

Western Sahara: The Last Colony in Africa*



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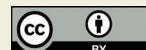
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Received: 5.1.2024

Accepted: 1.2.2024

How to cite: El-Bachir, S. B. (2024). Western Sahara: The Last Colony in Africa. *BRIQ Belt and Road Initiative Quarterly*, 5(2), 172-181.



ABSTRACT

When Morocco violated the 1991 ceasefire on 13 November 2020 after years of obstructing the referendum on self-determination, the Frente POLISARIO declared that it was forced to exercise its right to self-defence and that it was consequently resuming the liberation struggle. As a result, the Territory of Western Sahara has become a zone of open war as military confrontations between the two parties continue and intensify along the Moroccan illegal military wall in Western Sahara. Morocco's violation of the 1991 ceasefire has not only put an end to the UN peace process but also has the potential to endanger peace and stability in the region. Once again, the UN Security Council has remained silent in the face of Morocco's new act of aggression. The question before the international community and the free world comes down to this: do they allow the logic of force and the rule of "might makes right" to prevail in North Africa, and thus allow Morocco's military occupation of parts of Western Sahara to endure with impunity, or do they defend the principles of international law that are crucial to maintaining order, credibility and belief in the rules governing international relations, and consequently allow the Sahrawi people the chance to exercise their right to self-determination and independence freely and democratically? The only option, therefore, is to defend the principles of international law and bring the decolonization of Western Sahara to its conclusion through the free, genuine, and democratic expression of the sovereign will of the Sahrawi people in the exercise of their inalienable right to self-determination and independence.

Keywords: Sahrawi Arab Democratic Republic, self-determination, Polisario Front, the struggle against colonialism, Western Sahara.

THE CONFLICT IN WESTERN SAHARA, the last colony in Africa, has lasted for almost five decades, and it continues to pose a potential danger to stability and security in the region of North Africa. Despite international and African efforts, the solution to the conflict remains elusive.

Western Sahara is located on the continent's Atlantic coast and bordered by Morocco to the north, Algeria to the northeast and Mauritania to the east and south. Following the Berlin Conference of 1884–5, which divided Africa among European powers, Western Sahara was declared a Spanish protectorate and became to be known as Spanish Sahara.

More than 60 years ago, the United Nations (UN) recognized the then-Spanish Sahara as a Non-Self-Governing Territory. The international status of Western Sahara as a question of decolonization on the UN agenda since 1963 entails that the people of the Territory, the Sahrawi people, have an inalienable right to self-determination and independence in accordance with General Assembly resolution 1514 (XV) of 1960. After years of anticolonial nonviolent resistance against Spanish presence, Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Frente POLISARIO) was created in May 1973 as a liberation movement representing the Sahrawi people and their collective will to national independence.



Western Sahara is located on the Atlantic coast of the continent and shares common borders with Morocco to the north, Algeria to the northeast and Mauritania to the east and south (Map: UN, Western Sahara, 10 May 2022).

As a result of pressure from the UN and the increased military and political actions of the Frente POLISARIO, Spain eventually declared its intention to hold a referendum on self-determination in the Territory in early 1975. Morocco and Mauritania immediately objected to the move and requested the

arbitration of the International Court of Justice (ICJ) regarding the pre-colonial status of the Territory. It is important to note that Morocco had also claimed Mauritania, part of Mali, a large part of the western Algerian desert and even a part of Senegal. Morocco's territorial claims were inspired by the expansionist

ideology of the so-called “Greater Morocco”, which was advocated in the late 1950s by Alal al-Fasi, the leader of the Moroccan ultranationalist Istiqlal party, shortly after Morocco gained independence from France in March 1956.

In its historic advisory opinion on Western Sahara, issued on 16 October 1975, the ICJ, which is the UN’s principal judicial organ, established very clearly that there never existed “any tie of territorial sovereignty between the territory of Western Sahara and the Kingdom of Morocco or the Mauritanian entity”. It also endorsed “the decolonization of Western Sahara” by means of the exercise of “self-determination through the free and genuine expression of the will of the peoples of the Territory.”

‘Green March’ and the Moroccan occupation

Shortly after the release of the ICJ advisory opinion, King Hassan II of Morocco ordered the so-called “Green March” of 350,000 Moroccans to “peacefully” march into the Territory to reclaim it. Furthermore, by 31 October 1975, Moroccan forces were already advancing and invading the northern part of Western Sahara.

The “Green March” was a major event that triggered a set of events that led to the invasion and partition of Western Sahara by Morocco and Mauritania, following a secret agreement with Spain and the outbreak of the war between the Moroccan-Mauritanian armies and the forces of the Frente POLISARIO. The issue was then brought before the Security Council, the UN’s principal organ with primary responsibility for the maintenance of international peace and security. However, the dominant Cold War mindset at the time prevented the Council from taking any decisive action against Morocco, which had aligned itself with the Western block.

In the early seventies, the rule of King Hassan II of Morocco was facing a serious domestic legitimacy crisis. By asserting its claim on Western Sahara, King Hassan II’s tactical move was intended to shift focus away from domestic dissension and to neutralize the threat of the army at a time when the popularity of the Alawite monarchy was at its lowest ebb following two separate coup attempts against the king in 1971 and 1972. Although the king survived both attempts, the mounting discontent in the country, particularly amid the Moroccan military, made the situation even more difficult for the monarchical regime. In addition to Morocco’s increased interest in the abundant natural resources of Western Sahara, particularly phosphate and fish, as well as the Cold War geopolitical game at the time, the monarchy’s dire need for an outlet for its legitimacy crises and growing domestic problems was the main reason behind Morocco’s move to invade and occupy Western Sahara in 1975. This is why Western Sahara has become closely linked to the survival of the monarchy itself.

In the early 1980s, in order to secure its occupation of about two-thirds of the Territory, Morocco began building a 2,700-kilometre heavily mined wall of sand and stone, which divides Western Sahara into two and separates the occupied part from the rest of the Territory.

Mauritania eventually withdrew from the war in 1979. In the early 1980s, in order to secure its occupation of about two-thirds of the Territory, Morocco began building a 2,700-kilometre heavily mined wall of sand and stone (the “Berm”), which divides Western Sahara into two and separates the occupied part from the rest of the Territory.



Auserd refugee camp on 27 February 2021, 45th anniversary of the declaration of the Saharawi Arab Democratic Republic (Photo: Instagram.com/saharawivoice, 12 November 2021).

The Moroccan occupation of Western Sahara forced a major part of the Sahrawi population to flee the country and seek protection in southwest Algeria, where they established their refugee camps near the town of Tindouf. There are five main refugee camps (vast tent cities) that are administered by the authorities of the Sahrawi Arab Democratic Republic (SADR), which was proclaimed on 27 February 1976 shortly after Spain's withdrawal from Western Sahara.

In the territories under Moroccan occupation, the Sahrawi population has for decades endured dispossession and repression. As documented by a host of international and local organizations, many Sahrawis have been victims of various forms of vi-

olence, mainly for their political activism. Sahrawis also live predominately in conditions marked by poverty, high rates of unemployment, marginalization, and deprivation of their basic socioeconomic and political rights. The Moroccan authorities have flooded the Territory with thousands of Moroccan settlers, thus converting the indigenous population into a minority in its own country. Morocco has also been engaged in a policy of "moroccanization," which aims at obliterating or supplanting the Sahrawi culture and heritage. Moroccan authorities continue to ban the use of hassaniya, the Sahrawi dialect, or any display of Sahrawi distinct culture, while encouraging the use of Moroccan dialects in the education system and public.

The Settlement Plan

By the late 1980s, the huge war costs incurred by Morocco made King Hassan II realize the impossibility of imposing a military victory in Western Sahara. This new situation gave both the UN and the Organisation of the African Unity (OAU, currently the African Union) more chances to intervene to achieve a negotiated solution to the conflict. In August 1988, both parties to the conflict, the Frente POLISARIO and Morocco, accepted a Settlement Plan (peace plan) proposed jointly by the UN and the OAU as a roadmap to reach a peaceful solution to the conflict after 16 years of armed conflict. The plan was approved by the UN Security Council in 1990 in 1991. The Settlement Plan provided for a ceasefire to be followed by a free and fair referendum on self-determination to be held without military or administrative constraints to enable the people of Western Sahara, in the exercise of their right to self-determination, to choose between independence and integration with Morocco. To this end, the Security Council established under its authority the UN Mission for the Referendum in Western Sahara (MINURSO) on 29 April 1991. The Mission was deployed in the Territory to supervise the ceasefire, which came into effect on 6 September 1991, and organize the referendum.

Instead of holding Morocco accountable for its rejection of the peace plan that it had already accepted, the Security Council stood by and did nothing under the influence of influential members such as the United States of America and France.

The peace plan gave rise to many hopes that a final and lasting solution to this protracted conflict in northwest Africa was finally within reach. However, the

hopes proved short-lived because the referendum on self-determination, which was scheduled to take place in February 1992, could not be held because of the many obstacles put in its way by Morocco. Notwithstanding the ups and downs, in January 2000, MINURSO was able to establish the list of eligible voters for the referendum, thus paving the way for the vote to take place. It was precisely at that moment that Morocco declared that it was no longer willing to proceed with the referendum on self-determination, obviously for fear of losing at the ballot box. Morocco's sudden change of heart was due to its realization that in a free, democratic referendum based on the UN-established voter list, the people of Western Sahara would clearly choose the independence option. Instead of holding Morocco accountable for its rejection of the peace plan that it had already accepted, the Security Council stood by and did nothing under the influence of influential members such as the United States of America and France.

All UN relevant resolutions and legal doctrine, including the ICJ advisory opinion on Western Sahara of 1975, affirm that the essence of the right of colonial peoples to self-determination is a democratic process by which the will of the people concerned is expressed in an informed, free, and genuine manner. This means that the will of the people of Western Sahara, the sole holder of the right to self-determination, must be expressed without any foreign interference of any kind. The expression must also be genuine and direct through the internationally established democratic processes of which the referendum is a widely used process as, for instance, was shown by the case of East Timor, which had many similarities with the Western Sahara situation. The Security Council's self-contradictory approach to self-determination remains the underlying cause of the impasse currently facing the UN peace process in Western Sahara. This situation is compounded by the fact that the UN has remained silent in the face of Morocco's recent violation of the 1991 ceasefire on 13 November 2020.

The seriousness of the situation is further aggravated by the fact that the Security Council, because of its own power dynamics, has been pursuing a passive, ambivalent and predominantly “hands-off approach” to its management of the UN peace process in Western Sahara. This approach has further exacerbated the conflict situation and hampered the quest for a peaceful and enduring solution. The “hands-off approach” has also emboldened Morocco to persist, with complete impunity, in its attempts to impose by force a fait accompli in Western Sahara through a series of actions that aim to normalize and consolidate its occupation of parts of the Territory.

These include, for example, changing the demographic nature of the Territory through intensified settlement policies, opening “consulates” of foreign entities, and organizing elections and international conferences in the Territory, among others.

Frente POLISARIO and the Resumption of the Liberation Struggle

When Morocco violated the 1991 ceasefire on 13 November 2020 after years of obstructing the referendum on self-determination, the Frente POLISARIO declared that it was forced to exercise its right



to self-defence and that it was consequently resuming the liberation struggle. As a result, the Territory of Western Sahara has become a zone of open war as military confrontations between the two parties continue and intensify along the Moroccan illegal military wall in Western Sahara. Morocco's violation of the 1991 ceasefire has not only put an end to the UN peace process but also has the potential to endanger peace and stability in the region. Once again, the UN Security Council has remained silent in the face of Morocco's new act of aggression.

No genuine and credible exercise of the right to self-determination in the case of Western Sahara can be envisaged without the Sahrawi people, and only the Sahrawi people, making a free choice to determine their political status under the optimal conditions of freedom, fairness, and transparency and without any military or administrative constraints.

The solution to the question of Western Sahara is clearly defined in successive UN General Assembly and Security Council resolutions. The resolutions call for a peaceful, just, and lasting solution that provides for the self-determination of the people of Western Sahara. In this sense, no genuine and credible exercise of the right to self-determination in the case of Western Sahara can be envisaged without the Sahrawi people, and only the Sahrawi people, making a free choice to determine their political status under the optimal conditions of freedom, fairness, and transparency and without any military

or administrative constraints. Any approach or formula that would undermine the free choice of the people of Western Sahara or predetermine the outcome of their choice or limit the options available to them would thus be inconsistent with the right of self-determination under international law and relevant UN resolutions.

The international nature of Western Sahara as a decolonization issue on the agenda of the UN since 1963 is indisputable. Therefore, the question before the international community and the free world comes down to this: do they allow the logic of force and the rule of "might makes right" to prevail in North Africa, and thus allow Morocco's military occupation of parts of Western Sahara to endure with impunity, or do they defend the principles of international law that are crucial to maintaining order, credibility and belief in the rules governing international relations, and consequently allow the Sahrawi people the chance to exercise their right to self-determination and independence freely and democratically?

In a rules-based international order, the answer should be very clear, because the logic of force cannot be an option. As observed by several commentators, Morocco's occupation of Western Sahara stands out as one of the most blatant attempts by a state to expand its territory by force since the end of World War II. The only option, therefore, is to defend the principles of international law and bring the decolonization of Western Sahara to its conclusion through the free, genuine, and democratic expression of the sovereign will of the Sahrawi people in the exercise of their inalienable right to self-determination and independence. After all, the right to self-determination, in essence, is about the people concerned making a choice, not about someone else making that choice for them. 🌸



Demonstration in solidarity with Sultana Khaya under house arrest in occupied Bojdour, Western Sahara
(Photo: Instagram.com/saharawivoice, 20 November 2021).

Information about Western Sahara

The Western Sahara is located in the northwest of the African continent, between the Atlantic Ocean and the Sahara Desert, with Morocco to the north, Mauritania to the south, the Atlantic Ocean to the west, and Algeria to the east. With a surface area of 266,000 km² and a population of 603,253, Western Sahara is bordered by Algeria for 41 km, Mauritania for 1564 km, and Morocco for 444 km out of its 2049 km border. Its 1110-km coastline with the Atlantic Ocean makes this country even more geopolitically important.

Ethnically, the people living in Western Sahara are called Sahrawis. Sahrawi society identifies itself

as Muslim and Arab.

Western Sahara, a Portuguese colony for two hundred years, was one of the first areas of conflict between the British, French, and Spanish colonizers in the history of European colonialism. The Spaniards were the victors in the rivalry between the Western colonizers. After the 1884 Berlin Conference, Spain transformed its colonial rule over the region into a legal structure. Morocco, on the other hand, came under French colonization.

After the Second World War, the struggle for independence began to rise in Western Sahara and Morocco, as it did throughout Africa. The Spanish and French colonizers suppressed these struggles with bloodshed. This suppression united the

Moroccan and Western Saharan independence and freedom movements. On November 16, 1965, the UN, in its Resolution 2072, called on the Spanish government to abide by the “Declaration on the Granting of Independence to Colonial Countries and Peoples” No. 1514, adopted on November 14, 1960, for the Spanish Sahara. The resolution called on the Spanish government to urgently implement the right to self-determination in the region and to do so through the UN. These calls by the UN encouraged nationalist movements in Western Sahara, and the Tahrir Movement, led by Mohammed Bassiri, was founded in 1967 to demand the independence of the region. Three years later, the Spanish executed the leader of the Tahrir Movement, Mohamed Sidi Ibrahim Bassiri.

POLISARIO Front and the Sahrawi Arab Democratic Republic

In 1972, the discovery of rich phosphate deposits in the city of Bukra in the east of the country whetted the appetites of Morocco, Mauritania, and Spain, which also claimed the region, and Algeria and Libya joined the process. Founded in 1973, the Polisario Front (Popular Front for the Liberation of the Red River and the Golden Valley) also launched a struggle for independence against Spain.

Spain transferred administrative responsibility for Western Sahara to Morocco and Mauritania in the Treaty of Madrid of 1975. The region was divided between Morocco and Mauritania. After Spain withdrew, the United States supported Morocco’s occupation of Western Sahara, providing intelligence

and arms. The first international reaction came from Algeria. Stating that the treaty would destabilize the region, Algeria announced that it would increase its support for the Polisario.

In 1976, Spain, which entered a new era with the death of Franco, informed the UN that it was withdrawing from Western Sahara and that the issue was completely closed for them. Following Spain’s withdrawal from Western Sahara, the Polisario Front announced the creation of the Sahrawi Arab Democratic Republic (SADC) on February 27, 1976. Mauritania reached an agreement with the SADC and withdrew from the region in 1979. Morocco occupied the southern region, from which Mauritania withdrew.

While the conflicts with Morocco continued, the SADC government made a new political move on July 16, 1980, and applied for full membership in the Organization for African Cooperation (OAU). Despite Morocco’s opposition, the SADC government was recognized and approved to join the OAU as a sovereign state. Two years later, in 1984, Morocco announced that it was suspending its membership.

By 2016, the number of countries recognizing Western Sahara had reached 85. More than 30 of these countries were in Africa. Apart from Syria and Yemen, no Arab country or any of the five permanent members of the UN Security Council had recognized Western Sahara. Later, as a result of diplomatic moves by the Kingdom of Morocco, 37 countries reversed their decision to recognize Western Sahara, bringing the number of recognizing countries down to 48. 🌸