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Aiding and Abetting: The Illegality of Morocco's Nationalist Expansion into Western Sahara and their Support from the United States

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Aiding and Abetting: The Illegality of Morocco's Nationalist Expansion into Western Sahara and their Support from the United States

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Abstract:

This paper will address the illegality of Morocco's nationalist annexation of Western Sahara and how the United States plays the accommodating role through the selling of arms, economic aid, and diplomatic support. Considered as Africa's last colony, the Saharawi people have not experienced the basic human right to self-determination and the right for independence. These rights are continued to be withheld for the sake of Moroccan nationalism and their "rightful and ethnic" claims to the territory, disregarding the International Court of Justice (ICJ)'s advisory opinion ruling in favor of Saharawi self-determination. It explores the chronology of the Saharawi population from the migration of the Sanhanja Berbers prior to Spanish colonization up to the initiation of Morocco's autonomy plan in the occupied territory. Although this paper briefly examines the background to the conflict, the significance of the conflict is illustrated through a framework of international law and human rights by examining the ICJ's advisory opinion, the Moroccan invasion and military occupancy, and the torture of Saharawis by Moroccan forces. Examining the occupation in an international law and human rights framework thus poses an important question: How does the United States, a close ally to the Moroccan Kingdom, support the illegal occupation? This will examine the United States' "neutrality" by exploring the US' involvement in the Madrid Accords up to the current Obama administration's support for autonomy in the occupied territory. Finally, by examining the operation of the Saharawi Arab Democratic Republic (SADR) and how gender equality is a tool to fight colonialism, the United States' support to the Kingdom will be questioned. The goal of this paper is to challenge US foreign policy, which ignores the violation of human rights and international law committed by Morocco in occupied Western Sahara, and the US' narrowly defined national interests in the region.

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Introduction

Saharawi people are descendants from a mixture of Berbers, Africans, and Arabs. The Nomadic Sanhaja Berber tribe migrated and settled in the region coming from the Maghreb region (Morocco and Mauritania specifically), regulating the region's trade routes in the beginning of the eighth century.¹ In the 13th century, the Yemini Nomadic tribe known as Beni Hassan attempted to migrate into the Maghreb region.² The Beni Hassan tribe intermixed with the Sanhaja Berbers, the original inhabitants in Western Sahara. The Sanhaja Berbers eventually accepted and adapted to the Arab culture after numerous clashes between each other.³ To this day, Saharawi people speak Hassaniya Arabic, the original language derived from the Beni Hassan tribe.

From 1884-1975, the Spanish empire colonized the region of Western Sahara. During their rule, the Spanish empire utilized Saharawi populations and women for their resources, which was rich in phosphates.⁴ It was during this colonial period when the Spanish created the term "Saharawi" to the natural inhabitants, which prior to colonization did not exist. Although the term Saharawi was established through colonialism, this led to the identity of nationalist Spanish Saharans who eventually fought against colonialist persecution. It was during the 1957-58 uprising between Spanish Saharans and French and Spanish military that led to the beginning of pro-independence seeking in Western Sahara. Mohammed Sidi Ibrahim Bassiri, recognized as the first activists to promote independence, organized the Liberation Movement of the Saqiyah al Hamra and Wadi al-Dhahab. This organization "called for the dissolution of traditional social

¹ Ira M. Lapidus. *A History Of Islamic Societies*. 2nd Edition. (Cambridge: Cambridge University Press 2002): 302

² Sidi M. Omar. "The Right To Self Determination and The Indigenous People Of Western Sahara." *Cambridge Review Of International Affairs*. 104 (2008): 44

³ Rachel Warner. "Arab Invasions." *A Country Study: Mauritania*. Library Of Congress. Last updated July 27, 2010.

⁴ Stephen Zunes and Jacob Mundy, *Western Sahara: War, Nationalism, and Conflict Irresolution*. (NY: Syracuse University Press, 2010): 34-35

structures as a step toward building national consciousness.”⁵ Bassiri, who attended primary and secondary school in Morocco and the eventually studying journalism in Cairo and Damascus, gained its strength from the veterans of the 1957-58 uprising. Bassiri publicly announced the movement’s objectives in 1970, leading the colonized nation toward a nationalist identity of Saharawi.

It was not until El-Ouali Mustapha Sayed, born into a nomadic family seeking refuge in Southern Morocco, established the core movement that represents independence and the Saharawi population. In 1971, El-Ouali, who was heavily influenced by the writings of Franz Fanon, found the Front for the Liberation of Saguia-El Hamra and Rio De Oro (POLISARIO Front), a guerilla movement seeking independence and representing the nationalist Saharawi symbol.⁶ The POLISARIO fended off Spanish colonizers throughout the region. Eventually, the Spanish empire began to weaken, but UN Resolution 2983 in 1972 reassured “the inalienable right of the people of the Sahara to self-determination and independence,”⁷ thus beginning the decolonization period.

Even prior to Spanish decolonization, there had been claims by both Morocco and Mauritania stating legal ties to the territory. The dispute continued when Morocco brought the case to the International Court of Justice requesting an advisory opinion between the two nations’ ties to the region. The following two questions were considered as the forefront of the case: 1) Was Western Sahara (Rio De Oro and Sakiet El Hamra) at the time of colonization by Spain a territory belonging to no one (*terra nullius*)? If the answer to the first question was in the negative, then 2) What were the legal ties between this territory and the Kingdom of Morocco and the Mauritania Entity? According to the court’s decision, it ruled that during Spanish

⁵ Ibid: 103

⁶ Ibid, p. 104

⁷ Resolution 2983, General Assembly Meeting, December 14, 1972

colonization, Western Sahara was not a territory that belonged to no one. The court also ruled in favor of both Mauritania and Morocco having legal ties to the region. Most importantly, the court decided that neither nation has territorial ties allowing sovereignty in the region:

In short, the decolonization process to be accelerated which is envisaged by the General Assembly in this provision is one which will respect the right of the population of Western Sahara to determine their future political status by their own freely expressed will. This right is not affected by the present request for an advisory opinion...The right of that population to self-determination constitutes therefore a basic assumption of the questions put to the court.⁸

The ruling of the court showed no effect of relinquishment from the Moroccan government. Just before the ruling took place, King Hassan II ordered a preparation of invasion with tanks and artillery stationed near the border of Western Sahara.⁹ Once the highly anticipated court's ruling of the region did not approve of either nation, King Hassan II publicly called for a national migration and movement into Western Sahara. He proclaimed the region for Moroccans, requiring citizens to hold the Holy Qu'uran and the Moroccan flag while marching into the region. The march consisted of 350,000 Moroccan citizens which "reclaimed" the right of the territory, popularly known as "The Green March."¹⁰

Prior to the intervention, the Polisario Front was created in 1973.¹¹ The movement's objective (eventually supported by Algeria in 1975) is to promote Saharawi self-determination and declare the state of Western Sahara as their own.¹² Within two years of its establishment as a national liberation movement by fighting off Spanish colonizers, Morocco's occupation of Western Sahara began on October 31.¹³ Thus, the guerilla movement shifted its target from

⁸ "Western Sahara, Advisory Opinion." ICJ Reports. 1975: 36

⁹ Zunes and Mundy. *Western Sahara*: 5

¹⁰ Ibid.

¹¹ Ibid: 3

¹² Ibid.

¹³ Ibid: 6

Spanish to Moroccan colonizers, erupting in a full-fledged war between the Moroccan army and the Polisario guerilla movement.

As Spanish dictator General Francisco Franco was slowly declining in health, Prince Juan Carlos became acting head of state on October 30, 1975. Spain began to reexamine the Spanish-American treaty allowing for the presence of US bases in return for economic and military aid into Spain.¹⁴ Soon after, former Secretary of State Henry Kissinger's CIA confidant continued to make trips between Rabat and Madrid. After the Green March was held, Carlos flew to El-Aioun, the Western Saharan capital, to assure Spanish support for Saharawi self-determination. As a result of strenuous pressure from the United States, Spain agreed to sign on to what became known as the Madrid Accords on November 14, 1975, transitioning its administrative power to Morocco and Mauritania. I will discuss the United States' involvement during this process in greater detail later.

The Moroccan conquest led to thousands of refugees fleeing to neighboring Algeria in the Tindouf region. Camps were established with the help from the Algerian government and the international community. On February 17, 1976, the Polisario declared the establishment of the Saharawi Arab Democratic Republic (SADR) as the legitimate state representing the Saharawi person, which has since been recognized by approximately 80 states.

Despite initial nationalist euphoria from the conquest, the unexpectedly strong resistance resulted in high casualties and economic hardship which threatened the survival of the Moroccan regime. Having survived two coup attempts prior to the Western Saharan war, King Hassan was faced with declining popular support and rumored coup plots.

¹⁴ Leo Kamil. *Fueling the Fire: U.S. Policy & The Western Sahara Conflict*. (NJ: The Red Sea Press, January 1987): 13

By the end of 1977, the costs of war exceeded \$2 billion a year, increasing a larger deficit that later led to war taxes.¹⁵ Moroccan forces were beginning to resent the war effort, resulting to further violence, desertions, and mutinies. According to Leo Kamil, “the Moroccan adventure in Western Sahara was seen as Morocco’s Vietnam.”¹⁶ King Hassan’s recognition of soldiers’ negative disposition on the warfront, the Kingdom doubled soldier’s pay and new remunerations to boost morale of troops and their families, paid entirely by Saudi Arabia.¹⁷

Despite widespread international condemnation, including two UN Security Council resolutions calling on Morocco to respect Western Sahara’s right to self-determination, the United States and France continued to provide military assistance. This did not help Morocco’s economic situation, however, as an increasingly large share of the national budget was devoted to military spending. The severe budget crisis in Morocco’s war on Western Sahara came during the construction of the first berm, or wall, in 1980. The wall stretches 600 miles and is heavily guarded with barbed wire and “millions of mines”¹⁸ funded by French and American governments.¹⁹ This transition from an offensive to a defensive strategy illustrated the diminishing ability of Moroccan forces to defeat the Polisario.

Morocco’s failure to engage in serious talks led the Organization of African Unity to recognize the SADR as a full member state, resulting in Morocco’s withdrawal from the organization. However, UN Secretary General Perez de Cuellar helped lead talks resulting in a ceasefire agreement on August 30, 1988, based on the framework given by the OAU.²⁰ This led to UN Security Council Resolution 621, requesting:

¹⁵ Ibid: 16

¹⁶ Ibid.

¹⁷ Ibid

¹⁸ UN Referendum for Western Sahara: 9 Years and Counting, Committee on International Relations House of Representatives, September 13, 2000

¹⁹ Kamil, *Fueling the Fire*: 70

²⁰ UN Referendum for Western Sahara

The Secretary-General to transmit to it as soon as possible a report on the holding of a referendum for self-determination of the people of Western Sahara and on ways and means to ensure the organization and supervision of such a referendum by the United Nations in co-operation with the Organization of African Unity.²¹

The methodology which Cuellar aimed for was accepted with UNSC Resolution 658, which:

Welcomes the intention of the Security-General to dispatch, in the immediate future, a technical mission to the territory and to neighboring countries, in particular to refine the administrative aspects of the outlined plan and to obtain the necessary information for the preparation of a further report to the Council.²²

This request for a technical mission led to the creation of the United Nations Mission for the Referendum of Western Sahara (MINURSO). The goal of this mission was to mandate the voting registration and the referendum for independence under the SADR or an integration of Morocco. During this 11 year process, multiple complications occurred. Although both parties agreed that ethnic Saharawis native to Western Sahara should be allowed to vote, it did not come to a conclusion on how this relation would be measured. For instance, Polisario called for the 1974 consensus of Saharawis, which would have amounted to 74,000 Saharawis. However, “Morocco planned to present more than double that number in the vote.”²³ This presented evidence of Moroccan integration into Western Sahara by “moving large numbers of its citizens into Western Sahara.”²⁴ This forced MINURSO to consider tens of thousands of voter registration, eventually leading toward a breakdown in 1996.²⁵

By September 2000 and nearly \$440 million later, “MINURSO unfortunately [was] far from its goal.”²⁶ After the failed voter registration attempt from MINURSO, UN Secretary General Kofi Annan assigned former Secretary of State James Baker as a personal envoy to establish a new referendum that both parties can agree to. Baker began by finally bringing the

²¹ Resolution 621, United Nations Security Council, September 20, 1988

²² Resolution 658, United Nations Security Council, June 27, 1990

²³ Zunes and Mundy. *Western Sahara*: xxx

²⁴ Ibid

²⁵ Ibid

²⁶ UN Referendum for Western Sahara: 9 Years and Counting

two parties together in London. Baker's first peace proposal was to establish an autonomy plan for five years, then a vote which "did not explicitly offer independence."²⁷ As Morocco accepted the peace plan, Polisario, backed by Algeria, withheld its agreements. This led to Baker's second proposal, similar to the former, but offering the vote for integration, independence, or continued autonomy. Although Polisario was reluctant, given Morocco's refusal to follow through with 1991 referendum, Algeria compelled Polisario to accept the plan. Morocco, obviously refusing the idea of an independent Western Sahara, stalled the peace plan for support from the Security Council to prevent the plan being implemented. Lack of support from both the United States and France led to Baker's resignation post in 2004.

As the referendum process stagnated, Morocco issued its own "autonomy plan" that allowed a Saharawi government in Laayoune, but prohibited the ability for Saharawis to choose the option of independence. Obviously refused by Saharawi nationalists, widespread of political uprisings and nonviolent protests occurred throughout the latter decade of the 2000s. During these protests, numerous acts of torture, sexual humiliation, disappearances, and murder increased among the Saharawis. As for the little attention given from the Obama administration, their calls for human rights monitoring in the area are still refused by the Moroccan government. What was originally based on the threat of an authoritarian's sovereignty and strength has turned into a reliance on natural resources and abuse of power.

Today, Morocco has occupied approximately 80-85 percent of Western Sahara. The military invasion resulted in a large number of Saharawi refugees fleeing into neighboring Algeria, setting up refugee camps in the Tindouf region. Saharawis who remained in Western Sahara or live in southern Morocco are continuously subjected to various human rights abuses such as torture, false imprisonment, sexual humiliation toward Saharawi women, and

²⁷ Zunes and Mundy, *Western Sahara*: xxxi

disappearances. After 36 years, Saharawis continue their struggle for self-determination and independence while the major powers in the international community continue to neglect addressing Moroccan occupation. In this thesis, I inspect how Morocco has been able to get away with conducting a militaristic occupation in Western Sahara which is a clear violation of international law.

While Morocco continues to use these methods into Western Sahara, the United States lacks using efficient methods in establishing a peaceful settlement plan between Morocco and Western Sahara. The United States considers Morocco as one of its closest allies in the Arab world. Considering Morocco was the first country to recognize the United States as a sovereign nation, the political ties between both countries remains firm. Morocco has allowed multiple air landings during World War II, playing a strategic role during the war. Morocco continues to promote Western ideologies toward African and Arab countries, such as Morocco's support for the Camp David Accords as well as sending troops to Zaire at the United States' request. Morocco has been a key player in promoting American interests throughout the Middle East and Africa and still maintains their passion in doing so.

Therefore, I pose the following questions for further research: How does Morocco violate international and humanitarian law for the sake of nationalist expansion? How does the United States, a state that publicly announces its neutrality to the conflict, support Morocco's nationalist expansion into Western Sahara? How does the expansion into Western Sahara impact Saharawi's way to life? In this paper, I argue that the United States plays an aiding and abetting role in Morocco's occupation of Western Sahara while neglecting the principles of human rights and international law, of which are practiced within the SADR. What I hope to find in this research

are reasons why the United States has continued to support militaristic occupation as well as a clear understanding of Moroccan nationalist occupation in Western Sahara.

Methodology

Morocco's occupation of Western Sahara can be analyzed through different strategies. There are many historical events to record as well as studies to be conducted. However, there are many obstacles that may alter the study. Furthermore, some obstacles may include a high amount of risk that is both threatening to the study, but more importantly to someone's life, including myself who identifies as a Moroccan-American.

The methodology I plan to use for this study is solely based on secondary research. I begin by examining the literature focusing on the topics of the nation and the state, power, and colonialism. This will provide a literature framework that correlates to Morocco's colonization of Western Sahara, countless human rights abuses in the region committed by Moroccan forces and the United States' continued support to the Kingdom.

Second, I examine the actions committed by Morocco and how the nationalist expansion violates humanitarian and international law. I layout the ICJ's advisory opinion in 1975, the construction of the wall during the 1980s, countless resolutions that have been neglected by the Kingdom in regards to the region, and the daily occurrence of torture by Moroccan forces.

Third, I explore the United States' historical ties with Morocco. I will examine the role the United States has played from the start of the conflict up to the present Obama administration. Then, I will explore Saharawi identity within the SADR and Polisario, explaining in detail why the United States should hold a more neutral position considering SADR's and Polisario's initiatives. This specific look at Saharawi identity will be examined by how Saharawi

women play an important role in the occupation, giving a closer look at Saharawi identity altogether. Finally, I will attempt to examine the perception Moroccans have on Western Saharan occupation, determining their “support.”

Human Rights and International Law

This research will examine Morocco’s countless violations of human rights and international law. I begin by illustrating how the Green March is in violation of Article 2 of the UN Charter as well as numerous testimonies from Saharawi activists and citizens who have been tortured and harassed.

I will explore this perspective by examining the authors mentioned above as well as those in the book *Multilateralism and International Law with Western Sahara as a Case Study*, edited by Neville Botha, Michele Olivier, and Delarey Van Tonder. These arguments illustrate the violations of international law committed by the Moroccan government. Furthermore, I will examine testimonies given to *Human Rights Watch* as well as Hayat Erguibi’s video testimony that went viral in 2010.

These testimonies will illustrate countless violations of conventions and charters to which the Kingdom of Morocco is a party, such as the International Convention of Civil and Political Rights (ICCPR), the International Covenant of Economic, Social, and Cultural Rights (ICESCR), and most importantly the Convention Against Torture (CAT).

The United States

For this research, I am examining the United States and the role they have played in this conflict. It is understandable that the study must also consider other key actors—France, Algeria,

Spain, and the OAU—and their factors will be definitely included. However, the study is mostly focusing on how the United States itself has played an extremely important role and how the United States can still find a solution toward self-determination without returning to violence. I will examine how the United States has stood behind Morocco's annexation quest through their long diplomatic history of US sovereign recognition, US military aid, and continued IMF debt forgiveness.

I will base off of Leo Kamil's book *Fueling The Fire: US Policy and the Western Sahara Conflict* in regards to the United States' role starting in 1975. Kamil examines the United States' role in the conflict and how their support to Morocco influenced Morocco's annexation of Western Sahara. I will also use examples from Zunes and Mundy, Zoubir, and testimonies given by former Deputy Assistant Secretary for Near Eastern Affairs Allen Keiswetter.

Saharawi Nationalism

It is important to recognize how the identity of Saharawi became observed. This gives context to why Saharawis are fighting for self-determination against two forms of colonization. This then leads to examining the first wave of colonization from the Spanish during the late 1800s. It will illustrate the beginning struggles for self-determination and independence among Saharawi people. Then, I will examine the decolonization period of the Spanish and the transitioning period toward Moroccan annexation.

These two characteristics built the Saharawi nationalist identity that is seen today. I specifically look at this nationalist identity in a feminist lens as it is a high contributing factor to both Western Saharan nationalism and Moroccan differentiation. Various authors, including

Anna Lippert and Joanna Allen, have conducted extensive research on Saharawi women in the camps.

Why Solely Secondary Research?

Many may question the reasoning behind solely conducting secondary on a topic that would need more visual understanding. Considering this is an important conflict, as it is considered the last colony of Africa, there are two significant reasons why I have decided to not conduct open interviews.

First, there are serious risks to certain lives, including my own. Upon entering the occupied territory as an American would draw speculation to the Moroccan government. I would have to take risks going into the territory and withhold my purpose of staying in Western Sahara. Once advancing, it is highly likely for officers to follow me in plain clothes, especially if they see me conducting interviews publicly about self-determination and independence in Western Sahara. Considering my given Moroccan name, the outcome of questioning the kingdom will be seen as a threat to the nation and could prevent me from conducting further research.

Second, the subject on Western Sahara is considered a taboo in proper Morocco. The risks for endangering my life and many others are incredibly high. Furthermore, the *Istiqlal* mentality among the population is instilled in the population. Gaining an honest answer about Morocco's occupation in Western Sahara (if the hypothetical interviewee has truly opposing views about occupation) would be strenuous and difficult to obtain. Thus, secondary research on the topic by previous researchers and authors will suffice.

Literature Review

The conflict in Western Sahara can be elaborated through different theoretical perspectives. Although awareness among the general public is low, there are still significant amounts of literature based on this topic and others similar to it.

I elaborate on the theme of power when discussing the conflict between Morocco and Western Sahara. Power is a concept that has been defined, measured, and examined through many different perspectives. It is examined through the behavior of those in power and how it is used. It can be measured through the means of the amount of resources a state gains or through their ability of manipulation.

Historically, power has evolved into different meanings and characteristics. First, I examine the functions and qualifications of the state. This will give the example of justifying the means of violence as a way to gain power within a given territory. It will also distinguish the definitions of both the state and the nation which brings a discussion on the nationalist discourse in Morocco.

Second, I will begin to examine the early stages of power theory by elaborating on Karl Marx's critique of capitalism. This critique sets the stage for critical thought and examines how power is obtained. Then, I elaborate on Gramsci's theory of hegemony, which is the most relevant piece to this study and connect it with Marx's ideology. I then elaborate on how Gramsci's theory started the ideology of neorealism and the balance of power. Then, I examine the social understandings of how violence is used by the state. Finally, and most importantly, I examine the definition and tools of colonialism, showing that the ability for a state to colonize another cannot exist without the possession of the colonizing state's power.

The State

In order to fully comprehend the meaning of the state—differentiating from the nation—on must examine the process behind the Peace of Westphalia in 1648. This significant piece of legislation designated that this peace shall establish sovereignty in given territories in which “each party shall endeavor to procure the benefit, honor, and advantage of the other.”²⁸ This piece of legislation allows the establishment of an institution, in which no entity will have greater sovereignty over it.

Yet, a more concrete definition of the state is explained through international law. The qualifications for a “legitimized” state can derive from the Montevideo Conventions of 1933. These qualifications are stated in Article 1, which list that a state must consist of “a permanent population, a defined territory, government, and capacity to enter into relations with other states.”²⁹ Yet, Article 3 states that “the political existence of the state is independent of recognition by the other states.”³⁰ This suggests that states are only recognized if others wish to recognize them as such.

Nevertheless, the characteristics of the state mentioned above do not consider subjectivity. It only establishes the objectivities of the state, which are thus used as the norm to recognize the sovereignty of other states. It does not address how a state is able to control its citizens. Therefore, within this context, it is important to recognize the state defined by Max Weber. Weber defines the state not by its objectivity, but by the ability of how the state manages its citizens:

Every state is founded on force...A state is a human community that successfully claims the monopoly of the legitimate use of physical force within a given

²⁸ Article I. *The Treaty of Westphalia*. http://avalon.law.yale.edu/17th_century/westphal.asp

²⁹ Article 1. *The Montevideo Convention on the Rights and Duties of the State*, 1933. <http://www.cfr.org/sovereignty/montevideo-convention-rights-duties-states/p15897>

³⁰ Article 3. *The Montevideo Convention on the Rights and Duties of the State*, 1933. <http://www.cfr.org/sovereignty/montevideo-convention-rights-duties-states/p15897>

territory...Specifically, at the present time, the right to use physical force is ascribed to other institutions or to individuals only to the extent to which the state permits it. The state is considered the sole source of the right to use violence.³¹

Weber defines the state in this context as the ability to control violence within its given territory. Through this definition, we are able to illustrate how power is gained. The ability to use these characteristics can give other “states” the ability to obtain domination of others. Therefore, Weber’s definition of the state leads to the modern description of power, which has different interpretations and has developed into different meanings.

However, Weber’s definition of the state is simply evolved from Niccolo Machiavelli’s most well-known work *The Prince*. Machiavelli, who wrote that “all states and dominions which hold or have held sway over mankind are either republics or monarchies,” proclaimed that “new states are either previously accustomed to the rule of another prince, or else have been free states which are annexed either by force of arms of the prince or of others.”³² He reminds us that the newly recognized state is not necessarily new:

Men change masters willingly, hoping to better themselves, making them take arms against their rulers. You find your enemies in all those you have injured by occupying the dominion, and you cannot maintain the friendship of those who have helped you obtain this possession, as you will not be able to fulfill their expectations, nor can you use strong measures with them, being under an obligation to them. For which reason, however strong your armies may be, you will always need the favor of the inhabitants to take possession of a province.³³

Machiavelli’s portrayal of the state can be used to explain Morocco’s ambition to annex Western Sahara. Considering the state was under scrutiny, Morocco’s ambition to annex Western Sahara derived from Hassan II’s predecessor, Mohammed V, whose objective was to extend Moroccan sovereignty into neighboring, already recognized sovereignties. Furthermore, Weber’s

³¹ Max Weber. *Politics as a Vocation*. Lecture given at Munich University, 1918.

<http://anthropos-lab.net/wp/wp-content/uploads/2011/12/Weber-Politics-as-a-Vocation.pdf>

³² Niccolo Machiavelli. *The Prince*. (London: Grant Richards, 1903): 3

³³ Ibid: 5

monopolization of violence relates to the construction of the walls during the Western Sahara War. Morocco began constructing a series of walls, or berms, that started separating Moroccan controlled territories from unclaimed territory during the 1980s. There are six separate berms that have expanded into Western Sahara, leaving only a quarter of land that is unoccupied. These berms are heavily guarded with manpower, barbed wire, and landmines. Within their controlled territory, Morocco has continuously attempted to mandate the violence when conflict erupts between Saharawi and Moroccan forces.

The Nation

Hugh Seton-Watson writes that there is no “scientific definition” of the nation, yet it exists and has existed throughout history.³⁴ This is to suggest that the concept of nationalism is only able to exist through the commonality of people. The nation is neither an entity nor a figure, but a common ideology shared by multiple people. Ernest Gellner builds on this idea by stating that “nationalism is not the awakening of nations to self-consciousness: it invents nations where they do not exist.”³⁵ Gellner suggests that nationalism is not built in from the establishment of the state, but is imagined through populations sharing similar cultural interests.

Benedict Anderson builds on the idea that the nation is not established through the functions of the state. Rather than having to build a nation through the state—an entity which is constructed to help monopolize or control its inhabitants—the nation is instead

An imagined political community and imagined as both inherently limited and sovereign...members of even the smallest nation will never know most of their fellow members, meet them, or even hear of them, yet in the minds of each lives the image of their communion³⁶

³⁴ Hugh-Seton Watson, *Nations and States: An Enquiry into the Origins of Nations and Politics of Nationalism* (Boulder, CO: Westview Press, 1977): 5

³⁵ Ernest Gellner. *Thought and Change* (Chicago, IL: University of Chicago Press, 1974): 169

³⁶ Benedict Anderson. *Imagined Communities* (London: Verso Publication, 1983): 7

Anderson is building on the fact that nationalism is not a constructed entity, but a shared imagined community with particular characteristics defining them. Tom Nairin states a similar definition on nationalism by stating that it is the “pathology of modern developmental history, as inescapable as ‘neurosis.’”³⁷ Nairin, however, suggests that nationalism is an inevitable trait for people to develop.

Anderson’s definition of nationalism can be associated with the idea of “Greater Morocco.” This idea expresses the importance of expanding its nationalist sovereignty to other neighboring sovereign nations, which is believed to return these areas to Moroccan sovereignty. This imagined community of Morocco spread out through most of West Africa is an ideology shared by a large majority of the Moroccan community. It is Anderson’s idea of nationalism which leads to the nationalist discourse in Morocco.

Istiqlal and the Nationalist Discourse

Anderson’s interpretation of nationalism correlates to the idea of Moroccan nationalism, but the nationalist discourse of this idea constructed to defeat French colonialism. Prior to independence in 1956, Moroccan nationalism amounted to very little. Nationalists handed out pamphlets to claim independence in Morocco, but French officers considered these acts as a great “doctoral thesis” considering the minimal support nationalists were gaining.³⁸ It was not until 1940 during World War II after France was invaded by Germany that Moroccans began to perceive their French colonizers as weak. Thus, the formation of the *Istiqlal* party, which translates to “independence” in Arabic, called for the independence of Morocco and dismantling

³⁷ Tom Nairin. *The Break Up of Britain* (London: New Left Books, 1977): 359

³⁸ Daniel Zisenwine. *The Emergence of Nationalist Politics in Morocco: The Rise of the Independence Party and the Struggle Against Colonialism after World War II* (London: I.B. Tauris, 2010): 10

the French protectorate. Nationalists believed that the “demand for the abrogation of the protectorate treaty and a move towards independence” would be the new strategy for the nationalist party.³⁹

One important figure of the Istiqlal party was its president, Allal El-Fassi. Born in Fes in 1910, El-Fassi’s determination toward demolish French colonialism in Morocco gained major support considering his Islamic centrist ideologies. El-Fassi’s speeches and writings set the stage for Moroccan nationalist sovereignty with his idea of “Greater Morocco.” This movement, which became the central framework for the Istiqlal party, did not exclusively call for dismantling the French protectorate:

Allal El-Fassi illustrated his idea of Greater Morocco in accordance to which the historic and national borders of the Kingdom extended to Senegal and to Niger, including not only the Algerian regions of Colomb-Béchar and Tindouf and the entire Mauritanian territory, but also the total possession of the Spanish Sahara.⁴⁰

Toward the end of French colonization, El-Fassi published this new nationalist discourse in the Istiqlal ran newspaper *Al-Alam*, calling for all Moroccans to stand against French colonialism and promote this newly recognized modern state of Morocco.⁴¹ One year later, King Mohammed V adapted El-Fassi’s ideology and utilizing the theme of nationalist expansion by “recovering the territorial integrity of the lands that had acknowledged the sovereignty of his forefathers.”⁴² Once the nationalist discourse was set into practice after its quest for Spanish enclaves in the north and Western Sahara in the south, the Istiqlal party—originally a nationalist party to oust French colonialism—used the Greater Morocco ideology as to form a nationalist identity which was used as the discourse for Moroccan sovereignty.

³⁹ Ibid: 31

⁴⁰ Françoise De La Serre. “Les Revendications Marocaines sur la Mauritanie.” *Revue de Science Politique*. (16, 1966): 320

⁴¹ C.R. Pennel. *Morocco: From Empire to Independence*. (Oneworld Publications, 2003): n.p

⁴² J. Peter Pham. “Not Another Failed State: Toward a Realistic Solution in Western Sahara.” *Journal of the Middle East and Africa*. (1, January 2010): 5

This is not to say that all Moroccans have or had similar nationalist ideologies. Mehdi Ben Barka, founder of the National Union of Popular Forces, did not share the nationalist discourse of Greater Morocco. Instead, he “demanded a clear position concerning our occupied territories in Western Sahara.”⁴³ However, it was his questioning of the sovereignty that led to his assassination in Paris, illustrating the implementation of the Istiqlal claims to Greater Morocco.

By using Anderson’s interpretation of nationalism and correlating it to the idea of Greater Morocco, it allows the ability to understand how this nationalist discourse was constructed. This discourse ironically does not consider the practices and norms of international and humanitarian law, considering that the nationalists prior to independence felt “that in the emerging post war order, colonial administrations... would be anachronistic and obsolete.”⁴⁴ This discourse illustrates the true effects of power and how power can be abused.

Power and Abuse

Power is thus gained through the state which justifies the use of violence in order to monopolize violence. It is important to consider Weber’s definition of the state. Morocco continues to justify its means of violence by proclaiming its rightful use to the territory of Western Sahara. The ability to control the monopolization of violence within a given territory can easily be defined as a characteristic of power. This gives the ability for theorists to define power in their perspectives through objectivity or subjectivity.

⁴³ Ibid: 6

⁴⁴ Zisenwine. *Emergence of National Politics in Morocco*: 32

Although politicians and world leaders measure power through tangible means,⁴⁵ it does not address how this ideological power is obtained. This theory of power is famously annotated by critical theorist and sociologist Karl Marx. Marx developed the theory of power by critiquing the capitalist system. He suggests that “the history of all hitherto existing society is the history of class struggles.”⁴⁶ The bourgeoisie, or the higher class, controls the means of capital for seeking surplus value. By using the proletariat, the working class, the bourgeoisie is able to further seek this surplus value.

This suggests that those who are able to maintain this system of capital can obtain a sense of power within a state. In correlation with Weber, Marx explains the purpose of the executive modern state as “a committee for managing the common affairs of the whole bourgeoisie...Each step in the development of the bourgeoisie was accompanied by a corresponding political advance of that class.”⁴⁷ This may not suggest that violence is an occurrence and obligatory for state power like Weber, but it does portray how trade transformed into this sense of “cash value” within the state. Thus, with those in control of this new phenomenon, power is obtained by the bourgeoisie who are able to exploit the common worker through “naked, shameless, direct, brutal, exploitation.”⁴⁸

Marx’s critique of capital influenced many critical thinkers and sociologists. His definition of power is highly important for the purpose of this study; it defines how the rich and powerful are able to maintain their control of lower-class populations, especially for countries in the modern epoch. Marx gives a new perspective of power, thus allowing theorists to develop ideologies corresponding to the bourgeoisie and proletariat class structures.

⁴⁵ Joseph Nye. *Bound To Lead: The Changing Nature of American Power*. (New York: Basic Books, 1990): 5

⁴⁶ Karl Marx and Friedrich Engels. *The Communist Manifesto*. Originally published 1848. (Republished New York, NY: 2003): 46

⁴⁷ Ibid: 50-51

⁴⁸ Ibid.

Those that obtain capital are capable of exporting their means of capital interest—exploitation in Marxist’s view—into either neighboring states or weaker states. This framework allows us to understand that those with a substantial amount of capital can obtain a substantial amount of power and be able to use such power for their own benefit. Mirroring a Marxist theoretical framework, Vladimir Lenin defines imperialism as “monopolies of finance capital seeking other sectors of the world to expand their capital elsewhere for the benefit of their nation.”⁴⁹

Lenin’s Marxist perspective defines power by explaining the Western states’ capabilities of taking advantage of “backward countries” through finance capital.⁵⁰ Considering the price of land is low, raw materials are cheap, and wages are low, countries with a large amount of capital are able to take advantage of less privileged states.⁵¹ Export capital becomes relevant when “capitalism has become overripe,” and it thus must need to expand.⁵²

Examining this theory of power has relevancy in the case of Western Sahara. Power in the perspective of capitalists seeking to export its capital to lesser privileged societies is recognized in the Mohammed VI’s continued ambition to annex Morocco. Yet, prior to its invasion of Western Sahara in 1975:

Morocco was already the world’s permanent exporter of phosphates, which among other uses, is a key ingredient for modern agriculture. Morocco has 11 billion tons in working phosphate reserves and potentially 58 billion more. Addition of the Western Sahara’s high grade deposits only slightly enhanced Morocco’s already dominant position in the world market.⁵³

Needless to say, Morocco’s ambition to annex Western Sahara did not originally lie in the aims of exploiting phosphates. The pursuance of annexation was a response to continued

⁴⁹ Vladimir Lenin. *Imperialism: The Highest Stage Of Capitalism. A Popular Outline*. (Peking: Foreign Languages Press, 1975): 73

⁵⁰ Ibid.

⁵¹ Ibid.

⁵² Ibid.

⁵³ Zunes and Mundy. *Western Sahara*: 34-35

attempts and threats of a coup within the Kingdom. It was not until the beginning of the 21st century that enabled Mohammed VI's ambition for exploiting phosphates and fisheries to importers in both Europe and the United States. Therefore, a nationalist state expresses their power through expanding capital to more vulnerable states.

It is important to note the definition of imperialism given by Lenin, as it explains how a wealthy nation desires more surplus value. It is in that context which explains how wealthy nations (or in some cases more privileged ones) seek more for themselves and justify their actions by any means necessary. Wealthier nations seeking more profit will aim to exploit vulnerable and defenseless nations. Thus, the use of hegemony and coercion are examined.

Gramsci and Hegemony

The theory of modern power started through the development of the state and its given borders. It was then elaborated through a critique of capitalist society, in which this theoretical perspective was eventually practiced within the state of a newly found Russia in the early 1900s. However, Marxist theory does not include the political scheme as an entity of power. It only critiques the use of those who have capital as a means of losing human dignity in substitute for cash exchange-value. Therefore, more room was needed in incorporating the state and civil society.

Gramsci contributes to the theory of power by discussing who it is that is powerful. Stemming from his Marxist beliefs, Gramsci begins by defining the intellect, which he suggests is not "a distinct social category independent of class."⁵⁴ He believes that "all men are potentially intellectuals in the sense of having an intellect and using it, but not all are

⁵⁴ Antonio Gramsci. *The Prison Notebooks*. Ed. David Forgacs. (New York, NY: Schocken Books, 1989): 12

intellectuals by social function.”⁵⁵ The hegemony functions as “the apparatus of state coercive power which ‘legally’ enforces discipline on those groups who do not consent either actively or passively.”⁵⁶

Gramsci set the stage for future theorists to further elaborate on states that fall into this category of hegemony. By elaborating Machiavelli’s famous piece of work *The Prince*, Gramsci constructs the theory of how states are using this practice to govern others around them. It beautifully adds to the theory of power and states’ ability to conquer without true justification. Although Morocco is not a superpower, it does demonstrate hegemonic characteristics. Through the combination of state and civil society, Morocco’s infamous Green March in 1975 illustrates the beginning of domination and occupation in Western Sahara. King Hassan II was able to exercise the domination of territory through its society. Relying on faulty cultural history is not a reasonable use of coercion. According to the UN Charter, this is a violation of Article 2 (4), stating that “all members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state.”⁵⁷

By adding to Marx’s and Lenin’s theory of power through capitalism, Gramsci interprets the themes of power by including the importance of state and civil society. How states maintain that power and usage in the modern epoch influenced theorists to examine this perspective. Thus, the theory of neorealism was established.

Neorealism and Power

The concepts of power have been elaborated through critiques of the global capitalist system. It examines those with the upper-hand making decisions for their benefit of surplus

⁵⁵ Ibid.

⁵⁶ Ibid.

⁵⁷ Article 2 (4). *UN Charter*. <http://www.un.org/en/documents/charter/chapter1.shtml>

value. However, adding the concept of Gramsci's hegemony led to a simple one line definition of power given by Joseph Nye: "The ability to get others to do what they otherwise would not do."⁵⁸

This simple definition leaves unanswered questions for measuring power. Nye elaborates that measuring tangible power is common entity for political world leaders. For example, the state's possession of resources, such as its military size, population, economic size, political stability, and territory define the capabilities of a state's power.⁵⁹ In correlation with Gramsci, the quantity of these resources gives the characteristics for states to use coercion.

However, Nye does not focus solely on quantity of these resources, but how the mindset of the state works. For instance:

A country may obtain the outcomes it wants in world politics because other countries—admiring its values, emulating its example, aspiring to its level of prosperity and openness—want to follow it. In this sense, it is also important to set the agenda and attract others in world politics, and not only to force them to change by threatening military force or economic sanctions.⁶⁰

Nye considers this hegemonic theory as "soft power," which means "getting others to want the outcomes that you want."⁶¹ However, Nye shifts away from acknowledging the importance of who gained power by only focusing on the behavior of power. Nye's simplistic definition of power is still relevant in Moroccan occupation. Regardless of opposition, the Kingdom still maintains its occupation and attempts to monopolize violence through their control.

Neorealist theorists eventually started to examine how power has been maintained after the effects of the Cold War. Theorists, such as T.V. Paul, added to the already evolving theory of power by suggesting the idea of "power balancing," which is loosely defined as states seeking to

⁵⁸ Nye. *Bound To Lead*, p. 5

⁵⁹ Ibid.

⁶⁰ Joseph Nye. *Soft Power: The Means to Success in World Politics*. (New York: Public Affairs, 2004): 5

⁶¹ Ibid.

survive as “independent entities” as well as seeking power in an anarchical global system.⁶²

There three types of power balancing within states: hard, soft, and asymmetric. Hard balancing is described as a “strategy often exhibited by states...to build and update their military capabilities, as well as create and maintain formal alliances.”⁶³ Soft balancing “occurs when states generally develop ententes or limited security understandings with one another to balance a potentially threatening state or a rising power.”⁶⁴ Last, asymmetric balancing demonstrates “efforts by nation-states to balance and contain indirect threats posed by subnational actors.”⁶⁵

This theory of power suggests that states only form alliances to strengthen their power. Thus, states forming alliances through this perspective suggests that it is only power that drives these states to balance amongst one another. Paul does not examine the cultural, historical, and personal alliances that are formed within states. For instance, the Alawi Dynasty in Morocco was the first country to recognize the United States as an independent nation in 1777.⁶⁶ This act forever tightened the relations between the United States and Morocco. From letting allied forces landing in Casablanca during WWII to the Alawi Dynasty shaping itself toward Washington’s interests, “Morocco became [a] key [ally for] U.S. policies in the Middle East & Africa, and also helped implement them.”⁶⁷

Regardless, using Paul’s explanation of “hard power” describes the relationship between the United States and Morocco during the sixteen year conflict in Western Sahara. The United States provided “significant political, economic, and military support for Morocco’s war

⁶² T.V. Paul et al. *Balance of Power: Theory and Practice in the 21st Century*. (Stanford: Stanford University Press, 2004): 3-4

⁶³ Ibid: 3

⁶⁴ Ibid

⁶⁵ Ibid

⁶⁶ Ibid: 71

⁶⁷ Ibid.

effort.”⁶⁸ Little support was given “for a negotiated settlement.” This alliance was not for balancing against a rising power, but more so using power as a means of domination. It was further emphasized during the Reagan administration from the American ambassador Joseph Reed, a good friend of King Hassan II:

The United States is a true friend of Morocco. The leadership of the Reagan Administration has stated that your country’s concerns are my country’s concerns. The United States will do its best to be helpful in every area of need that may arise. Count on us. We are with you.⁶⁹

The theory of power transforms by examining states’ actions and reasoning behind them. Weber mentioned the ability to use violence within the state, but did not address how this power has been obtained. Examining his theory of the state relates to how power has been transformed historically. Marx’s critique of capitalism gave headway for theorists to develop their own perspectives of power, allowing the theory to expand beyond capital. It is important to recognize how power has transformed throughout the years because states that are considered tangibly powerless may in fact carry out the behavioral aspects of a powerful state. Thus, conflict and the theory of power go hand-in-hand with each other.

Conflict and Violence

The concept of power correlates with how conflict begins. Once military war begins, the objective is to destroy the other enemy’s army and occupation of their territory.⁷⁰ When this is accomplished, the result is “peace”. This includes the ability for the victorious army that “could” occupy another territory once this defeated enemy’s army is no longer capable of continuing this fight.⁷¹

⁶⁸ Stephen Zunes. “The United States in the Western Saharan War.” In Yahia Zoubir, et al. *International Dimensions of the Western Sahara Conflict*. (Westport, CN: Praeger, 1993): 53

⁶⁹ Ibid: 63

⁷⁰ Gramsci. *The Prison Notebooks*: 229

⁷¹ Ibid

However, this definition of war between nations differs in terms of hegemonic powers. It is suggested that “political struggle is enormously more complex: in a certain sense, it can be compared to colonial wars or to old wars of conquest—which the victorious army occupies, or proposes to occupy, all or a part of the conquered territory.”⁷² Political struggle is therefore relevant during the colonization period. In some cases, colonization is relevant in this modern epoch.

Yet, the drive for war does not always attempt to benefit the state. It can be suggested that “wars result from selfishness, from misdirected aggressiveness impulses, from stupidity.”⁷³ This view of conflict and war focuses on the individual’s quest for power and not necessarily for the benefit of the state entirely. The justification for this violence is argued that states have “not attained its ‘natural’ frontiers, which such frontiers are necessary to its security, that war [is] to extend the state to its deserved compass is justified or even necessary.”⁷⁴ This perspective particularly aims at examining the drive for domination sought out by authoritarian regimes.

Another form of conflict or war can derive from the political issue or standpoint that a conflict revolves around. The actor(s) involved within the conflict:

Seeks to destroy the structure of their relations by undoing the other regime and, in some cases, by displacing its people. Structural struggles spawn strategies of resolute contention; at least one party decides that he will persist in the struggle even should this mean his own destruction. Bargaining becomes impossible, and the conflict becomes the communication.⁷⁵

This furthers the definition of conflict given by Gramsci. It affirms political struggle as a conflict emerged from hegemonies as well as a drive for political dominance within another nation due to selfishness. This drive for political dominance is not necessarily a result from

⁷² Ibid

⁷³ Kenneth Waltz. *Man, the State, and War: A Theoretical Analysis*. (New York: Columbia University Press. 1965): 16

⁷⁴ Ibid: 83

⁷⁵ Kenneth Waltz and Steven L. Spiegel. *Conflict in World Politics*. (Cambridge: MA, Winthrop Publishers, 1971): 463

capital's continued quest for surplus value, as suggested by Marxists. Although it relates with each other by stating both are seeking dominance over one another, the context of why a state dominates another is distinct.

As mentioned above, violence is obtained through an individual's selfishness, stupidity, and misguided perspectives. Furthermore, states attempt to justify the means of conflict and violence which is a characteristic of exercising power. This theoretical perspective of power usage relates to King Hassan II's stubbornness. As a result, "Morocco started to make considerable investments, to encourage its citizens to settle in the Western Sahara and to almost double the size of its armed forces"⁷⁶ by 1975.

Morocco's use of its power through political conflict began to act as if communication was not an option anymore:

Convinced of Morocco's claims to the territory, King Hassan viewed Saharawi nationalists as Moroccan secessionists sponsored by the Algerian government. Hence, he refused to accept the question of the Western Sahara as a decolonization issue or to agree to direct talks with Polisario.⁷⁷

Political drive for dominance can correlate with imperialist capitalism. It is often suggested that both are in fact a driving force for warfare and political struggle. Thus, both attributes of conflict can result to colonialism.

Colonialism

As Gramsci suggests, political struggle from hegemonic states can be easily compared and related to colonialism. This historical conquest of Western states colonizing less underprivileged nations is the historical backbone to defining how a state is able to function. By

⁷⁶ Yahia Zoubir. "The Western Sahara Conflict." In Yahia Zoubir, et al. *International Dimensions of the Western Sahara Conflict*. (Westport, CN: Praeger, 1993): 3

⁷⁷ Ibid.

means of conflict and dominance, the effect of colonialism is possibly the best explanation of how power can be executed.

Colonialism was justified by the global North as a means to modernize lesser privileged societies. It is believed that a colonizer's duty is to spread the beliefs and advancements in an upper-class society to an underprivileged one. This sense of Social Darwinism was practiced for decades. However, this "duty" for colonization did not portray the positive outcomes that colonizers stated they would aim for. Instead, colonization painted another picture:

The decisive actors here are the adventurer and the pirate, the wholesale grocer and the ship owner, the gold digger and the merchant, appetite and force, and behind them, the baleful projected shadow of a form of civilization which, at a certain point in its history, finds itself obliged, for internal reasons, to extend to a world scale of competition of its antagonistic economies.⁷⁸

In other words, civilizations were forced "to do what they otherwise would not do."⁷⁹ It is within this context that colonialism cannot and will not exist without the powerful means to do so.

Regardless of how power is measured, it is the behavior of power that matters the most.

Colonialism's effect on indigenous civilizations created a political and identity struggle. As colonizers begin to occupy territories within the nation, colonized populations begin to adapt lifestyles unfamiliar to their standards. This relates to Fanon's theory of the Negro and psychopathology. Fanon explains the psychopathological effects of colonialism by illustrating scenarios many colonized populations go through. "A normal negro child, having grown up in a normal negro family, will become abnormal on the slightest contact of the white world."⁸⁰

The effects of colonialism derive from the selfishness of individuals and their revolving political ideologies within conflict as well as the upper-elite expanding their means of capital into "backward nations." As the Moroccan government continues its occupation, the

⁷⁸ Aime-Cesaire. *The Discourse on Colonialism*. (New York: MR Publications, 1972): 10-11

⁷⁹ Nye. *Bound To Lead*: 5

⁸⁰ Frantz Fanon. *Black Skin, White Masks*. (New York: Grove Press, 1967): 20

characteristics of Morocco's force into the region are a tool of colonialism. The political struggle continues for Saharawi people as they live under unwanted Moroccan sovereignty. This struggle not only includes Saharawis living under an unjust regime, but also identifying themselves as Saharawis. It is difficult for Saharawis, who are raised in Saharawi families, to live in a Moroccan lifestyle and struggle with identifying themselves as Moroccan, which they are not. One relevant solution for Saharawis to withstand this oppression is by revolt. Fanon dives further into this mindset by examining Algeria's experience under French colonialism:

France will make peace in Algeria by strengthening its domination over Algeria or by smashing the European feudal interests in Algeria. Apart from these two solutions, peace will have to be imposed upon it internationally through the agency of the UN or militarily by the Algerian forces.⁸¹

By examining strategies taken by both Saharawi activists as well as Moroccan forces, the occupation is a resemblance of colonialism. Saharawi activists continue to protest the occupation movement, but it is continuously dispersed through violent actions carried out by Moroccan forces.⁸²

Yet, Saharawi identity is empowered through the vision of the Polisario Front on the ground, and the Saharawi Arab Democratic Republic (SADR) in the Tindouf refugee camps. This discourse uses egalitarian methods to promote Saharawi identity. For instance, women in occupied Western Sahara are subjected to sexual humiliation and the threat of rape and death.⁸³ However, women are the driving force for Saharawi recognition in the face of colonialism while in the camps and abroad. The Polisario's strategy of gender equality aims to "reinforce what it

⁸¹ Frantz Fanon. *A Dying Colonialism*. (New York, NY: Grove Press, 1967): 21

⁸² Human Rights Watch. *Human Rights in Western Sahara and in the Tindouf Refugee Camps*. (New York: Human Rights Watch, 2008): 73-76

⁸³ Geoffrey Mock. "Fighting Back Against Sexual Assaults in Western Sahara." *Amnesty International*. Published March 17, 2009. Accessed April 1, 2013. <http://blog.amnestysusa.org/africa/fighting-back-against-sexual-assaults-in-western-sahara/>

means to be Saharawi in the face of Morocco.”⁸⁴ The social structure established in Western Sahara portrays women as the representatives of “democracy, freedom, and equality.”⁸⁵ Yet, the reinforcement of social patriarchy is observed when women living in occupied territories face rape and sexual humiliation, especially for teenagers such as Hayat Erguibi, who was nineteen years-old when she was tortured and faced with the threat of rape and death because of her outspoken actions against Morocco.⁸⁶

How This Study Will Add To the Literature

Furthering the study on the Moroccan and Western Saharan conflict justifies the themes of power mentioned above. Examining this study further will contribute to the study of power and colonialism. Furthermore, it will also bring a new theme of power by adding the Western states’ cooperation for occupation and colonialism. For instance, literature has been based on power balancing against the threats of rising powers. As mentioned above, this does not address the cultural and historical background to why these nations have allied. This will construct theories on the need for states to support others in times of conflict. As opposed to hopeful gains from the outcomes of conflict, states may just support each other because of their long historical relationships.

Literature has been conducted exclusively on this specific conflict. Stephen Zunes and Yahia Zoubir have elaborated extensive research on Morocco’s occupation within the Western Sahara. Both authors have included the United States’ influence and motivational support

⁸⁴ Joanna Allen. “Imagining Saharawi Women: The Question of Gender in POLISARIO Discourse.” *Journal of North African Studies*. (15, 2010): 196

⁸⁵ Ibid.

⁸⁶ Mock, “Fighting Back Against Sexual Assaults in Western Sahara.”

throughout Western Sahara's history. This particular study will further examine U.S. foreign policy in practice through examining their power influence.

Furthermore, this will add a sociological and anthropological perspective in the study of conflict, colonialism, and power. Theorists such as Frantz Fanon and Aime-Césaire have already included sociological perspectives of those being colonized and the colonizer. Such studies have been lightly examined within the Moroccan/Western Saharan conflict. It is important to realize the effects colonialism has through an anthropological lens.

By exploring the literature, it is now possible to understand how power can function, what the motives are for those in power, and how that power is used. This will further explain why Morocco has not taken the initiative of undergoing peace talks or settlement deals within the occupied territories. It will also explain the historical background of the United States' influence in Morocco's continued occupation. It does not, however, justify the means of violence committed by Moroccan forces. Although those in power may justify their actions as a threat to their national security, it only reflects how power is abused, justifying the violent means of their nature.

Human Rights and International Law

Throughout the duration of the conflict, Morocco has and continues to disregard human rights treaties and international law to which they are obligated to comply. Civilian casualties continue to increase and the abuses continue to go unnoticed within the Western nations due to political alliances with the king. It is important to recognize the violations of the conflict as multiple crimes have been committed for the sake of national assimilation.

While examining the case of Western Sahara, these violations of international and human rights laws parallel the occupation of Israel in the West Bank and Gaza Strip. It is a powerful nation, strongly supported by other powerful Western states, which continues to pursue national integration of a weaker state because of their legal and ethnic claims to the region. This section aims to portray the significance of the conflict through a legal understanding.

First is to examine the significance of the Moroccan invasion. By doing so, I look at the ICJ advisory opinion between Morocco and Mauritania in 1975. This will show the legal reasoning behind the advisory opinion and why Morocco's invasion through the Green March is considered illegal. It will then lead to an examination of the illegality of the Madrid Accords signed in 1975 and passing colonization from Spain to Morocco.

Second, I will examine the peace process from 1991-2004. The actions Morocco took in refusing to live up to its obligations under the peace process signify multiple violations of international law. Finally, I will present subsequent testimonies from those in occupied territories as well as in proper Morocco who have undergone multiple experiences of torture while under Moroccan detention. These testimonies may be graphic, but it is a daily occurrence for those who identify with the Saharawi cause and for those in occupied territories.

The Question of Sovereignty

After Resolution 2983 was adopted in the UN General Assembly, which "reaffirms the inalienable right of the people of the Sahara the right to self-determination and independence in accordance with General Assembly resolution 1514,"⁸⁷ Spain began the process of decolonization from its Saharan territory. After finally hearing this miraculous breakthrough for

⁸⁷ Resolution 2983, UN General Assembly, December 14, 1972

one of Africa's last colonies, King Hassan II began to initiate claims for expanding his nationalist aspirations.

Hassan's leadership was appearing to look weak. Results of high unemployment, increased poverty, and a staggering illiteracy rate lowered support from both within his regime and among the general public. It was then after the first attempted coup d'état that led to Hassan's fear of losing power. His regime "executed ten officers and imprisoned a thousand others" after the first failed attempt.⁸⁸ The second failed attempt was from an attempted hijacking after departing from France from his own air force. This led to the suicide of his closest associate, minister of defense General Mohammed Oufkir, when it became known that Oufkir was responsible for the attempted coup.⁸⁹ After a third plot was foiled, executing 16 conspirators, it was obvious Hassan's sovereignty was under threat. The perfect opportunity to prove his strength was through the annexation of Western Sahara.

With what he saw as an opportunity to save his reign, Hassan quickly addressed Morocco's legal claims to Western Sahara. Backed by Mauritania, with similar claims to the territory, Morocco requested the International Court of Justice for an advisory opinion on Spain's control of Moroccan territory since its colonization in 1885.⁹⁰ Spain, however, requested the court to have a non-binding advisory opinion with respect to the UN Charter and various resolutions which respect Saharawi decolonization and self-determination. After the request was passed by the General Assembly, the following questions were asked to be considered for the court:

- 1) Was the Western Sahara (Rio de Oro and Sakiet El Hamra) at the time of colonization by Spain a territory belonging to no one (terra nullius)?

⁸⁸ Zunes and Mundy. *Western Sahara*: 39

⁸⁹ Ibid

⁹⁰ Jacob Mundy. "Western Sahara: The 'Question' of Sovereignty." In Nevile Botha et al. *Multilateralism and International Law with Western Sahara as a Case Study*. (University of South Africa, 2010): 128

2) If the answer to the first question is in the negative, what were the legal ties between this territory and the King of Morocco and the Mauritanian entity?

Morocco's Legal Claims

According to Jacob Mundy, Morocco's case for its sovereignty of Western Sahara included four focal points. First was the claim of immemorial possession. Second was based on geographical continuity. The third claimed for an internal display of autonomy, and finally the external display of autonomy.

First and foremost, Morocco claimed the territory of Western Sahara as immemorial possession, "dating from the [Arab] conquest of North Africa over thirteen hundred years earlier."⁹¹ Secondly, their claim for geographical continuity was cited from an ICJ precedent of the "Legal Status of Eastern Greenland," which legally allowed Denmark sovereignty of the uncontrolled territory.⁹²

Morocco's more focal points in their claim to the territory were on the internal and external claims. They began with the claim of the Sherifian State, meaning that "whether or not certain social groups fell under the direct control of the central power of the Sultan" and that "all groups acknowledged his 'spiritual authority'."⁹³ They tried explaining how the territory "has always been linked to the interior of Morocco by common ethnological, cultural, and religious ties" as well as claiming allegiance "between the Moroccan Sultan and certain Saharan leaders...whose ranges traditionally spread from the region of the Nun River in Southern Morocco to the Saqiyah al-Hamra region in Western Sahara."⁹⁴

Morocco attempted to further extend their internal claims through individuals visiting the territory promoting Moroccan sovereignty. They began with Shakh Ma al-Aynayn, who "became

⁹¹ Ibid: 30

⁹² Ibid

⁹³ Ibid

⁹⁴ Ibid: 131

the personal representative of the Moroccan Sultan in the late nineteenth century and led resistance movements against colonial domination.”⁹⁵ Later, they noted King Hassan I’s personal visit to the territory in 1882 and 1886, “where some Saharan tribes reaffirmed their ties of allegiance to the Sultan.”⁹⁶

Eventually, this led to their fourth and final claim by illustrating external recognition of Morocco’s sovereignty in Western Sahara. First, they attempted to present a treaty between Great Britain and Morocco, “which pertained to the lands between the Dra’ a river and Cape Boujdour” as well as the Anglo-Moroccan agreement of 1895, claiming “British recognition of the Sultan’s authority as far south as Cape Boujdour in Western Sahara.”⁹⁷

Morocco then explained Spanish recognition of Moroccan sovereignty with the 1767 Spanish-Moroccan Treaty of Marrakesh, which “recognized the Moroccan Sultan’s ability to have the power to take decisions with respect to the Wad Noun and beyond.”⁹⁸ Furthermore, they attempted to bring evidence from the Hispano-Moroccan Treaty of Commerce and Navigation in 1861, claiming that “article 38 was explicit Spanish recognition of the Sultan’s sovereignty over Saharan tribes.”⁹⁹ According to Morocco, Article 38 explicitly states:

If a Spanish vessel be wrecked at Wad Noun or on any other part of its coast, the Sultan of Morocco shall make use of his authority to save and protect the master and crew until they return to their country, and the Spanish Consul-General, Consul, Vice-Consul, Consular Agent, or person appointed by them shall be allowed to collect every information they may require¹⁰⁰

⁹⁵ Ibid: 132

⁹⁶ Ibid.

⁹⁷ Ibid: 134

⁹⁸ Ibid: 133

⁹⁹ Ibid

¹⁰⁰ ICJ Advisory Opinion, October 17, 1975

According to Morocco, this document affirms their recognition of sovereignty through the recovery of the Esmerelda, a Spanish fishing vessel consisting of nine sailors which was captured by “Moors of the frontier coast” in 1863.¹⁰¹

Finally, Morocco argued with the 1911 Franco-German agreement, signifying that the region of Saqiyah al-Hamra, regardless “if Rio de Oro (southern Western Sahara) fell outside” of Morocco’s original claims to the region.¹⁰²

ICJ Response and Official Ruling

After arguments presented by Morocco, along with statements from both Spain and Mauritania, the court responded that Morocco provided insufficient evidence that did not confirm national sovereignty over the territory. The court’s decision, albeit ignored by Morocco just weeks after, provided the opinion that would legally nullify such claims over Western Sahara.

The court responded to the first question, stating that “the information furnished to the court shows that at the time of colonization Western Sahara was inhabited by peoples which, if nomadic, were socially and politically organized in tribes and under chiefs competent to represent them.”¹⁰³ Evidence backing this claim by the court is an important legal document from Spain:

In its Royal Order of 26 December, 1884, far from treating the case as one of occupation of terra nullius, Spain proclaimed that the King [of Spain] was taking Rio de Oro under his protection on the basis of agreements which had been entered into with the chiefs of the local tribe...“the documents which the independent tribes of this part of the coast” had signed with “the representative of

¹⁰¹ Ibid

¹⁰² Mundy. “Western Sahara: Question of Sovereignty”: 134

¹⁰³ ICJ Advisory Opinion

the Sociedad Espanola de Africanistas,” and announced that the King had confirmed “the deeds of adherence” to Spain.¹⁰⁴

In light of the documents presented by Spain from 1884, this illustrates that the territory was not considered to be *terra nullius*. However, the case given by Morocco seemed insufficient, dooming the legality of Morocco’s claims to sovereignty over Western Sahara.

The court acknowledged Morocco’s historical claims through the Arab conquest period nearly thirteen centuries earlier. However, the court responded that the “far-flung, spasmodic and often transitory character of many of these events renders the historical material somewhat equivocal as evidence of possession of the territory now in question.”¹⁰⁵

In response to the “Legal Status of Eastern Greenland” precedent, the court stated that there are major differences between the legal claims of Western Sahara and Eastern Greenland. The court rendered, in comparison to the two aforementioned territories, that Western Sahara “was a territory across which socially and political organized tribes were in constant movement and where armed incidents between these tribes were frequent.”¹⁰⁶ According to the court, Moroccan sovereignty over Western Sahara with insufficient evidence was considered a difficulty for a claim to sovereignty today.

Responding to Morocco’s claims of the Sherifian State, the court did not find this considerable evidence to be sufficient. The court stated that the territories loyal to the Sultan did not govern territories de facto of said loyalty:

[Western Sahara] did not contribute contingents to the Sherifian army; no taxes were collected there...the government of the people was in the hands of caids appointed by the tribes, and their powers were derived more from the acquiescence of the tribes than from any delegation of author by the Sultan...It is also said that the historical evidence shows the territory between the Souss and the Dra’a to have been in a state of permanent insubordination...and that this

¹⁰⁴ Ibid

¹⁰⁵ Ibid

¹⁰⁶ Ibid

implies that there was no effective and continuous display of State functions even in those areas to the North of Western Sahara.¹⁰⁷

Referring to Spain's documents, the court disregarded Morocco's claim for Ma al-Aynayn as a representative to the Sultan in Western Sahara. According to Spain, Ma al-Aynayn was not a representative to the Sultan in Western Sahara. Instead, al-Aynayn

[E]xercised his authority to the south of the Dra'a in complete independence of the Sultan; his relations with the Sultan were based on mutual respect and a common interest in resisting French expansion from the south; they were relations of equality, not political ties of allegiance or of sovereignty.¹⁰⁸

The court further disregarded King Hassan I's visit as an expression of sovereignty, stating that "the expeditions of Sultan Hassan I to the south in 1882 and 1886 both had objects specifically directed to the Souss and the Noun and, in fact, did not go beyond the Noun, so that they did not reach even as far as the Dra'a, still less Western Sahara."¹⁰⁹

After examining Morocco's external claims to the territory, the court also considered this as insufficient evidence. Morocco referring to the Anglo-Moroccan Agreement of 1895 was deemed by the Court as illegitimate translation of the treaty. As the Court received the original documents from Great Britain, the document did not refer to recognition below the Dra'a:

[T]he provisions of the 1895 treaty invoked by Morocco appear to the Court to represent an agreement by Great Britain not to question in future any pretensions of the Sultan to the lands between the Dra'a and Cape Bojador, and not a recognition by Great Britain of previously existing Moroccan sovereignty over those lands. In short, what those provisions yielded to the Sultan was acceptance by Great Britain not of his existing sovereignty but of his interest in that area.¹¹⁰

Referring to the Spanish-Moroccan Treaty of Marrakesh in 1767, the Court confirmed that the treaty's purpose was to deny responsibility of actions by fishers in the southern coasts of Western Sahara. Morocco's translation to said treaty states the Sultan's refusal of recognizing the

¹⁰⁷ Ibid

¹⁰⁸ Ibid

¹⁰⁹ Ibid

¹¹⁰ Ibid

maltreatment of Spaniards by the inhabiting Arabs of the territory. Spain's translation, however, with equal authenticity, states the King's refusal of recognizing the responsibility of Spaniard's fishing expeditions, thus allowing fishing expeditions by Canary Island Spaniards and no other state.¹¹¹ Furthermore, the Court also noted Morocco's insufficient claims of the Treaty in 1861, as well as the Essmerelda incident in 1863. According to Spanish documents presented to the Court, the Treaty of 1861 was presented in two separate strategies in accordance to the insubordination of the Nun and Sous rivers. The first "provided for areas where the Sultan did exercise his authority and undertook to use his normal powers to protect the shipwrecked."¹¹² The second was specific to the Nun River. "If a vessel were shipwrecked at the [Nun River] or beyond, the treaty provisions gave a different answer as to the duty of the Sultan."¹¹³ Therefore, the Court stated that the Sultan:

[D]id not order or protect but undertook to try to liberate the shipwrecked persons so far as he was able; and in order to do that he would use his influence with the peoples neighboring on his realm and negotiate the ransoming of the sailors, usually with the local authorities. It was not...a matter of his exercising his own authority.¹¹⁴

In accordance to the Essmerelda incident, Spain presented to the Court official documents from the 1863 incident. It was not negotiated through the Sultan, as Morocco claims. Instead, Spanish documents state that the incident

[Does] not appear to warrant the conclusion that Spain thereby also recognized the Sultan's territorial sovereignty over that part of Western Sahara. The documents, and the whole incident, appear rather to confirm the view that Article 38, and other similar provisions, concerned, instead, the exercise of the personal authority or influence of the Sultan, through the Tekna caids of the [Nun River], to negotiate the ransom of the shipwrecked sailors from the tribe holding them captive to the south of the [Nun River].¹¹⁵

¹¹¹ Ibid

¹¹² Ibid

¹¹³ Ibid

¹¹⁴ Ibid

¹¹⁵ Ibid

Finally, the Court considered the Franco-German Agreement of 1911 difficult to incorporate claims of Moroccan sovereignty over Western Sahara. Through a previous Spanish-French Treaty of 1904, France recognized Spain's colonization "outside the limits of Morocco." It also confirms that the Franco-German 1911 Agreement was not in concern of Moroccan sovereignty, rather in concern for French and German relations, "not with the existing frontier of Morocco." Therefore, the Court declared that

These agreements...are of limited value in this regard; for it was not their purpose either to recognize an existing sovereignty over a territory or to deny its existence. Their purpose, in their different contexts, was rather to recognize or reserve for one or both parties a 'sphere of influence' as understood in the practice of that time. In other words, one party granted to the other freedom of action in certain defined areas, or promised non-interference in an area claimed by the other party.¹¹⁶

After reviewing the aforementioned evidence proclaimed by Morocco and Mauritania, with regards to Spain as well, the Court concluded with the following statement:

[T]he materials and information presented to it do not establish any tie of territorial sovereignty between the territory of Western Sahara and the Kingdom of Morocco or the Mauritanian entity. Thus the court has not found legal ties of such a nature as might affect the application of resolution 1514 in the decolonization of Western Sahara and, in particular, of the principle of self-determination through the free and genuine expression of the will of the peoples of the territory.¹¹⁷

Thus, the Court ruled unanimously to the first question that Western Sahara was not considered terra nullius, a territory belonging to no one. The Court ruled against Morocco 14-2 and against Mauritania 15-1, thus ruling in favor of self-determination. Although the aforementioned ruling is not legally binding, it thus portrays a legal framework for Western Sahara. Nonetheless, it was ignored.

¹¹⁶ Ibid

¹¹⁷ Ibid

The Invasion and the Madrid Accords

After the Green March was called back from three days of marching, Morocco's military invaded the Western Saharan territory. Hassan II had disregarded the ICJ's advisory opinion, based on a legal framework, and considered the ruling in his favor to annex Western Sahara. Besides disregarding the legal ruling, Morocco violates particular aspects of international law.

The invasion has violated multiple articles in the UN Charter, to which Morocco is bound, having ratified the Charter upon joining the United Nations following its independence in 1956. One obvious violation of the UN Charter is Article 2 (4), which declares that member states "shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations." Regardless of Morocco's argument for territorial claims, which may deter the international community from recognizing such violation, the ICJ's ruling presents the sufficient evidence clarifying Morocco's illegitimacy of sovereignty in Western Sahara.

One particular incident which continues to be overlooked is the illegality of the Madrid Accords in 1976. As mentioned earlier, Spain was undergoing a transition in power after Francisco Cuellar was diminishing in health. As the United States negotiated with Spain to rebuild American airbases (along with providing economic aid) for fear of losing Morocco as their geostrategic ally, this allowed the tripartite signing of the Madrid Accords, delivering administrative power from Spain into Morocco.

Although Spain officially withdrew from its colony, there is still a significant amount of responsibility for the former colonizer to maintain its stance on decolonizing Western Sahara. Passing administering power from one colonizer to a new colonizer does not constitute an act of

decolonization; therefore, Western Sahara is still recognized as a non-self-governing territory, the legal definition of a colony. Therefore, the Madrid Accords of 1976 violates General Assembly Resolution 1514, which declares the following:

1. The subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and cooperation.
2. All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, and cultural development.

In accordance to the aforementioned resolution and Article 2 of the UN Charter, Morocco's military invasion and its infamous Green March are considerable violations of international law. Although the violations are obvious, the international community, including members of the Security Council, neglected to view this coercion as a violation of international law; an issue which I will go into further depth later.

The Wall

James Baker, after his resignation from his Special Envoy post to Western Sahara, stated that the conflict between Morocco and Western Sahara “is really not unlike the Arab-Israeli dispute: two different peoples claiming the same land. One is very strong, one has won the war, one is in occupation and the other is very weak.”¹¹⁸ The attributes between these two very similar conflicts share one very important characteristic—one big wall.

The wall (or berm) in Western Sahara stretches 600 miles and is heavily guarded with barbed wire and “millions of mines”¹¹⁹ funded by French and American governments.¹²⁰ With

¹¹⁸ Zunes and Mundy, *Western Sahara*: 238

¹¹⁹ UN Referendum for Western Sahara: 9 Years and Counting.

¹²⁰ Kamil, *Fueling the Fire*: 70

similar building structures, Israel constructed the wall in Palestinian occupied territories that consisted of the following:

1. A fence with electronic sensors
2. A ditch (up to four meters deep)
3. A two-lane asphalt patrol road
4. A trace road (a strip of sand smoothed to detect footprints) running parallel to the fence
5. A stack of six coils of barbed wire making the perimeter of the complex¹²¹

Furthermore, the Israeli wall “has a width of 50 to 70 meters, increasing to as much as 100 meters in some places.”¹²²

Although both conflicts show striking similarities with each other, the legal questioning behind the construction of the wall in Israel was brought to the attention of the International Court of Justice in an advisory opinion in 2003, questioning the legality behind the wall and further legal consequences. Regardless if the ruling was non-binding, the court did establish a legal framework behind the illegality of constructing the wall. This advisory opinion relates to the same construction in Western Sahara.

The Court ruled 14-1 that Israel’s construction of the wall in the occupied territories of Palestine “has violated various international obligations incumbent to it.”¹²³ One in particular is the General Assembly Resolution 2625, stating that:

The territory of a state shall not be the object of military occupation resulting from the use of force in contravention of the provisions of the Charter. The territory of a state shall not be the object of acquisition by another state resulting from the threat or use of force. No territorial acquisition resulting from the threat or use of force shall be recognized as legal.¹²⁴

The aforementioned resolution allows the understanding that occupation hinders the rights of others’ self-determination. Thus, the tool to use said occupation comes in the form of a

¹²¹ ICJ Advisory Opinion, *Legal Consequences of the Construction of the Wall in the Occupied Palestinian Territory*, July 9, 2004.

¹²² *Ibid*

¹²³ *Ibid*

¹²⁴ Resolution 2625, *General Assembly*, October 24, 1970

wall. This wall is thus preventing the freedom of movement of peoples in occupied territories. In regards to the International Covenant on Civil and Political Rights—which the occupied parties have already violated in respect to Articles 1 & 2, promoting self-determination—the construction of the wall violates Article 12 (1), which calls for “the right to liberty of movement and freedom to choose his residence” within that territory.¹²⁵ Similarly, the International Covenant on Economic, Social, and Cultural Rights proclaims the right to self-determination under Article 1. The occupation and the characteristics that come with it directly violate this right.

The construction of the wall also violates Article 35 of the Fourth Geneva Convention of 1949, which states that “all protected persons who may desire to leave the territory at the outset of, or during, a conflict, shall be entitled to do so.”¹²⁶ Furthermore, Article 48 of the same conventions illustrates the following:

Protected persons who are not nationals of the Power whose territory is occupied, may avail themselves of the right to leave the territory subject to the provisions of Article 35, and decisions thereon shall be taken according to the procedure which the Occupying Power shall establish in accordance with the said Article.¹²⁷

It was with this international legal framework in which the Court deemed the wall in occupied Palestinian territories illegal. Thus, the 1980 construction of the wall in Western Sahara portrays the same actions and the same violations of international law. Unfortunately, the political motivation behind the Western Saharan conflict continues to neglect the illegality of this demoralizing construction.

¹²⁵ Article 12 (1), *International Covenant on Civil and Political Rights*, March 23, 1976

¹²⁶ Article 35, *Fourth Geneva Convention*, August 12, 1949

¹²⁷ Article 48, *Fourth Geneva Convention*, August 12, 1949

Social Integration: 1990-Today

After the ceasefire in 1988, the UN established MINURSO to mandate the ceasefire agreement as well as initiate the first peace installment in 1990. During this process, both parties agreed to a referendum in which voters would choose between either integration or independence. MINURSO's objective was to oversee the voter registration process. The outcome had serious setbacks to the peace process altogether.

Both parties also agreed that only ethnic Saharawis native to the territory were allowed to vote. However, it was difficult to perceive individuals who had ethnic ties to the territory and who were deemed ethnic Saharawis. Polisario originally requested that voters must consist of the 1974 Spanish census, estimating to around 74,000 people. However, Morocco had double the amount, which "present[s] prointegration [of] Moroccans as native Western Saharans."¹²⁸

This particular move of Moroccan citizens into a militarized occupied territory is thus a violation of Article 49 in the Fourth Geneva Conventions of 1949, which states that an "individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive"¹²⁹ and thus if said transfers take place, then "the Protecting Power shall be informed of any transfers and evacuations as soon as they have taken place."¹³⁰ Considering this difficulty and increasing the margin in favor of Morocco, the voting registration thus broke down.

Moroccan civilians integrating in Western Sahara portrays the objective of nationalist expansion and annexation, which is deemed illegal in various forms mentioned above. The illegality behind Morocco's annexation portrays the anxiety of losing the Kingdom's own

¹²⁸ Zunes and Mundy, *Western Sahara*: xxx

¹²⁹ Article 49, *Fourth Geneva Convention*, August 12, 1949

¹³⁰ *Ibid*

sovereignty of proper Morocco. Thus, illegal actions are taken in order to maintain one's own power. This power is nonetheless abused in occupied territories and thus its citizens feel the damage the most.

Torture

One common trait seen in occupied Western Sahara is torture. Most of these actions have taken place either through kidnapping, false imprisonment, or detention of nonviolent protestors in the region. The following examines three testimonies—one in Southern Morocco and two in occupied Al-Laayoune—each telling their experiences of torture from Moroccan officers for sympathizing the ideas of self-determination and Western Saharan independence. These testimonies, taken from human rights organizations, can be quite graphic, but are common occurrences in Western Sahara.

Ngilla el-Hawasi and Zahra Amidane

Ngilla el-Hawasi and Zahara Amidane faced political torture and false imprisonment when attending a nonviolent protest in Laayoune, the capital city of occupied Western Sahara. Whilst protesting, a photojournalist was taking photos of the event, which eventually broke out into clashes between protestors and police officers, arresting nine protestors including Hawasi and Amidane.¹³¹

The police took both girls in separate areas. Hawasi was brought into an interrogation room where officers held her feet and arms while one officer started beating her with a water hose. While interrogating her about her knowledge of the photographer earlier in the demonstrations, he continued beating her when she responded that she didn't know who he was. Afterward, Hawasi's face was slammed into metal cabinets, resulting in her head bleeding and

¹³¹ Human Rights Watch. *Human Rights in Western Sahara*: 71

left half-conscious. After she continued to negate knowing the journalist, they took her into a crowded and cold room with boys stripped down to only their shorts. They were left there overnight.¹³²

Later, they took everyone in the cell for further questioning, with shoes being thrown at them. After repeatedly yelling for names of activists, the boys in the room began to urinate as they had no access to restroom facilities. Hawasi stated they were forced to clean up the mess with cardboard. They then took the girls into a separate room full of bikes and motorcycles, forcing them to clean the garage.¹³³

Amidane underwent similar treatment. While being interrogated, they blindfolded her and tied her wrists behind her back and close to her knees, mimicking the rotisserie position. Police officers then began to beat her with their clubs after she responded that she had no knowledge of the photojournalist at the demonstration. They then threw her and another girl in a cell with other boys.¹³⁴

Eventually, the parents in the afternoon came to pick them up with the police saying they are being filled with propaganda about self-determination.

Naama Asfari

Naama Asfari is a Saharawi human rights activist who lives in France and travels frequently to Morocco and Western Sahara. He is Co-President of the Committee for the Respect of Freedoms and Human Rights in Western Sahara and a graduate from the University of Marrakech, studying law.¹³⁵ Considering his role for the recognition of Western Sahara and an

¹³² Ibid: 71-72

¹³³ Ibid: 72

¹³⁴ Ibid: 71

¹³⁵ Ibid: 52

ambiguous human rights activist in the region, he portrays a high target for police officers. This has resulted in numerous acts of unlawful imprisonment, unfair trials, and torture.

In one particular incident in April 2008, Asfari was meeting with Saharawi students at the University of Marrakech. During that week he was constantly being followed by unmarked police cars and “plainclothes” officers. One night, Asfari ran a red light nearly hitting another woman. Getting out of his car and apologizing, she continued to scream and drove off.¹³⁶

Afterward, two police officers in normal clothes exited their car and walked over to Asfari’s car, ordering him to give them his keys and step out of the car. They walked him over to their car, sat him in the back seat, place a blindfold over his eyes, and handcuffed him behind his back. They first humiliated him, stating “you came here to help these separatists. Why don’t you just keep out of it?” When he tried to respond, the officers proceeded to punch him in the face.¹³⁷

After the car stopped, they forced him out of the car, taking off his shirt and shoes and sat him in a chair while still being blindfolded. They un-cuffed his hands, put his arms around a tree trunk, then re-handcuffed them again making him unable to move. After refusing to answer questions to why he was in Marrakech due to the informal procedure of his interrogation, an officer kicked him in the stomach. Refusing to answer questions as to why he was talking to students, they proceeded to kick him in the chest in the cold.¹³⁸

Two and-a-half hours passed after repeatedly beating him. Officers then decided to “try something else.” As he was seated, the officers lifted up his feet onto a second chair and used batons to beat the soles of his feet for two-three minutes to force a confession. Afterward, they took lit cigarettes and burnt them on his wrists. Asfari heard people walking by, but didn’t ask any questions. Instead, they would either insult or slap him in the face. Eventually, the police

¹³⁶ Ibid: 53

¹³⁷ Ibid: 54

¹³⁸ Ibid.

drove him to the hospital to be examined. Asfari was then “charged” for drunk driving and hitting a car. He continued to testify that the interrogation was never based on the near driving collision and instead was a political motive, but was never acknowledged by the courts. Asfari also persistently showed his burns, scars, and bruises from the beating and requested a medical report from the hospital, but neither the court nor the hospital complied.¹³⁹

Hayat Erguibi

Hayat Erguibi was 19 years old from Laayoune when she was harassed.¹⁴⁰ On February 22, 2009, Erguibi was leaving her parents’ house when two police officers stopped her just outside. The police then handcuffed her and covered her face with a dirty cloth and escorted her into the police car where they began to beat her. The officers then took her outside of the city to a location in the desert.¹⁴¹

When they brought her outside, they proceeded to ask her about the graffiti on the walls in her neighborhood as well as pamphlets and flyers questioning the occupation and the Kingdom of Morocco. Although she denied any allegations to those particular events, she was continuously beaten all over her body with nightsticks, punches, and slaps. About fifteen minutes before she was released, they began to severely beat her leaving scars on her chest.¹⁴²

Just after they stopped beating her, they discovered that she had some connections with a human rights activist in Western Sahara. They then began to strip off her clothes completely and began to enforce sexual humiliation and attempted rape. Afterward, they threatened her that if she ever testified this incident to any organization, they would kill and bury her in the desert

¹³⁹ Ibid: 54-58

¹⁴⁰ Geoffrey Mock. “Fighting Back Against Sexual Assaults in Western Sahara.”

¹⁴¹ Hayat Erguibi Testimony. YouTube. Video uploaded April 5, 2009.

¹⁴² Ibid.

without anybody knowing. They threatened that similar actions would be taken toward her siblings and other members of her family.¹⁴³

During her testimony, she admitted that she was not afraid and was encouraged to state that these actions were uncalled for. Erguibi also mentioned that these incidents are not uncommon and happen frequently amongst many young Saharawi women who are also too afraid to testify for the fear of death brought upon them.

These testimonies mentioned above are just few documented acts of torture that are committed amongst many Saharawis in both Western Sahara and Morocco by police forces. Multiple incidents similar to those mentioned above are committed throughout the country, but a sense of fear for further persecution or even death takes over due to serious previous experiences of torture.

Considering that torture is one of the most common human rights abuses throughout the world—which Morocco is surprisingly a signed party to a majority of treaties which prevent torture—I break down specific human rights laws relevant to the region.

Convention Against Torture and Other Cruel, Inhuman, Degrading Treatment

Morocco has eagerly signed and ratified multiple conventions of human rights concerning torture. First, they signed the Convention Against Torture and Other Cruel, Inhuman, Degrading Treatment on January 8, 1986, and then ratified the same convention on June 21, 1993, with no reservations.¹⁴⁴ Within this convention lies the groundwork for what defines torture, which is stated in Article 1 (1):

For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a

¹⁴³ Ibid.

¹⁴⁴ "Convention Against Torture And Other Cruel, Inhuman Or Degrading Punishment." United Nations Treaty Collection. Last updated Friday, December 14, 2012.

confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.¹⁴⁵

The definition stated by the convention is directly violated by Moroccan police forces against Saharawis and activists in occupied territories of Western Sahara and Morocco. The testimonies given above illustrate “intentionally inflicted” pain which they have suffered long-term marks and scars given to them by police forces to obtain information. This also clears any confusion from the term “severe” as both victims have displayed scars or mental suffering from beatings and sexual humiliation.

Article 2 (2) of the same convention mentions the state’s role to prevent further acts of torture: “No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.”¹⁴⁶ Police officers interrogating Saharawis claim to have reason to be a threat to the monarchy and its “sovereignty” over Western Sahara. The testimonies mentioned above have stated that both victims were considered a threat to the monarchy due to their involvement in human rights organizations or nonviolent protests and are to be treated harshly.

Ironically, in 2006, Morocco announced in its penal code under Article 231(1) a more precise definition of torture, which is nearly identical to the Convention Against Torture:

Any act that causes severe physical or mental pain or suffering intentionally inflicted by a public agent or upon his instigation or with his express or tacit consent, upon a person for the purpose of intimidating or pressuring him or for pressuring a third person, to obtain information or a confession, to punish him for an act that he or a third party committed or is suspected of having committed, or

¹⁴⁵ Article 1(1), Convention Against Torture And Other Cruel, Inhuman Or Degrading Punishment. 1984

¹⁴⁶ Article 2(2), Convention Against Torture And Other Cruel, Inhuman Or Degrading Punishment. 1984

when such pain or suffering is inflicted for any other objective based on any form of discrimination.¹⁴⁷

Although Morocco has taken steps to implement the definition of torture into domestic law, “torture persists in Morocco in part because of a lack of political will to eradicate it.”¹⁴⁸ Asfari’s testimony states he persistently requested a medical report along with showing the marks on his body, but the Moroccan courts or officials did not budge. Disregarding Asfari’s obvious case of torture by police officers violates Article 2 (1) of the Convention Against Torture which states that “each state party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.”¹⁴⁹

The CAT strictly focuses on what defines torture and encourages states to take steps toward eliminating it. Morocco has continuously neglected an important factor of human rights which most people consider a high priority regarding human rights entirely.

International Covenant on Civil and Political Rights

Morocco signed the ICCPR on January 19, 1977, and ratified the convention on May 3, 1979, with no abstentions or reservations.¹⁵⁰ Regarding both testimonies given by Erguibi and Asfari, the victims are protected by the ICCPR under Article 7 which states agree that “no one is subjected to torture or cruel, inhuman or degrading treatment or punishment.”¹⁵¹

Considering the victims are being tortured during a time of conflict in Moroccan occupied territories of Western Sahara, torturing citizens which do not recognize Moroccan authority over the Saharawi people is a violation of Article 1 (1) of the ICCPR which allows “the right to self-determination.”¹⁵² A concept which has been violated since the Green March in

¹⁴⁷ Human Rights Watch. *Human Rights in Western Sahara and the Tindouf Regions*: 61

¹⁴⁸ Ibid: 62

¹⁴⁹ Article 2 (1). *Convention Against Torture And Other Cruel, Inhuman Or Degrading Punishment*. 1984

¹⁵⁰ “International Covenant On Civil And Political Rights.” United Nations Treaty Collection. Last updated December 14, 2012.

¹⁵¹ Article 7. *International Covenant On Civil And Political Rights*. 1976

¹⁵² Article 1(1). *International Covenant On Civil And Political Rights*. 1976.

1975, Saharawi victims of torture are deprived of their exercising right to freely move economically, socially, and politically without fear of persecution.

Universal Declaration of Human Rights

The Universal Declaration of Human Rights was established as a guideline for countries to follow, considering the horrific aftermath of World War II. It calls for all nations to recognize the importance of human rights and how states can prevent further atrocities similar to those in WWII. It was the forefront of multiple conventions and treaties that have been composed of by the United Nations and treaties between certain parties. Specifically, it helped create the ICCPR and the CAT, both ratified by Morocco.

Morocco's commitment to the UDHR has been stagnant. Article 5 is the forefront of CAT, bringing the importance that "no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."¹⁵³ This article has been repeated in multiple treaties and even redefined in domestic law. In spite of this historical article, Moroccan forces have continued to use tactics of torture amongst Saharawi people. As mentioned earlier, the ongoing conflict in the occupied territories which result to Moroccan police officials torturing Saharawis hinder the free access of life and liberty. Saharawis, like all peoples, are born with rights to equality and freedom, which is stated under Articles 1 and 3 under the UDHR.¹⁵⁴

Morocco is adamant on continuing its national integration in Western Sahara. Disregarding international law and human rights law, Saharawis are subject to cruel and degrading punishment for being Saharawi. Talks continue to take place within the UN and resolutions have been passed for Moroccans to withdraw from certain areas, but progress has not been made to secure Saharawis the access to life, liberty, equality, and self-determination. These

¹⁵³ Article 5. *Universal Declaration Of Human Rights*. 1948.

¹⁵⁴ Articles 1 & 3. *Universal Declaration Of Human Rights*. 1948.

violations persisting for nearly 40 years continue to have little to no action from the United States and other important international actors. Recently elected as a member of the UN Human Rights Council¹⁵⁵, Morocco sits at the center stage for promoting human rights and international law, which may lead them to international exposure.

The United States

One of the longest lasting relationships the United States has had without any interference or dispute has been with the Kingdom of Morocco. Since Morocco's recognition of the new state one year after writing the Declaration of Independence, the United States has kept its close ties with the Kingdom and plans to continue such a long lasting diplomatic relationship.

Reasoning behind this ongoing friendship is not based on Morocco being the first country to recognize The United States. Morocco has implemented Western ideologies within the Maghreb region and promotes pro-Western ideologies worldwide. From allowing air bases in Casablanca during World War II up to fighting modern day terrorism, the United States can always count on Morocco as an important geostrategic ally and influence the US's foreign policy motives throughout Africa and the Middle East.

Such a history of friendship is also a history of US support for the Moroccan state and its policies domestically and internationally. The United States has stood behind Morocco during their illegal occupation of Western Sahara, continuing to lend massive amounts of military aid and loans to maintain control over the territory. Such history does not portray the support of a democratic institution. Instead, it supports an illegal occupation with countless human rights and international law abuses.

¹⁵⁵ Office of the High Commissioner for Human Rights. "In Single Secret Ballot, General Assembly Elects 14 Member States to Three-Year Terms on Human Rights Council." Last updated November 12, 2013. Accessed on November 20, 2013. <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13981&LangID=E>

This section will cover the history behind The United States' long term support of Morocco's occupation in Western Sahara. Beginning with the 1974 threat of the Green March, I will illustrate the United States' role behind turning over Spanish administration to Morocco and Mauritania. Later, and most importantly, I illustrate the history of the arms trade between the Moroccan kingdom and the United States. From a close stagnation during the Carter administration to an astronomical increase during the Reagan administration, the United States has maintained its support toward their pro-Western ally with any forms of artillery to defeat "anti-Western" actors (an issue I draw on later).

By the end of the 1990s, the United States steered away from the referendum, portraying a decrease of interest during the peace process. However, the importance of both the Clinton and Bush administrations backing the kingdom's position have led to failed peace attempts between Polisario and Morocco. Examining the reasoning behind this support will explain how the peace process has led to a staggering halt.

Finally, I address the little recognition which the Obama administration has given toward the conflict in Western Sahara. This will illustrate how power politics are continuing in the region as well as diminishing hope for peace to flourish in the region.

The United States and the Invasion

The United States considered Morocco a geostrategic ally during the Cold War. Former US Secretary of State Henry Kissinger framed the US foreign policy agenda in Morocco around the idea of a strong Moroccan state. Kissinger wanted to prevent "another Angola on the East flank of the Atlantic Ocean."¹⁵⁶ It was believed that "any lack of stability in the Sahara could well destabilize the entire Iberian peninsula...hav[ing] serious consequences on the United States

¹⁵⁶ Kamil. *Fueling the Fire*: 11

strategic interests in Spain.”¹⁵⁷ Considering Hassan’s loyalty to Washington, Morocco would be a strong ally to lose during the midst of threatened coup attempts and perhaps a new Vietnam. Therefore, it was necessary to keep Hassan in power.

After the advisory opinion was announced, Hassan initiated his plan to invade Western Sahara through the infamous Green March. When Washington heard word of this, Kissinger warned Hassan to avoid the situation from escalation “and to let diplomacy take its course through the UN.”¹⁵⁸ It was in Kissinger’s interest to assure that Western Sahara would be handed to Morocco. By doing so, Kissinger requested then Deputy Director Vernon Walters, who had close relations with Hassan, to ensure Hassan’s mandate over Western Sahara by negotiating with both Spain and Morocco.¹⁵⁹

In reference to Morocco’s aspiring Green March, Kissinger met with U.S. Assistant Secretary of State for Near Eastern affairs Alfred Atherton to guarantee Hassan’s annexation of Western Sahara. Atherton suggested to Kissinger to

Let the marchers go into [Western Sahara] ten kilometers, and let a token number go all the way to Laayoune, and having done this turn around and go back. And to do all they can to see that the UN self-determination procedure comes out in favor of Morocco. This has been carried back to Hassan.¹⁶⁰

After Kissinger asked if Hassan was guaranteed the territory, Atherton responded that the territory was guaranteed, but only through the UN. Atherton stated that

In the way of a promise that it will come out in the end the way he wants, after going through the UN procedure. It isn’t a 100 percent guarantee. But I don’t see that there is any more he can hope for or will have any support from anybody else.¹⁶¹

¹⁵⁷ Ibid: 12

¹⁵⁸ Zunes and Mundy. *Western Sahara*: 61

¹⁵⁹ Kamil. *Fueling the Fire*: 11

¹⁶⁰ Zunes and Mundy. *Western Sahara*: 63

¹⁶¹ Ibid

Although support was adamant from the United States, Spain attempted to prevent the situation from escalating. Their attempts to bring the Green March into the UN Security Council were ineffective. Although the Security Council passed Resolution 380, which requested Morocco to “immediately withdraw from the Territory of Western Sahara all the participants in the march,”¹⁶² it was met with the United States changing the resolutions wordage to deplore, rather than condemn.¹⁶³ Further prevention by the United States was also seen in the Security Council, blocking any sort of action to be taken in Western Sahara. Former U.S. Ambassador to the United Nations Daniel Moynihan mentioned that

The United States wished things to turn out as they did, and worked to bring this about. The Department of State desired that the United Nations prove utterly ineffective in whatever measures it undertook. This task was given to me, and I carried it forward with no inconsiderable success.¹⁶⁴

In preparation of a military invasion, the United States provided a show of support for Morocco by bringing the *Little Rock* aircraft carrier and making available twenty F-4 jets from the same carrier. The United States also intended to provide Morocco with “twenty-four F-5E fighter planes and \$36 million worth of armored vehicles”¹⁶⁵ It was soon inevitable that the United States would be funding a new proxy war to secure Hassan’s sovereignty in the region.

After the invasion occurred, Spain wanted to maintain their commitment to transitioning administrative power to the Saharawi population. Prince Juan Carlos visited Laayoune after Moroccan military forces crossed into Saharawi territory. Carlos, being the interim head of state due to a terminally-ill Francisco Franco, voiced Spain’s commitment by showing their support to the Saharawi population. Meanwhile, Spain was undergoing an economic crisis, leaving them reliant on renewing the United States’ military bases and arms supply. Using this to their

¹⁶² UN Security Council, *Resolution 380*, 1975.

¹⁶³ Zunes and Mundy, *Western Sahara*: 63

¹⁶⁴ Zunes. “The United States in the Saharan War”: 55

¹⁶⁵ *Ibid*: 54

advantage, the United States was able to convince Spain to hand over their administering power to Morocco and Mauritania. Thus, the Madrid Accords in 1976 were signed, officially ending Spanish colonialism and beginning Morocco's occupation.¹⁶⁶

The Carter Administration

Throughout the Cold War, the United States supported multiple proxy wars in order to prevent communism from spreading to other developing nations. The belief that weak states were more prone to be supported by the Soviet Union posed a threat to the United States and its hegemonic capabilities. Fear of losing power was so adamant that the United States needed to provide pro-Western developing countries with arsenal to prevent communism from spreading throughout the rest of the developing world. In the case of Morocco, Hassan's power was at stake with high inflation, an astonishing unemployment and poverty rate, and two coup attempts that threatened his throne. For fear of losing a highly pro-Western ally, the United States provided numerous amounts of weapons during the Western Saharan war, fluctuating between regimes until the ceasefire in 1989.

Although the Carter Administration aimed to lessen their military support to developing nations, the Moroccan/Western Saharan war halted this aspiration. Since the invasion, military aid from the United States increased astronomically from 1974-1978, estimating amounts from \$4.1 million to \$99.8 million.¹⁶⁷ Initially, the Carter Administration announced its non-recognition of Moroccan claims to the territory, referring to the 1960 US Morocco agreement

¹⁶⁶ Kamil, *Fueling the Fire*: 14

¹⁶⁷ Zunes, "The United States in the Saharan War": 55

that prohibits the “use of U.S. arms by Morocco outside its internationally recognized borders.”¹⁶⁸

Concerns of the increase of U.S. military aid to the region grew from members of US congress as well as academics familiar to the conflict. Thus, a public U.S. Congressional hearing took place in 1977, allowing representatives from the U.S. Congress as well as Polisario and Moroccan officials to voice their opinions and concerns. One particular statement from Representative Charles Diggs stated a glooming observation that “the United States, with its close military ties to Morocco, has made [the US], in the eyes of some, guilty by association.”¹⁶⁹ Academics, such as Thomas Frank, Professor of Law at New York University at the time, stated that the United States must “encourage efforts to reaffirm the right of self-determination in the present session of the United Nations General Assembly.”¹⁷⁰ Due to increased concern of US artillery being used in the non-recognized territories of Morocco, “President Carter ordered in February 1978 a ban on the delivery of ammunition and weapons to Morocco.”¹⁷¹

This did not, however, prevent the United States being involved in other ways. Reports of former Secretary of State Henry Kissinger and former CIA Deputy Director Vernon Walters state that the two initiated new military connections for Morocco’s war efforts, gaining military support from Iran, Jordan, South Korea, Taiwan, and South Africa.¹⁷² According to these reports, “Walters received at least \$300,000 for his work with Morocco from a company that specializes in selling sophisticated military technology to foreign governments.”¹⁷³ Although these new strategies deemed hopeful for Morocco, the struggle continued to maintain a strong offensive against the Polisario. According to an article in Newsweek, King Hassan blamed the Carter

¹⁶⁸ Ibid: 56

¹⁶⁹ Kamil, *Fueling the Fire*: 19

¹⁷⁰ Ibid: 25

¹⁷¹ Ibid: 29

¹⁷² Zunes, “The United States in the Saharan War”: 56

¹⁷³ Ibid

Administration for lacking an African policy, stating that Morocco “does not ask the United States to intervene but to give its military and economic support and provide an active diplomacy for its friends working for the interest of the Free World.”¹⁷⁴ Morocco was beginning to look desperate.

Countless lobbying took place between 1977 and 1979 from the King, testing the relations between the Carter Administration and the Kingdom of Morocco. Although propositions for military support were proposed by the president, Congress continued to vote against military aid support. However, in 1978, Morocco hired DGA International, a public relations firm, to promote increased military support for its war efforts.¹⁷⁵ Lobbying for increased military aid could not have come at a better time, considering Polisario forces were “winning a string of military victories and the stability of King Hassan’s throne [was] in question.”¹⁷⁶ Furthermore, in 1979, the United States witnessed the Iranian Revolution and the hostage crisis that followed, creating a different outlook on foreign policy altogether. Thus, in May 1979, “the State Department approved a proposal from Northrop Communications to construct a \$200 million electronic detection system to help the Moroccans locate elusive Polisario fighters in the desert” as well as direct US counterinsurgency support in the region.¹⁷⁷

Congress’ disapproval to US sale of arms and its foreign policy transition were neglected. Voicing concern over the violation of the 1960 US Arms agreement between Morocco and the United States, the sale was argued as a “defense strategy” after Polisario guerilla forces entered Moroccan territory.¹⁷⁸ The United States sold “the OV-10 armed reconnaissance aircraft” and

¹⁷⁴ Kamil, *Fueling the Fire*: 32

¹⁷⁵ Zunes, “The United States in the Saharan War”: 57

¹⁷⁶ Ibid: 56

¹⁷⁷ Ibid

¹⁷⁸ Ibid

“AH-1 attack helicopters with anti-tank missiles.”¹⁷⁹ The arms sales increased from \$86 million in 1978 to \$133 million in 1979¹⁸⁰ President Carter, ignoring Polisario’s attempt to improve its diplomatic relations with the United States and steering away from his ambition to be a human rights president, had hoped that this arms sale would

help [Morocco]’s efforts to defend itself while at the same time nurturing and encouraging a psychological climate in the region conducive to negotiations, efforts to bring both sides to the negotiations table must parallel efforts to strengthen Morocco militarily.¹⁸¹

Carter’s attempt to bring peace through a military framework provoked Hassan to increase his military offensive, causing a serious budget crisis in Morocco’s already trembling economy with war costs of over \$1.5 million a day.¹⁸² The increase in arms sales had not only violated an international treaty, but also demonstrated militaristic and economic support to the Moroccan Kingdom after publicly announcing their “neutrality” regarding Morocco their occupation over Western Sahara. This was a position which Reagan so stubbornly supported once he took office.

The Reagan Administration

President Reagan’s staunch anti-Soviet agenda became a benefit for Morocco’s war efforts in Western Sahara. A week after Reagan took office in 1981, “Reagan approved the controversial sale of 108 M-60 battle tanks to Morocco”¹⁸³ along with “large C-130 aircraft with side-looking airborne radar” and “K-130 tanker planes for midair refueling.”¹⁸⁴ Although the Reagan administration also proclaimed neutrality in the region—neither recognizing the SADR

¹⁷⁹ Kamil, *Fueling the Fire*: 51

¹⁸⁰ Zunes and Mundy, *Western Sahara*: 18

¹⁸¹ *Ibid*: 57-58

¹⁸² Zunes, “The United States in the Saharan War”:71

¹⁸³ Zunes and Mundy, *Western Sahara*: 18

¹⁸⁴ *Ibid*: 19

nor Morocco's annexation—the President of the Saharawi National Council sent a letter to the Chairman of the House Foreign Relations Committee addressing the amount of aggression taking place in Western Sahara:

The so-called limited support by the administration revealed itself to be a real arsenal of war: tanks, reconnaissance planes and other weapons suitable for the colonial war in the Western Sahara. The U.S. also dispatched new military experts in counterinsurgency operations to bolster the ability of the Moroccan army in the field. There was indeed a tendency for a larger involvement from the U.S. side in a wider conflict. Further support from the U.S. encouraged King Hassan to be more intransigent and comfortable in pursuing his territorial conquest.¹⁸⁵

The United States' "neutrality" in regards to the conflict is obviously questionable during the Reagan administration. Yet, Reagan was adamant on pursuing its militaristic defeat against the Soviet Union through its proxy wars. Supporting its allies with increased arms sales and military conquests was the United States' main initiative in a bipolar world. The House Committee on Foreign Affairs, on the other hand, echoed congressional disapproval of increased arms sales to Morocco, stating that military funding for a peaceful settlement will not see any success:

The qualitative change in military assistance the United States is providing may well have a negative impact on the achievement of a political solution in the Western Sahara. The concrete assistance and symbolic message these kinds of military cooperation send appear counterproductive to the U.S. commitment to a political solution.¹⁸⁶

The logical reasoning stated from the House Committee on Foreign Affairs was nevertheless neglected. The construction of the illegal wall ranging from the Mauritanian border all the way to proper Morocco was militarily funded by both France and the United States. By 1982, arms supply nearly doubled since the Carter administration increased its military

¹⁸⁵ Kamil, *Fueling the Fire*: 67

¹⁸⁶ Zunes, "The United States and the Saharan War": 64-65

funding.¹⁸⁷ There was no doubt that the United States fully cooperated Morocco's military offense strategy.

Considering the amount of arms flowing into Morocco, there was no intention of negotiating a peace deal. The peace settlement plan initiated by the Organization of African Union (OAU), which attempted bring both parties to the negotiating table, was met with Moroccan opposition. In response, the OAU admitted the SADR as its 51st member. In response, "the United States circulated a secret document stating that 'the admission of the SADR to the OAU would be a grave mistake' and urging...African states [to] boycott the summit."¹⁸⁸

Considering multiple opportunities to broker a peace deal, the United States continued its efforts to prevent any negotiations by escalating military aid. What does the United States gain from deterring self-determination and supporting an illegal war and occupation in Western Sahara? There are specific reasons behind this ideology. First, Morocco plays an important role for U.S. interests in Africa, such as offering Moroccan soldiers to "suppress uprisings against pro-U.S. Zairian President Mobutu" in the late 1970s. Furthermore, the United States, by avoiding the violation of the Clark Amendment, which prohibits any direct support of Angolan opposition troops, used Morocco as a figure for American interests through shipping American artillery.¹⁸⁹

Second, Morocco plays an important role for US diplomatic interests in the Middle East. Morocco hosted meetings between Egyptian and Israeli leaders, preparing the framework for the Camp David Accords. Considering Morocco is "Israel's closes contact in the Arab world," the Kingdom was not reluctant when meeting with President Reagan in 1982 to announce their willingness to recognize the state of Israel in exchange for the establishment of a Palestinian

¹⁸⁷ Zunes and Mundy, *Western Sahara*: 18

¹⁸⁸ Ibid: 65

¹⁸⁹ Ibid: 76

state.”¹⁹⁰ Along with US naval bases, joint US/Moroccan military training and allowed CIA access for American interests, the United States and Morocco heavily relied on each other for their specific interests during the course of the sixteen year war.

Between both Reagan and Carter administrations, the United States’ continued support of Morocco’s illegal occupation throughout the duration of the war illustrates the importance of power politics over international law. There is no doubt that the United States recognizes the illegality of the occupation, but as history shows political motives tend to interfere with diplomatic integrity. The United States’ undying Moroccan support showed no hesitation considering the amount at stake for US interests in both Africa and the Middle East. Unfortunately, the peace process between Western Sahara and Morocco shows an even gloomier picture from the United States.

The United States and the Stalled Peace Process

During the ineffective voting registration process in the 1990s, the United States maintained its diplomatic position to support Moroccan occupation. Once again, the Clinton administration neither recognized Moroccan annexation nor an independent state. After the Security Council allowed the initiation of MINURSO, the voting registration process saw no progress to begin a vote. The Clinton administration, although remaining close ties to the Kingdom, remained occupied with the Israeli/Palestinian conflict as well as Kosovo and Yugoslavia.

Regardless, it was the United States’ support of the Moroccan Kingdom which more than likely influenced the United States’ lack of intervention. Yet, after nearly a decade since the creation of MINURSO, the U.S. House of Representatives held a hearing before the

¹⁹⁰ Ibid: 78

Subcommittee on Africa to explore its continued funding of the project. Nearly \$440 million has been spent on this project alone with continued obstacles from Rabat's faulty voter registration claims. According to Deputy Assistant Secretary of State for Near Eastern Affairs Allen Keiswetter, the United States "continue[d] to strongly support the mediation efforts of the United Nations undertaken since the late-1980s."¹⁹¹ However, the congressional hearing showed, once again, the disapproval for the United States' lack of influencing a more efficient peace process.

Representative Joseph Pitts from Pennsylvania, in response to Keiswetter's claim that the Polisario continues to hold Moroccan POWs, clearly illustrates the United States' lack of critical thinking due to its close ties to the Kingdom:

I visited with about 70 POWs who were Moroccan, some who have been there for 20 years, and was told that they were free to return, that they had not received permission to return. Now, maybe that has occurred since then, but I think if we can start exchanging, get the POW's back, also, identify missing persons...exchange lists, removing land mines, do the humanitarian things, many of these kinds of efforts toward a peaceful settlement would be very helpful.¹⁹²

Unfortunately, none of these strategies were taken into consideration.

During this hearing, James Baker had already been assigned as the UN Special Envoy to the conflict in hopes of finally finding a new solution. Considering this new opportunity, Baker finally brought both parties to the negotiating table after decades of refusal to sign the Houston Accords in 1997. This renewed the voting registration that fell apart three years earlier. Considering the referendum was stalled, Baker needed a new strategy to promote a peace deal.

Yet, after years of aggression, oppression, economic inflation, and a faulty war that nearly cost his throne, King Hassan II died of a heart attack in 1999. This led to his son, Mohammed VI, to take his reign. This opportunity had two different outcomes. On the one hand, Mohammed VI wanted to portray himself less like his father by having a more liberal approach

¹⁹¹ U.N. Referendum for Western Sahara: 9 years and Counting.

¹⁹² Ibid.

to his country. By implementing new laws that promote women's rights and poverty programs, Mohammed VI was portrayed as a more lenient and liberal ruler. On the other, being a new King meant testing his own strong will and power. Thus, he maintained his father's mentality on proclaiming Western Sahara as Moroccan territory. This deemed as a challenge to his sovereignty and to Baker's peace plan.

Once again, the voting registration did not see any progress considering both sides could not agree on each other's numerical voting registers. Both agreed that voters must be ethnic Saharawis, but with Polisario's request for the 1974 census resulting in 70,000 voters were only half of Morocco's registered voters, resulting in faulty voting registration. Baker came with a second initiative.

This peace plan saw the occupied territories acting as an autonomous state. In other words, the occupied territories would act as an autonomous state for five years, and then vote on the idea of either assimilation or continued autonomy. Morocco applauded the idea, but Polisario was reluctant considering their quest for independence. Therefore, Baker came with the third proposition, but including the vote of independence. Polisario, reluctant at first, supported the plan after Algerian encouraged the Polisario to accept.

Morocco decided to prolong their refusal by as long as they could. Meanwhile, Morocco was attempting to gain support from the United States and France to veto any form of resolution that would enforce Morocco to go through with the peace plan. During this time, the United States has already initiated its War on Terrorism after the tragic September 11, 2001 attacks. By 2003, it had already begun its militaristic invasion of Iraq, which gained some of its support from Morocco.

The United States' vote became adamant to support Morocco after the May 16, 2003 bombings in Casablanca took place. After 33 civilians killed, Washington stated that "the close U.S.-Morocco relationship, [their] appreciation for Morocco's steadfast support in the global war on terror, and for King Mohammed's role as a visionary leader in the Arab world" reiterated US support for Morocco.¹⁹³ Thus, the United States prevented James Baker, a close friend to the Bush family, to carry out his final attempt to bring peace into the region.

Obama and the Future

As history continues to repeat itself, Morocco has consistently appealed to the United States' interests and beliefs. During the Arab Spring of 2011, countries in Egypt, Tunisia, and Libya saw an increasing amount of nonviolent movements to topple dictators and establish a more democratic institution with the US promoting the movements. Morocco, on the other hand, used this to their advantage. By drafting a new constitution in July 2011, this tested the popular support of the King, which was positive. Considering the large pro-Western ideology seen in Morocco, there was not much of a protest to begin with. Seeing this strategy resulted in the United States promoting Moroccan efforts further implementing Western ideologies.

However, Secretary of State John Kerry proclaimed that human rights monitoring must be conducted within occupied Western Sahara. This was a different strategy compared to previous administrations. Unfortunately, this would have many risks. Considering the amount of phosphate production and fisheries off of the coast of the occupied territories, Morocco would lose European profits (an illegal act of itself). In response to US's ambition, Morocco cancelled the historic US/Moroccan joint military exercise in protest. Gaining support from France, Morocco reiterated the importance of US/Morocco relations. Claiming "unknown" reasons, the

¹⁹³ Zunes and Mundy, *Western Sahara*: 238

United States backed off.¹⁹⁴ The UN resolution was passed, allowing MINURSO to be funded for an extra year, but did not allow human rights monitoring in the occupied territories. Had the Obama Administration carried out this action, it could have led to a new Western Sahara. Once again, the United States stays reluctant to expose one of its closest allies.

Considering nearly 40 years of consistent support for the Kingdom, the United States' outlook on the conflict will remain the same. Regardless of the illegality that is taking place in Western Sahara, the United States will stand alongside one of its closest allies, continuing to influence their motives and interests via Morocco.

Saharawi Identity: Women in the Face of Imperialism

Understanding the cultural differences between Morocco and Western Sahara is vitally important to recognize. Distinguishing between both cultures is a strong argument against Morocco's legal ties to the territory, which can be (and has been) used in a legal framework to present evidence of forced assimilation. Between language and living differences, this is the stronghold for self-determination in Western Sahara.

One very important way of distinguishing between the two cultures is looking at differentiation of women in both cultures. Examining the way women have been incorporated into Saharawi lifestyle is an important aspect which has been rarely recognized. It is this particular strategy which differentiates between the colonizer and the colonized. Therefore, within this section, I examine how Saharawi women have been impacted during the occupation and how their role in Saharawi self-determination differs from Moroccan culture.

¹⁹⁴ Michelle Nichols. "UN Councils Extends Contentious Western Sahara Peacekeeping Mission." *Reuters*. © Thomson Reuters 2013. Article published April 25, 2013. Last accessed November 4, 2013.
<http://www.reuters.com/article/2013/04/25/us-westernsahara-un-idUSBRE93O0Z020130425>

First, I examine women prior to the Moroccan invasion. This will illustrate how women have played important roles during and before Spanish colonialism. Then, I will examine how women have been incorporated in the struggle for self-determination via the SADR. The gender mainstreaming framework that the SADR and the Polisario use is not simply an image, but it is valuably important to their culture and identity as a whole.

What I aim to accomplish with this segment is to properly illustrate the ambitions and motives behind the Polisario Front as well as the SADR. These accomplishments have continuously gone unnoticed by most Western states who continue to support Moroccan occupation. Furthermore, it also reveals the illusion which the United States had throughout the sixteen year war. I focus on how the SADR is not considered nor an organization found on radical values. Instead, it is a state that has more Western principles than its colonizer.

Saharawi Women Prior to Spanish Colonization

Through a Western lens, it would be depicted that Saharawi civilization would not recognize the rights of women. According to Edward Said's theory in his book *Orientalism*, he argues that Western images of Arab or Muslim populations illustrate a sense of negativity and violence. This image creates a stereotype commonly used behind policies implemented by Western states.¹⁹⁵

It is this particular framework that sparked Spanish colonization in the Western Sahara. Prior to the first colonization period, the Saharawi population was "strongly matriarchal."¹⁹⁶ Within the population, "women were considered, respected, and contributed to society as much

¹⁹⁵ Edward Said. *Orientalism*. (New York: Vintage Press, 1994): 297

¹⁹⁶ Sonia Rossetti. "Saharawi Women and their Voices as Political Representatives Abroad. *The Journal of North African Studies*. (17, 2012): 340

as other members did.”¹⁹⁷ As mentioned above, the ethnic history of Saharawi people derived from two socio-cultural backgrounds. This integration of populations “developed strategies of diverse cultural contents which differentiate them from other Muslim women.”¹⁹⁸ Women in Arab nomad societies (such as Beni Hassan in Western Sahara) were always assigned the roles of managing the assets and functions of the tribe.

Women’s functionality within Western Sahara had much greater self-autonomy compared to other strict Muslim societies:

Women could inherit property and could subsist independently of fathers, brothers, and husbands. Women were valued by Saharawi tribes among which monogamy was the rule for their importance in establishing alliances through marriage, within and across tribes. Saharawi women ruled the tent and played a major role in the tribal education of her children. She also wore no face veil and had great personal freedom within the tribal encampment, whose open tents were conducive to easy converse among men and women.¹⁹⁹²⁰⁰

The social structure among Saharawi populations did not devalue women in any shape or form. As opposed to a stereotypical Muslim society, women were regarded as very important factors for maintaining lifestyle in the Bedouin society. However, the start of Spanish colonization in 1884 destroyed the social structure of gender equality so heavily practiced among the Saharawi nomadic tribes. Spanish colonization “brought about an enforced process of backwardness, disorganization, and misery, stripping Saharawi culture of its egalitarian traditions.”²⁰¹ To prevent a Saharawi uprising, Spanish colonialists suppressed women toward “ignorance and illiteracy,” enforcing women to be “useless in society.”²⁰²

¹⁹⁷ Maria Lopez Belloso and Irantzu Mendia Azkue. “Local Human Development “Local Human Development In Contexts of Permanent Crisis: Women’s Experiences In Western Sahara.” *Jamba: Journal of Disaster Risk Studies* (2, 2009): 165

¹⁹⁸ Ibid.

¹⁹⁹ Anne Lippert. “Saharawi Women in the Liberation Struggle of the Saharawi People.” *Journal of Women in Culture and Society*. (17, 1992): 637-638

²⁰⁰ Rossetti. “Saharawi Women and their Voices as Political Representatives Abroad”: 340-341

²⁰¹ Lippert. “Saharawi Women in the Liberation Struggle of the Saharawi People”: 638

²⁰² Ibid.

The Spanish strategy, like most colonialists in the African continent, aimed toward a patriarchal society through exploitation. Although colonialist strategies were aimed toward dehumanizing women, Saharawi women actively and relentlessly resisted any invasion from foreigners. “Saharawi women had provided financial and in-kind support to and directly participated in resistance movements against the Spanish during the 1930s, from 1957 to 1958, and in the late 1960s.”²⁰³ Spanish colonization did not impede the importance of women’s involvement in Saharawi culture. Rather, colonization empowered women to fight alongside men equally for independence.

The strategy of colonization is aimed at exploiting indigenous populations for the benefit of the colonizer. Using Lenin’s theoretical framework in his piece *Imperialism*, it is the objective to export capital into “backward societies” aimed at gaining more profit for the colonizer.²⁰⁴ Spanish colonization in Western Sahara was met with strong opposition and the will to maintain Saharawi culture. This sense of nationalist pride led to the creation of the POLISARIO Front, which was aimed at fighting Spanish colonizers for Western Saharan independence. As it succeeded in defeating the Spanish, it was met with Moroccan forces, adamant on annexing Western Sahara.

POLISARIO and Gender Mainstreaming

In the wake of Moroccan imperialism, the POLISARIO Front was challenged by a military heavily backed by the United States and other Western nations. The POLISARIO faced a nation seeking for a “Greater Morocco, a vision of Morocco that also includes the present

²⁰³ Ibid.

²⁰⁴ Lenin. *Imperialism*: 73

Kingdom of Morocco, part of Algeria, all of Mauritania, part of Mali, and part of Senegal.”²⁰⁵

Although this challenge seemed impossible, the POLISARIO still manages to maintain their ambition for independence. Intriguingly, the “male founders of the Front...saw equality for women as a key strategy.”²⁰⁶

The POLISARIO’s ideology “envisaged an egalitarian, communal society, in which slavery was abolished and the emancipation of women and their full participation in society has an aim.”²⁰⁷ This significant inclusion of gender equality differentiates from most revolutionary movements throughout world history. By incorporating the importance of gender equality, the POLISARIO Front believed it would be able to fulfill their goals of the revolution, which

was to transport the people from the world of oppression, slavery, and colonialism, to the world of light, liberation, and democracy. This included the objective of eradicating tribalism, not only to unite the population but also...to increase the level of gender equality in light of the effect of its influence in the state-formation of nearby states, especially Morocco and Algeria.²⁰⁸

The Front was ambitious in incorporating women into the political struggle for Saharawi independence. They believed it was an obligation “to guarantee political and social rights to women and to open the way to women’s development, to eliminate all cause of social degeneration, [and] to adopt a policy of free and obligatory education for all parts of the society.”²⁰⁹ Thus, the National Union of Saharawi Women (NUSW) was created to serve such a purpose. Its goals were to “contribute to the national consciousness, to assist in the mobilization of efforts for independence, to work for the emancipation of women and to liberate the Saharawi woman from the results of colonialism.”²¹⁰

²⁰⁵ Lippert. “Saharawi Women in the Liberation Struggle of the Saharawi People”: 636

²⁰⁶ Ibid: 640

²⁰⁷ Allen. “Imagining Saharawi Women”: 190

²⁰⁸ Ibid.

²⁰⁹ Lippert. “Saharawi Women in the Liberation Struggle of the Saharawi People”: 639-640

²¹⁰ Ibid: 641

The incorporation of women is aimed to portray an image separate from their Moroccan oppressors. This image includes four particular levels that are used in the Front. First, they proclaimed that all men and women are equal and have the same rights. Second, the Front requested that women fully participate in society and perform many roles and functions. Third, the position of women will be irreversible in the future. Finally, women are the signifiers of the nation as well as transmitters of the culture.²¹¹

The POLISARIO aimed to use this strategy of gender equality to “reinforce what it means to be Saharawi in the face of Morocco.”²¹² The social structure established in Western Sahara portrays women as the representatives of “democracy, freedom, and equality.”²¹³ These images challenge Islamic norms in revolutionary groups in Islamic countries, considering that gender equality is “probed into the background...given that gender claims are supposed to be contrary to the popular tradition and could even break the unity of the national fight.”²¹⁴ Through gender mainstreaming, “the Saharawi woman has achieved equality [and] social freedom. Freedom of Saharawi women lies in its maturity, in the grade of its attachment to national identity, to the values of its people.”²¹⁵ This not only challenges their Moroccan oppressors who envision “POLISARIO’s discourse as subjugated and weak,”²¹⁶ but also challenges Western orientalism who continue to view Arab or Muslim movements as fundamentalist ideologies.

Although the POLISARIO Front challenges the norms of Islam, they do not ignore their Islamic culture. Saharawi people follow a moderate interpretation of Islam, which still makes religion a personal issue:

²¹¹ Allen. “Imagining Saharawi Women”: 194

²¹² Ibid: 196

²¹³ Ibid.

²¹⁴ Belloso and Azkue. “Local Human Development In Contexts of Permanent Crisis”: 164

²¹⁵ Allen. “Imagining Saharawi Women”: 192

²¹⁶ Ibid: 196

This is a moderate form of Islam, free from any sectarianism or dogmatism. Owing to its tolerance, it encourages solidarity, fosters unity, disdains violence and hatred and combats arbitrariness and oppression. It has been the true unifying agent of the national.²¹⁷

With this interpretation of Islam considered, it opposed certain aspects of Islamic family law. For example, the Front did not recognize polygamy because of the “injustice that would exist between the husband and the wives.”²¹⁸ Furthermore, it highly encouraged unveiling of women, considering the “real veil is respect and faith”²¹⁹ of women in Islam.

In summation, the POLISARIO Front believed the key factor for political mobility was the incorporation of women’s rights. It is both an important ethnic factor as well as an image that will portray their advancement in society. The POLISARIO used three strategies to incorporate gender equality within their society: First is their importance of running the Tindouf refugee camp based in Algeria; second is their incorporation into the military; third is the importance of Saharawi women promoting their independence abroad.

Running the Refugee Camps

After fleeing their homes, the POLISARIO Front needed to promote services to help improve refugees’ social status. As the majority of POLISARIO Front were men, that left women in charge of running the camps. The Front’s ambition for promoting education was exercised through the NUSW by establishing “committees on literacy and children’s education, health, sanitation, crafts, supplies, and arts.”²²⁰ The majority of those running the program, in some cases dominantly, are women:

²¹⁷ *United Nations International Human Rights Instrument*. Published January 8, 2001. Last accessed May 10, 2013 [http://www.unhchr.ch/tbs/doc.nsf/0/f6b227acc3708b21c1256a68004c889d/\\$FILE/G0140110.doc](http://www.unhchr.ch/tbs/doc.nsf/0/f6b227acc3708b21c1256a68004c889d/$FILE/G0140110.doc)

²¹⁸ Allen. “Imagining Saharawi Women”: 191

²¹⁹ *Ibid.*

²²⁰ Lippert. “Women in the Liberation Struggle for the Saharawi People”: 648

Through the NUSW, women during conflict and after 1991 planned and organized the functioning of all sectors in the camps: they were in charge of different working committees established in each neighborhood, such as education and training, health, food distribution, and justice and social issues.²²¹

The structure of the NUSW focused around the local, regional, and national level by working in areas of “occupied territories and emigration, information and culture, political and professional training, and foreign affairs.”²²² Furthermore, women took on larger roles to maintain regularity in the camps. Most were in charge of managing the resources given from outside donors such as water, food, sanitation, and health supplies. In addition, this included establishing the Women’s Cooperatives Program:

The will to strengthen local economic and productive structures, in particular by the promotion of small initiatives of productive cooperatives among women... Women aim not only at obtaining economic benefits for them and their families, but also to increase the level of empowerment needed to improve their status within family and community relations.²²³

The most empowering tool for women in the camps was the Front’s ambition to send women to further their education. The Front strongly believed that women faced the issues of colonialism just as equally to men and therefore “should receive a cultural and political education in order to help her carry out her decisive role in the revolution.”²²⁴ Their forefront to revolution relied on the education of everyone, particularly women. In doing so, they took strong initiatives to guarantee their education:

In the refugee camps, [the only] six women who had attended high school were sent for further education abroad, and the several dozen women who had attended elementary school were sent to high school. By 1982 those few women students who had been sent to Algeria, England, Panama, Spain, and various Latin American countries for extended schooling had returned. In 1988, over 64 percent of teaching staff in the camps were women and they continue to grow.²²⁵

²²¹ Belloso and Azkue. “Local Human Development in Contexts of Permanent Crisis”: p. 165

²²² Ibid: 164

²²³ Ibid: 167

²²⁴ Allen. “Imagining Saharawi Women”: 192

²²⁵ Lippert, “Saharawi Women in the Liberation Struggle of the Saharawi People”: 649

The ambition for the POLISARIO Front to send women to higher education became a forefront for the camps, especially in regards to lacking public health and hygiene:

A small number of women were sent to Cuba, Nicaragua, Algeria, and Spain for training in health professions. By 1987 there was a Saharawi woman gynecologist and a woman dentist. By 1989 Saharawi women served as nurses, doctors, practical nurses, technicians, cooks, and cleaning personnel in the health structures within the camps. They attended health care workshops in the camps led by Saharawi doctors as part of an ongoing staff development program, and began to teach nutrition and hygiene to women through the health committees.²²⁶

Women were given an education through the POLISARIO Front. This was a revolution fought with not just a militia, but through the education of people altogether. “Schooling for women has continued to be a priority over the years”²²⁷ because education was a forefront to change and hope for the population. Being heavily supported by the Front’s initiative, the importance of women’s involvement through continued education is obvious to be the forefront of the revolutionary struggle.

Women in Arms

In the face of imperialism, the Front needed enough will power from both men and women to join the force against colonialism. Rather than neglecting women in joining arms, the camps “established a women’s boarding school”²²⁸ and encouraged women to undergo military training. Their military training and involvement included “radio operators, drivers, medics, and light arms.”²²⁹ This was to further the Front’s initiative on promoting women’s involvement to be more visible.

²²⁶ Ibid: 648

²²⁷ Ibid: 650

²²⁸ Rosetti. “Saharawi Women and their Voices as Political Representatives Abroad”: 338

²²⁹ Ibid: 340

Most importantly, women's involvement in the military included helping people flee cities and towns within occupied territories under heavy attack:

Saharawi combatants and NUSW militants took charge of people fleeing the major towns of the Western Sahara for refuge in the desert. They organized shelter, supplies, and protection for the refugees, who primarily were women and children. Surviving the attacks on these desert refugees, the women leaders helped the refugees relocate to the safety of camps in Algeria.²³⁰

Women's involvement in the military joined "against the wishes of their male relatives, who, remembering the failure of earlier resistance efforts, feared violent reprisals."²³¹ These wishes and fears did not hold back women's involvement in military forces. This option of empowerment toward Saharawi women continues to differentiate between guerilla movements throughout the lower developing nations.

Saharawi Women Abroad

Promoting Saharawi self-determination abroad has seen difficulties. Considering only a handful of states recognize the Saharan Arab Democratic Republic (SADR), Saharawi representation is hardly recognized in key important states. Saharawi women facing international representation face the "stereotypes of being a Muslim fragile state."²³² However, the Saharawi empowerment seen in women in the camps is also present when representing Saharawi self-determination abroad:

Delegations of women have attended numerous international for a such as the European Conference of Coordination and Support to the Saharawi People (EUCOCO), the EU in 2008, and at the Ninth Congress of the PAN African Women's Organization, the NUSW was elected as their UN's representatives.²³³

²³⁰ Lippert, "Saharawi Women in the Liberation Struggle for the Saharawi People": 642

²³¹ Ibid: 641

²³² Rosetti. "Saharawi Women and their Voices as Political Representatives Abroad": 350

²³³ Ibid: 351

International recognition of the POLISARIO Front's and NUSW's has not gone unnoticed. Australian delegates and scholars who visited the region noticed the importance of women's integration in the movement of self-determination as a stronghold. They believed that even women in their own country do not take such a prominent role in government action. With this recognition, Australia is one of few Western states that has recognized the SADR and continues to boycott Moroccan companies and officials.

The POLISARIO became critical of anyone who attempted to block women from participation. The NUSW argued that "women had a duty to work in order to honor the slogan...there is no room for lazy people amongst the Saharawis."²³⁴ This encouragement for women's participation "is a clear manifestation that women are not just victims of conflict, but above all active agents who develop a great number of strategies to resist and minimize its negative impacts."²³⁵ Rowlands states that empowerment is not solely based on the access of decision making, but "also about the processes that lead people to perceive themselves as capacitated and legitimated to occupy those decision-making spaces."²³⁶

From June 17-19, 1991, the SADR established a new constitution for independence, developed by the Eighth National Popular Congress. The new constitution promotes civil and human rights to all Saharawis. However, it set aside a section specifically for women's rights, continuing to promote the importance of traditional culture amongst Saharawi women:

The state will aim to defend the political, economic, and social rights of Saharawi women and will guarantee their participation in the improvement of society and the development of the country.²³⁷

²³⁴ Allen. "Imagining Saharawi Women": 192

²³⁵ Belloso and Azkue, "Local Human Development in Contexts of Permanent Crisis": 160

²³⁶ J. Rowlands, "Empowerment Examined," *Development in Practice*. (5, 1995): 161

²³⁷ Lippert. "Saharawi Women and the Struggle for the Saharawi People": 644-645

The POLISARIO Front's initiative of gender mainstreaming illustrates how Saharawi women "enjoy great autonomy in comparison to Western women."²³⁸ Opposing the effects of patriarchal colonization empowers Saharawi women to carry on promoting their own identity. The conflict transformed Saharawi women. Within a harsh environment and very few resources, challenges were given to women to maintain their living standards. "Saharawi women faced the task of restructuring family and social life in the camps."²³⁹ In a movement that promotes gender equality as a forefront to their mission, the accomplishments within women in the camps and in occupied territories are important to recognize.

A Moroccan Assessment

Throughout this research I have examined the history behind Morocco's ambition to annex Western Sahara along with the help from the United States. Examining the long lasting quest for Western Saharan self-determination has led to the belief that powerful nations—with help from other powerful nations—and their quests for political or economic interests are the only deterrent from implementing the universal practice of human rights and international law. It is this methodology that prevents weaker states from fully developing in an already competitive global market, increasing the gap between rich and poor nations. Morocco's nationalist expansion into Western Sahara may have benefited the Moroccan economy, but not its diplomatic image. Furthermore, this adds another conflict to which the United States has been a part of and refuses to recognize the wrongdoings by the Moroccan government.

Yet, this diplomatic image seems nonexistent to Moroccan citizens and certain key US policymakers. The Moroccan diaspora refuses to recognize Western Sahara as a separate entity

²³⁸ Allen. "Imagining Saharawi Women": 197

²³⁹ Belloso and Azkue, "Local Human Development in Contexts of Permanent Crisis": 171

due to increased nationalist propaganda within the country. Experiencing this propaganda firsthand illustrates how authoritarian leaders are able to manipulate their citizens in the new post-modern world. This capability enables leaders to seek their interests with the support of its own citizens as well as their powerful allies.

In this section I will analyze the Moroccan diaspora and their perceptions of the Western Sahara. It is vitally important to note that this topic is considered a taboo in Morocco as any critique to the Moroccan regime in Western Sahara can lead to false imprisonment, torture, disappearance and/or even death. Furthermore, I illustrate the perceptions of US policymakers and their ambition, or lack thereof, to implement changing their foreign policy agenda in Western Sahara. Finally, I give suggestions for all parties for future peace processes.

Moroccan Citizens

In late November of 2011, I visited a public university in Fes. During this time, demonstrations were being held during the voting period of a new parliament. Around the busy morning period, when classes are starting and students are slowly making their way to the lecture halls, I notice about 100-150 students walking around and exploring the display of posters and pictures that various student organizations have put together. Curious to discover more about how students in Morocco express their opinions, I decided to explore the expressions made by these student organizations.

I was incredibly taken back by the amount of freedom of expression there was in this courtyard as well as the diverse setting. Groups such as women's rights, student's rights, and even students protesting the new parliament elections were filling the square with their slogans

and artwork. However, one particular group that I saw was a student organization based on freeing the occupied territories of Palestine.

Prior to my visit in Morocco, I had some general knowledge of what was taking place in Western Sahara. Curious, I wanted to ask one of the students behind the Free Palestine student organization table what they thought of self-determination and occupation. I asked one of the students, with my very poor Arabic and my cousin as a translator, what he thinks self-determination means. His answer, not very far from a textbook answer, stated that it gives the people the right to decide for themselves. When I asked my cousin to translate whether or not he believes Western Sahara should have this right, my cousin immediately turned to me, with a confused look on his face, responding that “Western Sahara **is** Morocco. They are two different scenarios and you can’t compare the two.” As the student behind the table overheard our conversation in English, he responded in broken English the same response as my cousin: “Western Sahara **is** Morocco.” After continuously trying to get a better answer, my cousin eventually had to tell me to stop talking about Western Sahara, as it could lead us into trouble.

That day, when my cousin and I were picked up by my uncle, a prominent lawyer in Fes, he asked me what I knew about Western Sahara. Without trying to be offensive, I responded by saying that I believe people should have the right to determine their own destiny and future and not by governments and military. His response confirmed mine, but he wanted to reassure me that Western Sahara was and always will be a part of Morocco and should not be questioned. Furthermore, he reassured me that research conducted from outside Morocco is considered faulty journalism and biased as it does not consider theorists and intellectuals on the Moroccan side. As I was left with no response that would not risk my family’s respect, I decided to drop my questions and move on.

Researching this topic has always put me in a very sensitive area. Although I understand the importance of nationalism, I do not recognize asking questions as being unpatriotic. Rather I consider this as a duty for any human being who believes that something is wrong and must be changed. Some of my relatives in Morocco have recognized this “American” side of me as a precaution when I am visiting Morocco. It is important to recognize that citizens of any state would question their government’s motives or actions and it is not simply an “American” characteristic. As a very proud Moroccan who believes that his country is able to advance globally, I do not recognize the occupation of Western Sahara as justified and relate it to other occupied territories throughout the world.

The following question continues to ring in my head: If Moroccan citizens continue to support the Palestinian movement against Israeli occupation, then why do Moroccans believe that Western Saharan occupation is justified? How do the two scenarios differentiate when the circumstances and the characteristics are the same? The main answer to both of the questions is that nationalism portrayed through massive propaganda manipulates its citizens to follow a state’s or authoritarian’s national interest.

During the 1970s, as mentioned earlier, King Hassan II was under scrutiny for fear of losing his throne. Two failed coup attempts proved this theory to be correct along with the disappearance of political innovators wanting change in the regime. In order to gain the public’s support, the King used Western Sahara as an illustration of power. Using the Istiqlal mentality that brought Morocco independence from the French in 1956, the Moroccan people stood behind their admirably strong King to take what was “rightfully theirs.” Disregarding international law and historical evidence to support that Western Sahara did not in fact belong to Morocco, the King had a throne to protect and gained nationalist support “for the good of the nation.”

Thirty-eight years later, this Istiqlal mentality for a “Greater Morocco” maintains its importance to the citizens of Morocco. Regardless if the Istiqlal party resigned their seats from parliament, the citizens believe that Western Sahara has and always will be part of Morocco. On the day my family discovered that I was conducting research on Morocco’s illegal occupation of Western Sahara, I received calls as to why it had to be labeled “illegal.” They continued to “remind” me that Western Sahara was not illegally obtained by Moroccan forces and that it was and always will be part of Morocco. Instead of dropping the subject and accepting its fate, I acknowledged their opinions and reminded myself that this is no different from my hometown in Redding, CA, on the days of wearing an anti-Bush t-shirt and being told to take it off, as it was too “unpatriotic.”

The Moroccan Diaspora

Moroccans have a strong sense of nationalism that it is instilled in them since childhood. It is this mentality that does not tend to fade regardless if they live inside or outside Morocco. However, Moroccans who have emigrated tend to freely express their concerns over issues that normally are considered taboo. Depending on the age and educational level, Moroccan emigrants tend to question the status of Western Sahara as they freely question the King’s motives.

This is not to suggest that the King of Morocco is not normally questioned. Freedom of expression is not solely discouraged as protests against certain policies have been addressed. For instance, women’s rights protests have been observed after a sixteen year-old girl committed suicide when she was forced to marry the man who raped her in accordance to Moroccan family law. Furthermore, there were minor protests during February and March of 2011 in Marrakesh

and Casablanca, correlating to the rest of the Arab Spring of that same year. Freedom of expression is in fact encouraged in Morocco, but not in regards to Western Sahara.

Although I do not use human subjects for this research, I have been approached by relatives and friends from Morocco living in the United States about my studies. With no surprise, I have discovered that Moroccans living outside of Morocco tend to be more accepting of self-determination in Western Sahara as opposed to those still living in Morocco. When being exposed to new ideas, one becomes more open minded about issues from their own home. With not having to feel obliged to accept the fate of Western Sahara, it is easier to recognize the atrocities that are taking place. The ability to explore different research and ideas outside of their comfort level is a step toward open mindedness, resulting to viewing former ideas in a different lens.

US Policymakers

For nearly 40 years, the United States has maintained its “neutral” position in accordance to the Western Sahara, whereas their foreign policy decisions have noted otherwise. For this research, I attempted to gain contact with congressional and senate members to gain a better understanding in Washington. Unfortunately, it was met with no response.

Throughout my research on this subject, I discovered that an interview with Senator Dianne Feinstein would be incredibly appropriate. Senator Feinstein is the chair of the Senate Intelligence Committee and has requested former Secretary of State Hilary Clinton to pay close attention to the serious risks in Western Sahara as they cited “growing instability and worrisome

trends that could breed terrorism.”²⁴⁰ This led to the United States siding with Morocco for the Western Saharan autonomy plan. Unfortunately, Senator Feinstein has not responded to any of my inquiries, making it difficult to understand how policymakers feel about the issue.

Nevertheless, I attempted to ask members of congress for their opinions on the matter. Congresswoman Jackie Speier, a very vocal and prominent member of congress, was contacted about the same issue. However, I have been led to the same results with no answers about the issue. Furthermore, the House Committee on Foreign Affairs has continued leading me with no results and no answers on this highly important issue.

There can be various reasons behind neglecting my responses. First can be the amount of issues that are backing up the aforementioned congressional members and senators. Second, the issue is not of high importance to them. There are various foreign policy issues that may be considered a higher priority than the United States being involved in violating international law—not that surprising. Third, and maybe most likely, members of congress are unaware of the issue at hand, making it difficult for them to respond.

Suggestions for the Future

As I have examined the aforementioned study, the occupation of Western Sahara has violated multiple counts of international law and human rights law. Furthermore, countries who encourage other nations to abide by international law, particularly the United States, continue neglect that their “neutrality” has caused more harm than done. It is obvious that the SADR portrays a more Western ideological framework compared to their occupier. Most importantly, it

²⁴⁰ J. Taylor Rushing. “Bipartisan Senate majority pushing Clinton on Western Sahara.” *The Hill*. Capitol Hill Publishing Corp. Published March 18, 2010. Date accessed November 4, 2013. <http://thehill.com/blogs/blog-briefing-room/news/87689-bipartisan-senate-majority-pushing-clinton-on-western-sahara>

is crucial for other Moroccans to recognize this phenomenon as the conflict is portrayed as rebel groups leading to potential terrorist attacks.

Those even in legal backgrounds in Morocco still have the belief that Western Sahara was once and is still part of Morocco, disregarding the illegal strategies behind its occupation. It is important to recognize when one's own nation is breaking the law so that the citizens can voice their concerns about the country they love and respect. It is in a citizen's duty to question the wrongdoing of their own nation. If questioning said beliefs leads to serious risks upon themselves and others, then the nation must reevaluate its own principles. Expelling citizens for voicing their concern is a tool for oppression. This must be met by the masses voicing their concerns without causing harm to others. Nations are more prone to change if violence is excluded from challenging a government's decision. Violent actions from the government to its citizens illustrate the problems of an oppressing regime, an embarrassment no regime wants to be made public.

Nations must also recognize the importance of abiding their allies. The United States continues to do this with not only Morocco, but within the state of Israel and their occupation in Palestine. Powerful nations militarily supporting oppressive regimes is not a logical framework for establishing peace. It is sophomoric to even consider that peace can come out of violence. The only solution coming out of violence is more violence. It is time that the United States begins to reconsider its diplomatic positions in areas where occupation flourishes. People are killed because they identify with a different nationality than their oppressor. That is not a principle which the United States was founded on. The United States must finally take these issues seriously. Occupation is a violation of international law and those responsible can be put

to trial. By allowing these actions to take place, we then see serious setbacks in our global society.

If these actions are not taken, then the occupied citizens will take revolt. The “Spring” is blooming late in Western Sahara, but these activists are not terrorists. They are continued promoters of nonviolence in an occupied world. They do not wish to overthrow Moroccan sovereignty, but instead to see their own nation flourish, an aspiration held for over 100 years. It’s time the United States examines this issue diplomatically rather than militaristically.

Conclusion

As I have shown in the research, Morocco’s occupation over Western Sahara continues to violate international law, including international humanitarian law. The international community has made little progress in pressing for a peace settlement due to narrowly-conceived political and economic interests that block progress from being made. I have also demonstrated how the United States has played a particularly important role in Morocco’s occupation by turning a blind eye to their geostrategic ally’s illegal actions within the territory. If countries and international organizations claim to be committed to upholding international law and defending human rights, then they must do so by taking the occupied Western Sahara more seriously.

Referring to the research above, Morocco’s initiative to occupy Western Sahara arose out of concerns over threats to King Hassan II’s throne. Using nationalism as a tool for rallying support for the monarchy, Hassan II’s illegal invasion was portrayed as a part of an anti-colonial struggle, passing the idea to generations that Western Sahara belongs to Morocco regardless if historical evidence states otherwise. Although this strategy is not uncommon throughout history, it has and continues to cost thousands of lives for the sake of nationalist expansionism. The same

nationalist propaganda that is blinding the Moroccan government and costing many lives is preventing to establish a potential and important trading partner that can possibly lead to a greater Maghreb union, stimulating economic growth and stability in the region.

I show in the research that Morocco's occupation over Western Sahara violates international and human rights standards on multiple levels. As a state that incorporates human rights in its constitution and is also a newly admitted member to the UN Human Rights Council, Morocco does not utilize these principles into practice. The research above shows that Moroccan forces resort to torture and unfair trials toward Saharawis and Moroccan opponents of the occupation. Moroccan forces claim that these perpetrators are violating Moroccan law by questioning the King's throne and are deemed as a threat to Moroccan sovereignty. For the duration of the occupation, Morocco has used these tactics in order to maintain its position in Western Sahara. Newly admitted to the UNHRC, this will give a chance for the international community and various other international organizations to expose Morocco's continued violations of human rights and international law. Allowing this chance for exposure can lead to a new Western Sahara and promote the importance of international law and human rights.

As I have examined above, the United States' aiding and abetting Morocco's illegal occupation in Western Sahara adds to the list of dubious US foreign policy initiatives in Africa. The United States continues to claim neutrality publicly, but their support to the Kingdom throughout the conflict says otherwise. As the United States continues to back Morocco's annexation through selling weapons, military training, economic support, and diplomatic acceptance of Morocco's autonomy plan, then the international community may soon forget the long lost struggle and accept Morocco's illegal nationalist movement. As long as the United States considers Morocco as its strong geostrategic ally, it will never truly exercise neutrality.

Once the United States officially recognizes that one of their closest African allies is committing serious war crimes and violating international law, they will no longer play the aiding and abetting role. This strategy will allow the United States to finally put international law ahead of its narrowly-perceived national interests, creating a gateway to a new foreign policy agenda.

Finally, this research illustrates the functionality of the Saharawi Arab Democratic Republic with the importance of incorporating women into the state. Part of the United States' foreign policy objective is to discourage Islamist extremism. By doing so, the United States aims to cooperate with countries that incorporate democratic institutions and traditions such as advancing the rights of women, particularly in the Middle East and North Africa. The status of the SADR does not fit the Western stereotypes of an Islamic state as they have incorporated democracy, international law, and basic human rights principles into their practice, making the SADR an ideal candidate to be an important and geostrategic US ally. Unfortunately, this hypothetical alliance will never occur due to the US holding a long lasting alliance with Morocco. As the research shows, the SADR is committed to upholding universal human rights as well as ideologies that mirror the same principles as the United States. Recognizing these characteristics can build a better relationship between the SADR and the US, enabling the finding of a middle ground for the long dispute conflict.

The importance of this research is to demonstrate the need for nations and organizations to utilize human rights and international law into practice. This can be used as a new pathway for states to function in regards to foreign policy and to prevent furthering conflict in regions of occupation. Western Sahara is subjected to these violations, which can be stopped with ease by finally focusing on the lives it costs. Supporting international law and human rights in principle may portray a nation in a positive lens, but it is more important that they are carried out in

practice. Otherwise, innocent people will be affected by the tools of powerful nations for the sake of narrowly defined national interests and political gain, which is something that we cannot afford much longer.

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