the Canaries could be negotiated with Algeria in exchange of interests".<sup>16</sup>

When playing the MPAIAC card no longer paid off, Boumediène stopped the movement's anti-Spanish broadcasts in January 1978 although he did not disband it or gave any assurances that the Archipelago would cease to be a target of subversive activities.<sup>17</sup>

Following Boumediène's death in December 1978, the MPAIAC was no longer supported by Algeria and ceased to figure in Algeria's list of harboured movements and was never again mentioned at the OAU. This illustrates the fact that the MPAIAC was important only as long as it served Algerian interests related to the Western Saharan question.

Although Spanish officials considered Spain's role in the Sahara as over following the Madrid Accord,<sup>18</sup> it soon became evident that it was not the case especially at a time when Spain's fragile democracy was emerging from years of Franco's dictatorship.

The Madrid Accord became a dominant subject of debate in Spanish political circles.<sup>19</sup> The ruling party<sup>20</sup> attempted to maintain good relations with Rabat while the socialists aligned unconditionally with Algeria.<sup>21</sup> Gonzalez's socialist party claimed "ideological affinities" with Boumediène's one-party regime born of a military coup. In reality, there was no affinity between the democratically elected socialist leaders and the hand-picked ones of Boumediène's ruling party the FLN.

The aspirations of the Spanish socialist could not be compared with Boumediène's party of vague populist revolutionary socialist ideology that had no grass roots support.

When in opposition, the PSOE demanded the abrogation of the Madrid Accord although, as rightly described by *El Pais*, "what is going on in the Maghreb is not simply 'a horse opera' between goodies and badies, but rather a jungle of confused interests where Spain's attitude is

essential to maintain a balance, however, unstable, in the area ".<sup>22</sup>

The Saharan issue provided the Spanish Socialists with a cause with which to attack the ruling party's foreign policy. It also became a vote-catching theme despite the fact that the Spanish socialists and communists supported Morocco's claims to Western Sahara until 1970.<sup>23</sup>

Paradoxically, when the Socialists came to power in Madrid, the government's Saharan policy remained intact and Felipe Gonzalez was keen to strike a balance between Morocco and Algeria while maintaining strict neutrality in the ongoing diplomatic and military wrangle. When in opposition, the Socialists recognised Polisario and the SADR but once in power there was no official recognition of either.<sup>24</sup>

Since 1977, an arms embargo was imposed on the warring parties,<sup>25</sup> but Algeria and Polisario wanted more from the Socialists in power and were not prepared to accept their neutrality in the conflict. Therefore, Algeria began to court the leadership of the ETA separatist group some of whom were encouraged to take refuge in Algiers.<sup>26</sup>

Meanwhile, Polisario guerrillas were urged to launch attacks on Spanish trawlers resulting in the abduction of three Spanish fishermen on 14 November 1977 and eight others on 20 April 1978. The following August six Spanish fishermen were killed in an attack by Polisario guerrillas using rubber speed-boats. When Madrid lodged a protest to Algiers, it was urged to negotiate directly with Polisario to secure the release of the captives. Spain gave in to Algerian pressure by sending Javier Ruperez, a member of the ruling party (UCD), to attend Polisario's fourth congress in Algeria in September 1978 and sign a joint communiqué stipulating that Polisario was the legitimate representative of the Sahrawis.<sup>27</sup>

By 1978 a hundred bomb attacks had been perpetrated in the Canary Islands by the Algerian-backed MPAIAC. One of these bomb threats was partially the cause of the worse crash in aviation history when two jumbo-jets collided resulting in the death of several hundred tourists.<sup>28</sup>

The UCD recognition of Polisario and the Premier's visit to Algiers in the spring of 1979, significantly improved relations but it did not prevent Polisario guerrillas from capturing some forty Spanish fishermen by 1980.

By then, however, Spain refused to yield to Algerian pressures and intimidating tactics and denounced the Polisario's "hostage taking"



and harassment of its trawlers.<sup>29</sup> Anxious not to jeopardise its relations with Morocco for various reasons, Madrid was constantly subject to Algeria's economic leverage and support for Spanish dissidents, prominent among them was the MPAIAC<sup>30</sup> and ETA. On the other hand, Moroccan-Spanish relations, however, blew hot and cold and reached periods of crisis especially following the UCD's recognition of Polisario and the Premier's visit to Algiers.

To achieve a balance in relations with Morocco and Algeria, King Juan Carlos of Spain paid an official visit to Morocco in June 1979 when he reiterated his country's commitment to the Tripartite Madrid Accord. In addition, the five-year 1977 bilateral fishing agreement was adopted by the Spanish Cortes on 15 February 1978 by a vote of 175 to 142.<sup>31</sup>

The Moroccans, however, never ratified this agreement as a sign of displeasure at Spain's accommodating policy towards Algeria and especially the ruling party's recognition of Polisario.

Instead, Morocco sought a comprehensive economic accord that would allow free overland transit of Moroccan citrus fruit to Europe, improved facilities for Moroccan immigrants transiting through Spain and genuine cooperation based on good neighbourliness and mutual respect.<sup>32</sup>

As Spain attempted to achieve a balance between Algeria and Morocco, Boumediène unleashed MPAIAC terrorist attacks in the Canary Islands and encouraged the Polisario to launch attacks on Spanish fishermen. This carrot and stick policy was resorted to according to the degree of favouritism shown by Spain towards the parties involved in the Saharan imbroglio.

Morocco, meanwhile, tightened control over its territorial waters and detained the numerous Spanish fishing vessels engaged in illegal fishing,<sup>33</sup> while the Moroccan press called for the recovery of the Spanish enclaves of Ceuta and Melilla.

When Algeria resorted to pressure on Spain, government and opposition united to fend off Boumediène's threats publicly or through concessions.

When the Moroccans attempted to apply their fishing rights along the Atlantic and Mediterranean coasts and the political parties reiterated their claims over the Presidios, the old anti-Moroccan colonialist prejudice surfaced in all political factions while the resentment and rancour of those who were not yet resigned to the loss of North

African colonies fuelled the nationalistic sentiments to unite all against a so-called "Moroccan imperialism" and threat to Spain's "territorial integrity".

When the extremely sensitive issue of the Presidios was revived, it mattered little that, for over a century of dispute, Spain was undoubtedly the aggressor and Morocco the victim.

If one seriously believed what was written in some Spanish publications, one would have thought that the Moroccans were fishing in Spanish waters and not the other way round. As a Canary Island fisherman once claimed, "these waters belong to Spain and ... in five years time we will be working for the Moors".<sup>34</sup>

After years of chilly-warm relations and on and off negotiations over fishing rights, a year-long fishing accord was concluded in Madrid on 1 April 1981 to allow an increase in the volume of Morocco's export to Spain, a substantial rise in fishing royalties and Spain's participation in developing Morocco's fishing industry.<sup>35</sup> This agreement was repeatedly renewed until Morocco signed a global accord with the EEC in 1988.<sup>36</sup>

A Polisario attack on a Spanish trawler and a patrol boat off the Canary's eastern coast in September 1985 prompted Madrid to expel Polisario representatives and closing down their offices in Spain.<sup>37</sup> The decision plunged Algerian-Spanish relations to an all time low but they soon improved when Algeria resorted to courting the ETA leaders. Spain retaliated this time by encouraging the former Algerian president Ahmed Ben Bella and his followers to reactivate their opposition to the Algiers regime. By 1987, a deal was struck between Algiers and Madrid to keep the activities of either countries' dissidents under control. Polisario resumed activities from Spain the following year and Ben Bella's followers were deported.

Although Spain remained committed to the Madrid Accord, its attention became increasingly focused on the need to defend the Presidios from Morocco's irredentist claims and the Canary Islands from Algeria's subversive activities. Spain was firmly aligned with Algeria after Spanish troops withdrew from the territory in 1976 and even the Spanish Prime Minister Felipe González declared in Tindouf, in November 1976, that "our party will be with you until the final victory".

<sup>37</sup> But once in power, Gonzalez and the PSOE pursued pragmatic policies in an effort not offend either party in the Saharan conflict. He ruled for the next 13 years during which Spain joined NATO and the

European Union.

Spain signed a friendship, co-operation and good neighbourly treaty with Morocco on 4 July 1991. The longest-serving Spanish Prime Minister (1982 to 1996) later confirmed Morocco's legitimate claims on Western Sahara as part of Morocco before the occupation in 1884 and pointed out at an international conference in Madrid on 28 September 2009 that "there is no economic activity in Western Sahara". (39)

In March 1996, Jose Maria Aznar's Popular Party (PP) won a plurality of votes and was reelected in March 2000, obtaining absolute majority in both houses of parliament. His policy towards the Saharan question was ambiguous and his relation with Morocco reached breaking point because of various incidents most prominent of them was the armed confrontation over Leila Island (Persil) off the Moroccan Mediterranean coast. (40) However, on 14 March 2004 only three days after a devastating terrorist attack on Madrid commuter rail lines that killed 191 and wounded over 1,400, Spanish voters opted for the PSOE and its leader, Jose Luis Rodriguez Zapatero, who kept a watchful eye on the Western Saharan issue without taking sides and he was reelected for a second term on 9 March 2008. After the Saharan issue reached a stalemate at the UN and the looming threat of terrorism became real, his government welcomed Morocco's autonomy initiative and called for a political solution to the conflict to help stabilise Spain's southern border. (41)

For practical economic, political and geo-strategic interests, however, Spain, like France, wished to remain on good terms with both Morocco and Algeria: the former as an influential state in the Arab World and the latter in the Third World (Algeria) while both were neighbours and partners in trade and other matters of common interest including security and illegal migration.

## NOTES

- 1 It comprised Morocco, Guinea, Ghana, Mali, Egypt and the GPRA.
- 2 Roland Oliver and John D. Fage, *A short History of Africa*, Penguin African Library, London, 1962, pp.251-253.
- 3 *El-Moudjahid*, Algiers, 9 November 1966.
- 4 J. Recoules, "Notes sur la frontiere méridionale du Maroc", *l'Afrique et l'Asie*, No 64, Paris, 1963.
- 5 B. Jacquin, L'auto-determination du Sahara espagnol, *Revue Générale de Droit International Public*, Paris, 1974, pp. 683-725.
- 6 The resentment is purely professional and not based on political or ideological principles. This is underlined by the fact that the Chief Inspector of the Spain's armed forces was dismissed in 1969 for publicly supporting Morocco's claims to Western Sahara. John Mercer, *Spanish Sahara*, Allen and Unwin, London, 1976, p.236..
- 7 *The Financial Times*, London, 5 March 1987, p.2.
- 8 See map of the Presidios next page.
- 9 Andre Dessens, "Le problème du Sahara occidental trois ans après le depart des espagnols", *Maghreb-Machrek* 83, January-March 1979, pp.82-84.
- 10 Virginia Thompson and Richard Adloff, op. cit., p. 22.
- 11 *Le Monde*, Paris, 23 December 1977; *Christian Science Monitor*, 27 December 1977; Julio Cola Alberich, "Las Islas Canarias y los acuerdos de la OAU", *Revista de Politica Internacional*, March-April 1978, pp. 45-66.
- 12 Spain's trade links with Algeria increased tenfold by 1971. See, *Marchés Tropicaux*, March 10, 1972. In April 1972 Spain concluded an 18-year agreement with Algeria for the supply of natural gas. The following month Spain and Morocco renewed a fishing agreement for five years. See, *Maghreb* 53, September-October 1972. By 1975, Algeria became Spain's biggest market in Africa.
- 13 *El-Moudjahid*, Algiers, 19 December 1977.
- 14 *Annuaire de l'Afrique du Nord* 16, 1977, pp. 909-910.
- 15 Antonio Cubillo, a lawyer from Tenerife, was the leader of the MPAIAC. See Alfredo Margarido, "Les Iles Canaries entre l'Europe et l'Afrique", *Revue Francaise d'Etudes Politiques Africaines* 33, September 1968, pp. 44-57; Attilio Gaudio, "Les Iles Canaries a la dérive", *le Mois en Afrique* 190-191, October-November 1981, pp.8-26.
- 16 *El Pais*, Madrid, 1 March 1978.
- 17 John Damis, *Conflict in Northwest Africa*, op. cit., p. 105.
- 18 Alberto Miguez, "Le Sahara occidental et la politique maghrebine de l'Espagne", *Politique Etrangère* 2, 1978, pp.173-180; Andre Dessens, "le problème du Sahara...op.cit.pp. 82-84; see also interview given by the Spanish minister of foreign affairs Senior Jose Maria de Areilza to *Maghreb Arabe Presse*, 6 May 1976.
- 19 Robert A. Mortimer, "Western Sahara: The Diplomatic Perspectives," *Africa Report* 23, No 2, March-April 1978, pp.12-13; Juan Antonio



- Carrillo Salcedo, "la posicion de Espana respecto de la cuestion del Sahara occidental: de la declaracion de principios de Madrid al comunicado conjunto Hispano-Algerino", *Revista de Politica Internacional* 163, May-June 1979, pp. 117-126.
- 20 The Central Democratic Union (UCD).
  - 21 The Spanish Socialist Workers Party (PSOE). It rejected the Madrid Accord of november 1975 when in opposition but accepted it when it assumed power. *Annuaire de l'Afrique du Nord* 16, 1977, p.910.
  - 22 *El Pais*, Madrid, 21 December 1977.
  - 23 Juan Goytisolo, "Atlantic Sahara...op. cit.
  - 24 *The Times*, London, 11 March 1983, p.7.
  - 25 Andre Dessens, op. cit.; *Le Monde*, Paris, 19 June 1979, p.5.
  - 26 *The Financial Times*, London, 5 March 1987, p.2.
  - 27 Maurice Barbier, *Le conflict du Sahara..op.cit*, p.246; David Lynn Price, *The Western Sahara*, Sage Publications, London, 1979, p.58; Joe Mercer, the Sahrawis of Western Sahara, op.cit., p. 15; John Damis, *Conflict ...op. cit.*, p. 106.
  - 28 John Damis, *Conflict...op. cit.*, p. 106.
  - 29 *Le Monde*, Paris, 14 June 1979, p. 4 and October 4,1981, p. 11.
  - 30 *Le Monde*, Paris, 14 June 1979, p. 4.
  - 31 *Maghreb-Machrek* 81, July-September 1978, pp. 4-6. This agreement replaced that concluded in May 1972.
  - 32 *Le Monde*, Paris, 19 June 1979, p.5; *the Middle East International*, No 123, London, 25 April 1980, pp. 6-7.
  - 33 *The Middle East International*, No 123, London, 25 April 1980, p. 7.
  - 34 *Mundo Obrero*, April 13, 1978.
  - 35 *El Pais*, Madrid April 2, 1981, pp.1 and 7; *Le Monde*, 2 April 1981, p. 5.
  - 36 *Al-Ittihad Al-Ichiraki*, Casablanca, 27 February 1988, pp.1-2 ; *Le Matin du Sahara*, Casablanca, 28 May 1988, p. 5.
  - 37 A corporal was killed, two other members of the patrol boat were wounded and seven fishermen were unaccounted for. See, *Africa Now*, London, November 1985, p.20
  - 38 [http://documentos.fundacionfaes.org/document\\_file/filename/975/00336-00\\_-\\_papeles\\_46\\_ingles\\_sahara.pdf](http://documentos.fundacionfaes.org/document_file/filename/975/00336-00_-_papeles_46_ingles_sahara.pdf). Original photographs and videos of the event available in <http://www.nodo50.org/labarored/interpueblos/Sahara/noticias/junio06.htm>,
  - 39 [http://wsrw.org/index.php?parse\\_news=single&cat=105&art=1261](http://wsrw.org/index.php?parse_news=single&cat=105&art=1261)
  - 40 Leila Island incident
  - 41 Statement by the Polisario Front's delegate for Spain, Brahim Ghali, to *Europa Press* on April 8, 2007 quoted in "El Frente Polisario 'lamenta' la adhesión 'peligrosa' del PSOE al plan de autonomía marroquí para el Sahara", *Libertad Digital*, April 8, 2007, <http://www.libertaddigital.com/php3/noticia.php3?cpn=1276302926>, 21 de mayo de 2007, 17:03; also [http://documentos.fundacionfaes.org/document\\_file/filename/975/00336-00\\_-\\_papeles\\_46\\_ingles\\_sahara.pdf](http://documentos.fundacionfaes.org/document_file/filename/975/00336-00_-_papeles_46_ingles_sahara.pdf)



## CHAPTER TWENTY: THE EUROPEAN UNION AND WESTERN SAHARA

No European state recognised or provided support for the Polisario and its political wing.

During the cold war, East European countries expressed sympathy for the Polisario but preferred to remain neutral in a conflict they knew too well that the outcome would be decided between Morocco and Algeria as the main protagonists.

The primary concern of the European Union (EU) was to contain the conflict locally and prevent it from affecting the whole Mediterranean region. Western powers had no wish for Western Sahara to become another African base for Cuban troops as was the case with Angola.

While Western European countries observed strict neutrality they could not ignore what was happening in their back garden. This was reflected in a motion submitted by the Political Affairs Committee to the European Parliament for adoption as a resolution on 22 October 1980.<sup>1</sup> The resolution was adopted by 15 votes to 9 with one abstention. Thus the resolution pointed out, among other things, that, "the nationality of the Saharan peoples living in Algeria in the area bordering Tindouf has not been authenticated, nor have they been counted by the Commission for Refugees (UNHCR) in accordance with the mandate it received from the United Nations, and that arrangements have not yet been made for the return under the supervision and permanent protection of the HCR of people genuinely originating in the Western Sahara and wishing to be repatriated".<sup>2</sup> This was a clear reference to Algeria's constant refusal to allow the UNHCR and the International Committee of the Red Cross to conduct a census in the Tindouf camps to identify those originating from Western Sahara proper.

As to Algeria's position in the conflict, the resolution, "urges the Algerian Government not to authorise the use of its territory bordering on Morocco for the launching of armed attacks on that country, in accordance with the recommendations on the location of refugees formulated by the Summit Conference of African Heads of State meeting in Libreville in 1977".<sup>3</sup>

With regards Gaddafi's involvement in the Saharan dispute, the European Parliament, "demands that the Libyan Government abandon its plan for destabilisation and domination in the Sahel area, and to refrain from any action calculated to prejudice the territorial integrity or

national identity of countries in the region".<sup>4</sup> The resolution also invited the European governments to mediate between Morocco and Algeria to solve the Saharan issue.

Contrary to the belief that members of the European Parliament were not well informed of the Saharan imbroglio,<sup>5</sup> Europeans were well aware of Maghrebi affairs. Historical affinities and proximity as well as economic partnership constituted an important link between the two regions.

Three motions were tabled by the Socialist and Communist groups of the Parliament in favour of the Polisario and only one was in favour of Morocco.

By urging Algeria not to authorise the use of Tindouf as a base for the launch of armed aggression against Morocco, the European Parliament implicitly pointed out that the conflict was kept alive from outside the disputed territory by the direct complicity of the Algerian government. The adopted report also lent credence to Morocco's argument that the Polisario did not serve the interests of the natives but those of Algeria. The Parliament endorsed the call for the UNHCR to conduct a census in the Tindouf camps to determine the exact number of the Sahrawis who were natives of Western Sahara. The census had never been held since the Algerian authorities refused to allow it to take place.

European attitudes towards Algeria have been rather vague and tended to focus mainly on maintaining the stability of the regime and containing violence, without paying sufficient attention to the root causes of internal unrest triggered by the canceled elections in 1990. Europe hardly reported the daily death of innocent people during the Algerian civil war. A strong Algerian military has been seen as the best means of keeping a lid on unrest, avoiding massive outward migration and the possible spill-over of terrorist violence into Europe. The preservation of Europe's supply of crude oil and natural gas was of major concern and not the loss of thousands of lives. European states have largely accepted that they have no role to play in determining Algeria's future political complexion, therefore, the Moroccan-Algerian dispute over Western Sahara, as long as it is contained within the confines of North-west Africa, is of minor consequence to their overall interest.

The fact remains that Western Europe is only too aware of the looming danger over the security and stability of the Western Mediterranean region that could be compromised if Algeria and Morocco engage in an open armed confrontation.

The strict neutrality adopted by European states made plain that the conflict had to be resolved by the governments of Algeria and Morocco and only they can find a peaceful solution if the political will exists.

The European Union believes that the construction of a united, stable and integrated Maghreb is largely dependent on finding a solution to the Western Sahara conflict.<sup>6</sup>



## NOTES

- 1 *European Parliament Working Document*, 1980-1981, Document 1-532/80, Strasbourg, 31 October 1980. Four motions for a resolution were tabled on:  
1- Behalf of the Communist and Allies group, 27 September 1979  
(Doc.1-360/79).  
2- The situation in Western Sahara on 14 November 1979 (Doc.1-505/79/Rev.),  
3- Behalf of the Socialist Group on 16 January 1980 (Doc.1-655/79).  
4- The situation in Western Sahara on 15 February 1980 (Doc. 1-791/79).  
The Political Affairs Committee decided to deal with these motions in a single report and appointed Mr Patrick Lalor as rapporteur at its meeting on 31 January 1980.
- 2 *Official Journal of the European Communities*, Resolution on the Western Sahara, 12 March 1981, p. C77/44.
- 3 Ibid, Paragraph 6.
- 4 Ibid, Paragraph 8.
- 5 Maurice Barbier, *Le Conflict du Sahara Occidental*, L'Harmattan, Paris, 1982, p. 324.
- 6 [http://www.franceonu.org/spip.php?article2745&var\\_mode=calcul](http://www.franceonu.org/spip.php?article2745&var_mode=calcul).  
Accessed on 18 December 2009



## CHAPTER TWENTY-ONE: THE ARAB WORLD AND WESTERN SAHARA

The Arab states have given unqualified support to Morocco from the outset of the conflict. This was partly due to King Hassan's leading role in Arab affairs and the Islamic world and most importantly to the fact that President Boumediène publicly pledged to provide unconditional backing to Morocco and Mauritania in their joint effort to recover the Spanish-occupied Saharan territory. Boumediène's pledge was in the form of a speech delivered before his Arab peers at the Arab Summit in Rabat in October 1974.<sup>1</sup> Better informed over the Saharan question, Arab leaders were opposed to further division within the Arab fold and pointed out that the Mauritaniens were just as Sahrawis as the Polisario guerrillas and that the same applied to Southern Moroccans.

They advised against taking sides and wondered why should Arabs favour some Sahrawis over others especially when thousands of them still roam the desert from the Atlantic to the River Nile. The Arabs knew that there never existed a Sahrawi nation and the creation of one would set a precedent and provoke dissent within other Arab states.

Prior to the Spanish withdrawal from Western Sahara in February 1976, Boumediène stated repeatedly that the issue was of decolonisation and not self-determination. This statement was confirmed by the former Spanish Prime Minister Felipe Gonzales (1982-1996) at an international conference in Madrid on 28 September 2009.<sup>2</sup>

Some Gulf States argued that a Sahrawi state would not be viable. This was illustrated by their vigorous opposition to a French proposal to hold a referendum in the Algerian Sahara in the early 1960's to create a Saharan entity called " Organisation Commune des Regions Sahariennes" (O CRS).<sup>3</sup>

The same Arab leaders rejected Algeria's call for an independent Saharan state. They saw that the question was not about the self-determination of a few Reguibats but one of the conflicting geopolitical and ideological views in Rabat and Algiers. They believed that Algeria and Morocco were locked into a confrontation for reasons of realpolitik and the Sahrawis were merely a means to an end.

Morocco addressed a memorandum to the Arab League on 4 August 1976, in which "Algerian aggression" was denounced as well as the "sequestration of Sahrawi refugees at Tindouf". The League was reluctant to deal with the problem fearing it would distract member

states from the dominant issue of the Palestinians' plight and could also lead to a division of the Organisation into "moderate" and "radical" groups as was the case with the OAU.

In December 1977, Uganda proposed a joint meeting of the Arab League and the OAU in Cairo to settle the Saharan dispute. Morocco favoured the proposal whereas Algeria opposed it. Boumediène was reluctant to discuss the issue at the Arab League because the overwhelming majority of member states would be in favour of Rabat.

Indeed, Boumediène's pledge to Morocco at the 1974 Arab Summit was still fresh in the mind of most Arab leaders who simply disapproved of his volte-face and ulterior motives.

Following the armed confrontation between Moroccan and Algerian forces at Amghala in 1976,<sup>4</sup> Saudi Arabia and Egypt made several attempts at mediation but in vain.

President Anwar Sadat of Egypt made numerous phone calls to King Hassan and Boumediène while Vice-president Hosni Mubarak shuttled between Rabat and Algiers in an attempt to persuade the Maghrebi leaders to accept a cease-fire followed by a foreign ministers meeting and a summit. The Egyptian proposal became stillborn when Algeria insisted on Morocco's withdrawal from Western Sahara as a prerequisite for further progress.<sup>5</sup>

The Saudi mediation by crown prince Fahd met the same fate and so did that of Tunisia and other Gulf states.

Boumediène's successor, President Chedli Benjdid, had a brief but significant meeting with King Hassan at the border village of Akid Lotfi in February 1983,<sup>6</sup> then the idea of the long-awaited summit between the five Maghrebi states was revived again by Tunisia's Premier Mohamed Mzali early in 1986.<sup>7</sup>

The Chedli-Hassan meeting brought the idea of the "greater Maghreb" back on centre stage especially when borders between the two states were opened.<sup>8</sup> The meeting, which was the first official contact between the two Maghrebi leaders, was welcomed throughout the Arab world. Although it did not yield much in terms of political decisions, it did lead to a thaw in relations and created a new climate of trust and mutual respect between King Hassan and President Chedli.

Another meeting between the two leaders was convened on the border on 4 May 1987 in the presence of King Fahd of Saudi Arabia who was a successful mediator.<sup>9</sup> The meeting led to the normalisation of relations between Algeria and Morocco. It also marked a turning point

in relations and eventually led to a rapprochement that culminated in the restoration of diplomatic links between Rabat and Algiers on May 16, 1988.<sup>10</sup> The move was hailed as "a victory for economic commonsense over political warring".<sup>11</sup> It was pointed out that "economic necessity must take precedence" over political differences.<sup>12</sup>

The Tunisian foreign minister even went further when he said that building Maghreb unity should "transcend the Saharan problem".<sup>13</sup> There were rumours of a secret deal over the Western Sahara,<sup>14</sup> but these were promptly denied by Rabat and Algiers.<sup>15</sup>

Algerian officials confirmed that the process to settle the dispute had started when, on the eve of his state visit to the United Kingdom, King Hassan declared in an interview with the British press<sup>16</sup> that Algeria was not a "party" to the conflict but rather an interested one.<sup>17</sup> The King's statement was construed as a tactical move to help defuse the tension and make it easy for President Chedli to extricate his country from a war in which it had been engaged by proxy since 1975. The King's initiative, although considered as an important concession, contributed significantly in improving relations and eventually led to the restoration of diplomatic links. In a region where it is vitally important not to lose face, all the parties concerned seemed anxious to emphasise that there would be no winner or loser in the outcome of the Saharan imbroglio. There is also the argument that Algeria was keen to have all Arab heads of state attend the Arab Summit convened in Algiers on June 7, 1988.<sup>18</sup> King Hassan's role in Arab affairs was very significant and his political clout among his Arab peers was not to be ignored. There may, therefore, be credence in the argument that Algeria pledged to play down the Saharan issue in return for the Moroccan monarch's presence in the Algiers summit. It may also be contended that Algeria's insistence on direct talks between Morocco and the Polisario has weakened. As a result, "Algeria appears to be backing down from this standpoint for the sake of Arab unity".<sup>19</sup> The event provided King Hassan and President Chedli with a unique platform not only to air their views but most importantly to make the long elusive and sought-after Maghreb Summit a reality in Algiers on 10 June 1988.<sup>20</sup> It was a dream come true for millions of Maghrebis who set great store on the concretisation of a united Maghreb. It was the first time ever that five leaders of the Maghreb managed to meet under the same roof. This in itself constituted a historic event. Numerous attempts in the past had failed to convene such a meeting because Algeria insisted on the



presence of the self-proclaimed SADR President Mohamed Abdelaziz, a condition unacceptable to Moroccans.<sup>21</sup>

The evolution in better relations between Maghrebi states was sparked off partly by the advent to power in Tunis of President Zine El-Abidine Ben Ali on November 7, 1987.<sup>22</sup> From the outset, he made it quite clear that he was not going to indulge in taking sides especially in Maghrebi affairs. Tunisia's Premier even stated publicly that the Greater Maghreb unity could not be achieved without Morocco,<sup>23</sup> an indication perhaps that attempts to form axes in the region was not a viable option as it would only sharpen differences. In this context, Tunisia's Premier Hedi Baccouche pointed out that "the Treaty of Fraternity and Concord was surpassed by events".<sup>24</sup> A clear signal that taking sides with or against one another in the region was no longer a viable and pragmatic option.

To put theory into practice, Tunisia and Libya mended their differences with help from Chadli. They then looked to Rabat and Algiers to follow suit.<sup>25</sup> Ben Ali's role in helping create a new climate of détente in the region was favourably responded to by the other leaders.<sup>26</sup> His advent to the Maghreb scene helped set in motion a series of events that eventually led to the historical Algiers meeting of the five leaders of the Maghreb on June 10, 1988. He also made it clear that the thorny Saharan dispute should not continue to compromise the future of the region and should not remain the major obstacle to the Maghreb unity concept. This was an implicit call to Morocco and Algeria to sort out their differences over the Western Sahara. On the other hand, he embarked on settling his own problems with neighbouring Libya. The Jamahiriya's close ties with the Polisario were often attributed to Gaddafi's watchful eye to the future and his cherished dream of establishing an Islamic legion across the African desert under his patronage. As the dream seemed to have been shattered by the debacle in Chad and problems on the home front and the international arena, Gaddafi appeared increasingly less inclined to provide for the Polisario. He publicly endorsed the UN peace plan as a viable option. Although his public stand may be one of neutrality, he may, in view of his past revolutionary zeal, easily change his mind. Since Rabat and Algiers restored diplomatic relations, King Hassan and President Chadli seemed to have engaged in an irreversible reconciliation process that could only facilitate the settlement of the Saharan issue. Consequently, a cooperation agreement was concluded on July 6, 1988 exactly a week before the meeting in Algiers of the

inter-Maghreb Committee which had been formed by Maghrebi leaders following their meeting in Algiers on 10 June 1988.<sup>27</sup> As expected, the Polisario violently criticised the rapprochement between Rabat and Algiers apparently "feared a sell-out by Algeria".<sup>28</sup>

Their representative in Washington said that "the restoration of links was not surprising, and the Algerian support for the Polisario has not changed".<sup>29</sup> They, nevertheless, accepted the UN peace plan at Geneva on 30 August 1988 with "certain conditions".<sup>30</sup>

These conditions were later outlined during the UN General Assembly debate and also at a press briefing given by Bachir Mustapha Sayed<sup>31</sup> in London on 24 October 1988.<sup>32</sup>

### **Polisario's five conditions were as follows:**

- Withdrawal of Morocco's armed forces in Western Sahara.
- Withdrawal of Moroccan administration.
- Withdrawal of Moroccan settlers.
- The abrogation of existing Moroccan laws in the disputed territory.
- The start of direct negotiations between Morocco and Polisario.<sup>33</sup>

These conditions were unacceptable to the Moroccans who argued that the armed forces would remain in their barracks during the UN referendum as was customary with any internationally supervised plebiscite. Moreover, Moroccan administration would be called upon only if the necessity arose while the settlers were mostly those Sahrawis who had fled the area following the "Ecouvillon" operation in 1958.

As for Moroccan laws, it is ironic that the Polisario should prefer Spanish laws to Moroccan laws. For genuine Sahrawis, this condition may be construed as an insult to the Islamic principles enshrined in their community.

Boumediène's only ally of any significance in the Arab world was Gaddafi who, for years, opposed the creation of a Sahrawi state deemed divisive and showed reluctance in recognising the SADR and even dropped his pro-Polisario rhetoric following the *rapprochement* with Morocco.

In October 2009, Al-Baghdadi Ali Al-Mahmoudi, Libya's prime minister, said that his country supported the unity and territorial integrity of the Kingdom of Morocco and hoped to turn the page on the past.<sup>34</sup> This is a new chapter in Moroccan-Libyan relations that may have repercussions on Algerian-Libyan relations in future.

Arab leaders have given no sign of changing their position and are still anxious to bring the conflicting parties, Morocco and Algeria, to a negotiating table to sort out their long standing differences.

## NOTES

- 1 See text in Appendix.
- 2 See: [http://wsrw.org/index.php?parse\\_news=single&cat=105&art=1261](http://wsrw.org/index.php?parse_news=single&cat=105&art=1261) accessed on 16 November 2009.
- 3 *Le Monde*, Paris, 13 March 1976.
- 4 Maurice Barbier, op. cit., P. 185; Virginia Thompson and Richard Adloff, op. cit., P. 239; Raoul Weexteen, "la question du Sahara Occidental", *Annuaire de l'Afrique du Nord* 15, 1976, p. 259.
- 5 *Le Monde*, Paris, 6 February 1972, p. 2.
- 6 *The Middle East*, London, May 1984, p. 42; *the International Herald Tribune*, Paris, 1 March 1983; *Arabia*, No 231, London, July 1983, p. 35; *Le Monde*, Paris, 1 March 1983, p.1; *The Financial Times*, London, 28 February 1983, p. 2.
- 7 *African Concord*, London, 6 March 1986, p. 23.
- 8 *The Financial Times*, London, 4 May 1983, p. 4.
- 9 *Jeune Afrique*, No 1375, Paris, 13 May 1987, pp. 33-34; and No 1376, 20 May 1987, pp. 4-10.
- 10 *Le Monde*, Paris, 18 May 1988, pp. 1 and 3; *the Independent*, London, 18 May 1988, p. 8; *the Times*, London, 18 May 1988, p. 8; *the Financial Times*, London, 17 May 1988, p. 4; *the Guardian*, London, 17 May 1988, p. 8; *Jeune Afrique*, No 1429, Paris, 25 May 1988, pp. 18-19.
- 11 *The Times*, London, 18 May 1988, p. 8.
- 12 Ibid.
- 13 Interview of Tunisia's foreign minister Mr Mahmoud Mestiri with *Jeune Afrique*, No 1438, Paris, 27 July 1988, pp. 27-28.
- 14 *Jeune Afrique*, No 1434, Paris, 29 June 1988, pp. 12-13.
- 15 *Le Monde*, Paris, 10-11 July 1988, p. 5.
- 16 *The Times*, London, 11 July 1987, p. 6; *The Sunday Times*, 12 July 1987.
- 17 *Le Monde*, Paris, 18 May 1988, p. 3.
- 18 *The Financial Times*, London, 17 May 1988, p. 4.
- 19 *The Guardian*, London, May 17, 1988, p.8.
- 20 *Le Monde*, Paris, 12-13 June 1988, p. 3.
- 21 *Jeune Afrique*, No 1257, Paris, 6 February 1985, p. 27.
- 22 *Jeune Afrique*, No 1416, Paris, 24 February 1988, pp. 17-19.
- 23 *The Times*, London, 18 May 1988, p.8; *Le Matin du Sahara*, Casablanca, 29 November 1987, pp. 1 and 6.
- 24 *Jeune Afrique*, No 1435, Paris, 6 July 1988, p. 40.
- 25 *Jeune Afrique*, No 1438, 27 July 1988, pp. 27-28; No 1415, 17 February 1988, pp. 24-25; No 1416, 24 February 1988, pp. 17-19; *Le Monde*, 12-13 June 1988, p. 3.
- 26 *Jeune Afrique*, No 1430, Paris, 1 June 1988, p. 21.
- 27 *Le Monde*, Paris, 12-13 June 1988, p.3 and 10-11 July 1988, pp.1 and 5.
- 28 *The Guardian*, London, May 17, 1988, p. 8.
- 29 *The Independent*, London, May 18, 1988, p. 8.



- 30 *Le Monde*, Paris, September 1, 1988, p. 3.
- 31 He is number two in the RASD and brother of the Polisario founder El Wali Sayed. He was also born in Morocco and educated there. On 16 August 1988, he was appointed Polisario's representative in charge of external relations. See *Agence France Presse*, dispatch, Algiers, 16 August 1988,XT; *Jeune Afrique*, No 1443, Paris, 31 August 1988, p. 22.
- 32 The author attended the briefing and asked questions on the important issue of direct negotiations and the UN peace plan.
- 33 *Polisario Press Release*, "the question of Western Sahara before the 43rd UN General Assembly Session", New York, October, 1988. It was distributed during Bachir Mustapha Sayed's press briefing in London on 24 October 1988.
- 34 *Asharq al-Awsat*, 24 October 2009.



The Polisario armed forces in Tindouf, south-western Algeria



## CHAPTER TWENTY-TWO: THE MILITARY SITUATION

Since the beginning of the Saharan conflict in 1975, the politico-military situation in North-West Africa experienced great changes. The two countries consistently involved in the dispute, Morocco and Algeria, appeared resigned to a state of undeclared war and embarked, from the outset, on a frenzied arms race that nearly led to open armed confrontation.

On the battlefield, some 80,000 of a total of 200,000 Moroccan troops, were deployed in the Western Sahara, a vast and arid territory the size of Britain.<sup>1</sup> They were under strict orders not to confront the Algerian forces directly or pursue the Polisario guerrillas across the frontiers. The Moroccan armed forces "*Forces Armées Royales*" (FAR) adopted a defensive position until they clashed in January 1976 with Algerian forces in Amghala where a bloody battle took place and as a result, 136 Algerian soldiers were made prisoners.<sup>2</sup> King Hassan addressed a message to the Algerian President imploring him either to refrain from interfering militarily in the Western Sahara or declare war. Since then, the Algerian Saharan policy experienced a profound change translated into proclaiming the SADR in Tindouf on 27 February 1976, increasing Polisario's firepower with the help of Libya and swelling their ranks with Tuareg, Rguibat and Chaamba mercenaries who had fled the chronic drought in the Sahel region.

When the conflict escalated at the beginning of 1976, Moroccan troops, in isolated garrisons, were often exposed to surprise attacks from the Polisario guerrillas with bases in Tindouf, south-west Algeria. Morocco's armed forces became easy targets for the Polisario's motorised columns which were equipped with increasingly sophisticated weapons. Initially, the Polisario fighters had some success with their hit-and-run tactics against isolated military targets but were unable to liberate any territory despite their claims to the contrary.<sup>3</sup>

The turning point came when the Moroccan forces embarked on a defensive wall-building to secure the strategic positions and inhabited areas of the desert territory. As early as 1979, the "security wall" or "wall of sand" was constructed in six stages from 1980 to 1987 with five "breaches" along the wall to allow Moroccan troops the right of pursuit. The wall was reinforced with surveillance units relaying information to intervention units, equipped with radar and protected

by barbed wire over 2,500 km long. A strip of several hundred metres of minefields prohibited access.<sup>4</sup> The sixth wall which runs along the Mauritanian frontier to end at the Atlantic was designed to seal off the whole territory from Polisario infiltration and attacks on fishing trawlers off the Atlantic coast.<sup>5</sup>

Apart from a no man's land along the Algerian and Mauritanian frontier, east of Western Sahara, over 80 per cent of the territory was secured by Moroccan forces.<sup>6</sup>

The sixth defence wall, which runs some 2,500 Km down from Zag along the Algerian and Mauritanian frontiers to the Atlantic, was apparently built in two months at a rate of nine kilometres a day.<sup>7</sup> The sand and rock wall some two to five metres high and snaking over the rocky contours proved a valuable military acquisition. It served the Moroccans as an effective protection from Polisario guerrillas' hit-and-run tactics despite initial military experts' doubts to the contrary.<sup>8</sup> "It is by no means the China wall or the Berlin wall but it serves its purpose", said General Abdelaziz Bennani commander of Morocco's southern military zone including Western Sahara.<sup>9</sup> The "security wall", as it was commonly referred to, defied all predictions in guerrilla warfare to prevent the guerrillas from entering into the Western Saharan territory from their permanent bases in the Algerian town of Tindouf. It is backed up by electronic radar detecting sensors capable of picking up movement at a distance of 60 Km.<sup>10</sup> The wall, which is an African "first" in warfare, is monitored by army watch-points every four to five km so that troops from a dozen of these can converge on points of attack within the hour. Artillery units as well as a rapid deployment force are on the alert to provide back-up as well as air-cover as a last resort to deter any move from Polisario guerrillas to breach the "security wall".<sup>11</sup>

The wall's approaches are covered with mines and scanned by sensors. Polisario guerrillas claimed that the radar system was ineffective but a journalist from the American magazine "*Newsweek*" left his bag at the wall and this was later detected and returned to him.<sup>12</sup>

The Algerian government daily "*El-Moudjahid*" said that "Rabat believed the new wall would definitely secure the Atlantic. It intends to deceive the EEC with which it was about to renegotiate the fishing agreements".<sup>13</sup> Morocco concluded a fishing agreement with the EEC in which there was no reference to Western Sahara's territorial waters.<sup>14</sup> A sign perhaps that these waters were secure for Spanish and Portuguese fishing trawlers.

Polisario guerrillas have, so far, not been able to breach the defence wall nor gain access to the Atlantic, except through Mauritanian territory proper on which they roam freely because of the inability of the Mauritanian authorities to control their frontiers.

Morocco's strategy of defensive walls dramatically affected the military activities of Polisario guerrillas who attempted, on many occasions, to breach the wall but suffered heavy casualties.<sup>15</sup> The wall seriously curtailed the guerrillas' military operations as they could no longer stage major attacks of the kind they had previously launched against Moroccan forces isolated in remote strategic positions. The guerrillas had to adopt less audacious tactics than formerly and operate symbolically lest the conflict should lose its military significance. Moroccan forces, on the other hand, felt so sure of their control of the territory that they allowed foreign tourists to visit the area and film producers were invited to shoot films there.<sup>16</sup>

Holding on to Western Sahara has been a costly operation for the Moroccans but equally as expensive for the Algerians whose military and diplomatic activities centred wholly on the Saharan issue.

In 1985, King Hassan announced that a billion dollars would be spent on his army over the following five years.<sup>17</sup> On the other hand, Algeria also concluded an agreement in 1987 with the Soviet Union for the purchase of one billion dollars worth of arms.

These were considerable sums by African standards and could instead have made an impact developing the socio-economic infrastructure of the two Maghrebi states. The conclusion of the Oujda Treaty between Morocco and Libya on 13 August 1984 put a stop to Gaddafi's arms supply to the Polisario, a setback that neither Algeria nor its protégés expected. This meant that Algeria alone had to shoulder the Polisario's military costs as well as the upkeep of the Sahrawis in Tindouf camps and the SADR's worldwide representations and diplomatic activities.

Polisario communiqués on casualties were greatly exaggerated for had the published figures been taken at their face-value, the Moroccan army would have been wiped out ten times over. Army officers admitted that casualties were down to two or three dead a month.<sup>18</sup> As the conflict dragged on, more sacrifices had to be made on both sides of the border and the antagonism reached the point of jeopardising the stability of the region by risking the involvement of foreign powers. Indeed, Cuban forces were deployed in Tindouf and before the dismantling of the Soviet



Union, Eastern bloc technicians were manning military equipment too sophisticated for the Polisario to handle.<sup>19</sup>

Polisario guerrillas had lethal Soviet-made anti-aircraft missiles Sam-6,-7,-8 and -9 as well as armoured vehicles including T-55 and T-72 tanks.<sup>20</sup> These have made the Polisario army superior in armament and strength to that of a number of African states. Many observers<sup>21</sup> appeared concerned with the Polisario's commitment to the war and its determination to drive the Moroccans out of the disputed territory. Few, however, have pointed out that the guerrillas depended entirely on Algeria for military and diplomatic support as well as a safe base and the basic necessities of every day life. Without Algeria's support, Polisario would simply disappear overnight. No other movement across the world operated with tanks and heavy artillery partly because of the absence of a safe hide-out. The guerrillas received military training from Algerian, Cuban and some then Eastern bloc instructors but also the convenience of launching military operations from a safe base in Tindouf which is Algerian territory.

The danger of direct clashes between Moroccan and Algerian forces became a strong possibility ever since the military encounter at the Amghala battle in January 1976.<sup>22</sup> The Gulf war carnage coupled with the ravages of other conflicts worldwide, remains a constant and vivid reminder of the disastrous consequences that would result from such an ill-advised venture.

In 1985-86, Algeria embarked on restructuring its armed forces on more professional lines<sup>23</sup> while Moroccan forces had acquired much experience in desert guerrilla warfare which they appear to have won against the odds. The "security wall" strategy changed the military configuration in the battlefield and left no alternative for the Polisario but the use of the uncontrollable Mauritanian territory proper to gain access to the disputed territory's no man's land or resort to direct artillery attacks launched from their bases south of Tindouf. The latter option would automatically have made Algeria directly involved although it was common knowledge that it had firmly been militarily and diplomatically in the driving seat.

The human and material cost for Algeria, the Polisario and Morocco was significant. Landmine victims, Moroccan troops and Polisario fighters were also lost in the conflict. The Polisario detained 2,400 Moroccan soldiers on Algerian soil in holes in the ground covered with corrugated iron in the middle of the desert in Rabbouni, Polisario's

headquarters.<sup>24</sup> Over 120 Moroccan prisoners died in captivity after being subjected to torture, mistreatment or forced labour. In a report published in 1983, the French NGO, *Fondation France Liberté*, referred to them as “the oldest prisoners of war in the world” as some of them remained in captivity for over 25 years.<sup>25</sup> The last remaining prisoners of war, 404, were freed by the Polisario in August 2005, 14 years after the UN-brokered cease-fire in September 1991.

Ali Najab, a Moroccan air force pilot, was held in captivity for 25 years (1978-2003) and he said that he was taken to the headquarters of the Algerian army in Tindouf to be interrogated. He claimed to have been handed back to the Polisario to be repeatedly tortured and mistreated and forced to hard labour often seven days a week.<sup>26</sup> He also stated that some 460 Moroccan military prisoners were held in Northern Algeria namely in Blida, Boughar and Boufarik.<sup>27</sup>

The war over the Western Sahara, as the territory came to be called following Spain's withdrawal, was another of the “proxy wars” between the two camps that defined the international system during the Cold War period. The period of active armed hostilities between the Kingdom of Morocco and the Polisario Front lasted from 1975 until a ceasefire was negotiated by the UN and a peacekeeping mission, known by its initials MINURSO, was established in 1991.

As pointed out by an observer, “after several months of fighting, making a brave defence here and there, the Poliosario finally retreated. Under heavy bombing from the air and sustained attack by Moroccan as well as Mauritanian ground troops, its guerrillas withdrew to safe bases across the Algerian border, taking with them large number of Sahrawi civilians”.<sup>28</sup>

As the strategy of defensive walls gave the Moroccan army the upper hand in military terms, the Saharan problem could not be solved on the battlefield as long as the Polisario bases remained in Tindouf and the Royal Armed Forces (FAR) obeyed the strict orders not to cross the border into Algeria.

The success of Morocco's military strategy was one factor in the rapprochement between the two North-African states in 1988, following a twelve-year hiatus in diplomatic relations precipitated by Algeria's recognition of the Polisario government. Although the Polisario was able to mount an offensive against the sand wall in late 1989, breaking a truce that had held for nearly a year, Algeria, preoccupied by its own internal security problems against militants Islamists, was no longer

willing to devote enough arms and support to keep the independence movement alive. But it still provided refuge on its territory for about 12,000 guerrillas and by the close of 1992 the Polisario's military defeats had nearly ended the insurgency.<sup>29</sup>

Morocco has long resisted an open armed confrontation with Algeria as the spectre of war leave much to be desired for the dire consequences such a move would have on the region.

Being a career army officer and a pragmatist and unlike his predecessor or his successors, President Chedli Benjdid opted for détente rather than confrontation and consequently Algeria and Morocco announced on May 25, 1985 an exchange of military prisoners captured in the hostilities between them since the beginning of the conflict. Algeria freed 150 Moroccan troops who had strayed into Algerian territory and Morocco released "102 Algerian soldiers captured fighting alongside the Polisario in the Western Sahara in 1976".<sup>30</sup> The exchange indicated that a rapprochement was possible and it signalled a thaw in strained relations between the two North-African states. However, after his departure from office in 1992 and the start of a civil war in Algeria, the Algerian military command took over the running of Algerian affairs and ever since the question of Western Sahara has remained the priority of priorities of the Algerian military. Algeria's security services controlled by the powerful military establishment continued to yield considerable influence over government appointments and party politics. (31) Whatever hope there was for a resolution of the conflict, during Chedli Benjdid's presidency, was dashed, yet again, by Boumediène's disciple the current President Abdelaziz Bouteflika (1999- present) who has not come up with any tangible proposals except the division of the Saharan territory between Morocco and the Polisario.

The Polisario's survival depended on the continued antagonism between Morocco and Algeria for influence and dominance in the Maghreb. Once this rivalry loses momentum, the Polisario will simply have to face reality and look for an alternative for accommodation.

The military option as a means to solve the issue was doomed and the only viable and possible platform to seek an internationally sanctioned solution to the issue was the UN.

## NOTES

- 1 *The Times*, 5 May 1987, p. 7; *the Middle East*, London, January 1986, p. 8.
- 2 *Africa Now*, London, April 1986, pp. 10-11; Attilio Gaudio, *Le Dossier du Sahara Occidental*, Nouvelles Editions Latines, Paris, 1978, pp. 386-387 ; Maurice Barbier, op. cit., p. 185; Virginia Thompson and Richard Adloff, op. cit, p. 239; Raoul Weexteen, "La Question du Sahara Occidental", *Annuaire de l'Afrique du Nord* 15, 1976, p. 259.
- 3 *Jeune Afrique*, No 1243, 31 October 1984, pp. 32-35.
- 4 Tel Quel, Casablanca, No 123, 17-23 April 2004.
- 5 *Jeune Afrique*, No 1257, Paris, 6 February 1985, pp. 32-33 and No 1375, 13 May 1987, pp. 44-46; *the Middle East*, London, January 1986, pp. 7-9; *Impact International*, 27 February-12 March 1987. The Author was among the first group of journalists to witness the completion of the sixth wall. We were taken by the Moroccan forces to the point where the wall runs virtually to the Atlantic Ocean along the demarcation line that separates the Saharan territory from that of Mauritania; *Compass Features*, No 17, Luxembourg, 16 May 1987.
- 6 *Jeune Afrique*, No 1375, 13 May 1987, pp. 44-46; *South*, London, April 1986, p. 17.
- 7 *Jeune Afrique*, No 1374, 6 May 1987, pp. 30-31.
- 8 See map next page on where the wall runs.
- 9 Interview with General Bennani at his headquarters in Agadir, on 30 April 1987. He took up his position on 26 January 1983 and served before that as deputy commander to General Ahmed Dlimi; see also, *Jeune Afrique*, No 1375, Paris, 13 May 1987, pp. 44-46.
- 10 *India Today*, New Delhi, 15 April 1986, p. 82.
- 11 *African Concord*, London, 10 April 1986, p. 12; *Jeune Afrique*, No 1374, Paris, 6 May 1987, pp. 30-31.
- 12 *The Middle East*, London, January 1986, p.8.
- 13 *El-Moudjahid*, Algiers, 19 April 1987.
- 14 *Al-Ittihad Al-Ichiraki*, Casablanca, 27 February 1988, pp. 1 and 2; *Le Matin du Sahara*, Casablanca, 28 May 1988, p. 5.
- 15 A major attack launched by Polisario against Moroccan troops across the security wall in August 1985 resulted in heavy casualties and henceforth the war took a new twist as Polisario guerrillas later resorted to firing rockets at a safe distance from the wall. See, *African Concord*, London, 10 April 1986, p. 12; *Jeune Afrique*, No 1331, Paris, 9 July 1986, pp. 40-41.
- 16 *Jeune Afrique*, Ibid; *The Middle East*, London, January 1986, p. 8; *Africa Now*, London, April 1986, pp. 10-12.
- 17 *Africa Now*, London, November 1985, p. 20.
- 18 Interview with high ranking officers of the Moroccan armed forces in April 1987. See also, *The Middle East*, January 1986, p. 8.
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- 21 Maurice Barbier, *Le Conflit...*op. cit.; Tony Hodges, *the Roots...*op. cit.
- 22 Maurice Barbier, op. cit., p. 185; Virginia Thompson and Richard Adloff, op. cit, p. 239; Raoul Weexteen, "La Question du Sahara Occidental", *Annuaire de l'Afrique du Nord* 15, 1976, p. 259.
- 23 *African Concord*, London, April 1986, p. 10.
- 24 "Western Sahara. Keeping it Secret. The United Nations Operation in the Western Sahara", Human Rights Watch, vol. 7, 1995, at [www.hrw.org/reports/1995/Wsahara.htm](http://www.hrw.org/reports/1995/Wsahara.htm).
- 25 "Les Conditions de Détention des Prisonniers de Guerre Marocains détenus a Tindouf (Algérie)", Paris, July 2003, p. 53, at [www.mission-maroc.ch/pdf/Sahara/RapportPOWFRanLibertes.pdf](http://www.mission-maroc.ch/pdf/Sahara/RapportPOWFRanLibertes.pdf)
- 26 Western Sahara: The Cost of the Conflict, *Crisis Group*, No 65, 11 June 2007, p. 9
- 27 Ibid, p. 10.
- 28 Jon Lee Anderson, *Guerrillas: the inside stories of the world's revolutionaries*, HarperCollins, London, 1992, p. 7.
- 29 Claire Spencer, The Maghreb in the 1990s, Adelphi paper 274, *The International Institute of Strategic Studies*, London, February 1993, p.43
- 30 *The Times*, London, 26 May 1987, p. 8.
- 31 *North South*, London, February 2010, pp. 24-25.

## **PART FIVE**

# **INTERNATIONAL ORGANISATIONS, SELF-DETERMINATION AND AUTONOMY**



African Union logo



## CHAPTER TWENTY-THREE: THE QUESTION OF WESTERN SAHARA AT THE OAU

Although in November 1966, the Organisation of African Unity (OAU) Council of Ministers called on Spain to decolonise all African territories (Ifni, the Western Sahara, the Presidios, and Equatorial Guinea) and the call was repeated in 1969 and 1970 by an OAU Summit in compliance with the UN General Assembly relevant resolutions,<sup>1</sup> the diplomatic battle between Morocco and Spain was fought wholly at the UN prior to the decolonisation of the Western Sahara in 1976.<sup>2</sup> The Saharan issue was passed to the OAU in 1976 as the regional organisation in accordance with article 52 of the UN Charter.<sup>3</sup>

A meeting of the OAU Liberation Committee in Maputo, Mozambique, on 19-24 January 1976 decided to recommend the recognition of the Polisario as a Liberation movement at the OAU ministerial meeting in Addis Ababa the following month. During the meeting, the Algerian minister of commerce, Layachi Yaker, did all he could to admit the movement but in vain. Only 17 states were in favour and the majority was not obtained despite full backing from Libya.<sup>4</sup> The proceedings of the Liberation Committee were unusual since no investigation into the credibility of the Polisario was made nor was there any request to consult the Sahrawis in the Western Sahara as to whether the movement or other movements in the territory existed. It was a hasty decision with no legal bearing or administrative significance.

The Algerian-Libyan strategy was to proclaim the "Sahrawi Arab Democratic Republic" (SADR) the day after Spanish troops left the Western Sahara on 26 February 1976.<sup>5</sup> The move was designed to give full support to the Polisario's political wing to be followed later by a worldwide diplomatic campaign by Algiers and Tripoli to gain maximum recognition for the "Sahrawi government in exile" modelled on the Algerian GPRA prior to Algerian independence. President Boumediène sought to capitalise on the worldwide sympathy his country's struggle for independence commanded to rally support to the Polisario especially among Africa's newly emerged independent states.

The OAU Summit in Port Louis, capital of Mauritius, on 2-6 July 1976 was a no go area for Algeria and Libya as the Polisario leaders were expelled as soon as they arrived in Mauritius with Algerian passports and forged Mauritanian ones.<sup>6</sup> The foreign minister of Mauritius Sir Harold Walter explained that: "... The Polisario which



proclaimed unilaterally the independence of the Sahrawi Republic is not a liberation movement that could be recognized by the OAU. Moreover, the Sahrawi Republic has not yet been recognised by the OAU". At the Summit it was decided to hold an extraordinary Summit to find a peaceful solution to the Western Saharan question. The OAU Secretary General was entrusted with the task of setting a date and venue as well as making the necessary contacts with the interested parties, including the population of the Western Sahara. No mention was made as to whether the *polisario* leaders should be invited or represented.<sup>7</sup> Although the OAU Summit ended with no significant decision, the fact that the Western Saharan question had been discussed and the SADR's was mentioned constituted a setback for Morocco and Mauritania and a diplomatic gain for the Algerian-Libyan alliance. Algeria and Libya had succeeded in reopening the Saharan dossier which the Moroccans had considered closed after the Madrid Accord.

The Boumediène-Gaddafi diplomatic and military campaign in support of the *Polisario* then started in earnest to enhance the guerrillas' image on the international arena and at the same time discredit the Moroccan-Mauritanian presence in the territory by using every possible means short of direct military confrontation. The OAU decision to discuss the Saharan issue proved an unexpected obstacle for the Algerian-Libyan diplomatic strategy since thereafter international organisations referred the problem to the OAU as the appropriate forum. Indeed, at the Non-aligned Conference held in Colombo, capital of Sri Lanka, the following month, the Moroccan-Mauritanian diplomacy had the upper hand as the conference decided that regional organisations such as the OAU and the Arab League were the appropriate forums to discuss "bilateral issues", a clear reference to Morocco and Algeria. The conference political declaration simply approved the holding of the proposed OAU emergency summit with no reference to the *Polisario* or any Sahrawi representation. The conference decision was a setback to Algeria and Libya, partly because the Algerians had assumed the previous chairmanship of the Non-aligned movement (1973-76) and partly because Boumediène and Gaddafi believed they had enough clout within the movement to swing overwhelming support for the *Polisario*'s recognition or at least moral backing for its claim. The failure of the Algerian and Libyan diplomatic strategy prompted the two Maghrebi leaders to review their diplomatic approach and embark on a new course that would result not only in support for the *Polisario*

but recognition of the SADR.

Similarly, at the UN, the General Assembly decided in 1976 and 1977 to accept the OAU compromise which was postponed repeatedly for technical and financial reasons.<sup>8</sup> Indeed, the cost of the extraordinary summit was a constant obstacle and so was the lack of response from African leaders as to whether they would take part or not. There was also the question of what decisions if any to adopt on an issue that almost nobody knew much about and who was eligible to represent who? What were the countries concerned and interested in the issue? These were some of the reasons for the lack of support or enthusiasm among African leaders to hold the planned extraordinary Summit. It was eventually scheduled to be held in Lusaka, Zambia, in October 1976 and January 1977 then in Addis Ababa, Ethiopia, in April and May the same year but these dates were cancelled. Zambia's excuse was attributed to "security problems" following a Rhodesian raid on its territory. However, observers argued that lack of interest and support for the Saharan issue as well as the heated exchanges between Moroccan and Algerian delegates were partly responsible for the cancellations.<sup>9</sup> President Omar Bongo of Gabon eventually proposed the Gabonese capital, Libreville, as the venue for an emergency Summit on the Sahara in March 1978 providing the Conference cost be met by the OAU Secretariat. He also insisted on the presence of a large number of African heads of state at the proposed extraordinary summit. Nonetheless, at the 30th ordinary session of the OAU Council of Ministers held in Tripoli on 10-18 February 1978, the cancellation of the extraordinary summit was again announced since only nine heads of state had agreed to take part.<sup>10</sup> The cancellation reflected the lack of interest in or enthusiasm for the Saharan issue in Africa as a whole. Some African leaders believed that the rift between Morocco and Mauritania on the one hand and Algeria and Libya on the other, would simply blow over given time.<sup>11</sup> In reality, Boumediène and Gaddafi became more determined than ever to oppose Morocco's presence in the Sahara and launch a major diplomatic offensive worldwide to rally support for Polisario, gain maximum recognition for the SADR. Their aim was to discredit Morocco and bring the Saharan question before every international forum. Henceforth, the governments of Algiers and Tripoli aimed to force the OAU to consider the SADR question.

At its fifteenth summit in Khartoum, Sudan, in July 1978, the OAU shelved the decision to hold an emergency summit on the Saharan

question and formed, instead, an ad-hoc committee of "wisemen" entrusted with a fact-finding mission "to examine all aspects of the problem including the population of the territory's right to self-determination".<sup>12</sup> The committee was to present a full report with proposals and recommendations to an extraordinary OAU Summit to decide the outcome. The appointment of the ad-hoc Committee was prompted not only by the fact that the emergency summit had no chance of ever taking place at that time but also by the turn of events in Mauritania where President Mokhtar Ould Dadda was toppled by the military.<sup>13</sup> The change of leadership in Nouakchott introduced a new dimension to the conflict as Boumediène and Gaddafi promptly recognized the new regime and financial aid was quickly provided to persuade the military junta to adopt their Saharan stand.

Gaddafi's aspiration to promote an Islamic state across the Sahara from the Atlantic to the Nile under his patronage was the prime reason for his support for the new leadership in Mauritania. He provided the new regime with generous aid.<sup>14</sup>

The Ad-hoc Committee was to report its findings to an OAU emergency summit. Morocco objected to Moussa Traoré of Mali and Julius Nyerere of Tanzania being members of the Committee partly because of the Malian President's hostility towards Rabat and his strong connection with Boumediène and Gaddafi and partly because Tanzania had recognized the SADR on 9 November 1978 therefore, the two African Presidents' impartiality was seriously in doubt. Algeria, however, strongly opposed the supervision of the Committee by Sudan because of President Nimeiri's sympathies with Morocco. The Rabat and Nouakchott governments accepted the OAU rulings<sup>15</sup> but Algeria and Polisario were unhappy about the composition of the Committee despite the fact that the newly-elected OAU Secretary General Edem Kodjo was pro-Polisario for the simple fact that he was Togo's Foreign Minister before being elected and his country was among the first African states to recognize the SADR in March 1976. Togo has since withdrawn its recognition of the SADR.

Algeria and the Polisario made it quite clear that they would not be bound by the findings of the OAU extraordinary summit. They insisted that the UN was the only "true and appropriate framework for decolonisation".<sup>16</sup> In fact, in a communiqué issued on 9 October 1978, Polisario declared that "the UN remains the ultimate forum to seek a just and durable settlement of the Saharan problem. This case exceeds the



competence of regional or continental organisations".<sup>17</sup> Prior to the first meeting in Khartoum of the OAU ad-hoc Committee on 30 November and 1 December 1978, the Algerian President Boumediène addressed a message to his Sudanese counterpart, made public on 28 November 1978, in which he expressed strong reservations on the composition of the Committee and requested the postponement of the meeting.

The message was made public on 28 November 1978 but the meeting went ahead and President Traoré and Tanzanian foreign minister reminded the meeting of Algeria's reservations.

As a compromise, the Nigerian President Obasanjo proposed the creation of a two member sub-committee (Mali and Nigeria) to establish contact with Mauritania, Morocco, Algeria and Spain. The OAU Secretary General was also invited to join the team. Moreover, at the request of the Guinean President Sékou Touré all parties to the conflict were called upon to observe a total and immediate cease-fire.<sup>18</sup> The absence of the Ivory Coast from the proceedings was interpreted as a way of enabling President Boigny to assume a mediating role,<sup>19</sup> although the Ivory Coast had no wish to be dragged into a North African squabble that gave no sign of abating.

However, the very existence of an ad-hoc committee, members of which had already recognised the SADR or favoured Morocco's position, called into question the validity of such a body and made any positive outcome doubtful. Since Algeria and the Polisario disavowed themselves from the findings, the idea of an ad-hoc committee should have been called off in the first place as its impartiality was questionable. How could anyone expect partial members to come up with any satisfactory results?

In fact, the OAU was simply unable to come up with a credible and impartial committee, let alone solve the problem. The impotence of the OAU reflected to a large measure the ensuing series of events that were almost fatal to the very existence of the organisation. The division within the OAU surfaced when the issue came up on the agenda, an illustration perhaps that what happened later appeared unavoidable.

When the OAU representative at the UN informed the Fourth Commission of the ad-hoc committee's task and pointed out that the initiative should not be hampered, he was recalled permanently to Addis Ababa by the newly appointed OAU Secretary General Edem Kodjo. He was also rebuked for not letting Algeria pursue its Saharan policy within the UN. Kodjo's sympathies for Algeria and the Polisario were



no secret and became evident later.. The parties to the conflict each had different interpretations of the OAU ad-hoc committee's task which was to be completed in May 1979.<sup>20</sup>

The Algerian-Libyan opposition to the OAU initiative was based on the assumption that the organisation's role would be to mediate and arbitrate. They feared that such arbitration would go in favour of Morocco. Algeria was anxious not to be seen as the prime supporter of the Polisario and attempted to extricate itself from being the main protagonist in the conflict, arguing instead that the Polisario was the party concerned. Morocco and Mauritania, however, welcomed the OAU role and were hopeful that the fact-finding mission would lead to a settlement of the dispute.

With Kodjo and the Malian President, Moussa Traoré, clearly in favour of the Algerian position and Tanzania having already recognised the SADR, Libya, Algeria and the Polisario regained confidence in the ad-hoc committee. They were reassured further by a visit to Algiers in March 1979 of the Liberian President William Tolbert who was to assume the OAU chairmanship four months later. The ad-hoc committee met in Khartoum on 23 June 1979 to adopt a report on the findings and recommendations to be submitted to an emergency OAU summit on the Western Sahara issue. The report recognised the Madrid Accord of 14 November 1975 as an international juridical act by virtue of which "the administration of the territory was transferred to Morocco and Mauritania" and did not constitute a "transfer of sovereignty".<sup>21</sup> Morocco argued that its sovereignty over Western Sahara had never been forsaken even during Spanish occupation.<sup>22</sup> Whether the report was in favour of one side or the other was not the main issue. At stake was the fact that instead of submitting the findings to an extraordinary OAU summit, the ad-hoc committee presented de facto solutions to the problem to be adopted by the Monrovia OAU Summit in July 1979. Morocco objected to the proceedings, contending they were contrary to the decisions taken at the OAU Khartoum Summit.<sup>23</sup> Indeed, the ad-hoc committee was entrusted with the task to accumulate all the necessary information relevant to the issue to be presented to an extraordinary OAU Summit, the only authority mandated to decide the outcome. The report<sup>24</sup> called for an immediate and general cease-fire; the exercise of the right of self-determination by the Sahrawi population through a free referendum. The choice was between independence or integration with Morocco. An OAU Implementation Committee was to be formed and

composed of six member-states.<sup>25</sup> The report was presented to the OAU Summit in Monrovia, Liberia, in July 1979 in the form of a resolution and not recommendations.

To register disapproval of the proceedings and not the findings or recommendations of the Committee, Morocco refrained from taking part in the vote and so did five other states.

The adoption of the resolution<sup>26</sup> fell one vote short of the required two-thirds majority but at a recess some arm-twisting was undertaken by Algeria and Libya to convince Botswana's representative to vote in favour of the proposed resolution.<sup>27</sup> As a result, a second round of voting was decided. The Moroccan minister of foreign affairs, M'hamed Boucetta, denounced the way the proceedings took place.<sup>28</sup> He argued that the procedure was contrary to the practice in international organisations. He pointed out that the result of a vote or a decision could not be repeated at the same session the same day as this was contrary to the rules governing the OAU and the UN. He referred to article 81 of the UN General Assembly rule to substantiate his argument. King Hassan addressed a message to the OAU Chairman, the Liberian President William Tolbert, to point out the illegality of the proceedings. He also referred to the impartiality of the committee membership and the fact that the ad-hoc committee recommendations could only be dealt with by an OAU extraordinary summit as was initially decided and agreed.<sup>29</sup> By proposing the adoption of a resolution, the ad-hoc committee went beyond the task it was mandated to perform. Such decision was the attribute of a summit conference. The committee substituted an OAU emergency summit with the adoption of a resolution on ways and means to solve the Saharan question. The change in the proceedings might have been influenced by the fact that two members of the ad-hoc committee (Mali and Tanzania) had already recognised the SADR. In addition, the OAU Secretary-General was heavily in favour of the Polisario for the simple reason that his country of origin, Togo, was among the first African states to recognise the SADR when he was still Togo's foreign minister. The impartiality of the ad-hoc committee was seriously eroded by the very existence of partial members within its ranks.

Nonetheless, the sharp ideological differences between Morocco on the one hand and Algeria and Libya, on the other, were by this stage magnified to the extent of severely influencing the OAU membership. By 1982, two distinct ideological groups emerged within the Pan-African Organisation. The OAU Monrovia summit was regarded by

some as a success for the Polisario and their backers.<sup>30</sup> However, a close examination of the summit reveals little real progress for the Polisario. The way the proceedings were conducted revealed cracks within the ranks of the OAU and signalled the beginning of the difficulties ahead. The adopted resolution did not explicitly mention the Polisario by name but "the representatives of the population of the Western Sahara". It also called for the right of self-determination for the inhabitants of the disputed territory, a principle Morocco endorsed.

The ad-hoc committee convened a meeting in Monrovia on 4-5 December 1979. Morocco lodged a protest about the partiality of Tanzania and Mali as well as the presence of a Polisario delegation but the meeting went ahead and for the first time the Polisario Secretary-General Mohamed Abdelaziz was invited to make a statement before an OAU body. It was an error of judgment for the Moroccans not to attend. The presence of Chedli Benjdid and the Mauritanian Minister of Foreign Affairs as well as the RASD's leadership weighed heavily in favour of the Polisario. The adopted resolution proved damaging to Morocco's interest.<sup>31</sup> It took note of the Algiers Accord<sup>32</sup> and called on Morocco to withdraw its troops and administration from the part of the Sahara evacuated by Mauritania.<sup>33</sup> It also recommended that an OAU peace-keeping force should monitor a cease-fire to allow the holding of a referendum.<sup>34</sup>

Meanwhile, when the 17th OAU summit convened in Freetown, Sierra Leone, on 1-4 July 1980, the main problem raised was the admission of the SADR as an OAU member-state. By this time, however, 26 out of 50 OAU members had recognised SADR, including Libya and Mali. The SADR's admission was requested according to Article 28 of the Charter.<sup>35</sup>

The Moroccans called for the implementation of the OAU Charter especially Articles 4, 27 and 28 paragraph one.<sup>36</sup> In a letter to the OAU Secretary General, the Moroccan Minister of Foreign Affairs pointed out that the "SADR was not a state, nor was it independent and sovereign and therefore could not claim admission into the Organisation".<sup>37</sup>

The legal query invoked by Morocco was evidently valid and a heated debate ensued. It ended with the postponement of the admission issue and the interpretation of the Charter to "such a time as the ad-hoc committee set up for that purpose accomplished its mission".<sup>38</sup>

It was the Senegalese President Senghor who proposed the compromise of the Wisemen's Committee and an extraordinary OAU



summit on the issue.<sup>39</sup> A resolution proposed by Nigeria was adopted by consensus taking note of the ad-hoc committee report on the Western Sahara without adopting its recommendations.<sup>40</sup> Morocco was invited to attend the proceedings of the Wisemen's Committee despite the fact that the new OAU chairman, Sierra Leone President Siaka Stevens's recognition of the SADR in March 1980. The Moroccans expressed willingness to cooperate only under an impartial chairmanship. Algeria donated 50 Mercedes cars and two planeloads of food to Sierra Leone to help out with the organisation of the OAU Summit in Freetown. A goodwill gesture that was duly reciprocated in the form of recognition of the SADR.

The Moroccans agreed to talk to all interested parties and participate in the ad-hoc committee meetings but the "interested parties" were not named. The committee met in Freetown on 9-11 September 1980 under the chairmanship of Siaka Stevens. Chedli Benjdid, Haidallah of Mauritania, Sékou Touré of Guinea, Shehu Shagari of Nigeria, Moussa Traoré of Mali, the Polisario leadership, two representatives from Tanzania and Sudan as well as Morocco's Premier were all present. There was also a delegation of over a hundred Sahrawi leaders representing ten pro-Moroccan groups in Western Sahara prominent among them were the leaders of MOREHOB, FLU, PUNS and the AOSARIO.<sup>41</sup> A total of fourteen interested parties made statements including the Polisario in separate sessions to avoid Moroccan-Polisario joint sessions.<sup>42</sup> The Moroccans called for the "main parties", that is Morocco and Algeria, to enter discussions, a proposition consistently rejected by Algeria. The Committee adopted a resolution based on the recommendations of the Monrovia summit.<sup>43</sup> The resolution called for a cease-fire within three months to be enforced by a UN peace-keeping force and the holding of a referendum by the OAU with UN assistance. It did not mention the Polisario by name nor call on Morocco to withdraw troops and administration. Algeria and the Polisario would only accept a conditional referendum tied to Morocco's troop withdrawal<sup>44</sup> whereas the Moroccans expressed satisfaction with the outcome.<sup>45</sup>

Another meeting was convened in Freetown on 30 May 1980 to adopt the recommendations of the fifth session of the Committee. These were to be referred to the planned OAU Summit in Nairobi in June 1981 for a final decision.<sup>46</sup> The Committee also asserted that the question of admission did not fall within its competence and responsibility since it was only "concerned with the issue of finding a solution to the Sahrawi



problem".<sup>47</sup>

The breakthrough came about at the OAU Summit in Nairobi, Kenya, in June 1981, when King Hassan proposed a referendum in conformity with the OAU ad-hoc committee recommendations.<sup>48</sup> The King proposed what he termed a referendum that would take into consideration "Morocco's historical rights to the territory".<sup>49</sup> The announcement was unanimously welcomed even by President Chedli Benjdid<sup>50</sup> and only rejected by the Polisario leaders who insisted on direct negotiations as a precondition to any referendum in the Western Sahara.<sup>51</sup>

Following an impassioned debate, the Conference adopted a resolution<sup>52</sup> by consensus calling for a cease-fire and a referendum as well as the setting up of a seven-nation Implementation Committee. The latter was entrusted with full powers to meet with the interested parties<sup>53</sup> and oversee the arrangements for a cease-fire and a referendum. The resolution also called on the UN to provide a peace-keeping force to "maintain peace and security" during the referendum period and "the subsequent elections".<sup>54</sup>

By proposing a referendum, Moroccans believed that they demonstrated willingness to comply with the wisemen's wishes and the principles enshrined in the OAU and the UN Charters despite the existence of a unique Moroccan context unrivalled in Africa. Moroccans were confident in the assertion of their rights despite the ad-hoc committee's partiality in the matter. The referendum proposal proved instrumental in invalidating the SADR's admission to the OAU at least until the summit's decisions were carried out. The question of the SADR's admission was not even referred to during the summit. Moreover, the adopted resolution carried no reference to the Polisario or Morocco's withdrawal of troops and administration from the disputed territory. This was considered a setback to Algeria and the Polisario when they were certain of at least an admission victory.<sup>55</sup>

Meanwhile, Morocco and Libya patched up their differences and restored diplomatic relations after Gaddafi pledged neutrality in the dispute.<sup>56</sup> All in all, the adoption of resolution 103 was a success for the OAU as it was on the verge of being split by an intractable problem. The mood within the conference was so positive that many questions on the agenda were dealt with in an expedient manner including the conflict in Chad.<sup>57</sup>

The only opponent to resolution 103 was the Polisario which called

for direct negotiations as a prerequisite to any referendum<sup>58</sup> A Polisario communiqué on 4 July 1981 subjected the referendum to three more conditions: The withdrawal of Moroccan troops and administration, the return of all Sahrawis to the Western Sahara and the setting up of an international provisional administration with the effective participation of the SADR's government.<sup>59</sup> These conditions were predictably unacceptable to Morocco.

The Implementation Committee, entrusted with full powers and directed by the Assembly "to work out the modalities and all other details relevant to the implementation of the cease-fire and the conduct and administration of the referendum", met in Nairobi, Kenya, on 24-26 August 1981. The Kenyan President Daniel Arap Moi, then chairman of the OAU, chaired the proceedings in application of Resolution AHG/Res.103 (XVIII).<sup>60</sup>

After lengthy exchange of views and individual appearances of interested and concerned parties before the Committee, resolution AGH/IMP.C/WS. Dec.1 (I) was adopted. It set out detailed provisions on the conduct of the referendum, the structural institutions required and the adherence to the cease-fire to be negotiated between the parties under the auspices of the Implementation Committee.<sup>61</sup>

With regard to the financing of the whole operation, the OAU chairman was to consult with the UN to determine the extent of UN assistance. The Sahrawi population was offered the choice between independence or integration with Morocco. The Moroccan forces were called upon to be confined to their barracks. The resolution also called for UN collaboration and an impartial interim administration to work, if need be, with the existing administration. The resolution did not refer to the Polisario by name nor call for direct negotiations between Morocco and the Polisario.

Despite a protracted presentation and arguments from Algeria, substantiated by a ninety-one page document in the form of a memorandum handed over to all members of the Committee. It was evident that the Committee was determined not to be dragged into a Moroccan-Algerian clash on how to apply internationally accepted standards on specific cases.<sup>62</sup>

The Algerian assertion that Moroccan forces and administration withdrawal was necessary, was simply rebuffed by the Moroccan argument that the very referendum leading to Algerian independence was conducted in the presence of French troops and administration. The

same argument could be applied to a number of African states and their respective colonial rulers.

As for the Polisario, they rejected outright the OAU Implementation Committee's resolution and refused to accept a cease-fire and a referendum without the withdrawal of Moroccan troops and administration from the territory.<sup>63</sup> The Implementation Committee held its second ordinary session in Nairobi, on 8-9 February, 1982. The session was preceded by a meeting of the Foreign Ministers which drew up details of the referendum and the cease-fire.

Algeria and the Polisario insisted again on direct talks as a prerequisite to any progress leading to an agreement on the cease-fire and the organisation of a referendum.

When the Algerian representative insisted on naming Morocco and the Polisario as the main parties to the conflict, Nigeria, Sierra Leone and Guinea reacted angrily by pointing out that Algeria was also a party to the conflict. Faced with frustrating demands, the Implementation Committee embarked on consultations with all the parties and amended the proposals submitted by the Foreign Ministers. The outcome was decision AHG/IMP.C/WS/DEC I. (II). Rev.2. which stipulated *inter alia* that the Committee and the Chairman would fix a date for the cease-fire and a peace-keeping force and/or a military observer group would supervise the confinement of troops to their bases.<sup>64</sup> An interim administration headed by a Commissioner would be set up and invested with the legislative and administrative powers necessary to the conduct of the referendum. The existing Moroccan administration would remain in place and be called upon to cooperate, if and when necessary.<sup>65</sup>

Again no reference was made to the Polisario or Morocco's withdrawal of troops and administration or even direct negotiations. Algeria and the Polisario were not pleased with the outcome and flatly rejected the Committee decisions by insisting on direct negotiations with Morocco. The OAU Chairman, Kenya's President Daniel Arap Moi, was entrusted with the task of meeting with the parties to the conflict to get their agreement to the Nairobi III decision. The Polisario announced it would not meet with Arap Moi while Algeria made no overture to welcome his move. Morocco, on the other hand, pledged full cooperation and expressed satisfaction with the task of the OAU chairman and the Implementation Committee.

The damaging blow to the OAU's effort came about at the thirty-eight ordinary session of the Council of Ministers held in Addis Ababa on



23-28 February 1982,<sup>66</sup> when the Secretary General of the OAU Edem Kodjo made the unilateral decision to allow the SADR to participate in the deliberations as a member state without prior consultation with the Implementation Committee or the OAU chairman.<sup>67</sup> Chaos ensued and 19 states walked out in protest to show their displeasure at the Secretary General's disregard for the ongoing efforts by the Chairman and the Implementation Committee to solve the issue.<sup>68</sup> Worse still, Kodjo allowed the proceedings to go on in the presence of the SADR's representatives despite the absence of a quorum. The *coup de force* plunged the OAU into disarray and threatened not only to end the Implementation Committee's mandate and the progress of its work but also the very existence of the Pan- African Organisation. Kodjo based his move on an "administrative decision" related to formal notification of recognition of the SADR by a majority of OAU members (26 out of 50).<sup>69</sup> He revealed that acting on the communication received from him on the status of its application for membership of the OAU, the SADR decided to participate in the proceedings of the meeting.<sup>70</sup>

There were a number questions raised as to where was the SADR's mail addressed to?

Hotel St George in Algiers? The camps in Tindouf? or Layoune? The latter being the main town in Western Sahara under Moroccan control and the former capital of Spanish Sahara. Therefore, where was the capital of the independent and sovereign state that Kodjo deemed it appropriate to admit as an OAU member? Did the SADR meet all requirements of an independent and sovereign state with a government running its affairs from an independent territory? Most important was the fact that the SADR's membership was dealt with at the OAU Summit in Freetown in 1980 and when Morocco raised a legal question, the matter was dropped until further notice. Consequently, when the OAU Nairobi Summit of 1981 adopted resolution 103 calling for a referendum in the disputed territory, the admission question was automatically invalidated by a decision from the highest body in the organisation until the Implementation Committee's task was completed.

The mere fact that the Nairobi OAU summit unanimously adopted resolution 103 calling for a referendum, technically confirmed that even those states which had previously recognised the SADR no longer did so. The recognition was suspended at least from the juridical point of view simply because they all solemnly accepted the referendum as the only valid option to solve the problem.



Kodjo's move was deliberate in order to paralyse the work of the Committee or indeed that of the whole organisation. Why then did he embark on such a capricious course? It was rumoured that since his term of office was coming to an end with no hope of reelection, Gaddafi made him an irresistible offer to change the course of events.

It was common knowledge that the SADR existed only in Algeria and did not exercise any sovereignty or control over the inhabited part of the territory. Admittedly, it was inconceivable to even consider the admission of a state that existed in name only and the Angolan case was a vivid reminder. Indeed, when the fighting broke out in Angola on the eve of independence in 1976 between Agostinho Neto, on the one hand, and Dr. Jonas Savimbi's UNITA and the FNLA, on the other, many African states were opposed to the recognition of Neto's government. However, Neto's control of part of the country including the capital city, Luanda, made it eventually possible for Angola to be recognised as an OAU member. The difference, however, between Neto's Angola and the SADR was the fact that the latter's flag flutters in Algeria and not in any significant part of Western Sahara.

The Assembly of Heads of State and Government had opted for a referendum as the only viable course of action. African leaders were well aware of the contentious juridical nature of the admission. Therefore, they purposely relegated the question into oblivion once the referendum principle was agreed. Had the Assembly meant to tackle the admission problem, reference to article 27 of the Charter would have been made for technical, juridical and procedural reasons. In other words, a two-thirds majority of members would have been essential to settle the admission aspect but not the crucial problem of the right of the inhabitants of Western Sahara to determine their own political future.

The OAU Summit in Nairobi decided on a plebiscite, an act that indicated it was for the population concerned to determine their fate. All branches of the OAU, especially the secretariat, were under moral and professional obligation to work together in order to carry out any decisions emanating from the Assembly of heads of state and government. There existed no authority within the Organisation that had the power to alter or impede a resolution adopted by the Assembly. The Summit Conference decisions override any other considerations.

The Nairobi Summit laid down the basic ground rules and set in motion the mechanism for a settlement of the Saharan dispute. To recognise a state was to admit that it had all the attributes of one,

namely the existence of a sovereign and independent authority globally undisputed and able to exercise its authority on a population and a territory under its control. Such conditions would have meant the OAU proposed referendum ignored the existence of a sovereign state. Furthermore, once they voted in favour of a referendum, those states that had recognised the SADR, have effectively aligned themselves with member states opposed to the recognition of the self-proclaimed republic. They implicitly admitted the non-existence of the SADR by opting for a referendum. A decision of this magnitude could only be reversed by a two-thirds majority vote in accordance with article 25 of the rules of procedure of the OAU Assembly.<sup>71</sup>

Kodjo interfered with the process underway by ignoring the accepted procedures of the OAU. There was no logic in admitting the self-proclaimed republic as a member state when its very existence had yet to be determined by a referendum. His "diplomatic coup", as one observer put it, was masterminded by skilful Algerian and Libyan lobbying within the OAU and arm-twisting of some African heads of state dependent upon aid from Algeria and Libya.

The Libyan minister of foreign affairs Abdeslam Triki even admitted that "Libya's efforts had finally borne fruit... and we'd rather have the SADR than Morocco (in the OAU)".<sup>72</sup>

The thinking behind the move may be attributed to the fact that Libya and Algeria in particular were rather apprehensive about the outcome of the referendum. Indeed, if the outcome of the referendum went Morocco's way, the RASD would have to be disbanded and Algeria would have found itself in an unprecedented and embarrassing position.

The crucial question of, "what to do with the Polisario and the SADR if the results went Morocco's way", was ringing loud and clear in the Algerian leadership's ears. Therefore, Algeria favoured the diplomatic coup of Edem Kodjo and the intensification of armed attacks against Moroccan forces in the Saharan territory in the expectation that they would ultimately lead to King Hassan's surrender and compel him to give up the territory altogether or at least part of it.

This assumption seemed plausible at a time when Algeria and Libya were generating enormous wealth from oil revenues, while Morocco was going through a difficult economic period as well as a long spell of chronic drought: Its oil bill then swallowed over fifty per cent of the country's foreign exchange earnings. In addition, phosphates, the

backbone of the Moroccan economy, experienced a long period of price falls generated by a world economic recession.

Libya and Algeria were not bothered about putting the OAU in a quandary as long as the SADR's admission was secured either by legal or foul means. The latter seemed more likely especially after what happened later in the proposed Tripoli Summit. The two Maghrebi states went out of their way to accommodate the Polisario despite the fact that their action would prove detrimental to the OAU's credibility and very existence. Despite adherence to resolution 103 of the Nairobi Summit and its commitment to cooperate with the OAU Chairman and the Implementation Committee, Morocco insisted that Kodjo's decision be revoked. Arap Moi was in favour of an emergency summit before the scheduled one in Tripoli and contacted some of his African peers on the subject. The SADR's allies, however, were categorically opposed to the idea.<sup>73</sup> Kodjo's action provoked such a storm of protests and indignation that all scheduled ministerial meetings were boycotted.<sup>74</sup>

Concerned about this unhappy episode and anxious to remedy the situation, Arap Moi invited the Bureau of the 18th OAU Summit to meet in Nairobi on 22-23 April 1982. The Bureau decided that the problem could only be solved by a Summit conference.<sup>75</sup> The OAU split became too apparent when 21 states refused to attend the OAU Summit planned in Tripoli, Libya, on 5-8 August 1982. In the absence of a quorum (34 states), the Tripoli Summit failed to convene. Egypt and Sudan had already declared officially their non-participation in the Tripoli Summit and many African states made it quite clear that if the SADR's membership was not revoked and the Implementation Committee's activity was not resumed their seats would remain void at the conference. Even Kodjo's country of origin, Togo, a traditional supporter of the Polisario, came out openly against his decision to admit the SADR and so did Sierra Leone, another Polisario backer.<sup>76</sup>

Sensing that the long sought-after Tripoli OAU Summit would not take place to provide Gaddafi with the sought-after chairmanship of the organisation, the Libyan leader attempted, frantically but in vain, to convince the Polisario and its backers to compromise. The damage had already been done when Tripoli openly sided with the "radical" camp during the admission saga the previous February.<sup>77</sup> The move had alienated Libya from the "moderates" and increased their reluctance to have Gaddafi as Africa's spokesman for a year.<sup>78</sup> By this time, the OAU was almost equally divided into "radicals" led by Algeria and Libya



and "moderates" headed by Morocco. Only two countries, Nigeria and Kenya, were considered "neutral" although they would have sided with the "moderates" had it been necessary. Gaddafi realised too late the damage done by his unpredictable diplomacy.

When it had been agreed in Nairobi to convene the Summit in Tripoli, Gaddafi had not observed the "neutrality" concept nor the practice expected of an incumbent OAU chairman. He took sides at a time when it was crucial for him not to do so given the reluctance of many heads of state to even attend the OAU summit scheduled for Tripoli.

The still-born Tripoli summit was the first ever failure in the history of the OAU to obtain a quorum and convene a conference. An intense diplomatic activity ensued to assemble the OAU summit at a later date but the Algerian-Polisario position and that of Morocco proved irreconcilable. Afraid of another failure, Libya threatened to cut off funds and arms supply to the Polisario if the SADR was represented at the Tripoli summit. Despite an almost universal and manifest desire to keep the OAU alive, less than the necessary two-thirds majority of member states were prepared to oblige and turn up at the Libyan capital. Even the absence of the SADR from the conference failed to attract a quorum of member states to convene a summit. Thus, for the second time, the attempt to stage an OAU Summit in Tripoli in November 1982 proved fruitless. This time, it was the Chadian imbroglio which clearly prevented the holding of the conference.<sup>79</sup> It was a serious setback to Gaddafi's African policy and a clear signal from African leaders that they had no desire for him to speak on behalf of the continent for a year.<sup>80</sup> It was probably the worst humiliation the Libyan leader had ever suffered especially as more African leaders turned up the previous month in Kinshasa, capital of Zaire, for arch-rival French President Mitterand's annual conference with French-speaking states.<sup>81</sup> Although the boycott of the Tripoli summit was a triumph for Moroccan diplomacy, which temporarily stopped the SADR's admission to the OAU, it only magnified the ideological split within the Pan-African Organisation. The question remained whether Gaddafi was entirely to blame for the upheaval or others should share the responsibility. The arguments for preserving the OAU remained overwhelming across the spectrum of the African divide but its activities were left on a hook despite the call to reactivate the Implementation Committee to carry out the recommendations of the Nairobi resolution calling for a referendum.



Whatever the arguments over the Tripoli fiasco, it suggested that the OAU's future was at stake as cracks in the unity of the OAU began to appear and many observers thought it was the beginning of the OAU's collapse.<sup>82</sup> In an attempt to save the OAU, Arap Moi chaired a mini-summit of 12 member states in Nairobi in February 1983.<sup>83</sup> A debate ensued and the OAU was none the better as the Liaison Committee merely recommended that the twice-stalled OAU nineteenth summit be reconvened in Addis Ababa in June. Subsequently, the Committee of the twelve, entrusted with breaking the deadlock, cancelled the meeting scheduled for Addis Ababa on 5 June 1983. The meeting was aimed at coming up with a compromise to obtain the sought-after quorum. No explanation was given but at the suggestion of the Kenyan President; still chairman of the OAU, the Saharan problem was handed over to a Committee of twenty-one states, more balanced in composition to deal with the issue.<sup>84</sup> This hurriedly composed Committee met in Addis Ababa on 6 June to seek a compromise. During the meeting which led nowhere, Gaddafi proposed to sit with "Hisséne Habré if everyone accepts the presence of Mohamed Abdelaziz throughout the summit".<sup>85</sup> The suggestion was labelled as "blackmail" to which the Libyan leader replied "not at all, I have even a better proposition that the summit convenes in Tripoli tomorrow or in a week's time. Everything is ready to take you there, this way, the SADR will probably accept to withdraw temporarily from the conference as it did in November".<sup>86</sup> Gaddafi's "haggling" reached new low in diplomacy when he realised the OAU chairmanship was slipping through his fingers, and his desperation emphasised the fact that he had leverage over the Polisario otherwise he would not use it as a bargaining chip. The SADR's President Mohamed Abdelaziz arrived in Addis Ababa in a private Libyan jet while President Khouna Ould Haidallah of Mauritania used an Algerian one for all his travel abroad.<sup>87</sup> It was no secret that Gaddafi provided funds for the Polisario to undermine the position of the Moroccan monarch while his deep involvement in the Saharan imbroglio became evident when he or his representatives boasted of successes or what could be done to attain them. Unlike Algeria, Gaddafi, at least, was transparent about his activities. There was doubt, however, as to whether he would stick to his part of the bargain when he concluded accords with France and Morocco in August and September 1984 over Chad and Western Sahara respectively.<sup>88</sup>

That June, 26 member states and the SADR met at Africa Hall

while the rest met at the Ghion hotel in an attempt to find a solution to the crisis. The SADR delegation agreed to withdraw temporarily from the summit after a promise of favourable concessions to the Polisario.<sup>89</sup> As an observer put it, "we witnessed two OAU's that afternoon" a state of affairs reminiscent of the plight the Organisation was in.<sup>90</sup> The OAU was so disunited that it was struggling simply to hold a summit meeting at all let alone come to terms with issues on the agenda with the Saharan question at the forefront. The conference eventually convened without the SADR or Gaddafi, who left Addis Ababa hurriedly once it was evident he was no longer eligible for the OAU chairmanship which was conferred on the Ethiopian leader Mengistu Haile Mariam. Before handing over the chairmanship to the Ethiopian leader, Arap Moi made a scathing attack on Edem Kodjo and put the blame squarely on his shoulders for the crisis provoked by his irresponsible decision to admit the SADR as an OAU member state.<sup>91</sup> During the debate, supporters of the SADR insisted on adopting a resolution calling for direct negotiations between Morocco and the Polisario and the withdrawal of Moroccan troops and administration from the disputed territory prior to a referendum.<sup>92</sup> The Polisario backers were so anxious to pass resolution 104 that it was adopted before even most delegates were aware of its existence.<sup>93</sup> Morocco lodged a strong protest at the way the proceedings were handled but in vain. The debate on the proposed resolution went on uninterrupted from four in the afternoon to four in the morning. The resolution was hurriedly adopted early next morning when half the delegates were still asleep. When the issue was discussed again after days of intractable negotiations, most African leaders were so fed up with the subject that "getting rid" of it in any way was better than carrying on endlessly and in vain. It was apparent throughout the proceedings that African leaders were reluctant to tackle the Saharan question and wished to deal with other more pressing problems such as the spectre of famine, the ongoing economic crisis, global debts and the challenge of apartheid. The outcome of the summit was clearly a victory for the "radicals" largely due to Algeria's consistent lobbying behind the scenes. It was also the first time the Polisario was mentioned by name in an OAU resolution. What was noteworthy was the fact that delegates abandoned the policy adopted in Nairobi to embrace a militant attitude, whatever the consequences for the continental Organisation. In short, "the moderates" lost interest not only in the Saharan issue but also in what the OAU stood for, to the extent that no agreement

was reached as to who should succeed the outgoing OAU Secretary General Edem Kodjo. Dr Peter Onu, assistant secretary general, took over as caretaker pending the following summit scheduled to meet in the Guinean capital, Conakry. Meanwhile, a referendum was scheduled to be held in the Western Sahara before the end of the year but it never materialised simply because the OAU was ill-equipped morally and financially to implement such a costly operation. The OAU was already in a financial and administrative mess and increasingly reluctant to tackle the Western Sahara issue. Nothing more happened until the OAU summit was convened in Addis Ababa on 12-15 November 1984, instead of Conakry. The switch of venue followed the death of President Sékou Touré of Guinea and his successor gave various reasons for his country's inability to host the OAU Conference. As most African leaders had become intensely weary of the Saharan question, which paralysed OAU activities, the SADR delegation was finally seated in the Conference Hall, in Addis Ababa, scene of so many dramatic moments in the past.

The Moroccans reacted by walking out without asking their supporters to join them. It was a dramatic but a dignified end. Only the Zairean foreign minister declared his country's intention to suspend OAU membership in accordance with a statement made two days earlier by President Mobutu Sésé Séko in Kinshasa. Before the Moroccan delegation left the conference, King Hassan's adviser, Ahmed Reda Guedira read out a message from the King in which he stated that the SADR's presence was unacceptable and left Morocco no choice but to resign from the Pan-African Organisation. He ended his statement saying that the "time has come for us to part, at least until better days". As a founder member of the OAU, Guedira recalled, Morocco was anxious not to be seen to be destroying it. At no moment, he pointed out, had Morocco solicited its allies to join the walk out and none could change the final decision although there were leaders who thought membership suspension was sufficient.<sup>94</sup> The number of states willing to sit with the SADR, even without recognising it increased as it became evident it was the only way to wind up a debate that had threatened the very existence of the OAU.

The issue was so controversial that it had threatened the survival of the OAU. It also set a precedent for the future. When the Nigerian foreign minister Ibrahim Gambari announced his country's decision to recognise the SADR, he pointed out that it was "essential to the success of the OAU summit, if not the survival of the OAU". He added that "for



the past few years, we have all watched helplessly as our continental organisation, the OAU, was paralysed over the seemingly intractable problem of Western Sahara". He explained that the issue had led to the abysmal neglect of other problems facing Africa, namely drought, famine, the deteriorating economic situation and the disturbing developments in Southern Africa.<sup>95</sup>

In fact the survival of the OAU did not depend on whether or not to recognise the SADR but, rather, on how to tackle an issue in accordance with the precepts of the Organisation's Charter and objectives. It was certainly no solution to brush the problem under the carpet to ensure the survival of the OAU. Never in its turbulent history has the OAU looked as disorganised and disunited as during the Saharan saga. The issue was undeniably the most serious ever to have confronted the OAU and almost proved fatal to its very existence. The challenge came about in the form of a diplomatic, administrative, juridical and ideological wrangle that shook the imperatives of the Charter and what the OAU stood for. It could be argued that the Saharan issue proved too thorny a problem for the OAU to handle. There was also the counter-argument that underlined the fact that resolution 103 was unanimously adopted but never implemented as the mechanism set to carry out the plan for a referendum was jeopardised by Kodjo's unilateral decision to admit the SADR as a member state. He knew that such a move would simply plunge the Organisation into chaos.

The OAU was often accused of undue reluctance to tackle Africa's thorniest problems, preferring the safer shelter of false harmony provided by issues such as apartheid South Africa or the economic injustice between the industrialised nations and developing countries. When national carnage occurred in Uganda, the Central African Republic and Ethiopia or when inhumane mass expulsion of Africans was conducted by Algeria,<sup>96</sup> Libya<sup>97</sup> and Nigeria,<sup>98</sup> silence was the option adopted by the OAU. The issue of human rights was also a delicate subject that African leaders responded to with deafening silence. Most African leaders still believe that interference in the internal affairs of a few notorious dictators would only expose others to a possible scrutiny of their non-performance. Nonetheless, the OAU acted as a forum for discussion more often rhetorical than substantive.

Yet, it provided an annual meeting place for African leaders and its very existence came to be treated as something of a triumph. The apparent inability of the Organisation to find alternative venues for its summits



constituted a vivid reminder that the OAU no longer carried the weight of respectability it commanded following its inception. Unless the Pan-African Organisation talked and acted with greater cohesion, it would be left out of the wider debate on globalisation and international affairs. As an observer put it "African leaders acknowledge the problems but the machinery to deal with them does not function properly".<sup>99</sup> Going by the rather ambivalent attitude African leaders have shown in the past to the continent's woes, there could not be much hope for a robust approach to the current problems. The Western Sahara issue that plagued the organisation for almost a decade has simply been swept under the carpet and the subject has become taboo in every summit ever since 1984. Africa's leaders have to be seen to be doing the right things for the continent to be taken seriously worldwide otherwise the voice of Africans will be heard alright, but, as usual, to ask outsiders to help the continent extricate itself from various problems because the leadership is not visible enough.

The transformation of the OAU to the African Union (AU) in 2002, that Gaddafi helped to instigate in 1999,<sup>100</sup> promised a new era for the continent, a period during which human security would take precedence over state or regime security. Moving away from one to the other has always been a problem for the AU. In 2009, Gaddafi eventually became chairman of the newly formed African Union (AU).<sup>101</sup> But lack of genuinely respected, humane and democratic leaders has become a rare commodity in a continent where leaders must rise to the numerous challenges facing Africa. The question, however, remained whether the continued and controversial SADR's membership would help get the AU back to shape or would only contribute to its demise.

Since Morocco's withdrawal from the continental organisation, the diplomatic battle moved to the UN where there was no possibility of admission for the SADR as a member state as long as it did not fulfill the necessary requirements of an independent and sovereign entity in total control of a territory and its population.

## NOTES

- 1 U.N. General Assembly resolutions CM/82 (VII), CM/206 (XIII), CM/209 (XIV) and CM/234 (XV); Manfred O. Hinz, *le droit a l'auto-determination du Sahara Occidental*, Bonn, Progress Dritte Welt Verlag, 1978, pp. 54-55.
- 2 Details on the issue at the UN until 1970, see, Maurice Barbier, "le comite de decolonisation des Nations-Unies", *Librairie générale de droit et de jurisprudence*, Paris, 1974, pp. 576-582. A detailed history of the evolution of UN policy on Western Sahara is also in "The Question of Western Sahara at the United Nations", *Decolonization*, UN, New-York, No.17, October 1980.
- 3 See commentaries on the Charter and article 52 in Jean-Pierre Cot et Alain Pellet, *La Charte des Nations Unies, commentaire article par article*, Editions Economica Bruylant, Paris, 1985, pp. 803-804.
- 4 See Raoul Weesteen, "l'OUA et la Question Saharienne", in Slimane Cheikh and All., *Le Maghreb et l'Afrique Subsaharienne*, Editions du Centre National des recherches Scientifiques, Paris, 1980, p. 225.
- 5 Text of the SADR in, *Le Monde*, Paris, 29 February 1976, p. 3; Manfred O. Heinz, op. cit., pp. 89-90.
- 6 Raoul Weesteen, "L'OUA... op. cit., p. 226.
- 7 *Le Monde*, Paris, 7 July 1976.
- 8 The UN General Assembly resolution 3145 of 17 December 1976 was almost identical to that adopted the following year (resolution 3222 of 9 December 1977) calling on the OAU Secretary General to inform his UN counterpart of the progress made on the issue.
- 9 *Jeune Afrique*, No. 872, 23 September 1977, pp. 22-24; Also John Damis, *Conflict in Northwest Africa*, Hoover Institution Press, Stanford, 1983, P. 81.
- 10 Serghini Chaouki, *Le Maroc et la Mauritanie dans les Relations Internationales*, PhD Thesis, Nice, June 1982, p. 412.
- 11 President Bourguiba of Tunisia and President Senghor of Senegal thought President Boumedienne would eventually lose interest in the whole affair and concentrate his attention on discrediting the Camp David Accord within the Rejectionist Front (Libya, Algeria, Syria, South Yemen and Iraq which later withdrew).
- 12 Resolution AHG/res 92 XV. The committee of "wisemen" or "sages" comprised the heads of state of Nigeria, Mali, Guinea, Ivory Coast and Tanzania. It was chaired by President Jaafar Numeiri of Sudan. See OAU resolution in *official UN Documents A/33/235*, Annex II; also in *Annuaire de l'Afrique du Nord*-17, 1978, p. 851.
- 13 *Arabia*, No 2, London, October 1981, p. 33; Virginia Thompson and Richard Adloff, *The Western Saharans*, Croom Helm, London, 1980, pp. 274-276.
- 14 Gaddafi provided the new regime with \$15 million and further aid packages were forthcoming. For Gaddafi's Saharan state, see *the Times*, London, 19 December 1980, p. 13.
- 15 *Le Monde*, Paris, 22-23 October 1978, p. 5.
- 16 The Polisario's political manifesto adopted by the fourth congress, see, *Sahara*

- Info* 20-30, December 1978- January 1979, p. 5.
- 17 *le Monde*, Paris, 11 October 1978, p. 5.
- 18 See final communiqué of the Ad-hoc Committee issued on 1 December 1978, in, *Annuaire de l'Afrique du Nord* 17, 1978, p. 857 and the report of the first session of the Ad-hoc Committee, pp. 583-857.
- 19 Maurice Barbier, *Le Conflit du Sahara Occidental*, op. cit., p. 327
- 20 The Presidents of Mali and Nigeria and the OAU Secretary General paid a visit to Nouakchott on 1 May, Algiers 3-4 May and Fez 4-5 May. Accompanied by the Nigerian and Malian Ambassadors, Kodjo also met the Spanish Prime Minister Adolfo Suarez in Madrid on 2 June 1979. Talks in Algiers were held with President Benjdid and Polisario leaders. It was the first contact between OAU representatives and Polisario.
- 21 The OAU ad-hoc committee document AHG/93 (XVI). See, *Jeune Afrique*, No 970, Paris, 8 August 1979, pp. 39-53. The committee recommendations are in p. 52; see also, *Sahara Info* 36-37, August-September 1979, p. 11.
- 22 See chapter on the Sovereignty Issue.
- 23 The OAU Summit took place in Khartoum on 18-22 July 1978.
- 24 *OAU Document* AHG/93 (XVI), July 1979.
- 25 Member states of The Implementation Committee were the same as those represented within the ad-hoc committee i.e. Mali, Nigeria, Tanzania, Guinea, the Ivory Coast and Liberia's president as chairman of the OAU.
- 26 Text of resolution in, *Revolution Africaine*, Algiers, 24 June 1981, p. 78.
- 27 AHG/Doc.114 (XVI). See, *UN Official Documents*, A/34/483. The resolution was adopted by 33 votes in favour, 2 against (Zaire and Comores), 7 abstained, 6 did not take part and Chad was absent from the conference.
- 28 *Le Monde*, Paris, 22-23 July 1979, p. 5.
- 29 Letter in, *Le Matin du Sahara*, 2 December 1979. More in, Aziz Hasbi and Ahmed Amjad, "L'OUA et la Question Nationale du Sahara", in, Driss Basri et al, *L'Edification d'un Etat Moderne*, Albin Michel, Paris, 1986, pp. 372-373.
- 30 Maurice Barbier, *Le Conflit du Sahara Occidental*, op. cit., p. 236.
- 31 Text of resolution in, *Sahara-Info* 41, Algiers, January 1980, p. 3; *Le Monde*, 7 December 1979, p. 3.
- 32 It was the first time the Polisario was named in an OAU resolution.
- 33 There was a mix up over the interpretation of the text in the three OAU working languages. The French and Arabic texts called for Morocco's withdrawal from all the territory but the English text (original) referred only to the part evacuated by Mauritania. The OAU Secretary General confirmed later that the English text was final.
- 34 The first time the question of an African peace-keeping force was raised but never implemented.
- 35 Article 28 of the OAU Charter stipules that: "1- any independent sovereign African state may at any time notify the Secretary General of its intention to adhere or accede to this Charter". "2- The Secretary General shall, on receipt of such notification, communicate a copy of it to all the member-states. The decision of each Member State shall be transmitted to the Secretary General, who shall, upon receipt of the required number of votes, communicate the decision to

the state concerned".

- 36 Article 4 stipulates that: "Each independent sovereign African state shall be entitled to become a Member of the Organisation". Article 27 states that, "any question which may arise concerning the interpretation of this Charter shall be decided by a vote of two-thirds of the Assembly of Heads of State and Government of the Organisation".
- 37 See, *Memorandum on the Admission of the SADR to the OAU*, Edem Kodjo, Secretary General of the OAU, Addis Ababa, August 1982, p. 3.
- 38 Ibid.
- 39 *Le Monde*, Paris, 5 July 1980, p. 5.
- 40 AHG/DEC. 118 (XVI). See, *Le Monde*, 6-7 July 1980, p. 4.
- 41 Mouvement de Résistance des Hommes Bleus (MOREHOB); Front de Libération et de l'Unité (FLU); Partido de la Union Nacional Sahraoui (PUNS).
- 42 The 14 were Algeria, Mauritania, Polisario, Morocco and ten leaders of Sahrawi movements. See a resume of their testimony in, Report of the 5th session of the ad-hoc Committee of Heads of State on Western Sahara, Freetown, Sierra Leone, 9-11 September 1980, AHG/103 (XVIII)B, pp. 9-12
- 43 *Le Monde*, 14-15 September 1980, p. 4; see text in, *Revolution Africaine*, Algiers, 24 June 1981, pp. 79-80; also in, *Report of the 5th session of the ad-hoc committee...* ibid, Annex I.
- 44 *Le Monde*, 22 October 1980, p. 7.
- 45 *Le Monde*, 19 September 1980, p. 4; *Le Matin du Sahara*, 17 September 1980.
- 46 See, *Report of the 6th Session of the Ad-Hoc Committee of Heads of state on Western Sahara*, Freetown, Sierra Leone, 30 May 1981, submitted to 18th OAU Summit in Nairobi, Kenya, 24-27 June 1981, OAU Doc, AHG/103 (XVIII) C, 8 pages
- 47 Ibid, pp. 7 and 8.
- 48 *The Times*, 27 June 1981, p. 1; *The Guardian*, 30 June 1981, p. 7; King Hassan said the offer of a referendum was made at the request of several African, Arab and Western states. *Keesing Contemporary Archives*, London, 4 September 1981, p. 31054; John Dmis, *Conflict...*op. cit., pp. 99-101; Maurice Barbier, *le Conflict...*op. cit., pp. 335-341.
- 49 *Le Monde*, Paris, 28-29 June 1981, p. 2.
- 50 See Chedli's speech in, *El-Moudjahid*, Algiers, 26-27 June 1981.
- 51 *El-Moudjahid*, Algiers, 28 June 1981; *Le Monde*, 28-29 June 1981, p. 2 and 4 July and 7 1981, p. 6. The author attended all proceedings.
- 52 See text in Appendix IV. The Implementation Committee was composed of the same members of the wisemen Committee i.e. Nigeria, Mali, Guinea, Sierra Leone, Sudan, Tanzania and Kenya assuming the OAU Chairmanship.
- 53 These were Morocco, Algeria, Mauritania and the Polisario. No meeting ever took place with the presence of both Moroccan and the Polisario delegates.
- 54 Details in, *Keesing's Contemporary Archives*, 4 September 1981, pp. 31054-55
- 55 Algeria's viewpoint was reiterated in, *El-Moudjahid*, Algiers, 23 June 1981. Admission of the SADR to the OAU was described as "undebatable".
- 56 See chapter on Libya.



- 57 *Keesing's Contemporary Archives*, London, 4 September 1981, pp. 31054-31055
- 58 *El-Moudjahid*, Algiers, 29 June 1981.
- 59 *Le Monde*, Paris, 7 July 1981, p. 6.
- 60 Except Mali and Sierra Leone, all other members of the Committee were represented by their Heads of State. The interested and concerned parties were represented at the highest level. The mini-summit was preceded by a meeting of Foreign Ministers to prepare the ground. The meeting of the Committee was also known as Nairobi II.
- 61 *Le Monde*, Paris, 25 August 1981, p.4 and 27 August 1981, p. 4; Text of resolution 103 in Appendix IV.
- 62 See Democratic and Popular Republic of Algeria, *Memorandum on Referendum of Self-Determination for the People of the Western Sahara*, presented to the OAU Committee of Implementation, Nairobi, August 1981. The memorandum was later published as an 8-page supplement in *El-Moudjahid*, Algiers, 1 September 1981.
- 63 John Damis, *Conflict in North-West Africa*, op. cit., p. 101.
- 64 Text of resolution 103 in Appendix IV.
- 65 OAU Doc.AHG/IMP.C/WS/Dec.2, (II), Rev.2., 8-9 February 1982.
- 66 Devoted mainly to administrative and financial matters of the OAU.
- 67 *Impact International*, London, Vol. 12, No 13, 10-23 December 1982, pp. 8-9.
- 68 *Jeune Afrique*, Paris, No 1106, 17 March 1982, pp. 20-23; *Le Monde*, 25 February 1982, p. 1; the walk out was made by Cameroon, the Central African Republic, Comoros, Djibouti, Equatorial Guinea, Gabon, Gambia, The Ivory Coast, Liberia, Mauritius, Morocco, Niger, Senegal, Somalia, Sudan, Tunisia, Upper Volta and Zaire.
- 69 Edem Kodjo's interview in *Jeune Afrique*, Paris, No 1105, 10 March 1982, pp. 20-22.
- 70 *Report on Western Sahara*, OAU Doc. AHG/108 (XIX), Tripoli, Libya, 5-8 August 1982, pp. 3-4.
- 71 Rule 25 stipulates "all resolutions and decisions shall be determined by two-thirds majority of the Members of the Organisation." OAU Charter and Rules of Procedure, OAU Secretariat, Addis Ababa, January 1982, p. 49.
- 72 *Jeune Afrique*, No.1106, Paris, 17 March 1982, p. 23.
- 73 *Jeune Afrique*, Paris, No.1107, 24 March 1982, p.19.
- 74 *The Times*, London, 23 April 1982, p. 9; *The Financial Times*, London, 23 April 1982, p. 4; *The Guardian*, London, 23 April 1982, p. 8; *Jeune Afrique*, No 1107, Paris, 24 March 1982, pp. 18-20; two ministerial meetings in Dakar and Harare were called off.
- 75 *The Times*, London, 24 April 1982, p. 4; See communiqué in, *Report on Western Sahara*, OAU Doc. AHG/108 (XIX), Tripoli, Libya, 5-8 August 1982, p. 5.
- 76 Kodjo was discredited by his own government and was informed he no longer had his country's support for re-election. See, *Jeune Afrique*, No 1119, Paris, 16 June 1982, p. 37.
- 77 *Jeune Afrique*, No.1106, Paris, 17 March 1982, p. 23.
- 78 All about the failure of holding an OAU Summit in Tripoli in August 1983 in,

- Jeune Afrique*, No 1128, Paris, 11 August 1982, pp. 41-48.
- 79 *Impact International*, London, 10-23 December 1982, pp. 8-9; *The Times*, 20 November 1982, p. 7 and 25 November, p. 4.
- 80 *The Economist*, London, 14 August 1982, p. 29; *Le Monde*, 23 July 1982, p.4; *The Christian Science Monitor*, 15 July 1982, p. 7; *The Times*, 20,21,24,25, 26 and 27 November 1982; *The Daily Telegraph*, London, 7 June 1983, p. 4.
- 81 The conference took place on October 8-9, 1982. *Le Monde*, 9 and 10 October 1982. Gaddafi who was at loggerheads with Mitterand over Chad was furious with his French-speaking African peers who nearly all attended the annual Franco-African Conference.
- 82 *The Times*, London, 27 November 1982, p. 4; *The Guardian*, London, 26 November 1982, p. 12.
- 83 The twelve members states were: Kenya, Angola, Congo, Ethiopia, Lesotho, Libya, Mali, Mozambique, Nigeria, Tanzania, Uganda and Zambia. With the exception of Kenya and Nigeria as the obvious "neutral" states in the OAU, all the others had recognised SADR.
- 84 Ten other states were added to the committee of the twelve minus Mali namely Sierra Leone, Togo, Guinea, Senegal, Niger, Cameroon, Gambia, Upper Volta, Tunisia and the Comoros.
- 85 *Jeune Afrique*, No 1171, Paris, 15 June 1983, p. 32. By this time Habré controlled two-thirds of Chad including the capital, N'Djamena.
- 86 Ibid. For Arap Moi's concern over Gaddafi's preconditions to convene a summit in Addis Ababa see, *The Times*, London, 23 May 1983, p. 8.
- 87 The author was present at the airport and throughout the OAU summit proceedings in Addis Ababa.
- 88 Gaddafi concluded an agreement with France in September 1984 over the withdrawal of all foreign troops from Chad but he apparently failed to deliver. He also signed a treaty with Morocco and pledged to stop supplying arms and fund to Polisario.
- 89 *The Times*, London, 9 June 1983, p. 4.
- 90 *Jeune Afrique*, No 1171, Paris, 15 June 1983, p. 32.
- 91 See Speech of President Daniel Arap Moi of Kenya, Addis Ababa, Ethiopia, 6-11 June 1983. His address was a sort of a report on the OAU activities from August 1981 to June 1983.
- 92 See resolution 104 in Appendix V.
- 93 The author was present throughout the proceedings.
- 94 *West Africa*, London, 19 November 1984, p. 2304; *Le Monde*, 13 November 1984.
- 95 *West Africa*, London, 19 November 1984, p. 2305.
- 96 On the expulsion of some 45.000 Moroccans from Algeria in 1976 see, *Le Nouvel Observateur*, N 585, Paris, 26 January 1976. On the expulsion of over 20.000 Tuaregs from Algeria see, *Jeune Afrique* No 1328, Paris, 18 June 1986, pp. 38-39; *Le Figaro*, Paris, 23 May 1986.
- 97 Over 30.000 Tunisian workers were expelled by Gaddafi in 1985 see, *Concord Weekly*, London, 29 August 1985, p. 21.

- 98 President Shehu Shagari expelled some two million Africans from Nigeria in January 1983. His successor General Bouhari deported thousands in May 1985. There was no mention of these expulsions at any level of the OAU.
- 99 *North-South*, London, June 2008, p. 30
- 100 *Ibid*, pp. 29-30.
- 101 *North-South*, London, August 2009, pp. 27-28.



UN General Assembly



## CHAPTER TWENTY-FOUR: THE WESTERN SAHARA ISSUE AT THE UN

At the UN, Morocco was adamant on the question of territorial dismemberment of independent states and while campaigning vigorously in favour of Algeria's case it was also lobbying for Morocco's claims over the Atlantic Sahara. The Moroccan representative at the UN invoked the respect of paragraph 6 of the UN Declaration on granting independence to peoples and countries still under colonial rule which granted the right of dismembered states, in this case, Morocco and Algeria to achieve national territorial integrity. France called for the creation of a Saharan state in Southern Algeria as a distinct entity called "Organisation Commune des Régions Sahariennes" (O CRS).

It was a principle that Algeria later rejected to embrace the OAU principle of the sanctity of colonial frontiers. Nonetheless, Spain became increasingly aware of world opinion and Morocco's pressing demands and this was demonstrated in the somewhat defensive attitude adopted by Franco's government when submitting the first report on its African dependencies to the UN Committee on Non-self-governing territories in May 1961. Morocco responded by addressing an official request to the UN Decolonisation Committee in June 1962 to call on Spain to enter into negotiations with Rabat over the Saharan territories.

The diplomatic battle between Morocco and Spain was fought wholly at the UN prior to the decolonisation of the Western Sahara in 1976. Despite King Hassan's preoccupation with the frontier conflict with Algeria, his UN representative recalled in September 1963 his country's claims over Western Sahara and invited Spain to enter into negotiations to decolonise the area. The first UN General Assembly resolution on the question of Ifni and Western Sahara was adopted in December 1965<sup>1</sup> following the endorsement of a resolution by the UN Decolonisation Committee on 14 October 1964.<sup>2</sup> The 1965 resolution called on Spain, "to take all necessary measures for the liberation of the Territories of Ifni and Spanish Sahara from colonial domination and, to this end, to enter into negotiations on the problems relating to sovereignty presented by these two territories".<sup>3</sup>

UN General Assembly resolution 2072 of December 16, 1965 called on Spain to enter into negotiations with Morocco over the Western Sahara and Ifni. Spain did not respond favourably to the UN call and after the adoption by the UN General Assembly resolution 2072 on 16



December 1965 calling on Spain to enter into negotiations with Morocco over the Western Sahara and Ifni, Madrid was clearly not prepared to do anything to comply with the UN request. Therefore, Morocco went even further in June 1966 to propose to the Decolonisation Committee to call on Spain to conduct a referendum to allow the inhabitants of the Saharan territories to exercise their right to self-determination. The Moroccan proposal was meant to liberate the Western Sahara, either through negotiations or by the free expression of the will of inhabitants. After a period of hesitation, Madrid's UN representative declared his country to be in favour of the application of the right of self-determination although Spain had no intention of implementing it according to the internationally recognised norms of procedure. Spain also dragged its feet and opted, instead, for negotiations with Morocco over Ifni. The Spanish move was designed to weaken the Moroccan initiative by engaging in a long process of negotiations over Ifni while the Spanish presence was being consolidated in the Western Sahara until such time that as it was deemed convenient to hold a referendum that would favour Spain's objectives. As no significant move was made by Spain to carry out UN resolutions, Morocco's attitude hardened, especially as Mauritania entered the diplomatic scene to press for its case with full support from Algeria but armed with much less arguments than Rabat. As Spain was under intense pressure from Morocco and the international community, the Madrid government stated, in a letter to the President of the UN Committee of 24 dated September 1966 that it would accept the principle of self-determination in the Western Sahara on Spanish terms. By endorsing the UN self-determination principle without the slightest intention to put it into practice, Franco believed the move constituted a counter-attack to Morocco's claims.

Consequently, a UN General Assembly resolution was adopted in December 1966<sup>4</sup> which separated the case of Ifni from that of the Western Sahara by recommending negotiations for the former and a referendum for the latter. One reason for the separation of Ifni from Western Sahara was the fact that phosphate deposits had been discovered at Bu Craa in 1964-65. It became evident that a commercially viable operation was at stake.

Franco embarked thus on political and constitutional developments within the Western Sahara and Ifni as a way of responding to the self-determination principle. An indication perhaps that Spain was only playing for time to stall Morocco's claims over the Saharan territories.

Meanwhile, Morocco was pursuing a vigorous diplomatic campaign at international forums and enjoyed the majority vote at the UN General Assembly and the unanimous support of the Pan-African Organisation. By the summer of 1967, the Franco government decided to enter into negotiations with Morocco over Ifni, a territory that was eventually ceded to Morocco on 30 June 1969. The accord was not contested by Algeria, Mauritania, the OAU or even the UN for that matter. However, Madrid had no intention to hold a referendum of self-determination in Western Sahara under UN-supervision and control. Instead, it embarked on a vast socio-economic and political development within the territory while offering various inducements to the indigenous population in an attempt to win their loyalty in case the UN-sponsored referendum in the disputed territory goes ahead.

Spain's new approach in the Western Sahara was condemned by the Moroccan representative at the UN who pointed out that Spanish activities in the occupied territories "tended to constitute a sort of a tête-à-tête referendum between the Sahrawi population and Spain". While the Spanish government evaded repeatedly to comply with the UN and the OAU resolutions, it did not, however, reject them outright. It simply multiplied obstacles and provided excuses to implement them. Nevertheless, the Franco government refused the setting up of a special UN Committee as stipulated by UN General Assembly resolution 2229(XXI) of 20 December 1966.

The referendum was deliberately delayed indefinitely and Franco looked to Algeria and Mauritania to play off Morocco's consistent claims over the Western Sahara. Rabat did not sever diplomatic or economic relations with Madrid, on the contrary, they were improved further and so were cultural links. Franco's attempts to placate Morocco's territorial claims were such that during the Spanish foreign minister Lopez Bravo's visit to Rabat in June 1970, the Moroccans were offered the joint exploitation of the Bu Craa phosphate mines in Western Sahara as an inducement. This, too, was rejected by Morocco at a time when the question of Gibraltar surfaced at international gatherings. Spain was anxious to secure Morocco's backing which might prove instrumental in rallying Arab and African support. Furthermore, Morocco's relations with Algeria and Mauritania were improving at a steady pace after the meeting of Boumedienne and Ould Daddah with King Hassan at Nouadhibou, Mauritania, on 14 September 1970. It resulted in the setting up of a committee to coordinate their strategy for a common

diplomatic campaign at the UN aimed at forcing Franco's government to comply with the General Assembly's December 1965 resolution. As international pressure increased on Madrid and the anti-colonial lobby was mobilised, Franco's government, in a tactical move, let it be known that a referendum would be held in the Western Sahara under Spanish auspices. It was to exclude refugees in Southern Morocco who fled the area during the "Operation Ouragan" in 1958 and the choice offered the voters would be restricted to independence under Spanish aegis or integration with Spain. Up to this period, Morocco was Spain's only interlocutor with regards to Western Sahara despite Mauritanian claims that question the very existence of the Mauritanian entity. Nouakchott was relying on the Sahrawis desire to be reunited with their tribal relatives to opt for integration with Mauritania. The country's precarious economic situation, however, left much to be desired for the Sahrawis to embrace this argument solely on ethnic grounds. President Ould Daddah who remained fearful of Morocco's claims over Mauritania needed an assurance that if the Western Sahara was to be part of Morocco the latter's claims over his country should not be revived. This came about when the two countries agreed to put up a united front to force Spain to relinquish the Saharan territories.

The 1966 UN resolution was reproduced by the General Assembly in its subsequent recommendations up to 1974 when it was decided to request the ICJ to give an advisory opinion on the legal ties between the territory and Morocco and the Mauritanian entity.<sup>5</sup>

It was Morocco that had requested the UN Decolonisation Committee to include the question of Ifni and the Western Sahara in the list of territories not autonomous. The Moroccan request was dealt with in September 1963. During the debate, Spain attempted to dissuade the Decolonisation Committee from responding positively to Rabat's wishes by arguing that negotiations between Spain and Morocco were already underway.<sup>6</sup>

Although negotiations were being held, the discovery of phosphates in the disputed territory prompted Madrid to stall Morocco's claims.

Mauritania put forward claims to the Western Sahara even as Morocco laid claims to the Mauritanian entity which was granted independence by France in 1960 to punish Morocco for not acceding to France's wishes of sealing off frontiers with Algeria to prevent Algerian combatants from infiltrating the territory from neighbouring Morocco. The French also offered to return Moroccan territories usurped during



French protectorate in Morocco including Mauritania and the Tuat region that comprised Tindouf and the surrounding area in south-west Algeria. Colonial France was keen to teach Morocco a lesson for not supporting its attempt to separate the Algerian Sahara from the rest of the country when oil was discovered there. Colonial France intended to grant Algeria independence along the Mediterranean coast and keep the oil-rich Saharan as a separate entity called the *Organisation Commune des Régions Sahariennes*.

For Spain, the phosphate deposits in Western Sahara were to be exploited immediately so as to persuade the local population to integrate with Spain. The Madrid government also relied on the tense Algerian-Moroccan relations following the October 1963 war, to deflect attention from the Western Sahara. Spain was requested by the UN, "to determine at the earliest possible date, in conformity with the aspirations of the indigenous people of Spanish Sahara and in consultation with the Governments of Mauritania and Morocco and any other interested party, the procedures for the holding of a referendum under United Nations auspices with a view to enabling the indigenous population of the Territory to exercise freely its right to self-determination."<sup>7</sup> The resolution also called on the UN Secretary General to appoint a special mission to prepare the referendum and assess the necessary modalities to implement the UN resolution.

Letters exchanged later between the UN Secretary General and Spain's representative in New York revealed different views with regards to the mandate of the special mission.<sup>8</sup>

Nevertheless, on 6 September 1967, Spain's UN representative declared before the Decolonisation Committee that his country approved the principle of self-determination in the Western Sahara.<sup>9</sup> In a consensus reached on September 14, 1967, the Decolonisation Committee noted, with regret, the absence of the implementation of resolution 2229(XXI) by Spain.<sup>10</sup> Consequently, the UN General Assembly adopted resolution 2354 (XXII) to reaffirm the undisputable rights of the inhabitants of Western Sahara to self-determination, approve the Decolonisation Committee report and call on Spain to facilitate the task of the UN Special mission to organise and supervise a referendum.<sup>11</sup>

Spain's failure to make any significant move to implement the UN General Assembly resolutions adopted from 1967-1973,<sup>12</sup> hardened Rabat's resolve and increased international pressure on Madrid.

Indeed, the OAU Council of Ministers adopted the first resolution



on Spain's African colonies in 1966. It appealed to Madrid to "initiate resolutely a process giving freedom and independence to all the regions".<sup>13</sup>

Several resolutions were adopted in subsequent years endorsing the UN stand on Western Sahara which Morocco fully supported. King Hassan reiterated his country's backing for the self-determination of the inhabitants of the Sahara at a press conference on 30 July 1970. He pointed out that in his negotiations with Spain, he had requested "specially that a popular consultation takes place there, assured as I was, that the first result would be the departure of the non-Africans and then one would leave it up to the people of the Sahara to choose whether to live under the Moroccan aegis or their own or any other".<sup>14</sup>

The hand over of Ifni to Morocco in January 1969 was also endorsed by the UN and the OAU.<sup>15</sup> Spain, nevertheless, avoided complying with the UN and the OAU resolutions despite accepting the application of the right to self-determination and setting February 1971 as the date for a referendum.

The plebiscite proposed by Madrid was to be held under Spanish auspices for an electorate limited largely to sedentary tribesmen. The choice offered was restricted to independence under Spanish tutelage or the status quo.<sup>16</sup> These conditions were unacceptable to Morocco, the UN and the OAU. It was simply a ploy to play for more time until such time as when Spain was ready to organise a referendum in the disputed territory under its own terms.

Indeed, on 3 July 1974, Spain informed Morocco, Mauritania and Algeria to expect a change soon in the status of the Western Sahara. This led King Hassan to address a letter to President Franco on 5 July warning Spain, "against any unilateral action in the Saharan territory".

As tension mounted in the region, Spain advised the UN Secretary General on 20 August 1974 of its intention to organise a referendum in the first half of 1975. Again, Madrid offered the inhabitants of Western Sahara only the choice between independence and integration with Spain and excluded the option of integration with neighbouring states.

At the UN General Assembly in September 1974, Spain was reminded by Morocco that it had abstained the previous year from the vote on the UN resolution calling for the decolonisation of the territory. Moreover, it was not for Spain to decide how and when it was appropriate to hold a referendum as such task was the responsibility of the UN.

To defuse the increased tension in the region at a time when Boumediène sided with Franco, King Hassan proposed on 17 September 1974 that the Saharan question be referred to the ICJ.<sup>17</sup> Following the UN report on Western Sahara,<sup>18</sup> the ICJ verdict,<sup>19</sup> the *Green March*<sup>20</sup> and the conclusion of the Madrid Accord,<sup>21</sup> the UN General Assembly adopted two resolutions in December 1975. First, resolution 3458 A (XXX),<sup>22</sup> reflecting the Algerian stand which did not refer to the Madrid Accord. The second, resolution 3458 B(XXX),<sup>23</sup> endorsed the Moroccan-Mauritanian position and took note of the Madrid Accord as an international treaty recognising the hand-over of the territory to Morocco and Mauritania.

In July 1976, the OAU decided to convene a special summit on the Western Sahara question,<sup>24</sup> the UN General Assembly adopted a resolution taking note of the decision and thereafter, the OAU, as the regional organisation, took responsibility for seeking a solution to the issue and would advise the UN of the outcome.<sup>25</sup>

When Morocco withdrew from the OAU in November 1984 when it became evident that the Pan-African Organisation was unable to tackle the problem head on, let alone organising a referendum,<sup>26</sup> the issue was moved back to the UN where King Hassan, in response to the UN Secretary General's appeal for a "search of a peaceful solution to the problem",<sup>27</sup> offered in October 1985 an immediate unilateral cease-fire on condition that territories under his responsibility were not attacked. He also proposed the organisation of a referendum under the auspices and control of the UN, in the early part of January 1986.<sup>28</sup> The cease-fire was to "take effect as of this moment" and neutral observers were invited to verify its observance pending the holding of a referendum. The King pointed out that the "UN would naturally be free to request at any time the assistance of any regional organisation", a reference to both the OAU and the Arab League.<sup>29</sup> Algeria and the Polisario rejected the proposal and referred to the presence of Moroccan troops and administration in Western Sahara as the reason. They also insisted that unless Morocco entered into direct negotiations with the Polisario, the conflict would continue indefinitely.<sup>30</sup>

Rabat argued that its troops would be confined to their barracks and the administration would be called upon to act only requested by the UN and the internationally recognised procedures applied to all African states including Algeria. The Moroccans also pointed out that the referendum in Algeria in 1958 was conducted in the presence of

French troops and administration and did not deter the Algerian people from opting for independence.

The Moroccans rejected direct negotiations with the Polisario as that would constitute an outright recognition of a movement that, Moroccans claimed, represented only itself and Algerian interests and not those of the Sahrawis. Rabat contended that if the Polisario leadership was convinced they represented the Sahrawis, the only way to prove it, was through a referendum under UN-supervision the outcome of which would be duly respected as King Hassan had repeatedly pledged.<sup>31</sup>

On 2 December 1985 the General Assembly mandated the UN Secretary General Javier Perez De Cuellar to continue the search for a settlement. He held separate talks with Morocco and the Polisario in New York on 9 April 1986. These talks were an attempt to break the deadlock. De Cuellar embarked on a new initiative and dispatched a technical team to the Western Sahara and Algeria to gather first-hand information in preparation for the referendum. Algeria and the Polisario rejected the idea of a technical team and called the decision premature. When the UN Secretary General decided to go ahead with the operation, the Polisario declared a cease-fire until the team's task was completed.

Encouraged by the resumption of diplomatic relations between Morocco and Algeria on 16 May 1988, De Cuellar presented Morocco and the Polisario with a peace plan on 11 August 1988 and requested their response by the first of September. Despite reservations expressed by the Polisario and its insistence on direct negotiations with Morocco, the peace-plan was accepted by all concerned on 30 August 1988 and subsequently a Settlement Plan was endorsed by the Security Council in June 1990<sup>32</sup> and the following year the UN brokered a cease-fire implemented on 6 September 1991.<sup>33</sup>

The Settlement Plan comprised a transitional period, the repatriation of refugees, the exchange of prisoners of war and the setting up of an international peace-keeping force referred to as "MINURSO"<sup>34</sup> to monitor the ceasefire and the planning and the organisation of a referendum.

The eligible voters were to decide whether they would prefer to be part of Morocco or opt for independence. MINURSO was trusted with compiling a list of eligible voters who can vote in the referendum. The Spanish census of 1974 (73,497) was used as a basis to start the identification process. Contrary to what was argued by the Polisario, the census was not completed by the Spanish administration as confirmed

by the Spanish colonel in charge of the operation.<sup>35</sup>

The deadline for the submission of Applications by eligible voters expired in October 1994. The 235,000 applications received were divided as follows:

- In the Moroccan controlled territory enclosed by the Berm 81,855
- In the Polisario camps in the Tindouf area of Algeria about 40,000
- In Mauritania 14,568
- In southern Morocco about 95,000

The voter identification process finally began in August 1994. By the autumn of 1995, most of the applicants from the uncontested groups in the territory and from the Tindouf camps had been processed. Thereafter, because of irreconcilable differences between Morocco and the Polisario, the work of the identification Commission grounded to a halt. In 1995, the process of identifying eligible voters ran into difficulties partly because the UN relied mainly on Shioukhs (tribal leaders) from both sides to identify eligible voters for the referendum, and partly due to the fact that the inhabitants of the disputed territory did not have fixed abodes and have always adopted a nomadic lifestyle. Furthermore, the tribal structure of the Sahrawis is very complex and so is the rivalry between them. The Shioukhs accepted some voters and rejected others yet these potential voters were from the same family or tribe. Appeals from both sides ran to thousands of cases and the identification process was halted as it became quite clear it would turn into a nightmare for UN officials.

In 1996, on the advice of the UN Secretary-General, the Security Council voted on 29 May 1996, to suspend the identification process.

The following year in March, the UN Secretary-General, Kofi Annan, appointed former US Secretary of State, James Baker III, to be his Personal Envoy with a remit to assess the feasibility of the UN Settlement Plan. On 11-12 June 1997, Baker held private proximity (indirect) talks in London with the Moroccan foreign minister Abdellatif Filali, the Polisario's foreign minister Bachir Mustapha Sayed, the Algerian foreign minister Ahmed Attaf and the minister-designate of Mauritania's presidency. Baker concluded that no progress could be made without renewed direct talks that would commence in Lisbon, Portugal. These talks, he said at press conference, would remain private and under UN auspices and aimed at putting the repeatedly postponed referendum back on track. On 23-24 June 1997 in Lisbon, the talks began



with the subject of voter identification, as the primary issue responsible for the deadlock in the implementation of the Settlement Plan. He put forward a set of confidence-building measures for delegates to consider in their respective capitals. On 19-20 July agreement was reached in London on certain aspects of voter identification. Chief among these was the important agreement that no party would present candidates from previously contested tribal grouping. Other important points of the agreement were that:

- The UN Secretary-General's Acting Special Representative would inform the parties of the results by number of the identification process to date;
- The UN High Commissioner for Refugees (UNHCR) should begin taking steps preparatory to the process of repatriation of the refugees in accordance with the Settlement Plan; and
- The parties would cooperate with the implementation of the UNHCR's repatriation programme in accordance with normal practice and established principles of repatriation.

Another meeting took place in Lisbon on 29-30 August 1997 at which the parties agreed to the release of prisoners of war, political prisoners and detainees in strict conformity with the provisions of the Settlement Plan. The parties would also cooperate with the International Committee of the Red Cross and prisoners would be released, pursuant to the amnesty envisaged in the Settlement Plan and before the beginning of the referendum operation.

There was another meeting in Houston, Texas, on 14-16 September 1997<sup>36</sup> which "allowed for the resumption of the identification process" on 3 December 1997,<sup>37</sup> and an agreement on a code of conduct for the referendum campaign. Nevertheless, it did not take long before both parties were accusing each other of trying to undermine the Houston Agreement.

In his report of June 2001 to the Security Council,<sup>38</sup> the UN Secretary General described the "serious difficulties encountered in carrying out and concluding the identification process" and went on to point out that the "appeals process promised to be even lengthier and more cumbersome and contentious than the identification process, which itself lasted for five and a half years".<sup>39</sup>

The awaited UN-organised referendum operation started and

proved more difficult than was initially expected. The operation simply run to ground partly because of the complex tribal structure of the population of the disputed territory and their rivalry and partly due to the lack of fixed abode by eligible voters, their relatives and siblings as well as the reliance by UN observers on *shioukhs* (tribal leaders) to identify eligible voters from both sides who did not see eye to eye with one another. The majority of the inhabitants of the territory have adopted a nomadic life-style roaming the desert from the Atlantic Ocean to the Libyan Desert since time immemorial. 131,038 appeals from rejected individuals from both sides made matters worse and the identification process was halted as it became quite clear it would turn into a nightmare for UN officials.

In view of these unexpected developments, in 2000, the UN Secretary General and his Personal Envoy, James Baker, concluded that the Settlement Plan could not be implemented and that another approach must be sought.<sup>40</sup> James Baker “reiterated that there were many ways to achieve self-determination”.<sup>41</sup> Security Council Resolution 1309 of 25 July 2000, Called for an acceptable political solution. He made two attempts to broker a compromise focused on the concept of autonomy. His first endeavour, the “Draft Framework Agreement on the Status of Western Sahara”, provided for the territory to be administered for an initial four-year period by an executive elected by voters eligible for the abandoned referendum. After four years, a new executive will be chosen by an assembly which would be elected by a different electoral roll, consisting of anyone aged eighteen or over who had been resident in the territory since 31 October 1998 or was on the list of refugees to be repatriated. This assembly would be bound by the terms of the Moroccan constitution. After one more year, a referendum would be held on the final status of the territory, using another electoral roll based on anyone aged eighteen or over who had been resident in the territory for the preceding year would be eligible. The proposed a Framework agreement that would allow the Sahrawis the right to elect their own executive and legislative bodies, under Moroccan sovereignty, and have exclusive competence over a number of areas namely: local government administration, territorial budget and tax law enforcement, internal security, social welfare, culture, education, commerce, transportation, agriculture, mining, industry, fisheries, environmental policy, housing and urban development, water and electricity and other basic infrastructure. This proposal was endorsed on 29 June 2001 by the

UN Security Council resolution 1359. Morocco accepted the proposal but Algeria and the Polisario rejected it,<sup>42</sup> and in November the same year, the Algerian President, Abdelaziz Bouteflika, proposed another option that of the partition of the territory.<sup>43</sup> “It should also be noted that Algeria is described in the proposed plan as a neighbouring country, although it was referred to as a party to the dispute in the Secretary General’s report of 20 June 2001 (S/2001/613) and the annexed Framework agreement”.<sup>44</sup>

Under resolution 1359 (2001), The UN Secretary General said that in order for the negotiations to take place, Algeria and the Polisario needed to express clearly their willingness to enter into them on the basis of the framework agreement as this was “the last window of opportunity for years to come”.<sup>51</sup>

The UN Secretary General Kofi Annan pointed out in his report that “owing to the parties’ incompatible positions with respect to the possibility of negotiating changes in the draft framework agreement, which was favoured by Morocco, or the proposal to divide the territory, which was favoured by Algeria and the Frente POLISARIO, I presented four options, which would not have required the concurrence of the parties, which the Security council could consider in addressing the conflict over Western Sahara see S/2002/178”.<sup>45</sup>

Under resolution 1359 (2001), the UN Secretary General said that in order for the negotiations to take place, Algeria and the Polisario needed to express clearly their willingness to enter into them on the basis of the framework agreement as this was “the last window of opportunity for years to come”.<sup>46</sup>

The UN Secretary General’s four alternative solutions were the resumption of the UN settlement Plan, James Baker to revise the Framework Agreement, the partition of the territory or the termination of MINURSO by the UN Security Council.<sup>47</sup>

Baker was asked to engage in further talks with the parties and come up with new proposals.

Baker’s second proposal, “Peace Plan for self-Determination of the People of Western Sahara”, was presented in January 2003 and was radically different to the first. It provided for the final status referendum to be held after five years and would include the options of independence, autonomy or full integration with Morocco. This new formula was initially rejected by the Polisario leadership who insisted on the implementation of the 1991 Settlement Plan. Algeria

responded favourably to the plan calling it “an historic compromise in favour of peace”.<sup>48</sup> Then the Polisario abruptly changed its mind and announced in July 2003 that it “would be ready to contribute to the effective exploration of Mr. Baker’s proposal”.<sup>49</sup> Morocco rejected Baker’s proposal in April 2004 because of the revised definition of the electorate for the final status before the referendum, the prerogatives of the proposed autonomous government to include the Polisario members and the explicit inclusion of independence as an option. Subsequently, Security Council Resolution 541 called for “a mutually acceptable solution” and the Peace Plan was nipped in the bud.<sup>50</sup> Not surprisingly, on June 1, 2004, Baker informed the Secretary General that he wished to resign from his duties as his personal envoy, as he had done all he could to resolve the conflict. Baker pointed out in his resignation letter that in the final analysis, only the parties themselves could exercise the political will necessary to reach an agreed solution. He added that the United Nations would not solve the problem of Western Sahara without requiring one or both parties to do something they would not voluntarily agree to do.

In response to UN Security Council resolution 1754 adopted in April 2007 asking the parties to negotiate without preconditions under UN auspices, the Manhasset meetings took place in search for a political solution.<sup>51</sup> Prior to the adoption of Resolution 1754 and the start of the ongoing UN-sponsored negotiations, Morocco had submitted a proposal to grant full autonomy to the Saharan region within the framework of the Kingdom’s sovereignty and territorial integrity. The Polisario, however, had submitted their proposals a day before insisting on the implementation of one of the options of the Baker Plan related to the holding of a referendum that the UN deemed unworkable because of the difficulties mentioned above. The other choices under the Baker plan were autonomy or integration.

In his October 2007 report to the Security Council, the UN Secretary General admitted that no substantive negotiations had taken place regarding the political solution and that both parties had not moved away from their rigid positions. Resolution 1783, adopted in October 2007 in response to the report asked the parties to enter into substantive negotiations without preconditions in order to reach a mutually acceptable political solution. Resolutions 1783 and 1754 of April 2007 singled out the Moroccan autonomy proposal as “serious and credible” while simply taking note of the Polisario’s position.



The first rounds of negotiations served as an icebreaker after years of hostility between the conflicting parties who reiterated their willingness to cooperate with the UN to break the stalemate but by January 2008 there was no breakthrough.

A turning point came about through a frank speech before the UN Security Council by Peter Van Walsum, the United Nations Secretary General's special envoy and mediator in talks on Western Sahara. In his assessment of the situation on the ground, he told the UN Security Council that "an independent Western Sahara was not a realistic proposition."<sup>52</sup> "My conclusion that an independent Western Sahara is not an attainable goal is relevant today because it lies at the root of the current negotiation process," declared Van Walsum, who was appointed as the Personal Envoy for the Western Sahara in 2005 and has mediated four rounds of negotiations between Morocco and the Polisario Front.<sup>53</sup> He added that "what matters is how political reality and international legality interact to enable us to take the best decisions in real life", and called on the Security Council to recommend to the parties involved in the dispute to resume negotiations and take into consideration the political and international reality.

In a clear reference to the direct involvement of Algeria in the Sahara dispute, Ban Ki-moon's Personal Envoy blamed the persistence of the impasse on the fact that several countries deemed it "quite comfortable" to maintain the status-quo as it "spares them the responsibility of making difficult choices".<sup>54</sup>

He deplored the fact that the parties have not so far been able to engage in real negotiations and that "the process is deadlocked despite the agreement to hold a 5th round." He pointed out that "what is needed is a clearer advice from the Council itself. If the Council cannot make a choice, the parties cannot either."

Van Walsum suggested breaking the impasse by inviting the conflicting parties to reaffirm their principle agreement that "nothing is agreed upon unless there is agreement on everything." He also recommended negotiations without preconditions "on the assumption that there will not be a referendum with independence as an option". He suggested to the UN Security Council to temporarily withdraw the two proposals from the negotiations agenda for six to nine months stressing that the UN body "can affirm its intention to assess the process at the end of this trial period."<sup>55</sup> "If it (UNSC) sees the outline of a possible political solution, it may decide to extend the trial period, otherwise the

status-quo and the inconsistent stances of the parties will resume," he concluded.

In his report to the 15-member Security Council, the UN Secretary General Ban Ki-moon stated that "I concur with my Personal Envoy that the momentum can only be maintained by trying to find a way out of the current political impasse through realism and a spirit of compromise from both parties. The international community will share my view that the consolidation of the status quo is not an acceptable outcome of the current process of negotiations."<sup>56</sup>

Resolution 1783 adopted in October 2007 in response to the UN Secretary General's report, again asked the parties to enter into substantive negotiations without preconditions in order to reach a mutually acceptable political solution. Like Resolution 1754 of April 2007, it cites the Moroccan autonomy proposal as "serious and credible".

UN Security Council resolution 1813 called on "the parties to continue to show political will and work in an atmosphere propitious for dialogue in order to enter into a more intensive and substantive phase of negotiations".<sup>57</sup>

Morocco and Algeria have been locked into a long-standing dispute over the Sahara issue and only a political will in Algiers and Rabat can solve it, said Boutros Ghali, former Secretary General of the UN in an interview with the Algerian Arabic daily "Al-Khabar". "Solving the Sahara issue lies in direct negotiations between Morocco and Algeria to reach a peaceful solution." He said.<sup>58</sup>

The UN continues to fund MINURSO, initially charged with monitoring the ceasefire and organise the referendum, and its mandate was prolonged until April 2010, but the project is all but dead as it was decided the referendum was "unworkable" and "unrealistic" and that a political solution was the only option left to settle the dispute.

As neither side has moved away from their original incompatible positions and there has been no meaningful progress, do we have reason to believe that any time soon one or the other or both will go to the negotiating-table with a proposal that would break the stalemate? Based on the rounds of substantive talks that have taken place in Manhasset in 2008 and in Vienna, Austria, in August 2009, it looked an unlikely scenario unless Algeria decided to enter discreetly into the ring to hammer out a political solution with Morocco before going public.

## NOTES

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- 2 *UN Official Documents*, 19th Session, Annexes No 8 (A/5800 Res. I Ch. IX).
- 3 Resolution 2072, 16 December 1965, in, *General Assembly Official Records*, 20th session, Supplement 14, UN Doc. A/6014, pp. 59-60. The resolution was adopted by a majority of 100 to 2 (Spain and Portugal).
- 4 *UN General Assembly*, Resolution No 2229 (XXI), 20 December 1966.
- 5 *UN General Assembly*, Resolution No 3292 (XXIX), 17 December 1974.
- 6 See statement of the Spanish ambassador at the UN on 2 October 1963, *UN Official Documents*, General Assembly, 18th session, annexes, p. 288.
- 7 *UN General Assembly*, Resolution 2229 (XXI), op. cit.
- 8 The Letters are published in, *UN Secretary General's Report*, UN Doc. (A/6700 Add.7, Chapter X, annex).
- 9 *ABC*, Madrid, 9 September 1967.
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- 11 *UN General Assembly*, Resolution 2354 XXII), 10 December 1967.
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- 14 *Annuaire de l'Afrique du Nord*, 1970, CNRS, Paris, p. 807.
- 15 On the recovery of Ifni by Morocco, see Rachid Lazrak, *Le Contentieux entre le Maroc et l'Espagne*, Dar El Kitab, Casablanca, 1974, pp. 314-344.
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- 17 See chapter on the ICJ Verdict.
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- 20 Jerome B. Weiner, "The Green March in Historical Perspective", *The Middle East Journal*, Vol. 33, No 20, winter 1977, pp. 20-33.
- 21 See full text in Appendices No I.
- 22 *UN General Assembly*, Resolution 3458 A (XXX), December 10, 1975. It was adopted by 88 votes to zero with 41 abstained. Morocco. Mauritania, China and Malta did not take part in the vote. See, *Chronique de L'ONU*, January 1976, p. 93; *Annuaire de l'Afrique du Nord* 14, 1975, p. 974.
- 23 *UN General Assembly*, Resolution 3458 B (XXX), December 10, 1975. It was adopted by 56 votes against 42 including Algeria, the Soviet Union and the Eastern Bloc countries. 34 abstained. See, *Chronique de L'ONU*, January 1976, p. 93; *Annuaire de l'Afrique du Nord* 14, 1975, pp. 974-975.
- 24 See chapter on the Question of Western Sahara at the OAU.
- 25 *UN General Assembly*, Resolution 31/45, 1 December 1976.

- 26 *Le Monde*, 13 November 1984; *West Africa*, London, 19 November 1984, p. 2304
- 27 *UN Report on Western Sahara*, 30 September 1985, Ref. A/40/692.
- 28 *African Concord*, 7 November 1985, p. 26; *Africa Now*, November 1985, p. 20.
- 29 Ibid. King Hassan's speech was read at the UN General Assembly by Morocco's Premier Mohamed Karim Lamrani on 23 October 1985.
- 30 Ibid.
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- 33 UN Security Council Resolution 658, 1990.
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- 40 Ibid, Para. 27
- 41 Ibid. Para. 33.
- 42 Ibid, Para. 39; S/2002/41
- 43 *UN Secretary General's report to the Security Council*, 23 May 2003, S/2003/565, Para. 43.
- 44 Ibid, P. 16, Para.1.
- 45 Ibid, P. 7, Para.43
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- 51 The UN-sponsored talks were in Manhasset (Greentree Estate) near New York, on 18-19 June and 10-11 August 2007 and 7-8 January and 16-18 March 2008.
- 52 *Reuters*, Monday, 21 April 2008; 7:00 PM , AFP (Agence France Presse) 21 April 2008
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- 55 Ibid
- 56 *UN Secretary General's Report to the Security Council*, S/2008/251, 14 April 2008, p.14.
- 57 *UN Security Council Resolution* 1813, 30 April 2008, p. 2.
- 58 *Al-Khabar*, Algiers, 22 March 2008.





The Polisario refugee camps near Tindouf, south-west Algeria



The Polisario refugee camps near Tindouf, south-west Algeria



## CHAPTER TWENTY-FIVE: THE TINDOUF REFUGEES

The term 'refugee' is now used in a wider concept and when it comes to "liberation movements", they often tend to use it as a propaganda ploy to gain sympathy and swell followers' ranks to achieve more credibility. There exist numerous categories of refugees and the 30,000 Sahrawis who fled the Franco-Spanish coup de force in 1958 following the "*Ecouvillion Operation*" (sometimes referred to as *Ouragan*)<sup>1</sup> and went to Morocco partly because the Kingdom became independent in 1956 and partly due to the fact that their uprising against Spanish rule was considered to a large extent as an expression of protest against the delay of being reunited with their homeland in the North.<sup>2</sup>

Under the 1951 UN Convention relating to the Status of Refugees, a refugee was defined as a person having "a well-founded fear of persecution for reasons of race, religion, nationality, membership in a particular social group or political opinion."

The Office of the UN High Commissioner for Refugees' primary purpose is to safeguard the rights and well-being of refugees. It strives to ensure that everyone can exercise the right to seek asylum and find safe refuge in another State, with the option to return home voluntarily, integrate locally or to resettle in a third country.<sup>3</sup> This criteria does not apply to the people confined in the Tindouf camps because, if they are genuine Sahrawis, they would be welcomed back to their homeland as were numerous others who managed to escape to Morocco sometimes risking their lives to cross the frontier filled with land mines. Furthermore, the whole Sahara from the Atlantic Ocean to the Red Sea belongs to them as their natural habitat. All of the tribes concerned: Izarguien, Ait Lahcen, Yagout, Oulad Tidrarin, Arosien, Oulad dlim, Ould Ben Sbaa and Reguibat as-sharq or Reguibat as-Sahel, have part of their populations outside the Western Sahara and traditionally migrated into and across the Sahara and Morocco.<sup>4</sup> As rightly pointed out, "The social and economic life of these tribes has never had specific territorial boundaries. Always on the move, between the Sous and the confines of the anti-atlas, the Sahara, Algeria, Mauritania, Mali and Niger, they were not defined by any particular space, as was the case for the sedentary tribes of Morocco. Migrations were constant, and sometimes occurred in a space of several thousand kilometres. Such widespread dispersion was made necessary by the desert environment".<sup>5</sup>

Algerian officials maintained that the refugees in the Tindouf camps had fled from the Western Sahara in fear for their lives from the Moroccan and Mauritanian forces. The Moroccans, however, attributed the move partly to Algerian military intervention in the Western Sahara in January 1976, an argument substantiated by the Amghala military clash between Moroccan and Algerian forces;<sup>6</sup> and partly to the fact that the Tuareg and the Chaamba nomads converged on Tindouf for the sole purpose of seeking better living conditions than those prevailing in the drought stricken Sahel and the refugee camps in Niger and Mali.<sup>7</sup> Both President Moussa Traoré of Mali and President Seyni Kountché of Niger expressed concern that the recruiting among their nationals could revive dissent among the nomads in their respective areas of the desert.<sup>8</sup> The Moroccan government claimed that the refugees in the Tindouf camps were held against their will and served as hostages or bargaining chips in any settlement of the Moroccan-Algerian dispute.<sup>9</sup> "One needs only to describe oneself as a supporter of independence", writes the Spanish daily *Informaciones* referring to Western Sahara, "in order to receive Algeria's stamp of approval and backing, and to boast on Radio Algiers of terrorist activities against a state friendly to Algeria".<sup>10</sup> Moroccans point out that Tindouf, which should have remained a demilitarised zone as stipulated in the 1963 Agreement with Algeria under the auspices of the OAU,<sup>11</sup> was turned into Polisario headquarters with refugee camps used as a shield. This situation, argued the Rabat government, violated not only the bilateral agreements between the two countries but also the OAU convention governing the specific aspects of refugee problems in Africa of which Morocco and Algeria are signatories.<sup>12</sup>

The UNHCR first evaluation mission sent to the Tindouf camps gave an estimate of 10,000 to 12,000 refugees.<sup>13</sup> The UNHCR report also referred to the figure used by the League of Red Cross and Red Crescent Societies, which was put at 20,000. The report indicated that a few hundred refugees had already arrived in the area as early as 1970 before the creation of the Polisario (1973) and while the issue was fought diplomatically at the UN between Morocco and Spain. A UN visiting mission to the Tindouf area estimated the number of people at the Tindouf camps to be 7,000 refugees in May 1975.<sup>14</sup> A UNHCR report noted that, "on 8 December 2004, a meeting between OLAF,<sup>15</sup> WFP (Office of the Inspector General - OSDI),<sup>16</sup> and UNHCR (IGO)<sup>17</sup> was organised in Geneva. The purpose of the meeting was for the three organisations to share information on the allegations,

and the refugee operation in Algeria. Since 2000, the UNHCR/WFP assistance programme to Sahrawi refugees in the Tindouf area has been implemented on the basis of 155,430 beneficiaries. However, it is important to note that no registration of the Sahrawi refugee population has ever been undertaken. During the meeting, OLAF provided a satellite imagery report commissioned from the European Commission Joint Research Centre, Institute for the Protection and Security of the Citizen, which, according to them, endorsed the view that the population of Sahrawi refugees in the area surrounding Tindouf was around 91,000 (with a margin of error of 7,000).<sup>18</sup> It was also reported that the “The issue of the numbers of Sahrawi refugees is a contentious one, intrinsically linked to the political goals of both Morocco and the Polisario. In fact, a background note on the question of registration of the ‘Sahrawi refugees’ forwarded to the UN Secretary General in February 1977 from the then High Commissioner indicated *‘that the number and origin of Sahrawi refugees in the Tindouf area has become, by the nature of things, the central point on which may hinge the ultimate solution of the problem of Western Sahara’*.”<sup>19</sup> It also added that, “the influx of Sahrawis into the Tindouf area of Algeria first occurred in late 1975. At the time, the Algerian local authorities referred to 20,000 persons (although a UNHCR mission in December 1975 thought the real number was probably lower: around 12,000).”<sup>20</sup> As the Algerian authorities had constantly refused to grant permission to the United Nations High Commission for Refugees International (UNCHR) and the International Committee of the Red Cross to conduct a census in the Tindouf camp and provide an accurate assessment of the situation on the spot, it was pointed out that, “the issue of the numbers of Sahrawi refugees is a contentious one, intrinsically linked to the political goals of both Morocco and the Polisario. In fact, a background: note on the question of registration of the ‘Sahrawi refugees’ forwarded to the UN Secretary General in February 1977 from the then High Commissioner indicated *‘that the number and origin of Sahrawi refugees in the Tindouf area has become, by the nature of things, the central point on which may hinge the ultimate solution of the problem of Western Sahara’*.”<sup>21</sup>

It also noted that, “during this same period (1975-1982), the question of the number of Sahrawi refugees in Algeria was raised several times. It appears from the archived documentation that figures provided by CRA<sup>22</sup> and the Algerian authorities tended to be higher than those estimated by UNHCR. However, UNHCR eventually



accepted the Algerian authorities' figure. When WFP<sup>23</sup> first began to provide food assistance for this caseload, although they accepted the estimation of 50,000 refugees, they cautioned that this was only in order to provide assistance and did not amount to an acceptance of the figure provided. A letter from WFP (Mr. Vishnu Dhital) to UNHCR (Mr. Zia Rizvi) dated September 1977, specifically indicated that '*you may also wish to note that the number of refugees estimated is far from accurate and the estimate of individual family size appears to be very large. While the Algerian Red Crescent itself is providing food for an average of 50,000 persons the estimate of 70,000 appears to be highly exaggerated*'".<sup>24</sup> In April 1977, the UN Secretary-General informed the UN High Commissioner for Refugees that the Algerian authorities had agreed to a registration exercise. Subsequently, "on 18 May 1977, UNHCR wrote to the Algerian Permanent Mission in Geneva with details of the proposed registration exercise, referring to the Algerian agreement with the Secretary General. There is no record of a response to this *note verbale*. In August 1977, the Moroccan Government agreed to the proposed registration exercise. That same year during ExCom,<sup>25</sup> the Algerian delegation made a statement indicating that they were considering the modalities of such an exercise. No further feedback was received from the Algerian authorities and a protected source recently told IGO<sup>26</sup> that the Algerian Government was never in agreement with this proposal." <sup>27</sup> Once again, in 1999/2000, "UNHCR undertook a preregistration exercise for voluntary repatriation. In order to conduct this preregistration, UNHCR relied on the MINURSO identification exercise and the documentation that those identified were given by MINURSO. According to information available on file, the objectives of the preregistration exercise were '*to assess the number of refugees and their immediate family members willing to repatriate to the Territory in order to participate in the referendum of self-determination and to determine [their] final destination within the Territory*'. In the course of this exercise, UNHCR preregistered some 126,000 Sahrawis in the Tindouf area. However, there were concerns expressed by UNFICR Headquarters at the time the exercise was undertaken. These concerns referred to the fact that there were no safeguards in place to avoid double registration, and that dependants were registered based only on '*word of mouth of the principal applicant*'. In fact, the preregistration team only saw 19,984 principal applicants and the remaining 106,213 were registered as dependants with no random family visits being undertaken

to double-check the information provided by the principal applicants. Furthermore, UNHCR preregistration lists were not checked against MINURSO provisional voter lists.”<sup>28</sup> the report added that, “it is also important to note that concerns of possible fraud had already been expressed by UNHCR at the time of the preregistration exercise. The figures obtained as a result of this exercise have since formed the basis of UNHCR's and WFP's continued provision of assistance to Sahrawis”.

<sup>29</sup> As far as UNHCR records showed, “there were three formal requests from UNHCR to the Algerian Government for the registration of Sahrawi refugees: 18 May 1977 (as noted above), 7 June 2003 when UNHCR sent another *note verbale* to the Ministry of Foreign Affairs in Algiers on the same matter, which remained unanswered. Finally, on 23 March 2005, during a debriefing session on the IGO mission to Tindouf, the Deputy-Director of CASWANAME<sup>30</sup> made a formal demarche to the Algerian Permanent Mission in Geneva on the issue of registration. The Mission's response was that the matter would have to be raised with Algiers. UNHCR indicated that a written request from UNHCR and WFP on this matter was likely to follow. On 25 April 2005, UNHCR Algiers followed this verbal request with a written request to the Algerian Ministry of Foreign Affairs asking for the registration of Sahrawi refugees in the Tindouf area. The IGO takes note of this recent initiative and emphasises that UNHCR should not compromise its registration standards when it comes to planning and carrying out this exercise. The IGO would also like to point out that the non-registration of a refugee population for such a prolonged period constitutes an abnormal and unique situation in UNHCR's history. The political dimension given to the refugee numbers in this context should not be considered an acceptable obstacle, in 2005 (i.e. almost 30 years after the arrival of these refugees), to a full and standard refugee registration of persons in need of international protection and assistance.”<sup>31</sup>

The report concluded that, “the various doubts raised about the numbers of Sahrawi refugees in south-western Algeria are well-founded. The IGO would like to recommend that a full standard registration exercise (PROFILE), with DOS support, be undertaken by UNHCR in order to establish the number of refugees receiving international protection in Tindouf. Any sub-standard registration exercise, as with the 1999/2000 preregistration exercise, would lead to new controversies on refugee figures. In the event that the Algerian authorities refuse to allow the registration of Sahrawi refugees in the Tindouf area, UNHCR

should seriously consider reducing without delay the beneficiary number to 90,000. This figure was mentioned by a Polisario representative, Mr. Haddad, during his early March 2005 visit to UNHCR Geneva".<sup>32</sup>

In fact since there was no favourable response from the Algerian authorities to the UN request to conduct a census in the Tindouf camps, the UNHCR adopted in 2009 the figure of 90.000 for its humanitarian aid to the Sahrawis in the camps.

Various other sources have questioned the numbers of Sahrawi refugees in Algeria. A US Committee for Refugees (USCR) report on Western Sahara reported 80,000 refugees in Algeria.<sup>33</sup>

### **Diversion of food aid**

According to UNHCR report the, "UNHCR's Inspector-General's Office (IGO) was contacted at the end of September 2004 by the Office Européen de Lutte Anti-Fraude (OLAF) who informed the IGO that OLAF was conducting a large-scale investigation into allegations of diversion of ECHO<sup>34</sup> food aid and non food items (NFI) destined for Sahrawi refugees in Tindouf, Algeria. According to various protected sources, food and NFI were being diverted at the Port of Oran, en route to Tindouf and after arrival at the Rabouni warehouse in Tindouf, and were then transported to parts of Algeria, Mauritania and Western Sahara. Again according to OLAF, those responsible for the diversion of humanitarian aid were Algerian and Sahrawi nationals working for NGOs such as the Algerian Red Crescent Society (CRA) and the Sahrawi Red Crescent Society (CRS)." <sup>35</sup>

An audit of UNHCR's operation in Algeria took place in 2001. The audit made several observations with regard to CRA, including reference to the fact that "no reliance could be placed on 'CRA's' accounting and internal control mechanism".<sup>36</sup> The audit also referred to "the lack of methodology for allocating costs common to several donors, such as the costs of transportation, the mixing of funds from different donors in one account, the lack of monitoring reports on distribution of food and NFI and the lack of transparency with regard to the various CRA donors. WFP noted similar difficulties during their March 2005 mission and indicated that any comparison of transportation costs was extremely complex as CRA used different accounting methods for different donors".<sup>37</sup> During the IGO's mission to Tindouf, the IGO observed that some of these issues were still outstanding, "in particular,



no monitoring reports were available, and clear differentiation between donors was not done. CRA explained that in practice CRS<sup>38</sup> was responsible for actual distribution to beneficiaries, and CRA relied on distribution figures provided by CRS. However, no formal delegation was done between CRA and CRS, so only CRA was legally accountable to UNHCR for the correct disbursement of funds. Furthermore, as noted in paragraph 24 below, CRS has been given, through CRA, the use of a number of UNHCR trucks and other vehicles for which no right of use agreement has been signed.”<sup>39</sup> The IGO remained very concerned by the lack of clarity regarding CRA's funding, “coupled with its inadequate accounting and control procedures. In their report, the auditors had highlighted the fact that CRA was receiving funding from over 30 different donors. This situation, compounded by the lack of donor coordination, creates a significant risk of “double funding” for some projects and activities undertaken by CRA. Such a situation is frequently conducive to the development of fraud. The IGO is therefore of the opinion that CASWANAME should ask CRA to provide detailed information on related inputs from all their donors, and that a comprehensive audit of CRA be undertaken.”<sup>40</sup> The IGO also noted that “the lack of regular monitoring and reporting was raised in the context of the 2001/2002 audit of UNHCR's operations in Algeria and the situation did not appear to have improved since then. Finalisation of a joint plan of action with WFP (see paragraph 32 above) needs to urgently address this issue”.<sup>41</sup> It also pointed out that “many of these problems in food and NFI<sup>42</sup> distribution, particularly the lack of CRA responsibility and CRS accountability are not new issues and, like the issue of registration, have permeated the operation from the beginning. For example, IGO traced a note for the file dating from 1977 and entitled ‘Difficultés entre le Croissant Rouge Algérien et le HCR’. This report referred to a refusal by CRA to submit reports on the distribution of NFIs, in particular 45,000 blankets and 2,000 tons of flour destined for Sahrawi refugees.”<sup>43</sup>

Another report referred to allegations of diversion of humanitarian aid by the Polisario and,<sup>44</sup> “In particular, the report accused Polisario of diverting humanitarian assistance to support the army and to replenish the private accounts of the Polisario President's family”.<sup>45</sup> “The same report included several statements by NGO workers or others<sup>46</sup> indicating that they believed some humanitarian assistance, not limited to food items, was not reaching the designated beneficiaries. A former employee



of 'Enfants réfugiés du monde' was concerned that school supplies had not been distributed, and former Polisario cadres made similar allegations concerning other types of humanitarian assistance."<sup>47</sup>

"With regard to the allegation that humanitarian assistance was being diverted in order to supply troops, a protected source at Headquarters indicated, in March 2005, that Polisario had asked whether UNHCR would consider supplying food to combatants. Furthermore, another reliable protected source shared their view with the IGO that it was not unlikely that food aid in particular was being sent to Western Sahara to supply troops."<sup>48</sup>

Given these numerous allegations relating to diversion of humanitarian assistance, the IGO urged that "a proper registration of refugees takes place to determine the precise number of beneficiaries in order to properly plan the amounts of assistance required, and that adequate procedures be put in place to monitor the delivery of assistance."<sup>49</sup> The UNHCR emphasized that "the most striking aspect of this inquiry is that many of these issues - problems with refugee numbers, lack of registration, lack of CRA accountability, lack of monitoring- arose as early as 1977 and 28 years later the same problems persist."<sup>50</sup> The IGO recommended that the "UNHCR should undertake a formal demarche with the Algerian authorities to register the Sahrawi population in the Tindouf camps".

According to ECHO, the living conditions of the Sahrawi refugees remain difficult and the caseload continues to substantially depend on international humanitarian assistance to cover basic needs in all sectors.<sup>51</sup> ECHO has been a major source of humanitarian aid for Sahrawi refugees contributing €133 million since 1993.<sup>52</sup> The irony is that, "the Tindouf refugee camp population is closely controlled by Polisario's forces and the nearby Algerian military, which both restrict access by outsiders, including the United Nations High Commissioner for Refugees. Considering that the UN pays for the refugees, this means aid distribution lacks all transparency, which in turn has resulted in rampant corruption on the part of Polisario's leadership".<sup>53</sup>

Another report pointed out that "Algeria fails to live up to its commitments under the 1951 Convention relating to the Status of Refugees and its 1967 Protocol with respect to the Sahrawi refugees from Western Sahara".<sup>54</sup> It also added that Algeria "fails even to acknowledge its responsibility for their treatment on its territory, pretending they are actually under the jurisdiction of a state-in-exile".<sup>55</sup>

With regards to the refugees' movement within Algeria, the report noted that "while many Sahrawi travel abroad and within Algeria (beyond the border town of Tindouf) on occasion, this generally requires documented permission from both the Government of Algeria and the Polisario rebel movement. The criteria and procedures for issuance of such documentation are not publicly available nor is either government willing to reveal them. Interviews with refugees inside and outside the camps reveal the process to be cumbersome and onerous and the criteria arbitrary and restrictive."<sup>56</sup> Refugees can travel to Mauritania with only their Polisario identity cards but not if they declare or give rise to suspicion that they intend to continue on to the Moroccan side of Western Sahara. The report said that "Algeria also restricts the five-day family visits organized by the Office of the UN High Commissioner for Refugees (UNHCR) to expensive and difficult to arrange air rather than land routes, resulting in a 21-year backlog. Even if refugees could travel freely throughout Algeria and reside wherever they chose, Algerian law makes it virtually impossible for them to obtain permits to work legally."<sup>57</sup>

With respect to food, the report states that "although the World Food Programme (WFP) alone provides rations for more than 125,000 refugees, it is not likely that there are even 90,000 in the camps. Algeria and the Polisario both refuse to allow a census to count and register the refugee population, furthering suspicion that its agents are diverting, smuggling, and reselling substantial amounts of international humanitarian aid.

As a result, aid shipped to Algeria ostensibly to help refugees could be diverted to other, less charitable, uses. An interview with one returned refugee involved in the process corroborates this suspicion."<sup>58</sup> According to UNHCR's Global Appeal for 2009, Sahrawi refugees in Algeria remain totally dependent on humanitarian aid as they lack access to livelihoods and face the extremely harsh climactic conditions of the Sahara desert. They rely on aid for food and non-food items, health care, education, water, sanitation, transportation, and other basic services.

There would appear no legitimate reason why the Government of Algeria cannot offer Sahrawi refugees the same treatment afforded to Palestinian refugees who had been there since the early 1960s and encounter no restrictions on their movement or economic activity and many appear to be thriving without international humanitarian aid.<sup>59</sup>

The prospects for livelihoods for the Sahrawi refugees are virtually non-existent and they are almost completely dependent on international aid.<sup>60</sup> The report recommended that International donors ought to insist that the Algerian authorities treat the Sahrawi refugees the same way.<sup>61</sup>

Algeria is party to the 1951 Convention relating to the Status of Refugees, its 1967 Protocol, and the 1969 Convention governing the Specific Aspects of Refugee Problems in Africa.<sup>62</sup> Yet, the UNHCR and the World Food Programme have repeatedly requested permission to conduct a census of the population to develop a credible data base for aid distribution. Following a visit to the Tindouf camps in September 2009 by the UN High Commissioner for Refugees, Antonio Guterres, he responded to the Polisario's request of increasing aid to the refugees by pointing out that such a move was conditional with the organization of a census. But Algeria still refuses to do so and the UNHCR has not changed its estimate.<sup>63</sup>

Every refugee spoken to by USCRI and who travelled to neighbouring Mauritania with nothing more than their Polisario identity cards left their family members behind or substantial assets in order to allay any suspicion that they were intending to go on to the Moroccan held territory and would have been stopped if they aroused any suspicion.<sup>64</sup> The Polisario reportedly refused to allow entire families to participate together in the UNHCR's Confidence Building Measures programme which organises weekly flights for some 30 or so beneficiaries from either side of the Berm.<sup>65</sup> In the first five years of the programme, about 8,600 people benefited from the initiative and in the first seven months of 2009 about five individuals refused to go back to the Tindouf camps. As pointed out, "the most severe limitation on the program is Algeria's refusal to allow the exchange overland".<sup>66</sup> Indeed, the Algerian authorities remain adamant that no census would be conducted in the Tindouf camps and no border with Morocco would be open.

A new study also highlights the plight of the thousands of refugees in Algeria who had been forgotten or forsaken and the violation of their human rights in southwestern Algeria where "their legal rights and freedoms have been routinely violated, humanitarian aid hijacked, families split and futures denied with no end in sight to serve a failed political agenda."<sup>67</sup> The study points out that "as refugees and as people warehoused on "foreign soil" the Sahrawi refugees have a substantial



number of rights under international law, which, unfortunately, 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)”<sup>68</sup> Although Algeria is signatory to the legal conventions regarding refugee rights and participates in the functions of the UNHCR, “it has not discharged its responsibilities vis-à-vis the refugees on its land. Finally, the role of the UNHCR as the implementing international agency for the protection of refugees, has largely been absent in ensuring the rights of the refugees, preferring to take on a secondary role of providing food and materiel to the camps. Given the abuses that have existed for more than 30 years, it is imperative that this be changed so that another generation of Sahrawi refugees is not robbed of their rights, opportunities, and future.”<sup>69</sup> From a political perspective, the Sahrawi refugees are “denied rights granted to them under international refugee law and are also subject to violations of their human rights. Based on these realities, the rights enshrined in the Convention and Protocol most significant for Sahrawi refugees are rights relating to juridical status, gainful employment, welfare, freedom of movement, and documentation”.<sup>70</sup>

Algeria is party to the 1951 Convention relating to the Status of Refugees, its 1967 Protocol and the 1969 Convention governing the Specific Aspects of Refugee Problems in Africa. While the Sahrawis in the Tindouf camps were granted legal status as refugees by Algeria, under the guidelines of the Convention, rights concerning their juridical status continue to be violated. Chapter II of the Convention relates to the juridical status of refugees, who, under Article 12 are governed ‘by the law of the country of his domicile, or if he has no domicile, but the law of the country of his residence’. Therefore, Sahrawi refugees should be subject to Algerian law, but in reality they are under the jurisdiction of the Polisario, which Algeria claims has jurisdiction over the camps for all legal issues, despite the fact that all of the camps are located in Algeria itself. This ambiguity in their personal status, whether they are refugees in Algeria or “citizens” of the self-proclaimed state established by the Polisario Front has significant implications for their treatment and their various internationally guaranteed rights to maintain property and access courts.”<sup>71</sup> With regards to the refugees right to employment, under the 1951 Convention, Chapter III, Articles 17, 18, and 19, refugees have the right to gainful employment and livelihood. Article 17 grants refugees the same rights to work as other



foreign nationals. Furthermore, it states that any restrictive measure that would inhibit the right of any non-citizen to work in the territory should be lifted once the refugee is present in the territory for three years. The Algerian government has not done this despite them have been in Algeria for over 35 years. As a result of restrictive Algerian employment policies and the inability of the Polisario to provide for the camps' inhabitants, refugees remain totally dependent on UNHCR, WFP, European Commission – Humanitarian Aid Office (ECHO), and other public and private humanitarian aid organizations for food aid and non-food needs.<sup>72</sup> Despite the Polisario claims to the contrary, "Sahrawi refugees' freedom of movement is severely restricted and...in 2003, Amnesty International expressed grave concern about the denial of the refugees' right to freedom of movement by Algerian and Polisario authorities...an issue also confirmed in the 2008 World Refugee Report of the United States Committee for Refugees and Immigrants".<sup>73</sup> A report discovered that the UNHCR and relief agencies established to protect refugee rights have ignored the situation in the Tindouf camps and perpetuated the abuse of the refugees' rights under international law.

The report also points out that "the UNHCR makes no effort to identify or facilitate the return to Morocco of those refugees who might wish to exercise this option. Evidence indicates that the UNHCR has made no visible attempt to persuade Algerian authorities to allow the refugees to settle elsewhere in Algeria outside the camps, and very few Sahrawi refugees have been resettled elsewhere with the exception of those who were able to establish some other nationality or successfully applied for humanitarian residence status – mostly in Spain".<sup>74</sup>

For not being forceful enough to impose protection, accountability and registration of refugees on Algeria and the Polisario, the UNHCR has somewhat compromised its autonomy and mission to serve the refugees in the Tindouf camps. As rightly pointed out, "International law, which provides the essential framework of rule and principle for the protection of refugees, has been relegated to an inferior position vis-à-vis the political concerns of UN member states".<sup>75</sup> The refusal of Algeria to allow the international registration and documentation of the Tindouf refugees has prevented the UNHCR from profiling their humanitarian and protection needs or monitoring aid distribution.

Yet, although, the UNHCR is an apolitical institution, it is still responsible for monitoring aid distribution and ensuring that aid is

given to appropriate recipients. In March 2008, Interfaith International testified before the UN Human Rights Council that the Polisario diverted and sold aid to other countries and spent lavishly on military parades and festivals which contribute to their ability to maintain control over the refugees in the name of national unity and self determination.<sup>76</sup> The Polisario has used aid distribution as a means of social and political control over the population in the Tindouf camps, but humanitarian aid has also allowed the Polisario leadership to use the revenues for other purposes, rather than for caring for the refugees. The situation begs the question whether humanitarian aid is to support the Polisario's political agenda or the refugees. The UNHCR, the WFP, ECHO and other international donors should look into it in order to protect the refugees and minimise the abuse and fraud in the aid system.

Irrespective of any other considerations, "the UNHCR has failed in its primary mandate to protect refugee rights. Options such as promoting local integration and self sufficiency, which would allow Sahrawi refugees the option of settling elsewhere within the country to pursue their lives pending a solution to the political conflict, are not pursued

with Algeria. Attempts at self reliance by individual Sahrawi refugees confined to the camps are constantly frustrated by the strict controls on freedom of movement, access to markets and goods, and other impediments such as lack of individual documentation of their status. Neither has the UNHCR seriously attempted to establish any secure process, free of intimidation, which would allow refugees in the camps to seek voluntary repatriation."<sup>77</sup> The UNHCR has the power to seek the intervention of other United Nations institutions, such as the Security Council to advance and protect refugee rights. It is a violation of international law when authorities prevent repatriations and maintain power in the camps through the control over valuable resources.<sup>78</sup> All fingers of blame seem to be pointed at the Algerian authorities' responsibility for being "negligent in enacting national legislation to protect and enforce refugee rights. The Algerian 2008 National Poverty Strategy did not include a strategy for Sahrawi refugees, highlighting that Algeria maintains its claim that the refugees are the responsibility of the UNHCR and the Polisario Front. Algeria has also not fulfilled its international promises to reduce statelessness and provide the Sahrawi refugees with an internationally recognized nationality."<sup>79</sup> The Sahrawi refugees "have substantial rights under international law that are either

routinely violated or just as routinely ignored by the Polisario, Algeria, and UNHCR.”<sup>80</sup> Among these are the right to be documented, the right to freedom of movement and employment, the right to adequate health care and education, and the right to access legal protections in the host country’s judicial system.

The updated version of the UNHCR Global Appeal 2009 categorised the Tindouf refugees under the Country of Algeria, thus highlighting the state responsibility of Algeria under international law. Indeed, the report concluded that “Over the past 30 years, facts and realities on the ground have changed, while UNHCR’s and Algeria’s policies on refugees have not. The international system has done little to protect these warehoused refugees’ rights in what has become one of the longest encamped refugee situations in the world. It is legally, morally, and financially imperative that Sahrawi refugees in Algeria be granted all their rights under international law so they don’t stay warehoused another 30 years”.<sup>81</sup>

There was a precedent in Algeria’s dealing with humanitarian issues as a means to a political end. Indeed, The Algerian authorities’ retaliation against the Green March through mass deportation of some 45,000 Moroccans some of whom had fought in the ranks of the FLN for Algerian independence,<sup>82</sup> was further exacerbated by the mass murder of thousands of Tuaregs and Chambas in the Algerian Sahara most of whom had been driven out of the Algerian desert to neighbouring Mali, Niger and Chad.<sup>83</sup> Their crime was asking the Algerian authorities to invest some of the wealth generated by the Sahara Hydrocarbon into local communities’ development and possibly grant them some sort of autonomy. The entire world seemed to turn a blind eye on the ongoing Tuareg tragedy partly because they had not been a priority of world opinion. This community has been systematically abused, repressed and eradicated with impunity. It has also become fragmented, uprooted and subjected to dislocation and alienation.

Paradoxically as it may seem, most of the Polisario leaders who have assumed the right to speak on behalf of the Sahrawis are not native of Western Sahara. Therefore, they would not have been eligible to vote in a UN supervised referendum. Thousands of people in the Tindouf camps endure daily hardship and confinement. They are not allowed to move from one camp to another, leave Algeria or go out of the Tindouf area to roam the desert which used to be their natural habitat. As the state of emergency was imposed on the Algerian territory since the flare up of



violence in 1992 following the cancellation by the military leadership of the elections the Islamists were poised to win, the Polisario camps have effectively become a mini-state within Algeria run in communist style fashion. The SADR is divided into four provinces or wilayas (Layoune, Smara, Dakhla and Awserd) each being further divided into districts or "dairas". The 10 "dairas" are the SADR's regional and local administrative units. Each "daira" is centred on a refugee camp and holds mass assemblies, known as people's base congresses. Every adult in the camps belongs to an 11-member cell, for purpose of "political orientation".<sup>84</sup> "In accordance with Polisario's Marxist-style economic ideology, the economy operates without money, and each family is provided with basic necessities, principally from aid supplied by non-governmental organizations (NGOs)".<sup>85</sup>

There are independent reports and accounts from a number of former Polisario leaders who returned to Morocco<sup>86</sup> stating that the people in the Tindouf camps have no freedom of movement, their daily lives are strictly controlled and they are subjected to constant intimidation and indoctrination. The control is so tight that security agents are in charge of a community divided into small groups. The head of each group must report daily to his or her superior who in turn must report to a commissar, "AARIF", and then to a political committee of the camp and ultimately to the military security. Suspicion, mistrust and informing on others are encouraged in the name of the motto: "Attabligh Laissa Wishaya", informing on others is not a crime. Women and children are mostly targeted by this practice to destroy the moral and religious values of family bonds and kinship.<sup>87</sup> Older people have been marginalised yet, in the tribal structure of the people of the Sahara, they are respected within their traditional community. The marginalisation of the elderly has been reported to be politically motivated and decided by the leadership of the Polisario.

In mid-December 2007, the Polisario held its twelfth Congress in Tifariti, located in the zone between the Western Sahara international border and the berm, in flagrant violation of the ceasefire brokered by the UN in 1991.<sup>88</sup> This is an area under supervision of MINURSO and the Polisario refers to it as its "liberated zone". During the congress, the Polisario leadership discussed the possible resumption of hostilities and made clear that their position would be uncompromising as ever.

After the UN-brokered cease-fire in September 1991, it took Algeria and the Polisario fourteen years to release hundreds of Moroccan



prisoners of war some of whom had spent over twenty five years in holes in the ground covered with corrugated iron and who were used as slave labour. Many of them died in captivity on Algerian soil despite repeated calls for their release from the UN, the International Committee of the Red Cross and the UNHCR. Others have simply disappeared and their whereabouts are still unknown.<sup>89</sup>

It was also reported by independent observers that during the military conflict, the Polisario retreated to safe bases across the Algerian border "taking with them large numbers of Sahrawi civilians".<sup>90</sup>

In its 2009 annual report, Amnesty International stated that, "little independent information was available about conditions in the refugee camps run by the Polisario Front in Algeria. No steps were known to have been taken to address the impunity of those accused of committing human rights abuses in the camps in the 1970s and 1980s".<sup>91</sup>

It is worth mentioning that no international organisation is allowed into the Tindouf camps without the authorisation of the Algerian military command and the refugees' predicament will unfortunately continue to deteriorate regardless of the lack of transparency, accountability.

These various independent and official UN agency reports and findings mentioned above have highlighted the systematic theft of humanitarian aid intended for the refugees which is sold on black markets in the region for personal profit. International humanitarian organisations and official UN agencies need to establish an intimidation-free voluntary repatriation programme in the camps for those Sahrawi refugees who wish to return to their previous homes and families in Morocco or otherwise leave the camps to settle elsewhere. The presence in the camps of a permanent international NGO is a must to monitor distribution of humanitarian aid. The decades-old situation of the Sahrawi refugees, and the improvement of their circumstances through the instruments of international law and global institutions, must remain the prime concern of the international community to put an end to the prolonged suffering of these forgotten and forsaken people in the Tindouf camps.

## NOTES

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- 21 *Ibid*, p. 2, para. 12.
- 22 Croissant Rouge Algérien
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## CHAPTER TWENTY-SIX: THE SELF-DETERMINATION PRINCIPLE

The inhabitants of Western Sahara, argue the Moroccans, are entitled to their right to self-determination but it does not automatically imply independence. Algeria, however, has already made up the Sahrawis' mind by recognising the SADR and launching a diplomatic offensive worldwide to secure its recognition. Such hasty decisions prejudice and even invalidate well in advance the legitimacy of the sought-after referendum that Algeria and the Polisario are still clinging to despite the UN decision to abandon the concept.

Algeria advocated the exercise of the right to self-determination but, recognising the SADR before that principle was freely exercised, contradicts the very argument the Algerians advance. By recognising the SADR and giving its leaders refuge in Algeria, indicates that the Algerian policy was not well-intentioned. Algeria, thus, purposely determined the course of events and dictated the outcome of the referendum when the very existence of the ongoing UN-sponsored talks on the political future of the territory has yet to be determined.

It is noteworthy to recall that during the Evian negotiations leading to Algeria's independence in 1962, the Algerian National Liberation Front (FLN) rejected French arguments regarding a self-determination referendum for the Reguibat, Tuareg and Chambaa tribes native of the Algerian oil-rich Sahara.<sup>1</sup>

Between 1958 and 1964, Spain repeatedly asked Morocco to exchange Western Sahara for Moroccan recognition of Spanish sovereignty over the Presidios of Ceuta and Melilla.<sup>2</sup> After colonial Spain ceded to Morocco Tarfaya (April 1958) and Ifni (1969), it dragged its feet on completing the process of decolonising the rest of the Saharan territory or making any concrete moves on the subject partly because of discovery of phosphate deposits and partly due to the loss of fishing grounds along the coast<sup>3</sup> and security considerations regarding the protection of the Canary Islands from foreign interference after the revival and support by Algeria of the separatist movement the MPAIAC as an African liberation movements in quest for independence of the Canary Islands.<sup>4</sup>

Until 1973, Spain had been unwilling to accept the idea of ceding the Western Saharan territory to Morocco despite the latter's repeated claims at international forums prominent among them the UN, the OAU, the

Organisation of Islamic Conference and the Arab League. In September 1973, Spain offered the region autonomy followed in August 1974 by informing the UN Secretary General that it was planning a referendum on self-determination. Morocco objected to Spain's decision because the proposed referendum excluded integration with Morocco and only proposed independence or integration with Spain. Morocco took the case to the International Court of Justice<sup>5</sup> and Spain refused to abide by its findings. The UN General Assembly Resolution 1514 (XV) 1960 contains a further qualifying clause. In paragraph six of the resolution, it is stated that disruption of national unity or territorial integrity is incompatible with the UN Charter and that, in these circumstances, the territory should be reintegrated. It is for this reason that the existing legal ties between the Western Sahara and Morocco have been emphasised to reassert Moroccan territorial sovereignty as understood in international law as Spain's colonial occupation of the territory disrupted territorial integrity or national unity of the Moroccan kingdom. This is in line with the general definition of "sovereignty" which means 'the territory of a sovereign or a sovereign state'.<sup>6</sup> Most historians of international law would agree that sovereignty means 'territorial sovereignty' and remains a fundamental European concept.<sup>7</sup>

Paradoxically as it may seem, in 1976 Boumediène deported over 45,000 Moroccan families living in Algeria some of whom had even taken part in the Algerian war of independence.<sup>8</sup> Yet, the most exaggerated estimates of the number of Sahrawis in the Tindouf camps did not exceed twenty thousand.<sup>9</sup> Furthermore, Algeria which prided itself on being the champion of the "oppressed" and the sanctuary of revolutionary movements,<sup>10</sup> embarked, in May 1986, on the mass deportation of over twenty thousand Sahrawis of Tuareg origin presumed to be from neighbouring Mali and Niger.<sup>11</sup> Would it be wrong to assume that the Tuaregs no longer served Algeria's geopolitical interests as did the Sahrawis in the Tindouf camps? Was their reluctance to join the Polisario ranks the price of their expulsion as the logical conclusion?<sup>12</sup> Some of the Tuaregs joined the Polisario camps out of necessity dictated more by their mere survival than politicking and one only had to recall the devastating drought experienced by the Sahel region in the seventies and the beginning of the eighties to understand their reasoning. What logic was there in preferring one group of Sahrawis to others if it were not for pure geopolitical interest? As Ferhat Abbas, the most respected leader of the Algerian revolution, pointed out: "Regarding the Western

Sahara issue, he (Boumediène) apparently wished to support the right of a population to self-determination. Perhaps, one should ask him to respect first the Algerians' right to determine their country's 'options' and to whom was denied not only the liberty to democratically choose their regime but also the right to free speech and meetings. How could Boumediène in these circumstances pose as a champion of peoples' liberty?"<sup>13</sup> Indeed, behind the rhetoric of the Algerian leadership's adherence to the self-determination principle lay the reality of the political challenge for regional hegemony and the ideological differences between the Algiers and Rabat regimes that dominated their policies in the seventies and eighties.

Whereas the Security Council required the UN Secretary General's Personal Envoy to propose a political solution providing for self-determination, international practice clearly shows that democratic consultation concerning the status of a territory, as negotiated between the parties, is a valid means of allowing a population to achieve self-determination. This practice is based on General Assembly Resolution 1541 (XV) of December 15th, 1960 and on the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, annexed to General Assembly Resolution 2625 (XXV) of 24 October 1970, which, states that the options of independence, association or integration, as well as "the emergence into any other political status freely determined by a people constitute modes of implementing the right of self-determination by that people".<sup>14</sup> It also offers various options for the legitimate expression of self-determination including but not limited to independence. It has also expanded the concept of self-determination beyond its original purpose of solving post-World War II disputes. Indeed, the term has eight different interpretations and variations and the vagueness of the concept has led to a long-standing legal debate with unclear and often contradictory parameters. The very term of self-determination is vague and can be applied to determine a "community", "people" or "Sahrawi" of different tribes and groups of the Sahara stretching across Morocco, Algeria, Mauritania, Mali, Niger and Chad. The Polisario claims to represent their wishes to create an independent state in Western Sahara. The Sahara was never a state and merely a passage for caravan trade to cater for a sparsely populated arid and vast region. The Declaration on Principles of International Law does not explicitly equate self-determination to independence or



any political status. It simply implies the right on the basis of which peoples are legally justified to seek political status and is open to many interpretations. Yet some jurists have interpreted the concept of self-determination as the exclusive right to seek independence.

UN General Assembly Resolution 1514 (XV) (December 1960) makes it clear that the principles of Article 73 apply to "national territories" and that "...the Integrity of their national territory shall be respected".<sup>15</sup> The same resolution also stipulates that, "All peoples have the right to self-determination; by virtue of economic, social and cultural development".<sup>16</sup> More importantly, it states that, "Any attempt aimed at the partial or total disruption of the national unity and territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations".<sup>17</sup> This applies to Morocco's claims of sovereignty over Western Sahara and the territory it controls as the most commonly accepted definition of state sovereignty is territorial sovereignty.<sup>18</sup> It was on this basis that Morocco attempted to lay its claim before the International Court of Justice at The Hague in 1974. This is also the European constitutional practice<sup>19</sup> which is crucial to the definition and the determination of the territorial extent of a state and its jurisdiction and its historical cohesion.<sup>20</sup> The contradiction between self-determination of a 'people' and territorial integrity of a nation is not clearly defined by the 1970 UN Declaration that also enshrines the right of a sovereign nation to retain control over its territory. The clash of the two principles of self-determination and territorial integrity has led to heated debate in international law. Therefore, the concept of self-determination, if defined as a separatist group's right to independence, conflicts markedly with a sovereign state's right to maintain its territorial integrity.

Colonial powers' decision to decolonise a territory involves the application of the self-determination principle related to the choice between independence, integration into an existing state or association with an existing state. Under international law, only when territorial integrity would be disrupted can this principle be over-ruled as in the case of Western Sahara and conventionally this also applies to small territories.<sup>21</sup>

By implication, the 'people' concerned can only constitute a nation if they are a distinct ethnic group, or a homogeneous community that considers itself to be culturally homogeneous and unique compared to any other community.<sup>22</sup> But the Sahrawi tribes of Western Sahara are

connected to many parts of Morocco and Mauritania, for many centuries, through marriages and family affiliations.<sup>23</sup> As an eminent sociologist pointed out, “Nothing distinguishes these tribes from the other Saharan populations of Mauritania, Algeria, Chad, Libya or Sudan. They all have the same culture, the same social structures, and the same way of life. This is not simply an ecological region called the Sahara, but rather, a genuine area of civilization. To define the natural, social and cultural frontiers of these populations, it would be necessary to take into consideration the entire space stretching from the Atlantic to the Red Sea and proceed to a new distribution of the countries involved.”<sup>24</sup>

The colonial delimitation of frontiers had often ignored sociological, religious and ethnic realities in attempting to define a European-style border in Africa.<sup>25</sup> North African states have sought to rectify the extent of their territorial control to establish the national legitimacy they seek. This applies to Morocco and Libya, while Algeria, espousing the sanctity of frontiers inherited from colonial powers, has resisted any revision of boundaries. The present Moroccan borders contravene the historical record of Morocco’s constitutional structures and, ironically, the only nation in the region with historically and legally founded borders is Morocco while the other states were defined and created according to the interests and whims of the colonisers.

Prior to the Spanish withdrawal from Western Sahara in February 1976, President Boumediène stated repeatedly and before his Arab peers at the Arab Summit in Rabat in 1974 that the Western Sahara issue was a problem of decolonisation and not of self-determination.<sup>26</sup> This statement was also confirmed recently by the former Spanish Prime Minister Felipe Gonzales (1982-1996) at an international conference in Madrid on 28 September 2009.<sup>27</sup>

The debate over the future status of the Western Sahara will continue to rage as a case study of how international norms, principles and concepts evolve to reflect the many interpretations of international law governing territorial disputes and the call for solutions acceptable to all parties concerned and interested. There is a risk, however, that if the issue is not solved sooner than later, it may lead to the balkanisation of the wider region stretching from the Atlantic coast to the shores of the Red Sea.

## NOTES

- 1 See *Jeune Afrique*, Paris, No 1327, 11 June 1986, pp. 46-47 and No 1328, June 18 1986, pp. 38-39; *Le Figaro*, Paris, 23 May 1986.
- 2 Frank Trout, *Morocco's Saharan Frontiers*, Droz, Geneva, 1969, p. 441; Abdallah Laroui, *L'Algérie et le Sahara Marocain*, Serar, 1976, pp. 35-36.
- 3 E. Assidon, *Sahara Occidental: Un Enjeu pour le Nord-ouest Africain*, Maspero, 1978, pp. 30-37, 47.
- 4 Movement for the self-determination and independence of the Canary Islands; Virginia Thompson and Richard Adloff, *op. cit.*, p. 151; *Christian Science Monitor*, 27 December 1977; *Le Monde*, 23 December 1977.
- 5 See chapter on the ICJ verdict
- 6 Chambers Dictionary, p. 1056.
- 7 C. Thomas, *New States, Sovereignty and Intervention*, Gower, London, 1985, p. 3
- 8 *Nouvel Observateur*, No 585, Paris, 26 January 1976.
- 9 *Le Monde*, Paris, 6, 7 and 8 August, 1976; *Jeune Afrique*, 28 November 1975; *New York Times*, 12 October 1976 and 20 March 1977; Virginia Thompson and Richard Adloff, *op. cit.*, pp. 252-253.
- 10 Moroccan dissidents opposed to King Hassan's regime were welcomed in Algiers and provided with means to carry on with their anti-Moroccan activities.
- 11 *Jeune Afrique*, No 1327, Paris, 11 June 1986, pp. 46-47 and No 1328, 18 June 1986, pp. 38-39; *Le Figaro*, Paris, 23 May 1986; See also <http://www.tuaregfreedommovement.com/>
- 12 *Jeune Afrique*, No 1327, Paris, 11 June 1986, p. 46.
- 13 Ferhat Abbas, *L'Indépendance Confisquée*, Flammarion, Paris, 1984, p. 173.
- 14 Annex to General Assembly Resolution 2625 (XXV) of 24 October 1970.
- 15 UN General Assembly Resolution 1514, paragraph 4.
- 16 *Ibid*, Para.2.
- 17 *Ibid*, Para.6
- 18 R.M.M Wallace, *International Law*, Sweet & Maxwell, London, 1986, p. 102.
- 19 C. Thomas, *New States, Sovereignty and Intervention*, Aldershot, Hants, Gower, 1985, p. 3.
- 20 R.M.M Wallace, *International Law*, Sweet & Maxwell, London, 1986, p. 101-106
- 21 M. Akehurst, *a Modern Introduction to International Law*, London, Unwin Hyman, 1987, pp. 294-295; George Joffe, Self-Determination and *Uti Possidetis*, in, *journal of the Society for Moroccan Studies*, London, No1, 1996, p. 98
- 22 A. Smith, *Nationalism in the Twentieth Century*, Martin Robertson, Oxford, 1979, pp. 2-4.
- 23 Mohamed Cherkaoui, *Morocco and the Sahara.. op. cit.*, pp. 149-156.
- 24 *Ibid*, p. 57.
- 25 *Ibid*, pp.69-153.
- 26 See President Boumedienne's speech at the Arab Summit of 1974 in the appendix. The author has in his possession a recording of the speech.
- 27 [http://wsrw.org/index.php?parse\\_news=single&cat=105&art=1261](http://wsrw.org/index.php?parse_news=single&cat=105&art=1261) accessed on 14 December 2009.



## CHAPTER TWENTY-SEVEN: THE AUTONOMY CONCEPT

In 1985 when Algerian-Moroccan relations were on the mend, Algeria asked Morocco to give autonomy to the Western Saharan territory but King Hassan dragged his feet on the subject due to tremendous pressure from various political parties in Morocco whose leaders were opposed to the referendum that he had solemnly announced at the OAU Summit in Nairobi, Kenya, in 1981.<sup>1</sup> Abderrahim Bouabid, the then leader of the Moroccan opposition socialist party (USFP), openly criticised the decision and so did other leaders of progressive parties.

The idea of autonomy was adopted as more viable and realistic before James Baker was appointed the UN Secretary General's Personal Envoy for Western Sahara in 1997 as confirmed by the former UN Under-Secretary General for peacekeeping who stated that, "the new Secretary-General (Kofi Annan) asked me to go to Houston, Texas, to persuade James Baker III to accept an appointment as Special Representative and try to negotiate a deal based on enhanced autonomy".<sup>2</sup>

Once the UN Security Council realised in 2003 that Morocco and the Algerian-backed Polisario were unable to reach a consensus on the eligibility of voters in a UN-sponsored referendum, the priority shifted to a negotiated political settlement. With some arm-twisting from the US and France, among others, Morocco abandoned the integration option and came up with the offer of a wider autonomy that is now on the negotiating table. Through this initiative, Morocco undertakes to guarantee to all Sahrawis, inside and outside the territory, that they would play a leading role in the bodies and institutions of the region without discrimination or exclusion. They would run their own affairs democratically through legislative, executive and judicial bodies enjoying exclusive powers. They would have the financial resources needed for the region's development in all fields and would take an active part in the nation's economic, social and cultural life. The state would only keep powers related to foreign affairs and defence. This is similar to the devolution in Scotland, Wales and Northern Ireland implemented by the Labour government of Prime Minister Tony Blair (1997-2007).

It must be recalled that the social and economic life of the tribes in Western Sahara has never had specific territorial limits or boundaries and, as a keen observer put it, they are "always on the move, between the



Sous and the confines of the Anti Atlas, the Sahara, Algeria, Mauritania, Mali and Niger, they were not defined by any particular space, as was the case for the sedentary tribes of Morocco. Migrations were constant, and sometimes occurred in a space of several thousand kilometers."<sup>3</sup> Nothing distinguishes Western Saharan tribes from those in the Sahel region or even in Libya and Sudan. They all have the same culture, the same social structures, and the same way of life.<sup>4</sup> To attempt to define the natural, social and cultural frontiers of these populations, it would necessitate taking into account the entire space stretching from the Atlantic to the Red Sea and proceed to a new distribution of the countries involved. As a sociologist rightly points out, "the irony of history is that the only country with legally and historically founded borders is Morocco, is called into question, while the other nations were delimited according to the desires of the coloniser and its relevant interests".<sup>5</sup>

A wider autonomy for the disputed region would transcend historical, social and economic logic. It would, as rightly pointed out "be a synthesis of the requirements of international law and *Realpolitik*; at the same time it would disqualify a tendentious interpretation of the principle of this right".<sup>6</sup>

The current informal talks and planned negotiations on the status of Western Sahara would not take place without Morocco's compromise proposal on autonomy. However, the Polisario persists on calling for an unworkable referendum to allow for the self-determination of the Sahrawi people or nothing else, threatening to resort to armed confrontation.

The UN decolonisation rules that apply to the Western Sahara issue provide for a number of options including integration with a sovereign independent state on condition that a high degree of self-government is guaranteed. Therefore, the proposed autonomy meets international norms for self-determination. The 1970 UN Declaration on the Principles of International Law Concerning Friendly Relations and Co-operation among States expanded the concept of self-determination beyond the original goal of solving post-World War II disputes. The definition of the term now has eight different variations in the text and the vagueness and ambiguity of the concept has led to legal debates and interpretations with unclear and contradictory parameters. As an example, the term 'Sahrawi' defines or identifies numerous tribes and groups of the Sahara stretching across Morocco, Algeria, Mauritania,

Libya, Mali, Niger and Chad. So how can the Polisario leadership claim to represent their wishes and create an independent government in the name of all Sahrawis?

Many disputes throughout the world, since the Aaland Island case in 1920, under the League of Nations auspices,<sup>7</sup> have been resolved by the granting of autonomous status within the existing State structure. Negotiations remain the privileged means for the parties to adapt this autonomy to their aims and to regional characteristics.

Even before initiating the Framework Agreement, James Baker III, the UN Secretary General's Personal Envoy, expressed his belief that "substantial progress has been made towards determining whether the Government of Morocco as the administrative power in Western Sahara is prepared to offer or support some devolution of authority for all inhabitants and former inhabitants of the territory that is genuine, substantial and in keeping with international norms"<sup>8</sup> The purpose of the plan was to achieve a political solution to the conflict in Western Sahara as contemplated in paragraph 1 of Security Council resolution 1429 (2002), of 30 July 2002. It is in this spirit that the Security Council has taken into consideration the Framework Agreement which "would provide for a substantial devolution of authority, which does not foreclose self-determination, and which indeed provides for it".<sup>9</sup> The search for a political solution, or the so-called "third way", was based, from the outset, on devolution by the Kingdom of Morocco to a decentralised authority, thus allowing it to manage its own local affairs.

Following a number of studies carried out since 1995 on the right to self-determination and minorities, the UN Human Rights Commission's Working Group on Minorities of the Sub-Committee on the Promotion and Protection of Human Rights arrived at the conclusion that it was appropriate to adopt a different approach to the exercise of the right to self-determination that does not necessarily cause the break up of states.<sup>10</sup>

It has also lent credence to territorial autonomy as a means to deal with the emergence of several secessionist or separatist movements in recent years. Therefore, the emergence of a new paradigm explains the self-determination principle not just as the right to independence but also the right to democratic governance. In other words, territorial autonomy has become the expression of the right to democratic self-determination.<sup>11</sup>

The UN General Assembly emphasised the validity of autonomy

as an option of self-determination in a 1993 UN debate initiated by Liechtenstein. It was explained that so long as autonomy allowed for sufficient expression of a community's own identity, autonomy could be an adequate expression of self-determination without undermining other concepts of self-determination. Although the autonomy concept was not specifically cited as an option in subsequent UN resolutions related to self-determination, it remains one of the innumerable options interpreted under the concept of free association principle and provides a window of opportunity for flexibility, negotiations and compromise.

The proposed autonomy plan satisfies the free association principle within Moroccan territorial integrity while ensuring that the Sahrawis will enjoy a process of democratic self-rule that has not been adopted under the single-party domination of the Polisario leadership. Autonomy would contribute to the stability of the Maghreb while the creation of an independent territory of questionable legal standing, ideology and limited political and economic resources and assets would introduce instability in a region already beset by the constant threat of terrorism, hostage taking, drug trafficking and illegal immigration.

Some of the virtues of regional integration is that of transcending and defusing territorial questions and also settling them.<sup>12</sup> The Saharan conflict has given birth to a "Sahrawi identity" but not, as some claim, Sahrawi nationalism.<sup>13</sup> This phenomenon can be explained by the desire of the local populations in Western Sahara to run their own affairs. The impossibility of agreement over the criteria to identify eligible voters resulted in the UN effectively abandoning the planned referendum in favour of an alternative solution. However, in spite of these developments, the issue is likely to remain on the UN's unfinished business list for years to come partly because both parties consider their respective proposals as avenues to bring about the mutually acceptable political solution that the Security Council has been calling for since the final statement of Peter Van Walsum before the UN Security Council in 2008.<sup>14</sup>

Thus, territorial autonomy looks increasingly more viable than any other option.

The Moroccan autonomy plan was warmly received by France whose President Nicolas Sarkozy said, "the Kingdom [of Morocco] has proposed a serious and credible autonomy plan as a basis of negotiation [...] and it constitutes a new proposal element after years of stalemate."<sup>15</sup> France's UN representative also stated that "as the Council

had occasion to state on numerous occasions, there is no solution other than a negotiated, mutually acceptable political solution to the issue of the Western Sahara, whose resolution remains necessary — as all are convinced — not only for the Sahara but for the entire Maghreb region.”<sup>16</sup>

The US also endorsed the proposal and called it “serious and credible”.<sup>17</sup> During a hearing in Congress, David Welch, Assistant Secretary of State, confirmed that the Moroccan proposal “represented some serious efforts” and pointed out that the Polisario proposal “does not seem, in our judgment, to contain new ideas by comparison”.<sup>18</sup> He also noted that maintaining the Polisario’s control of the area, “leaves 90,000 Sahrawi people languishing in refugee camps near Tindouf, Algeria, and the territory, a potentially attractive safe haven for terrorist planning or activity”. On the other hand, a settlement along the lines of the autonomy proposal, “would offer real hope in strengthening political, economic, commercial and counter-terrorism cooperation for the Maghreb and the Sahel”.

As part of the process of consultation, King Mohammed VI revived in 2006 the Royal Advisory Council for Saharan Affairs (CORCAS)<sup>19</sup> as a consultative body for proposals relating to the Western Saharan issue. The 141 members of the CORCAS included representatives of various political parties, civil society and Khalil Rkibi, a retired non-commissioned officer of the Moroccan army living in Kasbah Tadla, who happens to be the father of the current president of the SADR and Secretary General of the Polisario, Mohammed Abdelaziz. Rkibi’s two other sons, a surgeon and a lawyer, both live in Morocco. The King also consulted all political parties in the country before a proposal on autonomy for the disputed territory was submitted by Morocco to the Secretary General on 11 April 2007 although the Polisario gave its own irreconcilable proposal to the Secretary General the day before. The resolution adopted by the Security Council on 30 April 2007 calling on the two parties to enter into negotiations in good faith and without preconditions has led to a glimmer of hope in the protracted dispute.

However, the premature optimism was quickly dashed as the underlying dynamics of the conflict have not changed. Indeed, the formal positions of Morocco, Algeria and the Polisario remained unchanged and difficult to deal with while the UN, with responsibility to resolve the conflict, has not been able to bridge the gap to break the impasse despite encouraging Morocco, Algeria and the Polisario to resolve



matters among themselves on whatever basis they deem appropriate. It has merely been adopting the role of an arbiter between the conflicting parties and preventing resumption of hostilities between the concerned and interested parties.

The deadlock is attributed in part to the reluctance of the main parties to compromise on the fundamental elements of their respective positions.

Prior to the Spanish withdrawal from Western Sahara in February 1976, President Houari Boumediène stated repeatedly and in the presence of his Arab peers at the Arab Summit in Rabat in 1974 that it was a problem of decolonisation and not of self-determination. This statement was also confirmed by the former Spanish Prime Minister Felipe Gonzales (1982-1996) at an international conference in Madrid on 28 September 2009.<sup>20</sup>

It could be argued that Algeria and the Polisario have had vested interests in the status quo partly because of the limited room for manoeuvre of both the Moroccan monarchy and the Algerian presidency, notably in relation to their respective military commanders; the lack of pressure for a change of policy from domestic public opinion in Algeria; the insulation of the Tindouf-based Polisario from public opinion in the camps, the Sahrawis in the Western Sahara and the international community. As the two proposals remain irreconcilable and if Algeria does not come forward and play a meaningful role leading to a political solution, the issue will linger on for decades to the detriment of the peoples of the region and their social and economic development.

## NOTES

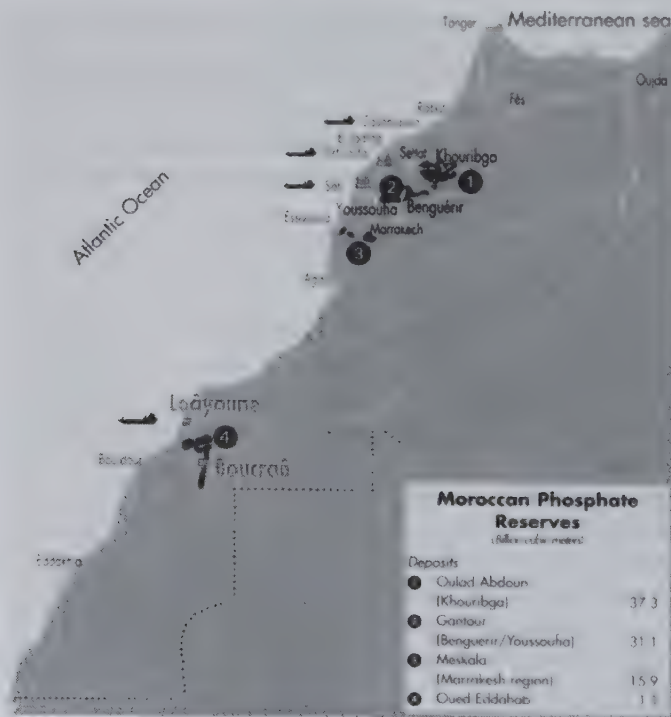
- 1 A declassified CIA report in June 2007 revealed that Algeria proposed to Morocco in 1985 a wider autonomy for Western Sahara within Morocco's sovereignty. *Aujourd'hui le Maroc*, Rabat, 20 December 2007. The author had discussions with high-level officials from both Morocco and Algeria who confirmed the autonomy option was on the table. *The Times*, 27 June 1981, p.1; *The Guardian*, 30 June 1981, p. 7; King Hassan said the offer of a referendum was made at the request of several African, Arab and Western states. *Keesing Contemporary Archives*, London, 4 September 1981, p. 31054; John Damis, *Conflict...* op. cit., pp. 99-101; Maurice Barbier, *le Conflict...* op. cit., pp. 335-341.
- 2 Marrack Goulding, *Peacemonger*, John Murry, London, 2002, p.14
- 3 Mohamed Cherkaoui, *Morocco and the Sahara, Social Bonds and Geopolitical issues*, Bardwell Press, Oxford, 2007, p. 56.
- 4 Ibid, p. 57.
- 5 Ibid, p. 57.
- 6 Ibid, p. 61.
- 7 Report of the International Committee of Jurists to the *League of Nations Council*, LNOJ Sp. Supp. no.3, 1920, 5 September 1920, P. 286.
- 8 Paragraph 19 of Security Council Report S/2001/398, 24 April 2001.
- 9 Resolution 1359, 29 June 2001.
- 10 M. Weller, "Towards a General Comment on Self-Determination and Autonomy", UN Commission on Human Rights, Sub-Committee on the Promotion and Protection of Human Rights, Working Group on Minorities, E/CN.4/Sub.2/AC.5/2005/WP.5, 25 May 2005.
- 11 See the analysis of this concept in, Abdelhamid El Ouali, *Saharan Conflict, Towards Territorial Autonomy as a Right to Democratic self-determination*, Stacey International, London, 2008, pp. 11-32
- 12 T. Dies, S. Stetter and M. Alibert, "The European Union and Border Conflicts: The Transformative Power of Integration", 60 *International Organisation*, summer 2006, p. 563.
- 13 Pablo San Martin, "Nationalism, Identity and citizenship in the western Sahara", *The Journal of North African Studies*, Vol. 10, No. 3-4, September-December 2005, pp. 565-592; Jacob A. Mundy, "Performing the Nation, pre-figuring the State: the Western Saharan refugees, thirty years later", 45 *Journal of Modern African Studies*, 2007.
- 14 *Le Monde*, Paris, 22 April 2008; *Reuters*, 21 April 2008.
- 15 France's President Nicolas Sarkozy's addressing a joint session of the two chambers of the Moroccan Parliament, Rabat, 23 October 2007.
- 16 France at the United Nations. <http://www.franceonu.org/spip.php?article3880>
- 17 10 April 2007. Nichols Burns, US Under-Secretary of State's statement calling the initiative « serious and credible aiming at giving real autonomy to the Western Sahara ».
- 18 C. David Welch, Assistant Secretary for Near Eastern Affairs, 'US policy

challenges in North Africa', statement before the House Foreign Affairs Committee, Washington DC, 6 June 2007, available at: <http://www.state.gov/p/nea/rls/rm/2007/86511.htm>, accessed 14 July 2007

- 19 <http://www.corcas.com/Default.aspx?alias=www.corcas.com/eng>
- 20 [http://wsrw.org/index.php?parse\\_news=single&cat=105&art=1261](http://wsrw.org/index.php?parse_news=single&cat=105&art=1261). Accessed on 14 December 2009.



Phosphor rock hauled to Laayoune by a 98.3km conveyor belt



Map of phosphate deposits in Morocco



## CONCLUSION

Of the countries involved in the Saharan imbroglio, Morocco alone has been strengthened morally and militarily while King Hassan's popularity soared to an unprecedented scale. Being the only North African country that has developed its own traditions and monarchy since the eighth century rather than having them imposed by outsiders, Morocco is able, unlike other Arab and African states, to appeal to centuries of independent government and a combination of secular and religious legitimacy. This national identity remains vital to the outcome of the Saharan conflict and King Mohammed VI's rule may depend on it despite having inherited a solid political base upon which all national political tendencies agree.

It is common knowledge that the political and national unity of Morocco was strengthened by King Hassan's Saharan policy despite the human and material cost involved. Although the Saharan issue is not just the current King's priority, the overwhelming majority of Moroccans refer to it with intense feelings of patriotism and nationalist fervour.

Boumediène, Bouteflika and some observers<sup>1</sup> believed Morocco would be exhausted by the war of attrition and would ultimately result in King Hassan's downfall. Ironically, the opposite happened in the second half of the 1980s. Yet, Algeria may eventually bear the brunt of a conflict Boumediène began and his disciple, Bouteflika, seems to be pursuing with a vengeance.

Paradoxically as it may appear, some politicians of the left in Morocco seriously threatened revolt against King Hassan's regime not because of his Saharan policy but in protest against possible concessions that would compromise the Kingdom's sovereignty over the disputed territory. They questioned any expenditure in parliament except that allocated to defence requirements and development of the Sahara to bring it up to the standard of the other regions in the North. Indeed, political leaders representing all ideological tendencies have reiterated their claims on the Sahara with virulence and in various forms or fora.

Until 1985 when the trend was reversed after the building of the security wall, the long undeclared war waged by Algeria placed considerable financial strains on Morocco. The burden was cushioned by the Moroccans' willingness to make sacrifices for a cause they genuinely believed in. To view Morocco's legitimate claims over Western Sahara as an annexation on purely economic or expansionist grounds,



is to ignore massive evidence of the deeply felt Moroccans' belief in historical, legal, ethnic, geographical and nationalistic claims. These are based upon Islamic concepts of allegiance and sovereignty and a religious fervour and connection incomprehensible to non-believers.

The conflict has already cost many lives not to mention the material expenditure that could have been directed to much needed social and economic development of both Morocco and Algeria. Moroccans of all walks of life believe that their "Saharan cause" is worth virtually any sacrifice, be it human or material.

If the ongoing UN-sponsored talks result in a political settlement, it will be deeply embarrassing for the AU to have a member state that exists in name only. Therefore, the AU should recognise the dangers inherent in the current position of the SADR. First, it should freeze the membership of the SADR until a political solution is found especially as more members have frozen or have withdrawn their recognition. Second, it could offer its good offices in seeking a settlement to the dispute in a joint effort with the UN. Third, it should invite Morocco, a founding member of the Pan African organization, to resume its rightful place among African peers. Not to do so would be to fail in its principal duty of being impartial and would simply make the organisation become a laughing stock within the international community. Leaving things as they are now would constitute not merely a judgment on the past but also a bet on the future with very long odds. Regional differences were often little more than a reflection of various international powers vying for influence in a given area of interest. Not so in the Maghreb or at least not to the scale experienced in Angola, Afghanistan or Kumpuchea. Evidently, the superpowers, though reluctant to be drawn in or get involved, cannot remain indifferent to the outcome.

Apart from the arms sale, Moscow and Washington have little to gain from the continued tension in the Maghreb. Moreover, the Saharan dispute is no longer a reflection of an East-West proxy war or ideological differences, as the case was in the seventies and eighties, but rather that of a regional tussle for influence between two ideologically opposed regimes, that of Algeria and Morocco.

The debate hovers over the question of sovereignty, yet, contrary to what has often been referred to as a struggle between Morocco and the Polisario, the conflict reflects a wider struggle for dominance in the Maghreb. The Polisario's hope for survival has hinged mainly on this ongoing antagonism which seems to have recently been intensified

after the UN described the proposed referendum as “unworkable” and “unrealistic”.<sup>2</sup> If State interest dictates the course of future events, developments will be measured more by decisions made in Rabat and Algiers than by principles such as self-determination, legitimate claims or the plight of refugees.

The recognition of the SADR was often measured on purely ideological grounds or by the further the state was from the battleground, the more it was prone to Algerian effective diplomacy. However, the nearer a country was to the Maghreb, the less inclined it seemed to get involved or take sides in a conflict the outcome of which depends on the political will of the Algerian and Moroccan governments.

In the current political environment, the content of rights or wrongs may be a matter of a wider debate but the fact remains that behind the pretext of the right of self-determination for the inhabitants of Western Sahara, there existed two opposing principles. First, the sanctity of African frontiers drawn up by colonialism ardently defended by Algeria because it benefited from colonial dispensation in terms of territory. Second, the reconstruction of a historic sovereign state dismembered by European intervention that is staunchly endorsed by Morocco.

The Sahara Desert represents an area bigger than the US, yet it does not make up a state but part of one. Therefore, there is the argument that should Western Sahara be turned into a state, it should not only encompass Atlantic Sahara but the whole Sahara from the Atlantic Ocean to the Red Sea. Indeed, the inhabitants of this arid and vast territory represent tribes that have roamed the area for centuries and have not known any frontiers to their nomadic lifestyle. It could also lead to the creation of several Saharan states in Mauritania, Algeria, Libya, Tunisia and Sudan.

The threat of terrorism in North Africa has brought renewed interest in regional cooperation. The expansion of al-Qaeda network (AQIM), a terrorist outfit born during the Algerian civil war and increasingly active across the Sahel region, may compel the major actors to come to terms with the new threat that may spiral out of control.

Lack of security cooperation between Morocco and Algeria leaves al-Qaeda operate across North Africa's borders with impunity, or access weapons, finances and auxiliary personnel with the same level of ease. Their activities and connections to related terrorist networks and cells in Europe and elsewhere could be seriously curtailed if Morocco and Algeria form a united front integrated into regional counter-terrorism

operations and intelligence-sharing to also combat drug, hostage taking and people trafficking, contraband and illegal immigration.

The arrival in 1999 of new leadership in Algeria (President Bouteflika) and Morocco (King Mohammed VI) provided an opportunity for positive perspectives but common borders have remained closed since 1994 to the dismay and exasperation of the Algerian-Moroccan peoples who continue to aspire to the revival of the moribund Maghreb Union. As long as Algiers and Rabat are at odds and Morocco is not a member of the African Union, armed groups would be able to cross the region with near impunity. This point of regional unity, or lack of it, is of great concern to the US and the European Union not to mention the neighbouring states. Indeed, it was reiterated by Chad's Minister of Foreign Affairs and African Integration Ahmat Allami who pointed out that for the region to form a united front against terrorist threats, the Western Sahara issue must be resolved so that Moroccan relations with Algeria and the African Union could be restored and a new era of cooperation on all level could emerge.<sup>3</sup>

Politically, there are no indications to date as to precisely how the Polisario leadership would run an autonomous region or a state as they have kept quiet about the kind of policies and programmes they would implement once in power. The Polisario's ideological profile, which identifies mostly with Algeria's, has been kept rather ambiguous. The general programme adopted by the fourth Congress in 1978 stressed Polisario's, "opposition to imperialism, colonialism and exploitation", but failed to outline whether a democratic system would be adopted or whether leaders would be elected.<sup>4</sup> However, one thing is at least clear with regards to the way the Polisario runs the camps in Tindouf. Such a way of life would be unacceptable to genuine Sahrawis who rarely stay put, partly because of their nomadic way of life and partly due to the strict revolutionary regime introduced by the Polisario in the camps. The elders, who have always held sway and commanded respect in a Saharan community, do not figure at the top of the Sahrawi hierarchy. By tradition, it has always been the elders who conducted the affairs of the inhabitants. Yet, no elders or wisemen figure among the Polisario leadership whose representation is often questioned because of their origin. So far, the same people are still at the helm of the Polisario leadership with no change in sight after 35 years. With no arable land, limited natural resources, tribal strife and intense rivalry, an independent Western Sahara would simply be among the poorest

and least economically viable entities and could very well turn into a failed state or another Somalia on the Atlantic coast of North Africa. The Polisario's claim to represent all Sahrawis is far from the reality on the ground partly because its base support is among the Reguibat tribes of the east while the Reguibat tribes of the Western part of the territory as well as the Tekna confederation want to be part of Morocco like their ancestors. These divisions would certainly be magnified in an independent entity with very limited resources and inexperience in governance. As for Moroccan laws, it is ironic that the Polisario should prefer Spanish laws to Moroccan laws. For genuine Sahrawis, this condition may be construed as an insult to the Islamic principles enshrined in their community.

With regards to direct negotiations, it was the Polisario's main sought-after condition after the thaw in relations between Morocco and Algeria during Chedli Benjdid's presidency to ensure that the leaders would not be left in the cold if a political settlement emerged.

The UN Secretary General was not concerned whether direct talks were held or whether the Moroccan army and administration were to withdraw. What was paramount was for the World body to provide the appropriate framework and conditions at all levels to find a political solution to the problem and the principle of autonomy was discussed at an earlier stage in the 1980s and the beginning of the 1990s when James Baker was asked to be UN Secretary General's Special representative for Western Sahara.<sup>5</sup>

### **Fisheries**

A new fisheries agreement between the EU and Morocco was signed in July 2005. Although smaller than previous agreements, it was to be in place for four years, allowing 119 European fishing vessels access to Moroccan waters and in Morocco providing financial compensation of €36 million per year. Part of this compensation would contribute towards the development and modernisation of the Moroccan fisheries industry. The agreement faced strong pro-Polisario criticism associated with the complex situation of the Western Sahara.<sup>6</sup> EU Fisheries Commissioner Joe Borg defended the agreement pointing out that, "Morocco is the de facto administrator of Western Sahara. So, the Commission proposal is in conformity with the legal opinion of the United Nations issued in January 2002".<sup>7</sup>



European compensation is a meager sum that would not even pay for yearly cost of petrol used in the territory. Moreover, the Sahrawis are renowned for their aversion to fish and lack of interest in fishing. Evidently, the Atlantic Saharan coast is rich in fish but there is no fishing industry on the spot or the desire of the Sahrawis to engage in fishing activities. Therefore, the likelihood of an entity able to become economically viable because of fish or phosphates is highly doubtful.

## Phosphates

Indeed, the assumption that the Bu Craa phosphate mines<sup>8</sup> would provide sufficient wealth for the population of Western Sahara to be "economically viable, with a per capita income possibly higher than anywhere else in Africa",<sup>9</sup> may be construed as wishful thinking. I question the validity of this argument for various reasons. First, the phosphate deposits in Western Sahara represent less than three per cent of Morocco's total reserves.<sup>10</sup> In 1988 the Bu Craa mines produced less than two million tonnes of phosphates while it is estimated that the level of profit-earning capacity is around three million tonnes a year.<sup>11</sup> Moreover, Morocco's phosphate industry is one of the most developed in the world and competition is sharp due to volatile world market prices. Most importantly, "Morocco produces the richest phosphate (32 per cent P<sub>2</sub>O<sub>5</sub> at Khouribga)".<sup>12</sup>

Benguérir is the newest of Morocco's four phosphate mining centres, having started production in 1979–80. Operated by the *Office Chérifien des Phosphates* (OCP), the opencast mine works 24 hours a day in three shifts and is managed together with the Yousoufia mining and treatment centre.<sup>13</sup> The phosphate deposits in Western Sahara are worked by Phosboucraa, in which OCP acquired a majority interest in 1975. A new mine at El Gantour, south of Rabat, will soon start production. OCP plans to open four new mines within Morocco by 2016 and upgrade processing and logistics by 2020.<sup>14</sup> OCP is to build a phosphate pipeline system with a \$344.6 million loan secured from the French Development Agency (AFD) in December 2009 as part of a major programme of investment aimed at improving the OCP's competitiveness and cutting its costs.<sup>15</sup>

OCP secured a strategic partnership with the Moroccan financial institution *Banque Centrale Populaire* to reinforce its position as the world's leading phosphate producer. Morocco is the third largest

producer of phosphate rock in the world after the USA and China but the number one exporter worldwide with 90 years experience in the field. A cut-price war would only lead to further losses in revenue of producing countries and the dramatic fall in mineral and sometimes oil prices is a vivid reminder. In addition, the 98.3 Km long conveyor belt at the Bu Craa mines installed by Spain at a cost of 72 million dollars to transport phosphate from the mines onto the port of Layoune,<sup>16</sup> has proved to be a fragile and costly technological acquisition in need of constant repair, overhauling and investment.<sup>17</sup> Therefore, the assumption that it would be a viable territory is very doubtful given the nature of global competition in the phosphate industry and the volatility of market prices. One must also recall that in 1960 the same argument was put forward with regards to Mauritania's iron ore deposits which were supposed to make that independent entity one of the richest on Earth. Today, Mauritania is unable to live on the meagre proceeds from the iron ore exports despite previous arguments to the contrary.

As Gaddafi of Libya is out of the equation, or so it seems, at present, Algeria continues to provide refuge for the leadership of the SADR which many regard as a state within a state. Although Algeria and Morocco had restored diplomatic relations in 1988, Algerian radio still broadcasts anti-Moroccan programmes during the daily air time allocated to the Polisario and in 2009 a television network was created in Spain and financed by Algeria to broadcast anti-Moroccan programmes.<sup>18</sup> Algeria also pays for the SADR's embassies and representations abroad and hundreds of web sites in various languages all over the world as well as for lobbies to promote the Polisario's position.<sup>19</sup> The Polisario leadership's travel expenses and travel documents are also supplied by the Algerian authorities including diplomatic passports.<sup>20</sup> Meanwhile, the border between Morocco and Algeria remains closed despite repeated calls from Morocco for it to be re-opened.

The proposed Moroccan autonomy for the disputed territory was welcomed as "credible and serious" by France, the US and Spain and even King Hassan did not rule out such a settlement on the model of the Landers in the Federal Republic of Germany because of the diversity of Morocco's population.<sup>21</sup>

A formula for greater internal autonomy similar to that of Quebec in Canada was also proposed as a viable solution.<sup>22</sup> In other words, an independent association of a sort that would let the inhabitants of Western Sahara run their own affairs leaving to Rabat the attributes of

sovereignty. This formula could be included in the context of Morocco's decentralisation or regionalisation policy. Algeria responded favourably in the past, as apparently pointed out by the foreign minister to the Polisario's secretary general.<sup>23</sup> Algeria has since hardened its position and would not accept anything short of independence.

Alternatively it was suggested that "a solution to the issue, would probably be in the context of a regional Maghrebi settlement, rather than the establishment of an independent Western Saharan state".<sup>24</sup> Having the disputed territory as a federated state within Morocco was also advanced as a possible solution but there was no reaction from Rabat, Algiers or Tindouf.

Whatever the implications, these were theories that could still be tempered with in the search for an acceptable compromise. Such theories, questions, contradictions and peace formulas give substance to the argument that the Saharan issue is far from over and will carry on as a symbol of the inability of either Arabs or Africans to solve their own problems.

The Moroccans remain convinced time, history and international legality are on their side and that Polisario's insistence on the revival of a failed UN-sponsored referendum will eventually trigger a decline in support. Tired of the ongoing conflict that beleaguered the OAU and the Maghreb Arab Union, some African nations have already withdrawn their recognition of the SADR,<sup>25</sup> awaiting the outcome of the UN efforts to solve the issue.

Nonetheless, the formal statements issued in Algiers, Rabat or Tindouf neither preclude nor advance the question of having concrete results. Therefore, what remains vitally important is the fact that the UN-sponsored talks should be given prominence to lay the groundwork for a political solution acceptable to all concerned irrespective of any other considerations.

It would not be realistic for Morocco to expect the Algerian leadership to give up support for the Polisario overnight nor should President Bouteflika wish to put an end to the hostilities by asking King Mohammed VI to abandon a commitment on the basis of which his father had built a solid political consensus over a considerable period of time.

Whatever the political implications, the peoples of the Maghreb set great store on positive developments in the region during Chedli Benjdid's presidency but not on that of Bouteflika's, an indication

perhaps that the Saharan dispute will linger on for years to come and the long sought-after "Maghreb unity ideal" will have to wait yet again.

There is a tendency in the Maghreb in favour of urgently putting an end to this conflict that has poisoned relations for too long in the context of the UMA and turn to more pressing matters related to economic and social development. Given the complexity of both the Algerian-Moroccan relationship and the conflict in the Western Sahara, any foreign interference that is not balanced will continue poisoning relations and could potentially destabilise the entire region.

The UN continues to play the role of arbiter in the dispute by preventing resumption of hostilities between the concerned and interested parties. The status quo seems to accommodate Algeria and the Polisario and looks preferable than a risky solution that could usher in greater instability in the region.

For Morocco, the preservation of territorial integrity is paramount to any other consideration as a failure to do so would have far reaching consequences on the very legitimacy of the monarchy.

For Algeria, the inviolability of frontiers inherited from the colonial era remains its main objective as well as the outstanding issues regarding the Algerian-Moroccan frontier and the strategic equilibrium of North-West Africa. Algeria's Western Sahara policy has constantly been at the centre of the broader conflict between the military leadership and the presidency in Algiers as illustrated by the forced resignation of Chedli Benjdid.<sup>26</sup> The conflict is "used to wrong-foot the president. On the other hand, the army commanders are widely considered to have a vested interest in the status quo".<sup>27</sup> The conflict has also justified the existence of a large security sector and the military commanders "see no benefit in peace".<sup>28</sup> Consequently, as an observer rightly put it, "the civilian elements including the president, of successive governments have been permanently handicapped in their efforts to make progress on this issue, liable to be subverted when calling for self-determination and disowned when exploring compromises".<sup>29</sup>

In Algeria, the army controls the state and not the other way round as it is normal in democratic regimes. As pointed out, "the power of the government depends entirely upon the army as its ultimate guarantor".<sup>30</sup> Furthermore, there exists no domestic pressure on the Algerian military leadership to change course as the issue serves its purpose when intense pressure is brought to bear by internal security considerations or political claim for the implementation of a genuine democratic process



that would lead to change beneficial to the entire population of Algeria today. The conflict serves also as a deviation for the army from calls for political, economic and social development. Much will also depend upon the way in which political change is managed in the coming years and the ability of Algeria's political leadership to persuade the military establishment that its core interests will not be adversely affected by a change of direction in the Saharan issue despite assumptions to the contrary. At a time when Europe has opened its frontiers to 27 member states allowing their citizens to move freely from one end of the continent to the other, it is unfortunate that the land border between the two North African states are still closed benefiting only those bent on living in the cold war era and forgetting the interest of future generations.

For the Polisario, a political solution that would not make it lose face would be preferable to the resumption of military operations that may drag its main backer into an armed confrontation with Morocco, an option that would have dire consequences on the people and the region. Furthermore, the Polisario is insulated from public opinion and international pressure and since the ceasefire in 1991, the political cost of maintaining the diplomatic momentum, thanks to Algeria's worldwide diplomatic campaign and financial backing, seems considerably less costly than the military option. Therefore, maintaining intransigent positions reinforces the notion of the status quo founded on a political war of attrition between Morocco and Algeria at the regional and the international level. The Polisario is caught between two antagonistic pressures, the proposed realistic Moroccan-autonomy and a lost cause for a revived UN-sponsored referendum. How the Polisario and its main backer, Algeria, will navigate these pressures in the coming months will determine the future prospects of the Saharan conflict.

The Moroccan autonomy proposal looks increasingly viable and acceptable to powers that dealt with the affairs of the region for decades, and provides a solid base for negotiations, the outcome of which would extricate Algeria honourably from the conflict and would provide the Polisario leadership with the opportunity to prove to the inhabitants of the territory whether they are genuinely concerned about the interest of the people in the Tindouf camps and the democratic aspirations of those in Western Sahara proper or simply pawns in the dangerous political game that have been played by the Algerian military establishment within and outside Algeria.

## NOTES

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## APPENDICES

|   |     |
|---|-----|
| Appendix I: The Madrid Accord of 14 November 1975.....                  | 432 |
| Appendix II: 10 July 1885 Decree proclaiming Rio De Oro Protectorate..  | 433 |
| Appendix III: British-Moroccan Treaty on Mackenzie's settlement.....    | 434 |
| Appendix IV: OAU Resolution 103.....                                    | 436 |
| Appendix V: OAU Resolution 104.....                                     | 438 |
| Appendix VI: Agreement between Mauritania and Polisario in Algiers....  | 439 |
| Appendix VII: 27 June 1900 Franco-Spanish Convention.....               | 441 |
| Appendix VIII: French project to create a Saharan State (O.C.R.S.)..... | 444 |
| Appendix IX: 6 July 1961 Agreement between Morocco and the GPRA..       | 448 |
| Appendix X: 28 November 1884 Spanish Accord with Tribal Chiefs.....     | 449 |
| Appendix XI: President Boumediène's speech at the Arab Summit.....      | 450 |
| Appendix XII: 1983 Algerian-Tunisian Fraternity and Concord Treaty....  | 453 |
| Appendix XIII: Morocco's autonomy proposal to UN 11 April 2008.....     | 455 |
| APPENDIX XIV: The Polisario's proposal to the UN 10 April 2008.....     | 459 |
| APPENDIX XV: The Treaty of Fez.....                                     | 462 |
| APPENDIX XVI: Treaty between France and Spain regarding Morocco..       | 464 |



## APPENDIX I

**TEXT OF THE TRIPARTITE ACCORD BETWEEN SPAIN, MOROCCO AND MAURITANIA, SIGNED IN MADRID ON NOVEMBER 14, 1975.**

Declaration of Principles on Western Sahara by Spain, Morocco and Mauritania.

*[Original: Spanish]*

On 14 November 1975, the delegations lawfully representing the Governments of Spain, Morocco and Mauritania, meeting in Madrid, stated that they had agreed in order on the following principles:

1- Spain confirms its resolve, repeatedly stated in the United Nations, to decolonize the Territory of Western Sahara by terminating the responsibilities and powers which it possesses over that Territory as administering Power.

2- In conformity with the aforementioned determination and in accordance with the negotiations advocated by the United Nations with the affected parties, Spain will proceed forthwith to institute a temporary administration in the Territory, in which Morocco and Mauritania will participate in collaboration with the Yema'a and to which will be transferred all the responsibilities and powers referred to in the preceding paragraph. It is accordingly agreed that two Deputy Governors nominated by Morocco and Mauritania shall be appointed to assist the Governor-General of the Territory in the performance of his functions. The termination of the Spanish presence in the Territory will be completed by 28 February 1976 at the latest.

3- The views of the Saharan population, expressed through the Yema'a, will be respected.

4- The three countries will inform the Secretary General of the United Nations of the terms set down in this instrument as a result of the negotiations entered into in accordance with Article 33 of the Charter of the United Nations

5- The three countries involved declare that they arrived at the foregoing conclusions in the highest spirit of understanding and brotherhood, with due respect for the principles of the Charter of the United Nations, and as the best possible contribution to the maintenance of international peace and security.

6- This instrument shall enter into force on the date of publication in the Boletín del Estado of the "Sahara Decolonization Act" authorizing the Spanish Government to assume the commitments conditionally set forth in this instrument,

(Signed) Carlos ARIAS

Ahmed Osman

Hamdi Ould Maknass

## APPENDIX II

**Royal Decree of July 10, 1885 proclaiming Rio de Oro Spanish Protectorate,**

1- Le protectorat constitue par l'ordonnance royale du 26 decembre dernier sur le territoire de la cote occidentale de l'Afrique compris entre le cap Bojador et la baie de l'ouesy dans le cap Blanc rentrera dans les attributions du Ministère d'Outre Mer.

2- Sous la surveillance immédiate de ce ministère et avec le caractère de délégué du gouvernement sera nommé un fonctionnaire qui résidera sur cette cote et portera le titre de commissaire royal.

3- La charge de commissaire sera investie de tous les pouvoirs et attributions indispensables pour le gouvernement et la défense des établissements fondés ou à fonder ultérieurement sur les territoires compris dans le protectorat

4- Le commissaire aura en outre la faculté de passer des traites avec les indigènes ainsi que de prendre possession des terrains qui n'auront pas de possesseur connu. On en rendant compte, dans les deux ans, au gouvernement pour obtenir son approbation.

5- Il aura de même le commandement supérieur des forces de terre et de mer qui se trouveront là pour le maintien de l'ordre et la défense des territoires protégés,

6- Il exercera enfin in Juridiction civile et criminelle ordinaire, sous la dépendance de l'audience des Canaries, qui connaîtra des appels, sur la terre ferme comme dans la zone Maritime relevant de la cote susmentionnée.

7- Les Ministères d'Outre-mer, d'Etat, de Grâce et Justice, de la Guerre et de la Marine, prendront les dispositions nécessaires pour l'exécution du présent décret.

**Au Palais le 10 Juillet 1885. (Published in, La Gaceta, Madrid, July 15,1885).**

## APPENDIX III

## GREAT BRITAIN AND MOROCCO

**Agreement between the British and Moorish Governments, respecting the Purchase by Morocco of the Property of the North-West Africa Company in Terfaya (Cape Juby) - signed March 13, 1895.**

Agreement as concluded between the two persons who are going to sign at the end of this document, and they are- the Vizier, the hounoured, the worthy, Cid Hamad-ben-Moosa-ben-Hamad, and the gentleman the Minister, Mr. Satow; and they have agreed to the six following clauses below, concerning the Government (Moorish) buying from the English Company called the North-West African, the buildings, &c., in the place that is known by the name Terfaya, that is, in the country of the tribe of Tekna.

**Clause I-** If this Government buy the buildings, &c. in the place above named from the above-named Company, no one will have any claim to the lands that are between Wad Draa and Cape Bojador, and which are called Terfaya abase named, sold all ti.. lauds behind it, because all this belongs to tho territory tel Morocco.

**II-** It is agreed that this Government shall give its word to the English Government that they will not give any part of the above-named lands to any one whatsoever without the concurrence of the English Government.

**III-** If this Government buy the buildings in the place above-named from the Company above named, the whole of the property shall belong to them, namely, the buildings, with their stone and wood, that are on the land or out at see (i.e. the reef), and the whole of the property that is inclosed in the walls of the buildings, whether on the land or at sea, including cannons And any other property, and no one shall be able to lay claim of any kind

whatsoever to the Above properties or lands; and the price this Government is to pay for all this to tho above-named Company is put down at £50,000- half at the signing of this document, the other half when the Government receives over into their lands the above-named lands from the Company above-mentioned.

**IV-** If the Moorish Government take over the plats named from the Company named by buying it, it shall remain open for buying and selling, and the customs duties for exports and imports shall be the same as at other ports on the coast.

**V-** If the Moorish Government take over the place named from the Company named by buying it, the Moorish Government shall not build from the moucey of the Treasury any houses for the merchants to live in.

or stores for their merchandize and shall not supply boats to land or ship cargo until such time as it may please the Sultan to do so.

**VI-** If any merchants wish to bring merchandize to the place named, and take a letter from the Minister of thei nation, this Government shall not allot to them a piece of ground at a rental to build suitable stores or dwelling-houses, at the merchants' own expense, for twenty years, and at the end of twenty years the said allotments, with the buildings thereon, shall become the property of the Moorish Government.

(After compliments)

I have shown the six clauses written above to the Sultan -God give him the victors- about the Agreement between us concoruing these six caluses about the buying for the Government of our Lord the buildings of the place named above.-The Sultan - God help him- agreed to them all, and allowed them all. Also he grants his consent to the buying of the buildings for his Government - God prosper them—from the Company named above for 50,000l., half of it at once, and the Other half when the Government receive over the place named, which shall be within six months, counting from the 1st Shawal next to the end of Rebi I next, and the Sultan - God bless his soul- has ordered me to write the above. And also the Government perhaps will get ready some people belonging to them to go the place above named at once, before they receive it over, and when they send them they will let you know, so that you can give them a letter from you to the Englishmen there, so that they will receive them.

**16 Ramadan, 1312 (March 13, 1895).**

**HAMAD-BEN-MOOSA-BEN-HAMAD)**



## APPENDIX IV

## OAU RESOLUTION 103 ON WESTERN SAHARA

## RESOLUTION SUR LE SAHARA OCCIDENTAL AHG/Res.103 (XVIII)

La Conférence au Sommet des Chefs d'Etat et du Gouvernement de l'Organisation de l'Unité Africaine, réunie en sa 18ème Session Ordinaire à Nairobi, Kenya, du 24 au 27 Juin 1981,

Ayant examiné le rapport du Secrétaire Général sur le Sahara Occidental (Doc. AHG/103 (XVIII) A) et les rapports des cinquième et sixième sessions du Comité ad hoc des Chefs d'Etat sur le Sahara Occidental (Doc. AHG/103 (XVIII) B) et AHG/103 (XVIII) C) respectivement,

Ayant entendu les déclarations de Sa Majesté Le Roi Hassan II du Maroc des Chefs d'Etat de Mauritanie et d'Algérie ainsi que celle des divers Chefs d'Etat et de Gouvernement et des différents Chefs de délégations,

Se félicitant de l'engagement solennel de Sa Majesté Le Roi Hassan II d'accepter l'organisation d'un référendum au Sahara Occidental afin de permettre au Peuple de ce territoire d'exercer son droit d'autodétermination,

Se félicitant en outre de l'acceptation par Sa Majesté Le Roi Hassan II de la recommandation de la 6ème Session du Comité ad hoc des Chefs d'Etat sur le Sahara Occidental contenu dans le document AHG/103 (XVIII) B), Annexe I ainsi que de son engagement de coopérer avec le Comité ad hoc dans la recherche d'une solution juste, pacifique et durable,

Repellant ces précédentes résolutions et décisions sur la question du Sahara Occidental,

**1. ADOPTE** les rapports du Secrétaire Général sur le Sahara Occidental et ceux des 5ème et 6ème Sessions du Comité ad hoc des Chefs d'Etat sur le Sahara Occidental, et entérine les recommandations contenues dans le document AHG/103 (XVIII) et félicite le Comité ad hoc des Chefs sur le Sahara Occidental pour le travail combien louable qu'il a accompli dans la recherche d'une solution pacifique au problème du Sahara Occidental.

**2. SE FELICITE** de l'engagement solennel de Sa Majesté le Roi du Maroc d'accepter l'organisation d'un référendum sur le territoire du

Sahara Occidental;

3. DECIDE de mettre sur pied un Comité de mise an oeuvre doté de pleins pouvoirs et composé des pays suivants: Guinée, Kenya, Nigeria, Sierra-Leone, Soudan et Tanzanie pour assurer, avec la collaboration, des parties concernées la mise en oeuvre de la recommandation du Comité ad-bc

4. INVITE les parties au conflit à observer un cessez-le-feu immediat et lance un appel au Comité de mise en oeuvre pour qu'il veille à l'application du cessez-le-feu sans délai;

5. DEMANDE au comité de mise en oeuvre de se reunir avant la fin du mois d'Aout 1981 pour élaborer en collaboration avec les parties au conflit les modalités et tous les autres détails relatifs a l'instauration d'un cessez-le-feu ainsi qu'a l'organisation et a la tenue du référendum ;

6. DEMANDE a l'Organisation des Nations-Unies, en collaboration avec l'O.U.A., de fournir une force de maintien de la paix qui serait stationnée au Sahara Occidental afin de maintenir la paix et la sécurité lors de l'organisation et de la tenue du référendum et des élections subséquentes ;

7. DONNE MANDAT au Comité de mise en oeuvre, de prendre, avec la participation des Nations Unies, toutes les mesures nécessaires en vue de garantir l'exercice d'un référendum d'auto-determination général et régulier du Peuple du Sahara Occidental;

8. DEMANDE au Comité de mise en oeuvre de tenir compte dans l'exercice de son mandat, des débats de la 18 eme Session Ordinaire sur la question du Sahara Occidental et invite a cet effet, le Secrétaire General de l'O.U.A. a mettre a la disposition du Comité le compte-rendu intégral desdits débats.

## APPENDIX V

**OAU RESOLUTION 104 - AHG/RES.104 (XIX)- ON WESTERN SAHARA**

The Assembly of Heads of State and Government of the Organisation of African Unity, meeting in its Nineteenth Ordinary Session in Addis Ababa, Ethiopia, from 6 to 11 June, 1983. Having examined the Report of the Implementation Committee of Heads of State on Western Sahara,

Recalling the solemn commitment made by His Majesty King Hassan II during the 18th Summit to accept the holding of a referendum in the Western Sahara to enable the people of that territory to exercise their right to self-determination,

Recalling with appreciation, His Majesty King Hassan's acceptance of the Recommendations of the Sixth Session of the Ad Hoc Committee of Heads of State on Western Sahara contained in document AHG/103 (XVIII) B Annex 1 as well as his pledge to cooperate with the Ad Hoc Committee in the search for a just, peaceful and lasting solution,

Reaffirming its previous Resolutions and Decisions on the question of Western Sahara, and in particular AHG/Res. 103 (XVIII) of 27 June, 1981,

**1- TAKES NOTE** of the Reports of the Implementation Committee of Heads of State on Western Sahara.

**2- URGES** the parties to the conflict, the Kingdom of Morocco and the POLISARIO Front, to undertake direct negotiations with a view to bringing about a ceasefire to create the necessary condition for a peaceful and fair referendum for self-determination of the people of Western Sahara, a referendum without any administrative or military constraints, under the auspices of the OAU and the UN and calls on the Implementation Committee to ensure the observance of the ceasefire.

**3- DIRECTS** the Implementation Committee to meet as soon as possible and in collaboration with the parties to the conflict should continue to work out the modalities and all other details relevant to the Implementation of the cease-fire and the conduct of the referendum in December, 1983.

**4- REQUESTS** the United Nations in conjunction with the OAU to provide a peace-keeping Force to be stationed in Western Sahara to ensure peace and security during the organisation and conduct of the Referendum.

**5- MANDATES** the Implementation Committee with the participation of the UN to take all necessary measures to ensure the proper implementation of this resolution.

**6- REQUESTS** the Implementation Committee to report to the 20th Assembly of Heads of state and Government on the result of the Referendum to enable the 20th Summit to reach a final decision on all aspects of the question of the Western Sahara.

**7- DECIDES** to remain seized with the question of Western Sahara.

**8- REQUESTS** the Implementation Committee in the discharge of its mandate to take account of the proceedings of the Eighteenth and Nineteenth Ordinary Sessions on the question of Western Sahara and to this end **INVITES** the OAU Secretary General to make available the full records of the said proceedings to the Committee.

**9- WELCOMES** the constructive attitude of the Sahrawi leaders in making it possible for the 19th Summit to meet by withdrawing from it voluntarily and temporarily.

## APPENDIX VI

**Full Text of the Peace Treaty Signed in Algiers on 5 August 1979 between the Polisario Front and the Islamic Republic of Mauritania**

On 3, 4 and 5 August 1979, a Mauritanian delegation led by Lt Col. Ahmed Salem Ould Sidi, second vice-president of the Military Committee for National Salvation, Minister in Charge of the Head-quarters Committee, comprising:

Lt. Col. Ahmedou Ould Abdallah, member of the Military Committee for National Salvation, head of the army general staff, and a Saharaoui delegation, led by Bachir Mustapha Sayed, under-secretary-general of the Polisario Front, member of the Executive Committee and the Command Council of the Revolution, comprising:

-Mohamed Salem Ould Salek, Minister for Information, member of the Political Bureau of the Polisario Front and of the Saharaoui National Council and Mahmoud Abdelfattah, representative of the European Department of the Polisario Front, met in Algiers, capital of the Democratic People's Republic of Algeria, and, after negotiations have agreed on the following:

**1.-** Considering the strict observance by the two parties, Mauritanian and Saharaoui, of the Sacred Principles of the OAU and the U.N. Charters regarding the right of peoples to self-determination and the inviolability of the frontiers inherited from colonial times.

**2.-** Considering the sincere wishes of the two parties to establish a just and final peace between the Islamic Republic of Mauritania and the Polisario front in accordance with the principles of peaceful coexistence, mutual respect and neighborly relations.

**3.-** Considering the urgent need for the two parties to find a global and final solution to the: conflict which guarantees full national rights for the Sahraoui people and stability and peace throughout the region.

**I-a)** The Islamic Republic of Mauritania solemnly declares that it does not have and will not have territorial or any other claims over Western Sahara.

**b)** The Islamic Republic of Mauritania decides to withdraw from the unjust war in Western Sahara in accordance with the modalities agreed upon jointly with the representative, the Sahrawi people, the Polisario Front.

**II-** The Polisario Front solemnly declares that it does not have and will not have territorial or any other claims as regards Mauritania.

**III-** The Polisario Front, on behalf of the Sahraoui people, and the Islamic Republic of Mauritania decide to sign between them, a final peace agreement.

**IV-** The two parties have decided to hold periodic meetings with each other to look after the implementation of the modalities mentioned in the paragraph I, paragraph b.

**V-** The two parties will transmit this peace treaty immediately after its signature to the Acting President of the OAU, to members of the ad-hoc Committee, the Secretary General of the OAU and the U.N., as well as the Acting President of the Non-aligned.



**SECRET PART:  
MODALITIES OF THE PEACE AGREEMENT**

- 1.-** Considering the public part of the present agreements.
- 2.-** Considering the necessity of a just and final peace based on total respect for the respective territorial integrity and sovereignty of the two brotherly Saharaoui and Mauritanian peoples, the sole guaranty of the establishment of a climate of comprehension, understanding and cooperation between the two peoples.
- 3.-** Considering that the Polisario Front is the sole legitimate representative of the people of the Western Sahara.
- I.** The Islamic Republic of Mauritania undertakes to put an end to its presence in the Western Sahara and to hand over directly to the Polisario Front the part of the Western Sahara that it controls within 7 months from the date of the signing of the present agreement.

*Algiers, August 5, 1979*

## APPENDIX VII

**22 March 1901 Convention delimiting the French and Spanish possessions in West Africa, the Saharan coast and the Gulf of Guinea.**

(ii) This Convention is published in 92 B.F.S.P. 1014; 32 N.R.G. (2e Ser.), 59; Hertslet, Vol. III, p. 1165. The agreement entered into force on March 22, 1901.

Convention pour la délimitation des possessions françaises et espagnoles dans l'Afrique occidentale, sur la rade du Sahara et sur la cote du Golfe de Guinée, signée a Paris, le 27 juin 1900.

Le Président de la République Française et Sa Majesté le Roi d'Espagne et, en son nom, Sa Majesté la Reine-Régente du Royaume, désireux de resserrer les liens d'amitié et de bon voisinage qui existent entre les deux pays, ont résolu de conclure, a cet effet, une Convention spéciale pour la délimitation des possessions Françaises et Espagnoles dans l'Afrique Occidentale, sur la cote du Sahara et sur la cote du Golfe de Guinée, et ont nommé pour leurs Plénipotentiaires, savoir:

Le Président de la République Française, son Excellence M. Th. Delcassé, Député, Ministre des Affaires Etrangères de la République Française, Chevalier de l'Ordre National de la Légion d'Honneur, Grand-croix de l'Ordre Royal et Distingué de Charles III;

Et Sa Majesté le Roi d'Espagne et, en son nom, Sa Majesté la Reine-Régente, son Excellence M. Fernando do Leon y Castillo, décoré de l'Ordre Royal et Distingué de Charles III, Grand-croix de l'Ordre National de la Légion d'Honneur, Membre de l'Académie des Sciences Morales et Politiques de Madrid, son Ambassadeur Extraordinaire et Plénipotentiaire près le Président de la République Française;

Lesquels, après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants:

**Art. I.**—Sur la cote du Sahara, la limite entre les possessions Françaises et Espagnoles suivra une ligne qui, partant du point indiqué par la carte de détail (A) juxtaposée a la carte formant l'Annexe 2 a la présente Convention, sur la cote occidentale de la péninsule du Cap Blanc, entre l'extrémité de ce cap et la baie de l'ouest, gagnera le milieu de la dite péninsule, puis, en divisant celle-ci par moitié autant que le permettra le terrain, remontera au nord jusqu'au point de rencontre avec le parallèle 21° 20' de latitude nord. La frontière se continuera a l'est sur le 21° 20' de latitude nord jusqu'a l'intersection de ce parallèle avec le méridien 15° 20' ouest de Paris (13° ouest de Greenwich). De ce point, la ligne de démarcation s'élèvera dans la direction du nord-ouest en décrivant, entre, les méridiens 15° 20' et 16° 20' ouest de Paris (13° et 14° ouest de Greenwich), une courbe qui sera tracée de façon a laisser a la France, avec leurs dépendances, les salines de la région d'Idjil, de la rive extérieure desquelles la frontière se tiendra a une distance d'au moins 20 kilom. Du

point de rencontre de la dite courbe avec le méridien 15° 20' ouest de Paris (13° ouest de Greenwich), la frontière gagnera aussi directement que possible (l'intersection du tropique du cancer avec le méridien 14° 20' ouest de Paris (12° Ouest de Greenwich), et se prolongera sur ce dernier méridien dans la direction du nord.

Il est entendu que, dans la région du Cap Blanc, la délimitation qui devra y être effectuée par la Commission Spéciale visée a l'Article VIII de la présente Convention, s'opérera de façon que la partie occidentale de la péninsule, y compris la baie de l'ouest, soit attribuée a l'Espagne, et que le Cap Blanc proprement dit et la partie orientale de la même péninsule demeurent a la France.

(Articles II and III omitted)

**Art. IV.**—La limite entre les possessions Françaises et Espagnoles sur la cote du Golfe de Guinée partira du point d'intersection du thalweg de la Rivière Mouni avec une ligne droite tirée de la points Coco Beach a la pointe Diéké. Elle remontera ensuite le thalweg de la Rivière Mouni et celui de la Rivière Outemboni jusqu'au point ou cette dernière rivière est coupée pour la première fois par 1er degré de latitude nord et se confondra avec ce parallèle jusqu'a son intersection avec le 9° degré de longitude est de Paris (11° 20' est de Greenwich).

De ce point la ligne de démarcation sera formée par le dit méridien 9° est de Paris jusqu'a sa rencontre avec la frontière méridionale de la Colonie Allemande de Cameroun.

(Articles V and VI omitted)

**Art. VII.**- Dans le cas ou le Gouvernement Espagnol voudrait céder, a quelque titre que ce fut, en tout ou en partie, les possessions qui lui sont reconnues par les Arts. I et IV de la présente Convention, ainsi que les Iles Elobey et l'Ile Corisco voisines du littoral du Congo Français, le Gouvernement Français jouira d'un droit de préférence dans des conditions semblables a celles qui seraient proposées au dit Gouvernement Espagnol.

**Art. VIII.**- Les frontières déterminées par la présente Convention sont inscrites sous les réserves Formulées dans l'Annexe No. 1 à la présente Convention, sur les cartes ci-jointes (Annexes Nos. 2 et 3).

Les deux Gouvernements s'engagent a designer dans le délai de quatre mois a compter de la date de l'échange des ratifications, des Commissaires qui seront charges de tracer sur les lieux les lignes de démarcation entre les possessions Françaises et Espagnoles, en conformité, et suivant l'esprit des dispositions de la présente Convention.

Il est entendu entre les deux Puissances Contractantes qu'aucun changement ultérieur dans la position du thalweg des Rivières Mouni et Outemboni n'affectera les droits de propriété sur les Iles qui auront été attribuées a chacune des deux Puissances par le procès-verbal des Commissaires dument approuvé

par les deux Gouvernements.

[Art. IX omitted]

**Art. X-** La présente Convention sera ratifiée, et les ratifications en seront échangées à Paris dans le délai de six mois ou plus tard, si faire se peut.

En foi de quoi, les Soussignés ont dressé la présente Convention, qu'ils ont revêtue de leur cachet.

Fait à Paris, en double exemplaire, le 27 Juin, 1900

(L.S) DELCASSE

(L.S) F. DE LEON Y CASTLLO

### **Annexe No. 1.**

Bien que le tracé des lignes de démarcation sur les cartes annexées é la présente Convention (Annexes Nos. 2 et 3) soit suppose être généralement exact, il ne peut être considéré comme une représentation absolue, correcte de ces lignes, jusqu'a ce qu'il ait été confirmé par de nouveaux levés.

Il est donc convenu que les Commissaires ou Délégués locaux des deux pays qui seront chargés, par la suite, de délimiter tout ou partie des frontières sur le terrain, devront se baser sur la description des frontières telle qu'elle est formulée dans la Convention. Il leur sera loisible, en même temps, de modifier les dites lignes de démarcation en vue de les déterminer avec une plus grande exactitude et de rectifier la position des lignes de portage des chemins ou rivières, ainsi qui des villes ou villages indiqués dans les cartes susmentionnées.

Les changements ou corrections proposés d'un commun accord par les dits Commissaires ou Délégués seront soumis à l'approbation des Gouvernements respectifs.

DELCASSE

F. DE LEON Y CASTLLO



## APPENDIX VIII

### PROJET DE LOI

#### Creant une Organisation Commune des Regions Sahariennes (O.C.R.S)

**Article 1.** - Il est crée une « Organisation Commune des Regions Sahariennes » dont l'objet est la mise en valeur, l'expansion économique et la promotion sociale des zones sahariennes de la Republique Francaise et a laquelle sont associés l'Algérie, la Mauritanie, le Soudan, le Niger et le Tchad.

**Article 2.** - L'Organisotion Commune des Regions Sahariennes englobe les zones suivantes reparties entre l'Algérie, le Soudan, le Niger et le Tchad.

- La commune mixte et l'annexe de Colomb Bechar ; la partie de l'annexe de Geryville située ou sud des Monts des Ksours; les communes indigenes et les annexes de la Saoura, du Gourara, du Touat et de Tindouf, la partie saharienne des cercles de Goundam, de Tombouctou et de Gao.

— Les communes indigenes et les annexes de Ghardaia, El Golea et Ouargla, la partie sud de l'annexe d'El Oued, les communes indigenes at annexes du Tidikelt, des Ajjers et du Hoggar.

— La partie nord des cerles de Tahoua et d'Agades, excluant l'Air mais comprenant notamment lo totalite de la subdivision de Bilma, la region du Borkou-Ennedi-Tibesti.

Les limites seront precisees par decret apres consultation des torritoires intéresses.

**Article 3-** L'Organisation Commune des Regions Sahariennes a pour mission

1) D'établir et de mettre en oeuvre les programmes generaux de mise en valeur, principalement dans les domaines energetique, hydraulique, industriel et agricole.

2) D'établir et de mettre en œuvre un plan d'infrastructure (transports et communications) en fonction de ces programmes.

3) De susciter l'installation d'industries extractives et de la transformation et de créer, lorsque les conditions le permettent, des ensembles industriels integres.

4) De promouvoir toute mesure propre a ameliorer leniveau de vie des populations et a assurer leur promotion sociale dans le cadre d'une evolution qui devra tenir compte de leurs traditions.

L'O.C.R.S. est habilitée a passer avec les territoires et Etats limitrophes des conventions destinees a permettre le développement de zones d'interet economique commun.

**Article 4.** - Dans les zones definies a l'article 2, peuvent etre edictees par décret en Conseil des Ministres, sur rapport des ministres interesses, et apres avis du Conseil d'Etat, nonobstant toutes dispositions legislatives en vigueur, des

mesures speciales relatives a l'administration locale, aux regim-es domanial, foncier, agricole, minier, et hydraulique, a l'immigration, a l'uti-lisation de la main-d'oeuvre, aux transports et aux communications, au regi-me des societes, des investissements et a leur fiscalite et, d'une maniere ge-nerale, a tout ce qui concerne la mise en valeur economique ainsi que la creation et le fonctionnement d'ensembles industriels.

Il pourra etre institue un regime fiscal exceptionnel de longue duree au benefice des entreprises dont lo creation, l'equipement ou l'extension auraient une importance particuliere.

**Article 5.** - L'Orgonisation Commune des Regions Sahariennes comprend :

- 1) Une Commission mixte de coordination et de controle, composee par moitie de representants des regions sahariennes et par moitie de represen-tants des Assemblees constitutionnelles de la Republique, dont le role est de definir et de controler les programmes d'action commune et d'intervention de l'Organisation Saharienne dans le cadre de ses missions enumerees a l'article 3.
- 2) Un Comite de Direction, compose par moitie de membres nommes par le Gouvernement de la Republique et par motie de membres designes par la Commission de coordination, charge de suivre l'execution de ces programmes.
- 3) Un delegue general nomme par decret en Conseil des Ministres, repre-sentant le Gouvernement de la Republique dans les zones sahariennes, res-ponsable de l'execution de ces programmes.

**Article 6.** - Les membres de la Commission de coordination et de coordination et de contrôle sont designes comme suit

- 1) Representants des regions sahariennes :
  - 7 membres representant les zones saharlennes de l'Algerie,
  - 2 membres representant les zones sahoriennes du Tchad,
  - 2 membres representant les zones sahoriennes du Niger,
  - 2 membres representant les zones sahariennes du Soudan,
  - 2 membres representant la Mauritanie.
- 2) Representants des Assemblees constitutionnelles:
  - 7 deputes designes par l'Assemblee Nationale,
  - 4 senateurs designes par le Conseil de la Republique,
  - 2 conseillers designes par l'Assemblée de l'Union francaise,
  - 2 conseillers designes par le Conseil Economique.

La Commission de coordination et de controle tient une session annuelle. Elle elit son president et etablit son reglement.

Le delegue general de l'O.C.R.S. assiste aux seances.

La Commission discute et adopte le rapport general publie chaque annee par le Comite de direction, qui comporte notamment un compte rendu d'activite, une description de la situation financiers et un etat previsionnel des depenses

at des recettes.

Elle adresse ses recommandations au Comite de Direction.

**Article 7.** - Le Comite de Direction, preside par le delegue general, comprend, outre l'officier general designe a l'article 11:

1) 6 membres nommés par decret en Conseil des Ministres, choisis au sein du Conseil d'administration du Bureau Industriel Africain ;

1 representant du ministre de la France d'Outre-Mer ;

1 representant du ministre des Finances ;

1 representant du ministre charge des Affaires algeriennes ;

1 representant du ministre des Affaires etrangeres ;

2 membres proposes par le Conseil d'administration, dont un representant le Bureau de Recherches de Petrole.

2) 6 membres designee par la Commission de coordination et de controle dont trois choisis parmi les representants des regions sahariennes.

Il se reunit sur convocation du delegue general ou a la demande de sept de ses membres, et en tout cas au moins une fois tous les deux mois.

Il presente un rapport annuel sur l'activite de l'Organisation.

Le delegue general assure l'execution des decisions du Comite pendant les intervalles entre ses reunions.

**Article 8.** - L'O.C.R.S. a la personnalite morale et l'autonomie financiere.

Elle dispose d'un budget de fonctionnement rattache a la Presidence du Conseil.

**Article 9.** - Le developpement economique du Sahara beneficiera de l'assistance technique et financiere metropolitaine. Cette assistance sera mise en oeuvre par l'intermediaire du Bureau Industriel Africain, dont les statuts seront modifies par decrets.

L'alinéa 4 de l'article 17 de la loi du 5 Janvier 1952 ne s'applique pas aux activites de l'O.C.R.S.

L'O.C.R.S. pourra faire appel a la Caisse Centrale de la France d'Outre-Mer dans les conditions prevues par la loi n. 46-860 du 30 avril 1946 et par les decrets subsequents

Pour le compte de l'O.C.R.S., le delegue general peut negocier sous reserve de l'approbation du Gouvernement, avec les organismes internationaux et etrangers, une aide financiere sous forme de prets ou de participations dans les entreprises sahariennes,

Les ressources de l'O.C.R.S. provenant de ces operations seront exonerees de tout Impot.

**Article 10.** - Les lois et decrets se rapportant aux questions visées a l'article 4 deviennent obligatoires huit jours apres leur publication ou Journal Officiel de la

Republique Francaise. Pour l'execution de ces lois et decrets, le delegue general prend des arretes qui sont publies au Bulletin Officiel de l'O.C.R.S.

Le delegue general correspond avec le gouvernement dont il recoit les instructions.

Il assure l'execution des missions confies a l'O.C.R.S. qu'il represente dans tous les actes de la vie civile. Il prononce les affectations a tous les emplois civils a l'interieur du perimetre saharien defini a l'article 2.

A cet effet, les pouvoirs actuellement exercés par le Gouverneur general de l'Algerie et par les Hauts-Commissaires et Gouverneurs de l'Afrique Oc-cidentale et de l'Afrique Equatoriale Francaises lui sont devolus.

**Article 11.** - Le delegue est responsable de la defense et du maintien de l'ordre dans les regions sahariennes definies a l'article 2.

Le commandement et l'emploi des troupes terrestres et aeriennes stationnees dans ces regions sont confiés à un officier general qui assiste le delegue general pour la defense et le maintien de l'ordre.

**Article 12.** - Le Gouvernement est autorise de passer des conventions avec les Etats limitrophes qui accepteraient les objectifs de l'O.C.R.S. et souhaiteraient s'associer d'une maniere permanente a ses travaux. Ces con-ventions fixeront les conditions de l'association. Elles pourront prevoir une representation de ces Etats ou sein de l'Organisation. Elles pourront egale-ment etendre tout ou partie des competences de l'O.C.R.S. a certaines re-gions dependant de l'autorite de ces Etats.

**Article 13.** - Des decrets fixeront les modalites d'application de la presente loi.

Toutes dispositions contraires à la presente loi sont abrogees.



## APPENDIX IX

### PROTOCOLE D'ACCORD ENTRE LE GOUVERNEMENT DE SA MAJESTE LE ROI DU MAROC ET LE G.P.R.A. (6 Juillet 1961)

Entre le Gouvernement de Sa Majeste le Roi du Maroc et le Gouvernement Provisoire de la Republique Algerienne,

Le Gouvernement de Sa Majeste le Roi du Maroc et le Gouvernement Provisoire de la Republique Algerienne; animes par les sentiments de sollidarite et de fraternite maghrebines, conscients de leur destin aficain et desireux de concretiser les aspirations communes de leurs peuples, ont convenu ce qui suit :

Fideles a l'esprit de la Conference de Tanger du mois d'avril 1958 et fermement attache ala charte et aux resolutions adoptees par la Conference de Casablonca, es deux gouvernements decident d'entreprendre l'editification du Maghreb Arabe, sur la base d'une fraterne association notamment dans le domaine politique et economique.

Le Gouvernement de Sa Majeste le Roi du Maroc reaffirme son soutien inconditionnel au peuple algerien dans sa lutte pour son independance at son unite nationale. Il proclame son uppu sans reserve au gouvernement provisoire de la Republique Algerienne dans ses negociations avec la France sur la base du respect de l'integrite du territoire algerien. Le Gouvernement de Sa Majeste le Roi du Maroc s'opposera par tous les moyens a toute tentative de partage ou d'amputation du territoire algerien,

Le Gouvernement Provisoire de la Republique Algerienne reconnait pour sa part que le probleme territorial pose par la delimitation Imposée arbitrairement par lo France entre les deux pays trouvera sa resolution dans les ne gociations entre le Gouvernement du Royaume du Maroc et du Gouverne-ment de l'Algérie independante.

A cette fin, les deux gouvernements decident la creation d'une commission algero-marocaine qui se reunira dans les meilleurs delais popur poceder a l'étude et a la solution de ce probleme dans un esprit de fraternite et d'unite maghrebines.

De ce fait, le Gouvernement Provisoire de la Republique Algerienne reaffirme que les accords qui pourronr intervenir a la suite des negociations franc-algeriennes ne sauraient etre opposables au Maroc quant aux delimitations territoriales algero-marocaines.

Sa Majeste Hassan II Roi du Maroc

Son Excellence Ferhat Abbas

President du G.P.R.A. Rabat, le 6 Juillet 1961.

## APPENDIX X

**Text of the Spanish Accord with tribal chiefs, 28 November 1884.**

"Louanges a Allah seul. Son royaume est seul durable. Les soussignés dont les noms se trouvent a la suite de la date déclarent que don Emillio Bonelli, représentant de la société espagnole des africanistes qui résident a Madrid ville de Sa Majesté le Roi d'Espagne, est arrivé sur le territoire de la tribu de Ulad Sba, sur la cote de la mer, dans le but de commercer, vendre et acheter.

Il a construit sur notre terrain une maison ou flotte le pavillon Espagnol et nous lui avons remis le territoire appelé Madibu ou Cap Blanc de la cote, pour que ce territoire se trouve uniquement sous la protection et le gouvernement de Sa Majesté le Roi d'Espagne don Alphonse XII. Nous stipulons entre lui et nous que nous n'admettrons pas de sujets d'une autre nation chrétienne, exceptes ceux qui appartiennent a la nation espagnole que nous respecterons et considérerons dans leurs personnes et leurs biens en échange d'un respect et d'une considération égale envers la religion de notre Seigneur et Maître Mohammed sur qui soient la bénédiction et la paix. Par ce contrat entre les musulmans et les espagnols nous faisons cette déclaration avec satisfaction comme représentants du Cherif Sid Abd El Aziz Uld El Mami, Ahej de la tribu mentionnée. Et la paix. Le 28 Novembre 1884.

signe: Ahmed el Aliyi

Mohammed ben Jeirats el Aliyi

Ahmed Ould Mohammed el Aliyi.

## APPENDIX XI

**Statement made by President Houari Boumedienne at the Arab Summit in Rabat in October 1974***(Original in Arabic-Unofficial Translation)*

I give the floor to His Excellency President Boumedienne.

"As a matter of fact, I apologise for not being able to stay until the end of this meeting for personal reasons which compel me to leave this brother country tomorrow morning, in sha Allah. Therefore, I apologise to all the Kings and Presidents particularly to my brother and friend King Hassan II.

With regards to the problem that His Majesty wanted to discuss (Western

Sahara) and that he wanted to submit to you before I leave, it is time, first of all to give precise details. There is no problem between Morocco and Algeria. There had been an incident regarding the resolution presented by the Egyptian Minister of Foreign Affairs on this matter. There had also been an incident at the Ministerial Council's level between the Algerian and the Moroccan delegations, frankly and with the truth that each one of you may appreciate, I shall be, as usual, frank at least on this matter.

Regarding His Majesty's statement at one of his press conferences, which I have read, this problem could not be submitted to the summit meeting.

I was also expecting that even if this problem had been submitted that it would have been done directly by Morocco or Mauritania, the two principal parties claiming the territory. As far as Algeria is concerned, it will never claim a territory beyond what it considers her proper borders, thank God. There is a problem which had been solved at an important African meeting held here in the presence of many African Heads of State. I was honest with His Majesty the King, over various questions, in Ifrane in 1959. I meant to say in 1969 and we laid the general foundations of future relations between the two countries bearing in mind the fact that this region has regrettably suffered many problems. Nonetheless, this question has been definitely solved in 1972. There were problems in this region such as the Moroccan-Mauritanian problem, the Moroccan-Algerian one and the so-called Sahara under Spanish rule. The first problem (Moroccan-Mauritanian) was solved on the occasion of the Islamic Summit (1969).

The second problem (Moroccan-Algerian) was solved on the occasion of the (Rabat) African Summit in 1972 by virtue of an agreement. We also reached an agreement on what action to take to liberate this region (Western Sahara). Algeria claimed only one thing: the participation in the liberation of an area adjacent to its borders. This is the whole problem. I would like to clear any misunderstanding,

because it has been written that Algeria has two policies. Algeria doesn't have two policies. It has only one and its borders are well defined with the exception of the region still under Spanish rule. It has also been written here and there that problems have recently surfaced between Algeria and Morocco. It was said that someone was trying to put a wedge between the two countries by all sorts of manoeuvres. The reality, however, is quite different. We met several times in Nouadibouh, Rabat and Agadir immediately after the Algerian-Mroccan agreement. **I took part in a meeting with His Majesty the King and the Mauritanian President, in the course of which, they agreed to find a formula to resolve this problem after the liberation. The formula was to share the territory between Mauritania and Morocco. I was then present and I gave full agreement without any reservations.** We are known in Algeria for saying what we think. Maybe we are simply not good with words and that's why we have always been accused of not being flexible. Nevertheless, I believe that the problem is solved and there is no ambiguity between Morocco and us. There is no ambiguity either between us and Morocco or between us and Mauritania. There is the suggestion that Algeria is part of the problem. I beg his Majesty the King and the other Presidents to be bear with me for a while. If we insisted on being part of the resolution submitted to the United Nations, it was because naturally there is a problem on the borders of my country. It is a security problem. There exists colonialism on the borders of my country. How can I speak about colonialism in Angola, in Mozambique, in Guinea Bissau and be silent regarding the Sahara. I was once talking to President Gaddafi who told me: if you don't liberate the Sahara I will come and do so. So I asked him from where he was going to cross. I pointed out it was impossible to cross unless through Algerian space which was prohibited. This is the basis of the argument. The objective is and will remain precisely this way even before we worked in a tripartite context.

Last time, the brothers (King Hassan and President Ould Daddah) deemed it appropriate to work out things bilaterally. So henceforth, the problem will interest Mauritania and Morocco. Therefore, I declare that I agree and that there is no problem. I have neither border problems nor any territorial claims but merely a concern over my country's security. I am a Head of State responsible for a revolution. If there was a conflict between Morocco and Spain, it would have unavoidable consequences on the whole region. It is also true that the borders which separate Algeria and this region still colonized are not yet defined.

Dear brothers,

If the Algerian delegate attempted at the Ministerial Council to say it was necessary for the Heads of State to meet and talk, this should not



be viewed as if Algeria had problems or would like to create some. On the contrary, if the brothers, **Presidents and Kings ratify the agreed formula reached between the two countries on the liberation and delimitation of what will be the Moroccan zone and the Mauritanian one, I shall then be with those who ratify this formula.** It must be clear that I value dearly our relations with Morocco and Mauritania and also other neighbouring brothers of Algeria. It is impossible for us to progress, it is impossible for us to develop our country, it is impossible for us to tackle the problems of under-development without stability and peace in the region. Our political strategy in the region has been based for some time now on the guidelines outlined since 19 June 1965. For us this is irreversible. Therefore, dear brothers, this is the summary of it all and I say there is no problem between me and Morocco. If we had remained silent until now, it was because a disagreement had emerged. I should say differences of opinion and not disagreements between Morocco and Mauritania. This is the crux of the problem. I hope that my brothers and friends, His Majesty the King and the Mauritanian President understand the Algerian position concerning this matter.

**I would like to close this dossier when I leave this meeting. I would like to close this file once and for all. We are with Morocco and Mauritania for the liberation of each piece of their land and not only the Western Sahara or the Sahara still under Spanish rule but also Ceuta, Melilla and all the islands still under Spanish occupation.** These are historical facts which must be recorded. As we are speaking about colonial problems we must be frank. As for myself I wanted to air my views vis-a-vis this question and that is all I have to say. Please forgive me but all my brothers know that I don't like talking for the sake of talking. If, however, you think that I said more than I should, His Majesty the King and the Mauritanian President should let me know. If we sometimes found ourselves face to face with a problem, it was because there were divergent points of view between the sister countries. We have not attempted to take sides with one or the other and this is the background and the unknown aspects of the problem.

Thank you for your attention.

*The author has an audio recording of the speech.*

## APPENDIX XII

### Traité de la Fraternité et de la Concorde

Le Président Chadli Benjedid, Président de la République, Secrétaire général du Parti du Front de Libération Nationale et le Président tunisien Habib Bourguiba ont signé, samedi au Palais de Carthage à Tunis, un traité de fraternité et de concorde entre la République Algérienne Démocratique et Populaire et la République Tunisienne.

Voici la traduction du texte intégral de ce traité : Traité de fraternité et de Concorde.

La République Algérienne Démocratique et Populaire et la République Tunisienne.

Ayant foi en l'unité du destin dans le cadre du Grand Maghreb Arabe.

Conscientes de leur appartenance au Monde arabe et islamique et au continent africain, et de la nécessité de consolider les liens de rapprochement et de renforcer la solidarité entre leurs deux peuples frères.

Soucieuses de renforcer la stabilité, la paix et la sécurité dans la région du Grand Maghreb Arabe et dans le monde.

Soucieuses de contribuer à la consolidation de relations de voisinage positif et de la coopération fraternelle existant entre les États du Grand Maghreb Arabe.

Soucieuses de réaliser un développement complémentaire et global de leurs deux sociétés, répondant aux aspirations de leurs deux peuples au progrès et à la prospérité.

Sur la base du traité de fraternité, de bon voisinage et de coopération signé à Tunis le 6 janvier 1970.

Déterminées à unifier les efforts pour consolider la justice, la paix et la sécurité dans le monde et pour suivre l'action pour le respect et l'application des principes des Nations unies, de l'Organisation de l'Unité Africaine et de la Ligue Arabe,

Ayant foi en ce qu'un traité de fraternité et de concorde nécessite inmanquablement le règlement de tout différend qui pourrait surgir entre elles, par les moyens pacifiques, conformément aux principes de la Charte des Nations unies.

Elles se sont mises d'accord sur:

#### ARTICLE PREMIER:

Les deux hautes parties contractantes s'engagent à œuvrer d'une façon continue pour la sauvegarde de la paix et la sécurité entre elles et d'une façon générale entre tous les pays du Grand Maghreb Arabe et ce, dans le but de renforcer les relations de paix, de fraternité et de bon voisinage existant entre les deux pays et basées sur leur appartenance au Grand Maghreb Arabe, Sur l'unité de leur destin et sur le respect du principe de souveraineté nationale, d'égalité des droits des peuples et leur droit de disposer de leur destin.

#### ARTICLE DEUX :

Les deux hautes parties contractantes, s'engagent a s'abstenir de recourir a la menace ou d'utiliser la force pour le reglement de differends qui pourraient surgir entre elles, considerant l'authenticite des liens historiques qui unissent les deux peuples. Pour la preservation d'une cooperation fraternelle et fructueuse et pour asseoir une paix durable entre eux, fondee sur le respect mutuel de l'integrite territoriale, de l'intangibilite des frontieres nationales, de la Souverainete et de l'indpendance politique de chacune d'elles.

Elles s'engagent a resoudre les differends qui pourraient surgir entre elles par la voie de la consultation, de la negotiation ou par toute autre voie pacifique.

## ARTICLE TROIS:

Les deux hautes parties contractantes s'engagent de s'abstenir d'adherer a toute alliance ou ensemble de nature militaire ou politique avec un ou plusieurs autres Etats contre l'indpendance politique, l'integrite territoriale ou la securite d'une des parties contractantes.

Les deux parties contractantes s'engagent a n'autoriser aucune initiative ou action de nature belliqueuse prise par un ou plusieurs autres Etats contre l'une des deux parties.

## ARTICLE QUATRE:

Les deux hautes parties contractantes s'engagent à n'autoriser aucune organisation ou activite ou concentration sur le territoire de l'une des deux parties, de nature à porter atteinte à la securite de l'autre partie, ou à son integrite territoriale, ou a one tentative de changer son regime par la violence.

## ARTICLE CINQ:

Les deux hautes parties contractantes conservent leur complete liberte d'action en vue de signer tout accord avec d'autres États s'il ne contredit pas les arretes du present traite.

## ARTICLE SIX:

Ce traite reste ouvert à l'adhesion d'autres Etats du Grand Maghreb Arabe qui acceptent ces decisions avec l'accord des deux hautes parties contractantes.

## ARTICLE SEPT:

La duree de ce traite est de vingt ans. Son approbation reste soumise aux dispositions constitutionnelles de chaque pays et entrera en vigueur a compter de la date d'échange des instruments de ratification. Ce traite sera reconduit pour la meme duree si aucune des deux parties contractantes ne l'annule par ecrit, un an avant la fin de la duree en vigueur.

Ce traite a ete redige en langue arabe à Tunis, le 19 Mars 1983. Il est signe par le President Chadli Bendjedid et le President Habib Bourguiba.

*Source: Revolution Africaine 25/31 Mars, 1983*

## APPENDIX XIII

**Morocco's autonomy proposal submitted to the UN Secretary General on 11 April 2007****MOROCCAN INITIATIVE FOR NEGOTIATING  
AN AUTONOMY STATUS FOR THE SAHARA REGION****I. Morocco's commitment to a final political solution**

1. Since 2004, the Security Council has been regularly calling upon "the parties and States of the region to continue to cooperate fully with the United Nations to end the current impasse and to achieve progress towards a political solution".
2. Responding to this call by the international community, the Kingdom of Morocco set a positive, constructive and dynamic process in motion, and pledged to submit an autonomy proposal for the Sahara, within the framework of the Kingdom's sovereignty and national unity.
3. This initiative is part of the endeavors made to build a modern, democratic society, based on the rule of law, collective and individual freedoms, and economic and social development. As such, it brings hope for a better future for the region's populations, puts an end to separation and exile, and promotes reconciliation.
4. Through this initiative, the Kingdom of Morocco guarantees to all Sahrawis, inside as well as outside the territory, that they will hold a privileged position and play a leading role in the bodies and institutions of the region, without discrimination or exclusion.
5. Thus, the Sahara populations will themselves run their affairs democratically, through legislative, executive and judicial bodies enjoying exclusive powers. They will have the financial resources needed for the region's development in all fields, and will take an active part in the nation's economic, social and cultural life.
6. The 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.
7. The Moroccan initiative, which is made in an open spirit, aims to set the stage for dialogue and a negotiation process that would lead to a mutually acceptable political solution.
8. As the outcome of negotiations, the autonomy statute shall be submitted to the populations concerned for a referendum, in keeping with the principle of selfdetermination and with the provisions of the UN Charter.
9. To this end, Morocco calls on the other parties to avail the opportunity to write a new chapter in the region's history. Morocco is ready to take part in serious, constructive negotiations in the spirit of this initiative, and to contribute to promoting a climate of trust.



**10.** To achieve this objective, the Kingdom of Morocco remains willing to cooperate fully with the UN Secretary-General and his Personal Envoy.

## **II. Basic elements of the Moroccan proposal**

**11.** The Moroccan autonomy project draws inspiration from the relevant proposals of the United Nations Organization, and from the constitutional provisions in force in countries that are geographically and culturally close to Morocco. It is based on internationally recognized norms and standards.

### **A. Powers of the Sahara autonomous Region**

**12.** In keeping with democratic principles and procedures, and acting through legislative, executive and judicial bodies, the populations of the Sahara autonomous Region shall exercise powers, within the Region's territorial boundaries, mainly over the following:

- Region's local administration, local police force and jurisdictions;
- In the economic sector: economic development, regional planning, promotion of investment, trade, industry, tourism and agriculture;
- Region's budget and taxation;
- **Infrastructure:** water, hydraulic facilities, electricity, public works and transportation;
- In the social sector: housing, education, health, employment, sports, social welfare and social security;
- Cultural affairs, including promotion of the Saharan Hassani cultural heritage;
- environment.

**13.** The Sahara autonomous Region will have the financial resources required for its development in all areas. Resources will come, in particular, from:

- taxes, duties and regional levies enacted by the Region's competent authorities;
- proceeds from the exploitation of natural resources allocated to the Region;
- the share of proceeds collected by the State from the exploitation of natural resources located in the Region;
- the necessary funds allocated in keeping with the principle of national solidarity;
- proceeds from the Region's assets.

**14.** The State shall keep exclusive jurisdiction over the following in particular:

- the attributes of sovereignty, especially the flag, the national anthem and the currency;
- the attributes stemming from the constitutional and religious prerogatives of the King, as Commander of the Faithful and Guarantor of freedom of worship and of individual and collective freedoms;
- national security, external defense and defense of territorial integrity;
- external relations;
- the Kingdom's juridical order.

**15.** State responsibilities with respect to external relations shall be exercised in consultation with the Sahara autonomous Region for those matters which have a direct bearing on the prerogatives of the Region. The Sahara autonomous Region may, in consultation with the Government, establish cooperation relations with foreign Regions to foster inter-regional dialogue and cooperation.

**16.** The powers of the State in the Sahara autonomous Region, as stipulated in paragraph 13 above, shall be exercised by a Representative of the Government.

**17.** Moreover, powers which are not specifically entrusted to a given party shall be exercised by common agreement, on the basis of the principle of subsidiarity.

**18.** The populations of the Sahara Autonomous Region shall be represented in Parliament and in the other national institutions. They shall take part in all national elections.

## **B. Bodies of the Region**

**19.** The Parliament of the Sahara autonomous Region shall be made up of members elected by the various Sahrawi tribes, and of members elected by direct universal suffrage, by the Region's population. There shall be adequate representation of women in the Parliament of the Sahara autonomous Region.

**20.** Executive authority in the Sahara autonomous Region shall lie with a Head of Government, to be elected by the regional Parliament. He shall be invested by the King.

The Head of Government shall be the Representative of the State in the Region.

**21.** The Head of Government of the Sahara autonomous Region shall form the Region's Cabinet and appoint the administrators needed to exercise the powers devolving upon him, under the present autonomy Statute. He shall be answerable to the Region's Parliament.

**22.** Courts may be set up by the regional Parliament to give rulings on disputes arising from enforcement of norms enacted by the competent bodies of the Sahara autonomous Region. These courts shall give their rulings with complete independence, in the name of the King.

**23.** As the highest jurisdiction of the Sahara autonomous Region, the high regional court shall give final decisions regarding the interpretation of the Region's legislation, without prejudice to the powers of the Kingdom's Supreme Court or Constitutional Council.

**24.** Laws, regulations and court rulings issued by the bodies of the Sahara autonomous Region shall be consistent with the Region's autonomy Statute and with the Kingdom's Constitution.

**25.** The Region's populations shall enjoy all the guarantees afforded by the Moroccan Constitution in the area of human rights as they are universally recognized.

**26.** An Economic and Social Council shall be set up in the Sahara autonomous Region. It shall comprise representatives from economic, social, professional

and community groups, as well as highly qualified figures.

### **III. Approval and implementation procedure for the autonomy statute**

27. The Region's autonomy statute shall be the subject of negotiations and shall be submitted to the populations concerned in a free referendum. This referendum will constitute a free exercise, by these populations, of their right to self-determination, as per the provisions of international legality, the Charter of the United Nations and the resolutions of the General Assembly and the Security Council.

28. To this end, the parties pledge to work jointly and in good faith to foster this political solution and secure its approval by the Sahara populations.

29. Moreover, the Moroccan Constitution shall be amended and the autonomy Statute incorporated into it, in order to guarantee its sustainability and reflect its special place in the country's national juridical architecture.

30. The Kingdom of Morocco shall take all the necessary steps to ensure full integration, into the nation's fabric, of persons to be repatriated. This will be done in a manner which preserves their dignity and guarantees their security and the protection of their property.

31. To this end, the Kingdom of Morocco shall, in particular, declare a blanket amnesty, precluding any legal proceedings, arrest, detention, imprisonment or intimidation of any kind, based on facts covered by this amnesty.

32. Once the parties have agreed on the proposed autonomy, a Transitional Council composed of their representatives shall assist with repatriation, disarmament, demobilization and reintegration of armed elements who are outside the territory, as well as with any other action aimed at securing the approval and implementation of the present Statute, including elections.

33. Just like the international community, the Kingdom of Morocco firmly believes today that the solution to the Sahara dispute can only come from negotiations.

Accordingly, the proposal it is submitting to the United Nations constitutes a real opportunity for initiating negotiations with a view to reaching a final solution to this dispute, in keeping with international legality, and on the basis of arrangements which are consistent with the goals and principles enshrined in the United Nations Charter.

34. In this respect, Morocco pledges to negotiate in good faith and in a constructive, open spirit to reach a final, mutually acceptable political solution to the dispute plaguing region. To this end, the Kingdom of Morocco is prepared to make a positive contribution to creating an environment of trust which would contribute to the successful outcome of this initiative.

35. The Kingdom of Morocco hopes the other parties will appreciate the significance and scope of this proposal, realize its merit, and make a positive and constructive contribution to it. The Kingdom of Morocco is of the view that the momentum created by this initiative offers a historic chance to resolve this issue once and for all.

**APPENDIX XIV**

**PROPOSAL OF THE FRENTE POLISARIO FOR A MUTUALLY ACCEPTABLE POLITICAL SOLUTION THAT PROVIDES FOR THE SELF-DETERMINATION OF THE PEOPLE OF WESTERN SAHARA (Official translation)**

*[presented to UN Secretary General on April 10 2007]*

**I / The Conflict of Western Sahara is a decolonisation question:**

**1.** Included since 1965 on the list of the Non-Self-Governing territories of the UN Decolonisation Committee, Western Sahara is a territory of which the decolonisation process has been interrupted by the Moroccan invasion and occupation of 1975 and which is based on the implementation of the General Assembly resolution 1514 (XV) regarding the Declaration on the Granting of Independence to Colonial Countries and Peoples.

**2.** The UN General Assembly and the Security Council have identified this conflict as a decolonisation conflict between the Kingdom of Morocco and the Frente POLISARIO whose settlement passes by the exercise by the Saharawi people of their right to self-determination.

**3** Likewise, the International Court of Justice, at the request of the General Assembly has clearly ruled, in a legal opinion dated 16 October 1975, that “the materials and information presented to it do not establish any tie of territorial sovereignty between the territory of Western Sahara and the Kingdom of Morocco or the Mauritanian entity. Thus the Court has not found legal ties of such a nature as might affect the application of General Assembly resolution 1514 (XV) in the decolonization of Western Sahara and, in particular, of the principle of self-determination through the free and genuine expression of the will of the peoples of the Territory”.

**4.** Furthermore, on 29 January 2002, at the request by the Security Council, the UN Legal Counsel clearly established that Morocco was not the administering power of the territory, that the Madrid Agreement of 1975 dividing the territory between Morocco and Mauritania did not transfer any sovereignty to its signatories and, finally, that the status of Western Sahara, as Non-Self-Governing Territory, had not been affected by this agreement.

**II / The solution of the conflict passes by the holding of a referendum on self-determination:**

**5.** The question of Western Sahara having been identified by the International Community as a decolonisation question, the efforts aiming to settle it have consequently and naturally been guided by the objective of offering the people of this territory the opportunity to decide their future through a free and fair



referendum on self-determination.

6. The Settlement Plan approved by the two parties to the conflict, the Kingdom of Morocco and the Frente POLISARIO, and by the Security Council in its resolutions 658 (1990) and 690 (1991), complemented by the Houston Agreements negotiated and signed in September 1997 by the Kingdom of Morocco and the Frente POLISARIO, under the auspices of James Baker III, Personal Envoy of the UN Secretary-General, and endorsed by the Security Council as well as the Peace Plan for Self-determination for the People of Western Sahara or Baker Plan approved by the Security Council in its resolution 1495 (2003), all provide for the holding of a referendum on self-determination in Western Sahara. All these efforts failed because of the reneging of the Kingdom of Morocco on its international commitments.

**III / Readiness of the Frente POLISARIO to negotiate with a view to holding the referendum on self-determination and the granting of post-referendum guarantees to Morocco and to Moroccan residents in Western Sahara:**

7. The Frente POLISARIO that unilaterally declared a cease-fire which it has ever since respected scrupulously, and that accepted and implemented in good faith the Settlement Plan by virtue of which the United Nations Mission for the Referendum in Western Sahara (MINURSO) was deployed as well as the Houston Agreements, and that has honoured all the commitments it has undertaken by making concessions sometimes painful in order to offer to the Saharawi people the opportunity to freely decide their destiny, reiterates solemnly its acceptance of Baker Plan and declares its readiness to negotiate directly with the Kingdom of Morocco, under the auspices of the United Nations, the modalities for implementing it as well as those relating to the holding of a genuine referendum on self-determination in Western Sahara in strict conformity with the spirit and letter of the UN General Assembly resolution 1514 (XV) and within the format envisaged in the framework of Baker Plan, namely the choice between independence, integration into the Kingdom of Morocco and self-governance.

8. The Frente POLISARIO is also committed to accepting the results of the referendum whatever they are and to already negotiate with the Kingdom of Morocco, under the auspices of the United Nations, the guarantees that it is prepared to grant to the Moroccan population residing in Western Sahara for 10 years as well as to the Kingdom of Morocco in the political, economic and security domains in the event that the referendum on self-determination would lead to independence.

9. The guarantees to be negotiated by the two parties would consist in:

## APPENDICES

**9.1 :** the mutual recognition of and respect for the sovereignty, independence and territorial integrity of the two countries in accordance with the principle of the intangibility of the borders inherited from the independence period;

**9.2 :** the granting of guarantees concerning the status and the rights and obligations of the Moroccan population in Western Sahara, including its participation in the political, economic and social life of the territory of Western Sahara. In this respect, the Saharawi State could grant the Saharawi nationality to any Moroccan citizen legally established in the territory that would apply for it;

**9.3 :** the agreement on equitable and mutually advantageous arrangements permitting the development and the joint exploitation of the existing natural resources or those that could be discovered during a determined period of time;

**9.4 :** the setting up of formulas of partnership and economic cooperation in different economic, commercial and financial sectors;

**9.5 :** the renunciation by the two parties, on a reciprocal basis, of any compensation for the material destructions that have taken place since the beginning of the conflict in Western Sahara;

**9.6 :** the conclusion of security arrangements with the Kingdom of Morocco as well as with the countries of the region that may be interested;

**9.7 :** the commitment of the Saharawi State to work closely with the Kingdom of Morocco as well as with the other countries of the region with a view to bringing to conclusion the integration process of the Maghreb;

**9.8 :** the readiness of the Saharawi State to participate with Morocco and the countries of the region in the maintenance of peace, stability and security of the whole region in the face of the different threats that could target it.

Likewise, the Saharawi State would positively consider any request from the United Nations and the African Union to participate in peace-keeping operations.

**10.** The Frente POLISARIO is ready, under the auspices of the United Nations and with the approval and the support of the Security Council, to enter in direct negotiations with the Kingdom of Morocco on the basis of the aforementioned parameters with a view to reaching a just, lasting and mutually acceptable political solution that provides for the self-determination of the people of Western Sahara in conformity with the relevant resolutions of the United Nations mainly the General Assembly resolution 1514 (XV), thus bringing about peace, stability and prosperity for the whole region of the Maghreb.

## APPENDIX XV

### THE TREATY OF FEZ

#### **TRAITE CONCLU ENTRE LA FRANCE ET LE MAROC LE 30 MARS 1912, POUR L'ORGANISATION DU PROTECTORAT FRANCAIS DANS L'EMPIRE CHERIFIEN.**

Le Gouvernement de la Republique francaise et le Gouvernement de Sa Majeste cherifienne, soucieux d'etablir au Maroc un regime regulier fonde sur l'ordre interieur et la securite generale qui permettra l'introduction des reformes et assurera le developpement economique du pays, sont convenus des dispositions suivantes :

**ARTICLE PREMIER.** Le Gouvernement de la Republique francaise et Sa Majeste le Sultan sont d'accord pour instituer au Maroc un nouveau regime comportant les reformes administratives, judiciaire, scolaires, economiques, financieres et militaires que le Gouvernement francais jugera utile d'introduire sur le territoire marocain.

Ce regime sauvegardera la situation religieuse, le respect et le prestige traditionnel du Sultan, l'exercice de la religion musulmane et des institutions religieuses, notamment de celles des habous. Il comportera l'organisation d'un Makhzen cherifien reforme.

Le Gouvernement de la Republique se concertera avec le Gouvernement espagnol au sujet des interets que ce Gouvernement tient de sa disposition geographique et de ses possessions territoriales sur la cote Marocaine.

De meime, la ville de Tanger gardera le caractere special qui lui a ete reconnu et qui determinera son organisation municipale.

**ART. 2.** Sa Majeste le Sultan admet des maintenant que le Gouvernement francais procede, apres avoir prevenu le Makhzen, aux occupations militaires du territoire marocain qu'il jugerait necessaires au maintien de l'ordre et de la securite des transactions commerciales et a ce qu'il exerce toute action de police sur terre et dans les eaux marocaines.

**ART. 3.** Le Gouvernement de la Republique prend l'engagement de preter un constant appui a Sa Majeste cherifienne contre tout danger qui menacerait sa personne ou son trone ou qui compromettrait la tranquillite de ses Etats. Le meme appui sera prete a l'heritier du trone et a ses successeurs.

**ART. 4.** Les mesures que necessitera le nouveau regime de protectorat seront edictees, sur la proposition du Gouvernement francais par Sa Majeste cherifienne ou par les autorites auxquelles elle en aura delegue le pouvoir. Il en sera de meime des reglements nouveaux et des modifications aux reglements existants.

**ART. 5.** Le Gouvernement francais sera represente aupres de Sa Majeste cherifienne par un Commissaire resident general, depositaire de tous les pouvoirs de la Republique au Maroc, qui veillera a l'execution du present accord.

Le Comissaire resident general sera le seul intermediaire du Sultan aupres representants etrangers et dans les rapports que ces Representants entretiennent avec le Gouvernement marocain. Il sera, notamment, charge de toutes les questions interessant les etrangers dans l'Empire cherifien.

Il aura le pouvoir d'approuver et de promulguer, au nom du Gouvernement francais, tous les decrets rendus par Sa Majeste cherifienne.

**ART. 6.** Les Agents diplomatiques et consulaires de la France seront charges de la representation et de la protection des sujets et des interets marocains à l'etranger.

Sa Majeste le Sultan s'engage à ne conclure aucun acte ayant un caractere international sans l'assentiment prealable du Gouvernement de la Republique francaise,

**ART. 7.** Le Gouvernement de la Republique francaise et le Gouvernement de Sa Majeste cherifienne se reservent de fixer d'un commun accord les bases d'une reorganisation financiere qui, en respectant les droits conferes au porteur des titres des emprunts publics marocains, permette de garantir les engagements du tresor cherifien et de percevoir regulierement les revenus de l'Empire.

**ART. 8.** Sa Majeste cherifienne s'interdit de contracter a l'avenir, directement ou indirectement, aucun emprunt public ou prive et d'accorder, sous une forme quelconque, aucune concession sans autorisation du Gouvernement francais.

**ART. 9.** La presente convention sera soumise a la ratification du Gouvernement de la Republique francaise et l'instrument de ladite ratification sera remis a Sa Majeste le Sultan dans le plus bref delai possible.

En foi de quoi les soussignes ont dresse le present acte et l'ont revetu de leurs cachets.

**Fait a Fez, le 30 mars 1912.**

**Signe: REGNAULT**

**Signe: MOULAY ABD EL HAFID**



**APPENDIX XVI**

*(Translated from, Le Memorial Diplomatique, December 8, 16, 22 1912).*

**TREATY BETWEEN FRANCE AND SPAIN REGARDING MOROCCO**  
November 27, 1912

**PREAMBLE**

The President of the French Republic and His Majesty the King of Spain;

Desirous of determining the respective positions of France and Spain as regards the Shereefian Empire,

Considering moreover that the present treaty offers them a propitious opportunity to declare their sentiments of mutual friendship and their desire to come to an agreement as to their interests in Morocco;

Have agreed upon the following provisions:

**ARTICLE 1**

The Government of the French Republic recognizes that, in the Spanish zone of influence, Spain has the right to maintain peace in the said zone and to assist the Moroccan Government in introducing all the administrative, economic, financial, judicial and military reforms which it requires, as well as such new regulations and changes in existing regulations which may be necessitated by these reforms, in conformity with the Franco-English declaration of April 8, 1904, and the Franco-German agreement of November 4, 1911.

The regions included in the zone of influence determined by Article 2 will remain under the civil and religious authority of the Sultan, according to the provisions of the present agreement.

These regions will be governed by a Caliph, under the supervision of a Spanish High Commissioner, which Caliph shall be chosen by the Sultan from two candidates proposed by the Spanish Government.

The Caliph shall not exercise his functions or be deprived of them without the consent of the Spanish Government.

The Caliph will reside in the Spanish zone of influence and ordinarily at Tetuan; he shall be provided with a general delegation of power by the Sultan, by virtue of which he shall exercise the rights belonging to the Sultan.

This delegation of power will be permanent in character. In case Of a vacancy, the functions of the Caliph will be provisionally performed by the Pasha of Tetuan ex-officio.

The acts of the Moroccan authority in the Spanish zone of influence will be under the control of the Spanish High Commissioner and his agents. The High Commissioner will be the only intermediary in the intercourse which the Caliph, as deputy of the imperial authority in the Spanish zone, may have with

foreign official agents, with the understanding that Article 5 of the Franco-Shereefian treaty of March 30, 1912 shall not be infringed.

The Government of His Majesty the King of Spain will see to the observance of the treaties, especially the economic and commercial clauses contained in the Franco-German agreement of November 4, 1911.

The Shereefian Government will be held in no way responsible in the matter of claims brought about by acts committed under the administration of the Caliph in the Spanish zone of influence.

## ARTICLE 2

In the northern part of Morocco the boundary between the Spanish and French spheres of influence will begin at the mouth of the Muluya and extend up the channel of that river to a point one kilometer below Mechra-Klila. From this point the line of demarcation will follow that fixed by Article 2 of the convention of October 3, 1904, as far as Jebel Beni Hassan.

In case the mixed boundary commission provided for by paragraph 1 of Article 4 (below) Should ascertain that the Marabout of Sidi-Maarouf belongs to the southern section of the Beni Buyahi, that point shall be included in the French zone. However, the line of demarcation between the two zones after having included the said Marabout, will not pass it at more than one kilometer on the north or at more than two kilometers on the west in rejoining the line of demarcation as fixed in the preceding paragraph.

From Jebel Beni Hassan, boundary will meet the river Wergha north of the Jema of the Cheurfa Tafraout, above the bend of the river. Thence, extending westward, it will follow the line of the heights rising from the right bank of the river Wergha as far as its intersection with the north and south line described in Article 2 of the convention of 1901. In following this course, the boundary will keep as close as possible to the northern limits of the riparian tribes of the river Wergha and the southern limits of the tribes that are not riparian, assuring uninterrupted

Military communication between the different regions of the Spanish zone. It will then extend in a northerly direction, keeping at least 23 kilometers to the east of the road between Fez and El-Ksar El Kebir via Wazzan until it reaches the river Loukkos; whose channel it will follow down-stream to the boundary between the tribes of Sarsar and Tlig. From this point it will round Jebel Ghani, leaving this mountain in the Spanish zone, with the understanding that no permanent fortifications will be constructed there. Finally, the boundary will extend to the 35th parallel of north latitude between the Douar of Mgarya and the Marya of Sidi Slama, and will follow this parallel to the sea.

In the northern part of Morocco the boundary between the French and the Spanish zones will be marked by the channel of the river Draa, which it will follow up-stream from the sea to its juncture with the 11th meridian west of Paris. It will follow this meridian southward to its juncture with the parallel 27 degrees 40 minutes north latitude. South of this parallel Articles 5 and 6 of the convention of October 3, 1904 will remain effective. The Moroccan territories

situated to the north and east of the limits fixed in this paragraph will belong to the French zone.

### ARTICLE 3

The Moroccan Government having, by Article 8 of the treaty of April 20, 1860, granted to Spain a (fishing) station at Santa-Cruz de Mar Pequena (Ifni), it is understood that this station will have the following boundary: on the north the river Bou Sedra from its mouth; on the south the river Noun from its mouth; on the east a line approximately 2.5 kilometers distant from the coast.

### ARTICLE 4

A technical commission, the members of which shall be appointed by the French and Spanish Governments, each appointing the same number, will fix the exact lines of delimitation specified in the preceding articles. In performing its work the commission may take into account not only topographical variations, but also local contingencies.

The reports of the commission will not be effective until they are ratified by the two governments.

Nevertheless, the work of the commission, as above provided for, will not prevent Spain from taking immediate possession of its station at Ifni.

### ARTICLE 5

Spain binds itself not to transfer or relinquish in any manner, even temporarily, its rights as to the whole or any part of the territory composing its zone of influence.

### ARTICLE 6

In order to assure free passage in the Straits of Gibraltar, the two governments agree not to allow the construction of fortifications or strategic works of any kind on that portion of the Moroccan coast referred to in Article 7 of the Franco-English declaration of April 8, 1904, and in Article 14 of the Franco-Spanish convention of October 3rd of the same year and included in their respective spheres of influence.

### ARTICLE 7

The city of Tangier and its outskirts will be provided with a special government, which will be determined hereafter; they will form a zone included within the following described limits:

Starting from Punta Alarca on the southern coast of the Straits of Gibraltar, the boundary will extend in a straight line along the crest of Jebel Beni Meyimel, keeping the village called Diar-ez-Zeytoun on the west, and will then follow the boundary line between the Calis on the one side and the tribes of Anjera and of Wed Raa on the other side, to its juncture with the river Es Seghir. Thence, the boundary will follow the channel of the river Es Seghir, then the channels of the rivers M'harhar and Tzahadartz to the sea.

All in conformity with the lines indicated on the map of the Spanish Staff-Office, entitled: "Croquis del Imperio de Marruecos" drawn to the scale of 1.100.000, edition of 1906.

#### ARTICLE 8

The consulates, schools and all the French and Spanish establishments now existing in Morocco will be maintained. The two governments bind themselves to see that every form of religion existing in Morocco shall have freedom of worship.

The Government of His Majesty the King of Spain, so far as it is concerned, will see to it that the religious privileges at present enjoyed by the Spanish clergy, regular and secular, shall not exist in the French zone. Nevertheless, the Spanish missions in that zone shall keep their establishments and such properties as they now hold, but the Government of His Majesty the King of Spain will not contend that monks of French nationality may not be affected. Whatever new establishments these missions may found will be entrusted to French monks.

#### ARTICLE 9

As long as the railroad from Tangier to Fez remains unconstructed, there shall be no restraint to the passage of provision convoys intended for the Maghzens, nor to the travelling of Shereeffian officials or foreigners between Fez and Tangier, in either direction, nor to the passage of their escort, of their arms and baggage, it being understood that the authorities of the zone that is being traversed shall be advised in advance. No tax or any special toll may be levied for such passage.

After its construction the railroad between Tangier to Fez can be used for such transportation.

#### ARTICLE 10

The imposts and resources of every kind in the Spanish zone will be appropriated for the expenses of said zone.

#### ARTICLE 11

The Shereeffian Government cannot be called upon to share in any way the expenses of the Spanish zone.

#### ARTICLE 12

The Government of His Majesty the King of Spain will not impair the rights, prerogatives or privileges of the holders of bonds for the loans of 1904 and 1910 in its zone of influence.

With the view of putting the exercise of these rights in harmony with the new situation, the Government of the Republic will use its influence with the representative of the holders, so that the operation of the guarantees in the said zone will be in accord with the following provisions:



The Spanish zone of influence will contribute to the expenses of the loans of 1904 and 1910 in the ratio which the receipts of the ports of the said zone, after deducting the 500,000 p. h. which will be referred to further on, bear to the customs receipts of all the ports which are open to commerce.

This contribution is provisionally fixed at 7.95%, which figure is based upon the receipts for the year 1911. It will be subject to revision every year upon request by one or the other of the parties. The revision provided for must take place before the 15th of May following the fiscal period which is to be the basis. Its results will be taken into account in the payment to be made by the Spanish Government on the 1st of June, as hereinafter specified.

The Government of His Majesty the King of Spain will, on the first of March each year for the loan of 1910, and on the 1st of June for the loan of 1904, place in the hands of the representative of the holders of the bonds for these two loans the amount of the annuities fixed by the preceding paragraph.

Consequently, direct collection on account of the loans will be suspended in the Spanish zone by

the application of Article 20 of the contract of June 12, 1904, and Article 19 of the contract of May 17, 1910.

The control of the holders and the rights pertaining thereto, the exercise of which shall have been suspended by reason of the payments made by the Spanish Government., will be restored to their present status, in case the representatives of the holders should have to resume direct collection in conformity with the contracts.

### ARTICLE 13

On the other hand, the French and Spanish zones must be assured of the revenue coming to them from import customs duties. The two governments agree:

1. That, the customs receipts which each of the two zonal administrations shall collect upon products passing through its custom houses but intended for the other zone having been balanced, the French zone shall receive a total of 500,000 pesetas hassani, made up as follows:

(A) A contract sum of 300,000 pesetas hassani from the receipts of the western ports.

(B) A sum of 200,000 pesetas hassani from the receipts of the Mediterranean coast, subject to revision when the operation of the railroads makes an accurate calculation possible.

This possible revision may be applied to payments previously made if their amount was greater than that of the payments to be made in future. However, the principal only will be refunded, and no interest will be allowed.

If the revision thus effected causes a reduction in the French receipts from the customs duties of the

Mediterranean ports, it will involve ipso facto a revival of the Spanish contribution to the expenses of the above-mentioned loans.

2. That the customs receipts collected by the office at Tangier shall be divided

pro rata between the internationalized zone and the other two zones according to the final destination of the merchandise. Until the operation of the railroads permits an accurate division of the sums due to the French and the Spanish zones, the customs house will deposit in the State Bank the surplus of these receipts, payment made on the part of Tangier.

The customs departments of the two zones will agree, through representatives who will meet periodically at Tangier, upon proper measures to insure a uniformity of tariffs. These delegates will communicate to each other for all useful purposes any information which they may have gathered about smuggling or possible irregular transactions in the customs offices.

The two governments will put into effect on March 1, 1913 the measures contained in this article.

#### ARTICLE 14

The security in the Spanish zone given to French creditors by virtue of the Franco-Moroccan agreement of March 21, 1910, will be transferred for the benefit of Spanish creditors, and reciprocally the security of the French zone given to Spanish creditors, by virtue of the Spanish-Moroccan Treaty of November 16, 1910, will be transferred for the benefit of French creditors. With a view to reserving to each zone the amount of the mining royalties which should naturally come to it, it is understood that royalties proportional to the output will belong to the zone where the mine is situated, even when they are collected by a customs office of the other zone where the material is taken out.

#### ARTICLE 15

As to the advances made by the State Bank upon the 5% of the customs offices, it appears equitable that the two zones shall assume not only the reimbursement of the said advances, but in a general way the cost of the liquidation of the present debt of the Maghzen.

In case this liquidation is effected by means of a long or a short term loan, each of the two zones will contribute to the payment of the annuities on this loan (interest and reduction of principal) in the same ratio as that fixed for the division between the two zones of the loans of 1904 and 1910.

The rate of interest, the periods for reduction of principal and for conversion, the conditions of the issue, and, if there is occasion for it, the guarantees of the loan will be determined after an understanding is reached by the two governments.

Debts contracted after the signing of this agreement will not be included in this liquidation.

The total amount of the debt to be liquidated comprises especially:

1. The advances of the State Bank secured by the 5% of the income from customs;
2. The debts liquidated by the commission appointed by virtue of the regulation

of the diplomatic corps of Tangier, dated May 20, 1910. The two governments reserve the right to examine jointly debts other than those provided for above under numbers 1 and 2, and to verify their legality, and, in case the total of the debts appreciably exceeds the sum of 25,000,000 francs, to include them or not in the liquidation provided for.

## ARTICLE 16

Since the administrative autonomy of the French and Spanish zones of influence in the Shereefian Empire cannot impair the rights, prerogatives and privileges granted by the Moroccan Government, conformity with the Act of Algeciras, to the State Bank of Morocco, for the entire territory of the empire, the State Bank of Morocco will continue to enjoy in each of the two zones all the rights which it possesses from the acts which govern it, without diminution or reservation. The autonomy of the two zones cannot interfere with its activity, and the two governments shall facilitate the free and complete exercise by the State Bank of its rights.

The State Bank of Morocco may, with the consent of the two interested Powers, modify the conditions of its operation with a view to harmonizing them with the territorial organization of each zone.

The two governments will recommend that the State Bank consider modification of its statutes which will permit:

1. The appointment of a second Moroccan High Commissioner, who shall be designated by the administration of the Spanish zone of influence after an understanding with the administrative council of the Bank;
2. The conferring upon this second High Commissioner of duties as nearly as possible identical with those of the present High Commissioner, in order to safeguard the legitimate interests of the administration of the zone without impairing the normal operation of the Bank.

All necessary steps will be taken by the two governments for the regular revision, in the sense indicated above, of the statutes of the State Bank and the regulation of its relations with the Moroccan Government.

In order to determine and complete the understanding between the two governments as stated in the letter of February 23, 1907 from the Minister of Foreign Affairs of the Republic to the Ambassador of His Majesty the King of Spain at Paris, the French Government binds itself, in so far as the Spanish zone is concerned, with the reservation of the rights of the Bank:

1. To support no candidate to the State Bank;
2. To inform the Bank of its desire to see candidates of Spanish nationality taken into consideration for positions in the said zone.

Reciprocally, the Spanish Government binds itself, in so far as concerns the French zone, with the reservation of the rights of the Bank:

1. To support no candidate to the State Bank;
2. To inform the Bank of its desire to see candidates of French nationality taken

into consideration for positions in the said zone.

In so far as concerns:

1. The shares of the Bank which may belong to the Maghzen:
2. The profits coming to the Maghzen in the coinage and recoinage of money, as well as in all other monetary operations (Article 37 of the Act of Algeciras), it is understood that a proportion calculated upon the same basis of percentage as the royalties and profits of the tobacco monopoly will be allotted to the administration of the Spanish zone.

#### ARTICLE 17

Since the administrative autonomy of the French and Spanish zones of influence in the Shereefian Empire cannot impair the rights, prerogatives and privileges granted by the Moroccan Government, in conformity with the General Act of Algeciras, for the whole territory of the empire, to the International Society for Co-operative Management of the Tobacco Trade (*Société internationale de régie co-intéressée des tabacs*) in Morocco, the said Society shall continue to enjoy in each of the two zones all the rights which it possesses under the acts which govern it, without diminution or reserve. The autonomy of the two zones may not interfere with its operation and the two governments shall facilitate the free and complete exercise of its rights.

The present conditions of the working of the monopoly, particularly the sale tariff, may be modified only upon agreement of the two governments.

The French Government will not object to the Royal Government's consulting with the management (*régie*), either with the view of obtaining from that Society the retrocession to third parties of its rights and privileges in their entirety, or with the view of buying in amicably, by anticipation, the said rights and privileges. In case the Spanish Government in consequence of the anticipated purchase, should desire to modify the general conditions of the operation of the monopoly in its zone, for example, if it wished to reduce the sale price, the two governments must come to an agreement solely for the purpose of safeguarding the interests of the French zone of influence.

The preceding stipulations shall apply reciprocally, in case the French Government should desire to avail itself of the privileges granted above to the Spanish Government.

Since the management (*régie*) may object to a partial purchase, the two governments now bind themselves to put into operation in both zones as soon as possible, that is to say on the first of January, 1933, so advising the management (*régie*) before January 1, 1931, the right of purchase provided for in Article 24 of the stipulations. From January 1, 1933, each of the two zones shall become free to establish according to its needs the imposts which are the object of the monopoly.

The two governments shall come to an agreement for the purpose of obtaining (observing the stipulations):

- (a) The creation of a second commissioner appointed on behalf of the Spanish zone of influence;



- (b) The determination of the powers which this second commissioner would require in order to safeguard the legitimate interests of the administration of the Spanish zone, without impairing the operation of the management (*régie*).
- (c) The equal division between the two commissioners of the sum of 5000 maghzen's rials, in silver, annually paid by the management (*régie*) for the salary of the commissioner.

In order to maintain during the life of the monopoly the same tariff of selling prices in the two zones, the two governments bind themselves not to subject the management (*régie*) or its assigns to new imposts without previously coming to an agreement.

The amount of the fines imposed upon the management (*régie*) for the non-execution of the stipulations or their violation (Article 31 of the stipulations) will be allotted to the treasury of the zone in which the infringements or violations may be committed.

The fixed annual royalty and the profits (Articles 20 to 23 of the stipulations) will be divided on the basis of a percentage determined by the consumption of the Spanish zone in comparison with the total consumption of the empire. This consumption will be estimated according to the customs receipts which actually remain in the hands of the administration of the Spanish zone, taking into account the transfer provided by Article 13 above.

#### ARTICLE 17

Since the administrative autonomy of the French and Spanish zones of influence in the Shereefian Empire cannot impair the rights, prerogatives and privileges granted by the Moroccan Government, in conformity with the General Act of Algeciras, for the whole territory of the empire, to the International Society for Co-operative Management of the Tobacco Trade (*Société internationale de régie co-intéressée des tabacs*) in Morocco, the said Society shall continue to enjoy in each of the two zones all the rights which it possesses under the acts which govern it, without diminution or reserve. The autonomy of the two zones may not interfere with its operation and the two governments shall facilitate the free and complete exercise of its rights.

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The French Government will not object to the Royal Government's consulting with the management (*régie*), either with the view of obtaining from that Society the retrocession to third parties of its rights and privileges in their entirety, or with the view of buying in amicably, by anticipation, the said rights and privileges. In case the Spanish Government in consequence of the anticipated purchase, should desire to modify the general conditions of the operation of the monopoly in its zone, for example, if it wished to reduce the sale price, the two governments must come to an agreement solely for the purpose of safeguarding the interests of the French zone of influence.

The preceding stipulations shall apply reciprocally, in case the French

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Since the management (*régie*) may object to a partial purchase, the two governments now bind themselves to put into operation in both zones as soon as possible, that is to say on the first of January, 1933, so advising the management (*régie*) before January 1, 1931, the right of purchase provided for in Article 24 of the stipulations. From January 1, 1933, each of the two zones shall become free to establish according to its needs the imposts which are the object of the monopoly.

The two governments shall come to an agreement for the purpose of obtaining (observing the stipulations):

- (a) The creation of a second commissioner appointed on behalf of the Spanish zone of influence;
- (b) The determination of the powers which this second commissioner would require in order to safeguard the legitimate interests of the administration of the Spanish zone, without impairing the operation of the management (*régie*).
- (c) The equal division between the two commissioners of the sum of 5000 maghzen's rials, in silver, annually paid by the management (*régie*) for the salary of the commissioner.

In order to maintain during the life of the monopoly the same tariff of selling prices in the two zones, the two governments bind themselves not to subject the management (*régie*) or its assigns to new imposts without previously coming to an agreement.

The amount of the fines imposed upon the management (*régie*) for the non-execution of the stipulations or their violation (Article 31 of the stipulations) will be allotted to the treasury of the zone in which the infringements or violations may be committed.

The fixed annual royalty and the profits (Articles 20 to 23 of the stipulations) will be divided on the basis of a percentage determined by the consumption of the Spanish zone in comparison with the total consumption of the empire. This consumption will be estimated according to the customs receipts which actually remain in the hands of the administration of the Spanish zone, taking into account the transfer provided by Article 13 above.

## ARTICLE 18

In so far as the committee on customs receipts is concerned, the special committee of public works and the general committee of adjudication, while these committees remain in force, the appointment of one Shereefian delegate to each one of these three committees will be reserved to the Caliph.

The two governments agree to reserve to each zone and to apply to its public works the amount of the special tax levied in its ports by virtue of Article 66 of the Act of Algeciras. The respective services are autonomous.

On condition of reciprocity, the delegates of the administration of the French zone will vote with the delegates of the Caliph on questions concerning the

Spanish zone, especially questions concerning the determination of the work to be performed with the funds from the special tax, the performance of that work, and the appointment of the personnel which such performance requires.

#### **ARTICLE 19**

The Government of the French Republic and the Government of His Catholic Majesty will consult, with each other as to:

1. All future modifications of customs duties;
2. Making uniform postal and telegraph tariffs in the interior of the empire.

#### **ARTICLE 20**

The railroad line from Tangier to Fez will be constructed and operated under the conditions specified in the protocol annexed to this convention.

#### **ARTICLE 21**

The Government of the French Republic and the government of His Catholic Majesty bind themselves to bring about in conjunction with the other Powers and on the basis of the convention of Madrid, a revision of the lists and of the status of foreign protégés and agricultural partners provided for by Articles 3 and 16 of that convention.

They likewise agree to request the signatory Powers to consent to such modification of the convention of Madrid, when the time comes, as the change in the government of the protégés and agriculture partners would require, and eventually the abrogation of that portion of the said convention of the said convention which concerns the protégés and agricultural partners.

#### **ARTICLE 22**

The Moroccan subjects who are natives of the Spanish zone of influence will be under the protection of the Spanish diplomatic and consular agents in foreign countries.

#### **ARTICLE 23**

In order to avoid as much as possible diplomatic claims, the French and Spanish Governments will take steps with the Sultan and his Caliph to have such complaints as are brought by foreign residents against the Moroccan authorities or those acting as Moroccan authorities, which complaints it may have been impossible to settle through the Mediation of the French or Spanish consul and the consul of the interested government, referred to an arbitrator ad hoc in each case, who shall be appointed by agreement between the consul of France or Spain and the consul of the interested government or, in their default, by the two governments of these consuls.

#### **ARTICLE 24**

The Government of the French Republic and the Government of His Catholic Majesty reserve the right to establish in their respective zones judicial organizations in accordance with their own systems of legislation. When these organizations are established and the nationals and protégés of each country

are subjected, in its zone, to the jurisdiction of these tribunals, the Government of the French Republic in the Spanish zone of influence, and the Government of His Majesty the King of Spain in the French zone of influence, will likewise subject to this local jurisdiction their respective nationals and protégés.

As long as paragraph 3 of Article 11 of the convention of Madrid of June 3, 1880 remains in force, the power which belongs to the Minister of Foreign Affairs of His Shereefian Majesty to take cognizance of questions concerning the real property of foreigners on appeal will be a part, in so far as the Spanish zone is concerned, of the powers delegated to the Caliph.

## **ARTICLE 25**

The signatory Powers bind themselves to co-operate to their utmost in their African possessions with the Moroccan authorities in the supervision and suppression of smuggling in arms and munitions of war.

This supervision in the territorial waters of the French and Spanish zones respectively will be performed by forces organized by the local authority or by forces of the government protecting said zone.

The two governments will consult with each other for the purpose of making uniform the regulations governing the right of search.

## **ARTICLE 26**

International agreements concluded in future by His Shereefian Majesty will not extend to the Spanish zone of influence except with the previous consent of the Government of His Majesty the King of Spain.

## **ARTICLE 27**

The convention of February 25, 1904, renewed on February 3, 1909 as well as the general convention of The Hague of October 18, 1907, will apply to differences which may arise between the contracting parties concerning the interpretation and the application of the provisions of the present convention, which may not have been settled through diplomatic channels. A compromise must be drawn up according to the rules of the said conventions, unless it is dispensed with by express agreement at the time of the litigation.

## **ARTICLE 28**

All clauses of treaties, conventions and former agreements which may conflict with the preceding stipulations are abrogated.

## **ARTICLE 29**

The present convention will be communicated to the governments which were signatory to the General Act of the International Conference of Algeiras.





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A lecturer, writer and journalist, Ali Bahaijoub has written numerous studies and feature articles on Africa, Europe and the Middle East and commented on various international issues for the BBC, CNN and other global networks. He is currently the editor of the international current affairs magazine "North-South" and Africa News Agency.

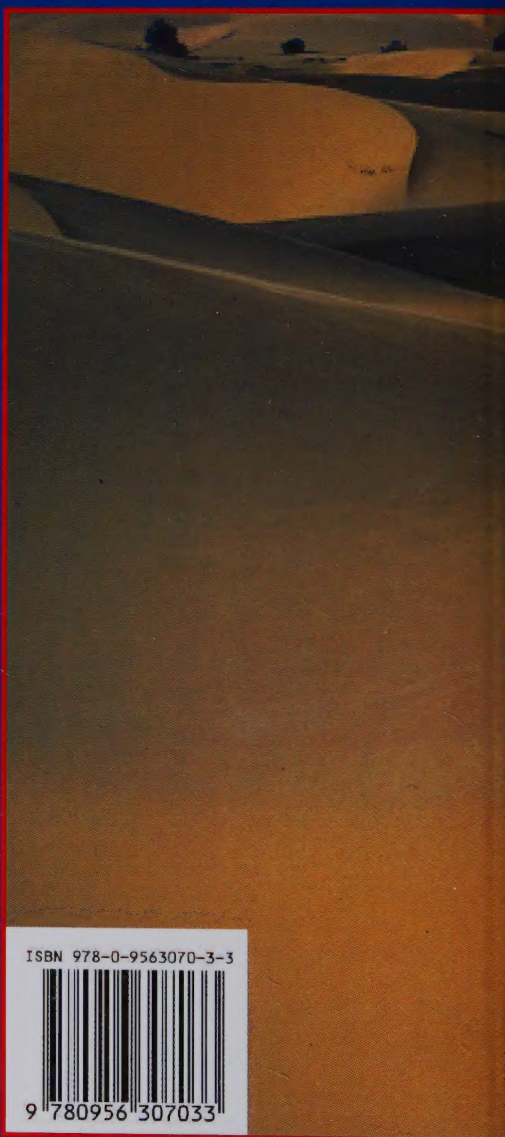
This book is an extension of Ali Bahaijoub's Ph.D thesis successfully submitted in 1987 to the London School of Economics, University of London. As a journalist and interested academic, the author identifies numerous distinct and interrelated historical and political patterns of change on the regional, continental and international levels each of which had a significant bearing on the evolution of events leading to the current state of the Western Sahara.

The purpose of this book is to examine the various aspects of this problem and the roles played by the major participants. It also traces the vital and complex roots that impacted on concerned and interested parties in the conflict detailing present and future trouble spots.

The book attempts to explain the established power balance in the Maghreb and the long-running differences between Morocco and

Algeria and how these have been affected by the interests, in varying degrees, of former colonial powers and superpowers.

This is a vivid and detailed analysis of the Western Sahara issue as it starts the second decade of the twenty-first century, based on unpublished and published Spanish, French, British and Arabic sources including interviews with a number of participants in the events described.



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