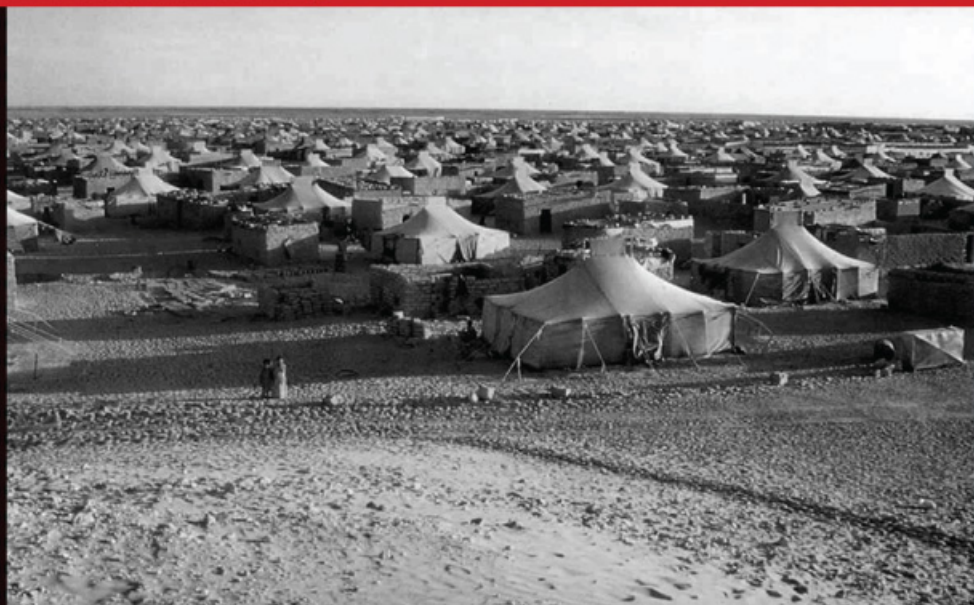




THE POLISARIO: The Decadence of a Hegemonic Regional Project



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Foreword

Here is universal identity that comes to be confirmed today, constructed as it is around the common patrimony of humanity, a humanity which asserts itself in a tiny world where frontiers get blurred, and where murderous ideologies no longer have a raison d'être. This humanity is constructed on the ideal of Human rights, which are meant to be universal and non-negotiable, and whose roots are so deep-seated, its confluences so multiple. It is also nurtured by reflection upon human security, which is the quintessence of all securities. And nurtured also is this humanity by a cross-national solidarity that mobilises the international community around a number of issues that constitute so many enormous challenges: climatic changes, sustainable development, the digital gap, global terrorism, to name but a few. But here, during this time of great mutations, where history becomes prospective and citizenship is defined in terms of principles that are larger in magnitude than mere territory, is a small group named "Polisario," who formerly strayed from the right course, that gets created out of excessive zeal, a juvenile fervour that translates the political immaturity of those that kept faith in a broken dream. A sunken dream theirs is, because the constitution, in wilful and chosen exile, of the Polisario in 1973, and the proclamation of "SADR" in 1976 had no sociological base; neither did it have any historical depth whatsoever.

Yet, History has its own profound rationality, and admits of no erring heresies or superficial ideas. Indeed, civilisation does not get constructed from fictions and chimeras. Progressively, it gets shaped up in accord with the spirit that kindles a true nation, one very much anchored in history. Here, Morocco is proud of being as such, and history is there to testify it.

A small group, as everyone knows, whose every which piece is fitted out by Algeria, has for an objective, if not a for dream, to retrieve a territory that is already liberated by Morocco from under the yoke of Spain. The fact is that this Algeria signs and continues to tread the path of perpetuating non-meaning, and non-event; namely, the "SADR" that it shelters, which is definitively nothing short of ink on paper. From one withdrawal to another, the recognitions which constituted, in the Cold War times, a seal of good conduct with respect to its protector and provider in gas and petrol have dwindled now in the era of the global village. The world is activated by some profound forces that wash away utopias and the residues of bipolarity. What lesson is to be learnt from the collapse of the ex-USSR, which was caught up in the winds of the Perestroika? An offshoot of communism such as the so-called "SADR" will inevitably end up being dumped in the dustbins of history. The systematic violations of Human rights in the camps of shame in Tindouf, with the complicity of the Algerian authorities, are grievous infringements of the honour of the sequestered, who are placed under house arrest and living in deprivation; nay, they are an insult to all Humanity. The international community, in the name of the duty to protect and to set up global justice, and in the name of universal competence, ought no longer to tolerate this drama whose negative sequels are immeasurable. The Polisario possesses the effect of a powder keg, and the Security Council should prevent its damages.

A historical responsibility this is; time is no longer for separatism, neither is it for fragmentation. One can even invoke some concepts that progressively pave the way towards asserting human solidarity at the detriment of narrow-minded individualism and obsolete chauvinism. A state is never constructed ex nihilo. And should the "SADR" even exist, it would never, being as it is in deliquescence, be able to assume the growing international obligations; neither will it be able to secure any sustainable development. Therefore, one cannot entrust the "SADR" with the mission of securing stability in the region when it itself constitutes a potential foyer of terrorism, and hence one of major instability. A non-viable State has no place in the 21st Century.

Morocco, strong as it is thanks to its more than a millennium-old institutions, and determined to complete its territorial integrity, formerly amputated, has reacted in consequence in order to defend its national unity, and to strengthen the social and identity ties that make up the historical, geopolitical and geo-strategic depth of the Cherifian Kingdom, the Sahara. Such is a vision nurtured by principles shared by the international community: sustainable development, Human rights, democracy, etc. The autonomy Plan that Morocco has proposed as a serious and credible basis for negotiations is a historical opportunity that is not to be missed.

The rationality underpinning the work of constructing the Moroccan State is profound, as it draws on social substrata as well as religious and cultural references, so much cement for the reinforcement of peace and the consolidation of stability, in a world prey to new and diffuse perils, ones which Morocco is intent upon extirpating thanks to cooperation between viable States. It would amount to a tautology to say that today Morocco is a credible partner of the international community. ■

The Twelfth Congress of the Polisario: An Admission of Failure

Michel Rousset

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(trans. M. Karimi)*

The twelfth congress of the Polisario will be held in "Tifariti" on December 14th, 2007. The participants will be sheltered, as it were, under the "Algerian *kheima*" (lit. Algerian tent). This congress will bring together a great number of dignitaries, members of the national Secretariat of the government, ambassadors, members of the defence staff, elected delegates of different military regions, the representatives of mass organisations, Sahrawi students from abroad and, of course, male as well as female militants elected through secret ballot, as proclaimed by the 9th congress-- at least that is what we hope!! In all cases, this makes quite a big crowd for a "republic" without resources, an assisted "republic", and "a republic" without a project other than the utopian dream of independence, but an independence that would be nothing short of a territorial appendix to of Algeria.

Despite the pomp surrounding it, this announced twelfth congress will be the congress of failure. Yet, nobody would dare say so, for in Tifariti, as much as in Algiers or in Tindouf, words are in serfdom, but the reality and the facts are stubborn...and that is precisely what those who could express themselves, that is, in Rabat, Madrid or Paris, could observe.

The failure of the Polisario is obvious, despite the recognitions made of the spectral "SADR", which is bought out by the petrodollars of Algiers— This Algiers which, without a shame, put on the shoes of the Hispano-French colonisers, and now pursues the imperialist dream of Boumedienne and Bouteflika, a dream that turned out to be very ruinous of the peace and the development that the people of the Maghreb have, ever since their respective independence, been making a wish for.

It is nothing short of alarming to observe the gap existing between the disappointed hopes as well as the miseries of the populations confined in the Tindouf

camps and the overweening verbosity of the Polisario which, from one congress to another, harbours the myth of an independence that would bring self-sufficiency to all, in terms of wealth and education, health and abundance, all of which have no existence beyond the fantasies of the self-proclaimed leaders whose language is essentially nothing but a call for war, not a call for understanding and peace.

Indeed, the call for war is somewhat of a leitmotif in all the different congresses. It is derisory in fact to see these leaders, celebrating as they do the "martyrs of the cause" that they have taken good care to be a part of, call for peace, security, respect for Human rights, and at the same time hold on to a bellicose language, a language of hatred, one which indeed sums up the essential part of the preceding eleven congresses. Within this perspective, an analysis of the Polisario discourse would be quite interesting to realise which would bring to the fore the importance of the bellicose vocabulary that it puts to the service of a myth that has been entertained for more than thirty years, the myth of a future happiness which will be brought with an independence that slips away with every day that goes by, even when it is always promised to be had for very soon: armed struggle, war, martyrs; that is, the deceased, in more concrete terms, pursuit of offensive, resistance, and today still "generalised combat."! These are the only answers that the heads of the Polisario have for the offers of peace presented by Morocco, as amply shown in the project of autonomy statute.

The utopia, the dream set much store by from one congress to another, is that of an independence whose content is shorn of whatever consistency with the reality of the Moroccan Kingdom's southern provinces, visible realities, on the institutional, material, cultural, economic and social planes. The exodus of Sahrawis to Morocco testifies to that, and one might as well say that leaving Tindouf is no health walk!

Despite this, and from one congress to another, the State gets edified, institutions are created, a constitution is drafted, state structures are reconsidered, and one administration is put in place, even when one recognises in 1995 that it is necessary to «improve the management of rudimentary means» in order to face up to the challenges of an independence "in the offing" in 1995, let us say! Today, a discourse such as this one no longer persuades anyone, not even those who hold on to it, no doubt.

In order to measure the disarray of the populations now sequestered in Tindouf, one has to understand that the

latter could not be satisfied with the utopian dreams that they have been fed for thirty years now, that they are no longer taken in by the disinformation propagated by the conventional discourse of the Polisario "leaders", who are ordered around by Algiers, and who can no longer camouflage the harsh realities of their condition as hostages of the imperialist policy of Algeria.

The dream with which these populations have been lulled for quite a long time cannot resist in the face of the harshness of daily life conditions in the « lahmada» camps, for the latter is left prey to the arbitrary whims of the leaders; it depends on international mendacity, should the aid it is given not be embezzled to the benefit of...these same leaders.

Today, no one believes in these empty declarations which the Polisario leaders take to be their policy or programme, and which are the very manifestation of true disinformation.

Disinformation is naturally this spectral-like construction of a republic without a territory, one with which the participants of the previous congresses were preoccupied with.

It is also nothing short of the invocation of grandiose principles that are destined to rig with democratic respectability to a system of indoctrination and the enlisting of some populations that are left, without defence, prey to all sorts of manipulations imposed by the policy of Algiers: the 1995 and 1999 congresses couch the Polisario utopia with a democratic veneer through advocating such things as the separation of powers, the attachment to liberties, to a multiparty system, and to free enterprise, etc.

However, for wishing to offer more proofs, it could happen that the authors of the communiqués fall in the trap of contradiction. One learns in this respect that the 9th congress, which was held in 1995, required that « elections be generalised to diverse bodies, and that the mode of direct suffrage be adopted», which, *ipso facto*, indicates that up until then there was no such a thing as an election, and that the appointment of officials was the mere product of arbitrariness!

Worse still, it is the systematic denigration of Morocco to be accused of the worst crimes.

The communiqué which was released on July 22, 2007; that is, during the meetings organised by the United Nations, accuses Morocco of « genocide and the martyrdom of a whole people»and denounces that « the

barbaric behaviour of Moroccans»at the same time as « the barbaric repression of Sahrawi citizens», « the systematic looting of the wealth of the Sahara»as well as « the colonial practices» of Morocco!!

Still more, Morocco is a « threat to stability and security in the Maghreb, and even in north Africa», as Mohamed Abdelaziz declared on September 25, 2001, which evidently augurs ill about the intentions of the Polisario leaders in the meetings yet to come.

The international community is called upon to urgently intervene in order to « put an end to the flagrant violations of the Human rights of the Sahrawis in the occupied territories of Western Sahara...». One would believe to be in a dream, especially when the same communiqué demands « the liberation of all Sahrawi political prisoners as well as the war prisoners to be still in the hands of Moroccans,»and claims « the expansion of the prerogatives of the Mission for the Organisation of a Referendum in Western Sahara (MINURSO) to include the protection of Sahrawi civilians in the occupied territories».

In brief, this simplistic propaganda obviously deceives no one, but testifies to the poverty of the Polisario 'political thought' and, by contrast, betokens the generosity and the inventiveness of Moroccan policy, which has never taken recourse to invective or to falsehood in order to corroborate its positions: a witness to this is the project of autonomy statute, which the Polisario, in its thirty-year obsessional drift, has qualified as an aggressive policy! This gesticulation will not preclude the lucid and courageous, and above all free, Sahrawis to give another vision of reality that the Polisario logomachies can no longer cover up.

The realities of the Polisario and of its mythic construction of « SADR»have become very well-known for years now thanks to the testimonials of many a Sahrawi, among whom there are high officials who came back to Morocco some fifteen years ago at the call of the late Hassan II.

But if their testimonials might appear to be unreliable, precisely because the officials in question have come to settle in Morocco, which partakes of this affair, there are recent testimonials out there that cannot be suspected of complacency, because they emanate from Saharawis who are free to express themselves, as they voice their opinions from Madrid or from Paris.

Last August, M. Salek, the founder of a reformist movement within the Polisario, called « Polisario Khat Achahid» (lit. Line of martyr), considered that the

current Polisario administration did not represent the Sahrawi populations. It called for the boycott of the congress and for the organisation of an extraordinary congress so that the populations would freely decide who could negotiate on their behalf with Morocco. M. Salek declares that his organisation is favourable to negotiation with Morocco regarding « an autonomy within the framework of self-determination...the sole path towards resolving this conflict», which the present direction of the Polisario seeks to « keep going». Besides, he invites the Secretary General of the United Nations to « collaborate with his militants and to consider their point of view»as principal actors who represent an important part of Sahrawi public opinion, both within the camps and abroad». Finally, he launches a call to the international community as well as to the United Nations to send their observers to the Tindouf camps so that they could see for themselves the violations perpetrated by the current direction of the Polisario.

In Paris, another Sahrawi, without abandoning the claim for independence, sheds light on the true decay and decadence of the current representation of the Polisario, in view of the fact that « the national committee is incapable of proposing a clear choice of a society that takes into account the values that constitute the base of our commitment». He also denounces « the bankruptcy of the elites», « the disappearance of a strong representation, symbol of people, around identical interests», and the «rise of the Every-Man-For-Himself line of conduct».

Besides, he observes the fact that the young Sahrawis have deserted encampments and combats, which is explained by the fact that the Sahrawis « need and demand that they stop being told any more stories, above all stories of the ones against the others».The congress ought to absolve the national committee from the crisis wherein it is bogged, and to put an end to the « general sentiment of discontent».

Without a doubt, as a Polisario militant, he considers that this one is a success, but that what follows makes one doubt its realism anyways, especially in view of the fact that it is not sensitive to the principle of non-contradiction, as when he writes « that it (the Polisario) has allowed for the realisation of a Sahrawi dream that has been harboured for centuries, and for the construction of a space of liberty and democracy for all Sahrawis». Everyone knows that this independence, supposing that it is really hoped for by all Sahrawis, would have at best not been possible until the beginning of the Spanish presence in Western Sahara.

Yet, all the criticism that he has come to vehemently level against the present Direction of the Polisario demonstrates here again that « that the space for liberty and democracy for all Sahrawis»remains precisely still as such, a dream that Sahrawis no longer want, because, for them, it is reality that counts from now on: misery, sickness, arbitrariness, unemployment, assistance, perspectives for combat, for war and hatred...The fact; however, is that they want peace, dignity through work and respect for the rights of both the men and women of the Maghreb.

It remains to be said that the observation of the decay and decadence of the current situation in the camps is without a concession, because one has « to reconstruct upon the values that constitute the backbone of our revolution: the role of the State, the educational system, the healthcare system, Justice, liberty, equality and solidarity».This is to say that the present Polisario belongs to the category of the invertebrates, if one were to judge by the importance of what is to be reconstructed for the Polisario to regain its spine!

The twelfth congress will not be fit to restore confidence if it is not capable of giving hope back to the Sahrawis living in camps in the form of a « real change”. But, this real change manifests itself through peace, through negotiation in good faith with Morocco for the construction of an autonomous Sahara, a prosperous one, reconciled with itself, confident in its security and fully integrated in the Maghreb space, which could henceforth deserve the appellation the Arab Maghreb Union ... if Algiers is willing.

The lucidity of Mr Salah Khatri, who has been comfortably living for years now in Paris, urges him to teach lessons to Tindouf, which is for him easy to do. Nevertheless, this lucidity does not lead him to give lessons to Algiers, for it is here that the true master of the Polisario can be found ■



The Polisario: An Autopsy of a Separatist and Anachronistic Cabal

Abderrahim El Maslouhi
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 (trans. M. Karimi)

« Without the Sahara, the history of Morocco is incomprehensible, and without Morocco, the Sahara is nothing but desert ». ¹

Both the recent and the present trajectories of the Polisario are heavily fraught with some intractable incoherencies and anachronisms about which it is legitimate to say that they hypothecate the immediate future of this cabal. Much evidence drawn from the register of social sciences gives us a measure of the strategic myopia of the leaders of this organisation, and of their inability to learn the lessons of history and the challenges of globalisation.

The Polisario is certainly an entity of all *paradoxes*: it has done much by way of self-promoting an image as movement of liberation, and here it is captured by the western press as the promoter of slavery, an institutionalised practice of the denial of human liberty which is used in order that it be inflicted upon black families in the Sahara². An obedience-informed movement, ostensibly secular and Marxist-Leninist in orientation, should one be taken in by its manifestoes and founding discourses, is here seen to be in full bifurcation towards the most deadly type of fundamentalism, as its recent affinities with Al-Qaeda³

¹ Mohamed Cherkaoui, *Le Sahara : liens sociaux et enjeux géostratégiques*, The Bardwell Press, Oxford, 2007, p.3.

² Worse still, as noted by two Australian journalists who have produced a documentary film on these practices in the Tindouf camps, slavery is not solely a social practice; it constitutes a "genuine institution" which is legally controlled and protected by the law. Cf. *L'Opinion* of October 25, 2007. (*L'Opinion* is a Moroccan daily newspaper in French).

³ For Aymeric Chauprade, a French geo-politician at the Sorbonne, some separatist movements, formerly brought in by the Marxist-Leninist ideology, are today on their way towards radical Islamism. The Greater Sahara does not depart from this rule, as amply proven

demonstrate. It is this same Polisario, distinguished ever since its creation by its ambiguous and eclectic references to the principle of self-determination, which persists in deliberately leaving *indeterminate* the destiny of the Sahrawi populations by multiplying obstacles, weaving scenarios that are always impracticable, and prolonging the conflict in order that it would survive and take advantage of international generosity...The inventory is inexhaustible and the temptation is so great to make one draw the conclusion that the leaders of the Front hardly believe in the founding myths of their movement.

There is yet another one of such most contradictory traits that still distinguish the political line of conduct of this microcosm, one which deserves to have the focus of observers' attention: the fact of taking positions that go counter to History, and working towards the promotion of political categories that could find their roots nowhere in the universal thought of the Twentieth-First Century. In the era of globalisation, the masters of the Polisario still believe in the economic and geo-strategic viability of a micro-state construction that rests exclusively and abstractly on the only dogma of legal sovereignty as a guarantee of this viability.

Within this quite naïve perspective, emancipation is *negatively* grasped by the leaders of the movement. It is considered as a process of a gradual weakening of a sovereignty that is historically deep-seated, rather than as a process of edification and the optimisation of the human, economic and cultural resources of a determinate territory. One encounters here the *positive* definition of emancipation that was adduced by the Indian Nobel Prize economist, Amartya Sen. According to him, emancipation, which marks the end of development, is to be defined with reference to "positive liberties," to the "capabilities" that are destined to liberate the human potential. The emphasis is laid here on the capacity of a human group or a territorial entity to act in such a way as to expand its proper room for manoeuvre rather than on "negative liberty" which focuses solely on the absence of interference or constraint, as required by certain classical variants of economic theory and the legal paradigm of sovereignty.

With the theory of « constitutional patriotism, » we are in the presence of a crucial turning-point in human

by the connection between the organisation of al-Qaeda and the Polisario Front. Cf. *La Vie Eco* of April 15, 2004.

political rationality. In the present time, political systems are only legitimate insofar as they come up with new solutions to the problems that a lesser political entity would not resolve on a separate basis. Autonomy here is synonymous with integration and openness, rather than with autarky and fragmentation. The question that arises in this respect is how would one explain how powerful States such as France and Germany -- even too powerful to depend on communal construction—seek to dissolve their particularism, and to place their resources for common use, if not owing to this functional exigency which consists of constituting integrated political communities that are better equipped to face up to the great challenges of the 21st century?

The challenge is then of some great magnitude for the countries of the Maghreb, and it is also true that their destiny depends on the geopolitical configuration that the region would take in the years to come. "Confederal democracy," as can be perceived in the project of regional autonomy for the Sahara, offers a just and operating compromise between autonomy and national integration. As much as we can hope, this same path will allow the countries of the Maghreb to economise on the problems that would inevitably arise from the balkanisation of the region which extends from the Atlantic Ocean all the way to the Red Sea. It thus constitutes a security valve against the perils that lie in wait for the States in the region in terms of domestic as well as external security, the functional weaknesses of governments, as well as the "de-territorialisation," so to say, of terrorism, not to mention the temptation for tribalism recorded among certain political movements.

If it is true that quite a few national movements of liberation (such as those in Palestine and South-Africa) would draw their existential legitimacy, not from the Cold War and its ideological antagonisms, but from their historical as well as socio-cultural anchorage within a specific geographical space, a fact which would not be valid in the case of the Polisario). The latter is, as we know, the natural child of pro-Franco colonialism, soon relieved by a sub-contractor Algeria, which has proven to be impatient in commanding its pretension to leadership in the region. History is so familiar that it cannot be recounted.

The Polisario and its patrons continue to lock up the "society of camps," which they have artificially created on the *Lahmada* (camps) of Tindouf, in a most obvious anachronism, one that consists of imposing some reflexes and *revolutionary* conducts onto a considerably

evolving *post-revolutionary* context. In fact, in misrecognising the profound transformations that have affected both at the generational and socio-cultural planes of Sahrawi society, the Front, along with its protectors, do nothing but prolong the "situation of anomie" as well as of moral decomposition that keep on devouring the immense totality of the sequestered populations in Tindouf, situations that are all the more anomie-ridden among the Sahrawi brothers who decide to regain the Mother Country, and whose number increases so long as the mechanisms of life in the Sahara crisis are paralysed and sallied; and for a good cause. Some absolute exigencies – such as basic social services, the promotion of the rights of women, the needs of a youth in full mutation, etc.—remain in the dark, and hardly appear to figure in the priority agenda of the Polisario leaders. Except when it is attenuated by the extra aid that proceeds from humanitarian organisations and international charities, the social and economic crisis still wreaks havoc on the ungrateful *Lahmada* Tindouf. Whereas Morocco doubles its efforts and initiatives in order to promote, by means of a policy of positive discrimination in favour of the provinces of the South, the quality of life of the Sahrawi populations, the separatist Front plunges in escalations as well as in dilatory manoeuvres for no objective other than perpetuating the crisis and the conflict, all together ■

The Polisario: Between the Escheat of Objectives and Illegitimacy

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As they prepare for their twelfth congress, the leaders of the separatist movement « Polisario » are very much aware that the general political climate wherein this congress will take place is no longer to their advantage. I hasten to say here that this congress has been put off several times, the reason being to allow the separatists time enough to face up to the rise in the waves of opposition, with the support of Algeria, of course.

In fact, the Sahara conflict has taken some new dimensions in the last few years, ones that go largely beyond those wherein it has been circumscribed for some thirty years now. It would be obvious to note that some new geopolitical, economic as well as security-related, regional as much as international, considerations largely condition the positions and attitudes of foreign powers towards the Sahara conflict. To go beyond this adversarial attitude is indeed the *conditio sine qua non* for the preservation of security in the Maghreb as well as in the Mediterranean region.

A brief overview of the current situation of the Polisario testifies to the fragility and the vulnerability of the springboard upon which these leaders ground their claims for a hypothetical State, one with no historical or legal and, still less, no sociological assets. Three factors allow one to become aware of the weaknesses that this separatist entity suffers from:

- ❖ An anachronistic and obsolete ideological frame of reference (I);
- ❖ A factitious legitimacy (II);
- ❖ A stalled international recognition (III).

I. An Anachronistic and Obsolete Frame of Reference

This movement, led by El Ouali Mustapha Sayed, initially aimed at the eviction of the Spanish occupier and the return of the Sahara to Morocco.

However, events took yet another course; several internal and external factors have been favourable to its transformation into a separatist movement that claims independence, supported in this regard by certain countries that have turned out to be hostile to the completion of territorial integrity; namely, Algeria and Spain. If the latter aimed through this separatist movement to destabilise Morocco and to maintain, by the same token, its military interests, Algeria, in turn, saw in this movement the only outlet that would secure its economic and strategic interests. The fact of the matter is that the Polisario would allow Algeria to hold its grips on the Moroccan Sahara in order to weaken the country and profit from its natural resources by opening up a corridor, as it were, in the desert leading onto the Atlantic Ocean.

In order to realise its objectives, the Polisario had no choice but to refer to the Stalinist model, a reference which is dictated, on the one hand, by the unconditional submission to the Algerian regime, which is highly impregnated with communist ideology, and which is

close in terms of overall orientation to the Soviet Union. On the other hand, by the major stakes in connection with the confrontation obtaining between the camp of the United States of America and that of the Soviet Union.

In fact, these stakes have considerably conditioned the affiliation of world countries to either one of these two camps. Under these geo-strategic conditions, the Polisario has succeeded in finding a niche, as it were, among the separatist movements that are wielded as instruments for the creation of zones of tension with a view to weakening the countries of the West and their allies. In return, it benefited from a substantial support that was destined to the socialist-communist regimes.

Presently, the Polisario desperately seeks to find an identity in a uni-polar world where even socialist countries have denounced their ideological reference so that they could survive and face up to the challenges of globalisation, a fact which has reduced the whole world into a global village. Significantly illustrative here are the countries of Eastern Europe which had to yield to the exigencies of integrating in the European Union, and to the capitalist world at large.

For a few years now, certain separatist local movements which had during the cold War era adopted Marxism-Leninism as a trans-national ideology, have changed their ideological reference and now opt for radical Islam. The latter, which constitutes according to Aymeric Chauprade⁴ the new translational revolutionary ideology, contests the world order as well as the hegemony of the great capitalist powers. The mutation of the Polisario, which is currently searching for a new ideological breath, could go, in this direction, by dint of a growing political and military impotency, and above all because of the arrival among its rungs of a new generation very much impregnated with radical Islam, during its passage to Algerian universities.

This situation is highly worrisome for the security of Morocco, for the countries of the region and those of the Mediterranean Sea, as well as for the rest of the world. Radical Islamism and international terrorism are in fact transversal threats.

II. An Artificial Legitimacy

Under cover of strong legitimist formulae such as the right of people to self-determination, popular

⁴ Professor of Geopolitics at the Sorbonne.

democracy, and national liberation, the Polisario Front seeks to find for itself certain legitimacy both at the local and the international levels.

The supposed constitution of the "Sahrawi Arab Democratic Republic" (SADR) makes reference to such universal principles as those relative to Human rights, and which proceed from the will of the people only, which testifies to a great gap between the political discourse in operation and the internal dynamic of the Polisario, whose ultimate scheme is to cover up for reality by whatever means it could lay hand on.

In fact, the Polisario's internal organisation as well as its *modus operandi*, which have stayed the same indeed, testify to the fact that it is nothing short of the by-product of the current trend engendered by the ideological, political as well as economic conflict that was prevalent during the Cold War period, which is a thing of the past now.

A hierarchical organisation of a Stalinist type, the Polisario is. It is; moreover, an organisation whose foundations are nothing but a set of authoritarian structures that stifles, and confiscate, all initiative that emanates from the base. Decision-making is monopolised by the central nucleus. In case of protest, the coercion exacted is very severe. Such is the structure of the Polisario; it makes use of whatever means available under cover of the so-called legitimacy in order to sustain the monopoly of power by a handful of people who do nothing in fact but defend their own interests and those of Algeria.

If the notion of democracy, which is much evoked by the separatists, finds no place other than in political discourse, practice is another such case, which has engendered a general sense of discontent not only among the Sahrawi population, but also in the midst of certain leaders who have succeeded, despite the embargo and the repression of all form of protest, to make themselves heard. The list of the Polisario leaders who have taken the path of reason is long, not to take into the fold those that have favourably responded to the call of the "merciful and compassionate" homeland. Hence, Bachir Mustapha Sayed, one of the leaders of the Polisario, who is no other than the brother of El Ouali Mustapha Sayed, the founder of the Polisario and the first president of "SADR," has never approved of the political line preached, so to say, by the Direction of the separatist movement. He has clearly displayed his disavowal of the current hierarchy of the Polisario by qualifying it as "corrupted" and having no political project. On the other hand, Mahjoub Salek, a member of the Polisario and a founding member of a dissident

fraction called "*Khat Achahid*" (lit. line of martyr), considers that the Polisario is not the legitimate representative of the Sahrawi population, and ought; therefore, not act on its behalf.

This organisation, opposed as it is to the Direction of the Polisario, reveals the organisational as well as political problems of the separatists. Its approach translates the general discontent of the Sahrawi population, which rejects the autocratic type of management adopted by the Polisario.

Furthermore, the Polisario has reached the limits of incompetence at all levels: at the level of internal management, in view of the fact that it has become incapable of resolving the problems of the Sahrawis that it keeps in detainment in the camps, reinforcing as it does a line of conduct that privileges personal interest at the detriment of collective good. It is nowadays perceived by Sahrawis as being illegitimate, for the political crisis that has been triggered off by its authoritarian practices have taken away all legitimacy to represent the Sahrawi inhabitant. At the external level, the Front sees its credibility being washed away both at the level of States and humanitarian organisations.

That is precisely what Mahjoub Salek has emphasised during an interview given to a Moroccan media⁵. He qualifies the Polisario as «*a Direction which is incapable of realising the aspirations of the local populations, and which freezes all initiative towards the resolution of the problem*».

In response to a question on the rumours spread around the involvement of certain Moroccan secret services regarding the creation of Khat Achahid, the spokesperson specifies that «*the Direction of the Polisario has always used the treason card in order to liquidate its opponents. In the 1970's, when, for the first time, we criticised the Direction of the Front, we were accused of collaborating with Morocco. We have been tortured, and thrown into jail by the real traitors of the nation*».

Yet, this former founder of the Polisario discards no possibility for the settlement of the Sahara conflict, all possibilities being negotiable: «*we could negotiate everything. Independence, autonomy, federalism...no track will be excluded. What is essential is that there be a sincere will to stop the haemorrhage*».

⁵ TELQUEL n° 243, a Moroccan weekly magazine in French, of general information.

III.A Stalled International Recognition

According to the *Institut de Droit International*⁶, on the recognition of the new states of 1936, «*the recognition of a new State is the free act through which one or several States note the existence on a determinate territory politically organised human society, one which is independent from any other existing State, and capable of observing the prescriptions of international law, and in consequence manifest their willingness to consider it as a member of the international community*».

The act of recognition is then subject to the existence of a territorial asset, of a population as well as an effective and sovereign government. There arises then the following question: Does the pseudo "SADR" meet the aforementioned prerequisites for a State to exist (constitutive elements)? Does it enjoy any internal legitimacy to make it such that it acquires some worth at the international level? With reference to the rules of public Law, this organisation is far from being a State construction.

It is a question of a separatist organisation, composed as it is of leaders who spare no effort towards keeping the Sahrawi population sequestered in the camps, robbed of even the most elementary conditions of life, a community denied the right to make a free and loyal choice on its own destiny. Such is the population upon which are based the pretensions that the separatists have at hand to legitimate their action. As far as territorial asset is concerned, the Polisario claims a territory which, in the eyes of history and Law, goes irrefutably back to the Kingdom of Morocco.

On what criteria does the Polisario base itself in order to benefit from some international recognition? In the absence of a solid base, it simply continues to vehicle a discourse on colonisation, which in fact no longer arouses the interest of the international community. The latter has ended up by coming to realise the fragility of the Polisario's position, as well as of the active and

determining impact that Algeria has in connection with the Sahara affair.

That is precisely what led certain countries that have recognised the Polisario to freeze their recognition; or to withdraw it completely (the countries having recognised the so-called "SADR" were 79 in 1989, but only 35 remain in 2007). It ought to be borne in mind within this framework that the Polisario has never been recognised by those superpowers that have some weight within the United Nations.

In view of this situation of decadence and incompetence, the Polisario must face the evident fact that the discourse that preaches decolonisation is now obsolete, and that this conflict does nothing but clog regional dynamics, thus signing away its own future.

If many proposals for the settlement of the Sahara conflict, notably those of the UN, have not come to fruition, the Moroccan Initiative of Autonomy breaks away from inaction. In fact, thanks to the Project of Autonomy in the Sahara, Morocco has the merit of proposing an approach that espouses the limits of the real while putting an end to some lengthy juridico-political procrastination. It likewise reinforces the process of democratisation and modernisation of the country, as it will allow the Sahrawi populations to democratically manage its own affairs within the framework of an enlarged and quite consolidated regional autonomy, all in conformity with the principle of self-determination ■

The Polisario Front: Genesis and Objectives

Mohamed Zahraoui
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(*trans. M. Karimi*)

⁶L'Institut de Droit International was created on September 8, 1873, at the l'Hôtel de ville de Gand, Belgium. Eleven international scholars of great renown had decided to get together in order to create an institution that would be independent of whatever governmental influence, and that was capable of contributing to the advancement of international law, as well as acting towards its implementation. In 1904, the Institut de Droit International received the Peace Nobel Prize in recognition of its action in favour of its arbitration between States, a peaceful means of conflict settlement.

Though it is an affair of a purely local character, the Sahara issue has of late taken an international dimension, notably through the intervention of certain powers which turned the whole affair into a battlefield wherein are blended ideological divergences and geo-strategic interests. Within this framework, the Polisario has played a primordial role as an instrument at the

mercy of the powers in question, ones which have transformed it into a vehicle for instability in the region.

However, a look back at the course of action followed by the Polisario Front reveals how it came to witness a major as well as a decisive turning point that impacted its overall orientations and objectives, so much so that it transformed into a separatist movement that aspires to institute, *ex nihilo* in fact, a state entity on this part of Moroccan territory. Let us recall within this framework that Morocco had recuperated the *Saguia el Hamra* by organising, on November 6th, 1975, a peaceful march – namely, the “Green March—which was sealed by the conclusion of the tripartite Madrid Accord (on November 14, 1975) in virtue of which Morocco retrieved this part of its territory; Spain announced the definitive withdrawal of its armed forces on February 28th of the same year.

What are then the factors that have contributed to the emergence of the Polisario Front? What are the reasons that have motivated the change in its orientations and objectives? And what are its current aspirations?

I. The Historical Context of the Institution of the Polisario Front

The emergence of the Polisario has been favoured by several local factors as well as others in connection with the international conjuncture and regional calculations.

The Polisario Front, the acronym of « *Frente Popular de Liberación de Saguia el Hamra y Río de Oro* » (Popular Front of the Liberation of *Saguia el Hamra* and *Río de Oro*), was created on May 10, 1973, in Zouerate, Mauritania. Established by a group of Sahrawi students, and led by El-Ouali Mustapha Sayed, this movement had for an initial vocation the struggle for the liberation of the Moroccan Sahara from under the yoke of Spanish colonialism.

However, Algeria's involvement in this affair has played a crucial role as to the conversion, as it were, of the orientations of the Front; it actually placed those students under its guardianship by providing them with ammunition. Algeria did so by way of a riposte to the defeat that Morocco incurred upon it in the “Sand War” in 1963. By sponsoring this separatist movement, Algeria strove towards concretising its geo-strategic ambitions, notably by seeking to secure some access to the Atlantic Ocean. Likewise, the Algerian political and military leaders were convinced that their supremacy over the region would only be confirmed through

weakening Morocco by way of establishing, on this part of the Sahara, a state entity that would be subservient to it.

Taken together, all these elements have favoured the establishment of so-called “Sahrawi Arab Democratic Republic” (SADR) on February 27, 1976, that is, three years after the Polisario had been instituted. It is worth reiterating here that the creation of the Polisario initially had for an objective the defence of Moroccan territory against Spanish occupation, not the establishment of a separatist movement. In this sense, Mustapha Bouh (former member of the political bureau of the Polisario) asserts that the Front did not see the light of day in Algeria, not even in the Sahara, but in Rabat, at about one kilometre from Mohammed V University.

The deep ties with Morocco are illustrated by a brief overview of the course of study pursued by the founding members and the leaders of the Polisario Front:

- ❖ El-Ouali Mustapha Sayed, founder of the Polisario and *first* “*president*” of the pseudo ‘SADR’. He was assassinated on June 9, 1976, under mysterious circumstances in the proximity of the Mauritanian capital, Nouakchott. He studied Political Science at Mohammed V University, Rabat.
- ❖ Mohamed Abdelaziz, current “*president*” of the pseudo ‘SADR’. He is a native of Marrakesh, where he was born on August 17, 1947, which accounts for his name “Abdelaziz el Marrakchi”. He pursued his secondary-school studies in his native town before he went to Rabat, where he spent one year at the Faculty of Medicine.
- ❖ Mohamed Salem Ould Salek, minister of Foreign Affairs of “SADR.” He holds a Bachelor’s degree in Political science from the Mohammed V University, Rabat.
- ❖ Mohamed Sidati, vice-minister for Europe. He holds a Bachelor’s degree in Economic science from Mohammed University, Rabat.

At the international plane, a whole set of factors have contributed to the escalation of the Sahara question. In fact, whatever calculations and stakes that proceed from the Cold War turn any dispute into a battlefield for confrontation between EAST and WEST, which accounts for the attempts on the part of each bloc to bring under control the local turmoil within the confines of this confrontation. This was accompanied by the institution of alliances, backed up, on the one hand, by the Soviet Union (Algeria, Libya, Ethiopia, Southern Yemen, etc.) and, on the other, by the United

States of America (Morocco, Senegal, Zaire, Egypt, etc.).

Thus, this affair has been wielded with a view to dividing Morocco and, by the same gesture, weakening it, which explains the involvement of Libya, Syria and Cuba, and the financial as well as the logistical support that these countries offered to the separatist movement. This fact has indeed been confirmed by the ex-ambassador of the United States in Morocco, Michael USSERY, who had declared in an article that was published by the weekly "Washington Times," that *«the Polisario partook of a strategy backed up by the Soviet Union in order to destabilise one of the allies of the USA; namely, Morocco, and that it enjoyed the military and financial support of Algeria and Cuba, among other»*.

In sum, if some of the factors that have favoured the birth of the Polisario Front are extant to this day—one can cite in this respect the patronage by Algeria of this organisation—, others, in turn, have undergone some change, notably following the collapse of the Communist bloc, which compelled certain countries to suspend their support for the separatist movement.

II. The Objectives of the Polisario

In proclaiming the advent of "SADR," on February 27, 1976, the Polisario uncovered its true secessionist schemes. This was affirmed on many an occasion in the speeches given by the leaders of the Front. In fact, the current "president" of this movement; namely, Mohamed Abdelaziz, declared, in an interview given to the Qatari channel, "Al-Jazeera", on June 15, 2007, that: *«that there is a national consensus on the completion of our independence»*. Likewise, on June 17, 2007, Abdelaziz, in a speech delivered on the occasion of the 37th anniversary of the "Zemla" uprising, emphasised his attachment to the separatist theses which aim at the establishment of an independent state entity. In the same vein, the popular conferences that have been organised from the second congress of the Polisario Front (August 25-31, 1974) up to the eleventh one (October 12-19, 2003) affirm as well as claim the "Sahrawi State."

Thus, the Polisario provides supplementary evidence of the duplicity that has always characterised its discourse. In fact, while it manifests some attachment to international legality, and calls for the organisation of a referendum in order to settle the dispute that opposes it to Morocco, its decision appears to have come to a standstill, since it unilaterally proclaimed the advent of an independent state entity, one that remains

hypothetical inasmuch as it comprises none of the constitutive elements of a State; namely, a people, a territory as well as an effective government. Firstly, and by way of proof, the territory upon which the Polisario is established goes to Algeria, and the one that it claims belongs to Morocco, which explains the absence of the first constitutive element -- a State. Secondly, there has never been any such a thing as "a Sahrawi people," but a mere ensemble of nomadic tribes the majority of which have proven, historically as well as legally, their attachment to the sovereignty of Morocco, which explains the inexistence of the second element—a people. As to the third element; namely, that of an effective government, the fact is that it is systematically inexistent, given the absence of the first two elements. It is worth noting carefully the political function of a territory: it is the space on which the sovereignty of the State is exercised. One could speak, in this respect, of the State/Territory pair, with the first not being able to exist without the other, and vice-versa (territories without a master have practically all disappeared).

In view of these facts, the Polisario has never been able to have access to any recognition whatsoever from international community.

Besides, in order to concretise its objectives and legitimise its presence, the Polisario strives towards maintaining its upper hand over the sequestered populations of the Tindouf camps, through adopting a policy founded on repression and sustained by fraudulent propaganda. In fact, as concerns the management of the camps, the Polisario subjects the sequestered to some tight surveillance, both physically and morally, the aim being to counter whatever stance that would go contrary to its orientations. Likewise, its structure is elaborated in such a way as to make believe that the existence of the so-called "SADR" depends on that of the Polisario as a unique party.

With regard to its fraudulent manoeuvres, which are destined to convincing the international community of the legitimacy of the its so-called "cause," the separatist movement stages a mystifying propaganda, benefiting on the way from the diplomatic support it receives from Algeria. Hence, as a separatist movement which pours scorn on international legality and transgresses all the international instruments relative to the protection of Human rights, the Polisario represents a constant threat to the stability of the Maghreb region in its entirety.

All in all, in view of the objectives to which it aspires, it is to be noted that the Polisario does not stand out of

the framework of the separatist movements that make use of the principle of self-determination for secessionist objectives.

For this reason, to offer a group such as this one the occasion to institute an unstable state entity will only exacerbate the situation, destabilising thus the whole of the Maghreb region, and would, by the same token, constitute a threat for international peace and security. It suffices to recall in this context the secession of East Timor from Indonesia in 1999, and all the humanitarian drama that that has engendered ■

The Polisario Front and the « Polisario Khat Achahid »: The Beginning of a Process of Scissions

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(trans. M. Karimi)

The Polisario Front organisation has undergone, in the last years, several endemic internal crises that have put it in a critical situation; nay, that are threatening its very existence. The beginning of these crises was triggered by the desertion as well as return of quite a few Sahrawis to Morocco, many of whom are leaders and high-ranking officials that belong to the Direction of the Front. One could cite, by way of an example, M. Omar Hadrami, one of the founders of the Polisario, who occupied the post of Director of Security and Secret services; M. Homati Rabbani, who was the Minister of Justice and Islamic Affairs, and who was also a member of the national secretariat, and M. Ayoub EL Habib, one of the principal leaders.

In addition to the deteriorating situation that it is undergoing, owing to the desertion of its senior staff, the Polisario suffers from internal revolts against the oppression and dictatorship incurred by the current Direction.

In this respect, Laurence Ammour⁷, wrote in an article that was published by the journal "Research Papers,"⁸ under the title "Who Benefits From the Freezing of the Conflict in Western Sahara?" that there exists some «*tangible signs that point to the draining of its capacity for negotiation, as well as the political decline and disaffection of the Polisario Front.*» Among these indices, the author cites, *inter alia*, that "the leaders of the Front have put in place an economy of annuity which is based on the embezzlement of humanitarian aid. This is why the UN High Commissioner for Refugees (UNHCR) decided, in its last report, which was dated May 2006, to reduce by 43% its aid to the Tindouf camps».

The combination of this set of factors has led to a scission within the Polisario. Within this framework, a reformist movement, known as "the Polisario *Khat Achahid*" (lit. Polisario line of martyr) – in reference to the founder of the Polisario Front, El Ouali Mustapha Sayed,-- was born. It was constituted at the initiative of some founders and leaders of the Front itself; that is, following the congress that was held by the separatist movement in 2003.

In order to come to a better understanding of this new organism, "*Khat Achahid*," the present study offers to bring up some elements of response to the following inquiries:

- 1) What are that factors that have favoured the emergence of this reformist movement?
- 2) What are its principles and its objectives?
- 3) What is the degree of its representativeness of Sahrawis, its popularity and credibility?

I. The Factors Lying behind the Emergence of « *Khat Achahid* »

The context underlying the birth of this dissident movement « *Khat Achahid* » comes in close connection with the troubles and local struggles that the Polisario Front has been led to confront, notably because of the surfacing up of several opposition trends, as well as the burst of internal dissensions, which says a great deal about the erosion that washes away the base of the Front, and is a harbinger of its eventual decomposition. Hence, thanks to this situation, « *Khat Achahid* » has successfully come to make its voice heard among the

⁷ A sociologist in the Research Section at NATO College of Defence, Rome, Italy.

⁸ Research section, NATO College of Defence, N° 30, November, 2006.

population of the camps, as well as among the Sahrawis living abroad.

As to the factors that have been favourable to the emergence of this movement, the fact of the matter is that they can be divided up into two kinds: subjective and objective:

❖ **The subjective factors:** Several leaders and founders of the Polisario have contributed to the preparation as well as coordination leading to the constitution of the « *Khat Achahid* » movement. The latter wished to outdo the current Polisario Direction, after they had been moved away there-from, either because of their positions, or their divergence in opinion from some emblematic figures of the Polisario; or more for the mere fact that they belonged to some minor tribes that have been excluded from representation within the Polisario Direction. It is worth noting here that the majority of Mohamed Abdelaziz's (Head of the Polisario Front) kins and relations belong to the powerful tribe of " *Rguibat* ."

At the foremost rung of the founders of the " *Khat Achahid* " movement, one can find Mahjoub Salek, one of the leaders and founders of the Polisario Front. He was a member of the political bureau of the Front, and later became responsible for the Polisario radio and has equally contributed to the institution of the so-called "Sahrawi media." In fact, one does not have to forget that the Polisario represses as well as endeavours, as best as could be, to crush all forms of protest. And because of his marginalisation and exclusion from power, Salek came into conflict with the Direction of the Front, which translated for him into several years of incarceration. By way of a reprisal, Mahjoub Salek came to see unfolding a large campaign, both inside and outside the camps, that was meant to rally around and mobilise the high-ranking officials as well as the revolted strata against the corruption and the dictatorship of the current Direction of the Polisario Front.

❖ **The objective factors:** In addition to the aforementioned reasons, which spring from conflicts of interest around positions and divergences of a tribal order, the appearance of this reformist movement is the result of a certain number of circumstances in connection with the conditions wherein the sequestered of Tindouf live.

In fact, the extreme precariousness of life conditions and the toughness of the climate⁹, in addition to the absence of any prospect for a political settlement of the dispute, have all pushed the populations concerned to put into question the capacity of the current Polisario Direction to make any steps forward and to attain objectives that would be tantamount to putting an end to their suffering. Coupled with this is the proliferation of corruption and nepotism, practices that are favoured by the Polisario leaders, those that have held the reins of power for over thirty now.

Taken together, these factors have contributed to the organisation of operations of mobilisation as well as sensitisation initiated by the dissidents, operations which allowed for reaching the Sahrawi milieus.

II. The principles of « *Khat Achahid* »

As has already been mentioned, the appearance of the « *Khat Achahid* » movement ensues from several factors. Thus, in order to expand its popularity and put pressure on the current Direction of the Polisario, it set itself some principles and objectives to be arrived at and vehemently defended. In this vein, Mahjoub Salek, the spokesman of « *Khat Achahid* », specified within the framework of an interview published by the daily Arabic-speaking newspaper " *Acharq Al-Awsat* ," in its edition n° 9976, of March 22, 2006, that the programme of the Movement includes plans for the organisation of democratic, as well as free and transparent elections through which the populations of the Tindouf camps could chose their own representatives.

According to a communiqué by its coordination committee, published on May 7, 2007, the principles and programmes of the movement " *Khat Achahid* " can be summed up as follows:

- ❖ To voice reservations on Resolution 1754 of the Security Council, this did not, according to this movement, come to insist on holding a referendum for self-determination. Yet, as we will see hereafter, « *Khat Achahid* » diverges from the Polisario on the very definition of the concept of self-determination;
- ❖ To work towards the elaboration of a project for the settlement of the conflict, under the supervision of the Coordination Committee, and to submit the project to the concerned mediators within the best deadlines;

⁹ During summer, temperatures vary from below zero degree by night and over 54 degrees by day.

- ❖ To denounce the policy of obscurantism that the current Polisario Direction pursues with regard to the rights of Sahrawis, and at the same time blame it for the lethargy that has surrounded the Sahara affair;
- ❖ To disapprove of the policy of impromptu positions that the Polisario Direction has adopted ever since the proclamation of cease-fire in 1991, all the while holding it responsible for the negative consequences of that policy.

As for the management of the local affairs of the camps, the fact is that the movement "*Khat Achahid*" calls for a cessation of the policy of mendicancy followed by the current Direction of the Front, a policy that has sparked off political pressures at the international plane, which has quite clearly weakened the position of the Polisario as a party in the Sahara conflict.

Always within the framework of its claims, "*Khat Achahid*," as it declared through a communiqué that was published on January 30th, 2007, calls upon the "General-Secretary" of the Polisario:

- ❖ To assume historical responsibility regarding the decisions taken on behalf of Sahrawis;
- ❖ To diminish, without delay, the budget earmarked for representatives and ambassadors, and revise downwards the revenue of as well as the privileges given to high-ranking officials;
- ❖ To take all the necessary dispositions and to provide for repressive measures against any person who would be involved in the embezzlement of public funds and humanitarian aid;
- ❖ To establish a priority national programme that is based on autarky in order to secure self-sufficiency.

In another context, the position of the movement "*Khat Achahid*" concerning the Moroccan Initiative for Negotiating an Autonomy Statute in the Sahara Region, which was presented to the Security Council on April 11, 2007, is quite explicit. Thus, during a press conference that was given by Mahjoub Salek in Madrid on August 8, 2007, the reformist movement declared it was willing to negotiate with Morocco on the basis of *«autonomy within the framework of self-determination»*. Contrary to the Polisario, "*Khat Achahid*" does not systematically assimilate self-determination to independence, confident as it is that the best, if not the sole realistic option for the settlement of the Sahara dispute, is the one proposed by Morocco through the Initiative for Negotiating an Autonomy Statute in the Sahara Region.

In a nutshell, we could sum up the principles and objectives of this movement in three essential points:

- ❖ **First point:** At the political plane, "*Khat Achahid*" seeks to broaden the rules of participative democracy, and to define the bases and norms that ought to regulate accession to power (to establish an internal democracy in the camps);
- ❖ **Second point:** At the social and administrative planes, the movement considers that it is high time the sufferings of the populations in the camps were put an end to, and that it is necessary to combat the embezzlement of aids and all forms of corruption ;
- ❖ **Third point:** As concerns the Sahara conflict, the movement considers that dialogue *«remains to be the unique path towards the resolution of the conflict¹⁰»*. Also, within the framework of an interview given to the Moroccan magazine "*Tel Quel*," published on October 15, 2006, Salek declared that *«we have no problem whatsoever with the King, and we do not consider him as an enemy,»* adding that, *«negotiations with the palace require but a signal on the part of the King»*.

III. « *Khat Achahid* » and the representativeness of Sahrawis

The problematic of representativeness is one of the thorniest and most difficult issues, in view of the fact that rappings within the nomad population are regulated in function of tribal membership as well as alliances.

Thus, the tribe rests upon criteria of force, longevity and material patrimony. It is defined through a system of values as well as a common cultural heritage, and rappings between its members are governed by kinship relations and common interests.

Besides, it is worth noting that this tribal character still exists within the majority of the components of the Sahrawi social fabric. This is readily noticeable within the organs of the Polisario Front.

Ever since the beginning of the Sahara conflict, the Polisario self-claimed, so to speak, that it was the only representative of the "Sahrawi people." And only after the appearance of the Movement "*Khat Achahid*," above all inside the camps themselves, did the question of representativeness become a bone of contention,

¹⁰ Press conference given by Mahjoub Salek in Madrid on August 08, 2007.

discord and rivalry between the Polisario and the dissident movement.

On the operational plane, the Polisario knew, by dint of past experience, how to manage disparities between the tribes that would constitute a threat to its existence. However, in so far as it turned out that the tribal aspect was utilised for purposes of division, and hence of domination, the Polisario Front found itself incapable of limiting the danger of scission emerging from its hard nucleus, inasmuch as divergences between tribes extended over to permeate the organisational institutions of the Front itself.

To this effect, an organ named « Advisory Council » was put in place by the Polisario. It brings in together the notables as well as the heads of tribes and factions¹¹ (20 tribes of which the larger and most influential is that of "Rguibat" and 2000 factions). On the one hand, the creation of the Council constitutes a framework which allows the notables of the region to preserve their social and political status as well as to be more involved in the decision-making process. On the other, this Council offers to be a meeting point for the representatives of *minor* factions, whose population is not sufficient enough to face up to the influences exerted by other groups when it comes to elections. Finally, it constitutes an instrument that the Polisario makes use of in order to confute the idea according to which it is the fruit of a close alliance between the tribe of "Rguibat" and that of "Ouled Dlim". According to some studies, the tribe of "Rguibat," one of whose descendents is Mohamed Abdelaziz as well as a great number of Polisario leaders, would represent by themselves over one third of Sahrawis in the Tindouf camps.

Yet, and despite its manoeuvres towards containing tribe-induced dissensions, the Polisario cannot take pride in whatever representativeness of the sequestered populations in the Tindouf camps, if not for some adhesion publicly displayed by the populations in question lest they be subject to some form of reprisal by their torturers from the Polisario.

As concerns "Khat Achahid," one could note that its members are natives of different tribes. Therefore, solidarity with this new movement would arise from the branches, so to say, of these tribes only to later reach the factions, the condition being that certain members

of "Khat Achahid" be close to one faction or they have some kinship connection with the head of the tribe who, in turn, could influence the members of the latter tribe.

Besides, the representativeness of "Khat Achahid" remains dependent upon the kind of orientation it would take with respect to the Sahara affair, in so far as the majority of the sequestered in the Tindouf camps aspire to a settlement of the dispute which would put an end to their suffering and, above all, one that would enable them to rejoin their homeland, Morocco. The fact of the matter that ought not to be ignored is that all the Sahrawi tribes, no matter what their cleavages and *modus operandi* are like, acknowledge the sovereignty of Morocco over the Sahara and, by the same token, give their allegiance to the Commander of the Faithful, «*the Supreme Representative of the Nation, Symbol of its unity, and the Guarantor of the perpetuation and continuity of the State*¹²».

It thus transpires that only an institution that draws its legitimacy from historical, legal and religious foundations is capable of securing unity and equity among the ensemble of the inhabitants of the Moroccan Sahara. It is in fact the monarchic institution, as incarnated in the person of the King that is of relevance here.

Besides, in order that an effective representativeness to all the citizens of the southern provinces, including those confined to the Tindouf camps, be guaranteed, the Kingdom of Morocco created the Royal Advisory Council for Sahara Affairs (CORCAS). The latter asserted itself as being the only legitimate representative of Moroccan Sahrawis in so far as it has taken into account all the local specificities.

By way of proof, this Council is composed of «*members that have been elected by their respective tribes, the Chioukhs of tribes; members of associations from civil society as well as from youth organisations in the Provinces of the south; representatives of Moroccan nationals native of southern Provinces and living abroad; the sequestered of Tindouf; representatives of socio-economic operators and organisms as well as of some personalities that are well-known for their aptitude and integrity*¹³». Its major mission is to watch over collective interest beyond all other considerations ■

¹¹ The faction (or 'fakh'd') is a sub-tribe. It is made up of sub-factions, which themselves regroup an ensemble of families that have blood ties with the patriarch, or the head of the tribe.

¹² Article 19 of the Constitution of the Kingdom of Morocco, revised in 1996.

¹³ <http://www.corcas.com>. Last visit on November 24, 2007.

TESTIMONIALS

(trans. M. Karimi)

Ever since the sequestration camps were set up in the Tindouf region in the south-eastern part of the Algerian territory, a great number of forced exile victims, as well as some Polisario executives and high-ranking officials have rejoined Morocco and denounced the dictatorship practiced by the separatist organization's leading members. These testimonials have indeed been corroborated by other evidence furnished by some foreign nationals who have taken part in sundry operations that were conducive to the establishment of the secessionist group, as well as to the setting up of its autocratic policy.

I. The Testimonials of some Former Senior Members and High-Ranking Officials of the Polisario

❖ **Hammadi Rabbani:** whose real name is Mohammed Abdelkader Ould Cheikh Abdelaaziz Ould Rabbani, returned to Morocco on June 30, 2005. Born in the Moroccan city, *Dakhla*, in 1954, Mr. Rabbani spent more than 30 years serving the Polisario which it had joined back in 1975. He held many key positions of responsibility. During an interview given to the European Strategic Intelligence and Security Center (ESISC) on August 4, 2005, Mr. Rabbani stated: «*In 1988, I was Minister for Justice. In the Front of repression, I refused to be silent and I belonged to a group of ten leaders who visited Mohammed Abdelaziz [the President of the SADR and Secretary-General of the Polisario Front] to ask him to change his methods. I was punished and discharged from my duties. From Minister for Justice, I became Political Commissar of the fourth military area. (...) About two years later, I was recalled and asked to take charge of a think tank on the forms and structures that the Polisario should have, and in 1995, I am became Minister for Justice again...¹*».

Within the framework of the same interview, Mr. Rabbani, denounced the Polisario's dictatorial policy and the monopoly of power by a clutch of leaders, adding that: «*Despite the semblance of dialog between the rank*

and file and the leadership, which is concretized through the existence of people's delegates, power continues to be exercised without transparency. Small groups, without real dialog, make the vital decisions. Mohammed Abdelaziz, irremovable president since 1976, now almost thirty years ago, decides by surrounding himself with cronies and taking advice or orders from Algiers. Those who challenge them are set aside or subjected to "security investigations". Admittedly, the time of the great abuses, like the murder or the systematic torture of opponents, seems to be over, but power remains concentrated in the hands of a few, who have no intention of letting go of it...²».

Asked about the reasons behind his defection and the circumstances under which he rejoined his country of origin, Morocco, Hammad Rabbani declared that «*I had lost confidence in the movement and in Mohammed Abdelaziz at the end of the Nineties, I reflected for two or three years and I finally came to a terrifying realization. For the last thirteen years, we, the Polisario, we had run the everyday lives of a number of people who, in reality, were only a little more than 10% of all Saharawis. Security was ensured by a friendly country, Algeria. (...) We controlled an area, which, at its widest point, was no more than 150 km, and we were unable to bring the food and water that we received at the right time and place to everybody that needed it. (...) Lastly, we were divided by tribal and clannish rivalry that was sometimes violent. I therefore came to a terrible conclusion that called into question my commitment of the last thirty years. If we had been unable to do what was necessary for a few tens of thousands of refugees, how could we claim to be effective in the running an immense territory populated by hundreds of thousands of people? (...) If there had been a referendum on independence, at that particular moment, in my heart and soul, I would have voted "No". So, I decided to put an end to my participation in this dangerous Utopia and I went home...³*».

❖ **Lahbib Ayoub:** also known as Commander Ayoub, is one of the co-founders of the Polisario. Nicknamed Giap Sahraoui, Lahbib Sid'Ahmed Lahbib Aouba was born in *Tifariti*, which is located south-east of the Moroccan city of *Smara* in 1951. Having served as one of the main historic chiefs of the Polisario, Lahbib Ayoub rejoined Morocco on September 20, 2002.

According to the evidence cited by the weekly magazine, *Jeune Afrique* – *L'Intelligent*,⁴ in its October 21,

² Ibid.

³ Ibid, pp. 42-43.

⁴ *Jeune Afrique*—*L'Intelligent*, "Le retour d'un guerrier," (« The Return of a Warrior »), by François Soudan, October 21, 2002.

¹ European Strategic Intelligence and Security Center (ESISC), The Polisario Front: Credible Negotiations Partner or After-Effect of the cold war and Obstacle to a Political Solution in Western Sahara?" November 2005.

2002 issue, Lahbib Ayoub confirmed the intervention of the Algerian command in all Polisario-led operations, as well as in the management of the separatist group's internal affairs. Commenting on the 1976 appointment of Mohammed Abdelaziz, to the post of Secretary General of the Front, so as to succeed Mustapha El-Ouali, he stated that *«the Algerians had chosen him and we could not refuse them anything; they provided with almost everything (we needed)»*.

Concerning the Algerian military support given to the armed factions of the Polisario, he asserted that *«in August 1983, when I lay siege to the Lemsied locality afresh, they (the Algerians) ordered me to withdraw: they feared that Hassan II should exercise the right to chase us. Their radars in Tindouf and Bechar would inform us when Moroccan fighters were heading towards our columns. Sometimes, when they intercepted radio conversations between some FAR (Royal Armed Forces) units, they would convey to us their contents. Without them, we would have been blind and deaf»*.

With regards to the internal situation of the Polisario, Lahbib Ayoub pointed out that the Front's National Secretariat *«met only once every six months in order to approve the decisions taken by the President. Never has the question of funding been on the agenda ever since Abdelaziz came to power. Money is his secret; it is the taboo subject, par excellence»*.

❖ **Mustapha Bouh**, alias "Al-Barazani," who formerly served as the "Political Commissioner" of the Polisario army, returned to Morocco in 1991.

Recounting the circumstances under which he joined the Polisario, as well as his career within the separatist movement, Mr. Mustapha Bouh said in an interview given to ESISC on August 5, 2005: *«I was among the first to join the Polisario, in 1974. I was 18 years old (...) and in 1976, I was appointed "Political Commissar" of the First Military Region. I was then assigned to Algiers where I was in charge of propaganda. I ran the Polisario's newspaper and radio station. In 1977, I was appointed Foreign Relations Commissar, then, in 1978, I was elected to the Politburo and appointed Political Commissar of the army...²¹ ". A meteoric career: Political Commissar at the age of 20, in charge of the Foreign Relations at 21, and responsible for political training in the army at 22⁵»*.

With regards to the recognition of the SADR (Sahrawi Arab Democratic Republic), which the Polisario

presents as being a diplomatic victory, Mr. Bouh, whose real name is Abdellah Ould Mhamed Bouh, stated: *«We must be clear, even though the number was impressive –nearly 80 States had recognized us –this diplomatic campaign was a relative failure. In the Arab world and in the Middle East, their natural geopolitical space, the Polisario and the SADR were very weak. Not even Yasser Arafat's PLO wanted to have relations with us. Same observation with the socialist camp: no country of the Soviet bloc recognized us, nor did China...⁶»*.

Commenting on the fraudulent maneuvers of the Polisario, notably in the area of orchestrating, so to say, the situation of people who were illegally confined to the Tindouf camps, Mr. Bouh said: *«When I was responsible for protocol, in 1989, I was in charge of the visits of official delegations. (...) To Communists, I showed women undergoing military training, to humanitarian organization delegates, dignified women trying to raise their children in the utmost destitution. Social Democrats were allowed to see women involved in social work, and when it came to the turn of the Iranian delegation, I showed them veiled and submissive women. In fact, they were the same women who changed their roles as required. We had built a "fool the eye" organization, ready to show the person what he or she wanted to see. It was an absolute moral swindle, but it was representative of what the Polisario had become...⁷»*.

Regarding the situation of the people in those camps, Mr. Bouh further added: *«The camps receive aid calculated on the basis of 165,000 refugees, but curiously, the Polisario recognizes only approximately 75,000 people in those camps who would have voting rights in the event of a referendum. In fact, as far as I know, today, the real number of refugees must be somewhere between 35,000 and 50,000 people. We're a long way off the count...»*.

Accounting for his defection and return to Morocco, Mr. El-Barazani said: *«I was asking myself questions, I thought that what we were doing was no longer in line with the reality of the moment and that we were letting slip our chance of really getting things to move in the right direction for the Saharawis, and I no longer accepted the lack of freedom. When Hassan II declared that all who would return to the country and accept the sovereignty of Morocco could play a part, I made my mind up. In 1991, I returned to Morocco...⁸»*.

⁵ European Strategic Intelligence and Security Center (ESISC), The Polisario Front: Credible Negotiations Partner or After-Effect of the cold war and Obstacle to a Political Solution in Western Sahara?" November 2005.

⁶ Ibid.

⁷ Ibid.

⁸ Ibid.

II. The Testimonials Given by People Formerly Confined to the Tindouf Camps and by the Victims of Human Rights Violation there

❖ **Mrs. Saidani Maalainine:** who was formerly sequestered in the *Tindouf* camps before being deported to Cuba—where she had to stay for seventeen years—re-joined Morocco in 2003. Presently, Mrs. Saidani is a member of the Royal Advisory Council on Sahara Affairs (CORCAS) and a Human rights activist in Morocco.

Within the framework of a conference held in Paris on March 9, 2007 at the initiative of Mrs. Alima Boumedienne-Thiery, a “Green” Senator, in partnership with several international NGO’s, in order to deal with the theme: “Voices of Refugee Women: Hostages of Conflicts around the World,” Mrs. Maalainine gave a testimony about the sufferings endured by herself and by her family members. In this connection, she recalled: *«my father was the first to be publicly tortured, before his own children, by a band of criminals led by a certain Sid Ahmed Al-Batal, former director of military security, and current Information Minister of the ghostly ‘SADR’».*

Concerning the arrival of her family at the Tindouf camps in 1978, Mrs. Saidani Maalainine, who was then 18, remembered the humiliating reception that was reserved for them for the simple reason that they were the direct descendants of Sheikh Maalainine, adding that *«the infernal cycle took a dangerous turn when my mother dared ask to get some news about her husband».*

Denouncing the dictatorial practices to which the populations confined to the Tindouf camps were subjected, Mrs. Saidani Maalainine pointed out that the Polisario *«being a totalitarian system based on a single set of ideas, managed the populations in the camp in a military fashion, and woe to any that failed to carry out the orders forthwith».*

She further noted that at the age of ten, she, together with thousands of other *Sahraoui* children, aged between 10 and 12 were deported to Cuba, where they were lodged in small houses built by Algeria, adding that Cuba was presented to them by the separatists as being *«an Eldorado, whereas, in reality, it was nothing more than a penal colony, or worse still, an inferno».*

Denouncing the systematic kidnapping of children by the Polisario leaders and their dispatching to Cuba, Mrs. Saidani Maalainine said that the deportees were *«used by*

the Tindouf band as hostages in order to dissuade their parents from returning to their mother country, Morocco».

❖ **Hammoudi El Bihi,** a young man who returned to Morocco in 2005, shed some light on the sufferings endured by him for 15 years, as a result of his deportation to Cuba, in the framework of a testimony reported by the Moroccan daily paper, *L’Economiste*, on July 4, 2007. Having asserted that he actually shared the same fate as thousands of other children in the Tindouf camps, Hammoudi El Bihi stated that *«we were sent to Cuba in our tender age. At the time we were just children, but we were used as hostages for the purpose of preventing our families from rejoining Morocco, »* adding that, in fact, *«we were being prepared for conscription in the Polisario forces».*

Describing their ordeals, he said that the thousands of children who were deported were not only deprived of any communication with their families, but were also subjected to tough training, adding that *«any contact with our families was cut. We were at the time aged between 8 and 10, still we were obliged to have military training in parallel to schooling (...) We were taught how to use light weapons as well as heavy ones. This was more than our frail child bodies, which have not even been firmed up by adolescence, could bear».*

Asked about the way he was received upon his return to the Tindouf camp, Hammoudi El-Bihi said: *«I have managed to earn a pharmacist’s degree. But what use can it be for me now, given that both my diploma and my passport were confiscated from me upon my arrival to Algeria».* He pointed out that all young people who come back to the camp after a forced stay abroad are given an ultimatum by the Polisario: either to join its armed factions or to remain prey to joblessness.

III. Testimonials Given by Foreigners on the Situation of Human Rights in the Tindouf Camps

❖ **Violeta Ayala and Daniel Fallshaw,** two Australian journalists who were making a documentary on human rights in the Tindouf camps, were arrested on May 2, 2007 by *«the Polisario Front security forces who confiscated their portable phone, »* as reported by *Reporters Sans Frontiers (RSF)* on May 9, 2007.

Freed after the intervention of MINURSO (United Nations Mission for the Organization of a Referendum in Western Sahara), the two journalists were thereafter transported to Tindouf before flying back to France, a few days later.

The communiqué has, likewise, reported the declaration made by Violeta Ayala, who affirmed that *«it is not because they were fighting for their independence that the Polisario leaders could afford to violate Human rights. It is our duty as journalists to denounce such practices. Originally, we came here to work on the problematic of separated families, but during our stay here we have been witnesses to scenes of sheer slavery».*

❖ **Juan Vives**, a former high-ranking Cuban secret services official, and also the author of a book entitled, *El-Magnifico, 25 Years in the Service of Castro*, offered a testimony which was broadcast by the Moroccan TV Channel, "2M". Commenting on the various stages of the participation of Cuba in the Sahara dispute, asserted that the children who were confined to the camps were deported to Cuba under the pretext of schooling requirements. In this respect, he stated: *«There have always been problems: sometimes the children were so young that they would cry for their parents. This was a bit inhuman: they had no contacts with them and their parents were illiterate. Some children were so young that they forgot who their parents were. And there is an inhuman side to this, too».*

❖ **Olivier Pierre Louveaux**, who was present in Tindouf in 2003, within the framework of a humanitarian mission undertaken by "CARITAS International," an NGO, declared in a report entitled "Western Sahara Today"⁹: *«beyond the psychological pressure, there is physical control. Members of the military, dressed in civilian clothes, and the secret police (the Intelligence Ministry) examine everything; they are attentive to everything and everyone».*

Thus describing the pressures exercised on the Tindouf camp-confined populations and their deprivation of all forms of freedom, Mr. Louveaux added: a *« system of clientelism that enables the leaders to keep a strong hold over the population. People have very few established rights. Everyone has to beg for the favours of the leaders. These favours can consist, for example, of a medical operation abroad, studies, a job within the Polisario Front, the right to go out of the camps and, probably economic favours as well.*

One would consequently distinguish, according to Louveaux, two kinds of people within the camps of Tindouf: "Some of those close to the power have access to a more or less comfortable life and can on occasion leave the Algerian zone. They have in particular satellite television; many have a four-wheel-drive car and a certain comfort of life that it is surprising to meet in refugee camps. If freedom for some is limited to trading with Mauritania, others

have been able to put all their children into boarding schools in Switzerland. The other category lives in a very rudimentary fashion and is entitled to almost nothing. Their real conditions of life are difficult to estimate. The Polisario Front limits to the maximum the contacts that foreigners could have with this category of the population, the real victim of this conflict, hostage of the Polisario Front¹⁰»■

The Polisario Front and the Violation of the Rules of Humanitarian International Law

Hassan Khattabi
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(trans. M. Karimi)

The dossier of the Moroccan prisoners sequestered by the Polisario in the camps of Tindouf is one of the most serious issues in the area of Human rights violations in the last 30 years. This question demonstrates the extent to which the Polisario scoffs at the most elementary rules of humanitarian international law. According to humanitarian organisations, the number of Moroccan detainees amounted, between 1976 and 1991, to 2200 prisoners. Some of them were taken to prison during combat, whereas others through several incursions upon Moroccan territory. Coupled with these "war prisoners" are civilians who have been deported to the camps of sequestration. In the year 2003, the NGO France-Libertés, which was presided over by Mrs Danielle Mitterrand, prepared an overwhelming report on the situation of detainees, a situation which is described all along the aforementioned report as utterly dramatic and inhuman.

I. Non-Respect for Imprisonment Sentences

The right relative to war is regulated in pursuance of the four Geneva Conventions, dated August 12, 1949, as

⁹ <http://www.medeab.be>. Last visit paid to the web site was on December 1, 2007.

¹⁰ European Strategic Intelligence and Security Center (ESISC), The Polisario Front: Credible Negotiations Partner or After-Effect of the cold war and Obstacle to a Political Solution in Western Sahara?" November 2005.

well as by its protocols in addenda. As to the situation of war prisoners, it is regulated by the Geneva Convention (III).

Given that the Polisario is a separatist movement, it has declared its commitment to put into practice this Convention through the letter that it sent over to the Security Council in 1975. Such is a means that substitutes for the procedure of ratification of international conventions with regard to those groups that are devoid of the quality of State (fronts, movements and such like). In view of this, the Polisario had to liberate the Moroccan prisoners following the ceasefire agreement that came into force in 1991, in compliance with the provisions of the third Geneva Convention. However, this operation did not take place. Ten years after, in 2001 more precisely, the Security Council addressed to the Polisario an injunction exhorting it to observe the aforementioned Convention, and to proceed to the unconditional liberation of the totality of Moroccan prisoners, as well as their repatriation to their homeland, all of which it was supposed to do as of the end of hostilities.

When Morocco and the Polisario decided to accept the UN Settlement Plan, they agreed to put a stop to hostilities. In conformity with this move, the UN Mission for the Organisation of a Referendum in Western Sahara (MINURSO) was tasked with supervising respect for the cease-fire. At the same time, it was agreed that the parties exchange their "prisoners of war" as soon as the cease-fire came into effect. However, the Moroccan prisoners were liberated in reduced groups, the fact being that the Polisario scheduled its partial liberations of the prisoners in question in function of its propagandist interests as well as on the basis of some political bargaining. In 1995, the International Committee of the Red Cross (ICRC) made a census of no less than 2155 Moroccan prisoners that were to be found in the camps of Tindouf, with some 200 prisoners that could not be taken in the census, so they were considered to have been missing.

In the year 2003, the number of Moroccan prisoners in the Tindouf camps amounted to what was close to 1175, some of whom were taken prisoners for 27 years. The Human Rights Watch NGO (HRW) paid a visit, in 1995, to these camps in order to enquire about the situation of the Moroccan "war prisoners". It could; however, visit but two of these camps, the Mohammed Lessyed and the Hamdi Abacheikh centres. According to some on-site witnesses, only these two centres were open to foreign observers, because the detention

conditions there are relatively favourable in comparison with other centres: a carefully furnished façade that serves propaganda purposes for the Polisario. Some observers have in fact noted that the prisoners were afraid to freely express themselves in the presence of the HRW observers.

II. Corporal and Psychological Torture

Article 13 of the Geneva Convention (III) ordains the parties in an armed conflict to treat war prisoners in a humane manner during the period of their detention. It also condemns whatever line of behaviour, be it in the form of an abstention or a prohibition, which appears such as to do harm to the life or the health of a prisoner; it likewise proscribes physical torture for any cause whatsoever.

Accordinging the ONG France-Libertés, all the Moroccan prisoners that were detained by the Polisario were exposed to torture during interrogations. In 1981, sergeant Zebda was killed under the pretext that he had stolen cigarettes, and so was the same fate for the prisoner Abdellatif Marrakchi under the pretext that had stolen some jam.

We could cite here a multitude of cases of corporal torture of Moroccan prisoners, as reported by France-Libertés (blows and injuries, physical brutality, etc.). The same report has revealed that the Algerian servicemen would participate to the torture sessions that involve the Moroccan prisoners, many of whom had been detained in the Algerian prisons up until 1994, in Boufarik, in Jalfa camp, and in Boughari, which are situated at 300 km, 150 km south of Algiers, respectively. There the Moroccan prisoners were subject to inhuman treatments.

According to France-Libertés, the Algerian servicemen tortured the Moroccan prisoners, many of whom passed away as a result of the hard labour to which they were subjugated to. Among these victims, there figures Ibrahim Tabia, who was executed in 1983 after he had manifested some psychological disorder because of the ill-treatment he was a victim of. Other prisoners, 26 in number, had to bear the same predicament for the simple reason that they had tried to flee the detention camps, when Article 13 of the Geneva Convention (III) prohibits this kind of treatment.

The Polisario would use several methods of psychological torture against the Moroccan prisoners, methods such as humiliating them in public and using

them for propaganda purposes against Morocco. Acts such as these are condemned by Article 13 of the aforementioned Convention. The latter prescribes the obligation to protect prisoners from all type of violent or debasing behaviour, acts of injury and such like. The sequels of such behaviour were quite perceptible on the prisoners when they were paid visits by humanitarian NGO's.

III. The Precariousness of Life as well as Work Conditions

The food rations given to the Moroccan war prisoners during their detention were insalubrious and poor in terms of nutritive value, which accounts for the symptoms of malnutrition that practically all of them have shown. Some of them were seen to have been compelled to work for Sahrawi families in return for foodstuffs. This type of treatment is condemned by Article 26 of the Geneva Convention (III), which prescribes the necessity to abide by certain conditions in connection with nutrition.

Among the hard labour that was imposed upon the Moroccan prisoners, one could cite the fabrication of bricks for the construction of infrastructure for the Polisario; every prisoner had to make 120 bricks per day. There worked in each workshop some 20 to 300 prisoners. The latter were woken up at 4 in the morning. They could only attend to their vital needs during the time they were awake. Moreover, it was forbidden for them to stop or to drink water. The detention centre Haddad, south of Tindouf, was thus constructed by the Moroccan prisoners in the lapse of 45 days, in 1982, with 200 prisoners working there on end, day and night.

The Moroccan prisoners have thus been subjugated to the worst treatments on the part of the Polisario. The fact of the matter was that they could receive no remuneration for the works they performed, not to speak of the torrid heat under which they would spend whole days. Naturally, these conditions ineluctably lead to death. Article 62 of the aforementioned Convention provides for the necessity to earmark some remuneration to prisoners in proportion to the works that they would accomplish.

In the same vein, France-Libertés has guarded against the flagrant violation of Article 50 of the Geneva Convention (III), which disallows the use of prisoners in military action. The latter were in fact tasked with accomplishing acts of this kind, of which the fact of

digging out trenches in the Ouarkiz region and the maintenance of military equipment are but two examples.

As concerns the question of dress and sleep, the fact is that the delegation of France-Libertés noted that the prisoners were in the most absolute destitution; nay, the barracks that they served as dormitories for them were generally lacking in roofs. This happens at a time when Article 51 of the Geneva Convention prescribes that the powers to be prepare adequate conditions for prisoners on what concerns lodging, food and work conditions.

Thus, it transpires that the violations of humanitarian international law perpetrated by the Polisario are numerous and variegated. On the one hand, the Polisario has not complied with the liberation of war prisoners after the cessation of hostilities in 1991. In fact, partial liberations had continued up until the year 2005, that is, 14 years after the date initially agreed upon. On the other hand, the Polisario has transgressed several provisions of the Geneva Convention (III) by treating the prisoners in such a degrading and inhumane manner, when it initially said to have been bound by the provisions of this convention in 1975.

Algeria assumes a great share of responsibility in these war crimes. Though it says it does not partake of the conflict, it, in reality, does. It is part of the conflict, for the Moroccan prisoners could be found upon its territory, where Algeria exercised its sovereignty. No matter what, Tindouf remains thus a territory under the supervision of the Algerian ministry of defence, which does not take away the responsibility that Algeria has for the flagrant violation of the Third Geneva Convention ■



The Illegality of the Tindouf Camps and the Legitimacy of Humanitarian Intervention

Mohamed Bouharrou

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While Morocco was getting ready to recover its southern zone, known as the “Western Sahara” which was under Spanish colonization -- as part of the sequential decolonization which first covered the cities of Tarfaya and Sidi Ifni (in 1958 and 1969, respectively)—there emerged some regional hegemonic ambitions within the logic of West-East confrontation and race for leadership in the Maghreb region which hampered that process.

The recovery of the Western Sahara has been carried out in accordance with the terms of international law. The Tripartite Agreement that was signed in 1975 in Madrid by Spain (ex-coloniser), Morocco and Mauritania, put an end to the Spanish colonization of the Sahara.

In addition, in its Advisory opinion of October 16, 1975, the International Court of Justice (ICJ) recognized the existence of historic bonds and allegiance between Morocco and the Sahara.

Thus following the Spanish departure, Morocco restored its sovereignty over the Sahara as part of the decolonization process. However, a separatist Front, known as the Polisario, pretending to represent the population of that region, has been formed at the instigation of some Maghreb countries, satellites of the ex-Soviet Union, supported therein by some sub-Saharan countries.

The Polisario took up arms against Morocco with the strong support of Algeria, claiming to defend the right of a visionary “Sahrawi people” to self-determination at the expense of Morocco’s territorial integrity. In so doing, Algeria aimed at legitimizing its intervention for the establishment of a State that will be wholeheartedly

affiliated to it, and ultimately allow it to have direct access to the Atlantic, thereby realizing its hegemonic ambitions.

In view of this, the Sahara conflict, which has taken on an internal dimension for reasons inherent to the political circumstances prevailing in the 70’s, soon acquired an international dimension due to the intervention of a certain number of countries.

In this context, the war between the Polisario and Morocco has led to the forcible displacements of a part of population of the Sahara provinces, especially among vulnerable categories such as women, the elderly, and children. It has been a forcible displacement of the population from outside their country. Indeed, the constraints exercised by the Polisario armed forces with the acquiescence of Algeria have provoked these forcible displacements to the Tindouf camps in the Algerian territory, which accounts for the illegality of these camps in the eyes of international law and hence the need for a humanitarian intervention.

I. The Illegality of the Tindouf Camps

The illegality of the Tindouf camps can be explained by the fact that they were established in breach of international humanitarian law. These are not, in fact, refugee camps but detention camps.

A. Tindouf Camps: Detention Camps, not Refugee Camps

According to Article 1 of the UN Convention relating to the Status of Refugees, a refugee is any person who, «owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it».

In the light of this definition, it should be noted that the status of “refugees” cannot apply to the populations detained in the Tindouf camps, in the sense that these men and women are confined there against their will. They did not join these camps owing to the well-founded fear of being persecuted. Proof of this is that they regain their motherland, Morocco, once they seize the opportunity to do so, and often at their own peril.

The late King Hassan II solemnly announced to these populations that "the homeland is clement and merciful". Worth recalling here also is the fact that those populations have in no time been subjected, in Morocco, to any discrimination on the basis of race, religion, ethnicity or language, neither have they been subjected to any sort of repression. Therefore, they may at any time rejoin their motherland, where all their rights are guaranteed.

On the other hand, the protection of civilians lies first and foremost with the government of the host country, Algeria. In the Tindouf camps, it is the Polisario as well as the pseudo SADR that run the Tindouf camps with the support of the Algerian military commandment.

Besides, the refugees, if this status indeed applies to them, should benefit from a set of Human rights, including the freedom of movement, the right to obtain travel tickets, as well as the right to bring their cases to justice. The populations in the Tindouf camps, who are collectively held as hostages, are deprived from those rights, which amply demonstrates that they are indeed detainees.

B. Tindouf Camps and International Law

The law relative to refugees as well as Humanitarian law complement each others in the sense that both of them are concerned with the protection of Man, especially in case of armed conflict.

On this basis, the refugee status entitles the beneficiaries a set of rights, notably the right to obtain a travel ticket and the recognition of that ticket by other States parties, the right to equitable justice in case they are involved in a judicial procedure, the right to social security, to education, to property as well as to employment.

The fundamental rights of which displaced persons should benefit include the right to life, to physical integrity and to personal security, in addition to the right to leave a country and to seek asylum in another one, the freedom of movement, the right to humanitarian aid, and the right to return at any time to their origin country.

Besides, international law guarantees protection for displaced persons, exactly as other civilian populations would be protected.

In this regard, international humanitarian law commands respect for the following rules:

- ❖ The prohibition of forcible and arbitrary displacements;
- ❖ The prohibition of using civilian populations as war targets or conducting indiscriminate attacks against them;
- ❖ The prohibition of collective punishments, including the demolition of houses;
- ❖ The Respect for the rule of granting civilian population free access to first aid;
- ❖ The right of return of the population forcibly displaced.

Article 3 of the four Geneva Conventions relative to international humanitarian law stipulates that *«are and shall remain prohibited at any time and in any place whatsoever (...) (b) taking of hostages; (...) (c) outrages upon personal dignity, in particular humiliating and degrading treatment»*.

However, the populations in the Tindouf camps do not enjoy any of the above-cited rights, as stipulated by the international humanitarian law relative to the situation of refugees, all of which shows clearly and conclusively that the populations based in the Tindouf camps are detainees.

The fourth Geneva Convention relative to the protection of civilian persons prohibits, in articles 33 and 34 thereof, collective penalties, pillage and the taking of hostages.

As to the prisoners of war, they shall, by virtue of article 118 of the third Convention relative to the treatment of Prisoners of War, be repatriated without delay after the cessation of active hostilities.

Moreover, the populations detained in the Tindouf camps are subjected to cruel and inhuman treatments, especially when they attempt to escape oppression and rejoin their homeland, Morocco. Yet the perpetrators of these acts still enjoy impunity.

C. The Militarization of the Tindouf Camps

The Polisario holds the populations forcibly displaced as hostages and detains them in order to use them in its propaganda manoeuvres as a means of putting pressure on international public opinion. Besides, it compels children to serve in its "armed forces" in defiance of the international instruments relative to the protection of child rights.

On the other hand, if political asylum is meant to be pacific and humanitarian, the Tindouf camps are militarized, with the technical and logistical support of Algeria. This militarization seeks to dissuade the detained populations from returning to their homeland, Morocco. Yet many detainees managed to flee these camps once they had the occasion to.

All these violations are condemned by international humanitarian law, and are considered as crimes against humanity. The Statute of the International Criminal Court lists, in its articles 7 and 8, the acts deemed as crimes against humanity in the following terms: «*deportation or forcible transfer of population; imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law; illegal detentions of civilian population and taking of hostages*».

II. The Legitimacy of Humanitarian Intervention in the Tindouf Camps

The illegality of the Tindouf camps and the violations of human rights perpetrated therein make a case for humanitarian intervention. To further illustrate this evidence, we will bring some elements to answer the following questions:

What are the grounds for the legitimacy of humanitarian intervention? What are its motives? What attitude is to be taken by the international community?

A. Grounds for the Legitimacy of Humanitarian Intervention

Humanitarian intervention rests on the duty to intervene, a duty which has its roots in the philosophy of Human rights and the right to humanitarian assistance to persons in distress. Indeed, Article 3 of the Universal Declaration of Human Rights (10 December 1948) proclaims the right to life. Proclaiming the same right is article 12 of the International Covenant on Economic, Social and Cultural Rights. The UN has established the principle of free access to victims through two key resolutions adopted by the UN General Assembly.

In addition to the normative action of the UN General Assembly which declares principles and rules in this regard, the Security Council has for several times intervened to decide upon the operational measures to be taken in some conflicts and humanitarian crises, such as in Somalia and Bosnia. It also established a number of *ad hoc* criminal courts to try the alleged perpetrators

of war crimes and crimes against humanity. Added to this is the fact that the violation of human rights constitutes a threat to international peace and security.

B. The Motives for Humanitarian Intervention in the Tindouf Camps

The Tindouf camps are set up in overt breach of international legality. In these camps, there is a flagrant violation of international humanitarian law and Human rights. Humanitarian assistance is siphoned off by the Polisario junta for the benefit of some officials. Civilian population are confined and taken hostages. Therefore, it is difficult for that population to benefit from the most fundamental rights such as the right to free movement, the right to work, etc.

Furthermore, these populations are very much inclined to reintegrate their homeland, Morocco, where all their rights are guaranteed.

The confinement of civilian persons and children, coupled with preventing them from any movement outside the camps, are crimes against humanity and are war crimes as well. Worse still, the Polisario hampers the action of humanitarian organisations and their access to confined populations.

This inhuman, not to say degrading situation, justifies the right of the international community to intervene in these camps, to free the civilian population, enforce the rules of international humanitarian law under all circumstances, as provided for by the Geneva Conventions, on the one hand, and the rules and principles of Human rights, on the other.

C. Towards a Coherent Intervention by the International Community in the Tindouf Camps

Article one of the four Geneva Conventions stipulates the obligation to respect and ensure respect for international humanitarian law "*in all circumstances*". This obligation to show solidarity in humanitarian issues should be concretized through cooperation between States and the UN. Therefore, reactions to this inhuman and abnormal situation in the Tindouf camps should be made within the spirit of collective security.

In this respect, the international community should intervene to put an end to this tragic situation, bring to justice the perpetrators of these acts deemed as war crimes and crimes against humanity, and repair the

damage inflicted on detainees by direct and indirect instigators of these atrocities.

This intervention would facilitate the lift of the state of siege, the liberation of civilians taken hostages and the staging of a referendum in the camps in order to allow all the confined persons to decide on their fate.

The attitude of the Polisario, acquiesced in it by Algeria, which plays host to these camps in its territory, is a blatant violation against humanitarian law and the law of humanitarian assistance.

The duty of humanitarian intervention is an *erga omnes* obligation. Therefore, it should be discharged by all, including the neighbouring or adjacent countries who shall refrain from obstructing the provision or passage of humanitarian aid. *Erga omnes* rules are also *jus cogens* rules involving the prohibition of aggression and genocide, as well as the protection of the fundamental rights of humans. International jurisprudence has already recognised this notion of *erga omnes* rules.

While this newest practice of the United Nations has shown that the international community is increasingly adhering to the duty of intervention in humanitarian cases, it is still regrettable that such an intervention has not been yet been decided by the relevant international organizations, neither was it unilaterally agreed upon by States, concerning the humanitarian tragedy suffered in Tindouf.

States, international inter-governmental organizations, as well as international humanitarian organizations are; therefore, urged to intervene in these camps to uphold the fundamental rights recognized by the international instruments, the express purpose being to liberate the population confined in Tindouf. ■

The Decomposition of the Polisario and the Responsibility to Protect a Population at Peril

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The Polisario is a threat to the security of Morocco. The harmful effect of this situation is real, for this armed organization is a potential powder keg, confining a frustrated population with a clear potential for terrorism, and transgressing the most basic Human rights, in all impunity and with the acquiescence of Algeria. And needless to mention the misdirection of humanitarian aid generously provided by humanitarian NGOs, and by the military dictatorship serving as a principle for governance and generalized fear.

Would the international community tolerate this situation? Morocco has not ceased to claim the lift of the blockade imposed against the will of an enfeebled population (the elderly, women, children, etc.) and to put an end to exile, precariousness and sufferings. This tragic situation is clearly demonstrated in many reports by humanitarian NGOs which give a diagnosis of the critical conditions of Human rights in the camps of shame (Tindouf), particularly during the years when the Polisario defied the international community, and detained Moroccan POWs under appalling conditions.

Inscribed as it is with the framework of intervention for Human protection purposes, the responsibility to protect an endangered population should provide a further stimulus for Morocco's action. The situation in the Tindouf camps is approaching genocide: a population confined against its will, quite badly nourished, and with some Human rights denied such as the freedom of movement; indeed, it is an unprecedented situation which would not have been possible without the complicity of Algeria. It is this Algeria which claims as it does that it hosts a population of "refugees" who fled Moroccan oppression, when nothing as such is closer to the reality: Morocco has solemnly announced, through the late Hassan II, that the homeland "is clement and merciful". One may



wonder why Algeria, which ironically defends self-determination, has not dared to stage a free referendum whereby Tindouf-based Moroccans may express their fate.

The responsibility to protect is a substantial notion, covering as it does two aspects: one fundamental and the other operational. Basically the notion applies «*where a population suffers serious harm, as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international responsibility to protect*». The foundations of this recently developed concept lie in several texts, including Article 24 of the UN Charter, which entrusts the Security Council with the responsibility for the maintenance of international peace and security.

The responsibility to protect contains many elements that may be summed up in three specific areas: The responsibility to prevent; the responsibility to react; the responsibility to rebuild.

Morocco has every legitimate right to ask the international community to take appropriate preventive measures to address the direct causes of internal conflict and other such Polisario-induced crises which put whole populations at risk and pose a threat to neighbours. Concretely, the Tindouf camps constitute a dangerous threat to the stability and security of Morocco.

The responsibility to protect is therefore part of a continuum of protection. It has an organic, functional link to human security.

Indeed, Human insecurity is one of the direct results of separation and secession. We may join Jean-François Guilhaudis in wondering whether «*human security is not, as a primary value and an ultimate criterion, a substitute for international peace and security if it leads to avert the United Nations*».

Human security involves seven interdependent pillars: Political security; Economic security; Food security; Health security; Environmental security; Personal (physical) security; Community security.

Far from being a State, let alone a viable State, the Polisario is rather a separatist movement that subjects an entire population to its dictatorship. It in fact acts against contemporary international law, which commands respect for the fundamental Human rights.

It would be a real challenge, or even *mission impossible*, for the Polisario to take on the increasingly heavy obligations that States assume nowadays, and the economic and commercial commitments, in particular. The same goes for the impressive bulk of commitments made through the Marrakech Agreements which established the World Trade Organization, as well as to the obligations imposed by the International Monetary Fund in terms of monetary rigour and budgetary discipline. In this field, Morocco is cited as a model for the emerging countries which have shown most respect for their international commitments, be they commercial, monetary or other.

The much acknowledged formulas of the approach to human security may be summed up in the "freedom from fear and protection from want." A person-based approach as it is, human security puts human beings, rather than States, at the heart of reflection about security. It highlights the complicated links existing between disarmament, Human rights and development. It clearly transpires that the globalization of justice and universal competence will end up one day by reaching the direction of Polisario.

Being part of the upstream and downstream of the responsibility to protect, the imperative of human security implies that Morocco should take some preventive action to put an end to a threatening situation, a situation that runs the risk of sparking off general disorder and chaos to the country's borders. The international community would not tolerate a situation as humanly unacceptable as well as threatening at the security level.

In fine, Man is a central theme in the cultural heritage regarding the protection and preservation of Human rights. To quote Mohammed Bedjaoui, «*Man is par excellence the common heritage of humanity*». Kéba Mbaye puts it more plainly when he says that «*the history of human rights blends with the history of man*».

The Polisario is now more than ever paralyzed, with its structures falling apart into ruin and its population completely losing hope: more than three decades of exile and deportation, as well as of frustration and deprivation... Several years have passed, and the thesis advanced by the so-called "Saharawi Arab Democratic Republic" proves more than ever to be fallacious, as it lacks in political soundness, ideological foundation and sociological substratum. Without Algeria, the Polisario is nothing but a little speck of dust.

History will not forgive such an anachronism, nor will the peoples of the Great Maghreb. The international community should, based on the principle of subsidiarity, support Morocco's legitimate request to halt this danger, both in its preventive phase and in its reactive and post-conflict phase ■

The Polisario: From the Ideological Rambling to the Political Bankruptcy of a Separatist Project

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Ever since the foundation in 1973 of the Polisario Front, the secessionist project has not ceased to drape under the rags of the ideologies of national liberation that have accompanied the struggle of decolonisation in the countries of the South towards the end of the first half of the 20th century. Some presuppositions as well as fragments, eclectic as much as disparate, that issue from differing ideological matrices (a more or less Marxist-oriented socialism, Third-world(ism), Pan-African(ism), Pan-Arab(ism), *Ba'athist* and *Nasserist* as well as a host of other progressive and anti-imperialist internationalisms, all have been retrieved, debased and combined in such an opportunistic and circumstance-bound way, constructing thus an alibi discourse that has desperately attempted to confer a semblance of legitimacy on to the separatist utopias.

Such an ideological patchwork secures in parallel a function of masking. In an attempt to weld together a heterogeneous organisation, one with no coherence whatsoever, it hides with difficulty the tutelary shadow of its political and military godfathers, as well as the true geopolitical stakes that underpin the Sahara conflict.

With the obsolescence and anachronism of these paradigms; or certain of their incarnations, ones that

have lost their mobilising potential following the profound mutations that the international scene has witnessed of late, this ideological veneer is from no on scratched, so to speak. It has started to lose its splendour, and its force has largely dwindled. In the post-bipolar world order, the separatists seek to fill up the void that has progressively settled by ideologies of substitution, substitutes which could, if not to entertain the chimeras of a spectral Sahrawi Republic, at least serve as a political outlet to an Algerian regime very much in crisis, following the bloody and dark decade and the de-legitimation, as it were, of the ANP (National Popular Army) which has always taken back the revolutionary heritage by instituting it as a political myth of foundation.

Henceforth, recourse to traditional, clan-like and tribal legitimacies, coupled with the manipulation of local anchoring, are still rife in the region, their purpose being to "fix," so to speak, a mockery of a nationalist rhetoric that hinges around notions such as "*Sahrawi people*," "*the right to self-determination*," "*colonists*," and "*decolonisation*," all of which fall within this same logic of a vain and desperate search for signs of belonging, of a sentiment of identification with a national entity that is not only artificial but is lacking in any historical substance as well.

A nation is in fact a multi-secular construct, a reality that goes beyond the narrow limits of a circumstance-bound politico-legal definition only to join the dialectics of a long process of historical accumulation, the organic-like nature of an anthropological matrix, and the complexity as well as the diversity of a cultural substratum. In a nutshell, a nation ought to be based on a foundation of historical identity. This is precisely where the distractions and the aporias of separatist discourse set in. It is a matter of a vague desire for secession, one that is shorn of identity-related, religious, ethno-cultural or linguistic considerations. Claims such as these can never lead to a legitimate national reality.

Under these conditions, it has to be recalled that the counter-productive policy of destabilisation that Algiers adopts through corroborating a disintegrative as well as fragmentary tendency is susceptible to leading to chaotic consequences in the Maghreb. The orchestration, so to say, of an artificial identity that raises the banner of national liberation could eventually engender a boomerang effect, and knock over the whole region into a spiral of insecurity. The crumbling and dismemberment of the Maghreb into minute

political entities are bound to destabilise and to turn it into a foyer of tension. In this respect, the recent over-arming of Algeria, which has taken advantage of the financial manna consecutive to the rise recorded in the price of the barrel, has already thrown the region into an arms race, putting thus in place a logic of confrontation as well as of the deterioration of the situation, which could spark off the conflagration of the whole situation.

It is within this framework that the recent events – the affair of the European hostages that were kidnapped by the GSPC (a Salafist group for preaching and combat) in 2003; the bloody attack against the military barracks of 'Lemgheity', which resulted in 18 deaths in Mauritania in June 2005; the sporadic revolts of the Tuareg, all indicate that the Sahel, a grey zone, could serve –the immensity of the desert being favourable in this direction—as a sanctuary for the local relays of international terrorism. This perspective is all the more so worrisome that it could eventually favour a tactical ideological redeployment of the Polisario war-mongers for the purpose of profiting both from the protest-ridden as well as mobilising potential of the quite inventive *salafist* and *jihadist* paradigm, and for making more profit from the financial manna that would accrue from controlling the corridors and networks of trans-national organised crime. In view of this situation, the Polisario irrefutably remains to be a stumbling bloc, a braking force that stands in the way of redefining the existing policies of neighbourliness in the region towards a security-informed cooperation, one that is more effective and more efficient. Indeed, the drift towards lucrative and Mafia-like activities, of which the commercialisation of aids and food products earmarked for the sequestered in the Tindouf camps, is but one of the most scandalous and most indignant aspects ends up by setting in despair, ethical degeneration as well as the political bankruptcy of this organisation. In fact, the latter has started to send signs of breathlessness, as it were, signs that could be attributed to diverse factors:

- ❖ Its military defeat and the waning away of its potential for nuisance following the construction of the defence wall;
- ❖ The drying up of financial, military, and logistical aids that have generously been offered by the countries of the Eastern bloc;
- ❖ The unceasing haemorrhage of its founding senior officials, its charismatic figures as well as the citizens left in sequestration in the Tindouf camps, and who no longer believe in the utopian programme of independence ;

- ❖ The suffocation of any movement that manifests some vague desire for autonomy in connection with Algeria, which generates potential dissensions and internal fighting;

- ❖ The absence of democracy and the monopolising by the services of Algerian military security of both political and military power for decision-making;

- ❖ The loss of the militant halo and of the representative legitimacy conferred on to it by the supposed statute of the sole and unique representative of the Sahrawis, following the creation of the Royal Advisory Council for Sahara Affairs (CORCAS).

It is within this context that intervene the diplomatic victories of Morocco, which, strong as it is in democratic experience, as well as in liberal openness, has successfully undertaken its strategic repositioning in order to be on the same wavelengths as the new regional and international reality. An Algerian journalist wrote in this regard: « *This discourse by a new generation, the Algerian regime, disorientated as it is, does not understand it. As to King Mohammed VI, he has cleverly known how pick it up, and use it in order that he be listened to, that the image of Morocco be improved, and hence turn the diplomatic situation over Western Sahara to his advantage.* ».

The large-scale diplomatic offensive led by Morocco, coupled with the forcefulness of its proposal as well as the political pertinence of its autonomist approach, are all shelved under the sign of dynamism and the great adaptability of the Moroccan political system with the new regional and international context. It is within this perspective that one could situate the speeding up of the process of the reintegration of the Kingdom within the African ensemble, the multiplication of the countries withdrawing or freezing their recognition of the so-called "Sahrawi Arab Democratic Republic" (SADR), and the support given by the international bodies to the Moroccan initiative for autonomy in the Sahara. With bitterness, the same Algerian journalist observes the fiasco of the Algerian regime, which he denigrates in these terms: « *How can it be that, in today's world, a tyrannical and oppressive regime could pretend to defend with success a cause of decolonisation? We are no longer within the diplomacy of Boumediene. An old world has collapsed, crumbled away. In the new world, the Morocco of Mohammed VI, a more open world, more dynamic, and more modern, perhaps even more democratic, keeps the scores.* ».

We think then that this initiative constitutes a turning-point in this artificial dispute which has been dragging on for three decades now, precluding all possibility for the reinforcement of the ties of bilateral cooperation

between the two peoples, Moroccan and Algerian. Still more, this war of wear and tear that Algeria has subjected Morocco to ever since the year 1975 – the colossal financial abyss imposed by the effort of war (the defence wall is the largest military apparatus in Africa) – has been done at the detriment of the social and economic development of the country. Obviously, the military—financial mafia of Algiers remains to be the sole beneficiary of this conflict-ridden dynamic which is maintained at the expense of the misery of the Algerian people, bruised and beaten to the bones by a bloody decade of massacres and atrocities. The principle of self-determination applies wonderfully to this population who has seen its revolution as well as its enormous sacrifices usurped and confiscated by the cartel of generals who have betrayed the spirit of the Algerian revolution. The Algerian political system, which rests entirely upon petrol annuities, is marked by the total divorce between the society and the State, whose social base has been shrinking ever since the monopolising of power by the Military Command in 1962 only to result in the total loss of credibility of political and constitutional institutions, which partly explains the calcification of the Algerian positions *apropos* of the Sahara.

Contrary to Morocco, where this question embodies an emotional dimension in view of the fact that it is a matter of a national cause that has been the object of political consensus, and which was also at the heart of the dynamism of the national political scene, in Algeria, the Sahara affair remains to be the private hunting ground of the military junta which manipulates it in order to anchor its seizure over the political and economic life of the country. The whole affair does not seem to be at the heart of the vital preoccupations of the Algerian people, who is excluded from the financial euphoria that Algeria goes through at present thanks to the rise, perhaps endemic, of the price of hydrocarbon.

In light of these facts, and in view of the new international configuration, the need is for noting that the separatist project of the Polisario has become an anachronism, an anomaly of sorts, and the heritage of a by-gone era to which the Moroccan initiative offers an exit, an honourable one; moreover, for all the parties concerned by this artificial conflict. This wound in the Maghreb body impedes the realisation of the Maghreb union which is certainly, for the moment at least, a romantic utopia, but which is; nevertheless, a historical necessity for the people of the region ■

A Brief Overview of the Polisario's *Modus Operandi* in the Current Context

Nabil Lamrani
(*trans. M. Karimi*)

Initially, the Polisario Front had achieved some gains on the African plane¹¹, mainly thanks to the support provided by some powers, including Algeria. The latter had, in fact, made use of its diplomatic arsenal and harnessed some of its resources in order to guarantee the recognition of the separatist movement by certain countries.

On another plane, and in the framework of its mystifying maneuvers, the Polisario has exploited the hardships endured by the populations (who had been confined to the Tindouf camps) so as to abuse the International Community, and thereby have access to humanitarian aid –which has come to constitute a source of wealth for some movement leaders.

Nevertheless, following the presentation of the Moroccan Initiative for Negotiating an Autonomy Statute in the Sahara region –an initiative which has been favorably greeted by the International Community—the aptitude of the Polisario to maneuver politically and diplomatically so as to disseminate its separatist thesis has been seriously undermined. For this reason, the Front has geared its fraudulent strategy towards other areas of action, by centering its propaganda on the domestic situation of Morocco. To this end, it has targeted two main themes in its propaganda; namely, Human rights, and the question of some students whom the Front masterminds from the outside.

Concerning the situation within the Tindouf camps themselves, the Polisario exploits the confined

¹¹ The Organization of African Unity (OAU) is the only entity to have recognized the so-called “Sahrawi Arab Democratic Republic” (SADR) back in 1982 in some rather intriguing conditions. Apart from OAU, “SADR” is presently recognized by no other international or regional organization, nor is it recognized by any European country. As far as Arab countries are concerned, only Algeria supports this entity.

populations which it systematically keeps in a state of utter precariousness in order to present them as oppressed populations, and thereby claim as well as secure humanitarian aid and other forms of support, whose ultimate destination is often doubtful.

I. The Polisario's bet on the Question of Human Rights in Morocco

The Polisario, likewise, takes advantage of some confrontations between the Moroccan law and order forces and some Polisario-manipulated troublemakers, who are controlled from afar by the separatists, in order to present Morocco as a country which violates Human rights. To do so, and as part of its deceptive strategy, the Polisario relies on some Sahrawi sympathizers to its separatist cause, such as Aminatou Haidar and Ali Salem Tamek whom it presents as "emblematic figures" in the defense of Human rights. In reality, these figures receive financial and logistic support from the Polisario and act in accordance with some precise tactics; hence their recurrent visits to certain countries.

Besides, the Front strives to set up associations whose proclaimed objective is militancy in the area of rights and freedoms. The sought-after objectives are as follows:

- ❖ The first objective is to endow Polisario maneuvers with a legal frame. Therefore, any intervention made by the Moroccan authorities in order to prevent separatist activities would be used to show Morocco as a country where Human rights and freedom are inapplicable. From this perspective, in an interview with the Moroccan weekly paper *Al-Ayam* (issue number 299, September 13, 2007), Ali Salem Ould Tamek, Chairman of the Preparatory Committee of "*Collectif des défenseurs sahraouis des droits de l'Homme*" CODESA (or, the Association of Sahrawi Defenders of Human Rights), asserted that «*the objective behind the institution of such an association resides in monitoring what is going on in the Sahara,*» implying that there would be no links with the Polisario. Yet, when the CODESA constitutive assembly was banned, owing to the non-observance of the legal procedures and steps in force, Mohammed Sidati, member of the Polisario Front's "national secretariat" "and minister in charge of Europe," requested the intervention of the European Union to secure the authorization for the holding of the constitutive assembly. Clearly, the link between the said associations and the separatist movement is more than manifest.
- ❖ The second objective consists in setting up lobbies with a view to attracting and mobilizing the inhabitants

of the Kingdom's Southern provinces. This would allow them to keep up relations with international organizations militating in the area of Human rights and, ultimately –for that is the aim—to involve them in the question of the Sahara.

In the same context, in his report on the situation in the Sahara (S/2007/619), which was presented to the Security Council on October 19, 2007, the UN Secretary General stated that Mohamed Abdelaziz, the Polisario Front Chief, had addressed to him a series of letters (10, more precisely) in order to protest against the arrest of and the "repression" which Sahrawis, notably students attending Moroccan universities, were allegedly subjected to. Manifestly, the maneuver is aimed to tarnish the image of Morocco and to eclipse the achievements made in the area of democratization and respect for Human rights. In fact, as a signatory of most of the international instruments pertaining to Human rights, Morocco has, ever since the early 1990's, resolutely engaged on the pathway of democracy, by laying the bases of democracy and shoring up the rule of law.

Suffice it here to point to the creation of *l'Instance Equité et Reconciliation* (IER, that is, the Equity and Reconciliation Entity)—a unique experience of its kind, indeed. Within a span of 23 months of follow-up and public debates, in which various components of Moroccan society took part, the Entity has looked into cases of human rights' violations, covering the years 1956 through 1999. Following this considerable and thorough process of investigation and analysis, all the victims whose claims have been proved veracious have benefited from moral and material compensation for the prejudices incurred. IER has thus re-established the primacy of justice, by putting public institutions squarely in the face of their responsibility.

Moreover, Morocco has made notable progress in the area of guaranteeing rights and freedoms –which have glaringly been absent from the Tindouf camps where the Polisario leaders make use of all kinds of repressive means so as to suffocate any demands which are at variance with the orientations of the separatist group. Indeed as a proof of the generalization of democratic culture in Morocco, all citizens, regardless of the region they come from, are free to stage social demonstrations to get their voice heard by the authorities. This is the outcome of the promotion of public liberties, which represent a fundamental component of the irreversible democratization process which the Kingdom has launched. For the Polisario, however, any demonstration of this kind which is organized by

Moroccan citizens in the Southern provinces is fallaciously presented as being a demo with an independence-thrust. And even where independence-claiming “pockets” or “isles” do exist they can be tolerated by no State, as can be seen in the way certain events have of late been handled by some neighboring countries.

Furthermore, it would be interesting to see the reaction of the leaders of the Polisario to demonstrations staged in the Tindouf camps against the extremely precarious conditions in which the confined populations lived – were such demonstrations ever to be authorized! The stakes of such demonstrations reside in the fact that they engage the vital prognosis of the separatist organization. The Front is dead certain that the camps in question would undergo a fatal hemorrhage: the camps would be deserted and the populations confined thereto would spontaneously return to their mother-country, Morocco. Would the Polisario want and could it even meet the challenge? Only then may we truly speak of an *Intifada* (or, uprising). In fact, it should be stressed that the *Intifada* as it is defined by the leaders of the Polisario, as an unequal war between the “weak” and the strong, is utterly meaningless and irrelevant in the context of the Sahara question. In the Israeli-occupied territories, it is the (difficult) co-existence between the Palestinians and the Israelis which has given rise to this kind of struggle –the *Intifada*. By contrast, in the Southern provinces, there can be no such uprising inasmuch as, by virtue of the Kingdom’s basic laws, Moroccan citizens enjoy all public liberties and human rights, as they are universally acknowledged. Therefore, should an uprising erupt, it would be staged by the populations confined to the camps, which, if they really enjoyed their fundamental rights would certainly rebel against the Polisario leaders. Confined as it is in the Algerian South-west, such an *Intifada* against the Polisario cannot take place without the consent of Algiers, which continues to provide a safe haven for the separatist movement.

Another instance evincing the failure of the Polisario’s manipulative strategy lies in the fact that the citizens of the Southern provinces, which the Front misleadingly present as championing its thesis, paid no attention to the attempts made by the chief of the separatist organization aimed to compromise the smooth running of the September 7, 2007 legislative elections. In fact, Mohamed Abdelaziz addressed a letter to the UN Secretary General, Mr. Ban Ki-Moon, on August 19, 2007, in which he contested the forthcoming Morocco-organized legislative elections in the Southern provinces. Nevertheless, the maneuvers of the Polisario

were once more thwarted: the participation rate registered in the Southern provinces represented a serious set back to Mohamed Abdelaziz and his organization. Significantly, while the participation rate in elections was generally modest nationwide (averaging 40%), the Southern provinces managed higher rates: 58% in Guelmim Es-Smara; 51% in Laayoune-Boujdour Sakia El-Hamra; and 62% in Oued Eddahab-Lagouira.

These positive results bespeak the will of the inhabitants of the Southern provinces to have national representatives apt to defend their interests before public authorities. Moreover, elections may be seen as an exercise of self-determination –a principle that is oftentimes rehearsed by the Polisario which assimilates it to inevitable independence.

II. The Polisario and the Exploitation of the Student Issue

In the framework of its manipulative maneuvers, which are designed to propagate its separatist thesis, the Polisario Front seeks to establish a network of students originating from the Kingdom’s Southern provinces in Morocco, with the aim of indoctrinating, mobilizing, and spurring Sahrawi students to provoke the Moroccan authorities through acts of vandalism which are often disguised as demonstrations. The latter are wild, organized as they are without any observance of the necessary procedures. By means of such dubious tactics, the Polisario aims to achieve three objectives:

1. Upsetting public order in Moroccan cities and taking advantage of the reaction of the authorities for propaganda ends, all the more so when law enforcement authorities are entrusted with the duty of guaranteeing security;
2. Giving media-coverage to skirmishes which take place between the Moroccan law enforcement units and the trouble-makers to mislead the international community into thinking that trouble-making is actually a protest staged for the sake of independence;
3. Making the defendants (charged with breaking law and order) out as political detainees. To this end, the Polisario addresses letters to the UN Secretary General and to other organizations, urging them to exercise pressure on Morocco so that it may release the culprits. For the Front, the latter clearly constitute a symbolic force inasmuch as every person arrested and charged is presented by the separatists as a sympathizer with their “cause,” no matter what the cause of his arrest may well be.

In the framework of this propaganda, and with a view to generalizing its spurious allegations, the Polisario resorts to a battery of media, including electronic sites. The latter teem with false testimonies and untrue declarations which present the culprits as the martyrs of a struggle against an imagined "Moroccan Occupant," while these people are, in fact, arrested for minor misdemeanors, as defined by the Moroccan Law.

III. The Polisario and the Manipulation of International Humanitarian Organizations

Not content with its willful distortion of the image of Morocco—which is often depicted as a totalitarian State—the Polisario also attempts to blame it for the disastrous situation endured by the populations that are confined in the Tindouf camps. Thus, by presenting the populations it oppresses and deprives of their most basic rights (including the right to decent food), the Polisario strives to attract and win the sympathy of international humanitarian organizations which obviously cannot remain inactive in the face of such massive desperation and wretchedness among women, children, and elderly people. Nevertheless, in spite of being the rightful recipients of basic food aid operations, these populations are simply deprived of the aid. No sooner is the aid received than it is misappropriated by the Polisario leaders and re-routed towards Mauritanian, Algerian, and Malian markets. The proceeds of such trafficking in humanitarian aid are then re-directed towards the Polisario leaders and their acolytes, while the rest is applied to the acquisition of ammunition. As a result, the populations in the camps continue to live in utterly precarious conditions and often show signs of malnutrition, amidst a high risk for the outbreak of epidemics and infectious diseases, because even medicine and medical equipment are misappropriated. It should be noted that in anticipation of the referendum which was due to take place in 1992, several humanitarian organizations had ceased to dispatch food aid and basic food-stuffs to the populations confined to the camps, because the latter were no longer deemed as "refugees" —hence, the serious loss of income for the Polisario. Consequently, the inapplicability of the referendum —which is now widely acknowledged—is of the Polisario's own willful making. Here then are the main financial and criminal stakes which are at the source of the Polisario-induced stalemate.

However, the maneuvers aimed at depicting Morocco as being responsible for the calamitous situation of the populations in Tindouf have been unveiled by

humanitarian organizations which have, times and again, denounced the misappropriation of aid by Polisario leaders. In fact, several reports issued by humanitarian NGOs and donor organizations have drawn up the attention of the World Food Program (WFP) and the UN High Commissioner for Refugees to aid misappropriation by Polisario leaders. Thus, in 2005, these two humanitarian organizations decided to undertake an inspection mission within the *Tindouf* camps in order to record facts first-hand. Having noted a number of dysfunctions, the HCR drew up a report in which it recommended that a more exact estimation of the number of people confined to the camp be made because the number put forward by the Algerian authorities clearly outstripped the real numbers. On this basis, the number of humanitarian-aid recipients has been set at 90,000 instead of 165,000 people.

On a quite different plane, but still in the framework of the deceitful manipulative subterfuges used by the Polisario, even children are not spared inasmuch as they are used «*not solely as a political weapon, but also as a propaganda tool*»¹². In the same vein, Juan Vives, a former Cuban secret-agent, declared in the program *Grand Angle*, which was broadcast on November 24, 2005 by the Moroccan TV Channel 2M that «*practically, some stayed there for ten, twelve, or fifteen years; it is an international child kidnapping. Presently some give testimonials of the lived realities in Cuba*».

Conclusion

In light of the foregoing, it should be noted that the Polisario devotes all its insidious maneuvers to achieving one objective: to tarnish the image of Morocco. Within the scheme of the strategy followed by the separatist group, the fate of the populations confined to the *Tindouf* camps plays second fiddle. The situation affects not only the populations confined to the camps but also the Moroccan citizens in the Southern provinces —especially if we bear in mind that each family has at least one of its members as a deportee or as an inhabitant confined to the Tindouf camp.

The instigators of these human tragedies are none others than the Polisario leaders who are supported and backed by Algeria. The latter views the populations confined to the camps on its territory as a means to

¹² Ileana Ros-Lhtinen, member of the American Congress. Intervention in the Program titled *Grand Angle*, which was broadcast by the Moroccan TV channel, 2M, on November 24, 2005.

exercise pressure on Morocco and to weaken it, in the long run, and thereby assert itself as the first power at the level of the Maghreb ■

The Polisario Front and the Violations of Human Rights in the Tindouf Camps

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The detention of Moroccans in Tindouf camps has started as soon as the Polisario transformed itself from a movement fighting the Spanish occupation of the Southern provinces of Morocco into a separatist organization, unleashing thus a long journey of suffering for these populations.

In fact, for more than 30 years, these populations have endured many a breach of all forms and have been subjected to barbaric and denigrating treatments as a sort of punishment for claiming their legitimate right to return to their motherland, Morocco.

In defiance of enforced disappearances and arbitrary arrests, among other forms of persecution, the victims of Tindouf have not ceased to express their concerns, and to denounce the vulnerable situation in the camps. In turn, Algeria has always turned a blind eye to these violations, preferring rather to defend the freedom of a so-called Saharawi people.

From this perspective, this article will attempt to unveil some forms of violations exerted in Tindouf camps, and show how Moroccan detainees in these camps face up to that oppression.

I. The Practices of the Polisario : Between Barbarity and the Transgression of International Law

To propagate its separatist thesis and contain the pro-Moroccan unionist claims, the Polisario resorts to a series of means that are listed among the practices of human rights violations. These practices aim ultimately to pressurize the populations into embracing the policy followed by the separatist organization.

A. Enforced Disappearance

Ever since its inception, the Polisario has pursued a

policy of abduction and enforced disappearance against entire families. To that end, it proceeded in two stages:

- ❖ The first stage consisted in deporting families to a secret place, where they were gathered together before moving them to Tindouf region;
- ❖ The second stage consisted of the reception of deported individuals and their distribution among the different camps, used to take place in "Sabti", 5 km to the south of Tindouf. This operation used to be conducted by Mohammed Abdelaziz, then official in charge of the Tindouf bureau.

This practice constitutes a violation of the *International Convention for the Protection of All Persons from Enforced Disappearance*, adopted on 12 January 2007 by the UN General Assembly (Resolution A/RES/61/177), following a recommendation issued by the Human Rights Council in its resolution 1/1 of 29 June 2006. The same Convention refers to the International Covenant on Economic, Social and Cultural Rights, as well as to the various international texts on that subject.

That thousands of families, victims to these practices, should remain confined against their will in the Tindouf camps is a flagrant breach of all international instruments on human rights.

B. Camps Kept under Close Surveillance

Far from resting content with enforced disappearance and detention, the Polisario puts all detainees under close surveillance in order to pick out any person who opposes its separatist thesis. To do so, the Direction of Polisario encourages denunciations by offering incentives to any person who denounces a suspected opponent. Once the latter is denounced, he will be arrested by the militia, who torture him before imprisoning him, often for many years, and in remote jails that take the form of a labyrinth of tiny caves in which detainees are separately put.

That is the way the Polisario rejects its opponents, be they real "culprits" or just suspects. The fact of the matter is that not even the sympathizers of the Polisario are safe from arbitrary arrests, in the sense that committing minor, yet unintentional, faults (a vehicle breakdown, the loss of ammunition, sleep during factions, etc), is considered to be as a conspiracy against the "revolution," thus punishable to long sentences of imprisonment.

Under the increasingly obsessive fear and the multiplication of protests, the Polisario strives hard to invent new forms of torture with varying cruel proportions.

C. The Types of Torture Inflicted on the Moroccan Detainees in Tindouf

All those who oppose the Polisario's separatist theses are subjected to the cruelest forms of torture, including the binding of their eyes in order to prevent them from locating the place of their detention, isolating them from one another, the mutilation and amputation of organs (the case of Terrouzi Ahmed Ould Ahmed Aïcha, among others, who has been subjected to these practices for two years). Other detainees have been subjected to torture by electric shock in their genitals (such has been the case of Ould Cheik Selama who lost the function of his genitals due to long exposure to that form of torture). Other practices were common-place. They include burning with cigarette butts, nail removal, teeth pulling, as well as tattooing the "F.P" initials on the victims' skin. Testifying to those practices are former detainees Ahmed Zoubir and Ahmed Bazid Ould Bada, to mention but a two. Most infamous of the torturers who marked detainees with their cruelty and barbarism was the named Sidi Ahmed Al Batal, former director of the military security, who became completely blind through injury during confrontations with the Moroccan armed forces in 1984.

All the abuses suffered by the Moroccan detainees at the hands of the Polisario in the Tindouf camps are contrary to the letter and spirit of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which was adopted by virtue of Resolution A/RES/39/46 of the UN General Assembly on 10 December 1984, as well as to the Convention's optional protocol, which was adopted on 18 December 2002, by virtue of Resolution A/RES/57/199 of the General Assembly.

D. The Violations of Women's Rights

Women who were detained in the Tindouf camps, especially those whose families are known for, or just suspected of, supporting union with Morocco, have been treated with extreme cruelty. They have been used as slaves at the mercy of the Polisario leaders who impose on them the most degrading tasks and subject them to the most heinous abuses. In the same vein, widows and single women were mostly subjected to these barbaric treatments; if they show the slightest sign of refusal; they face torture, then imprisonment. Because of that, many are the women who developed psychological disturbances, and even attempted suicide.

The Polisario therefore transgresses all international instruments on the rights of women, including the Convention on the Elimination of All Forms of Discrimination against Women, which was adopted on 18 December 1979, its optional protocol adopted on 6 October 1999, as well as the Convention on the Elimination of Violence against Women, adopted on 20 December 1993.

II. The Revolt of the Detainees in the Tindouf Camps against the Cruel Acts Perpetrated against them by the Polisario

With the persistence and growing scale of violations against Human rights in the Tindouf camps, the populations rose in revolt many times to express their disapproval and to denounce their torturers, the leaders of Polisario. Yet the most significant uprising that has ever taken place was that of 1988, which lasted for one week; the detainees rose in revolt against the "executive committee" and other organs of the Polisario, displaying posters featuring the late Hassan II, as a reflection of their willingness to rejoin their motherland, and chanting anti-Polisario slogans to express their frank opposition to the practices and theses of this separatist organization.

The second mass uprising took place in June 2006. It sparked off following the mistreatment inflicted by the Polisario militia on Habbabi Ould Hmimed, a young opponent. The revolt broke out on "February 27" and "Smara" camps, and then stretched out to all camps.

This uprising was brutally suppressed. During the confrontations between demonstrators and the Polisario armed militia, several people were seriously injured. Hmida Ould Mohamed Cheik Bellal died from injuries. During the uprising, some detainees fled to the direction of the MINURSO forces, but they were prevented from reaching out to them.

In the same context, during November 2006, Saleh Otmane Zini, a detainee from the tribe of Rguibates Lahcen Ouhmad, was killed in the town of Oued Ammi Lahcen, nearby Tindouf. His friend from the tribe of Rguibates Sellam, Abdellah Houcine Ben Mahjoub, *alias* Bousnina, was seriously injured and rushed, under close surveillance, to the hospital of Beshar, an Algerian city. The two victims belong to a group of five persons who had attempted to rejoin Morocco before they were intercepted by the Algerian army, who opened fire on their vehicle.

This brief survey of some of the abuses perpetrated by the Polisario, with the acquiescence of Algeria, should rouse the conscience of the international community and the international humanitarian organizations to intervene and put an end to the tragic situation of the Moroccan detainees in the Tindouf camps.

Investigation commissions should likewise be dispatched to these camps to take stock of the magnitude of crimes perpetrated against this population, and bring their perpetrators to international justice.

Humanitarian intervention in this typical case is a duty of the international community ■

«SADR»: Between Myth and Reality

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Abstract

The Sahrawi Arab Democratic Republic, "SADR", was proclaimed unilaterally in 1976 by the Polisario, which was itself born in 1973. Here is a record time without a precedent in the history of separatist movements all around the world, for it takes decades for true resistance and liberation movements to become aware of a colonizer's exploitation, and form an avant-garde elite, through political organization before getting down to sensitizing a subjugated people before it is prepared for the ultimate sacrifice.

Besides this swift formation of the Polisario and its transformation into a State, a grotesque particularity should be stressed: its formation as a "State in exile," first of its kind in the history of international law and international relations. Generally, a liberation movement pinpoints a territory of its own choosing where it could field of action a territory to liberate through resistance and guerrilla warfare against the enemy, and forms a "government in exile" devoted to carry out political and diplomatic action and, meanwhile, learn about the first exercise of power to wield once independence is restored.

That is to say that behind these particularities lie abnormalities that tarnished the formation process of SADR at the regional level, which explains the UN slowness to recognize it at the international level, though the African Union --the Organization of African Unity then--, acted otherwise. Added to this is a phenomenon closely linked to these abnormalities, which is manifest through the inhibiting, not to say paralyzing, presence of this entity throughout the whole process of peace in the North-West African region.

The question of the former Spanish Sahara and of the Moroccan city of Ifni has been brought up before the United Nations by the Kingdom of Morocco ever since 1965. However, upon a proposal by Spain, the two questions were dissociated in 1966. In 1969, Spain ceded back Ifni, leaving Morocco in a state of

expectancy. Yet the occupying power has had other calculations. It sensed that making concessions on this question would encourage Morocco to claim the two enclaves of the North (Ceuta and Melilla). It decided; accordingly, to make of the Sahara question a hobby-horse in order to nip in the bud, as it were, any action that might concretize that eventual concession.

Through prevarication and procrastination, it managed to gain time to devise a strategy which it only unveiled as of 1974; that is, after the creation of the Polisario--the organisation of a referendum in the Sahara to facilitate access to an international actor other than Morocco for the express purpose of claiming sovereignty over that territory. To thwart this manoeuvre, Morocco and Mauritania referred the matter to the UN General Assembly to request an Advisory Opinion from the International Court of Justice. The substance of that Opinion, rendered on October 16, 1975, shows the existence of legal ties of allegiance between the Sultan of Morocco and the population living in that territory, as well as the existence of relations of rights and land with the whole Mauritanian entity. The Court added, however, that was not incompatible with the application of self-determination of that territory. The events that unfolded thereafter are known: the Green March organized by Morocco on November 6, 1975; the Tripartite Accord of Madrid on November 14, 1975; the recovery of territory and its distribution between Morocco and Mauritania. Then a war broke out: while pursuing its guerrilla acts against Morocco and Mauritania, with the support of Algeria and Libya, the Polisario transformed itself into SADR to seek recognition by the former Organization of African Unity. That could not have been easily accessible since the OAU did not even recognize the Polisario as a national liberation movement. But it was Algeria which decided to take the matter in its hands, especially when Mauritania, succumbing as it did to some strong military pressures that it could not contain, decided to evacuate the part of territory to which it was entitled, and which it handed over to Morocco.

The former OAU was caught up in a dilemma: on the one hand, Algeria and its advocates defended the granting of membership to the Polisario; but Morocco and its allies were opposed, on the other, to that membership on the grounds that the Polisario did not fulfil the requirements of "an African independent and sovereign State," as enshrined in the Charter of the OAU, which was not the case with SADR in so far as Morocco exercises effective power over the territory

and has at hand a large part of the population of that territory.

In order to overcome this deadlock, the Conference of the OAU Heads of State and Government decided in 1980 to “freeze” the membership issue, and to call upon the parties concerned to pursue political negotiations with a view to organizing a referendum in the Sahara before considering the question of recognition, which is viewed as a premature issue.

In its willingness to partake of that approach, which it had refused it since 1975, Morocco accepted that logic and the late Hassan II took the trip to participate in the Nairobi Summit (1981) to public announce the new position. An implementation Committee was formed to ensure follow-up. Two months later, the Committee convened to discuss the procedure to be had by way of organizing a referendum under the aegis of the OUA. Another meeting was held in February 1982 to follow-up its works. Thereafter, the question of the Sahara took a dangerous turn when Edem Kodji, former OAU Secretary-General, decided to invite SADR to take part in that meeting, because, according to him, it had gathered the majority of recognitions (26/50), thus going beyond the decision of the supreme organ to keep the matter of recognition pending until the outcome of referendum is known.

This recall of events is necessary to understand the context wherein SADR was born and to discuss Edem Kodji's arguments where he justifies the admission of SADR. All the same, three categories of remarks are in order here: some incoherence at the level of the line of conduct pursued by the former Secretary-General of the Organization, the lack of relevance in his argumentation, as well as the violation of the decisions made by the supreme organ.

The fact that SADR should have been recognized by the OAU for about a quarter of a century now did not have any impact within the UN, which considers this decision almost as a non-event. Some legal as well political reasons, ones which do not allow room for whatever connivance or casualness, would have weighed heavily in the direction of discouraging SADR from submitting its candidacy to the UN.

The fact of the matter is that SADR belongs to the category of premature recognitions, which come before the completion of the process of creation of a new State. The UN did not wish to follow close behind the OAU by granting some ahead-of-time type of recognition, for that will remain nothing short of imperfect and problematic in essence. This is what

makes some authorities consider that «*the recognition of the Saharawi republic as a State remains premature as long as the Polisario does not exclusively control a significant part of the population and of the territory it lays claim to*».

The silence kept by the UN after the admission of the so-called “Saharawi Republic” in the former OAU, should not be interpreted as a sign of approval, for had it been as such, SADR would have been quick to ask for its admission at the UN.

Some may even go as far as putting forward the following inquiry: why did not the UN condemn the advent of this State as it once did in the case of the proclamation of the Turkish Cyprus in 1983? We may retort by asking another question: why did not the UN take the some footsteps as the OAU by way of recognizing the new “State”? In fact, the problem is not as simple as it may seem to be, and, without any doubt, some political considerations have commanded that caution.

By recognizing SADR, the former OAU was not aware that it was about to commit a blunder which would undermine one of its most cherished objectives: the shaping up of a sub-regional group (North Africa), which is an indispensable actor both for the building of the envisaged Union (through the Lagos Plan in 1979), and for the promotion of economic development in the continent, in view of the geographical position of the Maghreb, as well as the role it is likely to play as a link between Europe and Africa.

About twenty years since its establishment by virtue of the Treaty of Marrakech (1989) between Mauritania, Morocco, Algeria, Tunisia and Libya, the Union of the Arab Maghreb has been condemned by inaction due to the conflict-ridden situation between Algeria and Morocco, and their divergence about the Sahara dispute.

When the Union of the Arab Maghreb was created, the parties thereto were aware that «*the diversity of economic fabrics [would] give birth to sufficient complementarities between these countries to allow them to be in a position of strength in the face of Europe and the rest of the world,* » which would men to constitute a united front when it comes to negotiations with Europe, instead of showing forth in scattered ranks, as it has always been the case up until now, especially in connection with the conclusion of bilateral Agreements of Association. Thus many advantages could be gained at the economic and social levels with the European partner, who remained “sickly,” so to speak, especially concerning the problem of South-North migrations.

Better still, and as paradoxical as it may seem, in a globalized world where borders tend to vanish due to capital flows, Northern firms seek to establish economic and trade relations with big blocs which, coupled with their good production factors, have reached «*a stage of development as good as that of their countries of origin*» and; accordingly, offer a wide range of goods and products in national as well as regional (Southern) markets, in addition to some advanced technology.

So were it not for the dysfunctional nature of the UMA system, the economies of the Maghreb would have been more attractive to foreign direct investments and the firms of the Northern sphere would have converted their vertical strategy, (inter-sector flows concerning a particular part of the “value chain” in a given country), as economists would have it, into a horizontal strategy (industrial flows, intra-industrial flows and cross-flows of a particular region). One should not forget that, to the misfortune of the Maghreb, the founding of the UMA coincided with the fall of the Berlin Wall and the shift of the Central and Eastern Europe countries towards liberal democracy and economy. This has led to much inaccurate talk on a presumable eastward shift in cooperation. Indeed, such a “cooperation shift” should not be over-blamed since the European firms, keen to safeguard their interests, have found in Eastern Europe a better alternative to the UMA which is still lagging behind because of the Sahara conflict.

As ever, because of the problems existing within the OAU, the African continent, whether with the OAU or the new appellation as the African Union, is somehow truncated, not because of the absence of Morocco- this will be an exaggeration- but because of the absence of the Maghreb as a dynamic sub-group, more advanced in terms of economy, as compared with other African sub-groups, and closer to Europe to play the role of a link and privileged space likely to constitute a sort of hub for a South-South cooperation with sub-Saharan countries.

A dynamic and consolidated Maghreb Union could have been a fundamental actor in the New Partnership for Africa's Development (NEPAD) to help sub-Saharan Africa to get out of marginalization in a globalized world. Certainly, Algeria and Libya have played a remarkably active role in that initiative at the level of the continent, and so did Morocco outside the African Union: intensive bilateral cooperation, gestures of solidarity such as the cancellation of debts owed to it by the least developed African countries. Yet the Maghreban actions could have had more impact had they been concerted and synchronized within the UAM,

which convenes only occasionally as if only for keeping up appearances of an organization curtailed by an artificial problem that was first concocted by Spain and maintained by Algeria; namely, the problem of SADR. Now is this SADR a myth or a reality? The answer to this inquiry, as we have tried to demonstrate throughout this paper, can be stated in a few words: yes, a reality as a problem, and a myth as a credible entity ■

The Incoherence of the Recognitions of the So-Called « SADR »

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Ever since the Polisario proclaimed the constitution of the so-called “Sahrawi Arab Democratic Republic” (SADR), on February 27th, 1976, and in view of the circumstances under which this proclamation was made, it so turned out that this *ex nihilo* institution project of a state entity was destined to come to nought.

In turn, the Polisario and its tutor, Algeria, rallied at the African level with a view to nudging the States towards adhering to their thesis, notably by taking advantage of the lacunae to be found in the Charter of the Organisation of African Unity (OAU).

However, in view of the evolution of events, the absurdity behind recognising “SADR,” coupled with its contradiction with political reality, both at the regional and international levels, became more and more manifest, which has led quite a few countries to freeze; or definitively withdraw, their recognition of the hypothetical entity.

I. The Recognition of «SADR» Goes Contrary to the Rules of International Public Law

The recognition of a new state entity is taken to be a major event by the international community. Also, a decision such as this ought to be fully weighed, in fact once it is verified that the so-called entity gathers all the elements that constitute a State, such as those specified by public international Law, all of which elements are incontestably lacking in the case of “SADR.”

As to the celerity with which the Polisario proclaimed the birth of the so-called "SADR" in 1976, it is evident that that proceeded from a manoeuvre that aimed at influencing international public opinion with a view to acceding to some recognition to which the separatist movement had not been able to accede to, having been denied as it had the status of a liberation movement by the OAU.

A. The First Constitutive Element of a State: a Population

A population, which is the first fundamental element in the constitution of a State, can be defined as a human community that has ethnic, religious, linguistic and socio-cultural characteristics, established upon the same territory and subject to an effective political authority.

Let us go back to the example of the Sahara. It is to be noted that the so-called "SADR" exercises no authority, be it moral or practical, over the inhabitants of this region. Besides, these inhabitants cannot be described as being a "people" in so far as they are Muslim Arabs, like their fellow citizens in the rest of the Kingdom of Morocco, in addition to the fact that they have been historically tied to the Moroccan Sultans in virtue of the ties of allegiance.

As far as the populations that remain in sequestration in the Tindouf camps are concerned, which populations have been made use of by both the Polisario and Algeria as means of pressure for the express purpose of concretising some political and geo-strategic ambitions, the fact is that they have never recognised any representativeness whatever of the separatist movement. Besides, the Polisario maintains the camps of Tindouf under permanent siege, the objective being to preclude the sequestered populations from rejoining their homeland, Morocco, above all since the desertion of a great number of senior officials and former leaders and founders of the Polisario has thwarted the separatist desires of this organisation, not to mention the fact that it threw into doubt its legitimacy.

B. The Second Constitutive Element of a State: a Territory

Should a population even exist, it cannot be considered as a constitutive element of the State as long as it does not have a specific territorial asset. In consequence, having no territory as it does, the proclamation made by "SADR" of a state entity ensues more from fantasy than from reality.

Within this framework, it is worth recalling that the sovereignty of Morocco over its Sahara provinces is a secular fact that has been indeed recognised by the International Court of Justice (ICJ) in its Advisory Opinion of October 16, 1975.

As far as the so-called "SADR" is concerned, the fact is that it has never exercised any form of sovereignty over any part of the Sahara provinces in southern Morocco. Moreover, this entity is established upon a territory that belongs to another State; namely, Algeria. Hence, to recognise any degree of sovereignty for the so-called "SADR" over this region would amount to admitting that Algeria has renounced to its own sovereignty as far as this part of its territory is concerned.

On these grounds, to recognise the so-called "SADR" may be considered to have no legal impact, in addition to being diametrically adverse to the rules of public international Law in so far as no entity could pretend to the status of a State if it is not established beforehand, and if it likewise does not exercise an effective sovereignty over its territory.

C. The Third Constitutive Element of a State: an Effective Government

As concerns the case of the so-called "SADR," this third element is also lacking. In fact, this entity has at its disposal no political apparatus which enables it to complete, in a sovereign and an independent manner some state functions. Besides, the leaders of the Polisario, even those that could be found at the head of the so-called "Sahrawi republic" – cannot take any decisions that would not have the seal of approval from the host country, Algeria.

In sum, on the basis of what has been mentioned before, one could confidently assert that the recognition of the so-called "SADR" goes against the principles of international Law. In fact, the so-called "Sahrawi republic" verifies none of the elements that are constitutive of a State, which accounts for its inexistence, both effectively and legally. In the same vein, its recognition by certain African countries, along with a few other micro-States, coupled with its adhesion to the OAU, constitute a transgression of both the text and spirit of the Charter of the United Nations.

II. The Recognition of the "SADR," a Reductive Utilisation of the Provisions of the OAU Charter

The admission of 'SADR' within the OAU has had some heavy consequences, so much so that the very

existence of the pan-African Organisation came to be threatened. Besides, a decision such as this has not only been contrary to the rules of international Law, but constitutes, by the same token, a violation of the provisions of the Charter of the Organisation.

In fact, on an objective plane, the admission of "SADR" rested upon no legal foundation, especially that adherence to this Organisation was subject to certain conditions, notably those included in its Article 4, which stipulates that « *each independent sovereign African State shall be entitled to become Member of the Organization* ». The same provision was re-employed within the framework of the first paragraph of Article 28 of the Charter.

At the level of procedure *per se*, it is worth pointing out to a certain deficiency at the level of the provisions of the OAU Charter. These procedural deficiencies are markedly manifested within the framework of Article 28 of the Charter, which stipulates that « *any independent sovereign African State may at any time notify the Secretary-General of its intention to adhere or accede to this Charter* ».

Hence, adherence to the OAU would simply take the form of an administrative move in so far as it would suffice to send a simple notification to the Secretary-General of the Organisation, who will have the freedom to decide upon the admissibility or not of the request for adherence. The fact is that he may decide upon admissibility only, because, objectively, adherence ought to issue, within the regional Organisation, from the Conference of Heads of State and Government of the Organisation.

Within this framework, it is to be borne in mind that the recognition of new States, and their admission in inter-governmental organisations has always been a question of major importance, requiring as it does a high degree of caution and objectivity.

Yet, the OAU Charter has not taken into account these considerations, notably in discharging the principal organs of the Organisation from settling questions relative to the acceptance or the rejection of requests for adherence by new members. In view of this fact, it so appeared that the decision to ratify the requests for admission emanated from the discretionary power of the Secretary General, whereas in practically all international organisations, it is the principal organs that are entitled to decide on the question of admission. In fact, within the UN, for instance, decisions regarding the admission of new members are made by the General Assembly and the Security Council.

One other aspect of the procedural flaw connected with adherence to the UN is equally reflected in the fact that only a simple majority vote is requisite for the adherence of new members to be accepted; whereas other international and regional Organisations require that there be an absolute or qualified majority vote for such decisions to be ratified. One could cite in this respect the example of the Arab League, which requires the unanimous votes of its members. In turn, the United Nations enforces a certain number of conditions, both in form and substance, with regard to the admission of new members. Indeed, adherence at the UN has to be accepted by the quorum (2/3) of the General Assembly, and ratified by a resolution of the Security Council.

It is precisely the existence of this type of conditions that has prevented the "SADR" from acceding to the quality of a member at Organisations other than the OAU.

III. The Recognition of the «SADR», an Anomaly in Relation to International Reality

The constitution of the Polisario as well as the proclamation of "SADR" fitted in with the context of the Cold War; these two entities served, in point of fact, as an instrument within the framework of ideological and economic confrontation between the communist and the liberal blocs.

In this context, and in view of the strong presence at the time of regimes that were allied to the communist bloc in Africa, Algeria had successfully come to rally a number of States to its separatist theses. This "success," which was ephemeral, be it noted, was essentially due to the fact that the countries that adhered – ideological solidarity and economic interests being of support- to the Algerian position were kept in the dark as to the stakes underpinning the Sahara conflict. It was thus that the Polisario; nay, Algeria, came to gain admission for the "SADR" within the OAU.

As far as the number of recognitions of the hypothetical "SADR" is concerned, the fact is that there were somewhere around 80 countries to have recognised this separatist movement during the 1980's, but this number has considerably dwindled after the end of the Cold War, and was reduced to no more than some thirty such recognitions.

In conclusion, and in light of what has already been mentioned, it appears that the self-proclamation of "SADR" constitutes a violation of international legality, pure and simple. Besides, an act such as this which proceeds from some political outbidding, as it were,

aims at putting the international community before the *fait accompli* within the framework of a strategy led by the Polisario and its acolytes. Yet, all these manoeuvres have been unveiled, and their incompatibility with the reality of the international context requires that from now on, a reconsideration of destabilising goals such as these be imposed ■

«SADR» within the International System: Politics and Law Put to the Test

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Abstract

In international law, for a territorial community to acquire the qualification of a State, it must be independent. Yet the independence criterion alone is not sufficient to provide for the satisfactory qualification for statehood. It needs at least three elements; namely: a population, a territory and a government. A further element should be added, the criterion of sovereignty, which distinguishes the State from other subjects of international law.

That said, it happens that the qualification of State may be recognized without the initial facts combined. We may remark that many an entity has acquired that title under persistent legitimate doubts challenging its sovereignty. This is, for instance, the case with SADR, which was recognized by several States, and was even granted membership, as a State, to the African Union.

I. Is SADR an Organized, Sovereign Territorial Community?

In international customary law, reference is often made to the first article of the Montevideo Convention on the Rights and Duties of States (22 December 1933), which stipulates that «*the State as a person of international law should possess the following qualifications: a permanent population; a defined territory; a government.*»

If we interpret this convention, even in the broadest manner, we will conclude that many conditions are lacking in the case of SADR.

❖ **A population:** the State is a human community. It cannot exist without a population.

The component of "population" is sometimes seen through another aspect. Some deem that the rule that the State cannot exist without a population does not imply that the said population should be made up of nationals.

No matter how we proceed to tackle this issue to know whether SADR has a population, the answer comes as a straight 'No'. Yet nobody challenges the fact that a population effectively lives in territories run by Algeria, this population is not linked by any legal link whatsoever to the pseudo-State of SADR.

❖ **A territory:** a State is not conceivable without a defined territory. This is exactly why there cannot be a "nomad State" defined by its population, alone. A framework for the exercise of power, and a basis for governmental action, a territory remains a *sine qua non conditio* of the State.

It transpires that this second component is, to say the least, largely lacking in the case of the territory of the pseudo-SADR, which is situated inside Algeria.

❖ **An effective government:** For the legal links between a State and its population to be established, the State shall effectively exist and exercise control over a portion of space that it perfectly masters. In that sense, the criterion of effectiveness alone may mark the control a political community establishes over a specific territory.

In the case in question, SADR does not have any control over the territories situated in Tindouf, let alone in the Moroccan Sahara. In fact, SADR is not able to ensure protection for foreigners, nor is it able to secure the implementation of international obligations. Rather, these tasks are usually handed over to the central Algerian administration.

❖ **Sovereignty:** the elements of definition laid out so far are not sufficient to make up the character of the State. The distinctive feature of the State, relative to this mass of political entities on the international scene, lies in the fact that its governors, and its population, should not be subjected to any foreign authority. This is precisely what lies at the heart of the term "sovereignty," as defined by Jean BODIN.

However, once again the definition of the State should be distinguished from its attributes: sovereignty is an attribute recognized by international law to a legal entity

that has the quality of a "State"; to have claim to it, the community shall be independent.

SADR, self-declared independent on 27 February 1976, does not meet any of the cited criteria inherent to the notion of independence, and cannot, as a result, aspire to the noble title of a "sovereign State".

II. Can SADR Remedy to its Inexistence at the Level of Law by Snaffling of Recognitions in the Political Scene?

Recognition is a unilateral legal act by which one State acknowledges the existence of a factual situation and undertakes to bring into force the legal consequences of recognition. Here are two conceptions that are traditionally opposed:

❖ The constitutive or attributive theory: according to this theory, recognition, together with the existence of a population, a territory and a government, is a requirement for statehood. In the absence of that requirement, the formation of a State remains incomplete, in the sense that that requirement attributes statehood and completes the process of its creation. Most modern authorities reject the constitutive theory of statehood, and consider that the existence of a State cannot depend on the arbitrary, discretionary attitude of other States.

❖ The declarative theory of statehood: It is widely accepted that the birth of a new State is a fact of which the existence is independent of the intentions or recognitions by the existing States. In other words, it is mandatory that this declaration be adequate to an observable fact is not normally relevant to the effects of recognition since it does not modify the objective situation of the entity being recognized, a situation that remains dependent of the above-mentioned constitutive elements, but only the relations it will have with it. In short, recognition does not create either sovereignty, or State.

In this respect, the international legal system suffers a striking anarchism. The recognitions of SADR, *per se*, provide sufficient proof to that. In fact, in 2007, the number of countries which recognized SADR went down to 35. Most of the States that recognized SADR are African, and have close diplomatic links with Algeria. However, SADR was not recognized by the United Nations, the Arab League, the Organization of the Islamic Conference, or by any European country or a permanent member of the Security Council, for that matter. It is worth noting also that the recognition of SADR by the African Union (then the Organization of

African Unity) has provoked the withdrawal of Morocco from that organization back in 1984.

The recognition of SADR has been made through obedience to some political motivations without consideration of the premise of effectiveness of its objective constituent elements.

Under all assumptions, to recognize a fictive fact seems to be yielding to the primacy of the political side over the legal side in international relations, which amply demonstrates the sheer illegality behind the recognitions of SADR.

III. May SADR find in the Principle of Self-Determination an Ultimate Safety Valve?

The right of peoples to self-determination derives from a doctrine that stretches the notion of political liberty beyond the framework of State.

The application of this principle by a specific community raises many questions that cannot be dealt with in this restricted framework of the present study. It is important; however, to make reference, albeit briefly, to the jurisprudence and the international practice to determine whether "the right of peoples to self-determination" entitle on its own to an independent State.

With reference to resolutions 1514 (14 December 1960) and 2625 (24 October 1970) on the question of Sahara, the International Court of Justice state that *«these provisions confirm and emphasize that the application of a right of self-determination requires a free and genuine expression of the will of the peoples concerned...»*.

Rejecting the statements of Spain in which it asserted that in the free exercise of population' right to self-determination allowance must be made for the independence of territory as a legal possibility, Judge BILLARD affirms *«I can find nothing in these (General Assembly's) resolutions, however, or in the legal aspects of the "right" itself which compels such conclusions. On the contrary it may be suggested that self-determination is satisfied by a free choice not by a particular consequence of that choice or a particular method of exercising it»*.

Therefore the right to self-determination implies a free choice that may have as a consequence that an independent State should be established, but this right itself does not constitute a title of independence. This leads us to a final observation that the proclamation of

SADR has been made in transgression of the spirit of the UN vocation.

In spite of the self-declaration of an independent SADR on 27 February 1976, and in spite of its recognition by many countries, the entity in question is not a State in international law, for it lacks the constituent elements. To state otherwise by betting on statutes and labels is taking people for fool ■

The European Union and the Polisario Front

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Ever since the year 1972, the European community has underlined the importance of honouring its commitments towards the countries of the Mediterranean basin with which it has concluded, and is to conclude, agreements as part of a comprehensive and balanced approach. Negotiations with the three countries of the Maghreb led in 1976 to the conclusion of cooperation agreements drawing on article 238 of the Treaty of European Economic Community which stipulates: «*The Community may conclude with one or more States or international organizations agreements establishing an association involving reciprocal rights and obligations, common action and special procedures*». The eventual evolution of the relations between the European Union and the Maghreb countries, as part of a renovated Mediterranean Policy or of the European Neighbourhood Policy, has led the European Union to establish a partnership-based cooperation (Association Agreements) resting on four components; namely: political dialogue, economic cooperation, social and cultural cooperation, and financial cooperation. Taken together, these components will eventually contribute to the establishment of the free trade zone.

This brief survey of the relations between the European Union and the Maghreb leads us to ask about the place granted by European diplomacy to the Sahara conflict? And what sort of relations with the Polisario? In this sense, the conventional activity of the European Union shows that the Polisario Front does not enjoy any

recognition by the major regional bloc, the EU, on the one hand, and that this bloc is primarily concerned with the humanitarian aspects of the Sahara conflict, on the other.

I. The Action of the European Union Is not Meant to Recognize the Polisario Front

During the fifth session of the EU-Morocco Association Council, the EU solemnly declared that the Sahara conflict remains a major obstacle in the path towards more regional stability, cooperation and prosperity. While the Organization of African Union, now the African Union, accepted to grant membership to the Polisario in 1984, the European Union does not open up any possibility for dealing with Polisario as a partner. During the first Africa-Europe Summit, (April 2000/Cairo (Egypt), Algeria, under European pressures, was compelled to abandon its project concerning the declaration of Polisario as a State. The second Africa-Europe summit due to be held in Lisbon (Portugal) on 8 December 2007 is likely to witness the same trends commonly noted regarding Algerian foreign policy (i.e. the unconditional support granted to the Polisario). In fact, there are fundamental contradictions in the Algerian strategy which leaves us rather perplexed as to the logical and coherent attitudes of the EU policy in the Maghreb.

Through a bilateral and multilateral conventional action, the EU has broadly defined the objectives of its policy in the Maghreb region. Under its approach to partnership with the Maghreb region, the EU considers that its member States and the Maghreb States share responsibilities in terms of stability, security and prosperity for the whole Euro-Mediterranean bloc. Partners underscored the importance of relations within a global Euro-Mediterranean framework, and the objective of bringing about integration between the Maghreb countries (Preamble of the Association Agreements).

The objective of Maghrebi integration through the stimulation of cooperation between the States of the region is likely to promote peace and stability in the region (first article of the Association Agreements). In the same spirit, political dialogue established by the Euro-Med partnership «*shall cover all subjects of common interest, and shall aim to open the way to new forms of cooperation with a view to common goals, in particular peace, security, human rights, democracy and regional development, particularly in the Maghreb region*». (Article 4). In partnership relations, political dialogue and cooperation are mainly designed to «*consolidate security and stability in*

the Mediterranean region and the Maghreb, in particular».
(Article 2)

These principles and objectives, which similarly apply to the three States of the Maghreb, constitute therefore a basis for common action which in no case recognizes the Polisario, and all the more its formation as a State named "the Sahrawi Arab Democratic Republic".

The issue of recognition carries implications on the relations between the European Union and the Polisario. The conclusion of the Fishing Agreement between the European Union and Morocco in July 2005 came under considerable criticism from the Polisario. The latter claims its sovereignty over the territorial waters of the Sahara. Yet the stance of the European Union remained the same: Morocco is always recognized by the European Union as the sovereign authority running Sahara.

The European Union has proposed an autonomous statute for the Sahara region in the like of the German Länder. Support to the Moroccan autonomy statute by Europe in general, and France and Spain, in particular, - the Moroccan Initiative to Negotiate Granting Autonomy to the Sahara Region, which was submitted on April 11, 2007 to the UN Secretary-General, translates the European Union's willingness to find a just, durable and mutually accepted political settlement of the Sahara conflict.

This European approach, which Algeria refuses to adhere to, poses the problem of compatibility between the international commitment and the practice of States to preserve security and regional stability. How can such stability be perceived within an environment of bilateral political tensions? The Union of the Arab Maghreb, an institution that has remained inactive due to the conflicts between two of its member States, illustrates well the fiasco of Maghreb integration. The Algerian support to the Polisario lays bare the contradictions underlying the Algerian attitude. The commitments of Algeria towards the European Union and its constant support to a movement that threatens regional stability completely defies the logic of the Euro-Med dialogue which seeks to shape up in the Mediterranean a space for peace, stability and security, as articulated by the new European neighbourhood policy.

II. The EU Action is directed to the Humanitarian Aspects of the Camps of Moroccan Detainees in Tindouf

The Human rights situation in the camps placed under

the authority of Algeria and the Polisario has not ceased to give cause for concern to the European Union. By granting 1 million Euros, in the form of food assistance and basic foodstuffs, to the detainees, whom the separatist organization transformed into "refugees," the European Union comes as the first provider of aid to this population through the European Community Humanitarian Office. The embezzlement of humanitarian aid destined to the confined populations, however, has caused the European Union in 2003 to reduce its contribution by more than half. The reports conducted by the inspection offices of the UNHCR and the WFP have revealed many anomalies in the organization and distribution of aid.

In this respect, the figure of 165 000 persons, which was declared by Algeria, proved to be greatly exaggerated, which explains why inspectors had to recommend the reduction of that figure to 90 000 persons eligible to benefit from the humanitarian aid in the camps.

The degradation of Human rights in the Tindouf camps has been underlined by several associations and NGOs. The independent investigation commission pointed to alleged violations of Human rights abuses, as well as the embezzlement of humanitarian aid by the Polisario. In its report, the Commission calls on the United Nations and the European Union to investigate into the violations against Human rights in Tindouf. Likewise, it has appealed to NGOs active in the fields of Human rights as well as to independent investigation commissions to work in that sense, and to set up a process to control humanitarian aid destined to the confined populations.

At the level of the EU member States, this question is drumming up interest among many European parliamentarians. A recent report by the British House of Representatives shed light on the misdirection of humanitarian aid destined to the detainees in the Tindouf camps. Similarly, the investigation report presided over by a liberal Belgian Parliamentarian and submitted to the fourth UN Commission draws attention of the international community to the disdain of Human rights in the camps of Shame.

If the Polisario has hundreds of associations across European countries, it is important, the report underlines, that the representatives of these countries should be fully aware of the testimonies of victims accusing the Polisario of committing violations of basic Human rights. The report dramatically portrays the situation of child rights which runs counter to the

International Convention on the Rights of the Child. The whole matter converges towards the need to reconsider the provision of humanitarian aid for the benefit of the Saharawi populations confined in the Tindouf camps, and ensuring their access to food, health and education.

In conclusion, if the EU intervention in the Sahara conflict is restricted to humanitarian actions, it is because the EU avoids interference in the affairs of some countries, given the fact that it considers them (the Maghreb countries) combined as an interdependent, complementary bloc.

Moreover, the EU is seeking to make of the Maghreb, as a regional bloc and not as separate countries, - the bilateral agreements having demonstrated their limitations-, a first key partner in the economic and political aspects of the association as well as in its security aspects. As a result, the EU seeks first and foremost to stabilize the Mediterranean region, mainly by striving to defuse tension in hotspots.

It is within this framework that the Moroccan Project on granting autonomy to the Sahara region, which is likely to definitively defuse the atmosphere of tension which hovers over the whole region, has had broad support at the European level. The European approach in this sense does not rely on considerations that tend to favour one party at the detriment of another. Rather, it primarily seeks to encourage the peaceful cohabitation between the Maghrebi States, which will allow them to express themselves as a sub-regional bloc, one that is capable enough to rise to the challenges imposed at the international level ■

The Polisario Front between Ambition and Reality

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Ever since the Polisario Front uncovered its secessionist intentions, it has made use of the principle of the right to self-determination as its major argument. In fact, through the reductive interpretation that it has made of Resolution 1514 of the General Assembly of

the United Nations (December 14, 1960), it transpires that its tendency consists of concretising its ambition to create a state entity on the southern part of Moroccan territory.

To this end, taking advantage as it does of the support given to it by some powers that have used the Sahara dispute for hegemonic ends; the Polisario has staged a sweepingly mystifying propaganda with a view to obtaining recognition from the international community.

However, and in proportion to the evolution of events and the surfacing up of several indices, it so appeared that the objective behind the wish to create a "Sahrawi State" was unrealisable in so far as none of the elements that are constitutive of a State is extant, or verified.

In view of this, the Polisario, in manifesting obstinacy in defending the existence of the hypothetical "Sahrawi Arab Democratic Republic" (SADR), transgresses all the rules of international law.

I. The Polisario and the Misrepresentation of the Constitutive Elements of a State

In conformity with the rules of international law, the birth of a state cannot be had in the absence of a certain number of legal elements, as well as sociological realities; namely, a people, a territory as well as an effective government.

Yet, in the case of the Polisario, all these elements are lacking, which justifies the illicitness of the proclamation of "SADR".

A. An Imaginary People

All studies, be they historical, anthropological or sociological, have proven that should a "Sahrawi people" exist, it was only in the imaginary of the Polisario.

Besides, it is appropriate to recall in this respect that the populations of the Tindouf camps, to which the Polisario fallaciously attributes the term "people," are composed of two quite distinct categories: the first one, which represents the majority, is composed of Moroccan citizens that are deported to and sequestered in these camps; the second one regroups, in turn, an ensemble of individuals of different nationalities (Algerians, Mauritians, Malians, Nigerians, etc.).

Hence, in view of the absence, *inter alia*, of legal, historical or solidarity ties between these populations, ties which represent the fundamental element that defines "a people," it goes without saying that the so-called "Sahrawi people" around which the Polisario articulates its manoeuvres is nothing short of an invention, pure and simple.

On another plane, the birth of a State entity presupposes the attribution of a nationality to the human community that it is supposed to represent. Yet, nationality, as defined by international law, requires that there be a certain number of ties. In fact, in its Adjudication of April 6, 1955 relative to the Nottebohm affair that opposed Guatemala to Lichtenstein, the international Court of Justice (ICJ) defines nationality as «*a legal tie at the base of which there is the social fact of reattachment, of an effective solidarity of existence, of interests, as well as of sentiments coupled with a reciprocity of rights and obligations*».

In view of this fact, and in light of the aforementioned elements, it transpires that the first constitutive element of a State; namely, "a people" is absent, which accounts for the inexistence of a "Sahrawi nationality."

B. A Hypothetical Territory

The geographical area that the Polisario presents as being the territorial asset of the fanciful "SADR" is in fact nothing short of a portion of 170 sq km, situated at the environs of the Tindouf region, south of Algeria.

As to the camps set up therein, the fact is that they are mainly made up of several tents that are sparsely put up from each other by a distance of some 200 to 500 metres, the objective being to give the impression that these camps shelter some quite important "population".

In this context, it is appropriate to wonder about the motives that underlie the decision made by Algeria in connection with providing shelter for a separatist movement on its territory, knowing that that this entity, which takes to all kinds of criminal trafficking, constitutes a threat to the entire region of the Maghreb.

The answer to this question is crystal clear, in so far as the region in question borders the Moroccan frontiers, a fact which allows the separatist group to stage guerrilla warfare against some Moroccan positions, without ever running the risk of being chased away once it is on the other side of the frontiers.

However, these manoeuvres, which attempt to implant, and by force as it were, an entity that is both illegitimate

and illegal on a territory under Moroccan sovereignty, constitute a transgression, notably on the part of Algeria, of the text as well as the spirit of the United Nations Charter, which stipulates in its fourth paragraph of its Article 2 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, or in any other manner inconsistent with the Purposes of the United Nations*».

C. A Factitious Government

Still within the framework of the rules of international law, the proclamation of any state entity remains to be an illegal fact in the absence of an effective government. Besides, a government, such as it is defined, has for a major task to respond to the needs of the population, and to guarantee its security as well as its protection, all by way of a set of effective institutions that are qualified to exercise all the powers that they are vested with.

In the case of the Polisario, the government is rather more fictive than effective, and the population that it is supposed to represent, to serve and to protect is taken to be as a human scapegoat in order to legitimise the existence of the separatist organisation. Also, when the Polisario publishes on its electronic websites a list of individuals who ostensibly assume governmental functions (Ahmed Lamine Ould Ahmed, Mahfoud Ali Beida, Bouchraya Hammoudi Ben Youm, Abdelkader Taleb Omar, etc), it does no more than lay out a part of its fraudulent propaganda which justifies access to humanitarian aid and other such forms of assistance.

II. The Obstinacy of the Polisario in Transgressing International Legality

As such, the three aforementioned elements, even when they were to exist, do not suffice to render effective the birth of a State, as long as the latter remains to be recognised by the international community as a sovereign entity. Thus «*exclusively deserving of the qualification of a State are those collectivities that present the unique character of being sovereign*».

This condition is equality inexistent as far as the Polisario is concerned.

A. The So-called Sovereignty of the Polisario

In accordance with international doctrine, the sovereignty of the State means that the latter alone «*could pretend to a thorough effectiveness, international as well as*

local». However, not being recognised by the United Nations, and hence not included within the framework of first the paragraph of Article 2 of the UN Charter, which stipulates that the latter is «*founded on the principle of the sovereign equality of all Moroccans*, » “SADR” cannot claim to any form of sovereignty, far more less to any effectiveness whatsoever.

In view of this, to the extent that this entity does not verify any of the constitutive elements of a State, and taking into account the fact that the Polisario is nothing more than an instrument in the pay of certain powers, destined to destabilise Morocco, the sovereignty that it is in question in this case is precisely that of Algeria. Hence, the involvement of the latter in the local affairs of Morocco is manifestly condemned by international justice, knowing that «*the primordial limitation that international law imposes upon the State is the one of excluding – except for the existence of a permissive counter rule—all exercise of its power on the territory of another State*».

In consequence, if such schemes are prohibited by the States recognised to be sovereign, what is the situation like when it is a question of a separatist organisation that enjoys no legitimacy whatsoever?

B. The Illegal Recognitions of “SADR”

With the exception of the Organisation of African Unity (OAU), currently the African Union, -- and the few countries that have submitted their recognition for considerations relating to diverse interests – “SADR” is recognised by no organisation, be it regional or international, neither is it recognised by any European country. Let us recall in this context that the African Organisation, because of its controversial decision, had compelled Morocco – one of the major founders of the OAU—to withdraw its membership there-from on November 12, 1984, the date of the admission of “SADR”.

As concerns the countries that have recognised the aforesaid entity, the fact is that their recognition goes contrary to the principles of international law, which has been put in place ever since the creation of the first international Organisation; namely, the Society of Nations (SN). The latter had, in effect, refused the recognition of micro-States that would not be in a position to honour all their commitments as they are stipulated in the founding Treaty of the Organisation.

This same attitude concerning the non-recognition of state entities that do not fulfil the requisite conditions to

fully honour its commitments, either vis-à-vis their populations or with regard to the international community, has been confirmed by the former General Secretary of the United Nations, M. U. Thant, in his annual report of the year 1967.

Thus, a non-viable entity such as “SADR” would not be recognised by the international community, in so far as it does not own any of the constitutive elements of the State, in addition to the fact that it proceeds from secessionist manoeuvres that aim at amputating Morocco of a part of its territory, which in itself is a violation of all the rules of international law.

As concerns secession, the former Secretary of the United Nations, M. U. Thant, declared on January 4, 1970 that «*in its quality as an international Organisation, the United Nations has never accepted, does not accept and will never accept, I believe, the principle of the secession of some part of one of its member States*».

M. U. Thant’s declaration came by way of a reminder of the attempts at secession that were condemned by the international community, as was the case in 1960-1961, of the Katanga region (currently Shaba), which depends on the State of Zaire, as well as that of Biafra, a province of the State of Nigeria, between 1967 and 1969.

In this respect, it would be logical that the UN should adopt the same position with regard to “SADR,” which it does not recognise anyway, by exhorting the countries that have recognised this entity to reconsider their decision. Besides, in light of the elements laid out in this article, the Polisario will not be able to render effective the existence of “SADR,” neither in the present nor in the future. ■

