



An unfinished process: the Western Sahara as a *post-scriptum* of the colonial period

Rui Alexandre Novais*

I'm grateful to the Fundação da Ciência e Tecnologia for the fellowship that enabled me to conduct this research on the Western Sahara.

p 59-66

“A civilization that proves incapable of solving the problems it creates is a decadent civilization. A civilization that chooses to close its eyes to its most crucial problems is a stricken civilization. A civilization that uses its principles for trickery and deceit is a dying civilization (...)The colonialists may kill (...), torture (...), imprison (...), crack down (...). Henceforth the colonised know that they have an advantage over them. They know that their temporary ‘masters’ are lying. And therefore that their masters are weak.”

(Aimé Césaire, 1972)

Post-colonialism presented expectations and opportunities for the independence and self-determination of colonies in Africa and elsewhere. In the process, though, it also gave rise to some persistent territorial and resource disputes which were to survive the Cold War debacle. To quote the 1998 report on ‘The Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa’ by the UN Secretary-General, Kofi Annan, “decolonization created military stalemates and left security vacuums”. While it is true that post-colonial Africa has experienced many clashes, few of those intra- or interstate conflicts which have emerged from the decolonisation process, or the lack thereof, have resulted in the creation of a state-in-waiting. That was the case of the Sahrawi conflict.

The contemporary roots of the Western Sahara’s dispute date back to the early 1970’s when the Polisario Front (Frente Popular para la Liberación de Sanguía el Hamra y Río de Oro), a representative movement of the different Sahrawi nationalist militant organisations was created on 10 May 1973. By then, the armed resistance movement started their

* Researcher at CETAC.MEDIA (Universidade do Porto), Europe at World Centre (University of Liverpool) and IPRI (Universidade Nova - Lisboa)

guerrilla attacks against the Spanish colonizer. This circumstance, alongside the pressure exerted by the UN on Spain to go ahead and speed up the decolonization process, led the dictator Franco to promise in 1974 a referendum on the territory's final status by the end of following year. To that end, a preliminary census was even undertaken in the Western Sahara.

The decolonization of the former Spanish territory, however, was neither a typical nor pacific process. Instead, it was marked by various disruptions and drawbacks which help to explain why the conflict within this territory remained unresolved for so many decades.

An unfinished decolonisation

To start with, Madrid's intentions to hold a referendum in its colony clashed with Rabat's expansionist territorial aspirations to see the emergence of the pre-colonial 'Great Morocco', which incorporated the Western Sahara.¹ Against this background, Rabat initiated a series of measures which ended up by stalling and thwarting any development potentially conducive to the independence of the area. One of the first Moroccan derogatory manoeuvres related with the submission by King Hassan II of the Western Sahara issue to International Court of Justice (ICJ) at The Hague. This organisation corroborated the UN resolutions that as from 1966 acknowledged the detachment of that area from the Moroccan sovereign territory and pointed to the need for the conduct of a plebiscite amongst the indigenous population before it being decolonised.

Unconvinced with such deliberation by the ICJ, Moroccan's authorities invaded the Western Sahara: while military forces moved in through the Eastern border, a non-violent mass influx of civil population (350 000 people) entered across the Western border in what became known as the 'Green March'. As a result, thousands of Sahrawis had to flee to the Tindouf region in Algeria, where they have remained ever since.

Confronted with the policy of *fait accompli* undertaken by Rabat and faced with the unwilling prospect of 'another Angola' on the east flank of the Atlantic Ocean (i.e. the Western Sahara being controlled by the left-leaning Polisario), Spain secretly divided up the Western Sahara between Morocco and Mauritania under the Madrid tripartite agreements of 1975. This was done without consulting the indigenous inhabitants of the disputed territory and in violation of international law as represented by UN Resolution 1514 (XV) on decolonization and the right of national self-determination, as these relate to the Western Sahara.

In the meantime, the Arab Sahrawi Democratic Republic was created, with backing from Algeria in February 1976 – a development which led to the juridical existence to the Saharwi state. The long and difficult battle that proceeded thereafter was largely ignored during the Cold War period. In 1979, the conflict only involved two major contending parts as Mauritania was defeated by Polisario in the Rio de Oro area,² which came to be occupied by Rabat. Later, in the course of the 1980s, the Moroccan army build a 2000 kilometres wall to prevent the Polisario's periodical incursions in the area under

¹ The territorial ambition of a Great Morocco was promoted by the Istiqlal party and involved taking in not only the Western Sahara, but also present day Mauritania, and much of Senegal, Mali and Algeria.

² Unable to cope with the military expenditures and losses arising from the Saharwi campaign which provoked a severe economic crisis and a *coup d'état* against the civilian government of Ould Daddah, Mauritania renounced all claims to Western Sahara on 6 August 1978 (Ohaegbulam, 2002).

their control, as well as to ensure access to vital economic areas and to the principal cities in Western Sahara (Laayoune, Smara and Boucraa). The remaining of the decade was mostly characterised by a military stalemate between Morocco and the Polisario. Such circumstances led the two opponents to accept in 1988 a ceasefire proposal sponsored by the UN and the Organisation for African Unity (OAU).

After 15 years of war, a peace agreement was eventually sealed on 6 September 1991 between Polisario and the Moroccan authorities which was to be followed by a referendum on self-determination based on the 1974 census. To achieve it, the UN sent a mission to supervise the ceasefire and to prepare the referendum: the UN Mission for the Referendum in the Western Sahara (MINURSO). The MINURSO's tasks involved identifying eligible voters, oversee the withdrawal of Moroccan troops and that the Polisario units were in the pre-agreed areas. Since then, and in spite of the many diverse strategies and approaches adopted, the conflict came to a grinding halt.

The original attempt to conduct a referendum on self-determination based on the Spanish census of 1974 did not succeed. The same can be said when it comes to the plans of the UN special envoyé, James Baker. The last of these plans dating back to 2003 pointed to a sort of 'third way', that is: a four to five year-period of ample administrative autonomy for the Western Sahara under the Moroccan sovereignty that was supposed to give place to a referendum on self-determination. Initially rejected by Polisario, but eventually accepted by its representatives under Spanish and Algerian pressure, the Baker Plan II was not able to break the stalemate. The 'third way' was also to face the refusal of the Moroccan authorities that showed themselves not available to consider an eventual independence of the area in question. As an alternative to the 'third way', Rabat proposed the autonomy of Western Sahara in the context of a democratic and decentralised Moroccan Kingdom. Such proposal, well received by the Western powers and yet unacceptable to Polisario and Algeria, was incapable of breaking diplomatically and militarily stalemate.

More recently, the UN Security Council has extended once more until 30 April 2009 the mandate of the United Nations mission in Western Sahara (MINURSO), tasked with original mission of monitoring the ceasefire between Morocco and the Polisario and organizing a referendum on self-determination. The adopted resolution called on the parties to enter into "a more intensive and substantive phase of negotiations" to resolve their long-running dispute (UN, 2008). Despite the admonition of the Secretary-General, Ban Ki-moon, that consolidating the status quo would not be an acceptable outcome to the current process of negotiations, it made little headway and the meeting ended up without any sign of a breakthrough in the long-running dispute.

An Exception to the Rule in Africa

The decolonization process, in keeping with both Article 73 of the UN Charter and UN General Assembly Resolution 1514 adopted in December 1960, was based on the following tripartite principle: all dependent peoples are entitled to freedom, defined in terms of the existing colonial territories, and once such a people had come to be independent, no residual right of self-determination remained with any group within it or cutting across its frontiers (Emerson 1964: 28).

In some respects, though, decolonization in Africa deviated from the way self-determination operated in the rest of the world and particularly in Europe, something which confirmed the ‘dynamic difference’ in terms of the state formation between European (‘civilised’) and non-European (‘uncivilised’) cultures and peoples (Caplan, 2007). Whereas European states have emerged gradually and by a process of elimination, many contemporary states in Africa were defined by external imposition of boundaries. In fact, the ‘Mandate system’, conceived consistent to or in order to further Western interests, ensured the emergence of sovereign states from what had previously been the colonised societies of the continent (Anghie, 2006). Furthermore, self-determination was invoked in Europe by the retrieval of the historical experience preceding domination while a similar pattern was assumed in most cases as neither possible nor desirable in Africa to the extent that European colonialism had been carried out in Africa with almost total disregard of pre-existing political structures.

Originally conceived to deal with the problems of decolonization, the idea of territorial integrity of States acquired the character of a universal and indispensable norm to peace and international stability. It was to be converted or translated into the well-established principle of international law - *uti possidetis juris*, which posited that the right to self-determination should not involve changes to existing frontiers at the time of independence, except upon the agreement of the states concerned (Hughes, 2004). One of those exceptional enduring cases that went against the principle of *uti possidetis* – the maintenance of prior borders - which had governed the decolonisation process was the Morocco claiming of the Western Sahara area.

Rabat argued that the territory of the former Spanish colony was part of the pre-colonial Moroccan empire which, as it was the case of most of the Machrek and Maghreb states’ territories were, more or less, accepted and demarcated during Ottoman rule in the late nineteenth century. Based on that historical assumption, Morocco could convincingly deny the legitimacy of Saharwi demands for independence. King Hassan II opposed the Saharwi’s invocation of the right to self-determination, insisting that it had already been achieved and should remain inviolable.³ Therefore, according to the Moroccan authorities, no external power should question the manner in which it has been exercised or who has been exercising it.

Besides those underlying historic reasons, the conflict has also been fuelled by the ‘culture of looting natural resources’ factor (Schnabel, 2001:18). Moroccan interest in the Western Sahara rested on the fact that this specific territory contained one of the largest areas of high quality phosphate which can be exploited by surface mining as well as considerable and reputedly rich fishing resources along its coast (Ruf, 1986: 71).⁴ Additionally, fieldwork has been conducted confirming the existence of gas and oil reserves. Thus, the Western Sahara example corroborates that it is the abundance, not the shortage, of natural resources that is the key to conflict leaving its people highly dependent on foreign aid.

Polisario’s argument, on the contrary, was based on both a decolonisation principle and on ethnic nationalist grounds: the demands of the people of a colonial territory to con-

³ A similar historical claim by Morocco regards the two Spanish enclaves on its Mediterranean coast — Melilla and Ceuta.

⁴ Besides the above mentioned factors there was also the geo-strategic location of the Western Sahara next to Canary Islands where a US military base (and spy satellites) was based.

stitute a separate nation-state combined with the fact that the indigenous population of the Western Sahara (mostly nomadic desert tribes) shared a sense of common identity and a yearning for a sovereign state.

Morocco: From Occupied to Occupier

The achievement of independence back in 1956 was a defining historical moment for Morocco and the culmination of an epic struggle against France. Rabat based its arguments and demands for independence on the right of all people to choose the form of government under which they live. Ironically enough, this has not prevented the Moroccan authorities to refuse the same right to the Saharwi people. Right the opposite, Morocco has joined other countries in altering its inherited boundaries. Indeed, the Spanish territories of Tarfaya in 1958 and Ifni in 1969, joined Morocco without any referendum but based on agreements with Spain, while attempts to repossess colonial territories by force were less successful, as the Western Sahara case illustrates.

In a world dominated at the time by the logic of Cold War ideology, the prospect of ‘another Angola on the North of Africa’ as well as sound relations with Rabat were placed above any consideration of Saharwi demands for statehood. Since then, the interests of neighboring countries as well as friendly or allied governments who side with each party have been dampening or freezing the conflict (Ginty, 2006:9). Indeed, despite the nominal support given by the Western powers to the consecutive UN sponsored peace plans and to the recurrent endeavours to hold a plebiscite in the territory, such powers (notably the US and France) have abstained from exerting pressure upon the Moroccan authorities to implement a definitive solution to the conflict.

Such a positioning illustrates the apparent incapacity or disinclination to use its potential to the full, notably in the case of the Western Sahara dispute. Taken into consideration that no state has yet acknowledged the Moroccan *de facto* ruling over the Western Sahara, there is no tension between the principles of sovereignty or internal affairs and the humanitarian intervention (Williams, 2007). Morocco is the occupying force of Western Sahara preventing a waiting-state to take office and the Sahrawi people to exercise their right of self-determination. It seems therefore to be the case of Morocco pushing aside the global system of law and order, with the condoning of most Western powers that fear the undesirable prospect of the unstable and unfriendly Morocco.

True that the first step to conflict resolution was achieved: the transformation from a violent to a non-violent behaviour reached with the 1991 cease-fire agreement. Nevertheless, the implementation of the basic issue – the referendum – did not follow. That was so to a large extent due to Morocco’s blocking with impunity the resolution of the Western Saharan dispute by eroding the possibility to conduct the proposed referendum in the Western Sahara or to reach any effective settlement agreement with the Polisario. Both parties, however, seem to be prepared for the long run: Morocco expecting a *de facto* recognition of its takeover while profiting from the resources (it pays off) while the Saharwis wait for a change but is prepared to wait. Morocco expects to prevail over Polisario and keep control over the Western Sahara territory while Polisario aware of the challenge involved in confronting a dominant actor and in altering the status quo, hopes to achieve an improved standing in the long run.

The rising cost of maintaining the situation on the Western Sahara alongside the non-membership of the African Union and the criticism of human rights organisations, may pose a threat to the stability of the Moroccan regime and could constitute one of the main arguments for Rabat to decide to not further prolong the conflict. For the moment, the Western Sahara still features amongst the UN's non-self governing territories and its decolonisation process is still an open file, converting it into the last African colony. And it seems to be one of those conflicts that continue indefinitely without any hope of peaceful resolution.

In sum, the Western Sahara was among the last places in the world to undergo decolonisation, a process which is yet to be finished. The territory was to be assisted to self-governing and nationhood but has been experiencing instead military occupation since then. Three decades have elapsed since the invasion and 17 years after the signing of the peace agreement, and the dispute is still on hold and a solution for the settlement of this intractable territorial conflict still lies out of sight. As pointed out before, it is argued in this article that the Western Sahara is a persistent *post-scriptum* of the colonial period and at the same time an exception to the decolonization process in Africa. Above all, the persistence of the Saharwi dispute corroborates that the historical parentheses around the African post-colonialism are yet to be closed.

References:

- Anghie, Antony (2006) 'The evolution of international law: Colonial and postcolonial realities', *Third World Quarterly* 27(5): 739-753
- Bontemps, Claude (1984) *La guerre du Sahara occidental*, Paris: Press Universitaire de France
- Boutros-Ghali, Boutros (1992) *An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peace-Keeping*, New York: UN
- Caplan, Richard (2007) 'From collapsing states to neo-trusteeship: the limits to solving the problem of 'precarious statehood' in the 21st century', *Third World Quarterly* 28 (2): 231-244
- Crocker, C.A., Hampson, F.O., and Aall, P. (eds) (1997) *Managing Global Chaos. Sources and Responses to International Conflict*, Washington D.C.: United States Institute of Peace Press
- Darby, J (2003) *Contemporary Peace Making: Conflict, Violence and Peace Processes*, Basingstoke: Palgrave Macmillan
- Emerson, R. (1964) "Self-determination revisited in the era of decolonization" Cambridge, MA: Center for International Affairs, Harvard University.
- Ginty, Roger Mac (2006) *No War, No Peace. The Rejuvenation of Stalled Peace Processes and Peace Accords*, Palgrave Macmillan
- Groom, A. J. R. (2007) *From Conflict Prevention to Conflict Resolution: A Conceptual Tour D'Horizon*, Open lecture at the University of Minho, Portugal in 02.05.2007
- Hodges, Tony (1983) *Western Sahara: The Roots of a Desert War*, Westport: Lawrence Hill & Co, Publ.
- Hughes, Arnold (2004) 'Decolonizing Africa: Colonial Boundaries and the Crisis of the (Non) Nation State', *Diplomacy & Statecraft* 15 (4): 833-866

- James, Alan (2000) "States and Sovereignty", in Salmon, Trevor C., *Issues in International Relations*, London:Routledge, pp. 1-24
- Jensen, Erik (2004) *Western Sahara: Anatomy Of A Stalemate*, London: Lynne Rienner Publishers
- Keylor, William R. (2003) *A World of Nations. The International Order since 1945*, New York:Oxford University Press
- Lawless, Richard and Monahan, Laila (eds.) (1986) *War and Refugees: The Western Sahara Conflict*, London: F. Pinter Publ
- Luttwak, E. (2001) "The Curse of Inconclusive Intervention", in Crocker, C. A. et al (eds) *Turbulent peace: The Challenges of Managing International Conflict*, Washington DC: United States Institute of Peace Press, pp: 265-272
- Maluwa, Tiyanjana (2003) Current Legal Developments. The Constitutive Act of the African Union and Institution-Building in Postcolonial Africa, *Leiden Journal of International Law* 16:157-170
- Mas, Antoni S. (2001) *Conflicto y Transición Política en el Magreb*, Madrid:Alianza Editorial
- Nugent, Paul (2004) *Africa Since Independence: A Comparative History*, Basingstoke: Palgrave Macmillan
- Ohaegbulam, F. Ugboaja (2002) Ethical Issues in U.S. Policy on the Western Sahara Conflict, *Mediterranean Quarterly* 13: 88-115
- Omach, Paul (2000) The African Crisis Response Initiative: Domestic Politics and Convergence of National Interest 99:73-95
- Parsons, Claudia (2008) UN council urges realism in Western Sahara dispute, Reuters, 1 May, retrieved at <http://www.reuters.com/article/latestCrisis/idUSN30547316>, in May 2008
- Ruf, Werner (1986) "The Role of World Powers: colonialist transformations and King Hassan's Rule", in Lawless, Richard and Monahan, Laila (eds.) (1986) *War and Refugees: The Western Sahara Conflict*, London: F. Pinter Publ, pp:65-96
- Schnabel, Albrecht (2001) "Preventing Wars within States: What can Intergovernmental Organisations do in Africa", in Sidiropoulos, E (ed.) *A Continent Apart: Kosovo, Africa and Humanitarian Intervention*, Johannesburg: SAIIA, pp:13-36
- Seddon, David (1986) "Morocco at War", in Lawless, Richard and Monahan, Laila (eds.) (1986) *War and Refugees: The Western Sahara Conflict*, London: F. Pinter Publ.
- Shelley, Toby (2004) *Endgame in the Western Sahara : What Future for Africa's Last Colony?*, London: Zed Books
- Smith, Betsie (2001) "The Role of Subregional and Regional Organisations in Preventing African Conflicts", in Sidiropoulos, E (ed.) *A Continent Apart: Kosovo, Africa and Humanitarian Intervention*, Johannesburg: SAIIA, pp:36-59
- UN (2008) "The causes of conflict and the promotion of durable peace and sustainable development in Africa", Report by the UN Secretary-General, Kofi Annan, retrieved at <http://www.un.org/ecosocdev/geninfo/afrec/sgrepport/report.htm> in May 2005
- United Nations (2006) UN Mission in Western Sahara should remain for more 6 monts, UN News Service press release, 24.04.2006, retrieved at <http://www.un.org/apps/news/in02.05.2006>

- United Nations (2007), Security Council Extends United Nations Mission in Western Sahara until 31 October, New York: Department of Public Information, News and Media Division press release, 30.04.2007, retrieved at <http://www.un.org/News/Press/docs> in 02.05.2007
- Wedgwood, Ruth (1997) "Regional and Subregional Organisations in Conflict Management", in Crocker, C.A., Hampson, F.O., and Aall, P. (eds) *Managing Global Chaos. Sources and Responses to International Conflict*, Washington D.C.:United States Institute of peace Press
- Williams, Paul D. (2007) *From Non-Intervention to Non-Indifference: The Origins and Development of the African Union's Security Culture*, *African Affairs*, Advance Access published 12 March 2007:1–27