



## World Geography

The Question of Western Sahara

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Directions: Read the article below about the status of the Western Sahara and watch the video titled Understanding Western Sahara on Youtube. Once finished answer the questions at the end of this article.

### Why the Western Sahara Matters

By Michael Rubin

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With the Middle East in chaos, it is understandable that few in Washington have time for the Western Sahara. After all, Syria has become the world's largest generator of refugees. Iraq continues to teeter on the brink of chaos, and both Yemen and Libya are mired in civil war. Iran is resurgent. Afghanistan's stability likely will not last long beyond the withdrawal of U.S. troops. The Islamic State has re-introduced a twisted, reactionary version of the Caliphate, replete with plunder, rape, and slavery, and Boko Haram, which has now taken over vast swathes of northern Nigeria and moved into Cameroon as well, isn't far behind in its brutality. Al-Qaeda in the Islamic Maghreb, meanwhile, operates across the Sahel from Algeria to Sudan.

So why is the fate of the Western Sahara important? It is home to barely 500,000 people—equivalent to the city of Fresno, California—spread over a 100,000-square-mile patch of desert, an area the size of Colorado. It boasts only one town with over 100,000 people, and just five over 10,000 people. In other words, if the Western Sahara were ever to become independent, then it would be the least densely populated country on earth.

Increasingly, however, Morocco and the Western Sahara are the only oases of security and stability across a region teetering on the brink of failure. If there are two lessons of the post-9/11 era, the first is that governed spaces trump ungoverned spaces, and the second is that reform-minded regimes make better allies than autocracies which flirt with terrorism. Given the choice between a strengthened partnership with Morocco and empowering the Polisario Front, an authoritarian group which has declared itself the head of a self-styled Sahrawi Arab Democratic Republic (SADR), the choice should be clear. Not only does Moroccan control over the Western Sahara best deny that territory to the terrorists, Islamists, and criminal gangs which increasingly plague North Africa and the Maghreb, but it also provides the best hope for the Sahrawi to flourish both culturally and economically.

The United States has, for more than two decades, stayed on the fence with regard to the Western Sahara, and continues to pay heed to the United Nations-promoted idea that the status of the Western Sahara should be determined by referendum. Algerian and Polisario filibustering, however, has undercut any census to determine eligibility, condemning the remaining Sahrawi refugees stuck in Polisario-run refugee camps in Algeria to a festering limbo which now threatens to metastasize into an engine for terror and instability. Embracing Sahrawi autonomy under Moroccan rule not only recognizes the status quo, but represents the only responsible policy, from both a humanitarian and security perspective.

### A history of possession

At the core of questions about Morocco's claims to the Western Sahara is a dispute about their legitimacy: Is the Moroccan claim to sovereignty righting historical wrongs, or is a naked land grab meant to expand Moroccan territory in order to enable the kingdom to loot the Western Sahara's resources, as so many proponents of Sahrawi independence suggest?

Those suggestions, however, are a red herring. (1) True, the territory has phosphates, but they are just a pittance compared to the 50 billion metric tons—85 percent of the world's total—found in Morocco itself. (2)

Moreover, there is much historical fact to back Morocco's claim. A succession of dynasties governed the present-day kingdom from the early decades of the Islamic conquest. (3) As with all entities at the time, control

rested less on formal boundaries and more on an ability to tax and conscript, and so informal borders shifted constantly, both within dynasties and between them. Generally speaking, however, the Idrisid dynasty (788-974 AD) that was centered in Fez did not extend its control to what is now the Western Sahara, but the contemporaneous Midrarid dynasty (823-977 AD), based in the eastern central Moroccan town of Sijilmasa, dominated the trade routes through the Western Sahara to what is today Mauritania. Thereafter, the Almoravid dynasty (1062–1147 AD), based in Marrakech, ruled over both Morocco and the Western Sahara as a cohesive whole. Then the Almohad Caliphate (1121–1269) and their successors largely let the Western Sahara slide away. The Marinids (1217-1465) arose from the Banu Marin, however, a nomadic tribe arose from the northern fringe of the Western Sahara, and proceeded to rule all of Morocco. By the second half of the sixteenth century, the Saadi Sharifs (1510-1659) had pushed Moroccan rule deep into the Sahara to include what is now northern Mali. Finally, the Alaouite Dynasty, which began in 1631 and continues to rule Morocco today in the person of King Mohammed VI, has consistently claimed Moroccan sovereignty over the Western Sahara, although its ability to assert control fluctuated with time.

Thus, regardless of whether Morocco formerly ruled the Sahara at any given time or whether some desert tribes were in rebellion, five Moroccan royal dynasties trace their roots to the region. Sahrawi nationalism, on the other hand, is largely an artificial, Cold War construct. Historically, it would be far more accurate to recognize Sahrawis as part of the diversity which has always marked the Moroccan national identity. Indeed, many Sahrawis have married into various Moroccan groups over the centuries, so that Moroccan and Sahrawi identities are far from distinct.

In the late nineteenth century, European colonialism threw a wrench into Moroccan control of the territory. Spain was a relative latecomer to the scramble for Africa. Against the backdrop of the 1884-1885 Berlin Conference in which European powers met to resolve formally their sometimes competing colonial claims, Spanish forces seized the barren and resource-poor Western Sahara (which was initially divided into the southern Río de Oro and northern Saguia el-Hamra). Gaining European recognition of its conquest was one thing, but pacifying the locals proved to be quite another. For the first half-century of Spanish occupation, local tribes resisted any Spanish administration. After 1934, the Spanish grip was stronger, but quiet and acquiescence do not always correlate.

Why didn't Morocco step up to assert its claims when Spain invaded the Sahara in 1884? Ultimately, the answer was because it had little diplomatic leverage and its military was too weak to repel the Spanish army. True, Morocco had managed to maintain its independence for centuries, even as European powers gobbled up huge swathes of Africa further away and less accessible than Morocco. But, by the late nineteenth century, the kingdom too was in the crosshairs of European geopolitical competition.

Spain declared war on Morocco in 1859 over a dispute about the borders of Ceuta, to this day a seven-square-mile enclave on the North African coast surrounded by Morocco and the Mediterranean. The Portuguese had captured Ceuta in 1415, and transferred it to Spain in 1668; the territory has always been an irritant to Moroccans, much the way many Spaniards resent the British presence at Gibraltar. The Spanish-Moroccan War lasted just over six months and ended in a decisive defeat of the Moroccan army and the occupation of Tetuán. When the Spanish seized the Western Sahara 25 years later, there was little Morocco could do.

For Morocco, the situation grew more tenuous in the first decades of the twentieth century. The French army had conquered Algeria in 1830 and, beginning in 1848, the French administered Algeria as an integral part of France. It was in this context—to protect Algeria's flank and to prevent any other power from taking advantage of Morocco's geostrategic importance with coasts on both the Mediterranean Sea and Atlantic Ocean—that the French began increasingly to interfere in Moroccan affairs, eventually claiming Morocco as part of their sphere of influence. Other imperial powers were not going to leave such a status unchallenged. On March 31, 1905, Kaiser Wilhelm II landed in Tangiers to meet with Moroccan Sultan Abdelaziz and proceeded to endorse Morocco's sovereignty. France saw this as both provocative and detrimental to Paris' interests. The war of words between the French and Germans escalated into the summer, with French and German forces mobilizing for war.

Ultimately, the Algeiras Conference led to a truce, but it did not last. On July 1, 1911, against the backdrop of an uprising against Sultan Abdelhafid, who had taken over from Abdelaziz two years earlier, the Germans sent a

gunboat to the Moroccan port of Agadir—theoretically to protect German commercial interests and rescue German merchants. The French responded by sending troops to Fez, and the British dispatched warships off the Moroccan coast, fearing the Germans' ultimate goal was to establish a base that could threaten Gibraltar. Again the powers negotiated a solution, but the French were willing to take no more chances: with the 1912 Treaty of Fez, they and the Spanish established a formal protectorate over Morocco, with the Spanish controlling along the northern coast minus Tangiers as well as the Spanish-occupied areas of the Sahara, while the French ruled supreme everywhere else.

The United States quietly supported Moroccan independence beginning in the 1940s, and gave more overt diplomatic support in the 1950s.<sup>(4)</sup> But it was overbearing French manipulation of the monarchy—exiling Mohammad V to Madagascar and replacing him on the throne with his uncle Mohammed Ben Aarafa—that ultimately did French control in. Facing riots and active opposition, the French ultimately allowed Mohammad V to return and, in 1956, granted Morocco formal independence. The Spanish forfeited their protectorate along the northern coast, but continued to hold the Western Sahara. The following year, Morocco formally laid claim to the territory, the repossession of which became the Kingdom's dominant foreign policy goal. In 1963, Morocco successfully pushed the United Nations to formally designate the Western Sahara to be non-self-governing territory and, in 1965, the Moroccans spearheaded a non-binding but symbolically important UN General Assembly resolution demanding Spain give up its colony.

Momentum certainly seemed to be on the Kingdom's side. The age of imperialism was ending. Between Morocco's independence and 1975, when the Spanish ultimately decided to evacuate the Western Sahara, three dozen African countries gained independence, including Equatorial Guinea which the Spanish had given up in 1968.

### **Snubbed by the ICJ**

But Moroccan efforts at diplomacy were not enough to overcome Cold War reality. In 1974, the Moroccan government had sought an International Court of Justice ruling confirming Morocco's claims to the Western Sahara. What they got fell short. It has become conventional wisdom among proponents of Sahrawi independence and too many journalists that the Court's 1975 finding shot down Morocco's claims to the Western Sahara. The BBC, for example, wrote in a 2014 profile of the Western Sahara that "In October 1975 the International Court of Justice rejected territorial claims by Morocco and Mauritania... [and] recognised the Saharawis' right to self-determination," while *Foreign Policy In Focus*, a magazine for leftist academics and activists in the United States, stated, "Morocco has occupied Western Sahara since 1975 in violation of... a decision by the International Court of Justice."<sup>(5)</sup>

Such a reading willfully misrepresents both the International Court's finding and its context. First, the court issued an advisory opinion rather than a legally binding decision. At issue before the Court were two questions. The first question was: "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)?," while the second was, "What were the legal ties between this territory and the Kingdom of Morocco and the Mauritanian entity?"<sup>(6)</sup>

The court disputed Morocco's claim that the Western Sahara was terra nullius when the Spanish armies colonized it, but found overwhelmingly that there were legal ties between the Western Sahara and the Kingdom of Morocco consistent with Morocco's claims and that several Sahrawi tribes held allegiance to the Moroccan Sultan. Why the seeming inconsistency? The historical evidence which Morocco had submitted was overwhelming and not easy to dispute, but 1975 was the height of the Cold War. The Sahara question was entangled in the Cold War as Morocco was a staunch ally of the West, while the Polisario Front and its Algerian and Cuban backers were Soviet clients. The Non-Aligned Movement distrusted Morocco's links to the West and largely sided with the Polisario.

Nor should the finding that the Western Sahara was not terra nullius at the time of the Spanish invasion imply that the Western Sahara was a distinct entity. The judges' interpretation centered on the question of whether there were tribes and chiefs who were theoretically capable of autonomy; not whether those tribes and chiefs actually were independent.<sup>(7)</sup> In short, the deck was stacked. Manfred Lachs, the president of the court for the proceedings, was Polish. There was also a Soviet judge, Platon Dmitrievich Morozov. Louis Ignacio-Pinto was Beninese. At the time, Benin was perhaps the staunchest Marxist state in Africa. Nor could Morocco expect a fair

hearing from Nagendra Singh, the Indian judge. India had been the leader of the Non-Aligned Movement, which was suspicious of the West to start. By the 1970s, it had largely shed any pretense to neutrality and moved firmly into the Soviet camp in foreign policy, even signing a Treaty of Peace, Friendship, and Cooperation with the Soviet Union in 1971.

The Moroccan government was dissatisfied with the Court's split decision. Just weeks after the Court's decision, 350,000 Moroccans marched unarmed into the Western Sahara waving Moroccan flags and carrying copies of the Qur'an in what became known as the "Green March." Spanish forces watched the incursion, but did not fire on the crowds. In effect, the non-violent action marked the end of any Spanish pretense of control. This was confirmed barely a week later when, on November 14, 1975, the governments of Spain, Morocco, and Mauritania agreed to the Madrid Accords which effectively divided the Western Sahara between Morocco and Mauritania.<sup>(8)</sup>

### **Cold War proxies**

Not everyone was willing to accept a peaceful, diplomatic resolution. Houari Boumediene, commander of Algeria's revolutionary council and indisputable leader of the country after leading the 1965 coup, transformed Algeria into an authoritarian, socialist, Soviet-oriented state. Morocco was no democracy and was also often abusive of human rights, but its orientation was decidedly Western. The two states were always staunch political and cultural rivals. Morocco was a conservative, traditional monarchy while Algeria was a reactionary republic. The Cold War only exacerbated the conflict, as did the "Sand War," a 1963 skirmish sparked by Morocco's attempt to reclaim territory around Tindouf which French colonial authorities had transferred from Morocco to Algeria when France was suzerain over both.

When Spain withdrew from the territory and Mauritania ceded its claims in the Western Sahara to Morocco, Algeria sought to undercut its neighbor and rival. Its chief tool was the Frente Popular de Liberación de Saguía el Hamra y Río de Oro, better known as the Polisario Front. Founded in 1973, the Polisario had launched occasional guerrilla actions against Spanish garrisons and, more frequently, Sahrawi residents who did not accept the Polisario as their representatives. The Polisario's campaign took a new direction after the Spanish withdrawal. On February 27, 1976, it declared the Sahrawi Arab Democratic Republic and proceeded to resist what it argued was Moroccan occupation of the Western Sahara.

The subsequent guerrilla conflict killed 7,000 Moroccan soldiers and 4,000 Polisario guerrillas, not to mention perhaps 3,000 Sahrawi civilians. Fighting displaced tens of thousands of others. Ultimately, it was the Moroccan army's construction of a huge, 1,500-mile-long sand and stone berm and trench system with minefields and forward operating bases along the Western Sahara's frontier with Algeria and Mauritania which confirmed Moroccan control over the territory and precipitously diminished the Polisario insurgency on the Moroccan side of the berm.

The Polisario launched one final unsuccessful offensive in 1989 against the Moroccan-held town of Guelta Zemmour, but the collapse of the Soviet Union and the ensuing financial crisis amongst Cuba and its other clients took their toll: While some African countries and more radical regimes continued to lend diplomatic support, the Polisario found their more substantive international backing whittling away. The Polisario's leadership recognized that, lacking popular support and now largely blunted militarily, they would never achieve their aims by force. Enter the United Nations: On April 29, 1991, the UN Security Council unanimously adopted resolution 690, which created a United Nations Mission for the Referendum in Western Sahara (MINURSO) with a mission to arrange a referendum among the Sahrawi about self-determination. On September 6, 1991, a cease-fire took hold.

Morocco consolidated control over the Western Sahara, initially with a brutal hand, but its behavior was nothing compared to the ruthlessness employed by the Polisario. The Polisario held Sahrawi refugees as virtual hostages in camps in the western Algerian province of Tindouf. It separated children from their families, and sent them to Cuba for re-education, and it often executed those who opposed the Polisario's dominance or questioned its tactics or positions. After the cease-fire, the Polisario illegally kept more than 400 Moroccan prisoners-of-war for an additional 14 years. These were subjected to regular torture, and the Polisario repeatedly forced its Moroccan prisoners to donate blood for wounded Polisario fighters. The Polisario summarily executed many Moroccan POWs years after the cease-fire mandated their release.

While MINURSO continues to monitor the cease-fire, it failed in its mission to sponsor a referendum. The problem was not only the Polisario, but also the group's Algerian backers. Preparations broke down over a simple question: Who gets to vote? While the Polisario Front claims more than 100,000 Sahwari refugees live in refugee camps in Tindouf, and some journalists and short-term visitors parrot that figure, diplomats with long experience in the camps and in the region, as well as former refugees, estimate that no more than 40,000 reside in the camps. Only half of these are actual refugees from the portion of the Western Sahara that Morocco controls; the remainder has roots in Algeria, Mauritania, or Mali and so have no standing in the referendum. In theory, the UN should be able to solve the problem, but Algeria refused to allow free access to independent observers to conduct a true census. As a result of these disputes, an indeterminate number of refugees have remained in the Tindouf camps for the almost quarter century since MINURSO's establishment.

While many countries might shy away from hosting any refugee population into perpetuity, cynicism and corruption twists Algeria's position. Today, the Sahrawi Arab Democratic Republic exists on paper only, thanks to Algerian largesse, which sees the Polisario as a useful wedge against rival Morocco and so bankrolls its diplomatic missions.

Money also matters. In 2007, the European Union's Anti-Fraud Office detailed with precision the diversion of humanitarian aid destined for Sahrawi refugees confined to the Tindouf camps. The diversions began with the connivance of the Algerian military in the Mediterranean port of Oran and continued as the convoys made their nearly 1,000-mile trek to the camps. The basis for much of the fraud was the Polisario (and Algerian) inflation of the number of refugees. In effect, the European Union was feeding ghosts.<sup>(9)</sup> Too many Algerian military officers and politicians have a vested interest in keeping the conflict alive.

### **Overcoming stalemate**

Active war is not going to erupt again between Algeria and Morocco, and the Polisario lacks the capacity to renew its fight inside Morocco. The problem is not the Sahrawi insurgency, but rather broader regional collapse.

Fueled by loose weapons from Libya, al-Qaeda in the Islamic Maghreb (AQIM) and other terrorist groups have destabilized wide swathes of the Sahel. Tunisia might be the shining star of the Arab Spring, but it too is facing a terrorist challenge. On March 18, 2015, terrorists loyal to the Islamic State attacked the Bardo Museum in the country's capital, killing 22. A month and a half later, the jihadi Ifriqiyah Media called on those loyal to the Islamic State to transform the summer months into a "Summer of Hell" in Tunisia.<sup>(10)</sup> Nor is Tunisia alone in facing a looming terrorist threat. On May 9, 2015, for example, the Islamic State released an audio tape purporting to be from the Ansar al-Khilafah Battalion in Algeria, pledging allegiance to self-styled Islamic State Caliph Abu Bakr al-Baghdadi, and four days later, Adnan Abu Walid al-Sahrawi from El Mourabitoune, a jihadist group which operates in the Sahel and Sahara, likewise pledged allegiance to the Islamic State.<sup>(11)</sup> After Syria and Iraq, nowhere does the Islamic State control more territory than in Libya. Across North Africa and the Sahel, from the Red Sea to the Atlantic, only Morocco is truly stable.

While 45 countries might recognize the fiction of the Sahrawi Arab Democratic Republic—largely as a precondition to receive Algerian aid or discounted gas—Polisario authority does not extend beyond its presence in the Tindouf refugee camps. Tindouf itself is a miserable place: It has no natural resources and no agricultural potential. Residents live not only off aid, but also smuggling. Polisario smuggling is evident in markets around Algeria, Mali, and Mauritania, where merchants sell aid supplies delivered to Tindouf.

Siphoned aid is only the tip of the iceberg. Polisario smugglers also transport African migrants northward toward Europe, and jihadis and weaponry southward from Libya, through Algeria, and across the Sahel. Counterterrorism analysts say that AQIM now recruits in Polisario camps.<sup>(12)</sup>

It would be in the security interest not only of the United States but also every country in North Africa and the Sahel to hamper these smuggling networks. The Tindouf camps are not the only source of such smuggling, but they are a catalyst. The simple fact is that the camps need not exist. Many residents of the Tindouf camps seek to return to Morocco, which welcomes them with open arms. Whereas from the 1970s through the 1990s, Morocco treated the Western Sahara as a poor backwater, Mohammed VI of Morocco has spearheaded economic development in the region.<sup>(13)</sup> As a result, living standards in the Western Sahara are now higher than in the rest of Morocco. Rather than simply exploit the region's minimal mineral wealth or its more robust

fisheries, the government focuses on sustainable development, tourism, businesses, and education. Many returnees, meanwhile, suggest that thousands more would follow if the Polisario allowed them to leave.

More importantly, the Moroccan government no longer simply seeks to annex the territory. In 2006, the Moroccan Royal Advisory Council for Saharan Affairs (CORCAS) proposed an autonomy plan for the territory, somewhat modeled on the autonomy of Spanish regions and the Canary Islands under Spanish sovereignty. In 2007, Nicholas Burns, then-Undersecretary of State for Policy, called the Moroccan plan “a serious and credible proposal,” and a bipartisan group of 173 congressmen—including nearly every member of the leadership—sent a letter to President George W. Bush expressing support for the Moroccan proposal.<sup>(14)</sup> Algeria, always statist, continues to oppose such autonomy for fear that it might set a precedent for Algerian Berbers to demand similar freedoms. But while Algeria has stonewalled, Morocco has moved forward with its plans. Former Polisario members and refugees occupy the highest positions and set policy. On November 6, 2014, the 39th anniversary of the Green March, Mohammed VI announced “advanced regionalization,” effectively complete autonomy under Moroccan sovereignty.<sup>(15)</sup>

Diplomats naturally seek compromise, but win-win situations only work when both sides sincerely seek a settlement. Had the referendum enshrined in the MINURSO mission been viable, it would have long ago occurred. Boiler-plate language for direct negotiations between Morocco and the Polisario are meaningless if not counterproductive when one party filibusters a permanent, realistic solution. With AQIM wreaking havoc in the region, and the Islamic State looking at North Africa and the Sahel as a new front, the United States and its European and African allies should no longer sit idle and let the problem fester. Washington should embrace stability and security, not take them for granted.

It is time to side unequivocally with Rabat. Morocco has been a staunch friend to the United States for centuries, ever since becoming the first country to recognize American independence in 1777. It is time to repay the favor. The United States should overtly recognize Moroccan sovereignty over the Western Sahara so long as Morocco fully implements its regionalization policy and utilizes the commodity and fishing resources of the region as well as potential offshore gas primarily for the development of the region, as required by international law. The ineffectual MINURSO experiment should be ended as an expensive artifact of the past. Rather than persist in a process that effectively holds Sahrawis in Tindouf hostage to the Polisario, the United States and United Nations should demand that Algeria allow Sahrawi refugees to travel with their families freely, by bus, to Morocco. No longer should the Polisario be allowed to keep family members hostage to encourage the return of the few camp residents who can get seats on UN-sponsored flights. Not always do American security interests and humanitarian factors so neatly coincide. In this case, however they do.

As crises erupt across the globe, from the Senkaku Islands to Ukraine and across the Middle East, it can be tempting for the White House and State Department to put policy toward traditionally peripheral regions like the Western Sahara on autopilot. It would also be a mistake, as the status quo in the Sahel is no longer tenable.

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