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TRANSCRIPTION

The attempt has been made to transcribe the Arabic script and terms as in the *New Edition of the Encyclopaedia of Islam* (EI²)¹. As for Arabic proper names, they are transcribed as in the EI² as well, unless they have a common English correspondent. Accordingly, e.g. *Marrakesh* is used instead of the Arabic *Marrākush*. Arabic dialectal expressions were adopted in their dialectal forms, e.g. *ahl kutub*, as found in the *Dictionnaire Ḥassāniyya – Français*², otherwise as commonly found in literature. As for the few Berber terms and proper names, they are transcribed as in the *Encyclopédie Berbère*.³

¹ GIBB, Hamilton A.R. [et al.]: *The Encyclopaedia of Islam. New Edition*. Leiden: Brill, 1960 – 2004. In the following quoted as: EI².

² TAINE-CHEIKH, Catherine: *Dictionnaire Ḥassāniyya - Français*. Paris: Geuthner Dictionnaires, 1988 -.

³ CAMPS, Gabriel [et al.]: *Encyclopédie Berbère*. Aix-en-Provence: Edisud, 1985-. In the following quoted as: *Encyclopédie Berbère*.

ABBREVIATIONS

AI	Amnesty International
AMU	Arab Maghreb Union
AU	African Union (former: OAU, Organization of African Unity)
EI²	New Edition of the Encyclopaedia of Islam
ENMINSA	Empresa Nacional Minera del Sahara
Frente POLISARIO	Frente Popular para la Liberación de Saguia el-Hamra y Río de Oro
ICJ	International Court of Justice
ICRC	International Committee of the Red Cross
MINURSO	Misión de Naciones Unidas para el referendo en el Sahara Occidental
OCP	Office Chérifien des Phosphates
ONAREP	Office National de Recherches et d'Exploitations Pétrolières
SADR	Şaḥrāwī Arab Democratic Republic
SPLA	Şaḥrāwī Popular Liberation Army
SRC	Şaḥrāwī Red Crescent
UNHCR	United Nations High Commissioner for Refugees

INTRODUCTION

I spent the academic year of 2006/2007 in Cádiz (Spain) where I came across a poster proclaiming “*Vacaciones en Paz*”, a humanitarian and political project that gives Ṣaḥrāwī children the possibility to come to Spain and spend some carefree weeks in a war-free environment.⁴ I must admit, that up to that day I had never heard of the Ṣaḥrāwīs or the Western Saharan conflict before. So I started to read more about the Ṣaḥrāwī people and their protracted struggle for freedom and self-determination. The majority, about 200 000 Ṣaḥrāwīs, live in exile in the refugee camps of Tindūf (Algeria).

I decided to write my master thesis on the Western Sahara, hoping to acquaint the people in my social environment with this issue and to reveal the complex deep-rooted dispute's causes.

The Western Sahara is on the list of Non-Self-Governing Territories of the United Nations (UN) since the 1960s and is nowadays still considered a colony. Bordered by Morocco, Mauritania and Algeria, the Western Sahara was administered by Spain until 1975 and was then annexed by Morocco and Mauritania who affirmed their claim to the territory based on historical, ethnical, religious and geographical affiliation. In 1979 Mauritania renounced all its claims to the Western Sahara. Consequently Morocco took control over the whole disputed territory and the Frente POLISARIO, the Ṣaḥrāwī independence movement, fought a bitter guerilla war.

After over 20 years of unsuccessful diplomatic negotiations, finding a definitive and fair solution to the dispute seems impossible. In 1991 the diplomatic efforts achieved a cease-fire between the involved parties, Morocco and the Frente POLISARIO, but the UN did not succeed in determining whether this territory would be kept by Morocco or become an independent state. Being in this state of *neither war nor peace*, a state of

⁴ This project also exists in Austria initiated by Karin Scheele; for more information see: <http://www.ferien-vom-krieg.at/index.php?pid=8> [01.09.2008]

constantly waiting for a promised referendum, the Ṣaḥrāwīs have been enduring either in the Moroccan occupied zone or in the refugee camps of Tindūf for the last 33 years. The Moroccan occupation of the Western Sahara is a clear violation of the UN resolutions on decolonization and the right to self-determination. What are the obstacles to the implementation of the UN proposal?

I decided to give this paper the focus on the historical background of the sustained conflict up to today's events. The background provided is necessary to help understand why after so many years of fighting and waiting no real progress has been achieved yet.

Chapter one gives a geographical and demographical overview of the arid Western Sahara whereas chapter two touches the issue of the role of natural resources in this conflict.

The roots of the Western Sahara conflict date further back than the present conflict. Hence, chapter three focuses on the parentage and the traditional way of life of the Ṣaḥrāwīs, the indigenous people of the disputed territory. Furthermore, it dwells on the historical relations of the Ṣaḥrāwīs with the Moroccans to their north and Mauritania's emirates to the south.

In chapter four I explore the time of Spanish colonization and the Ṣaḥrāwī resistance against the European foreign rule. Furthermore, the consequent economic and social changes due to the discovery of the region's mineral wealth are pointed out.

Chapter five deals with the rise of Ṣaḥrāwī nationalism and the emergence of the Ṣaḥrāwī nationalist movement, the *Frente Popular para la Liberación de Saguia el-Hamra y Río de Oro* (Frente POLISARIO) which has been the most visible face of Western Saharan nationalism, aiming at an independent Ṣaḥrāwī state.

When Spain abandoned its Saharan colony to Morocco and Mauritania, the Frente POLISARIO had to face a new enemy in its anti-colonial struggle. This is adduced in chapter six. The diplomatic battle on the part of the UN is as well subject of this chapter. Finally, I analyze briefly the current situation and the future prospects of the dispute.

1. COUNTRY PROFILE

1.1. GEOGRAPHY



Map of Western Sahara⁵

⁵ <http://hdl.loc.gov/loc.gmd/g8900.ct001700> [04.04.2008]

The Western Sahara (الغربية الصحراء - al-Ṣaḥrā' al-Gharbiyya) is located in northwest Africa. Until 1975 the territory was generally known as *Sahara Español*⁶. It lies to the south of Morocco, north and west of Mauritania and southwest of Algeria – country's frontiers, that were drawn by the colonial powers without little regards to geographical and ethnic characteristics.⁷ The only natural boundary is the Atlantic Ocean with over 1,062 km of coastline to the west.⁸ All large cities – except for Ṣmāra⁹ (صمارة) – are located on this coastline: the capital al-l Uyūn¹⁰ (العيون), Boujdour¹¹ (بوجدور) and Dākhla¹² (داخلة). The coastal waters offer rich fishing and at Bou Craa (كراع بو)¹³, high-quality phosphate is extracted.

From Spanish colonization time, the country was divided into two main sections:

- Sāḳiyat al-Ḥamrā' (ساقية الحمراء) “the red channel”, forms the northern third of the country of 82,000 sq km. The capital al-a Uyūn is situated in this part.

⁶ In this work, the denotation *Western Sahara* is used for the disputed territory throughout the paper.

⁷ Today's boundaries of the Western Sahara are the result of agreements made among the colonial powers France and Spain in 1900, 1904 and 1912. →cf. chapter 4.1.

⁸ MERCER, John: *Spanish Sahara*. London: Ruskin House, 1976. p.23.

In the following quoted as: MERCER: *Spanish Sahara*.

⁹ Ṣmāra is Western Sahara's only precolonial city. There was plenty of water around it, pasturelands were nearby and the city was an important stop on the caravan routes. It was built in 1898 by Mā' al-w Aynayn, the great Ṣaḥrāwī anti-colonial leader of the first decade of the 20th century (cf. chapter 4.2.). PAZZANITA, Anthony G./HODGES, Tony: *Historical Dictionary of Western Sahara*. 2nd Edition. London: The Scarecrow Press, Inc., 1994. p.410.

In the following quoted as: PAZZANITA/HODGES: *Historical Dictionary of Western Sahara*.

¹⁰ Al-l Uyūn is situated on the banks of the river Sāḳiyat al-Ḥamrā', about 30 km from the Atlantic coast.

¹¹ About 170 km south of al-a Uyūn, the Portuguese first reached Cape Boujdour (also known as Cabo Bojador) in the mid 15th century. BARBIER, Maurice: *Le conflit du Sahara Occidental*. Paris : L'Harmattan, 1982. p.32.

In the following quoted as: BARBIER: *Le conflit du Sahara Occidental*.

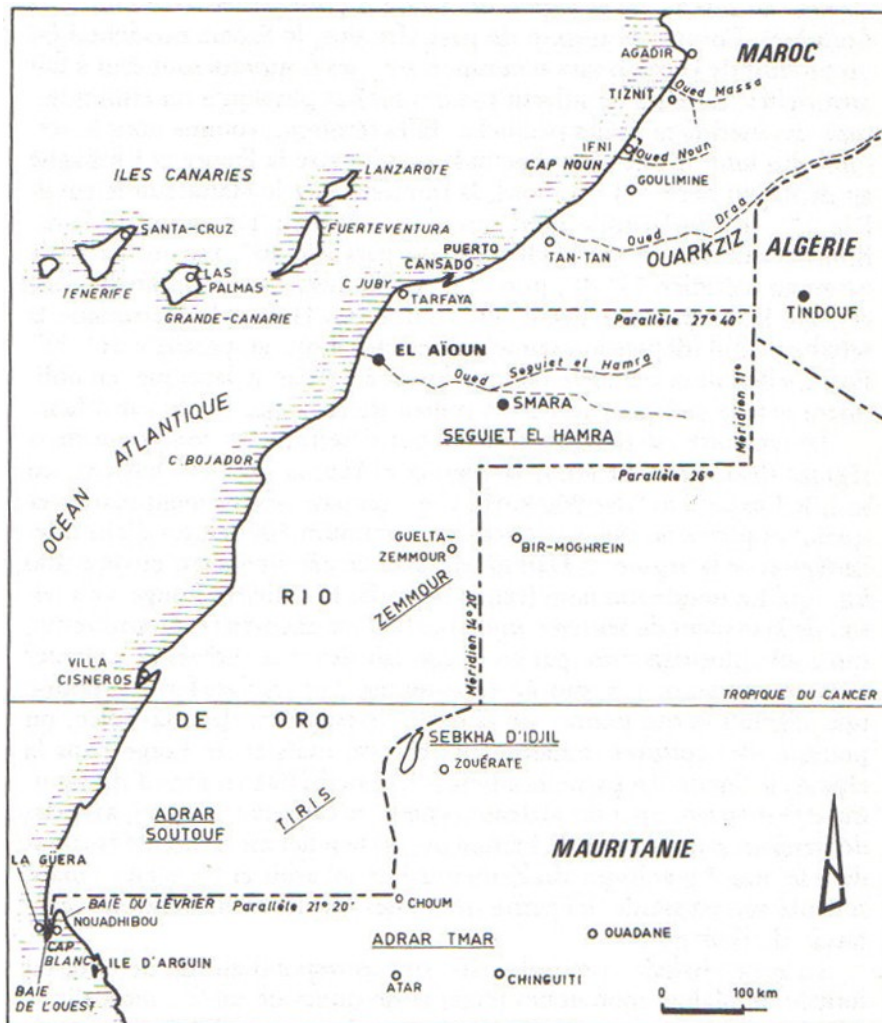
¹² The Dākhla peninsula protrudes about 38 km from the Atlantic coastline, enclosing the only bay (Río de Oro bay).

¹³ Bou Craa is about 100 km southeast of al-a Uyūn and is enclosed by the first of Morocco's defensive walls. cf. chapter 6.2.2.

- Río de Oro (وادي الذهب - Wādī al-Dhahab) “the gold river”¹⁴, forms the southern two-thirds of 184,000 sq km, with the main town of Dākhlā, a seaport, formerly Villa Cisneros.¹⁵

1.2. TOPOGRAPHY

Western Sahara is a hot, vast and desolate area of about 266,000 sq km in size.¹⁶ The landscape is mostly flat desert with large areas of rocky or sandy surfaces.



Physical geography of Western Sahara ¹⁷

¹⁴ RÖSSEL states that Portuguese seamen, who were allured with the gold-dust trading in the 15th century, gave this region its name. In: RÖSSEL, Karl: *Wind, Sand und (Mercedes-) Sterne. Westsahara: Der vergessene Kampf für die Freiheit*. Bad Honnef: Horlemann Verlag, 1991. p.29. In the following quoted as: RÖSSEL: *Wind, Sand und (Mercedes-) Sterne*.

¹⁵ PAZZANITA/HODGES: *Historical Dictionary of Western Sahara*. p.376.

¹⁶ MERCER: *Spanish Sahara*. p.23.

¹⁷ BARBIER: *Le conflit du Sahara Occidental*. p.11.

The Western Sahara can be divided into three topographical areas extending from the Atlantic coast in the west: Dramatic cliffs border the coastline and stepped stony plains rise slowly from the coast towards the interior. The north east zone, from the Atlas Mountains up to the Zemmūr massif in the north east, is a *ḥammāda* (حمادة), a rocky plateau with a maximum of 600 to 700m.

The second zone is made up of rivers. In the north and west there are a few watercourses, notably the Sāḩiyat al-Ḥamrā', which gives the northern part of the country its name. These watercourses are often depressions where water gathers during the brief rainy seasons. The water quickly evaporates and never reaches the sea.¹⁸

Thirdly, there is Río de Oro which consists of low lying plains and sand dunes in the south and east. Due to the very flat and permeable ground, the water accumulates in the subsoil forming numerous wells.¹⁹ In the southwest the highest rise of 435 m is in the plateau of the Adrar Soutouf plateau²⁰.

1.3. CLIMATE

Like the entire west of the Sahara desert, the climate of Western Sahara is harsh:

It is characterized by very low irregular rainfall (annual rainfall rarely reaches 50 mm)²¹, extreme variations in temperatures (during the day temperatures can reach 50° and fall below zero at night), ferocious winds and sandstorms, sparse vegetation and fauna and consequently extremely low settlement.²²

The climate of the coastal area is more moderate and permits little agricultural land use (the cultivation of some crops like sorghum and barley) and produces little pasturage.²³

1.4. POPULATION

¹⁸ MERCER: *Spanish Sahara*. p.24.

¹⁹ *ibid.*, p.27.

²⁰ *ibid.*, p.23.

²¹ CREYAUFMÜLLER, Wolfgang: *Nomadenkultur in der Westsahara. Die materielle Kultur der Mauren, ihre handwerklichen Techniken und ornamentalen Grundstrukturen*. Hallein: Burgfried-Verlag, 1983. p.16.

In the following quoted as: CREYAUFMÜLLER: *Nomadenkultur in der Westsahara*.

²² PAZZANITA/HODGES: *Historical Dictionary of Western Sahara*. p.93.

²³ KÖSTNER, Karin: *Die innen- und außenpolitische Lage der Demokratischen Arabischen Republik Sahara (DARS) – unter den Bedingungen des Westsahara-Konfliktes*. Freie Universität Berlin. Diplomarbeit, 1986. p.5.

The modern group of the Ṣaḥrāwīs is a mixed ethnic of Berber – Arabic people with black African influence²⁴, speaking the Arab dialect Ḥassāniyya²⁵ and inhabiting the westernmost Sahara desert within an area of today's Mauritania, Mali, Morocco, Algeria and Western Sahara. Nowadays the term *Ṣaḥrāwī* is a synonym to the inhabitants of the disputed Western Sahara. Recognized regional languages in the Western Sahara are Arabic²⁶ and Spanish, due to a period of Spanish colonization.²⁷ The Western Sahara itself is one of the most sparsely populated countries in the world. Information about the population varies widely. According to Maurice Barbier, the only count of the Ṣaḥrāwīs was the census carried out by the Spanish authorities in 1974. It recorded 73,497 Ṣaḥrāwīs²⁸ and 26,126 Europeans in the territory.²⁹ However, this 1974 census should be referenced with caution.³⁰ The Ṣaḥrāwī population issue is sharply disputed between Morocco and the Ṣaḥrāwī nationalist movement, the Frente POLISARIO³¹ and became a key point of extreme contention because the present number of the Ṣaḥrāwīs should be identified for voting purposes in a referendum of self-determination of Western Sahara conducted by the UN.³²

1.5. RELIGION

²⁴ cf. chapter 3.1 and 3.2.

²⁵ cf. chapter 3.3.

²⁶ cf. chapter 3.3.

²⁷ cf. chapter 4.

²⁸ Thompson and Adloff state that out of this total sum of Ṣaḥrāwīs, 38,336 were men and 35,161 were women. Of these the number of Ṣaḥrāwīs aged under 18 was 40,988 and 2,025 were over 70 years old.

THOMPSON, Virginia M./ADLOFF, Richard: *The Western Saharans. Background to conflict*. London: Croom Helm Ltd., 1980. p.115.

In the following quoted as: THOMPSON/ADLOFF: *The Western Saharans*.

²⁹ BARBIER: *Le conflit du Sahara Occidental*. p.15.

³⁰ This Spanish census is often described as “incomplete”, because (a) the large size of the Western Sahara and its tribes moving around freely, crossing the historically open borders with its neighboring countries, made it very hard to ascertain the exact number of Ṣaḥrāwīs and (b) the census did not include the very large number of Ṣaḥrāwīs who happened to live outside the Western Sahara. During the 1960s and early 1970s, colonial repression, droughts and employment opportunities in growing towns like Zouerate (in today's Mauritania) disposed many Ṣaḥrāwīs to abandon nomad life, to settle and live outside the territory. cf. chapter 4.3.

³¹ cf. chapter 5.3.

³² cf. chapter 6.3.

The Ṣaḥrāwīs are Sunnī Muslims of the Mālīkī School. Traditionally, religious practice has been pragmatically adapted to nomadic life and local customs (e.g. praying in the open on the sand). Since the late medieval period, also various Sufi brotherhoods (especially the Ḳādiriyya) have played an important role in religious practice.³³

2. NATURAL RESOURCES

“Every conflict, whether it be a military one like in Iraq or Afghanistan or “just” a diplomatic one, has its deeper seated reasons in economic matters. These real reasons are often covered by cultural, religious or similar arguments, but what remains essential in the end are the economic interests of the parties involved in the conflict. This is also the case in the Western Sahara conflict.”

Karin Scheele, member of the Austrian Socialist Group in the European Parliament³⁴

There is no doubt that the question of the natural resources of Western Sahara has been the main reason for the interest in an area, which is mainly covered by desert and which is only sparsely populated. In 1974, the World Bank labeled Western Sahara as the richest territory in the Maghreb because of its fishing resources and huge phosphate deposits. In addition, it contains potentially large oil and gas reserves.³⁵

Ismāīl Sayeh writes that *“le Sahara Occidental est en effet pour le Maghreb ce qu’est le Koweït pour le Golfe”* – very rich in resources but low in population.³⁶ All the proven as well as the prospective natural resources of Western Sahara has attracted the attention of others. The full potential of the area is unknown and data are limited.

For Morocco the Western Saharan natural resources are of major importance. Not just for the much needed employment, but also, on the one hand Morocco increases its share of the world phosphate market and on the other Morocco secures its control over

³³ CREYAUFMÜLLER: *Nomadenkultur in der Westsahara*. p.32-34.

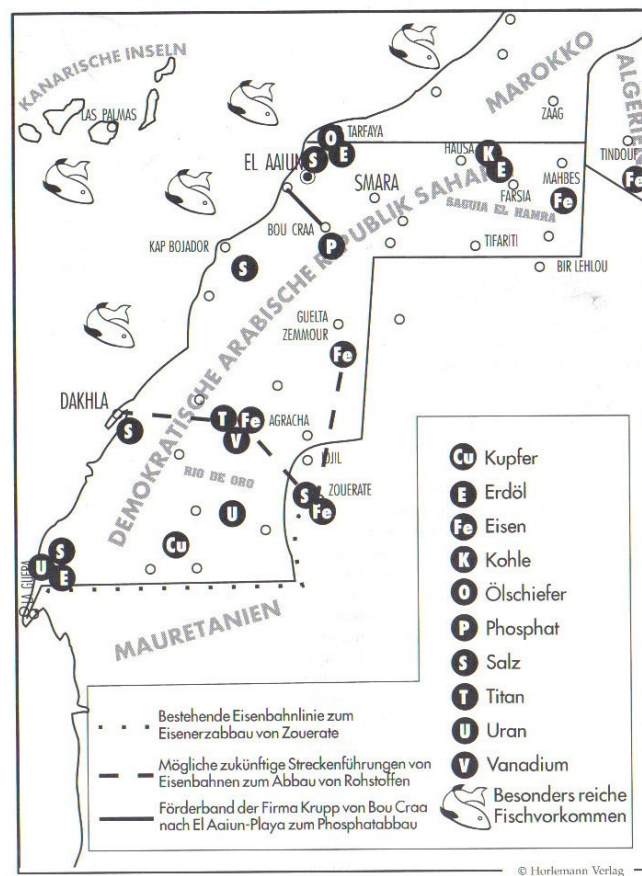
³⁴ SCHEELER, Karin: *The role of natural resources in the Western Sahara conflict*. In: OLSSON, Claes (ed.): *The Western Sahara Conflict. The Role of Natural Resources in Decolonization*. Uppsala: Nordiska Afrikainstitutet, 2006. p.30.

In the following quoted as: OLSSON (ed.): *The Western Sahara Conflict*.

³⁵ PINTO LEITE, Pedro: *International legality versus realpolitik. The cases of Western Sahara and East Timor*. In : OLSSON (ed.): *The Western Sahara Conflict*. p.16.

³⁶ SAYEH, Ismail: *Les Sahraouis*. Paris/Montreal: L’Harmattan, 1998. p.107-108.

much of the North-Atlantic coast and its wealth. Furthermore, there is hope to reduce Morocco's dependence on oil imports.³⁷



Natural resources of Western Sahara³⁸

2.1. PHOSPHATE

Bou Craa is a town in the Sāḩiyat al-ḩamrā' region, about 100 km southeast of al-a Uyūn, and has one of the world's largest deposits of phosphate. Phosphate is an essential component in fertilizers and detergents.

The phosphate resources at Bou Craa were discovered by the Spanish geologist Manuel Alia Medina in 1945 and are estimated at about 2,000 million tons.³⁹ Brenneisen quotes that in 1964 ENMINSA geologists estimated the phosphate resources in the entire Western Sahara at 10,000 million tons.⁴⁰

³⁷ SHELLEY, Toby: *Endgame in the Western Sahara. What future for Africa's last colony?* London: Zed Books Ltd, 2004. p.62.

In the following quoted as: SHELLEY: *Endgame in the Western Sahara*.

³⁸ RÖSSEL: *Wind, Sand und (Mercedes-) Sterne*. p.125.

³⁹ MERCER: *Spanish Sahara*. p.185.

⁴⁰ In 1962 the *Empresa Nacional Minera del Sáhara* (ENMINSA) was established as an affiliated company of the Spanish *Instituto Nacional de Industria* (INI). Compared to the known world

The aboveground mining of Bou Craa stretches over 250 sq km. The phosphate, mined from 1972, is transported over to the coast by a 96 km conveyor belt, the longest such belt in the world, crossing the mobile dunes on stilts.⁴¹ The average production of high-quality processed phosphate at Bou Craa runs at around 2,4 million tons a year.⁴²

Bou Craa is almost entirely inhabited by employees of the Moroccan-controlled *Office Chérifien des Phosphates* (OCP)⁴³, which provides 27% of the world trade with phosphate and derivatives⁴⁴.

In 1976 the conveyor belt (which was built with the help of the German company KRUPP GmbH) was destroyed by the Frente POLISARIO, who wanted to stop the exploitation of Ṣaḥrāwī property. Up until 1982 Morocco could not continue the mining of phosphate.⁴⁵

2.2. IRON ORE / MISCELLANEOUS MINEALS

Iron ore deposits on the northeastern edge of the Tiris plateau have been estimated at about 72 million tons.⁴⁶ Those deposits are close to the huge Mauritanian iron ore deposits in Zouerate but the reserves of Western Sahara are said to be more and better in quality.⁴⁷ The ore also contains titanium oxide (used in paint) and vanadium (used in aerospace industry).⁴⁸ Speculations about more mineral deposits such as uranium, antimony, copper, gold and manganese exist.⁴⁹

2.3. OIL AND GAS

phosphate deposits of that time, Western Sahara was (following Morocco) the second largest country concerning phosphate reserves. In: BRENNEISEN, Christoph: *Perspektiven des Sahrauischen Nationalismus im Rahmen der Maghrebinischen Integration*. 1991.p.211.

In the following quoted as: BRENNEISEN: *Perspektiven des Sahrauischen Nationalismus im Rahmen der Maghrebinischen Integration*.

⁴¹ MERCER: *Spanish Sahara*. p.186

⁴² SHELLEY: *Endgame in the Western Sahara*.p.71.

⁴³ The OCP is responsible for managing and controlling all aspects of phosphate mining and beneficiation.

⁴⁴ SCHEELE, Karin: *Westsahara – Ein Volk wartet auf sein Recht*. Tulln: Sozialdemokratische Fraktion im Europäischen Parlament, 2005. p.12-14

In the following quoted as: SCHEELE, Karin: *Westsahara – Ein Volk wartet auf sein Recht*.

⁴⁵ BRENNEISEN: *Perspektiven des Sahrauischen Nationalismus im Rahmen der Maghrebinischen Integration*. p.214.

⁴⁶ HODGES, Tony: *Western Sahara. The Roots of a Desert War*. Connecticut: Lawrence Hill & Company, 1983. p.125.

In the following quoted as: HODGES: *Western Sahara*.

⁴⁷ BRENNEISEN: *Perspektiven des Sahrauischen Nationalismus im Rahmen der Maghrebinischen Integration*. p.201.

⁴⁸ PAZZANITA/HODGES: *Historical Dictionary of Western Sahara*. p.230-231.

⁴⁹ BRENNEISEN: *Perspektiven des Sahrauischen Nationalismus im Rahmen der Maghrebinischen Integration*. p.200-210.

After reasonable exploitable oil fields were located in neighboring Mauritania, speculation intensified on the possibility of major oil and gas resources being abundant in the offshore territory of Western Sahara.⁵⁰ The area of interest mainly was the coastal region extending from ʿarfāya down to Cape Blanc peninsula. In the 1960s the explorations for gas and oil started and due to very limited results ceased unsuccessfully in the 1970s. In order to oversee the energy sector and to set up joint ventures with foreign companies, Morocco formed the state-owned *Office National de Recherches et d'Exploitations Pétrolières* (ONAREP) in 1981. The search for the commodities of oil and gas reemerged during 2000 to 2005.⁵¹

The ONAREP awarded oil exploration permits for Western Sahara's entire offshore area. Major pacts were signed with the Texas-based Kerr-McGee Cooperation and the French-Belgian TotalFinaElf in 2001, which immediately caused strong international protests and an intense political and legal controversy⁵². This resulted in the abandonment of the foreign oil companies' activities in Western Sahara and investment funds withdrew their money because of humanitarian reasons. Declaring that they would not become involved in the territory without SADR permission, TotalFinaElf withdrew from the territory in 2001⁵³, followed by the Kerr-McGee Cooperation in 2006.⁵⁴

2.4. FISHERIES

The 1,062 km Atlantic coastline is among the richest fishing zones in the world. Still, the main Ṣaḥrāwī tribes traditionally were not involved in the fisheries⁵⁵ and still today fish is usually not part of the Ṣaḥrāwīs diet.

Spanish fishermen, based in the Canary Islands, started fishing off Western Sahara in the late 15th century. Spain expanded its fishing industry in the territory during the 20th

⁵⁰ SCHEELE: *Westsahara – in Volk wartet auf sein Recht*. p.15.

⁵¹ SCHEELE, Karin: *The role of natural resources in the Western Sahara conflict*. In: OLSSON (ed.): *The Western Sahara Conflict*. p.30.

⁵² SHELLEY: *Endgame in the Western Sahara*. p.66-69.

⁵³ <http://www.sadroidlandgas.com/intro.htm> [26.06.2008]

⁵⁴ http://www.sadroidlandgas.com/pdfs/kerr_mcghee_withdrawl.pdf [26.06.2008]

⁵⁵ First of all the territory only had a few natural harbors and the steep cliffs with its strong currents along the coast made fishing very hazardous. Secondly there was hardly any wood for building fishing boats hence it was only extremely small and poor groups that had very little livestock and depended for their survival on fishing. Fishing nets were cast from the shore or they waded through the water. PAZZANITA/HODGES: *Historical Dictionary of Western Sahara*. p. 145.

century.⁵⁶ The world greatest fishing fleets caught enormous quantities from the Western Sahara waters.

Japon	300 000 t	Afrique du Sud	100 000 t	Pologne	19 000 t
Canaries	250 000 t	Corée du Sud	50 000 t	Bermudes	10 000 t
Espagne	200 000 t	Italie	45 000 t	Cuba	8 000 t
U.R.S.S.	200 000 t	Portugal	22 000 t	Autres pays	77 500 t

Amount of fishing in Western Saharan waters in 1969⁵⁷

A total catch of fish by these world fleets was estimated at 1,5 million tons annually, of which about 225,000 tons yearly were taken by Spanish fishing boats until the takeover of the colony by Morocco.⁵⁸ Morocco continually improved the facilities for its fishing industry by building new ports. It furthermore increased its fleet size and the value added to the catch through processing. As Toby Shelley remarks, the “*Western Saharan fisheries will become increasingly important to the Moroccan economy and an increasing block to consideration of a withdrawal.*”⁵⁹

In 1977 the Frente POLISARIO became active in launching several attacks against the trawlers and declared the fishing activities as violation of the territorial waters of the Ṣaḥrāwī Arab Democratic Republic (SADR). Through the construction and extension of the Moroccan berms⁶⁰ between 1981 and 1987, the POLISARIO was almost entirely cut off from the Atlantic and the attacks ended.⁶¹

Long-term exploitations of the fish and marine animals’ reserves by foreign powers led to over-fishing and caused dramatic effects and resulted in the massive decline in the fish deposits.⁶²

On July 2005, the EU and Morocco signed their third fishing agreement which came into force in March 2006 for a four year term. This agreement includes the waters of Western Sahara and consequently is strongly protested by the POLISARIO.⁶³ Morocco is an *occupying* power not an *administering* one and its presence in the Western Sahara

⁵⁶ PAZZANITA/HODGES: *Historical Dictionary of Western Sahara*. p.145-146.

⁵⁷ BARBIER: *Le conflit du Sahara Occidental*. p.24.

⁵⁸ PAZZANITA/HODGES: *Historical Dictionary of Western Sahara*. p.146.

⁵⁹ SHELLEY: *Endgame in the Western Sahara*. p.76.

⁶⁰ cf. chapter 6.2.

⁶¹ PAZZANITA/HODGES: *Historical Dictionary of Western Sahara*. p.147-149.

⁶² SCHEELE: *Westsahara – in Volk wartet auf sein Recht*. p.14-15.

⁶³ <http://www.afrol.com/articles/16866> [26.06.2008]

is not endorsed by any juridical entitlement. Therefore the signing of any fishing agreements with Morocco that includes the fishery resources of Western Sahara is illegal according to international law.

3. THE ṢAḤRĀWĪ PEOPLE

“The Saharawi population has unusual origins. It is a strange combination of three races, the Berbers, Arabs and Africans. This cocktail, mixed together in the desert, makes us Muslims but also a very open and tolerant people, capable of accepting differences. We believe for example, that fundamentalism is an incorrect interpretation of Islam and the holy book of the Koran. As far as the fundamental principles are concerned, Islam is no different from Christianity or Judaism. They all carry the same message in different languages. There is no ‘home of God’. God is everywhere and if you wish to speak to him you can do so anywhere, in your home, in the middle of the desert. This is why we don’t accept any Imam, nor do we have any compulsory sites for our holy rites. Before building a mosque we make sure that we first build a school, a hospital, a center for handicapped children. We are religious, but we are also liberal and tolerant.”

Omar Mansur, Minister of the Ṣaḥrāwī Arab Democratic Republic⁶⁴

The Arabic word *ṣaḥrāwī* (صحراوي) literally means “of the desert”. It should be understood as “inhabitant of the Sahara”. These days the term *Ṣaḥrāwī* usually is used in reference to a person from the disputed Western Sahara territory.⁶⁵

3.1. EARLY HISTORY

The Sahara was not always a desert. This is shown by fossils and cave paintings dating back to around 5,000 to 2,500 B.C., when the western stretches of the Sahara were savannah and animals like giraffes, antelopes and elephants prevailed. Little is known about the people who drew these cave paintings. They are known as *Bāḥfūr* people and

⁶⁴ In: ALEMANN, Stefano/Chiostrini, Rodolfo: *Saharawi...viaggio attraverso una nazione*. Bologna: EMI della Coop. Sermis, 2006. p.46.

⁶⁵ RÖSSEL: „Die Sahrauis hinterließen in ihrer langen Geschichte Spuren weit über die heutigen Grenzen hinaus. [...] Trotzdem umfasst die Westsahara in ihren heutigen Grenzen etwa das Kerngebiet, in dem sich über Jahrhunderte die Stammesgesellschaft der Nomaden entwickelte, die sich heute unter dem Oberbegriff "Sahrauis" zusammenfassen lassen – und die sich auch selbst so nennen. Das Wort „Sahraui“ ist von der arabischen Sahara abgeleitet, das nichts anderes bedeutet als Wüste. Sahrauis sind dementsprechend die „Bewohner und Bewohnerinnen der Wüste“. Heute tragen nur die Nomadenstämme im Westen diesen Namen.“ In: RÖSSEL: *Wind, Sand und (Mercedes-) Sterne*. p.28.

according to local Saharan tradition they were dark-skinned agriculturalists and stockbreeders. Progressive desertification over centuries and the increasingly inhospitable climate led to the extinction of the animals and forced human life to a nomadic existence. Tradition says that the Bāfūr people began taking refuge in the oases or started moving southwards in search of pasture, while, during the course of the first millennium B.C., Berber⁶⁶ nomads started migrating into the territory from the north.⁶⁷ These first Berber migrants were Ṣanhādja, one of the two main Berber groups of northwest Africa⁶⁸. They dominated the western stretches of the Sahara and were superior with the use of horses and iron against the remnants of the Neolithic population. But it was not until the arrival of the camel⁶⁹, that the Berbers gained the means to guarantee their survival and dominance in this increasingly arid and spreading desert.⁷⁰

The Arab geographer Ibn Ḥawqal reports in the 10th century in his *kitāb ṣūrat al-'arḍ* (كتاب صورة الارض) on the inhabitants of the Western Sahara:

“[...] Between Awdagħast and Sidjilmāsa there is another tribe of the remote Berber tribes who have never seen a city and they only know the isolated desert. [...] They know neither wheat nor barley nor flour and among them [the tribe] are some who only heard of those in stories. Their nourishment is milk products and sometimes meat. They

⁶⁶ The term *Berber* has negative connotations. According to Mohamed Tilmatine it derives from the Greek *barbaroi* and respectively from the Latin word *barbarus*. The Arabic root ر-ب-ب “*barbaric, uncivilized*” approximates the Greek and Latin meaning. The Berbers refer to themselves as *Imazighen* (Sg. *Amazigh*). The Encyclopédie Berbère translates *amazigh* as “*homme libre, noble*”. TILMATINE, Mohamed: *Zum Wortpaar “Berber” – “Amazigh”. Ein Beitrag zur terminologischen Vereinheitlichung und Klärung eines nicht lexikalischen Terminus*. p.18-19. In: *Muttersprache*, Vol.1 (1995), p.18-23.

And: *Encyclopédie Berbère*, IV, s.v. AmaziY (Amazigh). And: WEHR, Hans [ed.]: *A dictionary of modern written Arabic*. Wiesbaden: Harrassowitz, 1952. s.r. b-r-b-r.

⁶⁷ HODGES: *Western Sahara*. p.3.

⁶⁸ During the eight and ninth century the Ṣanhādja and the Zanāta were the two main Berber groups of northwest Africa. The Zanāta, despite their nomadic traditions, controlled the main oases and the trading centers of the northern fringes of the desert, while the Ṣanhādja lived in the south, in the desert itself, and were camel-herding nomads. EI² XI, s.v. Zanāta.

⁶⁹ PAZZANITA/HODGES describe the importance of the camel: “*In traditional nomadic society, the camel was the axis of the pastoral economy [...]. With a stomach capacity of up to 245 liters, the camel can go for days without drinking – five weeks in autumn or winter if pastures are good. Its ability to travel at least 69 km a day, and in exceptional cases as much as 120 km, allows it to take the best advantage of the dispersed and limited pastures. As a pack animal, the camel can take loads of up to 120-150 kg, making it ideal for long-distance trade in the days of trans-Saharan caravans. It was also a military asset, being well suited for the ghazzi. Camel’s milk was the foundation of the nomad’s diet, the females being able to produce usually about 5-7 liters a day [...]. The animal’s hair was used to weave the khaima, the Saharawi tent. Finally, the camel was traditionally a means of exchange and the main “export” of the nomads, beings sold for cereals, sugar, tea, cloth, and other necessities in the markets of southern Morocco [...].*” In: PAZZANITA/HODGES: *Historical Dictionary of Western Sahara*. p. 253.

⁷⁰ RÖSSEL: *Wind, Sand und (Mercedes-) Sterne*. p.31.

are persevering and strong like no one else. They have a ruler who reigns and guides them and whom the Ṣanhādja and the other people of this land esteem because they seize this path. They are fearless and courageous, chivalric cameleers, agile runners, strong and they have knowledge of the conditions of the desert, its shapes, the guidance in it and of the leading to its watering places through ledge and memorizing. [...] Except for their eyes, they [a few other Berber tribes are earlier mentioned in this text] and the Ṣanhādja never show anything of their face which they veil, growing up like this. And they claim that the mouth is the evil that needs covering like the private parts because what comes out of it [the mouth] is worse to them than what comes out of the private parts. They impose taxes on the commodity of those who pass them, for each camel and loading, and of those who return from the balad al-sūdān with gold dust. In this lies the base of some of their concerns. [...] All are allowed [to use] the land as pasture, for plantation and the water for watering the camels and the livestock. And a lot of them have nice colors, excellent advantages in their character and flawless bodies until you go southwards where their colors and complexions differ.”⁷¹

The camel arrived from the eastern Arab countries in about the first century B.C., revolutionizing the traditional trade routes of North Africa. The Berbers of the Western Sahara participated in the caravan trade and controlled the trade routes through the desert, but the Ṣanhādja were excluded from the main market towns like Sidjilmāsa (سجلماصة - in today's southeastern Morocco) and Awdaghast (أودغست - in today's southern Mauritania). Besides salt, gold and ivory, also slaves from the *bilād al-sūdān* “land of the black”, (as the Arabs called all African regions south of the Sahara) were trading goods between North Africa and West Africa. Surrounded by the Zanāta and the Soninke⁷², the Ṣanhādja for the time being, had been barred from breaking out of their harsh desert to the more pleasing pasturelands in the north and south.⁷³

After the first Arab expeditions to the Maghreb, Islam was introduced during the 7th and 8th centuries and the new faith achieved quick expansion. The Islamization of the Berber tribes brought about fundamental changes. The introduction of Islam provided commandments and laws, which went beyond tribal rules and therefore was an

⁷¹ IBN ḤAWQAL, Abū l-Qāsim an-Naṣībī: *kitāb ṣūrat al-'arḍ*. Ed. J.H. Kramers: *Opus geographicum auctore Ibn Ḥaukal ... titulus est “Liber imaginis terrae”*. Lugundi Batavorum 1873, Nachdruck 1967 (Bibliotheca Geographorum Arabicorum, Pars 2). p.101-103

⁷² The Soninke were the founders of the ancient empire of Ghāna, which was located in what are now southeastern Mauritania, western Mali and eastern Senegal. (see map on p.26)

⁷³ RÖSSEL: *Wind, Sand und (Mercedes-) Sterne*. p.31.

essential basis for the development of a common identity of the various nomadic tribes. Nevertheless, the Berbers were only superficially Islamized and many religious rites were still influenced by superstition and animism.⁷⁴ According to Ibn Khaldūn, around 1036 the great leader Yaḥyā b. Ibrāhīm al-Gudālī went on a pilgrimage to Mecca and became ashamed of his people's shallow knowledge of Islam and the level of illiteracy and ignorance of the Koran. He invited o Abdallāh b. Yāsīn, a very strict Mālikī of the southern Moroccan province of Sūs, to preach to the Ṣanhādja tribes. Ibn Yāsīn (and afterwards Abū Bakr b. A Umar) managed to recruit a loyal army of followers and subsequently launched a holy war, in order to eliminate the superstitious beliefs and practices still prevailing among the nomads.⁷⁵ The Ṣanhādja tribes (especially the Ṣanhādja sub-tribes Lamtūna, Gudāla and Massūfa)⁷⁶ rallied under a religious banner and began raiding their historic main rivals, the Zanāta Berbers to the north and the black Soninke to the south, and finally became known in European usage as "the Almoravids"⁷⁷. By seizing the main trading towns of the time, Sidjilmāsa and Awdaghast, they achieved a double victory and became masters of the Saharan trading routes in the middle of the 11th century.⁷⁸

During the Almoravid period the Islam, of an orthodox Sunnī stamp, became firmly implanted in the nomad's culture. The Almoravids preached a strict observance of Islamic law and the waging of war against the infidel. They marched north and by 1069 succeeded in conquering Morocco and subsequently Muslim Spain. In 1110, at the height of their power, the Almoravid Empire stretched from Saragossa to the Senegal River. In the following century the empire collapsed due to tribal rivalry and resumption of the Christian reconquista in Spain.⁷⁹

⁷⁴ TYDECKS, Reinhard: *Der Maghreb. Traditionelle Nomadenkultur, Geschichte des Kolonialismus, Krieg um die Westsahara*. Unkel/Rh.: Horlemann, 1991. p.19-20.

⁷⁵ RÖSSEL: *Wind, Sand und (Mercedes-) Sterne*. p.33-34.

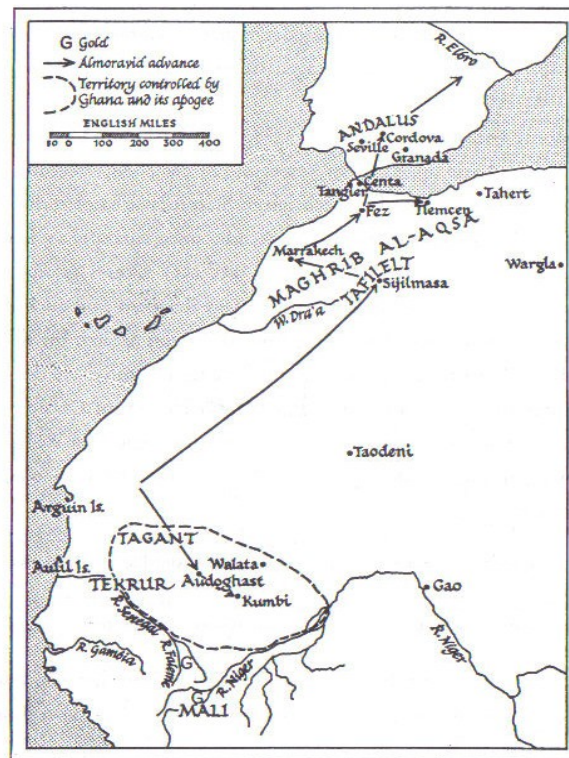
⁷⁶ EI² VII, s.v. al-Murābiṭūn.

⁷⁷ The Hispanicized term *Almorávides* derives from the Arabic *al-Murābiṭūn* (المرابطون). The EI² states: "This word was once assumed to be derived from a type of "warrior-monk" who inhabited a *ribāṭ*, a fortified convent on the frontiers of Islam [...] However, the Saharan *Murābiṭūn* may well have regarded their name as metaphorical, a spiritual discipline rather than a literal toponymic or geographical nomenclature attached to a convent or a retreat [...]" EI² VII, s.v. al-Murābiṭūn.

⁷⁸ RÖSSEL: *Wind, Sand und (Mercedes-) Sterne*. p.32-33.

⁷⁹ HODGES: *Western Sahara*. p.6-7.

In 1203 the Soninke recaptured the Ghāna Empire.⁸⁰



Extent of the Almoravid Empire⁸¹

3.2. GRADUAL ARABIZATION

The Arab invasions in the 7th and 8th centuries resulted in the Islamization of the Berber people, but the Ṣanhādja tribes stuck to their traditions, their culture and their Berber language. Very few Arabs had settled in the Maghreb and Arabic was hardly spoken outside the cities. Further south, the less the influence of Arab culture prevailed.⁸² It was not until the 11th century that the Arabization began, when Arab Bedouin tribes started a series of invasions in the Maghreb. Neither the Banū Hilāl (هلال بنو) nor the Banū Sulaym (بنو سليم) reached as far as the western Sahara. It was the bellicose MaMḳil (معقل), a Bedouin tribe that (presumably) originated in Yemen, who penetrated the western Sahara in the early 13th century, reaching the oases of the Dar a valley⁸³ and the Atlantic coast. Migrating westwards via Egypt, the MaMḳil were badly

⁸⁰ CREYAUFMÜLLER: *Nomadenkultur in der Westsahara*. p.28.

⁸¹ BOVILL, E.W.: *The Golden Trade of the Moors*. 2nd edition. Oxford: University Press, 1970. p.75.

⁸² CREYAUFMÜLLER: *Nomadenkultur in der Westsahara*. p.24.

In the following quoted as: CREYAUFMÜLLER: *Nomadenkultur in der Westsahara*.

⁸³ Dar a is the name of a river of south Morocco and concurrently gives name to a Moroccan province which stretches along the banks of this river. EI² II, s.v. DarE a.

received by the Zanāta Berbers, who were controlling the northwestern fringes of the Sahara. Among the MaMķil tribes pushed out of the territory, were the Banū Ḥassān (حسان بنو).⁸⁴ From the end of the 13th century, the Banū Ḥassān began migrating southwards from the Dars a valley into the western Sahara and established themselves in the territory.⁸⁵ They subjected all the Berber tribes of the region and made some pay tributes, others were forced to fight with them.⁸⁶

Between the 15th and 17th centuries the Banū Ḥassān extended their authority over most of today's Mauritania and the Western Sahara. Over the centuries, despite of sustained resistance and long lasting battles, the Banū Ḥassān gradually fused and intermarried with the Ṣanhādja tribes, giving birth to a new Arabic-speaking people with mixed ethnic origins – the *Moors*⁸⁷. In the course of time the Berber language almost entirely disappeared as did the Berber practice of veiling their faces.⁸⁸

In simple terms, the social anthropology of today's Ṣaḥrāwīs consequently can be traced back to a mergence of Arabs, Berbers and black Africans (due to miscegenation with slaves and their descendants).⁸⁹

Until the middle of the 20th century the Moors lived as pastoral nomads in the *trāb al-bīḍān* “the land of the whites”, (in contrast to the land of the black Africans to their south). Apart from the Atlantic coastline, there were no defined borders: The *trāb al-bīḍān* covered a huge territory of the Sahara: from the Dar a River in the north (today's south Morocco) to the banks of the Senegal River and the bend of the Niger,

⁸⁴ SEIWERT, Wolf-Dieter: *Maurische Chronik. Die Völker der Westsahara in historischen Überlieferungen und Berichten*. p.61-63.

⁸⁵ RÖSSEL: *Wind, Sand und (Mercedes-) Sterne*. p.35.

⁸⁶ CREYAUFMÜLLER: *Nomadenkultur in der Westsahara*. p.26.

⁸⁷ The term *Moor* has derivatives in almost all Western European languages. It probably derives from the Semitic *mahurīm*, “people of the west”, and passed into the Greek *mauros* and the Latin *maurus*. The Christian Spaniards e.g. used the term *moros* to name the Muslim conquerors of Berber and Arabic parentage. EI² VII, s.v. Moors.

In this paper *Moor* is used to refer to an ethnic group, to a collection of tribes, speaking the Ḥassāniyya Arabic dialect, who are of Arab-Berber heritage, fair-complexioned and who mainly live in Mauritania, Western Sahara, southern Morocco, western Algeria, Mali and surrounding territories.

⁸⁸ CREYAUFMÜLLER: *Nomadenkultur in der Westsahara*. p.31.

⁸⁹ HODGES: *Western Sahara*. p.8.

and from the Atlantic coast to a series of almost impenetrable dune zones in the inner Sahara (what is now eastern Mauritania).⁹⁰

The Ṣaḥrāwī called themselves “sons of the clouds” for their life followed the pattern of seasonal transhumance in the constant search of water, pastures and other necessities such as salt.⁹¹

3.3. LANGUAGE

The Banū Ḥassān spoke Ḥassāniyya (حسانية), an Arabic dialect which is structurally and phonetically pretty close to Ancient Arabic⁹². By the 19th century at the latest, Ḥassāniyya was adopted by nearly all the tribes of predominately Ṣanhādja. The dialect has evolved little, some words from the Berber dialect and of Sudanese origin (especially for naming local features like plants, animals or geographical terms etc.) were absorbed.⁹³ Nowadays Ḥassāniyya is spoken in the Western Sahara, Mauritania, southern Morocco, southwestern Algeria and parts of Mali.⁹⁴

3.4. TRIBALISM⁹⁵

The tribe (قبيلة – ḳabīla) was the historical basis of the social and political organization among the Ṣaḥrāwī society and these tribal structures basically remained up to the 20th century. Hodges states that “*there was a very strong sense of agnatic solidarity [...], because the tribe constituted the ultimate source of security for the individual in the*

⁹⁰ HODGES: *Western Sahara*. p.8-9.

⁹¹ PAZZANITA/HODGES: *Historical Dictionary of Western Sahara*. p.4.

⁹² Ḥassāniyya is a Bedouin dialect and despite the influence of the substrate, it has more in common with eastern Arabic dialects than with the Maghreb ones. Ḥassāniyya is a relatively conservative language and its main characteristics are: preservation of the interdental consonants, genitive conjunction without preposition and no use of particles in order to express the present time. For more information see: VERSTEEGH, Kees [ed.]: *Encyclopedia of Arabic language and linguistics*. Volume II. Eg-Lan. Leiden/Boston: Brill, 2007. s.v. Ḥassāniyya Arabic, p.240-250.

⁹³ MERCER: *Spanish Sahara*. p.138.

⁹⁴ PAZZANITA/HODGES: *Historical Dictionary of Western Sahara*. p.216-217.

⁹⁵ Tribalism in the Western Sahara is a very complex issue and the process of interaction between tribes of Ṣanhādja and MaMḳil origin is a very complicated one. The analysis of the social system as well is a very complex and difficult scientific task and would go beyond the scope of this paper. In the following only a very simplified overview will be given. For more details about social and ethnic hierarchy within the Western Saharan tribes, see: HODGES, Tony: *Western Sahara. The Roots of a Desert War*. Connecticut: Lawrence Hill & Company, 1983.

anarchic world of the desert, where raiding between tribes was frequent.”⁹⁶ Today’s known tribal structures and the stratified social structures developed after centuries of wars, alliances, tribal fusions and migrations between the 17th and 19th century.⁹⁷ Every Ṣaḥrāwī *qabīla* claimed to have a founder and from this ancestor the members of the tribe descended. The tribe was subdivided into a series of sub-tribes (فخذ - *fakhdh*), each usually founded by a close descendant of the founder of the *qabīla* and in turn those sub-tribes were segmented into fractions.⁹⁸

The fusion between the Ṣanhādīja and the Banū Ḥassān gave rise to a stratified social system that characterized the nomadic society of Western Sahara and Mauritania⁹⁹. Within the nomads tribes and groups of acutely different status and prestige existed:

3.4.1. The free and notables – *ahl mdāfīa* and *ahl kutub*

The *ahl mdāfīa* “people of the gun”, the cast of the warriors, were powerful tribes who called themselves *w arab* or *ḥassān*¹⁰⁰ and enjoyed the highest prestige. They exacted payment for protection from the less powerful ones. Most of the warrior tribes can verify their Arab ancestry (e.g. the Ūlād Delīm). Regular *ghazwas*¹⁰¹ “raids, incursions”, against other tribes guaranteed their wealth.¹⁰²

Some of the Ṣanhādīja gave up the sword for the book, becoming *zwāya* tribes (religious brotherhoods), who dedicated their life to religious study and teaching. The *ahl kutub* “people of the book”, claimed to be direct descendants of the Prophet

⁹⁶ HODGES: *Western Sahara*. p.10.

⁹⁷ CREYAUFMÜLLER: *Nomadenkultur in der Westsahara*. p.31.

⁹⁸ For a list of Ṣaḥrāwī tribes/subtribes/fractions, see Appendix I.

⁹⁹ RUF, Urs Peter: *Mobile Sesshafte. Sedentarisierung und Geschichte der Nomaden in Mauretanien*. Saarbrücken: Verlag für Entwicklungspolitik, 1995. p.21.
In the following quoted as: RUF: *Mobile Sesshafte*.

¹⁰⁰ SCHRAMM: *Die Westsahara*. p.94.

¹⁰¹ PAZZANITA/HODGES: “[...] *Raiding was such an intrinsic part of traditional Sahrawi society that it sometimes ranked in economic importance with livestock herding and trading. The methods, rules, and obligations associated with it were virtually institutionalized. The harsh desert environment and the pastoral nomadic way of life of the Sahrawis encouraged raiding. There was no supratribal state to maintain order.[...] The very practice of nomadic livestock-raising provided a ready supply of animals suited to military use (camels) and provided skills and techniques (knowledge of terrain, riding skills, great mobility) of obvious military application. Finally, the competition between groups for livestock engouraged violence, though the almost endless raiding could ruin as well as enrich those that practiced it. Saharawi society in general was militarized by the ghazi.*” PAZZANITA/HODGES: *Historical Dictionary of Western Sahara*. p.179.

¹⁰² The object of a *ghazw* (colloquial *ghazu*) was the acquisition of booty, namely camels, which could give the only economic security in an harsh desert area. EI² II, s.v. *Ghazw*.

Muḥammad to enhance their religious credibility. But since most of the *ahl kutub* were actually of Berber origin, they almost invariably manipulated their genealogy by intermarrying or through entering into contracts, in order to verify their parentage from the Prophet.¹⁰³ The high status of the warriors and scribes is mainly ascribed to the tough survival conditions of the desert, where you needed a gun and trust in God.¹⁰⁴

3.4.2. The dependents – *znāga* and *a abīd*

The *znāga* were dependent tribes and they were forced to pay tribute (حرمة - ḥurma) to powerful warrior tribes. These tributes usually were a goat or a sheep and in return the warriors protected the *znāga* against other tribes.¹⁰⁵

The first *T abīd* “slaves”, were of the Bāfūr people and later slaves were acquired of the black African countries south of the Sahara, either on the caravan markets or through raids. The status of a slave¹⁰⁶ was hereditary and therefore many generations of one slave family stayed with the same nomadic family and hence formed part of the tribe. Occasionally slaves were freed who were known as *ḥarāṭīn*.¹⁰⁷

3.4.3. The scorned

¹⁰³ HODGES: *Western Sahara* .p.44.

¹⁰⁴ *ibid.*, p.43.

¹⁰⁵ *ibid.*, p.10.

¹⁰⁶ Creyaufmüller in „Völker der Sahara –Mauren und Tuareg“ about the term *slave* in the Western Sahara: “Dieses Wort hat vielfach einen Bedeutungsinhalt, der harte Unterdrückung, körperliche Misshandlung und Schlimmeres einschließt, so wie es von den Sklaven in Amerika immer wieder berichtet wird. In den saharischen Gesellschaften kommt dem Sklavenstatus eine andere Bedeutung zu. Zwar konnte ein Sklave gekauft und verkauft werden (was selten vorkam) und durfte auch keinen oder nur geringen Besitz erwerben, musste andererseits aber von seinem Herrn unterhalten werden; Sklavenstatus schließt automatisch die Altersfürsorge, die der Herr zu geben hat, mit ein. Ebenso bekam jeder Sklave nach einem abgeschlossenen Handel, z.B. Kamelverkauf, einen gewissen Erlös ab in Form neuer Kleidung, Tee oder ähnlichem. Wurde ein Sklave geschlagen oder anderweitig misshandelt, konnte er – ohne Strafe befürchten zu müssen – seinen alten Herren verlassen und sich einem anderen unterordnen. „Sklave“ und „Herr“ standen immer in einem wechselseitigen Abhängigkeitsverhältnis, was dazu führte, dass viele Sklaven auch nach ihrer Befreiung bei ihren alten Herren blieben.“ Cited in: RÖSSEL: *Wind, Sand und (Mercedes-) Sterne*. p.46-47.

¹⁰⁷ The exact etymology of *ḥarṭānī* (pl. *ḥarāṭīn*) is not known. Creyaufmüller suggests that it derives from the Arabic *ḥurr* “free”, and *ṭhānī* “second”. CREYAUFMÜLLER: *Nomadenkultur in der Westsahara*. p.58. The EI² also mentions this explanation as *ḥurr ṭhānī* “men who had become free, a freedman”, but states it as unfounded. EI² III, s.v. *ḥarṭānī*.

At the bottom of the social scale were groups laboring in demeaning occupations like *mm allamīn* “craftsmen”, *īggāwan* “bards”, *imwragen* “fishermen”, and *nmādi* “hunters”. These groups rarely formed tribes of their own.¹⁰⁸

It is important to note, that the above-mentioned order must not be regarded as a rigid system. Shifting took place, i.e. prestige could increase but also decrease through e.g. a marriage in a new tribe.¹⁰⁹ Creyaufmüller writes about this nomadic social order:

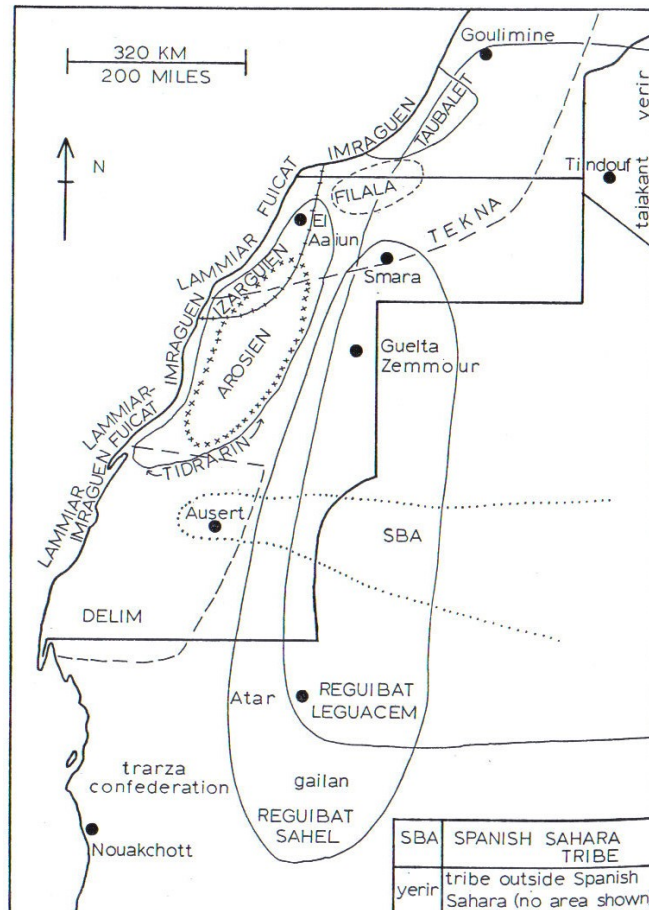
“Dies alles [...] ist zusammen zu denken und darüber hinaus flexibel, lebendig, dynamisch zu denken, mit Auf- und Abstiegen, Umschichtungen, ruhiger während mancher Perioden, heftiger bewegt in anderen Zeiten. Denkt man dies alles bewegt und netzartig verwoben, hat man als Außenstehender einigermaßen reale Vorstellungen von der maurischen oder westsaharischen Gesellschafts- und Sozialordnung. Erst dann läuft man nicht in Gefahr, die als hierarchisch beschriebene Ordnung als starres Schema aufzufassen, was es weder in horizontaler noch vertikale Gliederung jemals war [...].”¹¹⁰

¹⁰⁸SCHRAMM, Josef: *Die Westsahara. Geographische Betrachtungen einer mehrrassischen Gesellschaftsordnung der westsaharischen Viehzüchter in der Berührung mit der modernen Industriegesellschaft*. Freilassing: Pannonia-Verlag, 1969. p.101-104.

In the following quoted as: SCHRAMM: *Die Westsahara*.

¹⁰⁹RÖSSEL: *Wind, Sand und (Mercedes-) Sterne*. p.43.

¹¹⁰CREYAUFMÜLLER: *Nomadenkultur in der Westsahara*. p.55.



The tribal regions of the Western Sahara's nomads¹¹¹

The biggest and most significant tribes were the *ahl mdāfi'a* tribes of the Ūlād Delīm (in the south and at the coast), the Regueibat (in the center of the Western Sahara) and the Tekna¹¹² (in the north).¹¹³

According to the Spanish census of 1974, 37,972 out of 73,497 officially registered Ṣaḥrāwīs were Regueibat, followed by about 11,530 Tekna and third is the Ūlād Delīm with 5,382 people.¹¹⁴

As a result of increased employment opportunities in the Spanish colony's cities, the succession of droughts, armed conflicts and refugee movements, nomadism had ended

¹¹¹ MERCER: *Spanish Sahara*. p.127.

¹¹² MERCER reports that up to the 19th century the Ūlād Delīm was one of the most important and dominant warrior tribes. They claim descent from Delīm, who was one of the sons' Ḥassān (the assumed ancestor of all the Banū Ḥassān), and therefore are probably among the purest Arabs of the Sahel. In contrast, the tribes of the Tekna on the northwestern borders of the Sahara seem to be the product of a fusion of Banū Ḥassān and Ṣanhādja peoples and the Tekna partly still speak the Berber language. In: MERCER: *Spanish Sahara*. p.125.

¹¹³ RÖSSEL: *Wind, Sand und (Mercedes-) Sterne*. p.52-54.

¹¹⁴ PAZZANITA/HODGES: *Historical Dictionary of Western Sahara*. p.356.

completely by the late 1970s and the Ṣaḥrāwīs had settled either in the few towns of Western Sahara itself or in the neighboring countries.¹¹⁵

3.5. POLITICAL POWER – THE djamāa A

The Ḥassāniyya Ṣaḥrāwī society had no stable and centralized governing authority.¹¹⁶ The conditions of the vast and harsh desert, in which small nomadic groups had to wander about over huge areas in search of pastures, was not adjuvant to the rise of complex state structures.¹¹⁷ The Ṣaḥrāwīs' prime loyalties hence were to the tribe, fraction and family. Lawmaking, conflict resolution (e.g. responsibility for blood debts), political and central decision-making (e.g. finding marrying partners) within the tribe was carried out by the djamāa a (جماعة), a gathering composed of elders and the most respectable persons of the tribe. In other words it acted as a combined executive, legislative and judicial authority. The djamāa a elected the group's leader (شيخ - shaykh), appointed the judge (قاض - kāḍī) and established its own body of law (عرف - urf): Based on the sharī a (شريعة), Berber customs as well as Arab traditions were incorporated. This collective decision making through the djamāa a shows, that Ṣaḥrāwī society was quite democratic, although women, slaves and members of the scorned caste were excluded. The decisions of the djamāa a were obligatory for every individual. Anyone who refused to obey its decision could be expelled from the tribe.¹¹⁸

For deliberating on topics such as the tribe's defense, especially in times of war or raids, the *aīt arbaī ayn* "council of forty", would gather. This was a war council, an

¹¹⁵ cf. chapter 4.3.

¹¹⁶ RÖSSEL: *Wind, Sand und (Mercedes-) Sterne*. p.60.

¹¹⁷ GRANCY, Christine de: *Die Saharaouis. Söhne und Töchter der Wolken. Von der stillen Revolution der Polisario. Ein photographischer Essay*. Nördlingen : Greno Verlagsgesellschaft m.b.H., 1987. p.121.

¹¹⁸ CLAUSEN, Ursel: *Der Konflikt um die Westsahara*. Hamburg: Verbund Stiftung Deutsches Übersee-Institut, 1978. p.12.

In the following quoted as: CLAUSEN: *Der Konflikt um die Westsahara*.

assembly of various tribes, sub-tribes and fractions in order to organize the community against foreign invasion or other supratribal concerns.

Except for the brief unifying of the Almoravid movement, no supratribal authority existed to regulate the relations between the wandering and independent Ṣaḥrāwī tribes.¹¹⁹

4. EUROPEAN COLONIZATION

4.1. SPANIARDS IN THE WESTERN SAHARA

European explorers first emerged at the Western Sahara coast in the 14th and 15th centuries. It was Portugal and Spain, the two great mercantile powers back then, who set sail for the dreaded *mare tenebrosum*¹²⁰ (sea of darkness), as the coast south of the Cape Boujdour¹²¹ was known.¹²²

During the late 19th century France was the major colonial power in Africa and had already conquered most of North and largely West Africa. This included Algeria,

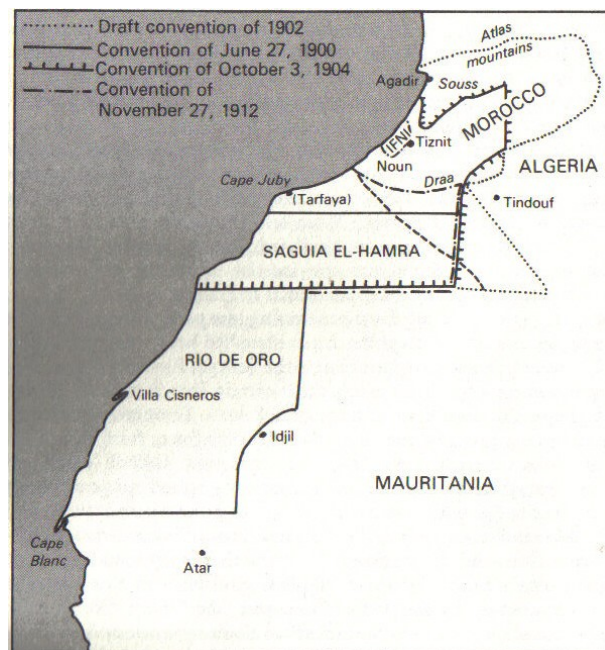
¹¹⁹ HODGES: *Western Sahara*. p.14-15.

¹²⁰ At that time Cape Boujdour had been the southernmost landmark on the Saharan coast to be charted by medieval European seamen and cartographers. The Encyclopaedia Britannica notes that the Cape's Arabic name is Abū Khaṭar (ابو خطر), “the father of danger”. Encyclopaedia Britannica, online version www.britannica.com, s.v. Cape Bojador. [26.05.2008]

¹²¹ Spain's and Portugal's attention on the African continent back then was mainly driven by their interest in slaves and gold. BARBIER: *Le conflit du Sahara Occidental*. p.31-32.

¹²² HODGES, Tony: *Western Sahara*.p.17.

Mauritania and from 1912 Morocco. France sought to extend its possessions and wanted to encroach upon the interior of the Sahara.¹²³ Spain feared that it would lose its control of North Morocco (Ceuta and Melilla) and the Canary Islands and that another European power might gain control of this coast so close to these islands. Hence, at the instigation of the *Sociedad Española de Africanistas y Colonistas* and the *Compania Comercial Hispano-Africana*, Spain set up a trading and military post at Dākhlā, which was to become the settlement of Villa Cisneros and declared a 'protectorate' over the costal region from Boujdour to Cape Blanc in 1884.¹²⁴ This was ratified at the Berlin Conference in the following year, where Africa was carved up among the European powers, and Spain was given jurisdiction over the coastal area of present-day Western Sahara.¹²⁵ The borders of the Spanish colony were subsequently extended and defined by three partly secret conventions between France and Spain in 1900, 1904 and 1912 and gave Spain full sovereignty over Río de Oro and Sāḳīyat al-Ḥamrā'. The conventions furthermore specified that the territory around Ṭarfāya (the so-called *Tekna Zone*¹²⁶) was part of Spain's protectorate zone in Morocco.¹²⁷



¹²³ RÖSSEL: *Wind, Sand und (Mercedes-) Sterne*. p.82.

¹²⁴ *ibid.*, p.84.

¹²⁵ *ibid.*

¹²⁶ This denomination derives from the fact that the area around Ṭarfāya traditionally formed part of the nomadic region of the Ṣaḥrāwīs and was predominately inhabited by the Tekna tribe. PAZZANITA/HODGES: *Historical Dictionary of Western Sahara*. p.426.

¹²⁷ HODGES, Tony: *Western Sahara*. p.47-48.

4.2. MĀ' AL-- AYNAYN AND THE DJIHĀD AGAINST THE INFIDELS

Entering the area in 1884, Spain was immediately challenged by heavy resistance from the indigenous Ṣaḥrāwī tribes and attempts to actually conquer the Western Saharan inland failed at nomadic resistance.¹²⁹ The political loyalty of these populations was first and foremost to their respective tribes and supratribal allegiances.¹³⁰ The nomadic lifestyle made direct control over the territories hard to achieve, as did the conditions of the harsh desert itself.¹³¹ Until 1934 Spain widely forwent an “active” colonization and thus the interior of the Western Sahara fighters offered the possibility to retreat and reorganize the resistance.¹³² The new arbitrary drawn borders also affected the surrounding countries of Morocco, Algeria and Mauritania. Mā' al-s Aynayn¹³³, a Mauritania-born religious and political leader, felt increasingly disturbed by the European encroachment on the Atlantic coast of the Sahara, which he viewed both as an intrusion into the desert by hostile Europeans and as a Christian assault on Islam. Determined by his religious zeal, Mā' al-D Aynayn began agitating for resistance, allied various tribes and launched a djihād against the colonial powers France and, to a lesser degree, against Spain.¹³⁴ Furthermore he built Ṣmāra, the first city in the Sahara, as a cultural, religious and political center.¹³⁵ After his death in 1910, a wave of uprisings continued under his sons Aḥmad al-Hiba and Murabbīh Rabbuh.¹³⁶ In 1912

¹²⁸ Firstly, France and Spain agreed upon the southern border, which still conforms to today's boundary line. The eastern border followed. The weird bend in the southeast of Western Sahara is because France persisted on keeping the lucrative salt stock in Idjil. With the next two treaties the northern border was defined. HODGES: *Western Sahara*.p.46.

¹²⁹ RÖSSEL: *Wind, Sand und (Mercedes-) Sterne*. p.85.

¹³⁰ cf. chapter 3.5.

¹³¹ RÖSSEL: *Wind, Sand und (Mercedes-) Sterne*. p.85.

¹³² *ibid.*, p.90.

¹³³ Mā' al- Aynayn “water of both eyes”, was born in 1831 and his real name was Muḥammad al-Muṣṭafā. As to the significance of his sobriquet, uncertainty remains. EP V, s.v. Mā' al-a Aynayn.

¹³⁴ HODGES: *Western Sahara*. p.55-65.

¹³⁵ EP V, s.v. Mā' al- Aynayn

¹³⁶ *ibid.*

France defeated this resistance movement in Marrakesh and the rebels finally retreated into the south, where resistance continued.¹³⁷

With the persistent Ṣaḥrāwī resistance, France intensified its military campaign in Mauritania and also made many incursions into Sāḩiyat al-ḩamrā'. France put pressure on Spain to stop allowing its Saharan territory to be used as a sanctuary by anti-colonial forces staging *ghazwas* against French positions in the neighboring territories.¹³⁸ Only with strong French military assistance, Spain, for the first time, was finally able to penetrate into the interior of present-day Western Sahara, subdue it and gain military control of "its" colony from the 1930s.¹³⁹

4.3. SPAIN PENETRATES THE INTERIOR

As already mentioned, Spain's control in the Western Sahara was still confined to a limited presence along its three coastal staging posts at Villa Cisneros, La Guera and Ṭarfāya until 1934¹⁴⁰. But through the abatement of resistance by the end of this year, Spain was able to strengthen its position in the territory and finally occupied Ṣmāra.¹⁴¹ In 1919, only about 460 Europeans lived in the Western Sahara and this number did not increase until the 1930s following an economic upturn.¹⁴² However, the Spanish attempts to settle the nomads in those small colonial positions failed at the first. The Ṣaḥrāwīs pursued to live as nomads in their traditions, and this

¹³⁷ GNIDIL, Abdelfadil: *Die völkerrechtliche Lage der ehemaligen Spanischen Sahara*. Inaugural-Dissertation zur Erlangung der Doktorwürde der Juristischen Fakultät der Eberhard-Karls-Universität Tübingen, 1987. p.22.

In the following quoted as: GNIDIL: *Die völkerrechtliche Lage der ehemaligen Spanischen Sahara*.

¹³⁸ GNIDIL: *Die völkerrechtliche Lage der ehemaligen Spanischen Sahara*. p.2-3.

¹³⁹ RÖSSEL: *Wind, Sand und (Mercedes-) Sterne*. p.90.

¹⁴⁰ PAZZANITA/HODGES: *Historical Dictionary of Western Sahara*. p.7-8.

¹⁴¹ RÖSSEL: *Wind, Sand und (Mercedes-) Sterne*. p.114.

¹⁴² BRENNENSEN: *Perspektiven des Sahrauischen Nationalismus im Rahmen der Maghrebinischen Integration*. p.95-97.

didn't change until the 1960s.¹⁴³ Nevertheless, the Ṣaḥrāwīs didn't welcome the quite unobtrusive attitude of the Spaniards. One Ṣaḥrāwī told the Spanish anthropologist Julio Caro Baroja in the 1960s: "*All are znaga now. That is to say, we all now have to adjust ourselves to laws which are not ours, put up with the control of arms, property and so on, imposed by more powerful people. The only man of the gun now is the soldier of the government.*"¹⁴⁴

The opportunity to fight for freedom soon presented itself.

In the 1960s the whole Maghreb was characterized by strong independent movements and most of the British and French colonies in Africa had already gained independence. In response to colonialism, the *Front de Libération Nationale* (FLN) had been struggling for independence in Algeria since 1954, while the *Armée de Libération* (AL) did the same in Morocco from 1955.¹⁴⁵ These independence movements, especially the AL¹⁴⁶, inspired many Ṣaḥrāwīs to take up arms against the Spanish and French colonial powers. From mid-1956 the Ṣaḥrāwīs began to enroll in the Moroccan *Armée de Libération* who provided the new members¹⁴⁷ with leadership and arms and soon the Ṣaḥrāwīs formed their own guerilla wing of the AL.¹⁴⁸ At this stage, however, it was hardly a nationalist movement, as the main concern was to drive out foreign rule in the region rather than to build a nation. The strategy of this guerilla

¹⁴³ Hodges states that "*In many respects the Sahrawis' way of life continued as it had for hundreds of years. Very few Sahrawis came to live in the small Spanish settlements before the sixties. The vast majority remained nomads and, as such, they were more or less left to their own devices by the Spanish, who, despite establishing garrisons in the interior in 1934, could not hope to bring the dispersed nomadic communities under their direct administrative control and made no attempt to tax them. The Sahrawi fractions continued to administer their own affairs through their traditional djemaas and to apply their own codes of justice, the customary orf law and the koranic sharia.*" In: HODGES: *Western Sahara*. p.70.

¹⁴⁴ Quoted in: CARO BAROJA, Julio: *Estudios Saharianos*. And cited by: HODGES: *Western Sahara*. p.71.

¹⁴⁵ HODGES: *Western Sahara*.p.73.

¹⁴⁶ The AL remained even after Morocco achieved independence in 1956. Rössel defines the reasons: „*Der nationale Widerstandsrat der „Befreiungsarmee“ kritisierte die Kompromissbereitschaft des neugekrönten marokkanischen Herrschers(Mohammed V) gegenüber Frankreich.*“ Furthermore he writes: „*Das von den französischen Siedlern, den Colons, zuvor beschlagnahmte Land wurde nicht – wie im Unabhängigkeitskampf versprochen – enteignet und an Marokkaner verteilt. Darüber hinaus beschwerte sich die „Befreiungsarmee, dass der neue Koenig Mohammed V der weiteren Präsenz französischer Truppen im Land zugestimmt hatte[...].*“ In: RÖSSEL: *Wind, Sand und (Mercedes-) Sterne*. p.118.

¹⁴⁷ It was especially members of the Regueibat and Tekna tribes who fought in the AL against the colonial presence. RÖSSEL: *Wind, Sand und (Mercedes-) Sterne*. p.118.

¹⁴⁸ *ibid.*

movement was to primarily drive the French out of Mauritania and Algeria because without France by its side, Spain would not be able to continue holding the fort.¹⁴⁹

This guerilla movement was the most serious challenge to the Spanish authorities in the Western Sahara since the early years of the colony. Spain was forced to withdraw all its garrisons from the interior, including Šmāra, in order to defend a few strategic enclaves on the coast¹⁵⁰ until the arrival of reinforcements and the launching of a Franco-Spanish counterinsurgency campaign.¹⁵¹ In February 1958 the revolt was finally put down by a joint offensive, known as *Operation Ouragan*.¹⁵²

According to Hodges, 5,000 French troops and 9,000 Spanish troops backed by scores of aircraft, staged a counterinsurgency sweep through Western Sahara defeating the guerilla forces whose remnants fled north.¹⁵³

The crushing of the Šaḥrāwī AL became possible with the complicity of the newly independent Moroccan government who helped to cut off the movement's source of supplies and munitions from southern Morocco and who disarmed and disbanded the remnants of the guerilla movement.¹⁵⁴ As a result of its help in fighting the Šaḥrāwī rebels, Spain handed the Tekna Zone over to Morocco through the *Agreement of Cintra* in April 1958.¹⁵⁵ For more than a decade armed Šaḥrāwī resistance was laid to rest and the next guerilla attacks were not to come until 1973, after the founding of the Frente POLISARIO.

The brutality used by the colonial powers in shattering the resistance¹⁵⁶ led to the first major refugee movement. Several thousand Šaḥrāwīs settled at that time in southern Morocco to either escape the fighting or to join the guerilla's rear bases. Morocco announced in March 1958, that it had received 13,000 Šaḥrāwī refugees.¹⁵⁷

¹⁴⁹ RÖSSEL: *Wind, Sand und (Mercedes-) Sterne*. p.118.

¹⁵⁰ CLAUSEN: *Der Konflikt um die Westsahara*. p.11.

¹⁵¹ RÖSSEL: *Wind, Sand und (Mercedes-) Sterne*. p.117.

¹⁵² *ibid.*, p.120.

¹⁵³ HODGES: *Western Sahara*.p.80.

¹⁵⁴ RÖSSEL: *Wind, Sand und (Mercedes-) Sterne*. p.121.

¹⁵⁵ RÖSSEL: *Wind, Sand und (Mercedes-) Sterne*. p.121.

¹⁵⁶ According to Rössel, the Spanish and French troops empoisoned the wells of the nomads, destroyed their tents and bombed their livestock. RÖSSEL: *Wind, Sand und (Mercedes-) Sterne*. p.120.

¹⁵⁷ PAZZANITA/HODGES: *Historical Dictionary of Western Sahara*. p.58.

After the cession of the Tekna Zone by Spain to Morocco, many of these Ṣaḥrāwī refugees began to settle down in this zone. A severe drought in 1959 to 1963 wiped out much of the nomad's livestock and consequently encouraged settling in the southern Moroccan settlements like e.g. Ṭarfāya (طرفاية), Ṭāntān (طنطان) and further north, Kulmīm (كلميم).¹⁵⁸ In this period Ṣaḥrāwīs, driven by economic as well as political factors, also started settling in the small growing towns of Western Sahara, and in centers like Tindūf (تندوف) in Algeria and Zouerate in Mauritania.¹⁵⁹

4.4. ECONOMIC EXPANSION AND SEDENTARIZATION

After World War II, the Spanish colony was almost a forgotten one. Except for the fishing, there were no earnings from the Western Sahara and hardly anything was invested in it.¹⁶⁰ Imports to Western Sahara were 20 times higher than its exports¹⁶¹, still only a handful of settlements were administered by the Spanish. However, economic and political developments decisively changed the entire Western Sahara situation when, in the late 1950s, a Spanish geologist discovered high-grade phosphates and ore deposits and consequently deepened colonial interest in the Western Sahara again.¹⁶² The *Empresa Nacional Minera del Sahara* (ENMINSA)¹⁶³ was founded in 1962 and began the extraction of phosphate at Bou Craa in 1972.¹⁶⁴ In order to ensure the Spanish interests, the Western Sahara was declared a Spanish province and al-a Uyūn, so close to Bou Craa, became the capital in 1961.¹⁶⁵ The budget for the colony was increased many times over, state-owned companies were investing heavily in the territory (to explore for oil or exploitable minerals) and the administrative and economic infrastructure was developed rapidly and massively.¹⁶⁶ Suddenly the European settlements grew from a total of 1,710 to 9,726 during 1958 to

¹⁵⁸ HODGES: *Western Sahara*.p.82.

¹⁵⁹ RÖSSEL: *Wind, Sand und (Mercedes-) Sterne*. p.122.

¹⁶⁰ HODGES: *Western Sahara*.p.69-70.

¹⁶¹ GUPTA, Rakesh: *Sahrawi Society. Transition, Resistance and Polisario*. New Delhi: Patriot Publishers, 1988. p.19.

In the following quoted as: GUPTA: *Sahrawi Society*.

¹⁶² GUPTA: *Sahrawi Society*. p.19-20.

¹⁶³ The function of the ENMINSA was to analyze the discovered minerals concerning their economic usability. BRENNISEN: *Perspektiven des Sahrauischen Nationalismus im Rahmen der Maghrebinischen Integration*. p.110.

¹⁶⁴ RÖSSEL: *Wind, Sand und (Mercedes-) Sterne*. p.124.

¹⁶⁵ GUPTA: *Sahrawi Society*. p.18.

¹⁶⁶ RÖSSEL: *Wind, Sand und (Mercedes-) Sterne*. p.130.

1967 (excluding the military and foreign legion staff). By 1974 the number doubled to 20,126 Spaniards in the Western Sahara.¹⁶⁷

The defeat in the Operation Ouragan, its following Ṣaḥrāwī mass escape and additionally the severe catastrophic drought led to crucial changes in the Saharawi nomadic society. Many Ṣaḥrāwīs lost their livestock, thus their basis of life and were now forced to abandon nomadism to settle and look for work in the growing colonial towns of the Western Sahara itself as well as in the neighboring territories (especially Ṭānṭān, Tindūf and Zouerate).¹⁶⁸ Not more than a village in the 1950s, al-a Uyūn grew to a big city having 29,000 inhabitants of which only one-third was Spanish in 1974.¹⁶⁹

Many Ṣaḥrāwīs were unskilled laborers or became cheap labors working in the phosphate mines at Bou Craa.¹⁷⁰

Unlike the trend of decolonization in the 1960s, Spain, with the newly discovered wealth, had no intention of preparing its colony for self-rule. In fact, in 1962, Spain tried to involve the Ṣaḥrāwī tribal chiefs in the Spanish administration by creating territorial *djamāa* as, a series of locally based advisory councils.¹⁷¹ But Spain did not succeed in its attempts to keep the Western Sahara away from the decolonization process through formal political and administrative involvement. Moreover the rapid social change in the Ṣaḥrāwī society encouraged the birth of a new modern form of an opposition that went beyond the tribal forms of resistance.¹⁷²

4.5. TERRITORIAL DISPUTES AND THE ADVISORY OPINION OF THE ICJ

¹⁶⁷ *ibid.*

¹⁶⁸ PAZZANITA/HODGES: *Historical Dictionary of Western Sahara*. p.10.

¹⁶⁹ RÖSSEL: *Wind, Sand und (Mercedes-) Sterne*. p.130.

¹⁷⁰ Rössel about the Ṣaḥrāwī social change: „1974 wurden – nach einer spanischen Volkszählung – 8000 lohnabhängige Sahrauis gezählt. Auch wenn die Volkszählung kaum alle traditionellen Bewohner der Westsahara erfasst hat, zeigen ihre Ergebnisse doch, mit welcher Geschwindigkeit sich das traditionelle Nomadenleben in der Westsahara von Anfang der sechziger bis Mitte der siebziger Jahre verändert hatte. Danach stellten die Sahrauis 5465 Hilfsarbeiter in der Kolonie, 435 Industriearbeiter, 707 Fahrer, 190 Büroangestellte, 141 Lehrer (fast ausschließlich für Koranschulen) sowie 134 Soldaten und Polizisten. Andere Sahrauis versuchten in den Städten weiter ihrem traditionellen Lebenserwerb als Händler nachzugehen.“ RÖSSEL: *Wind, Sand und (Mercedes-) Sterne*. p.130-131.

¹⁷¹ HODGES: *Western Sahara*.p.139.

¹⁷² cf. chapter 5.

In 1962 the UN General Assembly established the (decolonization) *Committee of 24* to monitor and advice on the implementation of the *Declaration on Decolonization*¹⁷³ and in 1963 Western Sahara was included on its list of non-self-governing territories.

Thereafter the United Nations urged Spain to hold a referendum on self-determination in the territory. The General Assembly adopted its first resolution on Western Sahara in 1965 requesting Spain to decolonize the territory. Subsequently the Western Saharan question was regularly considered by the UN requesting Spain – each year between 1967 and 1973 – to organize a referendum on self-determination under UN supervision.¹⁷⁴ Algeria, Mauritania, as well as Morocco endorsed the calls for self-determination being made at the UN and the implementation of a referendum. (But Morocco and Mauritania were privately seeking a bilateral solution.¹⁷⁵) In 1973, as a result of growing international pressure, along with effective POLISARIO¹⁷⁶ military assaults, Spain finally agreed to hold a referendum on self-determination under UN auspices during the first six months of 1975.¹⁷⁷

Major changes for Northwest Africa were to come about: Independence was already gained by Morocco (1956), two new states emerged, Mauritania (1960) and Algeria (1962) and the Ṣaḥrāwīs were not alone in desiring control over the Western Sahara.

At its accession to independence in 1956, Morocco raised a claim for re-establishing *Greater Morocco* and laid claim to such territories as much of the Algerian Sahara or the Western Sahara as part of Morocco's pre-colonial empire.¹⁷⁸ The withdrawal of the French was only a partial victory for Morocco and the new gained independence was

¹⁷³ In 1955 Spain signed the UN-Charter which obliged the members of the UN with colonies to “recognize the principle that the interests of the inhabitants of these territories are paramount” and “to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions” (Article 73 of UN-Charter). The following UN General Assembly's declaration of 1960, known as Resolution 1514, stated that all people have a right to self-determination and proclaimed that colonialism should be brought to a rapid and unconditional end. cf. http://www.unhchr.ch/html/menu3/b/c_coloni.htm

¹⁷⁴ CLAUSEN: *Der Konflikt um die Westsahara*. p.33.

¹⁷⁵ ROUSSELLIER, Jacques Eric: *Quicksand in the Western Sahara? From Referendum Stalemate to Negotiated Solution*. p.314. In: *International Negotiation: A Journal of Theory and Practice*. Vol.10, No.2/June 2005. Brill Academic Publishers. p.311-336.

In the following quoted as: ROUSSELLIER: *Quicksand in the Western Sahara?*

For a list on the special interests of the involved parties, see Appendix II.

¹⁷⁶ Within the Western Sahara, Ṣaḥrāwī nationalists created the anti-colonial organization *Polisario* in May 1973, which began to take up arms against the Spanish presence in the territory. cf. chapter 5.3.

¹⁷⁷ PAZZANITA/HODGES: *Historical Dictionary of Western Sahara*. p.440.

¹⁷⁸ *ibid.*, p.188.

an incomplete one, as a Allāl al-Fāsī, the main leader of Morocco's nationalist Ḥizb al-Istiqlāl (Independence Party) declared:

*“So long as Tangier is not liberated from its international statute, so long as the Spanish deserts of the south, the Sahara from Tindouf to Atar and the Algerian-Morocco borderlands are not liberated from their trusteeship, our independence will remain incomplete and our first duty will be to carry on action to liberate the country and to unify it.”*¹⁷⁹

King Ḥasan II adopted al-Fāṣī's ideology of *Greater Morocco* and changed his political strategy. He renounced his former support for UN decolonization principles, disapproved the holding of a referendum and asserted that Western Sahara had historically been part of Greater Morocco, a territory that includes the whole Western Sahara, portions of southwest Algeria, all of Mauritania and parts of Mali.¹⁸⁰



¹⁷⁹ PAZZANITA/HODGES: *Historical Dictionary of Western Sahara*. p.127.

¹⁸⁰ HODGES: *Western Sahara*.p.85-86.

In addition to Morocco, Mauritania and Algeria soon began to show their interest in the Western Sahara. Mauritania considered this area as a part of *Greater Mauritania*, because of its historical, ethnical, religious and geographical affiliation¹⁸². Whereas Algeria did not raise any territorial claims but felt responsible for the future of Western Sahara due to the common border and its own experiences in fighting a war of independence.¹⁸³

In 1960 Morocco refused to recognize Mauritania as an independent state and even briefly went to war with Algeria in 1963.¹⁸⁴ Ḥasan II was able to finally settle the territorial disputes with Algeria and Mauritania¹⁸⁵ in 1969 to 1972, but the claim to Western Sahara remained.¹⁸⁶

Unexpectedly, Western Sahara seemed to head towards independence and with the new strong nationalist inclinations of the Ṣaḥrāwīs, Ḥasan II, already politically weakened at home as well as abroad, became flustered.¹⁸⁷

In December 1974, Morocco convinced Spain to delay the referendum until the International Court of Justice (ICJ) rendered its advisory opinion on Morocco's and Mauritania's historic claims to the territory.¹⁸⁸ The questions to be answered by the ICJ were:

¹⁸¹ *ibid.*, p.87.

¹⁸² Mauritanian's President Moktar Ould Daddah (al-Mukhtār Wuld Dāddāh): "*I can't help evoking the innumerable ties which unite us: we bear the same names, we speak the same language, we conserve the same noble traditions, we honor the same religious leaders, graze our herds on the same pastures, give water to them at the same wells. In a word we are referring to that same desert civilization of which we are so justly proud. So I invite our brothers of Spanish Sahara to dream of this great economic and spiritual Mauritania.*" Cited in: HODGES: *Western Sahara*. p.100.

¹⁸³ GNIDIL: *Die völkerrechtliche Lage der ehemaligen Spanischen Sahara*.p.37.

¹⁸⁴ *ibid.*

¹⁸⁵ Mauritania also claimed Western Sahara as part of Greater Mauritania. HODGES p.100 ff

¹⁸⁶ PAZZANITA/HODGES: *Historical Dictionary of Western Sahara*. p.128.

¹⁸⁷ In the past Ḥasan II had endorsed the holding of a referendum, but with the newly grown Ṣaḥrāwī nationalism he knew that Western Sahara would endorse the creation of an independent state rather than Moroccan integration. The irredentist parties of Morocco would not have tolerated this and the armed Moroccan forces had already tried twice to get Ḥasan II out of the way in 1971 and 1972. Thus he had to come up with an idea in order to turn the tide. PAZZANITA/HODGES: *Historical Dictionary of Western Sahara*. p.210-211.

¹⁸⁸ GNIDIL: *Die völkerrechtliche Lage der ehemaligen Spanischen Sahara*.p.42-43.

1. *Was Western Sahara (Rio de Oro and Sakiet El Hamra) at the time of colonization 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?*¹⁸⁹

3 months later, on October 16, 1975 the advisory opinion was presented. The question whether Western Sahara had been a terra nullius before colonization was explicitly answered in the negative.¹⁹⁰ Concerning the question about legal ties between Western Sahara and Morocco and Mauritania, the court came to the following result:

*“The materials and information presented to the Court show the existence, at the time of Spanish colonization, of legal ties of allegiance between the Sultan of Morocco and some of the tribes living in the territory of Western Sahara. They equally show the existence of rights, including some rights relating to the land, which constituted legal ties between the Mauritanian entity, as understood by the Court, and the territory of Western Sahara. On the other hand, the Court's conclusion is 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.”*¹⁹¹

Put simply, the court rejected Moroccan and Mauritanian claims to pre-colonial sovereignty in Western Sahara and recommended the UN that the referendum should proceed, enabling the Ṣaḥrāwīs to choose whether they wanted Western Sahara to turn into an independent state or to be annexed to Morocco or Mauritania.

¹⁸⁹ *ibid.*, see also ICJ advisory opinion on Western Sahara of October 16, 1975: <http://www.icj-cij.org/docket/index.php?sum=323&code=sa&p1=3&p2=4&case=61&k=69&p3=5> [23.5.08]

¹⁹⁰ *ibid.*

¹⁹¹ *ibid.*

Morocco interpreted the ICJ advisory opinion in its own interest and a few hours after the ICJ had published its result, the king announced the *Green March*¹⁹², a strategic mass demonstration, in order to force Spain to hand over the Western Sahara.

Hasan II justified the Green March as follows:

*“Nous avons le bon droit pour nous. Mais il nous fallait attendre une hypothétique résolution de l’O.N.U. Il s’agissait donc, après une année de procédure et de consultations internationales, de faire passer dans la réalité ce qui était théoriquement acquis, et menaçait de s’enliser dans les sables du désert. Puisque notre Sahara ne pouvait venir à nous, nous devons aller à lui. Il nous attendait. Nous devons retourner chez nous, pacifiquement, résolument, forts de notre bon droit, de notre raison. Nous devons retrouver nos frères sahraouis, volontairement et avec enthousiasme. Il était inimaginable que nous fissions à l’Espagne une guerre qui n’avait pas de sens et que nul désirait, ni à Madrid, ni à Rabat. Alors que le départ des Espagnoles était une certitude proclamée, il n’était pas non plus concevable que nous laissions notre terre vide, abandonnée! Ainsi fut décidée la Marche Verte.”*¹⁹³

According to Pazzanita and Hodges the Moroccan participants of the Green March were convinced to consider themselves as “holy warriors” (مجاهدين - mudjāhidīn), armed only with the Koran and waving flags, who were reclaiming and dispensing Islamic territory from the European infidel.¹⁹⁴ On November 6, 1975, the Green March was launched with approximately 350,000¹⁹⁵ unarmed Moroccans crossing the Western Saharan border.¹⁹⁶ After covering a distance of 20 km inland, the March was stopped because Spain agreed to negotiate with Morocco and Mauritania to the exclusion of Algeria.¹⁹⁷

¹⁹² The march (المسيرة الخضراء – al-masīra al-*khadrāʾ*) was named after the holy color of Islam.

CLAUSEN: *Der Konflikt um die Westsahara*. p.54.

¹⁹³ HASSAN II: *Le défi*. Paris: Editions Albin Michel, 1976. p.175.

In the following quoted as: HASSAN II: *Le défi*.

¹⁹⁴ PAZZANITA/HODGES: *Historical Dictionary of Western Sahara*. p.193-194.

¹⁹⁵ Hasan II chose the number of 350,000 because this is the yearly Moroccan birth-rate.

HASSAN II: *Le défi*. p.176.

¹⁹⁶ HASSAN II: *Le défi*. p.178.

¹⁹⁷ ROUSSELLIER: *Quicksand in the Western Sahara?* p.315.

The Ṣaḥrāwīs denounced the Green March as an invasion. The UN Security Council, convened at the request of Spain¹⁹⁸, urged Morocco to withdraw from Western Sahara, but no effective action was sanctioned when its resolutions were ignored.¹⁹⁹

On November 14, 1975 Spain, which by then was preoccupied with domestic affairs (and Franco's health fast deteriorating) and with a view of preserving at least some of its interests in Western Sahara, signed the secret *Madrid Agreement* with Morocco and Mauritania.²⁰⁰ This tripartite agreement stipulated the end of Spanish presence in the territory and the cession of Western Sahara.²⁰¹ Furthermore a transitional government was created until the *djamāa* would decide about the future of Western Sahara.

Virginia Thompson and Richard Adloff resumed the Madrid Agreement as follows:

*“According to [the agreement’s] publicized terms, Spain agreed to decolonize the Sahara and leave the area before 28 February 1976. In the interim, the territory would be administered by the Spanish governor general, assisted by two Moroccan and Mauritanian deputy governors, who would respect Sahraoui public opinion as expressed through the yemaa. [...] As to the Bu Craa deposits, Spain would retain 35 per cent of the shares in the Fosbucraa company, and a portion of the 65 per cent that would go to Morocco would presumably be allotted to Mauritania. Reportedly there were unpublicized agreements among the three signatories that gave satisfaction to Spain as regards its fishing rights and included a postponement of further Moroccan demands for the presidios, as well as compensation for repatriated Spanish and Canary Island civilians.”*²⁰²

Spain set the deadline for its withdrawal from the Western Sahara on February 28, 1976.²⁰³ Instead, Moroccan and Mauritanian troops arrived and the region was subdivided between them, with Morocco taking control of the northern two thirds as its

Southern Provinces (about 170,000 sq km, including al-a Uyūn and the phosphate mines) and Mauritania occupying the southern third (about 96,000 sq km) of Western

¹⁹⁸ After 36 years of fascism, Spain was not in the position to militarily challenge the territorial ambitions of Morocco. PAZZANITA/HODGES: *Historical Dictionary of Western Sahara*. p.194-196.

¹⁹⁹ *ibid.*

²⁰⁰ For a comic on the tripartite Madrid Agreement, see Appendix III.

²⁰¹ CLAUSEN: *Der Konflikt um die Westsahara*. p.33.

²⁰² THOMPSON/ADLOFF: *The Western Saharans*. p.175.

²⁰³ CLAUSEN: *Der Konflikt um die Westsahara*. p.60.

Sahara as *Tīris al-Ġharbiyya* (تيرس الغربية).²⁰⁴ When Mauritania abandoned the claims to its portion in 1979, this area was absorbed by Morocco.²⁰⁵

Neither the UN nor the Organization of African Unity (OAU) challenged the legality of the tripartite agreement.²⁰⁶ The Moroccan and Mauritanian moves were met with vehement opposition by the POLISARIO. It refused the Madrid Agreement and declared that it would continue to fight for the independence of Western Sahara – by now with the backing from Algeria. The *djamāa* was dissolved and a Provisional *Ṣaḥrāwī* National Council was set up.²⁰⁷ The Frente POLISARIO was set as the only legitimate and officially recognized representative of the *Ṣaḥrāwī* people.²⁰⁸ One day after the Spanish withdrawal, on February 26, 1976, the *Ṣaḥrāwī Arab Democratic Republic* (SADR)²⁰⁹ was proclaimed in Bīr Lḥlū (بيير لحو)²¹⁰ and the POLISARIO declared armed hostilities against Morocco and Mauritania.²¹¹

5. ṢAḤRĀWĪ NATIONALISM

5.1. LOSS OF THE TRIBAL IDENTITY

The *Ṣaḥrāwī* men and women as people of the desert, camel-herding nomads and speakers of the *Ḥassāniyya* dialect, had never been subservient to either the sultans of Morocco to the north nor to the Mauritanian emirs to the south. Furthermore the *Ṣaḥrāwīs* never constituted a nation in pre-colonial times and today's nationalism took root only towards the end of Spanish colonization. The pacification of 1934 terminated intertribal raiding but notions of tribal identity and loyalty had changed little by the 1950s. With the awakened Spanish interest in Western Sahara's natural resources, rapid social changes came along. The increase in employment and educational

²⁰⁴ GNIDIL: *Die völkerrechtliche Lage der ehemaligen Spanischen Sahara*. p.47.

²⁰⁵ *ibid.*, p.51.

²⁰⁶ THOMPSON/ADLOFF: *The Western Saharans*. p.176-177.

²⁰⁷ PAZZANITA/HODGES: *Historical Dictionary of Western Sahara*. p.362.

²⁰⁸ CLAUSEN: *Der Konflikt um die Westsahara*. p.62-63.

²⁰⁹ For the proclamation of the first government of the SADR see: <http://www.arso.org/03-1.htm>

²¹⁰ Bīr Lḥlū lies about 125 km west of the Algerian border.

²¹¹ cf. chapter 5.3.3. and 6.

opportunities in the colonial towns, as well as droughts, were the reasons why many Ṣaḥrāwīs abandoned their nomadic life and settled in the urban areas where members of different tribal and social status now lived, worked and went to school together. Spending much of their childhood as nomads and later settling in towns and going to school, a new educated generation of Ṣaḥrāwīs grew up. Influenced by the modern liberation theories of that time, they developed their own political awareness which fueled new anti-colonial sentiments after the collapse of the AL and created the conditions for the emergence of a Ṣaḥrāwī identity that went beyond traditional kinship ties.²¹²

5.2. RISE OF ṢAḤRĀWĪ NATIONALISM

The Ḥarakat Taḥrīr Sāḳiyat al-Ḥamrā' wa-Río de Oro “Movement for the Liberation of Sāḳiyat al-Ḥamrā' and Río de Oro”²¹³, was started clandestinely towards the end of 1967 by Muḥammad Sidi Brahim Bassiri, a Ṣmāra-based Koranic teacher to call for an independent Western Sahara. Since the crushing of the AL in 1958, the Ḥarakat Tahrir became the first serious anti-colonial challenge to the Spanish – with the essential difference that the Ḥarakat Tahrir engaged in peaceful forms of protest. Bassiri, born in 1942 in Ṭānṭān, was a young Ṣaḥrāwī who had been influenced by radical Arab nationalist ideas while studying abroad in Cairo and Damascus.²¹⁴

Unlike previous forms of resistance the Ḥarakat Tahrir was the first urban-based movement and called for internal autonomy, whereby a time limit should be fixed for the final decolonization and advocated wide-ranging social and economic reforms. It also sought radical changes to the Ṣaḥrāwī *djamāa* a²¹⁵ and the ineffective,

²¹² HODGES: *Western Sahara*. p.151-153.

²¹³ This movement is also known as the *Muslim Party* (الحزب المسلم - al-Ḥizb al-Muslim).

²¹⁴ HODGES: *Western Sahara*. p.153.

²¹⁵ Rössel writes that the territorial *djamāa* a which was set up by the Spanish authorities, only was used as an alibi and had no legislative powers: „Mit dem Ausbau der Infrastruktur in der Sahara-Kolonie und einer verstaerkten Ansiedlung spanischer Siedler versuchte die spanische Tegierung erstmals auch die Sahrauis in das System der Kolonialverwaltung einzubeziehen. [...] 1967 wurde zusätzlich eine „Generalversammlung der Sahara“ eingerichtet, die sich mit dem traditionellen sahrauischen Namen „Djemaa“ schmückte. Diese Djemaa setzte sich auch insgesamt 82 Sahrauis

undemocratic political mechanisms set up by the colonialists to ‘represent’ Ṣaḥrāwī interests.²¹⁶ Bassiri wanted to bring about change through peaceful democratic action. As a small secret organization it spread its propaganda through word of mouth. The movement attracted a broad base of support²¹⁷, particularly from the Ṣaḥrāwī youth and the Ṣaḥrāwīs who had received some education and found employment in the urban settlements.²¹⁸ On June 17, 1970 the movement decided to appear in public and to present its list of demands to the colonial government through a peacefully organized demonstration whilst concurrently holding a counterdemonstration to a pro-Spanish rally sponsored by the colonial authorities in al-a Uyūn.²¹⁹ About 1,500 Ṣaḥrāwīs gathered in Zemla, an outlying suburb of al-a Uyūn. The protest was dealt with in a decisively harsh manner and was bloodily suppressed by the occupation forces. Troops of the Spanish Foreign Legion opened fire on the demonstrating crowd of Ṣaḥrāwīs, killing an unknown number of demonstrators²²⁰. Many of the movement’s leading activists were arrested and imprisoned for months. Bassiri himself was jailed and “disappeared” in Spanish custody. Since his detention, there has been no trace of him. Bassiri is regarded as the first modern-day Ṣaḥrāwī martyr.²²¹

The Zemla shootings shattered the Ḥarakat Ṭahrir but this massacre was to become the turning point in the evolution of the Ṣaḥrāwī resistance to colonial power. Many Ṣaḥrāwī nationalists abandoned the hope of a peaceful end to colonial occupation and were convinced to return to the old tradition of the quick and sudden *ghazwas* and the

zusammen. [...] Die Djemaa blieb von allen wichtigen Entscheidungen ausgeschlossen. Sie durfte lediglich Empfehlungen - etwa zu wirtschaftlichen oder sozialen Fragen der Kolonie – abgeben, an die der Gouverneur aber in keinem Fall gebunden war.“ In: RÖSSEL: *Wind, Sand und (Mercedes-) Sterne*. p. 134-135. Pazzanita continues: “Saharawi nationalists decried the Djemmaa, partly because most of its members were not directly elected and because most of those who were elected were chosen in tribal constituencies. The body was clearly weighted in favor of the older, more traditionalist element of Saharawi society and consisted overwhelmingly of Saharawis who were openly prepared to collaborate with the colonial authorities.” In: PAZZANITA/HODGES: *Historical Dictionary of Western Sahara*. p.117.

²¹⁶ PAZZANITA/HODGES: *Historical Dictionary of Western Sahara*. p.203-204.

²¹⁷ Rössel quotes that the Ḥarakat Ṭahrir already had 4700 members in 1970. In: RÖSSEL: *Wind, Sand und (Mercedes-) Sterne*. p.137.

²¹⁸ HODGES: *Western Sahara*. p.154.

²¹⁹ PAZZANITA/HODGES: *Historical Dictionary of Western Sahara*. p.204.

²²⁰ According to Hodges, the Spanish government stated that 2 Sahrawis were killed, with 20 wounded, while Mauritania claimed that 12 Sahrawi were killed. In: HODGES: *Western Sahara*. p.155.

²²¹ *ibid.*

gun.²²² Only 3 years later, in 1973, the militant Frente POLISARIO was formed. This time the Ṣaḥrāwīs were calling for an armed revolution.

5.3. CHANGE OF RESISTANCE: THE FRENTE POLISARIO

On May 10, 1973 the *Frente Popular para la Liberación de Saguia el-Hamra y Río de Oro*, better known as the Frente POLISARIO, was formally constituted at a clandestine congress held in Ain Bentili at the Western Saharan - Mauritanian border.²²³ The attending group consisted of Ṣaḥrāwī students, veterans of the anti-colonial struggle, Ṣaḥrāwī workers who had settled in Algeria and Mauritania and of oppositionists within the Western Sahara itself.²²⁴ An executive committee was appointed and 25-year old al-Wālī was elected as the group's Secretary General. The Frente POLISARIO opted for guerilla warfare from the very beginning. Its explicit intention was to use military force to end Spanish colonization.²²⁵

On May 20, 1973, only 10 days later, the Frente POLISARIO launched its first raid on a small Spanish military post in the northeast of the territory, at which the Tropas Nómadas²²⁶ were overrun and their rifles seized.²²⁷

5.3.1. Al-Wālī and the nucleus of the new liberation movement

Al-Wālī Muṣṭafā Sayyid (الوالي مصطفى سيد) was a typical representative of the new educated Ṣaḥrāwī youth. Born in 1948 somewhere in the north of Western Sahara, he settled with his family in Tan-Tan after the defeat of the AL in 1958. Al-Wālī attended school and with a scholarship he entered the Mohammad V University in Rabat in

²²² HODGES: *Western Sahara*. p.157.

²²³ RÖSSEL: *Wind, Sand und (Mercedes-) Sterne*. p.142.

²²⁴ *ibid.*, p.147.

²²⁵ At the first congress the POLISARIO issued a political manifesto proclaiming that the front has been founded as the “unique expression of the masses, opting for revolutionary violence and the armed struggle as the means by which the Saharawi Arab African people can recover its total liberty and foil to maneuvers of Spanish colonialism”. Cited in: HODGES: *Western Sahara*. p.161.

²²⁶ Founded in 1926, the Tropas Nómadas was a Ṣaḥrāwī camel corps under Spanish rule whose function it was to patrol the desert interior of the Western Sahara. In 1974 the Tropas Nómadas incorporated 1,341 Ṣaḥrāwīs. PAZZANITA/HODGES: *Historical Dictionary of Western Sahara*. p.434.

²²⁷ PAZZANITA/HODGES: *Historical Dictionary of Western Sahara*. p.162-163.

The date of this first armed attack gave the name to the monthly newspaper of the Frente Polisario “*Veinte de Mayo*”, which was launched in November 1973 and usually is published in Arabic and Spanish as well as French.

order to study law in 1970. There he met about 30 to 40 more Ṣaḥrāwī students of whom several later were going to acquire important positions in the POLISARIO.²²⁸ At first the students gathered to informal roundtable discussions. Being familiar with the UN resolutions and influenced by the happenings in the Western Sahara, Bassiri, the Palestinian liberation struggle and the left-wing swing sweeping their campus, the student group devoted more and more of their energy to the Western Sahara liberation effort and underwent rapid political changes between 1971 and 1973.²²⁹ Seeing themselves as the nucleus of a new liberation movement, they began recruiting Ṣaḥrāwīs within the Western Sahara itself and among the Ṣaḥrāwīs living in the diaspora and the launch of their armed liberation struggle was prepared.²³⁰

5.3.2. Early days and following political and diplomatic growth

Despite being a small, poorly armed group, who mainly relied on captured Spanish arms, the effectiveness of the guerrilla fighters grew over the next two years and through staging frequent small hit-and-run-attacks the Frente POLISARIO gradually gained control over large strips of desert countryside by 1975.²³¹

The level of support gained from the Saharawi population also grew dramatically. The political power of the front increased when, from early 1975²³², the Tropas Nómadas began deserting to the Frente POLISARIO, bringing weapons, training and experience with them.²³³ Besides (ironically) Mauritania, who allowed the Frente POLISARIO to operate in its northern border regions and Libya, who provided the Ṣaḥrāwī guerillas with some weapons, particularly Algeria gave the movement substantial support from early 1975, after it became aware of the depth of the Ṣaḥrāwī nationalist aspirations.²³⁴

On August 25 to 31, 1974, the Frente POLISARIO held its second congress, at which a manifesto, declaring the unambiguous aims in favor of full independence, was

²²⁸ HODGES: *Western Sahara*. p.157-158.

²²⁹ *ibid.*, p.159.

²³⁰ *ibid.*

²³¹ *ibid.*, p.161.

²³² By the beginning of 1975 the POLISARIO guerillas still were not more than a few hundred and quasi had no modern weapons. HODGES: *Western Sahara*. p.162.

²³³ According to Pazzanita/Hodges, it was at least 90 per cent of the Tropas Nómadas that joined the Frente POLISARIO. PAZZANITA/HODGES: *Historical Dictionary of Western Sahara*. p.434.

²³⁴ RÖSSEL: *Wind, Sand und (Mercedes-) Sterne*. p.148.

adopted: “[...] *The Saharawi people have no alternative but to struggle until wresting independence, their wealth, and their full sovereignty over their land.*”²³⁵

Al-Wālī was re-elected as the Secretary General and a “program of national action” was adopted which stated the front’s firm aims:

- fight against all forms of colonialism and obtainment of complete independence
- creation of a free, independent state
- nationalization of natural resources and fair distribution
- abolishment of the old tribal hierarchy and affiliation
- provision of adequate housing and health facilities
- an Arabic educational system and compulsory schooling for boys and girls
- political and social equality for women²³⁶

On May 1975, the popular support of the Frente POLISARIO was revealed, when a UN Visiting Mission visited the Western Sahara and thousands of pro-POLISARIO demonstrators went onto the street. The UN team realized that the Frente POLISARIO was – other than assumed heretofore - a dominant political force in the territory and that the Ṣaḥrāwīs strictly wanted independence rather than integration with Morocco or Mauritania.²³⁷

In 1974 the Spanish government relented to international pressure and finally promised to hold a referendum on self-determination under UN auspices during the first 6 months of 1975.²³⁸ All at once Western Sahara seemed to head towards independence. But in the meantime, Morocco and Mauritania already had other plans for the territory and were claiming that the Western Sahara belonged to them. After Moroccan pressure through the Green March and with Franco’s health deteriorating, Spain finally reneged on its earlier promise to holding a referendum and signed the Madrid Accords with Morocco and Mauritania in November 1975, handing Western Sahara over to those two neighboring countries.²³⁹ The Frente POLISARIO rebased in Tindūf (western regions of Algeria) and kept up the guerilla war.

5.3.3. The Ṣaḥrāwī Arab Democratic Republic

²³⁵ Cited in: PAZZANITA/HODGES: *Historical Dictionary of Western Sahara*. p.164.

²³⁶ HODGES: *Western Sahara*. p.163-164.

²³⁷ PAZZANITA/HODGES: *Historical Dictionary of Western Sahara*. p.457-458.

²³⁸ HODGES: *Western Sahara*. p.170.

²³⁹ cf. chapter 4.5.

A few days after the Madrid Agreement, a gathering of the formerly Spanish-backed *djamāa* was held, signing the *Proclamation of Guelta Zemmur*, which dissolved the *djamāa* who were now supporting the POLISARIO, and set up a Provisional *Ṣaḥrāwī* National Council.²⁴⁰ On February 27, 1976 the Provisional *Ṣaḥrāwī* National Council proclaimed a government-in-exile near Bīr Lḥlū and announced “[...] *the birth of a free, independent, sovereign state, ruled by an Arab, national, democratic system of unionist, progressive orientation and of Muslim religion, named the Ṣaḥrāwī Arab Democratic Republic*” (SADR).²⁴¹

Currently the SADR has been recognized by 83 states (including 21 states that have withdrawn their former recognitions and 10 that have frozen their diplomatic relations). Almost all were African or Latin American countries. *Ṣaḥrāwī* embassies exist in 13 states.²⁴² The SADR is a member of the AU, but not of the UN. In 1984 Morocco withdrew from the AU in protest and remains the only African nation not within the AU.²⁴³ However, the UN and the European Union do recognize the Frente POLISARIO as a legitimate representative of the Western Saharan people.



Flag of the SADR



Emblem of the SADR

ḥurriyya, dīmūqrāṭiyya, waḥda - liberty, democracy, unity

²⁴⁰ PAZZANITA/HODGES: *Historical Dictionary of Western Sahara*. p.199-200.

²⁴¹ Cited in: HODGES: *Western Sahara*. p.238.

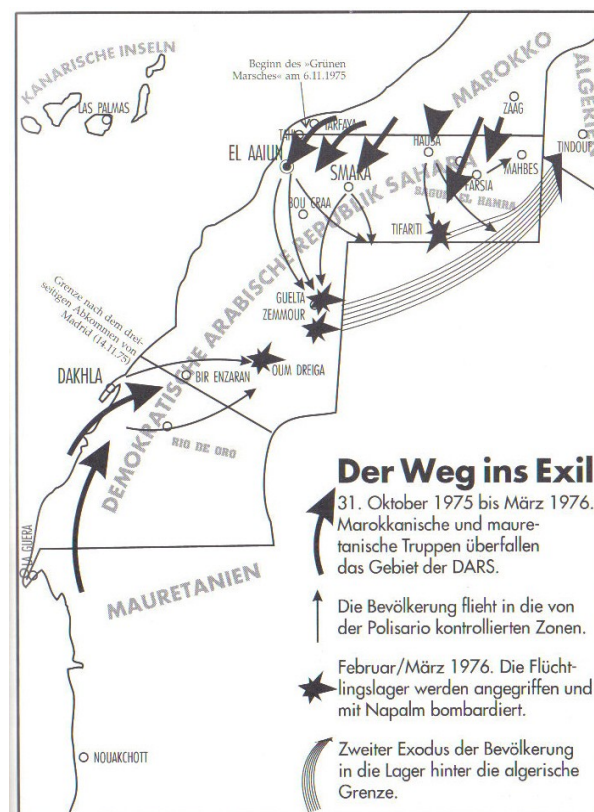
²⁴² For a full list of states with dates of recognition and cancellation see: <http://www.arso.org/03-2.htm> and http://rasd-state.ws/reconocimientos_rasd.htm [14.06.2008]

²⁴³ PAZZANITA/HODGES: *Historical Dictionary of Western Sahara*. p.325.

5.3.4. Mass escape to Tindūf

After the Moroccan and Mauritanian invasion, the majority of the Ṣaḥrāwīs initially fled eastward to the POLISARIO-controlled desert areas within the Western Sahara. In February 1976, Morocco dropped napalm-, phosphorus- and fragmentation bombs on Ṣaḥrāwī refugee camps, mainly inhabited by women, children and old people and caused heavy casualties.²⁴⁴

Because the own safety could no longer be guaranteed, the Ṣaḥrāwīs fled southwest to neighboring Algeria where by April 1976 50,000 refugees had already gathered in Tindūf.²⁴⁵ At the outset of the war POLISARIO's principal objective was the evacuation of the Ṣaḥrāwī refugees and by May 1976, the refugees were safely relocated to Algeria. Now the front was able to concentrate on the offensive against Mauritania and Morocco.²⁴⁶



Moroccan bombings and escape routes in 1975/1976²⁴⁷

²⁴⁴ RÖSSEL: *Wind, Sand und (Mercedes-) Sterne*. p.180.

²⁴⁵ *ibid.*, p.185.

²⁴⁶ PAZZANITA/HODGES: *Historical Dictionary of Western Sahara*. p.167-168.

²⁴⁷ RÖSSEL: *Wind, Sand und (Mercedes-) Sterne*. p.183.

Algeria as the strongest regional ally of the Ṣaḥrāwīs, provided the front not only with refugee facilities, but also with weaponry, rear bases and training for the guerilla army.²⁴⁸ Within months the army expanded to several thousand armed fighters and by the early 1980s the armed wing of the Frente POLISARIO, known as *Ṣaḥrāwī Popular Liberation Army* (SPLA) had grown into a well-equipped estimated 15,000 men force.²⁴⁹ The military capacities of the POLISARIO forces are largely unknown. Bhatia states an estimation of 3000 to 6000 soldiers, but stresses that this number underestimates the total manpower and that “*the movement could likely mobilize a substantial portion of its above-16 male population within 24 hours in order to resume combat.*”²⁵⁰

6. STRUGGLE FOR INDEPENDENCE

6.1. AT WAR WITH MAURITANIA (1975-1979)...

POLISARIO's first priority was to defeat Mauritania, the weaker of the two adversaries. Mauritania had a very small army of only 3,000 men and some paramilitary units and was one of the poorest countries in the world, being dependent on its exports of iron ore from the mines of Zouerate.²⁵¹ The POLISARIO guerillas made the about 650 km long railway line, from the iron mines to the port of Nwadhibou, one of their major targets and disrupted the export of iron ore.²⁵² The Mauritanian forces were stretched to the limit and they were unable to defend their territory against incursions. In 1979 Mauritania, close to bankruptcy, withdrew its troops from the territory, negotiated a peace deal with the Frente POLISARIO and renounced all its claims by signing the *Algiers Agreement*.²⁵³ Consequently Mauritania recognized the SADR as a legitimate government of the Ṣaḥrāwīs.

²⁴⁸ DIEGO AGUIRRE, José Ramón: *Guerra en el Sahara*. Madrid: Ediciones Istmo, 1991. p.261-262.

In the following quoted as: DIEGO AGUIRRE: *Guerra en el Sahara*.

²⁴⁹ PAZZANITA/HODGES: *Historical Dictionary of Western Sahara*. p.398.

²⁵⁰ BHATIA, Michael: *Western Sahara under Polisario Control: Summary Report of Field Mission to the Sahrawi Refugee Camps (near Tindouf, Algeria)*, 2001. URL: <http://www.arso.org/bhatia2001.htm> [19.06.2008]

²⁵¹ HODGES: *Western Sahara*. p.242-243.

²⁵² *ibid.*, p.245.

²⁵³ PAZZANITA/HODGES: *Historical Dictionary of Western Sahara*. p.37.

On June 9, 1976 the guerillas crossed 1,500 km of desert and attacked Mauritania's capital Nouakchott. Al-Wālī, shot through the head, died in this ghazw.²⁵⁴ Al-Wālī's death did not result in the collapse of Ṣaḥrāwī morale, but rather rallied the fighting spirit of the Ṣaḥrāwīs and their will to resist.²⁵⁵ June 9, has been declared *The Day of the Martyrs*, a national holiday of the SADR that honors all Ṣaḥrāwīs who were killed in their fight for independence.²⁵⁶

6.2. ...AND WITH MOROCCO (1975-1991)

After Mauritania's withdrawal from the Western Sahara, Morocco immediately unilaterally annexed Tīris al-Ḡharbiyya in August 1979. In Morocco the Frente POLISARIO faced a more determined aggressor than its former opponents Spain and Mauritania. Morocco, with an initial 40,000 troops, received strong military aid from France and the USA.²⁵⁷ Ḥasan II assumed a quick war, but the fight was now to be transformed into an expensive and seemingly endless war of attrition in the desert by the POLISARIO.

6.2.1. The Houari Boumédiène Offensive

From January 4, 1979 to October 14, 1979, the Frente POLISARIO launched a series of about a dozen major attacks against Morocco, known as the *Houari Boumédiène Offensive*²⁵⁸. The POLISARIO fielded around 3,000 to 5,000 men at a time, armed with modern weapons, including rocket launchers with a 20 km-range.²⁵⁹ The targets were Moroccan positions in the northern portion of Western Sahara, as well as in the desert regions of southern Morocco.²⁶⁰ For the first time in the course of war towns and major Moroccan bases were assaulted and their defenses effectively breached. Some of the most spectacular military operations of the Houari Boumédiène Offensive were:

²⁵⁴ *ibid.*, p.135.

²⁵⁵ DIEGO AGUIRRE: *Guerra en el Sahara*. p.161.

²⁵⁶ http://en.wikipedia.org/wiki/Sahrawi_Arab_Democratic_Republic#National_holidays [08.09.2008]

²⁵⁷ GUPTA: *Sahrawi Society*.p.53-55.

²⁵⁸ The offensive is named after the late Algerian president Houari Boumédiène who had died on December 27, 1978.

²⁵⁹ RÖSSEL: *Wind, Sand und (Mercedes-) Sterne*. p.199.

²⁶⁰ PAZZANITA/HODGES: *Historical Dictionary of Western Sahara*. p.218.

- The first attack of the offensive was an assault on two control stations of the phosphate conveyor belt from Bou Craa to the Atlantic coast.²⁶¹
- On January 28, the guerillas succeeded in fighting their way into Țāntān and briefly occupied this south Moroccan town which was attacked twice more on June 13, and June 27, 1979. During the occupation for about 4 hours, the guerillas destroyed military installations, the Gendarmerie barracks, oil depots, the power station, a local bank and freed hundreds of Şaḥrāwī prisoners.²⁶²
- A massive attack against the southern Moroccan town Lebouirate came on August 24, when the POLISARIO fighters overran a 1,000-man military garrison, killing a large number of the Moroccan soldiers and capturing a great amount of matériel (including tanks and armored vehicles).²⁶³
- On October 6, a large POLISARIO force attacked Şmāra and evacuated about 700 Şaḥrāwīs who were relocated to the refugee camps in Tindūf.²⁶⁴

The Frente POLISARIO penetrated more and more into Moroccan territory, causing great losses in Moroccan soldiers and equipment, and Ḥasan's forces were obliged to give up scores of bases in the interior in order to consolidate the defenses of the more important towns and bases near the coast. At the beginning of the 1980s Morocco held only the main towns, whereas the Frente POLISARIO controlled about five sixths of the hinterland.²⁶⁵

6.2.2. A new challenge: the defensive walls

Faced with the high costs of lives and equipment that went along with defending widely scattered and exposed outposts, the Moroccan army, already doubled in size, retrenched and concentrated on clearing the POLISARIO out of their “*Southern Provinces*” and especially on keeping them out of the rich area in the northwestern

Sāḳiyat al-Ḥamrā' encompassing al-a Uyūn, Şmāra and the Bou Craa phosphate

²⁶¹ The conveyor belt in Bou Craa was the target of several Şaḥrāwī raids. In 1976, the front effectively had attacked the conveyor belt and its power lines. The extraction had to be stopped and was put out of action for the next six years.

PAZZANITA/HODGES: *Historical Dictionary of Western Sahara*. p.219.

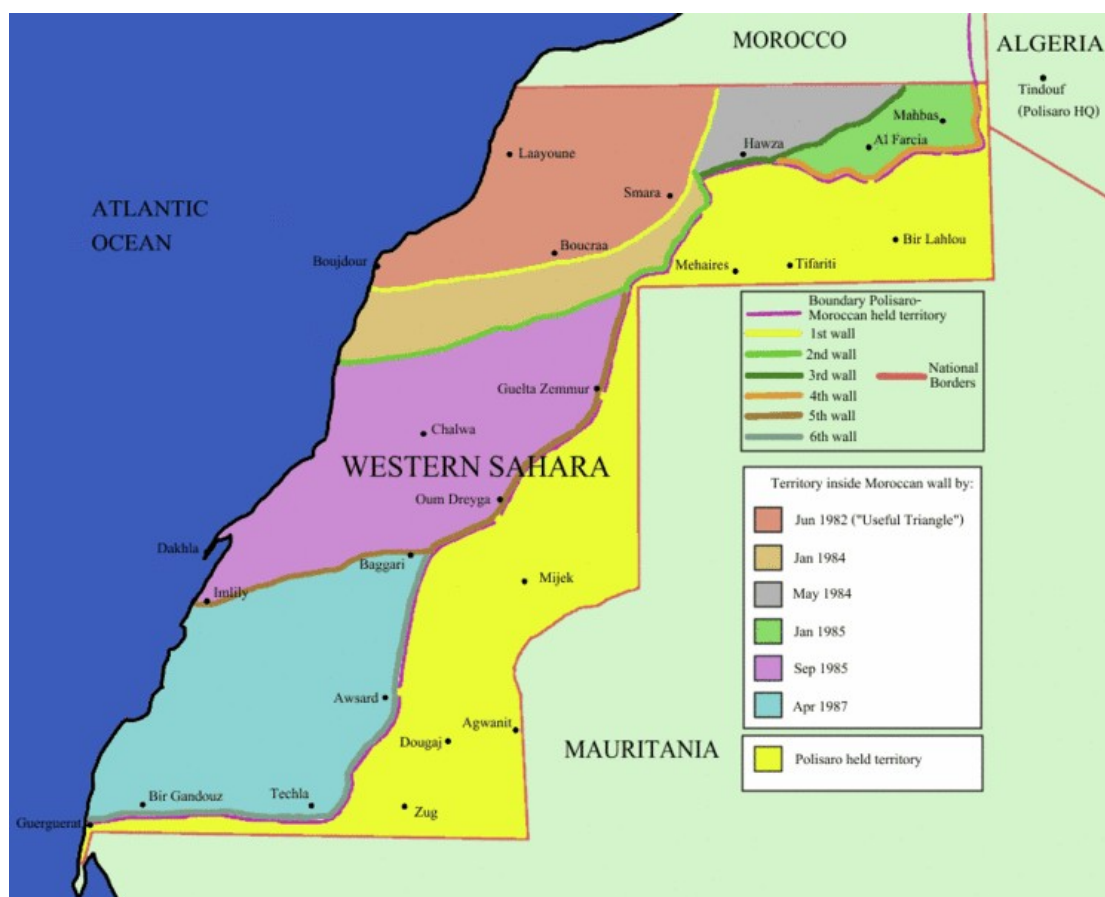
²⁶² RÖSSEL: *Wind, Sand und (Mercedes-) Sterne*. p.199-200.

²⁶³ *ibid.*

²⁶⁴ *ibid.*

²⁶⁵ *ibid.*, p.202.

mines, known as the “*useful triangle*”.²⁶⁶ Hence, in 1981, Morocco started sealing the territory off from attacks by the Frente POLISARIO by erecting defensive walls, also known as berms, made of sand and stone. The first defensive wall, protected by minefields²⁶⁷, advanced electronic equipment (supplied by the USA and France) and Moroccan troop garrisons, was completed in 1982. The wall system has subsequently been extended since then, cutting the Western Sahara in two territories – the Moroccan occupied zone and – east of the walls – the freed zone which is under POLISARIO control.²⁶⁸



²⁶⁶ PAZZANITA/HODGES: *Historical Dictionary of Western Sahara*. p.109.

²⁶⁷ see: http://www.icbl.org/lm/2007/western_sahara

²⁶⁸ Michael Bhatia visited the Western Sahara territory under POLISARIO control in 2001 and reports on the defensive walls: “Physically, the berm is a two meter high wall (with a backing trench), which rides along a topographical high point/ridge/hill throughout the territory. Spaced out over every five kilometers are a big, small and medium base, with approximately 35-40 troops at each observation post and groups of 10 soldiers spaced out over the distance as well. About four km behind each major post there is a rapid reaction post, which includes backing mobile forces (tanks, etc). A series of overlapping fixed and mobile radars are also positioned throughout the berm. The radars are estimated to have a range of between 60 and 80 km into the Polisario controlled territory, and are generally utilized to locate artillery fire onto detected Polisario forces. Information from the radar is processed by a forward-based commander, who contacts a rear-based artillery unit. The Skyeye recently acquired by Moroccan forces, and the anticipated Israeli Hunter craft, will play a similar role in the detection of targets for artillery fire. These same sources provided a degree of insight into the tactics utilized by the Polisario to counter the berm, which are generally reflected by the principles of surprise and speed.” see: <http://www.arso.org/bhatia2001.htm>

The system of the defensive walls was built in six stages between 1981 and 1987, fencing off about 80 percent of the Western Sahara. The external main line follows the approximate line of the border with Algeria and Mauritania and is about 2,500 km long, protected by a once again doubled Moroccan military presence of about 160,000 men.²⁷⁰

The defensive walls through the Western Sahara changed the character to the Saharan war, limiting the effectiveness of the POLISARIO raids. Morocco was now able to concentrate its defenses and react more quickly when the guerillas tried to penetrate them. But the Frente POLISARIO did not abate and after some period of adaptation, the guerilla fighters mastered the wall's characteristics and found out, that the wall was penetrable. From mid-1983 to 1991 a series of major confrontations took place.

Ṣaḥrāwī nationalists managed to approach the wall undetected, briefly overrun the Moroccan positions, catch or kill Moroccan soldiers and capture great quantities of Moroccan weapons and equipment.²⁷¹

Admittedly, the Moroccan wall system succeeded in keeping the war outside of the bulk of the territory. But military expenditure in terms of the hardware and manpower needed to maintain it, resulted in a long and costly war of attrition.²⁷² According to Rössel, by 1980 Morocco was in a big economic crisis with about US\$ 23 billion of foreign debts.²⁷³ Werner Ruf put the cost of this conduct of war at about US\$ 5 million daily.²⁷⁴ Only with massive financial aid sent by Saudi Arabia and the USA, the situation in Morocco could be relieved, but matters gradually became unsustainable for

²⁶⁹ http://en.wikipedia.org/wiki/Moroccan_Wall [16.06.2008]

²⁷⁰ SHELLEY: *Endgame in the Western Sahara*. p.192.

²⁷¹ PAZZANITA/HODGES: *Historical Dictionary of Western Sahara*. p.111.

²⁷² The present General Secretary of the Frente POLISARIO, Mohamed Abdelaziz, commented on the continuing construction of the walls in 1985: "*Diese Eskalation, das Vorantreiben der Mauer zwischen Amgala und Guelta Zemmour macht uns keine Angst. Wir greifen entlang der Mauer an, oft 10 bis 12 Mal am Tag, gezielt, wann und wo wir wollen. Wir haben die Mauer durchstoßen und werden sie weiter durchstoßen. Es geht uns nicht darum, Geländegewinne zu erzielen, sondern die marokkanische Armee zu verschleifen. Wenn die Marokkaner wollen, können sie die ganze Sahara mit Mauern überziehen, und wir werden sie immer noch treffen können, wann und wo wir wollen. Die gegenwärtige Kriegslage bringt für Marokko die größten Kosten und für uns die kleinsten Verluste.*" In: Sahara – Info. Informationsblatt der Gesellschaft der Freunde des Sahrauischen Volkes. e.V. Hamburg: GFSV, Nr.4, 1985. p.2-3.

²⁷³ RÖSSEL: *Wind, Sand und (Mercedes-) Sterne*. p.206.

²⁷⁴ RUF, Werner: *Die neue Welt-UN-Ordnung. Vom Umgang des Sicherheitsrates mit der Souveränität der „Dritten Welt“*. Münster: agenda Verlag, 1994. p.38.

In the following quoted as: RUF: *Die neue Welt-UN-Ordnung*.

all parties involved.²⁷⁵ Finally, at the end of the 1980s, Ḥasan II was forced to get involved with peace negotiations and to meet with POLISARIO representatives directly.

Eventually Ḥasan II announced that Morocco was amenable to an internationally supervised referendum in the Western Sahara and THE UN BROKERED A CEASEFIRE BETWEEN MOROCCO AND THE POLISARIO IN LATE 1991. But soon the King equivocated about his former pledge and, as Yahia Zoubir writes, it appeared that Ḥasan II “*never contemplated the possibility of an independent Sahrawi state and he was slow to make any concrete move to carry out his promise to hold such a referendum.*”²⁷⁶

6.3. DIPLOMATIC BATTLE

After the failure of the efforts of the UN Secretary General Kurt Waldheim in 1975²⁷⁷, the Organization of African Unity (OAU) was the first international organization to seriously attempt to end the conflict and to find a SUITABLE solution. But after the diplomatic efforts of the OAU had come to naught, the United Nations intensified its efforts to find a solution from late 1980s.

6.3.1. Settlement Plan

The newly elected UN Secretary General Javier Pérez de Cuéllar presented a *Settlement Plan* in June 1990 which contained an outline timetable and provided for a cease-fire, a transitional period leading to a referendum organized and conducted by the United Nations²⁷⁸, reduction and confinement of troops, exchange of prisoners of war, repatriation of refugees and the insertion of special representatives for a supervisory role²⁷⁹. A commission would update the Spanish census of 1974 and identify the Ṣaḥrāwī electorate who would have the choice between independence and

²⁷⁵ RÖSSEL: *Wind, Sand und (Mercedes-) Sterne*. p.207.

²⁷⁶ ZOUBIR, Yahia H.: *Origins and Development of the Conflict in the Western Sahara*. p.3-4. In: ZOUBIR, Yahia H./VOLAMN, Daniel [eds.]: *International Dimensions of the Western Sahara Conflict*. Westport: Praeger Publishers, 1993.

In the following quoted as: ZOUBIR/VOLAMN: *International Dimensions of the Western Sahara Conflict*.

²⁷⁷ The abortive *Waldheim Plan* provided for a temporary and transitional administration of the Western Sahara by the UN and was proposed to Spain, Morocco, Mauritania and Algeria in October-November 1975 on the eve of the Madrid Agreements. PAZZANITA/HODGES: *Historical Dictionary of Western Sahara*. p.460.

²⁷⁸ The referendum was supposed to be hold 24 weeks after the cease-fire had come into effect.

²⁷⁹ UN SG Report on the situation concerning Western Sahara S/21360, 1990.

integration with Morocco.²⁸⁰ The UN Security Council approved the implementation plan in 1991.²⁸¹ Both parties, Morocco and the Frente POLISARIO, accepted the plan in principle and it seemed an early resolution to the Western Sahara issue was about to happen.

As a part of the Settlement Plan the *United Nations Mission for the Referendum in Western Sahara* (MINURSO)²⁸² was established in 1991 and set up to carry out the plan.²⁸³ On the webpage of MINURSO, the mandates the mission has been given are stated as follows:

- *monitor the ceasefire*
- *verify the reduction of Moroccan troops in the territory*
- *monitor the confinement of Moroccan and Frente POLISARIO troops to designated locations*
- *take steps with the parties to ensure the release of all Western Saharan political prisoners or detainees*
- *oversee the exchange of prisoners of war, to be implemented by International Committee of the Red Cross (ICRC)*
- *repatriate the refugees of Western Sahara, a task to be carried out by the United Nations High Commissioner for Refugees (UNHCR)*
- *identify and register qualified voters*
- *organize and ensure a free and fair referendum and proclaim the results*
- *reduce the threat of unexploded ordnances and mines*²⁸⁴

But soon Morocco began to put obstacles in the way of holding the referendum, as scheduled, in January 1992. Pazzanita and Hodges report that Morocco “*allegedly began moving thousands of people from southern Morocco into the territory, stating that they were qualified to vote in the referendum; conducted nearly constant overflights by its aircraft over UN troop positions; and refused to withdraw any of its massive troop presence in Western Sahara until voter qualification matters were resolved.*”²⁸⁵

The main problem was (and still is), that Morocco as well as the Frente POLISARIO had radically differing approaches to determining which people were entitled to vote

²⁸⁰ JENSEN, Erik: *Western Sahara. Anatomy of a Stalemate*. Colorado: Lynne Rienner Publishers, 2005. p.39-40.

In the following quoted as: JENSEN: *Western Sahara*.

²⁸¹ UN SG Report on the situation concerning Western Sahara S/22464, 1991.

²⁸² As no English acronym was pronounceable, MINURSO is the French acronym for *Mission des Nations Unies pour l'organisation d'un référendum au Sahara occidental*.

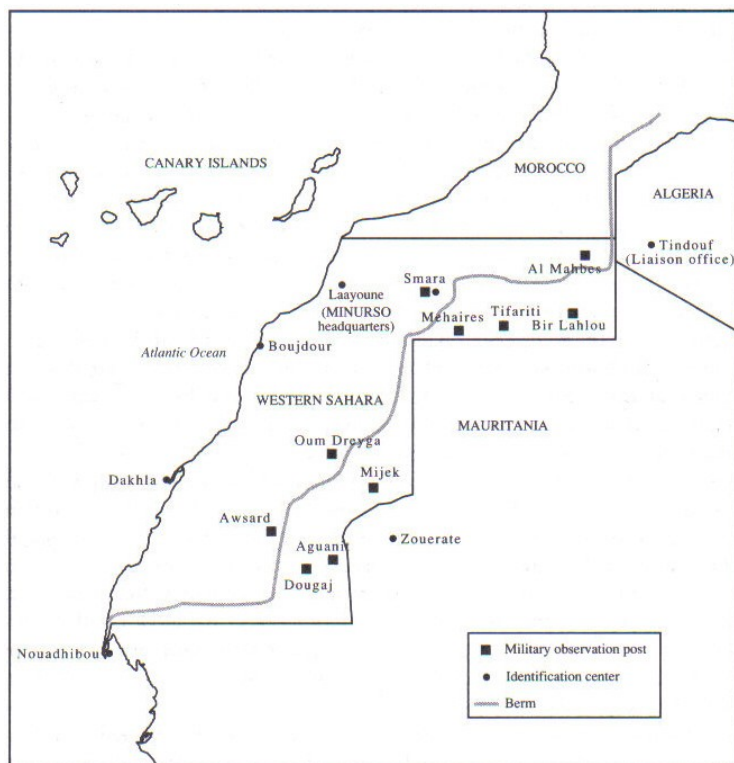
²⁸³ <http://www.minurso.unlb.org/settlement%20plan.pdf> [21.06.2008]

²⁸⁴ <http://www.minurso.unlb.org/mission.html> [21.06.2008]

²⁸⁵ PAZZANITA/HODGES: *Historical Dictionary of Western Sahara*. p.450-451.

in a referendum²⁸⁶ and hence, a long diplomatic drama began, resulting in successive deadlocks.

However, Pérez de Cuéllar deployed the initial MINURSO troops and civilians into Western Sahara starting on September 6, 1991, even though the issue of voter qualification had not yet been settled.²⁸⁷ He further proposed that the ceasefire should come into effect despite the impossibility of completing all tasks that were supposed to be completed before the ceasefire as detailed in the Settlement Plan.²⁸⁸ Following the agreement of both parties, the ceasefire was announced on September 6, 1991 and Morocco and the Frente POLISARIO both suspended their military operations.



MINURSO deployment, March 1995²⁸⁹

Identification centers were established and in late August 1994 the identification process was launched, but ground to a halt by late 1995 because of the parties' disagreements.²⁹⁰ By then some 60,000 applicants had been identified.²⁹¹

²⁸⁶ Additionally to Morocco's alleged "importation" of "Ṣaḥrāwīs" into Western Sahara, the traditional nomadism of the Ṣaḥrāwīs raised a lot of problems concerning definition and place of residence. Each side accused the other of falsifying documents and oral evidence from Ṣaḥrāwī *shuyūkh*.

For further details on the very complex voter qualification issue, see: JENSEN: *Western Sahara*.

²⁸⁷ JENSEN: *Western Sahara*. p.44.

²⁸⁸ *ibid.*, p.45.

²⁸⁹ *ibid.*, p.75.

²⁹⁰ <http://www.minurso.unlb.org/IDC.html> [07.07.2008]

²⁹¹ JENSEN: *Western Sahara*. p.85.

Pérez de Cuéllar's successor as UN Secretary-General Buṭrus Buṭrus-Ghālī inherited the Western Sahara problem, but could not foster the implementation of the remainder of the UN peace plan and the whole process came to a dead stop. The Security Council, mindful that the preservation of the ceasefire was a substantial contribution of MINURSO, kept on prolonging the mission's mandate.²⁹²

Up to now the assignments of MINURSO have not been consummated and preserving ceasefire is a significant accomplishment of the entire mission. The total number of MINURSO military observers including administrative and medical unit officers, is 216 as to March 2008.²⁹³

6.3.2. James Baker III and his attempts to resolve the conflict

In late 1996 Kofi Annan was elected as new UN Secretary General and he appointed the former U.S. official James Baker III in 1997 as his Personal Envoy for the Western Sahara to reactivate the stalled process.²⁹⁴ Baker held a series of separate meetings with Moroccan and POLISARIO negotiators resulting in the *Houston Accords* which attempted to clear the path for the referendum to be held in 1998, defining the compilation procedures for the electoral body, troop confinement, refugee repatriation and a code of conduct for the referendum.²⁹⁵ The Houston Accords revived the long-stalled voter registration process²⁹⁶, but after a few weeks, differences between Morocco and POLISARIO, notably on the eligibility criteria, re-emerged the referendum again had to be postponed. Baker attempted to arbitrate between the two parties, but did not succeed.

The negotiations on the future of Western Sahara stalled until June 2001, when Baker presented his *Framework Agreement Proposal*, known as *Baker Plan I*, to the international community. This new plan provided for an interim of five years of autonomy for the Western Sahara within the Moroccan state. Except for defense and foreign policy, all remaining decisions over purely local matters (such as supply of

²⁹² *ibid.*, p.48-56.

²⁹³ UN SG Report on the situation concerning Western Sahara S/2008/251, 2008.

For a list of MINURSO contributions and deployment map, see Appendices IV and V.

²⁹⁴ UN SG Letter addressed to the Security Council S/1997/236, 1997.

²⁹⁵ UN SG Report on the situation concerning Western Sahara S/1997/742, 1997.

²⁹⁶ In April 2000, MINURSO eventually finished the identification process and came to a figure of 86,425 eligible voters. <http://www.minurso.unlb.org/IDC.html> [07.07.2008]

water and electricity) would be the responsibility of an elected local Ṣaḥrāwī government. After the five years of autonomy a referendum of self-determination should follow.²⁹⁷

Morocco accepted the plan, but the Frente POLISARIO and Algeria rejected this proposal.²⁹⁸ The plan once more foundered on the voter eligibility question. The Security Council proposed further negotiations between the parties and Baker attempted to refine his proposal.

On May 23, 2003 Baker presented a second autonomy plan, known as the *Peace Plan for Self-Determination of the People of the Western Sahara* or simply as *Baker Plan II*, and which brought along its own set of controversies. This version was roughly similar to Baker Plan I, but more detailed. It provided for the self-determination of the Ṣaḥrāwīs after a four- to five-year period of provisional administration by a Ṣaḥrāwī local government, elected by the people listed in the Provisional Voter List (PVL) of MINURSO (with 86,425 Ṣaḥrāwīs entitled to vote)²⁹⁹. A referendum, with the opportunity of choosing among independence, integration or autonomy, would be then allowed by the people listed in the PVLs and the residents in the Western Sahara since 1999.³⁰⁰

The Security Council supported this plan.³⁰¹ Morocco rejected the Baker Plan II and despite initial hesitancy, Algeria and the Frente POLISARIO finally accepted the plan in the middle of 2003.³⁰² Conciliation was not reached.

In June 2004, Baker resigned as the UN Secretary General's Personal Envoy for the Western Sahara. The process became deadlocked. Peter van Walsum, a retired Dutch diplomat, was appointed as his successor in July 2005.³⁰³

6.3.3. Manhasset negotiations

²⁹⁷ MOHSEN-FINAN, Khadija: *The Western Sahara Dispute and UN Pressure*. p.8. In: *Mediterranean Politics*, Vol.7, No.2 (Summer 2002). Published by Frank Cass. p.1-12.

²⁹⁸ *ibid.*

²⁹⁹ <http://minurso.unlb.org/IDC.html> [24.06.2008]

³⁰⁰ JENSEN: *Western Sahara*. Appendix 5, p.160.

³⁰¹ UN Security Council Resolution S/RES/1495, 2003.

³⁰² SHELLEY, Toby: *Behind the Baker Plan for Western Sahara*. In: Middle East Report Online, August 2003. see: <http://www.merip.org/mero/mero080103.html> [23.06.08]

³⁰³ <http://www.unis.unvienna.org/unis/pressrels/2005/sga935.html> [24.06.08]

The next essential attempt to find a peaceful solution for the Western Sahara conflict were the *Manhasset negotiations*, a series of four direct talks between Moroccan and POLISARIO delegations. On April 30, 2007 the UN Security Council voted the Resolution 1754, calling on the two parties to enter into direct negotiations with a good and sincere will, supervised by Van Walsum. The first round of direct talks took place on June 18-19, 2007 in Manhasset, New York.³⁰⁴ No breakthrough was achieved and parties met for three more rounds; the last held on March 18-19, 2008 ended without any tangible results.

In fact, the Frente POLISARIO announced that it was ready to pursue direct negotiations with Morocco but wanted Van Walsum replaced since they charged Van Walsum to be biased in favor of Morocco. Van Walsum said in an interview that was published in the Spanish newspaper *El País* on August 8, 2008, that “*un Sáhara independiente es inalcanzable*”.³⁰⁵ In his opinion the front’s demand for independence was an unrealistic option even though it was backed by international law but the Security Council was not ready yet to exercise its authority and impose it.³⁰⁶

On August 21, 2008 the mandate of the mediator Van Walsum expired and was not renewed by the UN Secretary General Ban Ki-Moon. Instead, the American diplomat Christopher Ross was appointed the new UN Secretary General’s Personal Envoy for the Western Sahara.

*“La designación de Ross es una relativa buena noticia para el Polisario que siempre ha deseado que el mediador de Naciones Unidas fuese un norteamericano porque contaría con el respaldo de la administración estadounidense, la única que, según los Saharauis, puede ejercer una presión eficaz sobre Marruecos.”*³⁰⁷

According to *El País*, Ross’ nomination was good news for the Frente POLISARIO since this implied that Washington was ready for a major involvement in seeking a negotiated solution to the Western Sahara conflict. In the eyes of of the front, the United States are the only force able to pressure Morocco efficaciously.³⁰⁸

³⁰⁴ <http://www.spsrasd.info/en/infos/2007/06/sps-e180607-8.html> [23.06.08]

³⁰⁵ http://www.elpais.com/articulo/internacional/Polisario/exige/destitucion/delegado/ONU/Sahara/elpepiint/20080817elpepiint_9/Tes [15.09.2008]

³⁰⁶ For Van Walsum’s estimation on the issue, see Appendix VI.

³⁰⁷ http://www.elpais.com/articulo/internacional/ONU/elige/diplomatico/EE/UU/mediador/Sahara/elpepiint/20080910elpepiint_3/Tes [15.09.2008]

³⁰⁸ *ibid.*



International law: “No to autonomy!”
 Mohamed VI: “Sounds like yes to me!”

RÉSUMÉ

The question of Western Sahara is one of international legality. In spite of Morocco’s ideological position, it is unambiguously a decolonization issue. In 1988 the UN Security Council attended to the Western Sahara conflict and passed numerous resolutions, but the UN efforts to negotiate a peaceful settlement of the dispute have not been successful. It looks like the Ṣaḥrāwīs are as far as ever away from the realisation of the right of self-determination. Morocco showed that a referendum that might end its sovereignty over the Western Sahara is obsolete. Pedro Pinto Leite rightly concluded:

*“The invasion, occupation and annexation of Western Sahara and East Timor not only formed an obvious violation of the Charter of the United Nations but also an international crime against peace. Moreover, they formed an equally clear violation of the right of the Saharawis and East Timorese to self-determination and independence. [...] In addition the Moroccan government committed an act of disobedience against the United Nations by maintaining the occupation of the territory even after being repeatedly summoned by the Security Council to withdraw their troops.”*³⁰⁹

³⁰⁹ PINTO LEITE, Pedro: *International legality versus realpolitik. The cases of Western Sahara and East Timor*. p.13-14. In: OLSSON, Claes (ed.): *The Western Sahara Conflict. The Role of Natural Resources in Decolonization*. Uppsala: Nordiska Afrikainstitutet, 2006.

As at October 2008, matters essentially rested at this juncture and, despite the two parties' commitment to a process of negotiations, an ending to this over three-decade dispute remains uncertain.

Morocco as well as Algeria and their relation to more powerful states are important key players to affect the deadlocked situation. Just as constant as Morocco's claims to the territory was Algeria's rejection of the Moroccan claims and its support of the Frente POLISARIO and the inalienable right of the Ṣaḥrāwīs to self-determination.

In all the various approaches to an adequate solution of the conflict, the core was the electoral roll of who was allowed to vote for or against integration with Morocco or independence. Never was there a moment when the process could deliver a result that was politically acceptable to Morocco as well as to the Frente POLISARIO and that both would willingly implement. As mentioned earlier, many resolutions had been passed, but the UN Security Council never mentioned sanctions or put serious political pressure on Morocco in order to stop the prospect of endless negotiations. France and the USA have (strategic, political, economic) interests in northwest Africa who see in Morocco a key Arab and African ally and they are two out of five permanent members of the Security Council. (And commercially exploitable quantities of oil have not been an issue yet.) Without pressure it seems highly unlikely that Morocco would accept the Baker Plan II.

The prospect of an early and peaceful resolution to the conflict remains elusive. As the political stalemate continues, the question raises: How long are the Ṣaḥrāwīs willing to endure in a situation of *neither war nor peace* and to continue to patiently wait for a peaceful solution before all hope has been abandoned? AFTER YEARS OF PEACEFUL STRUGGLE THROUGH DIPLOMATIC MEANS FOR AN ISSUE THAT HAS THE CLEAR BACKING OF INTERNATIONAL LAW, THE THREAT THAT THE Ṣaḥrāwīs TAKE UP ARMS AND REVERT TO VIOLENCE AGAIN IS GREATER THAN EVER. War can not be the right way; it would generate more suffering, more refugees and disrupt the region. Negotiations are inevitable and it is necessary to review the register of voters. After over 30 years in the demonstrated conditions, a new generation of Ṣaḥrāwīs has grown up very with little perspective. The Ṣaḥrāwī resistance to foreign control was a historical fact and will continue for generations to come.

The Western Sahara issue has to move up the priority list of the UN Security Council. Only a free and fair referendum can lead to a just, democratic and lasting resolution in line with UN doctrine and international legality and will contribute to the stability and progress of the whole Maghreb region.

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<http://www.ferien-vom-krieg.at>
<http://www.merip.org/> (Middle East Report Online)
<http://www.minurso.unlb.org/>
<http://rasd-state.ws/>
<http://www.sermujeres.org/site/?i=50>
<http://www.spsrasd.info/> (Sahara Press Service)
<http://www.un.org/aboutun/charter/>
http://www.unhchr.ch/html/menu3/b/c_coloni.htm
<http://www.unis.unvienna.org> (United Nations Information Service)
<http://en.wikipedia.org>

APPENDICES

I) Tribes of Western Sahara as compiled by PAZZANITA/HODGES: *Historical Dictionary of Western Sahara*. p.561-564.

TRIBES OF WESTERN SAHARA		
TRIBES	SUBTRIBES	FRACTIONS
Reguibat ech-Charg or Lgouacem	Ahel Brahim Ou Daoud	{ Ahel Sidi Allal Ahel Belqacem Ou Brahim Sellam Selalka Ahel Lahsen Ou Hamad Lehmeidenet Oulad Sidi Hamad Jenha
	Lebouihat	{ Ahel Daddah Ahel Qadi Ahel Haioun Ahel Sidi Ahmed Ben Yahya Lemrasguia Ahel Sidi Abdallah Ben Moussa
	Laiacha	{ Ahel Belal Ahel Beilal
	Foqra	{ Ahel Ahmed Ben Lahsen Ahel Lemjed Ahel Taleb Hamad Rema Lemnassra Seddadgha Oulad Sidi M'hamed

TRIBES OF WESTERN SAHARA (cont.)		
TRIBES	SUBTRIBES	FRACTIONS
Reguibat es-Sahel	Oulad Moussa	{ Oulad el-Qadi Ahel Bellao Oulad Moueya Oulad Lahsen Oulad Hossein
	Souaad	{ Ahel Brahim Ben Abdallah Ahel Ba Brahim El-Gherraba Oulad Bou Said Ahel Khali Yahya
	Lemouedenin	{ Ahel Ahmadi Sereirat
	Oulad Daoud	{ Ahel Salem Ahel Tenakha Ahel Baba Ammi
	Oulad Borhim	
	Oulad Cheikh	{ Ahel Delimi Ahel Baba Ali Lemouissat Lahouareth Lahseinat Ahel el-Hadj
	Thaalat	{ Ahel Dekhil Ahel Meiera Ahel Rachid
	Oulad Taleb	{ Oulad Ben Hossein Oulad Ba Brahim Oulad Ba Aaissa Oulad Ba Moussa Ahel Dera

TRIBES OF WESTERN SAHARA (cont.)	
TRIBES	FRACTIONS
Arosien	{ Oulad Khalifa Oulad Sidi Bou Mehdi Ahel Sidi Brahim
Oulad Tidrarin	{ Ahel Taleb Ali Oulad Moussa Oulad Ali Laboubat El-Faaris Lahseinat Oulad Souleiman Ahel Esteila Ahel Hadj Lidadsa
Filala	{ Oulad Sidi Ahmed Filali Ahel Ben Mehdi Ahel Faki Ben Salah
Fouikat	{ Ahel Cheheb Ahel Lagoueyed Ahel Abdahou Aila Ould Said
Ait Lahsen (Tekna)	{ Id Daoud Ou Abdallah Injouren Ait Bou Meghout Ait Yahya Rouimiat Ait Bou Guezzaten Ait Hassein Ait Saad
Izarguien (Tekna)	{ Ehtouka El-Guerah Ait Said

TRIBES OF WESTERN SAHARA (cont.)	
TRIBES	FRACTIONS
Oulad Delim	{ Oulad Tegueddi Loudeikat Oulad Khaliga Serahenna Oulad Ba Amar
Oulad Bou Sbaa	{ Oulad el-Hadj Ben Demouiss Oulad Sidi Mohammed Ben Demouiss Oulad Brahim
Skarna	{ Ahel Bakar Adhahla Oulad Moumen
Tao valt	{ Oulad Sidi Djemaa Oulad Khelaif
Lemiar	{ Ahel Sidi Amar Ahel Brahim Ahel Ahmed
Mejat	{ El-Grona El-Beyed Ahel Mohammed Ben Brahim Ahel Ali Ben Salem
Imeraguen	
Menasir	{ Oulad Ali Serg Oulad Mohammed Aidi
Chenagla	
Ahel Cheikh Ma el-Ainin	
Ahel Berikallah	

II) The parties' interests by the mid-1980s as compiled by ROUSSELLIER: *Quicksand in the Western Sahara?* p.319.

Country	Issues	Interests
Algeria	<ul style="list-style-type: none"> + National consciousness based on political struggle + Ideological foundation of statehood + Regional cooperation (AMU) + <i>Status quo</i> vs. resolution of conflict + Bilateral issues with Morocco (e.g. borders) 	<ul style="list-style-type: none"> + Long-term support for political solution least favorable to Morocco + Tactical support for Referendum process + Mean for control by military over civilians + Regional hegemony
Morocco	<ul style="list-style-type: none"> + National consciousness based on history + Islamic and communal definition of statehood + Legal ties vs. sovereign rights + Nation-building + Regional cooperation (AMU) + Bilateral issues with Algeria (e.g. borders) 	<ul style="list-style-type: none"> + Integration of Western Sahara w/out autonomy + Abandon Referendum process + Remain as long as possible administrating power in Western Sahara + Internal political dynamic/cohesion + Regional hegemony
Polisario	<ul style="list-style-type: none"> + International legality based on self-determination + Territorial foundation of state + Nationhood + Autonomy status + Legitimacy of organization and goals + <i>Status quo</i> vs. resolution of conflict 	<ul style="list-style-type: none"> + Independence of Western Sahara + Maintain Referendum option + Explore political alternatives + Survival as liberation movement + International recognition
Mauritania	<ul style="list-style-type: none"> + Historical/ethnic links to Western Sahara + National identity/cohesion + Legal ties vs. sovereign rights + Regional cooperation (AMU) 	<ul style="list-style-type: none"> + Regional balance (avoid hegemony) + Preserve stability in the region + Maintain internal ethnic balance + Seek mutually acceptable solution for parties to the conflict

III) Comic on the secret tripartite **Madrid Agreement**, taken from: *Sahara – Info*. Informationsblatt der Gesellschaft der Freunde des Sahrauischen Volkes. e.V. Hamburg: GFSV. Nr.6, November 1983. p.6-7.

IV) MINURSO contributions as at April 2008, taken from the UN SG Report S/2008/251, 2008.

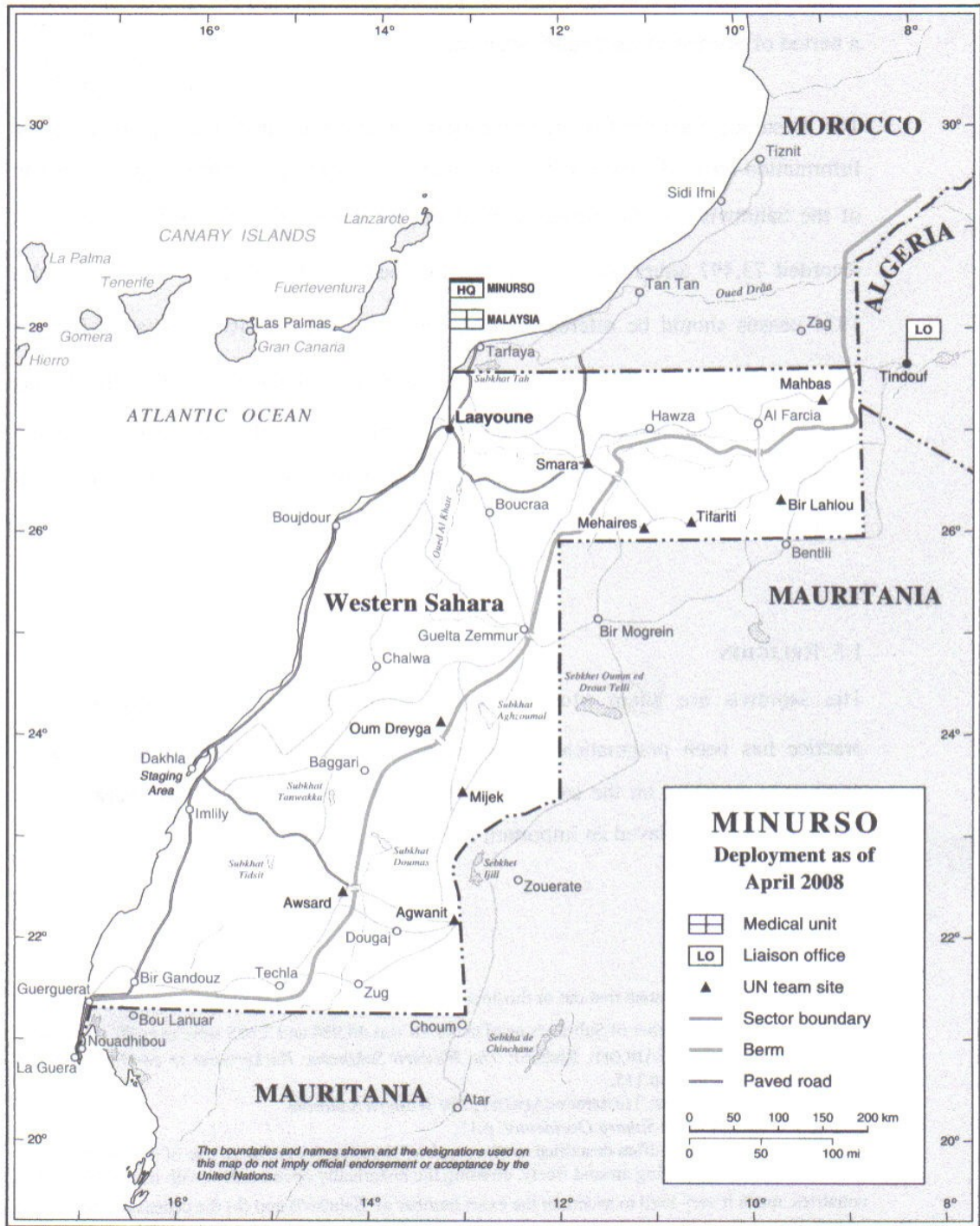
Contributions as at 1 April 2008

<i>Country</i>	<i>Military observers^a</i>	<i>Troops^a</i>	<i>Civilian police^b</i>	<i>Total</i>
Argentina	4	0	0	4
Austria	2	0	0	2
Bangladesh	8	0	0	8
Brazil	6	0	0	6
China	11	0	0	11
Croatia	8	0	0	8
Djibouti	2	0	0	2
Egypt	24	0	3	27
El Salvador	7	0	3	10
France	13	0	0	13
Ghana	15	0	0	15
Greece	1	0	0	1
Guinea	2	0	0	2
Honduras	12	0	0	12
Hungary	7	0	0	7
Ireland	3	0	0	3
Italy	5	0	0	5
Kenya	2	0	0	2
Malaysia	11	20	0	31
Mongolia	3	0	0	3
Nigeria	8	0	0	8
Pakistan	8	0	0	8
Poland	1	0	0	1
Russian Federation	17	0	0	17
Sri Lanka	2	0	0	2
Uruguay	8	0	0	8
Yemen	6	0	0	6
Total	196	20	6	222

^a Authorized Strength is 231, including the Force Commander.

^b Authorized Strength is 6.

V) MINURSO deployment map, UN SG Report S/2008/251, 2008.



Map No. 3691 Rev. 57 UNITED NATIONS
April 2008

Department of Field Support
Cartographic Section

VI) Open letter written by former personal envoy of the UN Secretary General for Western Sahara **Peter Van Walsum**³¹⁰

Sahara's long and troubled conflict

By PETER VAN WALSUM, published in *El País* on August 28, 2008.

I am writing this tribune as former personal envoy of the Secretary-General of the United Nations for Western Sahara. I was originally appointed to this post by Secretary-General Annan in August 2005, and the fifth semiannual extension of my appointment expired on August 21st last. The reason I am writing today is that I want to avail myself of the brief interlude between the time when I had to exercise restraint in airing my personal views because I was the personal envoy, and the fast approaching time when nobody will be interested in my personal views because I am not the personal envoy any longer.

Given the 33 years that the dispute about Western Sahara has endured, I am sometimes tempted to think that I have failed to find a solution because the question is insoluble. If I resist that temptation, it is because I continue to believe that with political will the question can be solved.

My analysis has not changed since I submitted my first oral report to the Security Council in January 2006. I thought the two main ingredients of the impasse were Morocco's decision of April 2004 not to accept any referendum with independence as an option, and the Security Council's unwavering view that there must be a consensual solution to the question of Western Sahara. I focused on the latter, for - as I observed on the occasion - if the Council had been prepared to impose a solution, my analysis would have been very different. As it was, however, the need to find a consensual solution had to be the starting point of any analysis.

This led to my conclusion that there were only two options: indefinite prolongation of the current impasse, or direct negotiations between the parties. Such negotiations would need to be embarked upon without preconditions, and I admitted it was only realistic to predict that, with Morocco in the possession of most of the territory and the Security Council unwilling to put pressure on it, the outcome would fall short of an independent Western Sahara.

This conclusion was criticized by those who felt it was unethical to expect Polisario to settle for political reality simply because Morocco and the Security Council failed to respect international legality, as expressed in General Assembly resolution 1514 of 1960 (on decolonization and self-determination) and the International Court of Justice's advisory opinion of 1975 (on the absence of pre-colonial ties between Morocco and Western Sahara that might affect the application of said resolution). This was not the kind of criticism a mediator could simply brush aside, but I felt it had to be weighed against the risk of giving Polisario false hope by encouraging it to disregard the undeniable fact that from the outset in 1975 the Security Council had consistently made it clear that it could only countenance a consensual solution.

³¹⁰http://www.elpais.com/articulo/internacional/Sahara/s/long/and/troubled/conflict/elpepuint/20080828elpepuint_5/Tes [15.09.2008]

Unfortunately, Polisario's backers generously supplied it with precisely that sort of encouragement. They insisted that sooner or later the Council would recognize that international legality had to be respected and oblige Morocco to accept a referendum with independence as an option.

The reason I do not believe this will happen is that international legality is not the same as international law. The Security Council naturally has to observe international law, but it also has to take into account political reality. The General Assembly, the Security Council and the International Court of Justice are all principal organs of the United Nations. There is no hierarchy among them, but each has specific powers, which are described in the Charter of the United Nations and the Statute of the International Court of Justice. In article 24 of the Charter, member states confer on the Security Council primary responsibility for the maintenance of international peace and security. To fulfil this responsibility the Council has no choice but to take political reality into account. If it does so, it acts within the bounds of its powers under the UN Charter and is thus observing international law.

The Council rarely discusses all the political factors taken into account by individual member states, so their relative weight in the genesis of a resolution will never become known, not even to the Council members themselves. Potential political factors may be, for example, fear of the destabilising effect of coercive action, awareness that redress of an injustice 33 years after the fact may entail new injustices, or reluctance to contribute to the possible creation of another failed state.

When confronted with a dispute, the Council alone decides whether it will act under Chapter VI (peaceful settlement of disputes) or Chapter VII (possible use of force in case of threats to the peace or acts of aggression), and it cannot be overruled by any other organ. There is no rule of international law that obliges the Security Council to use all the powers it has at its disposal to give effect to resolutions of the General Assembly or advisory opinions of the International Court of Justice.

This is why criticism of the Council's disregard for international legality has always had so little effect. Among the states members of the Council that most resolutely insist that there can only be a consensual solution to the question of Western Sahara, I have never come across one that thought it might thereby be violating international law. This does not mean that on the Council no one is troubled about the continuing impasse. But there is a growing awareness that Polisario's insistence on full independence for Western Sahara has the unintended effect of deepening the impasse and perpetuating the status quo.

There is a way out, but it is an arduous one that would lead through tough, genuine negotiations. If Polisario could tentatively contemplate a negotiated solution short of full independence, it would instantly be assured of overwhelming international support for its self-evident insistence on solid, internationally anchored, guarantees against a future repeal of the agreed constitutional arrangement or a gradual erosion of civil liberties - such as freedom of speech - on grounds of national security. If at some time in the future Polisario is ready to explore this avenue, I hope it will not just introduce amendments to the Moroccan proposal but submit a comprehensive autonomy proposal of its own.

I do not expect that Polisario will take this step in the foreseeable future. For the time being, nothing will change: Polisario will continue to demand a referendum with independence as an option, Morocco will continue to rule that out, and the Security Council will continue to insist on a consensual solution. Meanwhile the international community will continue to grow used to the status quo.

ABSTRACT

Die Westsahara ist eines der unwirtlichsten und trockensten Gebiete der Welt. Dennoch ist das 266,000 km² große Gebiet heiß umkämpft.

Als in den 60er Jahren die Entkolonialisierungswelle Afrikas einsetzte, forderten die Vereinten Nationen auch Spanien auf, ihre Kolonie, damals bekannt unter *Spanisch-Sahara*, zu entkolonialisieren und den Šaḥrāwīs das Recht auf Selbstbestimmung zu gewähren. Spanien erklärte sich anfangs zur Durchführung eines Referendums bereit, durch welches die Šaḥrāwīs über ihre Zukunft entscheiden sollten. Allerdings zögerte Spanien dieses Referendum kontinuierlich hinaus. So entstand 1973 die šaḥrāwische Befreiungsbewegung, die Frente POLISARIO, welche den bewaffneten Widerstand gegen die Kolonialmacht aufnahm. 1975 übergab schließlich Spanien in einem geheimen Abkommen die Westsahara an Marokko und Mauretanien. Der bewaffnete Kampf der Frente POLISARIO richtete sich nun gegen die neuen Besatzer und ein erbitterter Krieg begann. Mauretanien verzichtete in Folge auf seinen Teil der Westsahara, den nun Marokko völkerrechtswidrig annektierte. Die Šaḥrāwīs flohen in Massen über die algerische Grenze und harren seit nunmehr 33 Jahren in den Flüchtlingslagern von Tindūf aus, wartend auf die Durchführung eines ihnen längst versprochenen Referendums.

In dem langen diplomatischen Kampf erlangten die Vereinten Nationen zwar einen Waffenstillstand zwischen Marokko und der Frente POLISARIO, welcher seit 1991 anhält, warum aber wurde nach so langer Zeit noch immer keine unter demokratischen Prinzipien vertretbare politische Lösung für den Westsahara-Konflikt gefunden? Die vorliegende Diplomarbeit geht auf die Problematik, die dahinter steckt, ein.

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