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## A Patient Nation Among Realist States: The case of Western Sahara



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## **1. Introduction**

Since human being started to organize themselves, sovereignty disputes flourished everywhere around the world. Those efforts were full of strong and sincere values such as freedom, pride and love for the land where forefathers established a small nest, which grew up together with its inhabitants. They had nothing to do with mere and vicious lust for power; those efforts were always driven by higher aims. There is a special link between humans and their territory, because along with their work to ameliorate it, the land gives meaning to people experiences, creates the culture and the history of a population. Therefore, even for a former nomad population such as Saharawis, their desert is their world, their home, all they have to build up a better future.

Western Sahara was colonized by Spanish in the last years of XIX century, the local population never actually accepted this occupation; how could someone used to be free like the wind in the desert accept someone else to tell him what to do or where to go. In 1975 Spain withdrew its troops and did not lay the ground for Saharawi independence; in spite it shared the area which was already known for its natural resources with Morocco and Mauritania. The latter renounced to any claims of sovereignty some years later but the former is ruling Western Sahara since then. The conflict became a proxy of the bad relations between the North African Kingdom, and Algeria who is supporting the official representative of Saharawi people named Polisario Front.

More than 200,000 Saharawi have been deprived of their right to self-determination; consequently Morocco is maintaining its power over the territory through several violations of human rights and denial of civil freedom. The ninety per cent of Western Sahara people live in refugee camps either in the so-called liberated territories or in Algeria.

Since 1991 the United Nations has been present in Laayoune, the biggest city in the area, with a mission trying to organize a referendum that never took place. Though it managed to maintain the ceasefire for almost twenty years.

This essay aims at analyzing the historical context that brought to the present scenario; going through the states' interests involved, considering how they are managed and whether they are legally claimed or not. According to who writes, this dispute is a textbook example of political realism, where nothing but interest is the main push for negotiations. The title wants to underline this concept and to highlight the fortitude of Saharawis, who live a partial life in the refugee camps. Theories of International relations will provide for further reference model in order to contribute with a useful document to better understand such a difficult stage.

Western Sahara is the largest territory not benefiting of the self-determination right and the last file still open at the UN Decolonization Office.

## **2. Western Sahara according to International Relations' Theories.**

### **2.1 Principles of political realism and their limitations.**

Realism believes in the objectivity of the laws of politics that are rooted in human nature and govern society. The roots of these laws are classical philosophies from China, India and Greece and have not changed much since their births. It is easy to recall how confident and faithful scholars and statesmen are towards ancient theories, while they are always more suspicious when a new one comes out. Most likely this is the reason for the tardiness in the progress of Western Sahara dispute, in fact it is extremely hard to change the status quo in such a problematic area.

For realists almost every single fact can be linked to its reasons, so that it is possible to find out what a statesman was aiming at. Morgenthau's suggestion is to put ourselves in the position of a state's leader who must meet a certain problem of foreign policy under well defined circumstances. What rational choices can he take into consideration? The clash between the hypotheses mentioned above, 'the actual facts and their consequences give meaning to the facts of international politics and make a theory of politics possible'.<sup>1</sup> To fairly approach the conflict of Western Sahara, the previous statement will be taken into consideration and applied to every part involved in the dispute.

The keystone of realism is the concept of interest defined in terms of power; ancient and modern history give credit to this viewpoint recalling the ways a statesman used to write his dispatches, to meet his counterparts and set his political thought. According to Morgenthau 'as disinterested observers we understand his thoughts and actions perhaps better than he, the actor on the political scene, does himself'.<sup>2</sup> The Western Sahara dispute offers a perfect example of negotiations based on interests where political leaders meet their objectives in order to maintain or increase the power of their states. Lord Salisbury recalling the famous Thucydides stressed that: 'The only bound of union that endures among nations is the absence of all clashing interests'; unfortunately for the Saharawis, they have several clashing interests with Morocco and many other States as it will be said in part IV.

Aware of moral implications into politics, realists believe universal moral principles need to be filtered through the concrete circumstances of time and place. Ethics judges action by its

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<sup>1</sup> From *Politics Among Nations: The Struggle for Power and Peace*, 5th ed. Hans J. Morgenthau (New York, NY: Alfred A. Knopf, 1973), pp. 4-6, 8-12 © 1948

<sup>2</sup> Ibidem

conformity with moral law, while political ethics judges political actions by their consequences. Lincoln used to say that everything said against him would amount to nothing if the end brings him out all right, conversely ten angels swearing he was right would make no difference if the end brings him out wrong. Evidence shows that statesmen involved in the Western Sahara issue might need much more than ten angels to bear they were right.

Another viewpoint, which will be useful to study leaders behaviour, is the refusal to identify the moral aspiration of a nation with the moral laws that govern the universe. Most of the states in the world fell at least once under the temptation to clothe their own actions and desires in the pursue of the universal good. As it will be said later, Morocco in its claim over Western Sahara's sovereignty tried also this path: identifying the world good with its control over the region. To be even more plausible the North African country associates its will with the United States war on terror and the need of stability in the Middle East; doing so Morocco gained time since its policies were in accord with those of the most powerful western democracy. Once again the Hellenic thesis that 'justice is the right of the stronger' is proved. Morgenthau magisterially explains this concept stressing: 'There is a world of difference between the belief that all nations stand under the judgment of God, inscrutable to the human mind, and the blasphemous conviction that God is always on one's side and that what one wills oneself cannot fail to be willed by God also'.<sup>3</sup> This clamorous mistake can be avoided with the keystone of realism; looking at all nations as political entities following their respective interests in terms of power it is possible to do justice to all of them. In this way statesmen would be capable to pursue policies that respect the interests of other nations.

To strengthen a realist explanation of the dispute it is good to remind also the three essential tenets of Machiavelli who was indeed the first realist. First of all history is a sequence of cause and effect which has very little to do with imagination as utopians believe. Second and third: practice creates theory and politics generates ethics; none of these two can be switched as utopians think. Machiavelli recognized the importance of morality but he thought that there could be no effective morality where there is no effective authority. This model have been understood very well by Hassan II former king of Morocco who disseminated his army all over Western Sahara.<sup>4</sup> Here comes an interesting example of political marketing; reminding that Morocco is still a kingdom, all its territory has pictures of the royal family smiling in elegant pose. On the other hand the land of Saharawis is full of the king's portraits in military suite with sunglasses proud and full of authoritative attitude, which is quite a peculiar fact.

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<sup>3</sup> Ibidem

<sup>4</sup> Later Krasner's "Problematic sovereignty" will better explain this concept.

E.H. Carr had a brilliant and very honest intuition; contrary to many realists he recognizes the limits of his doctrine. He stressed that realism itself can be attacked by its own weapons turning out in practice to be as much conditioned as any other mode of thought. In fact in Carr's words: 'realism though logically overwhelming, does not provide us with the spring of action which are necessary even to the pursuit of thought'.<sup>5</sup> Action with its energy and positive attitude is what theory needs to be effective in the real world. A consistent realist excludes four elements, which appear essential in any political thought: 'a finite goal, an emotional appeal, a right of moral judgment and a ground for action'. Therefore absolute realism makes any kind of international society impracticable, offering only a struggle for power; but at the same time realism has the rational skills to unmask those utopianism that became empty and meaningless. Utopia and reality, Carr says, are the two elements that make up politics. It is still necessary 'to build a new utopia of our own'.<sup>6</sup> As human beings in a wonderful effort to fix our ameliorable reality, we will continue to look for an alternative to the realist's frame, which is full of self-interest and hypocrisy. Institutions are fundamental for political reality, but ideals are fundamental as well since they are the basis of institutions. According to the above statement, Morocco plays the realist role; it provided Western Sahara with plenty of State's structures, Moroccans, and soldiers. Hassan II and later his son did not consider how vital are ideals to make institutions work and how important is to have people who believe in them. Sooner or later Moroccan (illegal) policy of sending its citizens in Western Sahara will fail, because money cannot buy ideals; then there will be no choice but to recognize the importance of Saharawis who sincerely carry the power of their own ideas.

## 2.2 Western Sahara as National Interest and Balance of Power for the kingdom of Morocco.

Since National interest has been widely explained before, it is good to better define the second realist concept of this paragraph. Balancing refers to states' natural inclination to increase their armament or make alliances to prevent another state from becoming too powerful. There is no sense in attacking each other if power is balanced. On the other hand, if power is concentrated in a single state, it will be interested in overcoming weaker states in order to increase its power without jeopardize its security. Realists believe that states, which do not attempt to balance, will be removed from the international system via conquest.

Concerning national interest, the territorial integrity argument have been appealing to the various players in the Moroccan political arena since the country gained its independence. The Istiqlal party was the first to portray the issue of Western Sahara as a vital interest. It declared in July 1956 that for reasons of geography, history, and international law the natural frontiers of Moroccan

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<sup>5</sup> From *The Twenty Years' Crisis 1919-1939: An Introduction to the Study of International Relations*, Edward Hallet Carr (New York; Harper and Row, Publishers, 1964), pp. 63-93.

<sup>6</sup> *Ibidem*

Sahara should end where Mauritania meets Senegal<sup>7</sup>. The issue of the southern borders could not be ignored by the monarchy knowing that part of its legitimacy is derived from preserving the Moroccan territorial integrity. Besides, to consolidate its power, it had to be more nationalist than the nationalist party. The then King of Morocco Mohammed V decided to consider the issue of Moroccan boundary, thus creating a consultative commission<sup>8</sup>. By 1957, the policy of the Istiqlal Party was adopted officially when Morocco claimed Mauritania, Ifni and the Spanish Sahara on October 14<sup>th</sup> before the United Nations. Even the Moroccan Communist Party, Party of Progress and Socialism (PPS), adopted the view that the border issue was a matter of territorial integrity and national interest. Secretary General of the PPS Ali Yata stated in an interview that the achievement of territorial integrity is a fundamental issue. It has determined their position, taken with regard for the highest interests of the Moroccan people.

While this explanation is the one most adopted by Moroccan officials and some scholars, it is nevertheless, not a very convincing one. Morocco has not been as firm regarding the issue of territorial integrity as the official discourse and explanations would imply. The steady resolution with which the principle has been evoked is contradictory to the compromise that has been made by the Moroccan monarchy and government.

The Moroccan historical record is full of instances where the leadership, and particularly the monarchy, made territorial concessions without threatening its position. For instance, during the “Sand Wars” of 1963 between Algeria and Morocco, Hassan II ordered a withdrawal of his troops from the Tindouf region after he had conquered it. Also, Mauritania was part of the Moroccan territorial claims. As Allal El Fasi<sup>9</sup> had declared: in case Mauritania separates itself from Morocco. It would be a duty of the king and the people to preserve national integrity of the homeland. When France granted Mauritania independence and when this latter was admitted to the United Nations by a general assembly vote on October 27, 1961, Morocco could do nothing more than issue statements condemning the French action. Once again, Morocco made territorial concessions, albeit this time a forced one.

Although Morocco has repeatedly claimed its adherence to the principle of territorial integrity, a brief historical examination shows that Morocco did fail to preserve what it originally identified as its territory. The fact that it made several concessions to both Algeria and Mauritania suggests that the principle of territorial integrity is not approached in absolute terms. If the principle is used to justify the high priority given to Western Sahara, it fails to explain why

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<sup>7</sup> Reyner, Anthony S. *Morocco's International Boundaries: A Factual Background* in *The Journal of Modern African Studies*, Vol. 1, No. 3. (Sep. 1963), p. 314

<sup>8</sup> *ibidem*

<sup>9</sup> Moroccan Foreign Minister in the sixties.

Morocco has given up what it claimed as its own territory shortly after independence. An additional reason why the territorial integrity explanation lacks strength is its inability to explain why Morocco did not evoke the principle with regard to the Spanish enclaves Ceuta and Mellila. Accordingly, the importance of the Western Sahara issue does not stem from a purely principled approach that aims to preserve the Moroccan national interest.

North African politics is not immune from the balance of power theory, which can partly explain why Western Sahara is seen as a priority in Moroccan foreign policy. As Zartman points out, the nature of the regional system is to restrain intensity in either direction, keeping moments of conflict from destroying the system. Zartman referred to this system as a pluralist one, where all members of the system get to preserve their sovereignty. Although Algeria plays by the rules of the system, it has been, according to Zartman, aspiring for a hegemonic role in the region.<sup>10</sup> Viewed in the light of these regional dynamics, the Western Sahara issue is given priority in the Moroccan foreign policy because of its counterbalancing effect. The Western Sahara strengthens Morocco both economically and strategically, making it more capable to contain the Algerian hegemony and thus sustaining the underlying pattern of the classical balance of power, as practiced in Europe and other areas where there have been a number of roughly equal states.<sup>11</sup> As John Damis points out, if the Western Sahara gained independence, it would be dependent on Algeria to balance Morocco. In such a scenario, Morocco would be flanked from both its Eastern and Southern borders by Algerian influence.<sup>12</sup>

On the other hand, a Moroccan annexation of the Sahara would enable it to stop Algerian influence. From a strategic point of view, Morocco southern borders would be safe from an Algerian satellite. Besides, the heavy presence of the army in the Western Sahara would make mainland Morocco less vulnerable to Algeria. As it will be explained later, even Moroccan economy would benefit a lot from Western Sahara, because of its natural resources.

### 2.3 Waltz's neorealism and its level of analysis.

Waltz's theory can be seen as an effort to find a more optimistic view of human beings and of the states they lead. Differently from realism, it doesn't see power as an end in itself; it stresses that in crucial situations, the ultimate concern of states is not for power but for safety.<sup>13</sup> States act because of the pressures exerted on them by the international system which constrain and limit their actions. For Waltz, the causes of these pressures are in the state of perpetual anarchy of the world. Waltz

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<sup>10</sup> Zartman, I. William, *Diplomacy in the Middle East: The International Relations of Regional and Outside Powers*. (I.B. Tauris, London, 2001).

<sup>11</sup> *ibidem*

<sup>12</sup> Damis, John. *The Western Sahara Dispute as a Source of Regional Conflict in North Africa* in Halim Barakat (Editor): *Contemporary North Africa: Issues of Development and Integration* (Croom Helm, Kent, 1985).

<sup>13</sup> Kenneth N. Waltz, *The Origins of War in the Neorealist Theory*, from *The Journal of Interdisciplinary History*, vol. 18, No. 4, pp. 39-52, MIT press, Cambridge, Massachusetts. © 1988

argues that there is a big difference between the anarchy of international environment and the order of the domestic one. In the latter actors are concerned by the power of a central authority. But in the international arena no such source of stability exist, that is why states must act in a way that ensure their security above all. Given credit to the previous statement, will a state of war exist if every actor look for his own safety? Obviously yes, because the complexity of causes and wills behind states' action cannot be explained without considering several forces.

It is possible to consider these forces with Waltz's first contribution to political science: the three levels of analysis. This theory divides the study of international relations into three categories or images. The first one sees the individual as the main influence of international relations; the second one explains these relations as being driven by the State, while the third one is focused on the system and all its factors. As a matter of fact, the policy of king Hassan II in Western Sahara constitutes a good example of Waltz's first image. Prior to Hassan II's decision to annex the Western Sahara, the monarchy was encountering many domestic challenges. For instance, it faced a dissatisfied population, a rebellious army and leftist opposition parties. Externally, the monarchical institution was aware of the revolutionary wave that swept the Middle East following the Second World War. The monarchies of Egypt, Iraq, Yemen and Libya came to an end, there were a lot of doubts on the survival of the royal family's power. Even more alarming to the monarchy was the establishment of a socialist revolutionary regime in Algeria following the latter's independence. Hassan II had to consolidate his power in a way that would both solve the monarchy's domestic problems and contain its external ones.

The problems of Moroccan monarchy were in line with all the difficulties of other perished monarchies in the Middle East. As an example: the growing proletarianization among the agricultural workers who became dwellers of squatter camp in the suburbs of many large Moroccan cities. In March 1965, people of the extremely poor neighbourhood of Ben Msick in Casablanca, violently rioted because of their deteriorating conditions. The deadly military intervention was an episode that hurt the image of the monarchy; the latter had also to call for the state of emergency.

Another problem faced by middle-eastern monarchies was the Army. Most of the middle ranking officials were waiting only to use their power to topple the regime. Hassan II managed escaping several assassination attempts. He escaped his first military coup in 1971 orchestrated by General Mohammed Medbouh in the Skhirat royal palace. The following year, the king escaped an aerial attack on his way home from France. Following those failed coups the King weakened the army through purges and disarmament.<sup>14</sup> Disarming the army reflects the mistrust of the

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<sup>14</sup> Tony Hodges, *Hassan's Riposte in Western Sahara: The Roots of a Desert War* (Lawrence Hill&Co, Westport, 1983).

establishment that Hassan II acquired following the coups. The relationship between the monarchy and many political parties was tense as well. The country has known a large number of political arrests. Some parties, such as the communist one led by Ali Yata, were banned and many political figures were jailed. In addition to this widespread tension, the Algerian revolution was appealing to many political factions in Morocco. It is useless to say that the royal family was in a bad situation because it was losing its domestic legitimacy. Letting Spain organize a referendum for the independence of Western Sahara might have been the last straw before a revolution. Very fond of his throne, Hassan II was afraid to lose it if he had been less nationalistic than other political factions. Ironically this forced decision of the king will solve most of monarchy's challenges of the time. The policy of the Western Sahara provided a point on which the various components of the Moroccan political life converged. The main political parties accepted the monarchy's invitation to promote the Moroccan position with regard to the Western Sahara.<sup>15</sup> This action implicitly gave the King more legitimacy since they operated under his authority. The Moroccan policies towards the Western Sahara also increased Hassan's popularity and served as a catalyst for national unity. Finally, the icing on the cake was the army's distraction from the monarchy because of its priority over Western Sahara. Here was just an example of how even individual interests can influence what happens on the political scenario.

#### 2.4 International Organizations: lights and shadows.

This paragraph aims to give a different insight of International Organizations (IOs) strting from the mere descriptive one of International Relations scholars. In fact most of these theories explain the creation of IOs as the answer of states to a lack of Pareto efficiency and welfare improvements for member states. In addition to that, realists stress that IOs are just a different expression of States' power in order to fulfill their interests; while liberals believe they are important and independent actors for collective action. Realists and liberals disagree about the numerous motivations that endengered IOs; such an interest in relative versus absolute gains, the degree of anarchy and constraints in the environment and the fears of cheating. On the other hand, they both agree that these organizations help states further their interests when they are allowed to work. In the end, it would be nonsense to finance and support them if they did not serve states interests. Inspired by an article from Michael Barnett and Marta Finnemore the paragraph will go through both the power of IOs and their propensity for dysfunctional, even pathological behaviour.

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<sup>15</sup> Ibidem

Just to recall their importance: the definition of several international tasks, like development, the creation of new categories of actors, like refugees, and the transfer of political model around the world, like democracy are only few of the revolutions caused by these organizations.

Concerning their autonomy, IOs can be seen as impersonal policy vehicles to be driven by other actors. States bargain hard within these vehicles and studies of recent UN peacekeeping and reconstruction activities, document a UN agenda that frequently leads to conflict with member states.<sup>16</sup> For instance Morocco and Algeria have worsened their relations more and more during the UN mission for a referendum in Western Sahara (MINURSO). This happens also because of the lack of autonomy due to those states who created IOs; with a bit of luck, these vehicles will develop enough technology and experience just like a plane that now can go autonomously by himself. Autonomy is probably the key to access more trustable organizations in which every state will rely on regardless to its dimension or interest.

According to Barnett and Finnemore, IOs can turn out to be “independent from the state who may have established them, because of power flowing from at least two sources: the legitimacy of the rational-legal authority they embody and control over technical expertise and information.” Three broad types of IO power rise from the two sources mentioned above. First of all they classify the world, creating categories of actors and action; second they fix meanings in the social world and third they articulate and diffuse new norms and principles.<sup>17</sup> Regarding the fixing of meanings, IOs establish the parameters and the boundaries and which actions are acceptable and which are not in the international arena. Concerning the creation of norms and principles, officials in IOs often insist that part of their task is to spread and enforce global values and norms. Barnett and Finnemore may exaggerate stressing that IOs are the missionaries of our time even though it is a fair metaphor. Actually, most IOs are from western countries, just like during the age of discoveries; they spread their idea of progress and better life.

The autonomy and the power of IOs have already been analyzed; now it is the turn of a difficult subject: their pathologies. As every other kind of organization, IOs are subject to dysfunctional behaviours. When these behaviours are caused by the same sources of bureaucratic power that feed the organization, they are called pathologies.<sup>18</sup> Theories about dysfunction can be categorized in two dimensions: whether the causes are material or cultural and whether these causes are located inside or outside the organization. This can be better seen in Figure 1.

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<sup>16</sup> From Michael N. Barnett and Martha Finnemore, “The Politics, Power and Pathologies of International Organizations,” *International Organizations*, 53:4 (Autumn, 1999), pp. 699-732. © 1999 by the IO Foundation and Massachusetts Institute of Technology.

<sup>17</sup> Ibidem

<sup>18</sup> Ibidem

Figure 1

|               |                       |                                  |
|---------------|-----------------------|----------------------------------|
| <sup>19</sup> | Internal              | External                         |
| Material      | Bureaucratic politics | Realism/ Neoliberal Institutions |
| Cultural      | Bureaucratic culture  | World Polity Model               |

To better understand the table above, each of its cells will be explained. When the cause are Internal and material, “decisions are not made after rational decision processes but through a competitive bargaining process over budgets and stuff that may benefits part of the organizations at the expense of the overall goals.” Hopefully this is not the case of Western Sahara, unless UN officials are so happy with their work there that they want to keep it as long as they can. More likely external and material causes might be our case. Here IOs do not have the luxury to choose the best policy, they are rather forced to choose between the bad and the awful. This is because every other better policy is denied by other states who do not agree among themselves or reject to see the IOs to complete its mandate. Actually Morocco, Algeria, Spain and to a certain extent Mauritania are the best sponsor of MINURSO in sense that they do almost everything is in their power not to solve the situation. Finally, cultural causes regards the organization from inside when the pathologies are endangered by the strict bureaucracy of the firm or from outside when IO practices reflect a search for symbolic legitimacy rather than efficiency.

One of the most difficult pathology to eliminate is when means of an organization become ends in themselves. This might also be the case of Western Sahara. Barnett and Finnemore points out:

“UN-mandated elections may be another instance where means become ends in themselves. The "end" pursued in the many troubled states where the UN has been involved in reconstruction is presumably some kind of peaceful, stable, just government. Towards that end, the UN has developed a repertoire of instruments and responses that are largely intended to promote something akin to a democratic government. Among those various repertoires, elections have become privileged as a measure of "success" and a signal of an operation's successful conclusion. Consequently, UN (and other IO) officials have conducted elections even when evidence suggests that such elections are either premature or perhaps even counterproductive (frequently acknowledged as much by state and UN officials). In places like Bosnia elections have ratified precisely the outcome the UN and outside powers had intervened to prevent - ethnic cleansing - and in places like

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<sup>19</sup> Ibidem

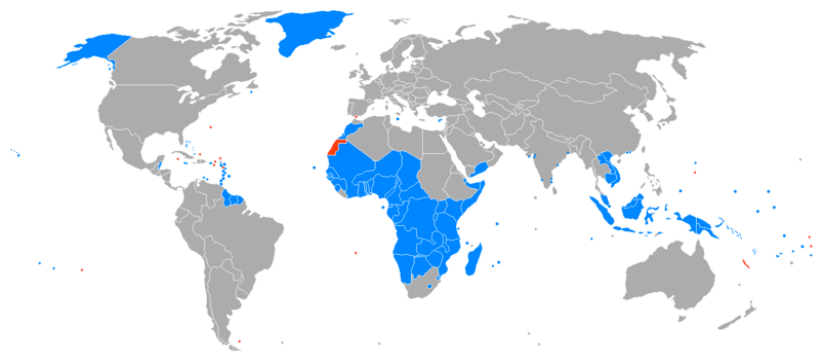
Africa elections are criticized as exacerbating the very ethnic tensions they were ostensibly designed to quell.”

Other examples which should teach how important is to consider the different contexts in which an IO operates are the International Monetary Fund’s failure in Asia and South-America. It is vital for any International project to take into consideration every single particular aspect of the area where it will operate. Nothing should be left apart from the cultural aspects to the geographical ones, everything has to be considered to have serious chances of success.

### 2.5 Which Sovereignty for the UN largest non-self determinate territory.

The follow exhibit<sup>20</sup> shows all countries that were in the United Nations list of Non-Self-Governing Territories in blue; while in red are those still in the list. The list was born in 1946 to pursue article XI of the United Nations Charter, the General Assembly updated it periodically also thanks to recommendations from the Special committee on Decolonization. It was only in 1960 with General Assembly resolution 1541 that a

specific set of criteria have been establish in order to consider or not a country to be in the list. These criteria faced numerous critiques, mainly from activists such as pro-Tibetans, pro-



Palestinians and so forth. Furthermore this list includes territories that have actually rejected any offers for independence. That is why it is desirable that the criteria of the list would be updated. Possibly the presence of Western Sahara in this list can be seen as a clear effort of the international community to solve the dispute. More likely it is just another proof of how difficult is for an International organization to have any effective power in the system of State’s Interests.

Krasner identifies four different ways in which the term sovereignty has been used.<sup>21</sup> Before going through them is necessary to explain two concepts namely authority and control. In this case, the first one is more than the power to influence or persuade others; it is a mutual recognition, that an actor has the right to lead several activity, including commanding others. “Authority might, or might not, result in effective control. Control can also be achieved through the use of force”<sup>22</sup>; Krasner points out that if an entity can successfully perform control on a territory over a long period, then the entity is likely to be entitled with authority and consequently with legitimacy.

<sup>20</sup> [http://en.wikipedia.org/wiki/United\\_Nations\\_list\\_of\\_Non-Self-Governing\\_Territories](http://en.wikipedia.org/wiki/United_Nations_list_of_Non-Self-Governing_Territories)

<sup>21</sup> From *Problematic Sovereignty*, Ed. Stephen D. Krasner, pp. 7-11. Copyright 2001 Columbia University Press.

<sup>22</sup> Ibidem

Albeit Morocco de facto ruled over Western Sahara for more than thirty years, no recognition of its authority came from those 200,000 Saharawi refugees who decided to live in exile struggling to survive in the inhospitable desert around Tindouf. The only source of legitimacy for the kingdom of Morocco in the area are those thousands of Moroccans who have illegally been pushed in the main Sharawis cities by the monarchy with huge economic benefits. In fact it is illegal according the 4<sup>th</sup> Geneva Convention, to move any civilians from an occupying country to the occupied territory. Actually this behavior has been the main source of problems in the population census by MINURSO for those who should or should not have the right to express their preference in the referendum for the self-determination of Western Sahara.

To go back to the four kind of sovereignty identified by the International Relations professor at Stanford University. The first one is domestic sovereignty; it involves both authority and control, referring to the organization of public authority and the level of effective control exercised. Second is interdependence sovereignty, which regards the ability of public authorities to prevent any transborder movements. Concerning this, Morocco is entitled only formally with this sovereignty because in practice is the Polisario front who really has the control of the movements across the 2400 Kms wall of sand that split Western Sahara in two parts. Thirdly International legal sovereignty is probably the most important one from the point of view of this international dispute; because it refers to the mutual recognition of states. The dispute on Western Sahara is also about recognition: twenty-three states including China officially support Moroccan claims over the area (without recognizing its authority over the region) while twenty-seven officially recognize the Sharawi Arab Democratic Republic (SADR) which is the institutional name gave by Polisario to its homeland. Who writes believes in the above statement because in all possible scenarios, the recognition, of one of the two parts in the dispute will be necessary to change the current status quo. To gain independence, Western Sahara needs recognition by relevant states; on the other hand, if the conflict turns out to confer autonomy to Saharawis it will first be necessary for states to recognized Moroccan authority over the region. The 2002 UN-secretary general report on the area stressed:

"The Security Council would not be able to invite parties to negotiate about Western Saharan autonomy under Moroccan sovereignty, for such wording would imply recognition of Moroccan sovereignty over Western Sahara, which was out of the question as long as no States Member of the United Nations had recognized that sovereignty. Spain is still considered as the administrative power, but Morocco however is the de facto administrating power since it controls most of the territory"

Obviously recognition is not a guarantee for the existence of a state, because conquest cannot stand under sovereignty rules; in fact it is a mere redraw of boundaries.

Last but not least, the fourth way to intend sovereignty is the Westphalian one, referring to the exclusion of external actors from domestic authority configurations. From Moroccan side Polisario is the external actor conversely for Polisario it is Morocco. Therefore we cannot speak of Westphalian sovereignty neither for the first side nor for the second one. UN presence is not to be considered as a violation of this kind of sovereignty; simply because sovereignty might have to be conditioned on respect for human rights.<sup>23</sup>

### **3. Origin and Development of the Western Sahara's conflict.**

#### 3.1 Saharawi: the birth of a Nation.

To better understand the issue of Western Sahara in all its aspects it is mandatory to analyze the history of the area and its inhabitants. This paper will briefly go through the ancient history of this desert land and progressively dedicates more space on the relevant facts that occurred in the last century during which all the causes of the conflict were engendered.

The area has been hosting people since the Neolithic age; around the year 2000 b.c. the local environment start changing from tropical forest to desert, pushing its people to switch their way of subsistence from hunting and agriculture to animal-farming.<sup>24</sup> A thousand years later, the nomad populations of Sahara became the bridge between the North Africa mainly occupied by Berbers and the people from Senegal. Two huge sedentary populations put into peaceful cultural and trade relations by the forebears of Saharawis.

Six centuries after Jesus Christ came the turn of Mohammed, considered by Muslims the last Prophet of God, his message has been so powerful to make thousands of people willing to spread it. That is the main reason for a population called Hassani to face an epic travel from the current Yemen to Western Sahara. These people started to expand themselves south till they met rich and Islamic tribes known as Sanhadja; from their merger the Saharawi society arose. Their identity came spontaneously: Hassani's language, Islamic religion and social division in War tribes, Marabout tribes and Tributary tribes.<sup>25</sup> The Saharawi Nation shaped itself on a federation of tribes, faithfully committed to a wise men's assembly called *Ait Arbein*<sup>26</sup> which means "counsel of the forty" who had the tasks to fight any invasion and to solve any inter-tribes issues. The

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<sup>23</sup> Kofi Annan during the fall 1999 General Assembly.

<sup>24</sup> *Un Popolo Canta Lulei – Guerra di liberazione del Sahara Occidentale*, Virginio Baccalini, Copyright 1980 Ottaviano edizioni.

<sup>25</sup> Ibidem. Each of these tribes, have been further horizontally stratified into: Free men committed to war and study, Craftsmen, Musician and Slaves.

<sup>26</sup> Ibidem

characteristics of this society remained unchanged in four centuries, strictly closed outside but very fluid inside, dedicated to peaceful trade relations with neighbour populations.

Even though the history of Western Sahara is full of interesting events which demonstrate a rich culture and tradition, this paper will omit them till the end of the nineteenth century to keep focus on the most important causes of the present dispute.

### 3.2. Spanish Colony

The trigger event of this part of the history is the Conference of Berlin (1884-1885), its main aim was to stress a fundamental rule, which will propel European powers to take immediate action. More than a simple rule it is a principle, according to it, any invasion that bring to the conquest of a territory must be notified to all other nations to be considered valid. In the light of this, starting in the last years of XIX century, banks and entrepreneurs start pressing the Spanish government to support the colonization of the North Africa Atlantic coast.<sup>27</sup> Like most countries in Europe, Spain urged new resources to feed the newborn capitalistic system. Therefore, in 1884, some Spanish settlements appeared on the coast of Western Sahara, in order to take control over the region. Despite the Spanish efforts their means were completely insufficient to rule the local population who had great natural advantages in terms of attitude and strategy to fight in such an inhospitable place like the desert. It is indeed incredible how Sharawis developed amazing useful skills to overcome the difficult living conditions of the desert. No western soldier was able to compete with them in open field thanks to their extreme fine senses.

Spain has not been able to rule the territory until the third decade of XX century when France, fed up of the uncertain situation in North Africa decided to put an end to the free circulation of Mauritanian and Saharawi nomad tribes over its borders. France gave an ultimatum: either Spain collaborated with iron hand to definitely take control over the region or French troops would have invaded all the Spanish settlements in the area. The combined action of both armies reached the goals both governments were aiming to. Mauritania was now free from any kind of resistance; Spain finally obtained the submission act by Saharawi's tribes and the dissolution of their federal assembly (*Ait Arbain*). (It is not an exaggeration saying) In the year 1934 no one originally born in North Africa had any real power over its homeland.

Spain did not like to speak about its colony in Western Sahara also because it has only been able to be an administrative power, Saharawis never accepted definitely to be ruled by foreigners, in fact the Spanish soldiers were actually bolted inside military barracks in the main cities that they created ad hoc. This behaviour was due to Spain's lack of resources; compared to other European powers its economy was not yet enough powerful to rule effectively the area as the French were

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<sup>27</sup> «Dossier Sahara Occidentale», Terra per un popolo, Ardesi Luciano e Giulia Fumagalli, Nigrizia, I-Verona, n. 9, sept. 1996, p. 31-46.

doing. In fact during this period the nomad tribes' resistance in the area was mainly addressed to the French army, who was often plundered thanks to a particular military tactic called *ghazian*. These kind of attack are basically long distance raid, extremely fast and unexpected using simply dromedary as means of transport. The same strategy will be later on used by Saharawi to fight their *intifada* only updating their faithful animals with unfailing Land Rover.

The second half of the twentieth century has been a terrible period for colonialism: all the colonies around Africa and Asia started to re-discuss their status and so did the close neighbours Morocco and Mauritania. The coming events will very much influence the present feeling towards these two countries by Saharawis. The French colonialism had been heavily defeated for the first time in the battle of Dien Bien Phu.<sup>28</sup> Shortly after the riots moved to Tunisia, Morocco and Algeria.

### 3.3 Morocco independence and betrayal of the Saharawi cause.

In 1956 Morocco gained its independence, the king Mohammed V bargained it through the concession of National Liberation Army's dissolution. Moroccan fighters had been gradually re-integrated in the legal society, while on the other hand all Saharawis who deeply supported Morocco in the liberation war went back to their borders, without any just gratitude, dismayed for the king's betrayal.<sup>29</sup> Among the reasons for the Saharawi's rancour toward Morocco there is the unforgivable memory of a blood sacrifice nullified by a country that only twenty years later will be sent against them to outrage their most important thing: freedom.

Concerned about the stability of the region, the French chief of military staff in Mauritania created a special operation called *Ecuillon*: the Saharawi soldiers who fought in Morocco had been consigned to a special French-Spanish force to be eliminated. The local population resistance had been extraordinary, thus in either side many were the victims. This made Spanish reprisal very hard: well had been poisoned and herds killed off with the specific purpose of uprooting Saharawi resistance.<sup>30</sup>

Meanwhile Mauritania became an independent Islamic Republic, in 1960 the Moroccan Government for the first time since its independence pointed out the idea of the Great Maghreb; according to it, the kingdom should include also Mauritania, Algeria and Western Sahara. In the very same year the fifteenth annual assembly of the UN stressed that urgent measures will be taken to guarantee the right of self-determination to all people regardless to their ethnicity or religion in order to shift all the powers to the sovereign inhabitants and to entitled them with complete freedom

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<sup>28</sup> Vietnam, 1954. [http://en.wikipedia.org/wiki/Battle\\_of\\_Dien\\_Bien\\_Phu](http://en.wikipedia.org/wiki/Battle_of_Dien_Bien_Phu)

<sup>29</sup> *Un Popolo Canta Lulei – Guerra di liberazione del Sahara Occidentale*, Virginio Baccalini, Copyright 1980 Ottaviano edizioni.

<sup>30</sup> Ibidem

and independence. Four years later the special committee for decolonization emphasize that even Western Sahara has the right to be decolonized, therefore UN, with its first resolution on the area addressed Spain to undertake any necessary measure in order to move power onto the Saharawis.<sup>31</sup> Since then the Spanish Government's behaviour is everything but clear; on one side their diplomats keep stressing the importance of Saharawis rights, while on the other, many are the efforts took for a new neo-colonial policy. In fact recalling the former Saharawi's Assembly *Ait Arbain*, Spain pushes tribes' leaders to put together a new congress named *Djemaa*; which had theoretically the same functions of its precursor but in practice it was a way for Spain to see its decisions accepted without further discussions.<sup>32</sup>

The UN commitment to the decolonization is remarkable on the basis of resolutions production: already in 1966 it requested Spain to organize, under UN supervision, a referendum on self determination and to allow all exiled to go back to their homeland.<sup>33</sup> The demand is repeated each year from 1967 to 1973. During these years, Morocco recognized the Islamic Republic of Mauritania and stopped its claims over the southern part of the Great Maghreb; in the same treaty signed in Casablanca, the leaders of Mauritania, Morocco and Algeria agreed to speed up the decolonization process of Western Sahara on the basis of UN resolutions. Future events will explain this apparently inconsistent step.

Nine days after the treaty of Casablanca, some rumors from Madrid's government arrived in what is now the unofficial capital of the Saharan Arab Democratic Republic (SADR). In the streets of Laayoune spontaneous demonstration started against the law project aiming to make Western Sahara a Spanish province just like Ceuta and Melilla. All the riots were repressed in blood. The promoter of this peaceful manifestation was Sidi Bassiri who has been the founder in 1968 of the Movement for the Liberation of Saharawis; arrested by the Spanish he is the first *desaparecido* of this long-running dispute. Utterly no international eco was raised by this event; despite the rights of Saharawi people were recognized by the highest international organization, they had no chance to be effectively implemented. To answer all this on the 29<sup>th</sup> of April 1973 The Frente Para la Liberación de Saguia Al Hamra y Rio de Oro<sup>34</sup> (POLISARIO) is founded in Zouerate (Mauritania) with the specific purpose of obtaining independence for Western Sahara. Only a couple of week later it made its first military operation against a Spanish garrison.

### 3.4 Agreement to split up Western Sahara.

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<sup>31</sup> General Assembly resolution 2072 (XX) of 17 Dec. 1965

<sup>32</sup> *Un Popolo Canta Lulei – Guerra di liberazione del Sahara Occidentale*, Virginio Baccalini, Copyright 1980 Ottaviano edizioni.

<sup>33</sup> General Assembly resolution 2229 (XXI) of 20 Dec. 1966

<sup>34</sup> Saguia Al Hamra and Rio de Oro are the two main territories of Western Sahara.

In May 1975 the pro Franco government of Arias Navarro wrote a letter to the Secretary General of the United Nations stressing the Spanish Government will to leave Western Sahara without any power continuity, the power was supposed to be taken by whoever will assume administrative control over the region after the decolonization”<sup>35</sup>. With rude diplomatic politeness Spain was saying that it had no intention to transfer authority over the sovereign people of its colony. Finally on the 14<sup>th</sup> November 1975 the representative of Spain, Morocco and Mauritania gathered together in Madrid signed an accord in which they agreed on the decolonization of the area. It sounded like a joke for Saharawis but since then everything appeared clearer: Spain was selling Western Sahara to Morocco and Mauritania.

### 3.5 International Court of Justice verdict and its interpretation: the Green March.

During the 1974 UN general assembly, the then foreign ministry of Morocco Ahmed Larari, suggested to submit the problem to the International Court of Justice. Mauritania claimed for historical, ethnic and cultural bond with Western Sahara thus sustained Morocco proposal. While declaring no claims over the region also Algeria supported it but with a different aim, wishing that the highest international justice institution could eventually facilitate the self-determination of Saharawis. Originally the question asked to the ICJ was fairly simple: has Western Sahara ever been property of Morocco? It would have been quite easy to demonstrate the unfoundedness of this statement; that is why on suggestion of the North African Kingdom the core question had been divided into the following two:

1. *Was Western Sahara (Río de Oro and Seguia Al Hamra) at the time of colonization by Spain a territory belonging to no one (terra nullis)?*
2. *What were the legal ties between this territory and the Kingdom of Morocco and the Mauritanian entity?*<sup>36</sup>

Answering these question required much more time, enough time to complete all negotiations among Morocco, Spain and Mauritania.

The documentation used by ICJ was indeed very vast, they analyzed acts which go back to 1767. One of the oldest, dated 18<sup>th</sup> May 1767 is a friendship agreement between the kingdom of Spain and that of Morocco. There Mohamed Beh Abdullah a forefather of King Hassan II denied the views of his descendant, in article 8 of the agreement he discouraged any kind of settlement beyond the river Noun because he couldn't be responsible for accidents occurred outside its sovereignty.

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<sup>35</sup> “Le Monde” published the text of the letter on the 24th of November 1975.

<sup>36</sup>[http://en.wikipedia.org/wiki/International\\_Court\\_of\\_Justice\\_Advisory\\_Opinion\\_on\\_Western\\_Sahara](http://en.wikipedia.org/wiki/International_Court_of_Justice_Advisory_Opinion_on_Western_Sahara)

To best facilitate the ICJ work, from May to June 1975, the UN secretary-general Kurt Waldheim sent a visiting mission to tour the region and investigate the political situation; it found out that the Sahrawi population were "overwhelmingly" in favor of independence from both Spain and Morocco/Mauritania.<sup>37</sup> On October 15 the court unanimously voted upon the first question that at the time of colonization (1884), the territory was not *terra nullius* (that is, the territory, did belong to someone). Concerning the latter question the vast majority of the court stressed that there have been legal ties between this territory and both Morocco and Mauritania. However the court also defined the nature of these ties in the penultimate paragraph of its opinion: neither legal tie implied sovereignty over the region. These legal ties also did not apply to "self-determination through the free and genuine expression of the will of the peoples of the Territory."<sup>38</sup>

Predictably each party took advantage of different parts of the opinion according to their own gain. Polisario and Algeria were underlining the penultimate paragraph stressing how the identified ties were irrelevant, on the other hand Morocco and Mauritania were building castles in the sky on the basis of those precarious ties. Hassan II spreaded a partial version ICJ's opinion affirming that recognizing some ties with its kingdom was equal to accept its sovereignty over Western Sahara. The 31<sup>st</sup> October 1975 he sent his troops through the North East boarder in the desert and a week later he organized the famous *Green March*. This epic event consisted of an organized march of over 350,000<sup>39</sup> unarmed moroccans gathered in the city of Tarfaya waited for a signal of their King to cross the boarder with Western Sahara. At the time the Spanish army was still in the region and did not fire at them to avoid a bloodshed but probably also because of the fruitful secret negotiations of their government with Morocco and Mauritania. There are some doubt on the true patriotic spirit of the participants, most of them were just poor people to whom someone promised a better life. The mass was brandishing Moroccan flags, picture of the king and copies of the Qur'an, as a matter of fact the colour green for the march was intended to be a symbol of Islam. The march went off according to the expectations albeit the same day a Security Council resolution "deplored"<sup>40</sup> it. Actually, as the Moroccan magazine *Tel Quel* recently noted, only small number of Hassan's mujahedin penetrated the territory - and then promptly returned barely threatening the Spanish "line of dissuasion" 10 kilometres behind the frontier. Yet unknown to most of the world, Moroccan armed forces had already stormed into the far northeast corner of the territory on 31 October, aiming to cut off any possible Algerian counter-invasion. There Hassan's

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<sup>37</sup> Ibidem

<sup>38</sup> Ibidem

<sup>39</sup> Enciclopedia Britannica

<sup>40</sup> Security Council resolution 380 of 6 Nov. 1975

forces met with sporadic resistance from the Polisario, by then a two-year-old independence movement.

The King of Morocco recall his marchers on November 9<sup>th</sup> and five days later, as was said before: Morocco, Mauritania and Spain announced in Madrid that they had reached an agreement that would install a tripartite administration until Spain's formal exit in early 1976. Self-determination they claimed (ridiculously according to who write) would have taken place through a meeting with the colonially reformed body of tribal Saharawi wise men, the *Djemaa*. Before that could happen, the *Djemaa*, resolved itself declaring Polisario the true representative of Western Saharan people.<sup>41</sup> "Nearly half the indigenous population rallied to the exiled flag of the Polisario in Algeria, where they remain to this days in four refugee camps near Tindouf."<sup>42</sup> It is important to know that on February 27, 1976, Polisario Front announced the birth of the Saharawi Arab Democratic Republic (SADR); as the Polisario declared the need for a new entity to fill what they considered a political void left by the departing Spanish colonizers.

### 3.6 Development during the eighties

The thousands of Saharawi arrived at their safe shelter in Tindouf region almost without any possession after having been subjected to military attacks by the Moroccan air force. In addition to that, they had a very acute shortage of educated personnel who could be called upon to spread word of the disaster which had befallen them, and to travel and reside abroad in the attempt to influence foreign governments.<sup>43</sup>

Polisario's diplomatic work can be divided into two phases: the first from the beginning of the Western Sahara conflict to 1985 marked with successful effort to gain support from African, Asian and Latin America regimes. This phase had its climax in the first half of the eighties when the SADR have been able to gain the Organisation of African Unity membership; though the Organisation was about to collapse in 1983 and causing Morocco's withdrawal from the OAU when the SADR was eventually seated in November 1984. In those years the newborn republic was in effective administration of about three-quarters of its homeland and had expelled Hassan's forces from most population centres. Meanwhile in 1979 Polisario signs a cease-fire with Mauritania, in Algiers. Morocco takes control of most of the southern part of the Territory previously occupied by Mauritania.

Conversely, from the middle 1980s, in its second phase, the Front was no longer in a position to bolster its diplomacy with military action. After its disastrous defeat at the outpost of

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<sup>41</sup> *How the US and Morocco seized the Spanish Sahara*, Jacob Mundy. Le Monde Diplomatique, January 2006

<sup>42</sup> Ibidem

<sup>43</sup> Anthony G. Pazzanita, *Morocco Versus Polisario: a Political Interpretation*, The Journal of Modern African Studies, 32, 2 (1994), pp. 265-278 Copyright © 1994 Cambridge University Press

Guelta Zemmur in the south-central region of Western Sahara in which Morocco suffered hundreds of casualties,<sup>44</sup> Rabat ordered the construction of a series of earthen walls some 2700 km long, eventually covering the 80 per cent of the region: a line of surveillance devices and military strong-points which deeply weakened Polisario's ability to damage the Royal Army.

Finally, after massive attacks from both parties, the most reasonable solution appears to be a cease-fire in order to avoid any further massacre and to organize a referendum in which voters could stress their opinion. In April 1991 the *Mission des Nations Unies pour l'Organisation d'un Référendum au Sahara Occidental* (MINURSO) is established by Security Council resolution S/1991/690. The Mission is mandated to implement the 'Settlement Plan': monitor the cease-fire, identify eligible voters for participation in the referendum, and create the conditions and modalities for the supervision and conduct of the referendum. Also the OAU is associated to the peace process.

Apparently a referendum is such an easy way to put an end to a problem, it make everybody thinks of a fast and lasting solution. Actually, no statement could be less appropriate for this particular referendum. Years of conflict in which Moroccan settlers were sent in Western Sahara regardless to the Fourth Geneva Convention which stress that the occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies, in addition to huge economic and political interests are preventing this conflict to find its way out.

The next part of this paper will investigate all the interests at stake and the respective involvement of Nations who had relevant responsibility in the conflict.

#### **4. Nations eager for resources.**

As it has been said before, King Hassan II decided to push for the occupation of Western Sahara in order to gain back the legitimacy that its royal family was loosing during the 1970s, it was just a practical example of the sovereignty of interest above any other push for political move.

To further underline this concept, this part of the paper will deal with the involvement of other countries that had a major role in the dispute. These countries namely USA, USSR, France and Spain had never acted without a strong and precise motivation; most of the times they have been driven to change more than once their position mainly on the base of natural resources supplies. Thus before going trough the different support given by these actors it is necessary to examine the resource dimension of this –not so- desert land.

Four are the main resources currently present and available in the area disputed between Morocco and Polisario: Phosphates, fish, Oil and Gases. The UN visiting mission in the, then Spanish, Sahara in May 1975 noted that "the territory will be among the largest exporters of

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<sup>44</sup> *The New York Times*, 15 Nov. 1981

phosphates in the world”<sup>45</sup>, this resource is important simply because it is not substitutable. The phosphates were considered to be so important that in the Madrid treaty in November 1975, Spain wanted to have the 35 per cent of the shares in the biggest mine of the area named Bou Craa which the country still holds.<sup>46</sup> Considering the new technologies discovered to manipulate this material Morocco interest in controlling the international trade is no little at all, in fact Morocco is currently the biggest exporter of phosphates in the world. It is evident that so far the extraction of such a resource has been done in a way that adversely affects the interest of the people of Western Sahara.

With regards to fish, each year fishing vessels bring with them more than 1 million tonnes of fish from the sea under Moroccan control,<sup>47</sup> due to its proximity with Canary Island, Western Sahara is probably the most fruitful part of the coast. Just to give an idea of the importance of fishing in the area, according to the FAO Fisheries Department: the total amount of world fish trade minus the aquaculture quantity is slightly less than 100 tonnes which makes the fish caught in the Saharan coast approximately the 1 per cent of the world fishing industry. Bearing this in mind, the European parliament decided on May 22 2006 to enter in an agreement with Morocco giving 119 vessels, mostly Spanish, access to Western Sahara waters. Predictably, the political body representing Saharawi people are strongly against the agreement<sup>48</sup>. First of all because only the 2 per cent of those employed in fishing there are Saharwis and second the vast majority of the original population are refugees who will have no benefit from the agreement; conversely they see their resources enjoyed by an occupying country. Finally the EU-Morocco Fisheries Partnership Agreement is a *de facto* recognition of Morocco’s continuing occupation of Western Sahara, this underline how less committed to the Saharawi cause is the European Union.

The last two resources objects of the dispute are oil and gas. Their amount on-shore and offshore is still difficult to assess, but commercially viable amounts of these source of energy, is presumed to exist.<sup>49</sup> The uncertainty on the quantity of these resources can be seen as a positive thing because otherwise it could have complicated the situation even more. In these field Saharawis has been able to gain considerable success. Since 2006 all contracts with the Moroccan State oil company are terminated, while eight international companies entered in March of the same year into agreements with the SADR. These latter contracts have a clause saying that oil exploitation is on hold, awaiting a solution to the conflict.

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<sup>45</sup> Report of the UN Visiting Mission to Spanish Sahara, UN doc. A/10023/Rev.1 (1975)

<sup>46</sup> The Right to Self-Determination and Natural Resources: The case of Western Sahara, 3/1 Law, Environment and Development Journal (2007), p.70, available at [www.lead-journal.org/content/07070.pdf](http://www.lead-journal.org/content/07070.pdf)

<sup>47</sup> Ibidem

<sup>48</sup> Ibidem

<sup>49</sup> Ibidem

Bearing all this in mind, it is important to recall the second paragraph of the first article of the Charter of the United Nations:

*All people may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economics cooperation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.*

In Western Sahara all the above-mentioned resources are indeed means of subsistence, the only ones able to improve Saharawi life standards. This said is possible to have an insight of the relevant involvement of Nations in the dispute.

#### 4.1. Soviet Involvement.

The current voices on the left political orientation of Polisario Front were born with Moscow support to Saharawi self-determination, which was prior to Spain's departure. Thereafter as tension in the area was increasing USSR adopted a policy of conciliation between Morocco and Algeria (Polisario supporter) so as not to antagonize either ally. This policy had few successes confirming the old proverb, which says that when you try to make everybody friends of yours then you will end up with none.

By the beginning of the 1980s, Morocco had become the Soviet Union's most important trading partner in Africa, and since then their trade exchanges doubled within five years, even though in real dollar terms the exchange had actually declined since the currency exchange rate more than doubled in those years from 1980 to 1985. Morocco underlined the data measured with its currency in order to give the impression that their relations with soviet were still strong.<sup>50</sup> While enjoying phosphates agreement with Morocco, Russia also needed Algeria support during the Angola crisis. Algiers allowed the soviet transfer of arms and supplies trough its territory to Angola in exchange of the following soviet statement in a key UN debate: "Saharawis have the full right to determine their future". And when Algeria complained against a fisheries agreement with Rabat, Soviets declared that they had not thereby recognized Moroccan Sovereignty over the territory. However the Kremlin never openly supported the Polisario Front, in fact the Polisario was the only major liberation movement in Africa that did receive direct assistance from the Soviets. Though Russia provided Libya and Algeria with 90 per cent of their military requirements, these two countries then directly supplied Polisario with the weapons they were able to spare. Moscow has been able to champion Saharawi self-determination in principle without repudiating Moroccan claims over the territory.

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<sup>50</sup> The Non-Intervention Norm Prevails: an Analysis of the Western Sahara, Karin Von Hippel, The Journal of Modern African Studies, Copyright 1995 Cambridge University Press

#### 4.2. US Involvement.

The two main countries involved in the Western Sahara are Morocco and Algeria. One claim its sovereignty over the region while the latter supports the liberation front of the area; these characteristics did not prevent US from finding its closest political ally in the North African Kingdom and its strongest economic partner in Algeria. Out of necessity it stemmed a policy of neutrality.

In practice America got closer to Morocco than to Algeria or the Polisario; indeed the former was supplied with arms worth billions of dollars and as much money was invested in security and economic assistance programmes.<sup>51</sup> Washington has always been very happy with the then king of Morocco Hassan II, he was a moderated leader able to host meetings between Israeli and Egyptian representatives that led one step towards the Camp David agreement. So it has always been important to please such a key political ally. The only president who put a clause over Western Sahara was Jimmy Carter who stressed that the weapons could not be used in the disputed area.

As might be expected Algeria was upset by such extensive US military support for Morocco, its disappointment reached its climax when the Reagan Administration agreed to the sale of a hundred M60 tanks just two days after Algeria helped to mediate the agreement that freed American hostages in Iran.<sup>52</sup> In spite of this resentment, American firms have been involved since the early 1970s in several business contracts in fields such as construction and trade with Algeria. A part from the arms provision, US maintained a caution relationship with Algeria. America was and is still not interested in the resources of Morocco therefore the only evident interest for the most powerful country in the world has been to support American arms industry.

#### 4.3. French Involvement.

Also France has many reasons to preserve friendly relationships with the two North African State. Not only because many French citizens still live in Morocco and Algeria but most important because of the natural resources detained by these two francophone countries. The ex-colonial power is not willing to loose its petroleum, gas, uranium, phosphates and precious metals supplies. France better understood the fragility of the situation in 1975, when Algeria ordered all its state-owned companies to avoid contracts with the French because they have been assisting Mauritania during its campaign against Polisario. Business leaders in France saw their contracts decreasing more than 70 per cent;<sup>53</sup> obviously they put pressure on the government to modify its position. Valery Giscard completely changed its view on the issue during his last three years as President (1978-1981) from claiming that there were too few Saharawis to form a state and that he was

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<sup>51</sup> Ibidem

<sup>52</sup> Ibidem

<sup>53</sup> Ibidem

against micro-state to acknowledging the right of the people of Western Sahara to self-determination. After this the French government received a member of the Polisario and consequently allowed the organization to open an office in Paris.

While good trade relations were going on with Algeria, France was supplying the 55 per cent of all weapons imported by Morocco in the 1970s and the 1980s. In conclusion French voiced support for the Polisario and had good trade relations with Algeria, while assisting Morocco militarily and economically.

#### 4.4. Spanish Involvement.

Also Spain had to figure out a policy of convenience. Considering its two enclaves within Morocco namely Ceuta and Melilla, it had to manage a way to not offend Morocco while continue to rely on Algeria as its major petroleum supplier. All the post-Franco governments were conscious that with the withdrawal from Western Sahara, their country did not lay the groundwork for independence. Thus, driven by a pinch of sense of guilt, the Spanish vocally supported the Polisario and the referendum over the question of self-determination but never officially recognized the SADR as an independent state.

Good relations with Algeria were vital because the former is the largest Spain's export market in Africa. But at the same time Spain has been selling arms to Morocco over the years and has also provided for them technical assistance and maintenance. In July 1991 Spain also signed its first friendship agreement with an Arab state, namely Morocco, who is now one of its top four trading partner. Once again it is clear how the dispute is not considered important in itself, but it is merely exploited by involved countries to get some contractual power.

Other states such as Libya, Mauritania and Tunisia have changed positions several times throughout the Western Sahara conflict. As openly said by Tony Hodges: "For Paris, as well as Madrid and Moscow, an ambiguous neutrality became the favored strategy for the preservation and extension of interests on both sides of the conflict."<sup>54</sup> According to who writes, many others states should be added in the previous statement, some of them used the conflict to promote their arm industry, some other, just fulfilled their energetic needs; but the core concept is that interest played the main part available on the stage of this comedy drama, a thirty years long monologue with still no end in sight.

## **5. Recent Events.**

### 5.1. MINURSO: the UN Mission for the referendum in Western Sahara.

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<sup>54</sup> Tony Hodges, *Western Sahara: the roots of a desert war*, Westport, Hill Publishers, 1983

The United Nations has been seeking a settlement in Western Sahara since the withdrawal of Spain in 1976 and the ensuing fighting between Morocco, which had "reintegrated" the Territory, and the Polisario Front.

In 1985, the UN Secretary-General, in cooperation with the OAU, who was also seeking to find a peaceful solution to the conflict, initiated a mission of good offices leading to "the settlement proposals", which were accepted on 30 August 1988 by Morocco and the Polisario Front. In 1990, the Security Council approved the Secretary-General's report (S/21360) containing the full text of the settlement proposals and the outline of the Secretary-General's Plan for implementing them. On 29 April 1991, the Security Council, in its resolution 690 (1991), decided to establish the United Nations Mission for the Referendum in Western Sahara in accordance with the Secretary-General's report (S/22464), which further detailed the implementation plan.

The Plan provided for a transitional period during which the Special Representative of the Secretary-General would have sole and exclusive responsibility over all matters relating to a referendum in which the people of Western Sahara would choose between independence and integration with Morocco. The Special Representative would be assisted in his tasks by an integrated group of United Nations civilian, military and UN police personnel, to be known as MINURSO. The United Nations High Commissioner for Refugees would carry out a repatriation programme for eligible Western Saharan voters living outside the territory. The transitional period was to begin with the coming into effect of the ceasefire and end with the proclamation of the results of the referendum.

It was originally envisaged that the civilian component of MINURSO would range in size from about 800 to 1,000 personnel depending on the requirements of the various phases of the transitional period. At full strength, the military component would consist of approximately 1,700 personnel, and the security unit of about 300 police officers.

According to the settlement plan, the referendum in Western Sahara should have taken place in January 1992. However, it was not possible to proceed in conformity with the original timetable. On 24 May 1991, the Secretary-General proposed that the ceasefire should enter into effect on 6 September. Both parties accepted that date. The primary function of MINURSO at that time was restricted to verifying the ceasefire and cessation of hostilities. The headquarters of the Mission was established in Laayoune, with regional headquarters in the northern and southern sectors of the Territory. A cooperation office was also established in Tindouf to maintain contact with the Algerian authorities and the Polisario Front.

Since the deployment of MINURSO in September 1991, the ceasefire has generally held. The transitional period, however, has not begun, given the parties' divergent views on some key

elements of the Plan, in particular with regard to the criteria for eligibility to vote. Notwithstanding these difficulties, the parties have repeatedly stated their commitment to implementing the Plan, and MINURSO has carried out its functions in so far as conditions have allowed. For his part, the Secretary-General and his Special Representatives have continued efforts to find compromise solutions acceptable to both parties. This process has required a number of revisions to the Plan and the timetable.

Since the 1991 settlement plan brought very little progress, parties agreed on its revision, in 1997 the UN's Houston Agreement attempted to clear the path for the referendum to be held in 1998. Talks were conducted under the auspices of a former US secretary of State and a very important person in the history of negotiations to solve the dispute: James Baker, who was nominated in the same year the Personal Envoy of the UN Secretary-General for Western Sahara.

### 5.2. The Baker Plans.

The Houston agreement did not bring to any progress neither. So no referendum was held in 1998. At this time Mr. James Baker decided to attempt to concretely solve the situation that was stuck since its birth. In 2000 the former US politician came up with the first version of its plan, the so-called Baker I or Framework Agreement. The choice was still between independence and integration but with the possibility of a third option. It offered the people of Western Sahara autonomy within the Moroccan state. Except from defense, foreign policy and their faith towards the king, all other decisions would have been under the responsibility of the local government. As Toby Shelley once said: "The arithmetic would be weighted in Morocco's favor."<sup>55</sup> Morocco supported it but Polisario and Algeria rejected it. Nevertheless, Algeria countered by proposing that the territory be divided between the parties. This plan gained more popularity of its predecessor but was still lacking of something.

Baker understood how important was to make a second version of its plan in order to have some chances to solve this long-running dispute. The latter version foresaw a Western Sahara Authority who would have dismantled the SADR as an aspirant sovereign entity over the region and replace it with an autonomous body under Moroccan sovereignty during a five-year transitional period. The WSA would have been the instrument for Sharawis to self rule themselves meanwhile preparing the referendum together with the UN. Algeria and Polisario accepted this time the plan though with some resistance, but the idea that the WSA government would be elected only by a restricted voters' list upset Morocco who rejected it. In July 2003 the Security Council did something very important which had not done with Baker's first draft. It formally approved the plan and unanimously called upon parties to implement it.

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<sup>55</sup> Behind the Baker Plan for Western Sahara, Toby Shelley, Middle East Report Online, August 1, 2003. Available at <http://www.globalpolicy.org/security/issues/wsahara/2003/0801baker.htm>

In June of the following year Mr. Baker resigned from its position frustrated over the systematic lack of progress in reaching a complete settlement acceptable for both governments.

### 5.3. Manhasset Talks.

The fourth and currently the last round of negotiations of the last Africa file remaining open at the UN Decolonization Committee was opened in Manhasset near New York in March 2008. Analysts were quite pessimistic before the talks; unfortunately they deserved some credits. "I don't expect anything to come out of these negotiations because they are proceeding under bad faith," Reuters quoted Western Sahara expert Jacob Mundy of the Middle East Research and Information Project group as saying. Mundy said the two parties have no intention to step back from their irreconcilable positions. Morocco refuses to consider the Polisario Front's demand for a referendum that includes the option of full independence. The Polisario has rejected Morocco's offer of limited autonomy within Moroccan sovereignty.

On the other hand the plenipotentiary parties involved in the negotiations, namely Morocco, Polisario, Algeria and Mauritania were showing the usual diplomatic optimism before talks started. The latter faded when Polisario rejected Morocco's offer of limited autonomy for Western Sahara and Morocco ruled out Polisario's demand for a referendum on self-determination.

Negotiations ended with no concrete changes scheduled. The Polisario Front is still favorable to the organization of a self-determination referendum under the aegis of the UN to enable the Western Sahara people to choose between autonomy and their country's unification with Morocco. On its side, Morocco has rejected any idea of independence and proposes autonomy under its sovereignty. In the light of this, the current UN Secretary General personal envoy for Western Sahara, Peter van Walsum, is of the view that the idea of the Western Sahara independence is not realistic and that the Polisario Front should stop calling for it, the Moroccan press reported Friday. "I felt the need to reiterate this conclusion that Western Sahara independence is not a goal that can be attained," he declared.<sup>56</sup>

### 5.4. News.

After the last negotiations' round in Manhasset, Western Sahara received some more attention. In fact on March 22 about 2,500 people, mostly Spanish, stayed in the Saharawi refugee camps as a sign of solidarity to demand a referendum of self-determination following the initiative of students from the Complutense University of Madrid. For the first time, a human chain of solidarity 2 km long was formed some hundreds of meters from the wall of sand, supervised by MINURSO.

For those who believe that this conflict will never find a solution through diplomacy, but only with an armed conflict, Reuters the last two of June, underlined the link between the embarked

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<sup>56</sup> <http://en.afrik.com/article13383.html> 26 April 2008

arms buildup by Morocco and its “aggressive impulse”<sup>57</sup> with the possible failure of the ceasefire with Polisario. "The Polisario is convinced that there can be no military solution to this conflict," head of the group Mohamed Abdelaziz said in an interview published by the weekly publications *Nichane* and *Tel Quel*. "A conflict of this kind, that has lasted for so many years, can only be resolved around the negotiating table," said Abdelaziz, adding that the Polisario had never said it wanted to solve the problem militarily. "That is not at all our ambition. The people of the Sahara prefer the way of peace, in other words negotiations. But if the other side confronts us with a fait accompli... we would be forced to respond with arms in order to defend our right to self-determination," he said.

After his strong and frank assessment, UN-envoy Peter van Walsum is struggling to break Western Sahara impasse. An article published by Reuters very recently<sup>58</sup> pointed out that the Dutch diplomat put him at odds with the Polisario Front movement, which has sought to keep the independence option open in months of talks with Morocco. He later explained his remarks as a kind of "gamble" to break the negotiating logjam. Morocco was delighted with van Walsum's remarks. They were rare recognition by a senior neutral player of a diplomatic reality -- that Rabat can and will reject independence as long as its control has the quiet backing of big powers like the United States and France.<sup>59</sup>

Polisario dismissed his comments as illegal and unfair. "Technically what van Walsum said is rational. The problem is he blew his credibility with Polisario and Algeria," said Mundy, the Western Sahara expert mentioned before. On the other hand, an Algerian political scientist, Azzedine Layachi, said the remarks had left the basic structure of the dispute intact. "You can expect continuing stalemate until more than one party starts to hurt," he said. "The status quo doesn't hurt the Algerians or Moroccans -- only the weakest party, the Sahrawis."

Morocco, which lacks Algeria's oil wealth, hopes an end to the dispute would help repair its economic ties to Algeria. But Moroccans also suspect Algeria's oil gives it little immediate incentive to build economic cooperation with Rabat. The neighbors have had uneasy relations since they fought a border war in 1963-64. The land frontier has remained closed since it was shut in 1994 amid security concerns.

"The real problem is that 'the political Algerian mood' towards Morocco had not changed for decades and the enmity against Morocco pervades the military," said Taoufik Bouachrine, a leading Moroccan analyst of Maghreb relations.

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<sup>57</sup> <http://africa.reuters.com/top/news/usnBAN245947.html>

<sup>58</sup> <http://africa.reuters.com/top/news/usnBAN637206.html> 26 May 2008

<sup>59</sup> Ibidem

Some also say that the current stalemate is exactly what Rabat is willing to have, in order to further develop its economic hold on the area and, notwithstanding the 4th Geneva convention, to continue to send its citizens in the occupied territory.

Some others argue that there won't be any serious will to undertake fruitful negotiations on the Polisario side until November when the new US president will be elected. In fact the current President (Bush) sent a letter to King Mohammed. It reiterated the U.S. position, first announced in the UN Security Council, that autonomy under Moroccan sovereignty is the only feasible solution for the Western Sahara dispute. Furthermore he had also underlined that the autonomy proposal submitted by the kingdom was credible and serious.<sup>60</sup>

To conclude with the authoritative words of the UN personal envoy for the Secretary General: "The moral dilemma is that Polisario is more on the side of right than Morocco. But because the Security Council will never force Morocco into a referendum on independence, they (Council members) are actually choosing the status quo, that is to say: a deadlock with no prospects. Polisario is 33 years in the refugee camps. Is it morally fair to accept that another generation of Polisario children grow up in the camps?"<sup>61</sup>

## **6. Conclusions**

It is not an easy task to draw the conclusions of a never-ending dispute. This paper went through what the author believes are the most relevant aspects to have an idea of this conflict; International Relations theories gave some key concepts to interpret the past of Western Sahara, which made it possible to understand the present, thus to foresee the future.

Recalling the ancient Greek historian Thucydides, there will not be any enduring bound between nations in this area because clashing interests are so many and so strong. Western Sahara means interests at every level of analysis to use Waltz approach. At the personal level, it has been used by the Moroccan monarchy to gain back some authority and to put out any spark of revolution. Concerning the State level, the area is indeed full of natural resources. While if the level of analysis is the international level, Western Sahara has a fundamental counterbalancing effect between Morocco and Algeria, furthermore it gives contractual power to third states, which can increase their benefit pleasing one side of the dispute or the other.

Who writes believes in the importance of the UN mission there, useless critiques on its efficiency should be left apart. MINURSO is actually doing its best compatibly with all the very powerful external concerns it has to manage. Most of the Security Council's member states have wide economic and trade relations either with Morocco or with Algeria. Furthermore Moroccan

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<sup>60</sup> Washington June 24, White House spokeswoman, Dana Perino.

<sup>61</sup> Ibidem

behaviour, not respectful of the fourth Geneva convention, to push its citizens to migrate in Western Sahara and to afford such important amounts of investments in the area, make the UN personnel an example of fortitude as much as the population they want to help. During my trip to Laayoune I had the chance to speak with some UN officers; their feelings were very closed to impotence and frustration, which stemmed from the dominating interests of nations. That is why the UN desperately needs an important reform in order to become more autonomous and thus more effective.

With regards to the core question of the issue, I do believe that Saharawi identity is different from the Moroccan one; I spent four month in the North African kingdom and when I moved to Western Sahara the differences were big. Another essay would be necessary to explain how different they live, they speak and they think. Notwithstanding the great importance of the woman in the Saharawi society, who actually is the most important component of the family.

The people of Western Sahara are deprived of their means of subsistence each passing day with the approval of the international community who ignores even the very first article of the Charter of the United Nations mentioned in the fourth part of this paper.

In the end, the Polisario front always behaved in accordance with strong ethic, never falling under the temptation of terrorism; regardless to betrayal it suffered from many side.

To conclude, some scholars stress that the end of the conflict is coming but other scholars have kept saying the same thing since the beginning of the dispute, so I would not give much credit to them. Unless war breaks out, no international actor in the present configuration seems able or willing to build up a lasting resolution to the conflict. Besides, it would be utopian to suggest this should be left solely to the parties involved, given their quasi-irreconcilable positions.

Considering the clash between International Law and States Interests, Western Sahara needs much more than Chapter six of the UN Charter. Given for granted the inability of Polisario backed Algeria and Morocco to find an agreement among themselves. The Western Sahara liberation front has no choice but to involve the US in a way or the other. Either the US decide to be actively involved or not, bringing back the second version of the Baker Plan would be a good solution.

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