Western Sahara overview

Stephen Zunes

October 2022

Western Sahara is a sparsely-populated territory about the size of Colorado, located on the Atlantic coast in northwestern Africa, just south of Morocco. Traditionally inhabited by nomadic Arab tribes, collectively known as Sahrawis and famous for their long history of resistance to outside domination, the territory was occupied by Spain from the late 1800s through the mid-1970s. With Spain holding onto the territory well over a decade after most African countries had achieved their freedom from European colonialism, the nationalist Polisario Front launched an armed independence struggle against Spain in 1973. This—along with pressure from the United Nations—eventually forced Madrid to promise the people of what was then still known as the Spanish Sahara a referendum on the fate of the territory by the end of 1975. The International Court of Justice (ICJ) heard irredentist claims by Morocco and Mauritania and ruled in October of 1975 that—despite pledges of fealty to the Moroccan sultan back in the nineteenth century by some tribal leaders bordering the territory, and despite close ethnic ties between some Sahrawi and Mauritanian tribes—the right of self-determination was paramount. A special visiting mission from the United Nations engaged in an investigation of the situation in the territory that same year and reported that the vast majority of Sahrawis supported independence under the leadership of the Polisario, not integration with Morocco or Mauritania.

During this same period, Morocco was threatening war with Spain over the territory and assembled over three hundred thousand Moroccans to march into Western Sahara to claim it as theirs regardless of the wishes of the indigenous population whose dialect, dress, history, and culture was very different than that of the Moroccan Arabs to their north. Though the Spaniards had a much stronger military during that time, they were occupied with the terminal

illness of their longtime dictator, General Francisco Franco. At the same time, Spain was facing increasing pressure from the United States, which wanted to back its Moroccan ally, King Hassan II, and did not want to see the leftist Polisario come to power. As a result, Spain reneged on its promise of self-determination and instead agreed in November 1975 to allow for temporary Moroccan administration of the northern two thirds of the Western Sahara and for Mauritanian administration of the southern third.

As Moroccan forces moved into Western Sahara, nearly half of the population fled into neighboring Algeria, where they and their descendants remain in refugee camps to this day. Morocco and Mauritania rejected a series of unanimous United Nations Security Council resolutions calling for the withdrawal of foreign forces and recognition of the Sahrawis` right of self-determination. The United States and France, meanwhile, despite voting in favor of these resolutions, blocked the United Nations from enforcing them. At the same time, the Polisario—which had been driven from the more heavily populated northern and western parts of the country—declared independence as the Sahrawi Arab Democratic Republic (SADR).

Thanks in part to the Algerians providing significant amounts of military equipment and economic support, Polisario guerrillas fought well against both occupying armies and defeated Mauritania by 1979, making them agree to turn their third of Western Sahara over to the Polisario. However, the Moroccans then annexed the remaining southern part of the country as well.

The Polisario then focused their armed struggle against Morocco and by 1982 had liberated nearly eighty-five percent of their country. Over the next four years, however, the tide of the war turned in Morocco`s favor thanks to the United States and France dramatically increasing their support for the Moroccan war effort, with US forces providing important training for the Moroccan army in counter-insurgency tactics. In addition, the Americans and French helped Morocco construct a 1200-kilometer "wall," primarily consisting of two heavily fortified parallel

sand berms, which eventually shut off more than three quarters of Western Sahara—including virtually all of the territory`s major towns and natural resources—from the Polisario.

Meanwhile, the Moroccan government, through generous housing subsidies and other benefits, successfully encouraged tens of thousands of Moroccan settlers—some of whom were from southern Morocco and of ethnic Sahrawi background—to immigrate to Western Sahara. By the early 1990s, these Moroccan settlers outnumbered the remaining indigenous Sahrawis by a ratio of more than two to one.

While rarely able to penetrate into Moroccan-controlled territory, the Polisario continued regular assaults against Moroccan occupation forces stationed along the wall until 1991, when the United Nations ordered a cease-fire to be monitored by a United Nations peacekeeping force known as MINURSO (United Nations Mission for the Referendum in Western Sahara). The agreement included provisions for the return of Sahrawi refugees to Western Sahara followed by a United Nations-supervised referendum on the fate of the territory, which would allow Sahrawis native to Western Sahara to vote either for independence or for integration with Morocco. Neither the repatriation nor the referendum took place, however, due to the Moroccan insistence on stacking the voter rolls with Moroccan settlers and other Moroccan citizens whom it claimed had tribal links to the Western Sahara. Secretary General Kofi Annan enlisted former US Secretary of State James Baker as his special representative to help resolve the impasse. Morocco, however, continued to ignore repeated demands from the United Nations that it cooperate with the referendum process, and French and American threats of a veto prevented the Security Council from enforcing its mandate.

In 2000, the United States, under President Bill Clinton, successfully convinced Baker and Annan to give up on efforts to proceed with the referendum as originally agreed by the United Nations ten years earlier and instead, accept Moroccan demands that settlers be allowed to vote on the fate of the territory along with the indigenous Sahrawis. Eventually, Baker came up with a proposal whereby both the Sahrawis and the Moroccan settlers would be able to vote in the

referendum, but the plebiscite would take place only after Western Sahara experienced significant autonomy under Sahrawi-elected leaders for a five-year period prior to the vote. Independence would be an option on the ballot for the referendum and the United Nations would oversee the vote and guarantee that advocates of integration and independence would both have the freedom to campaign openly. The United Nations Security Council approved the Baker plan in the summer of 2003.

Under considerable pressure, Algeria and, eventually, the Polisario, reluctantly accepted the new plan, but the Moroccans—unwilling to allow the territory to enjoy even a brief period of autonomy and risk the possibility that they would lose the plebiscite—rejected it. Once again, the United States and France blocked the United Nations from pressuring Morocco to comply with its international legal obligations and Baker resigned.

In what was widely interpreted as rewarding Morocco for its intransigence, the Bush administration subsequently designated Morocco as a "major non-NATO ally," a coveted status then granted to only fifteen key nations, such as Japan, Israel, and Australia. The following month, the Senate ratified a free trade agreement with Morocco, making the kingdom one of only a half dozen countries outside of the Western hemisphere to enjoy such a close economic relationship with the United States.

US aid to Morocco increased five-fold under the Bush administration, ostensibly as a reward for the kingdom undertaking a series of neoliberal "economic reforms" and to assist the Moroccan government in "combating terrorism." While there has been some political liberalization within Morocco in recent years under the young King Mohammed VI, who succeeded to the throne following the death of his father in 1999, gross and systematic human rights violations in the occupied Western Sahara continue unabated, with public expressions of nationalist aspirations and organized protests against the occupation and human rights abuses routinely met with severe repression.

A United Nations peacekeeping force known as MINURSO was dispatched in 1991 to enforce the ceasefire and oversee the scheduled plebiscite, though they have been strictly limited by Morocco in terms of their operations. MINURSO is the only UN modern peacekeeping operation in the world without a mandate to monitor the human rights situation in its areas of operation. In 2016, Morocco illegally expelled the civilian members of MINURSO in response to then-UN Secretary General Ban Ki Moon's acknowledged that Moroccan control of Western Sahara was indeed an occupation, but the United States and France blocked the UNSC from issuing anything but a very mildly-worded ambiguous statement noting "concern" about the action with no follow-up.

There is little question of the application of that term "occupation" in regard to Moroccan control of the territory, however. The U.N. General Assembly used the word occupation in resolutions regarding Western Sahara (34/37 and 35/19) and the consensus of international legal opinion is that the country is a non-self-governing territory under foreign belligerent occupation. Indeed, the European Court of Justice has struck down efforts by the European Union to establish trade and fishing agreements which fail to distinguish Western Sahara's status accordingly.

In what some people have noted was the actual start of the Arab Spring, preceding the Tunisian protests by a few months, tens of thousands of Sahrawis set up a peaceful protest camp in the fall of 2010. After a couple of weeks, it was violently broken up by Moroccan occupation authorities.

The Sahrawis have fought for their national rights primarily by legal and diplomatic means, not through violence. Even during their armed struggle against the occupation, Polisario forces restricted their attacks exclusively to the Moroccan armed forces, never targeting civilians. Nevertheless, Moroccans and their supporters in Congress repeatedly claim that the Polisario is a terrorist group.

Nearly half of the Sahrawi population lives in exile in the desert of western Algeria in refugee camps under Polisario administration. The 170,000 Sahrawis living in these desert camps are largely self-governing. Demonstrations and strikes in the late 1980s forced the Polisario to democratize the governance of the camps, where they maintain a functional, if barely subsistent, economy. Though devoutly Muslim, Sahrawi women are unveiled and enjoy equal rights with men regarding divorce, inheritance, and other legal matters. Sahrawi women also hold major leadership positions in the Polisario and the Sahrawi Arab Democratic Republic (SADR), including posts as cabinet ministers. Indeed, Saharawi women activists in the occupied territories are seen as uppity in the eyes of the more conservative Moroccans, who have singled them out for sexual violence. I've interviewed a number of Sahrawi women who were raped while in prison and even while under house arrest.

Some observers note the irony that while the United States claim to seek the establishment of secular democratic governance and claim that women's rights in the Arab and Islamic world be better respected, they have contributed greatly to the failure of the Sahrawis to establish such a democratic system outside these refugee camps by supporting the occupation of their country by an autocratic monarchy.

Over the past three decades, the SADR has been recognized as an independent country by more than eighty governments, though some have subsequently withdrawn their recognition, mostly under French pressure. The SADR has been a full member state of the African Union (formerly the Organization for African Unity) since 1984. By contrast, with only a few exceptions, the Arab states—despite their outspoken opposition to the Israeli occupation of Palestinian and Syrian land—have supported Morocco`s occupation of Western Sahara. The United Nations still formally recognizes Western Sahara as a non-self-governing territory, making it Africa`s last colony.

After 29 years of broken promises by Morocco and ongoing violations of the cease fire agreement, the Polisario resumed the armed struggle in November of 2020.

Though an argument certainly could be made that the Polisario has the right to resume the armed struggle in light of Morocco's failure to live up to the cease fire agreement and the failure of the international community to pressure Morocco to do so, it is doubtful that a new war will win the Sahrawis their rights. Morocco's construction of a sand berm consolidating their hold on the majority of the territory is fortified and, while vulnerable to shelling and to hit and run attacks, would be hard to penetrate for a sustained period. In addition, new drone technology has given the Moroccans the upper hand in desert warfare.

Within the cities in the Moroccan-controlled areas, the resistance has consisted largely of strategic nonviolent action, such as peaceful protests, sit-ins, occupations, strikes, and boycotts, with no incidents of urban guerrilla warfare. Even these nonviolent protests have been met by severe repression, however, leading to criticisms by Amnesty International, Human Rights Watch, and others. Freedom House has listed Western Sahara, out of all 210 countries surveyed, as having the worst record regarding political rights of any country in the world save for Syria. I've been to 86 countries, including Iraq under Saddam and Indonesia under Suharto, and I've never seen a worse police state than Moroccan-occupied Western Sahara.

Morocco and its supporters have made a series of contradictory claims about the Polisario's alleged ties to terrorist groups, including such rivals as ISIS, Al-Qaeda, and Hezbollah—without any evidence backing their claims. Indeed, the secular and moderately leftist Polisario would have nothing to do with these rightwing Islamist organizations. In addition, even during the earlier phase of the armed struggle against Spain and Morocco, they never deliberately attacked civilian targets. They have never engaged in terrorism.

Perhaps the Polisario hopes that resuming the armed struggle will push Western governments to finally pressure Morocco to compromise. Unfortunately, the tendency in Washington, Paris

and other Western capitals to view any armed resistance against an allied government in the Arab world to be “terrorism” almost by definition, the Polisario’s resumption of their guerrilla war could actually increase foreign support for Morocco. Indeed, the United States has since increased its arms transfers to Morocco, including drones which have killed a number of civilians in recent months.

Though war is not the answer, neither is the occupation. The failure of the international community to force Morocco to live up to its international legal obligations is what has led to this crisis. As with the 24-year Indonesian occupation of East Timor, having friends on the UN Security Council has allowed Morocco to run roughshod under international legal norms.

As a result of French and American veto threats, the Security Council has failed to place the Western Sahara issue under Chapter VII of the United Nations Charter, which would give the international community the power to impose sanctions or other appropriate leverage to force the Moroccan regime to abide by the UN mandates it has to date disregarded.

The United States and France have endorsed a Moroccan “autonomy” plan for Western Sahara which would be quite limited in scope and fail to meet the international standard for autonomy. It does not allow the Sahrawis the option of independence, to which—according to international law, a series of UN resolutions, and a landmark World Court ruling—they are entitled as a UN-recognized non-self-governing territory. If the Moroccan plan was imposed by the Security Council, as Washington and Paris are advocating, it would constitute the first time since the signing of the UN Charter that the international community recognized an incomplete decolonization and the expansion of a country’s territory by force.

Just weeks after the resumption of the armed struggle, on December 10, 2020, the United States became the only major country in the world to formally recognize Morocco’s illegal annexation of Western Sahara. Trump’s decision was a quid pro quo: a reward for Morocco’s formal recognition of Israel, a country which is also an occupying power. Trump had previously

broken precedent by recognizing Israel's illegal annexation of Syria's Golan Heights and its settlements in the West Bank and greater East Jerusalem. The U.S. recognition of Morocco's annexation is even worse since it involves an entire country. As with his earlier recognition of Israel's conquests, Trump was effectively renouncing longstanding international legal principles in favor of the right of conquest.

And, since Western Sahara is a full member state of the African Union, Trump was essentially endorsing the conquest of one recognized African state by another. It was the prohibition of such territorial conquests enshrined in the UN Charter which the United States insisted had to be upheld by launching the Gulf War in 1991, reversing Iraq's conquest of Kuwait. Now, the United States is essentially saying that an Arab country invading and annexing its small southern neighbor is legitimate after all.

Disturbingly, within hours of Trump's December 10 announcement, word came of a U.S. decision to sell at least four sophisticated large aerial drones to Morocco. U.S. laws prohibit such weapons sales to invading armies. However, with the U.S. recognizing Moroccan sovereignty over Western Sahara, including the Polisario-controlled segments of the territory, the occupation has become, in the eyes of Washington, a civil war between a recognized government and a secessionist movement, which could also pave the way for further U.S. intervention.

In both the Israeli and Moroccan occupations, there has been bipartisan support for the occupiers, but previous administrations recognized the dangerous legal precedent of formal recognition. Trump essentially made official what was essentially U.S. policy anyway. For decades, both Republican and Democratic administrations have insisted that neither Morocco nor Israel was obligated to withdraw their occupying forces, instead allowing the occupying powers to engage in an endless "peace process" with those under occupation who have no leverage to change the equation. In this way, the U.S. has allowed both occupiers to continue colonizing their occupied territories and consolidating their control.

As a result, Trump's insistence that Western Sahara was no longer negotiable simply codifies what the occupying powers had been saying for decades, while receiving no pressure from the United States to do otherwise.

President Biden could reverse Trump's recognition of these annexations, but so far he has refused. There was hope that he would do so, at least in the case of Western Sahara. Since this would probably mean that Morocco would then renounce its recognition of Israel, however, Biden has been even more reluctant to do so. The Biden administration says it favors a resumption of the UN-brokered peace process, but Morocco has reiterated that the option of independence is completely off the table and that US recognition has reinforced their position of denying the Sahrawis the right of self-determination.

As a senator and later as vice-president, Biden said that he is neutral regarding Western Sahara. However, neutrality is an inappropriate position in a dispute between the people of a non-self-governing territory demanding their right to self-determination and an occupying power denying them that right. Meanwhile, Congress has been actively supporting the Moroccan conquest by insisting that U.S. foreign aid to Morocco "shall be made available for assistance for the Western Sahara" as a way of undercutting State Department efforts to distinguish between Morocco and its occupied territory.

It's ironic that Biden is seeking to lead the international community in response to Russian aggression against Ukraine, particularly their illegal annexations of Ukrainian territory, insisting that countries must not unilaterally changed international boundaries and cannot expand their territories by force. If you look at official US government maps, you will find—unlike maps from the UN, National Geographic, Rand McNally, Google, or practically anywhere else—you will see no delineation between Morocco and Western Sahara. It's all Morocco in the eyes of the US government.

Biden's policy has been challenged by academics, retired State Department officials, allied governments, and members of Congress ranging from Democratic Senator Patrick Leahy on the left to Republican Senator James Inhofe on the right, but the administration has refused to budge.

With armed struggle unlikely to succeed and with the diplomatic efforts at a stalemate, what are the alternatives? I am a strong believer in the power of nonviolent civil resistance. I have written extensively about the power of ordinary people using strategic nonviolent action to overthrow even the most brutal regimes. However, it is extremely difficult for such a civil insurrection to succeed when you are a minority in your own country.

What else is there?

My sense is that the best path forward is through the efforts of global civil society. It was similar support by Western governments of Indonesia which for many years prevented independence for East Timor. Indonesia's 1975 invasion of the former Portuguese colony took place only six weeks after Morocco's seizure of Western Sahara. It was only after human rights organizations, church groups, and a wide array of activists in the United States, Great Britain, Canada, and Australia successfully pressured their governments to end their support for the occupation that the Indonesian government was finally willing to offer a referendum in 2000 which granted the East Timorese their right to self-determination. It may take similar grassroots campaigns in Europe and North America to ensure that Western powers live up to their international legal obligations and pressure Morocco to allow the people of Western Sahara the right to determine their own destiny.

There is a small but growing movement in Europe supporting Western Sahara's right to national self-determination, as well as some similar civil society initiatives in South Africa, other African countries, Australia, Japan, and the United States. A growing focus on the issue of the illegal exploitation of natural resources in Western Sahara is providing proponents of international

law and human rights a means of which to challenge governments and companies which illegally take advantage the occupation by targeting them through campaigns advocating boycotts, divestment, and sanctions, though a number of states have passed anti-BDS laws that will make this difficult. In addition, such movements are too small to have much impact on government policies, particular those of France and the United States, which are the two governments most responsible for the failure of the United Nations to enforce its resolutions addressing the conflict.

This can change, however: Thirty years ago, there was relatively little civil society activity in developed nations regarding East Timor, but a dramatic growth in such activism in the late 1990s played an important role in making possible East Timor's eventual independence.

A similar campaign may be the best hope for the people of Western Sahara and the best hope we have to save the vitally important post-World War II legal principles enshrined in the United Nations Charter.

The implications of the Biden administration's policies go well beyond the fate of the half million Sahrawis living in exile or under repressive military rule. Biden's failure to rescind Trump's recognition of the Moroccan conquest will not only prolong the bitter conflict in Western Sahara, but will also contribute to undermining the liberal international order in place since the end of World War II.

As a result, the stakes are not simply about the future of one small country, but the question as to which principle will prevail in the 21st century: the right of self-determination, or the right of conquest?

The answer could determine the fate not just of the Western Sahara, but that of the entire international legal order for many decades to come.