

Historical and Legal Background of the Western Sahara Issue

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Abstract:

Western Sahara, occupied by Morocco since 1975, is a disputed region whose destiny is sought by the United Nations and the African Union seek to determine. It encompassed a large part of the Sahara from the Atlantic coast of Africa to Egypt and Sudan. The Territory's current borders were defined by treaties and agreements between Spain, which occupied Western Sahara on the one hand, and France, which occupied Morocco and Mauritania on the other Western Sahara occupies an important area of north-west Africa with coasts on the Atlantic Ocean in the western span of 1400 km, surrounded by Morocco's far north, south-east Mauritania and north-

The extension of Western Sahara for the Atlantic Ocean and its facing of the Canary Islands have given it great geostrategic importance on the political map, allowing it to communicate with the countries with coastlines on the Atlantic Ocean in Europe, Africa and America.

Keywords: Western Sahara, Polisario, Ait Arbaeen "AIT 40", Atlantic Ocean, Refugees.

Introduction:

Western Sahara has been subjected to several successive colonial attempts over the past centuries. In 1478, Spain's first foreign center in the region was built. It can be noted that Spain's relationship with the region dates back to 1525. The Canary seafarers traded with the inhabitants of Saguia El-Hamra and the Valley of Gold "Wadi Al-Dhahab". Under this friction, some inhabitants of the region became relatively familiar with Spanish, until the Berlin Conference of 1884, divided regions of influence and decided to annexe Western Sahara to Spain once and for all, to be known as the Spanish Sahara.

European exploratory missions followed in search of Gold, Ostrich Feathers and Arabic Gum. In 1572, exploratory missions entered the region. The Dutch occupied the Valley of Gold "Wadi Al-Dhahab" in 1638, which would be temporarily controlled by the English in 1665, but The Dutch were to hand over the territory to the French in 1927.

Under of those recent colonial incursions in the region at that time, Spanish King Carlos III signed the Marrakech Treaty 1767, with Moroccan Sultan Muhammad bin Abdullah, in which the Moroccan Sultan acknowledges that "There is no sovereignty after Nuon Valley "Wadi Noun" in the south". However, colonial scramble on Western Sahara were not confined there, but there were several other colonial attempts by Italians in 1869, the Englishmen in 1872, Belgians in 1875 and others.

What is Western Sahara's history? What is the strategic importance of Western Sahara? What are the historical roots of the conflict in Western Sahara before Spain's occupation? What were Morocco's claims of dependence on Western Sahara?

First: Definition of the Western Sahara Region and its Strategic Importance:

1. Geographically:

Western Sahara, formerly known as Saguia El Hamra and the Valley of Gold "Wadi Al-Dhahab"¹ or Spanish Sahara², occupies an important area of North-West Africa.

Western Sahara extends from Tah Region or Draa Valley north with Morocco with a border of 445 km, up to Lagouira Region of the south-east with the Islamic Republic of Mauritania with 1570 km and from the north-east through Tindouf bordered by Algeria with 30 km, equivalent to 2045 km of land borders³, and it is confined between latitudes of ° 26 and ° 32 north⁴.

Western Sahara has an area of 266,000 km², its coastline on the Atlantic Ocean is 1125 km. its beaches are rich in fish wealth and contain large quantities of phosphate, minerals, manganese and large quantities of oil.

On the other hand, frequent studies and news, as well as documents discovered, indicate that these areas, today known as Saguia El Hamra and the Valley of Gold "Wadi Al-Dhahab", as well as Draa region and Nuon Valley "Wadi Noun"⁵, were all covered by forests, orchards and water, making them know a great civilization and mighty prosperity⁶.

2. Humanly and Sociality:

It appears that Ibn Khaldoun's adage that "Homelands with many tribes and clans are less likely to be ruled by a State"⁷ was largely applicable to the Western Sahara region with a clan population structure.

¹ Al-Arabi Ben Ramadan, "The Moroccan Sahara Issue, The Fragmentation Complex in The Arab Maghreb: A Moroccan Vision", Arab Politics Magazine, No. 23, November 2016, p. 71.

² Ahmed – Baba Miski, *Front Polisario "the soul of a people"* rupture editions – Paris -1978, p15.

³ Francisco Villar: *THE PROCESS OF AUTODETERMINATION OF THE SAHARA*, Fernando Torres-Editor, S. A. 1982.p.17.19.

⁴ Laila Khalil Badi, *Lights and Features of Saguia El-Hamra and the Valley of Gold "Wadi Al-Dhahab"*, Dar Al-Masirah, Beirut, Edition 1, 1976, p. 13.

⁵ Mohamed Kouicem, "Saguia El Hamra and Valley of Gold -Wadi Al-Dhahab- during the Intermediate Era through Books of Journey and Geography", Journal of African Studies in Algeria, vol. 3, No. 7, 24 May 2019, p. 41.

⁶ Abdul Malik Khalaf Al-Tamimi, *Spotlight on The Maghreb (Levantine Arabic Vision)*, Export: Nasser Sa'iduni, Al-Basaer House for Publishing and Distribution, Special Edition, 2013, p.247.

⁷ Ibn Khaldoun, "The Muqaddimah" Introduction to Ibn Khaldoun, Part 1, Chapter IX, Edition 1, Dar Ya 'arob, Damascus 2004, p. 326.

Despite successive migrations to the area, no party has been able to establish a central authority over this desert, which has been settled by nomadic tribes whose life is based on tracing rainfall through scorching sands in searching of rare water and pasture. The lives of its inhabitants continued to be organized according to customary relations away from the compulsions of central regimes. Nevertheless, Through the transhumance of pasture in this side or that side from the sprawling desert, it is natural that these tribes, with sovereignty over their pastoral field, establish agreements with multidimensional leaders and parties in support of this authority or a truce for that... etc.

The Sahrawi People or People of The Saguia El Hamra and Valley of Gold "Wadi Al-Dhahab", according to the founder of sociology Ibn Khaldoun, the Spanish writers one of them Julio Caro Baroja⁸ in his book (Saharan studies)⁹ and French writers and historians including Francis de Chatier... according to the discovered monuments and etchings in many of its regions demonstrate an active life in this territory, as evidenced by the European museums, which have many artefacts, looted from the region¹⁰.

The people of Western Sahara are an African Arab mosaic of barbaric Arab brunette origin, descended from The Beni Hassan tribes from The Banu Ma'qil from the peninsula they left for Western Sahara to spread Islam, settled between the 12th and 15th centuries and there are sources saying the 8th century (the beginning of migration).

This people melted down with tribes who came from the north, especially the Hassan tribes, the ancient inhabitants of Barbarians and black people, as a result of this, a black generation (Mauritanians and Saharans). The edifice built by the struggler jurist "Abdullah Bin Yassin" (died 451 Hajri-1059 AD) The mentor and founder of The Almoravid State "Al-Morabitin", was of great importance in spreading Islam in the region and laying its rules in minds and souls from the beginning of the eleventh century until it was genuinely attached to the people of the Sahara. The Saharans were hunting and herding, then they knew farming, industry and commerce, and they were clergymen, knights and warriors¹¹.

Western Sahara, its social and political organization based on the Community, was governed by a Council of authorities governed and administered by the Community at the Tribe Level, and it is a national institution such as Ait Arbaeen "AIT 40"¹², which has full executive, legislative and judicial power, regulates inter-tribal differences and defends the country against any foreign interference. From the point of view of many observers and historians, the political system that prevailed in Western Sahara until the Spanish occupation was similar to the republican one, and in all cases quite different from the political

⁸ Julio Caro Baroja (1914-1995) is a prominent Spanish anthropologist who served as a professor at the University of Madrid and served as director of the Spanish People's Museum. His anthropological work has been characterized by its focus on what is ritualistic. Regard: Rahal Boubrik: **Desert Studies**, Translation: Ahmed Saber, Centre for Desert Studies, 2015, p. 25.

⁹ **Desert Studies**, The First Ethnographic Study in the Area of Spanish power in Sahara, published in 1955 in Madrid, consisting of 392 pages, is an anthropological and ethnographic study completed after 1934 ... for more information Regard: CARMEN ORTIZ GARCÍA, "Julio Caro Baroja" Julio Caro, antropólogo e historiador social", REVISTA DE DIALECTOLOGÍA Y TRADICIONES POPULARES, Vol. LI, No. 1,1996, p292.

¹⁰ Zini Ali Talib, **Western Sahara for whom? Historically and legally, a screening tape on YouTube channel** on 08may 2018... It was followed on 05/07/2020. <https://www.youtube.com> > Watch.

¹¹ Laila Khalil Badi, **op. cit.**, p. 25.

¹² Mohammed Al Safi, "The Ait Arbaeen -Ait 40- Foundation in the Sahara and its Role in Solving the Problems of Tribal Society: A Reading of the History of Southern Morocco" - **The Cannes Historical Review Periodical** - Tenth Year - Thirty-sixth Issue, June 2017. p. 119-125.

systems prevailing in neighbouring States (The Monarchy in Morocco, The Deys and The Beys in Algeria and Tunisia in addition to The Principality of Mauritania).

Many historians have written about the Saharawi people, their State and their distinct political system, including ROBERT ZERT and François Pezle, who said about them: "They knew their jealousy over their freedom and their strong association with it, they never knew the principle of individuality, but they are characterized by an atmosphere of solidarity that our civilized societies miss and so far, they seek to reach".

With regard to the population census, from the historical sources of the Sahrawi people, it was impossible to see accurate statistics, since most Saharans were not registered. Spanish colonialism was limited to the registration of the population, only those living in cities. According to statistics provided by Spain, the population of Western Sahara was 300,000.

The Amazigh Sanhaja tribes¹³ settled the desert area between southern Morocco and the far south of Mauritania in the periods prior to Islam's entry into the area in the first half of the second century Hijri (8th CE), and some tribes who came to Morocco with Hilalian Invasions during the 11 Century, we mention (Banu Hilal, Banu Salim) who are stationed in Northern Sahara and have an extension to Mauritania¹⁴. In the mid-5th century Hijri/11th CE, these tribes established The Almoravid State "Al-Morabitin"¹⁵, which extended its control over all the region and proceeded from it to the rule of Morocco and Andalusia¹⁶.

3. Economically and Touristically:

The Western Sahara region is abundant with natural wealth, which contributes significantly to the components of the Saharan economy. It includes livestock and fishing. The Saharan coast is 600 km long on the Atlantic Ocean, as well as minerals such as phosphate. According to statistics, Western Sahara owns 28.5% of the world's stockpile¹⁷.

These minerals also include iron, which geological studies confirm is high in soil in some areas of the desert, in addition to copper, manganese, iron and marble, and there is considerable potential for oil and gas reserves.

Western Sahara also has diverse and large tourist possibilities, supported by spectacular desert views and stretched coasts over hundreds of kilometers with impressive tourist and maritime recreation locations. In addition, conditions are in place for adventure tourism and exploration.

¹³ Hossam Al-Hafnawi, *The Sanhaja tribes of the desert and their role in carrying the message of Islam*. Subject link: <https://www.alukah.net/culture/0/72330/#ixzz5w2MLk5ad16> 16-07-2014 Browsing Date: 14-07-2019.

¹⁴ Ismail Maaraf, *Western Sahara at the United Nations ... and talk about international legitimacy?!*, Dar Houma for Printing, Publishing and Distribution 2010, p. p. 66.67.

¹⁵ Ragheb Al-Sarjani, *The Almoravid State "Al-Morabitin"*, 01/05/2006 <https://islamstory.com/ar/artical/23162/> *The Almoravid State "Al-Morabitin"*, Browsing date: 12/07/2019.

¹⁶ Al-Mahdi Al-Bouabdaly, *"The Past of The Saguia El Hamra and Valley of Gold (Wadi Al-Dhahab)"*, Al-Asalah magazine, 23 April 1976, p. 26.

¹⁷ Ismail Maaraf, *op. cit.*, p. 50.

Popular tourist areas in the desert include: Oasis Lemseyed, Lake Naila, Akhnefis Bay, Umm Bada'a Waterfalls and Tavodar Valley.

Second: Historical roots of the conflict in Western Sahara:

Since determining its geological and demographic structure as it is, this desert has formed a mysterious world for its non-sons and has been an element of temptation and concern for neighbours. Given the region's potential for trade (convoy trade and Atlantic commerce on desert shores represented its greatest strength), it was a source of political surprise and a sanctuary for outsiders who found it safe from chasing enemies and prospect to achieving dreams come true with its human stock, whose members enjoyed the courage and power of the Bedouin.

If the dialectic of fear and temptation are a consequence, Saharans' relations with the authorities and systems close to them (the rulers of central States in the north and south of the Sahara) have been characterized, they have dominated neighbours beyond the water border with equal force. From the human stock of this desert came the Islamic conqueror Tariq Bin Ziyad¹⁸ from the Moroccan shore to overthrow the Kingdom of Rodericus and establish an Islamic regime on The Iberian Peninsula¹⁹ at its ruins. From this desert, The Almoravid Commander Yusuf Bin Tashfin²⁰ came to save the authority of Al Mu'tamid ibn Abbad and postpone the fall of the Muslim rule in Andalusia by more than four centuries.

So, it was therefore not unusual for Spaniards to view their southern border (including the desert beaches opposite the Canary Islands) with constant apprehension. This appeared from the very first moment of the restoration of Christian rule on The Iberian Peninsula, working -according to their Catholic queen Isabella- to retain a foothold on Arab shores to prevent any potential danger.

By virtue of its own factors, the Sahara remained an intractable area, which neighbours were unable to subdue, although they were able to establish friendly exchanges relations with, and sometimes violent, depending on the volatility of the political weather and the nature of the relationship with, its tribes.

Third: Spanish Occupation:

With the emergence of colonialism, the ancient Spanish Empire was able to regain its position on the beaches opposite the Canary Islands in Western Sahara in the midst of a frantic European conflict over the region's sharing. At the Berlin Conference (1884-1885), the European States recognized Spain's

¹⁸ Fathi Youssef Al-Shawawra, "Tariq bin Ziyad's sermon and the burning of ships in historical sources between truth and myth, an analytical historical study", Journal of Arab Studies, vol. 45, No. 2, January 2022, Dar Al Uloom College, Minya University, p. 1065.

¹⁹ Laila Khalil Badi, *op. cit.*, p. 20.

²⁰ Ali Ibn Abi Zar'a Al-Fassi, *Al-Anis Al-Mutrib bi-Rawd Al-Qirtas fi Akhbar Muluk Al-Maghrib and Tarikh Madinat Fez*, Dar Al-Mansour Edition in Rabat, 1972, p. 124.

sovereignty over the Western Sahara region, which Madrid would later declare a Spanish province with which to establish a local authority²¹.

In the late nineteenth century, the major traditional colonial Powers stormed on the African continent more wildly than before, and the continent ended up being divided at the Berlin Conference of 1884/1885. Until that date, however, de facto colonial domination has not extended to the African continent²², but has been confined to certain commercial centers and military or ration bases on the coasts. At home, Europe's presence has been limited to some exploratory and human missions²³.

However, the Spaniards initially merely barricaded themselves within isolated beach centres in areas "Tarfaya", "Dakhla" and "Lagouira" leaving the Saharan depth as much scope for sovereignty as before for Saharawi tribes, which will be a vent to the resistance movement throughout the Saharawi stretch in Morocco, Mauritania and Algeria, and in particular the Mauritanian resistance, which has shifted the weight of its armed operations to the northern areas of the Sahara in coordination with Sheikh Ma Al-'Aynayn in Al-Samara city after the creeping French narrowed from the south with diphtheria on it.

Spain's occupation of Western Sahara was distinguished in two phases:

Phase 1:

Starting from 1884, the date of Spanish influence for the purpose of protecting the Saharan territory and establishing what is known as the Riga of the Sahara, then established a centre in the city of Dakhla, which was named by Villa Sezegros and adopted by the capital of the region, from which the rest of the territories were launched respectively. It has also enjoyed many of the conventions that have been signed²⁴. And it imposed its control and laws on all areas of the Sahara, until the last occupied soldier exited in February from 1976.

Phase 2:

This phase comes after the division of the colonial influence of the region between Spain and France, when the Spanish Government issued an executive decree dated 29 July 1946, placing what is known as the Africa Western Spanish region, under the authority of the Prime Minister and actually embodied in 1952, the boundaries of Saguia El Hamra, Valley of Gold "Wadi Al-Dhahab" and Mauritania²⁵.

What distinguishes this phase is the unification of colonial forces to suppress popular resistance. In 1934, Spain took part in the operation, calling it "Al-Aqasi" The furthest, and took the name because it

²¹ Abdelnaby Mustafa, **Referendum on Self-Determination in Western Sahara, thesis for doctorate in public law**, Faculty of Law, University of Algiers 2014, 1, p. 25.

²² Tariq Mabrouk Try, **Obstacles to the implementation of the right to self-determination in Western Sahara**, Ghaida Publishing and Distribution House, edition 1, 2015, p. 94.

²³ Arno Speer, **Journey in the Sahrawi Arab Democratic Republic**, Arabization: Antoine Sidawi, Al-Farabi House, 1978, p. 18.

²⁴ Maher Attiya Shaaban, **Problems of Contemporary Africa**, Dar Elmaarefa Elgameaia-Press (University Knowledge House), Egypt 2011, p. 279.

²⁵ Boutros Boutros-Ghali, **"Historical and political background of the Sahara issue"**, Journal of International Politics, No. 44, Centre for Strategic Studies of Al-Ahram International Newspaper, Egypt, 1976, p. 216.

had emanated from the outskirts of the colonies to reach a specific point within these colonies. With the assistance of the French forces, Spain was able to take full control of the territory of Western Sahara²⁶.

During the period from 1883 to 1975, Western Sahara was subjected to Spanish occupation, which imposed its control and laws on all areas of the Sahara until the last occupied soldier exited it in February from 1976.

Fourth: Moroccan Occupation:

Western Sahara is the only State occupied by a Muslim Arab State. This is the Moroccan occupation of large parts of the Territory, which began in 1975, focusing on Morocco's southern border. Where does it historically extend? Is it indeed encompassing Western Sahara? We do not call it an occupation, but a restoration of Moroccan territory. If he does not arrive in Western Sahara, the argument is made to Morocco, that this is an occupation, and they have to leave the Territory and leave it to its owners and indigenous peoples²⁷.

On 06 November 1975, at the invitation of King Hassan II, 350 thousand Moroccans took part in a popular march, moving towards Western Sahara, in order to pressure Spain to leave the area it occupied, under the secret agreement between Kissinger and Hassan II and Juan Carlos I.

The Green March²⁸, described by Saharans demanding self-determination, and Algeria as hostile action to perpetuate Morocco's "occupation" of Western Sahara.

On 14 November 1975, Morocco, Mauritania and Spain signed an agreement known as the Madrid Convention²⁹, whereby the authority to administer the Sahara was transferred to a joint interim administration between the three States. Under the Convention, Western Sahara was divided into two halves: the northern part was occupied by the Kingdom of Morocco and the southern part was occupied by Mauritania. In contrast, since 1976, the Frente POLISARIO had declared that the so-called "Sahrawi Arab Democratic Republic" had been taking over the part of the Sahara it controlled, considering Morocco an occupying Power in the Sahara and invited -- supported by Algeria, which hosted the POLISARIO leadership in the Tindouf camps -- for its population to be given the "right to self-determination" in accordance with the principles of the United Nations of "Decolonization".

Thus, since the end of 1975, fierce battles between the conflicting parties in Western Sahara, most of which took place in the Mauritanian part of the Sahara, sometimes exceeding the Saharan territory, forced the Mauritanian side to opt out from the conflict in 1979, after the country's military overthrew its civilian regime under the leadership of Moktar Ould Daddah.

²⁶ Christ Wallonne, *Western Sahara: a forgotten conflict?* Brussels, 2005, p11.

²⁷ Mohammed Domair, *Historical Investigation into the Origin of the Border between Morocco and Western Sahara*, 19/07/2022, viewed 25/07/2022, <https://www.youtube.com> › Watch.

²⁸ Ismail Maaraf, *op. cit.*, p. 146.

²⁹ Muaffaq Abdul Samad, *Saguia El Hamra and Valley of Gold "Wadi Al-Dhahab" Issue*, Dar Al-Noun for Printing, Publishing and distribution, p. 34.

Several factors, -first and foremost the depletion of the power of the two armies (Morocco and Saharan)-, followed the parties' entry into the diplomatic phase which began from the time they signed on 06 May 1988, a peace plan proposed by the Secretary-General of the United Nations, providing for a ceasefire and a referendum on self-determination in the Sahara by joining or independence from Morocco³⁰.

Fifth: Morocco's Allegations Concerning Morocco in Western Sahara:

A. Historically:

The owners of this view depend on Morocco's Sahara that Saharans have taken up arms against Spanish colonialism under the Moroccan banner as well as Mauritians. They were Mauritians and Saharans under the leadership of Sheikh Ma Al-'Aynayn, who gave allegiance to the Moroccan sultan. The authors add that a group of tribes in the Territory (Western Sahara) were loyal and obedient (the allegiance to the Moroccan sultan). The Moroccan King was considered to be the Sultan and the mundane leader with both inheritance and spiritual legitimacy. Mohamed Al-Baghdadi (former colonel) also presented a series of documents and testimonies by tribal leaders and eminent personalities concerning Morocco's sovereignty over the Western Sahara region as well as Mauritania³¹.

B. Administratively:

Moroccan defenders of the Territory argue that the appointment of judges in the Sahara was done by the Sultan of Morocco, who had authority over the Territory and in other words was regarded as a province of the Kingdom of Morocco to which sovereignty was exercised, namely, the appointment of officials who governed under their name and authority³².

C. Socially & Economically:

In the view of the Saharan returnee of ownership claimants, over successive generations, the Saharan population has participated in the development of common civilizations, which have earned the region wide economic and social qualities. Mohammed Al-Baghdadi also mentions that there is a decree issued by Sultan Abdulaziz in 1904 confirming the arrival of (Al-Rguibat Tribe) one of the Saharawi's largest tribes and stating that they are honourable³³.

³⁰ Abdelekhalaq Berramdane, *The Western Sahara: Maghreb issue*, Paris, Karthala, 1992, p.19.

³¹ Crisis Group Report on the Middle East, *Western Sahara Costs of Conflict*, No. 65, 11 January 2007, p. 2.

³² *Ibid.* p. 2.

³³ Atika Necib, *Algerian-Moroccan Relations in the Post-Cold War Era*: Master's Note, Comparative Policy Specialization, Faculty of Law and Political Science, Department of Political Science and International Relations, University of Mohamed Khider Biskra, 2011-2012, p. 126.

The seeds of Morocco's aspirations in Western Sahara date back to the reign of Marinid (1269-1465 AD), and when The Saadia State (1554-1659 AD)³⁴, at the beginning of the 16th century, failed to expel Spaniards and Portuguese from Morocco's ports of occupation, and collided with the steadfastness of the Central Maghreb Population (Algeria) and the toughness of its emerging Ottoman administration, it turned its eyes and aspirations towards the Sahara in south³⁵.

Sultans of Saadia State described it as (Saybah Country), including the Saguia El Hamra and the Valley of Gold "Wadi Al-Dhahab", as being outside their governance and control as well as mandating The Makhzen tribes which be subordinate to them to invade these areas and loot their money and human beings as a source of wealth.

At the beginning of the 17th century, The Alawite State (1666 AD to the present day) was one of its most prominent King Moulay Ismail³⁶, who ruled Morocco for more than half a century (1672 AD to 1727 AD) and renewed Ahmed Al-Mansour's ambitions and campaigned on the Saharawi region³⁷.

All these campaigns remain mere aspirations of Morocco, but the real claim to Western Sahara begins after independence from the French occupation of 1956, where Morocco's independence was followed by a general trend to complete the liberation of the remaining areas under French and Spanish control. Morocco's claims were based on the thesis submitted by the leader of the Moroccan Independence Party, Allal Al-Fassi contained in The White Book which released by him in 1955³⁸. He explained the map of what he called the Great Moroccan, which came with the idea of the Moroccan Empire and whose borders included Bashar, Al-Sadira, Toat province, Tindouf in Algeria, Western Sahara and Mauritanian territory. The nation's borders extend to the Niger and Senegal rivers in the south. And affirmed that this nation has been rejected since the time of The Almoravid State "Al-Morabitin",³⁹ from Senegal to Castile and from Barqa to the Atlantic Ocean, an idea based on religious and cultural grounds according to its author⁴⁰.

Allal Al-Fassi⁴¹ delivered a famous speech in Tangier on 18 June 1956: "The Moroccan patriots will continue to struggle until the independence of all Moroccan territories becomes a reality. Tangier will return once and for all to the homeland. The Sahara, which remains under Spain's control, as well as all the territories under French authority, will be liberated. The honorable empire will return, From Tindouf to Bashar Fatwwat, Al-Kenadsa and Mauritania. Brothers, Morocco borders the south with the River Senegal"⁴².

³⁴ **The Saadia State**, one of the independent States in the far Maghreb, whose rule lasted from (916/1069 Hijri-1510/1658 AD), its most famous Sultans are Al Mutasem Billah Al-Saadi and Ahmad Al-Mansour Adhahbi, and its most famous events is the grand battle of (Wadi Al-Makhazin), Regard: Abdelkarim Karim, **The Maghreb under the State of Saadia**, Edition 3, Association of Moroccan Historians, Rabat, September 25, 2013, p. 118.

³⁵ Yahya Bouaziz, **Themes and Issues of Algeria's and Morocco's History**, Part 2, Dar El-Huda, Algeria, 2004, p.p. 587-588.

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³⁷ Yahya Bouaziz, **The Truth About Morocco's Historical Demands Regarding Saguia El-Hamra and Wadi Al-Dhahab**, Journal of Originality "Al-Asalah", No. 28, Ministry of Education and Religious Affairs, Algeria, January, 1976, p. 67.

³⁸ Abdelhamid Al-Saqqai, **"Western Sahara between independence and the ambitions of the expansionist King of Morocco"**, 1st November magazine, No. 13, December 1976, p. p. 28-29.

³⁹ Hassan Ahmed Mahmoud, **The Rise of the Almoravid State; A Bright Page in the History of Morocco in the Middle Ages**, Arab Thought House, 1956, p. 326.

⁴⁰ Mustafa Al-Kattab, Mohammed Badi, **Conflict over Western Sahara between the Right of Force and the Power of the Right**, 1st Edition, Dar Al Awael for Publishing and Printing Services, 1998, Damascus, p. 9.

⁴¹ Anwar Al-Gendi, **Figures of the fourteenth Century Hijri**, Anglo-Egyptian Library, Cairo, 1981.

⁴² Mustafa Al-Kattab, Mohammed Badi, **Ibid.**, p. 41.

He also says: "As long as the international regime exists in the Tangier region and the Spanish deserts in the south from Tindouf to Attar and the uttermost parts of the Algerian-Moroccan districts has not been removed from the trusteeship, our independence remains amputated, and our first duty is to pursue work for the liberation and unification of the country"⁴³.

Mention can also be made of Mohamed V's statement in the 25 of February 1958, which declared Morocco's commitment to Western Sahara. Thus, in addition to the party demands, there are other official demands. When we go through the Moroccan Constitution in the text of article IV of the Constitution of 02 June 1961, which affirms the need for the unification of Moroccan territories.

Article 19 of the Constitution of Morocco, promulgated on 10 March 1972, speaks of the territory of the Kingdom of Morocco at its historical roots aforementioned⁴⁴. However, what encouraged Morocco to pursue its aspirations was Spain's cession of Tarfaya Region in its favour. Under a joint agreement signed by the parties on 01 April 1958.

The same is true of the Ivni Region, where the Spanish secession was achieved by signing an agreement known as the Treaty of Fez on 04 January 1969. The price of this Spanish waiver was to cooperate in the removal of the Saharan Liberation Army and the suppression of the national movement in The Saguia El Hamra and Valley of Gold "Wadi Al-Dhahab"⁴⁵.

We note that; King Hassan II, during Morocco's signing of the Charter Document of the Organization of African Unity in September 1963, had made numerous reservations concerning borders. He would continue to claim his historical rights. This was reflected on the ground when he attacked Algeria on 08 October 1963, then known as the Sand War⁴⁶, taking advantage of Algeria's conditions and problems following independence⁴⁷.

The observation of Morocco's aspirations is that, in the face of growing internal problems, it has been forced to reverse its position aimed at the formation of the Great Moroccan Empire, merely claiming Western Sahara, providing arguments and evidences, including⁴⁸:

- Common history and geographical extension of the Territory.
- Religious ties and shared historical rights.
- Collection of taxes from Western Sahara territory⁴⁹.

⁴³ Bertrand Fessad De foucaut, (**The Question of Western Sahara**), French Review of African Political Studies, No. 199, November 1977, Paris, p.77.

⁴⁴ Bushra Mahmoud Saleh, **Spain's role in the repercussions of the problem of Western Sahara 1975-1991**, Dean's Magazine "Alameed", No. 44, Mustrasiriya Journal, Historical Studies, p. 95.

⁴⁵ Ali Al-Shami, **Western Sahara Retail Node in the Maghreb**, Dar Al-Kalimah Publishing, Beirut 1982, p. 178.180.

⁴⁶ Mohammed Zakaria Abu Addahab, (**The conflict in Western Sahara: a view of places and perspectives**), African studies, No. 4, January February, Bogota, Colombia, 2012, p.26.

⁴⁷ Atika Necib, **Ibid.**, p. 80.

⁴⁸ Ma Al-'Aynayn Lakhel, **answering a Moroccan brother's question about Western Sahara: Why it did not have an old flag, constitution or currency**, January 12, 2021, <https://www.saharawi.net> - Accessed on 20-07-2022.

⁴⁹ Guillaume Bhutto, **Morocco in Western Sahara 1975 - 2005 Thirty Years of Research on Sovereignty**, Master's thesis, Institute of University Studies, 2, University of Lyon, France, 2004-2005, pp. 12-13.

- The subordination of certain tribes to the population through the Moroccan Sultan's Association of allegiance's pledge, which the monarchy in Morocco regarded as a political contract, has the apparent effect of sovereignty over the land and population of Western Sahara.
- Sheikh Ma Al-'Aynayn's role as personal representative of the Sultan in Western Sahara⁵⁰.
- Morocco's resistance to the colonial presence in the region⁵¹.
- Sultans' campaigns in the southern region from Al-sous in 1882 and 1886.
- The small number of Sahara's indigenous population and their inability to conduct their own affairs⁵².
- The ratification by the Saharan community of the Madrid Tripartite Convention, the Western Sahara neighbourhood of Morocco and the Saharan nature of the Territory are a natural extension of Morocco, especially with its southern part. The word "Tetouan" the name of Moroccan city implies the Moroccan dialect of rural "Laayoune", the capital of Western Sahara, as well as international events concerning Western Sahara (conventions), treaties and diplomatic correspondences⁵³.

Sixth: Refute Morocco's Allegations about Morocco in Western Sahara:

This desert has been a mysterious world since its geological and demographic structure was defined, for other than her children. It was an element of temptation and concern for neighbours. In addition to its potential for trade (convoy trade and Atlantic commerce on desert shores represented its greatest strength), the region has been a source of political surprise and a haven for outsiders who have found it safe from the pursuit of enemies and a prospect for the realization of dreams with its human stock, its members enjoy the courage and power of the Bedouin.

If the dialectic of fear and temptation are a consequence, Saharans' relations with the authorities and systems close to them (the rulers of central States in the north and south of the Sahara) have been characterized, they have dominated neighbours beyond the water border with equal force. From the human stock of this desert came the Islamic conqueror Tariq Bin Ziyad⁵⁴ from the Moroccan shore to overthrow the Kingdom of Rodericus and establish an Islamic regime on The Iberian Peninsula⁵⁵ at its ruins. From this desert, The Almoravid Commander Yusuf Bin Tashfin⁵⁶ came to save the authority of Al Mu'tamid ibn Abbad and postpone the fall of the Muslim rule in Andalusia by more than four centuries.

So, it was therefore not unusual for Spaniards to view their southern border (including the desert beaches opposite the Canary Islands) with constant apprehension. This appeared from the very first

⁵⁰ Abdelhamid Al-Saqqai, *Ibid.*, p. 29.

⁵¹ Muaffaq Abdul Samad, *Ibid.*, p. 12.

⁵² Abdullah Shareet, *Ideological Dialogue on the Saharan Issue and the Palestinian Issue*, National Company, Algeria, 1982, p. 16.

⁵³ Abdul Malik Khalaf Al-Tamimi, *Previous reference*, p. 256.

⁵⁴ Fathi Youssef Al-Shawawra, *Ibid.*, p. 1065.

⁵⁵ Laila Khalil Badi, *Ibid.*, p. 20.

⁵⁶ Ali Ibn Abi Zar'a Al-Fassi, *Al-Anis Al-Mutrib bi-Rawd Al-Qirtas fi Akhbar Muluk Al-Maghrib and Tarikh Madinat Fez*, Dar Al-Mansour Edition in Rabat, 1972, p. 124.

moment of the restoration of Christian rule on The Iberian Peninsula, working -according to their Catholic queen Isabella- to retain a foothold on Arab shores to prevent any potential danger.

By virtue of its own factors, the Sahara remained an intractable area, which neighbours were unable to subdue, although they were able to establish friendly exchanges relations with, and sometimes violent, depending on the volatility of the political weather and the nature of the relationship with, its tribes. Here we ask the question: Was Western Sahara before the Spanish occupation a State?

If we go deep within history, we find that before the Spanish occupation, Western Sahara was an independent State, that Morocco never exercised sovereignty over it, and that all the military missions of Morocco's Sultans were to search for gold and slaves in Africa and did not succeed in crossing Western Sahara, because of the Saharan resistance that forced them to change course through Tombouctou and Gao (Mali)⁵⁷.

When the Sahrawi people arrived in this area, they did not find any Moroccan authority before them and when the Spaniards arrived in Western Sahara, they found only the Saharawi tribes and their ruling authority (Ait Arbaeen "AIT 40"), with which their elders initially negotiated trade agreements on the coasts before Spain swept Saharan territory with the help of France, which occupied Western Sahara's neighbours⁵⁸. This agreement was documented between Spain and the governing authority of Ait Arbaeen "AIT 40" of Western Sahara and representatives of some of its tribes TORIS CAMPS In Brussels, in front of the African Red Cross Association in 1897.

Robert Montagne says: "Nuon Valley (Wadi Noun) is the divide between two politically and socially different social systems. There is no consensus and no understanding between them whatsoever". This is also confirmed by Thomas Mark Robert on 1960, who has roamed the region several times: When moving from Morocco to Western Sahara, beyond Nuon Valley "Wadi Noun" and the Draa Valley, it be moving to another different world with myriad indicators,⁵⁹ ... These can be summarized as follows:

- Vegetation shifted between northern Morocco and southern Sahara.
- The difference of outfit, In the north we find white dress and, in the south, we find blue men.
- The difference of habits, In the north we find donkeys, mules and poultry, and in the south, we find camels.
- The difference in lifestyle, In the North we find stability and farming, and in the South, we find grazing, commercial convoys and traveling to the South.
- The difference in the urban pattern in the north, we find floored buildings and, in the south, we find the Sudanese pattern of construction.
- The difference in language in the north we find Morocco and Barbarism while in the south we find Hassaniya accent derived from the Classical Arabic language.⁶⁰

⁵⁷ Hopkins, **Economic History of West Africa**, Translation: Ahmed Fouad Balbaa, National Translation Project, Cairo, Egypt, 1998, pp. 250.

⁵⁸ Muaffaq Abdul Samad, **Ibid.**, p. 04.

⁵⁹ Salahuddin Hafez, **Polisario War**, Unity House, Beirut, Lebanon, 1981, p. 45.

⁶⁰ Mohammad Dahman, **Travelling and Settling in the Regions of The Saguia El Hamra and Valley of Gold "Wadi Al-Dhahab"**, Kawthar Press, Rabat, Morocco, 2006, p. 89.

Here we ask a question: How does Morocco claim that Western Sahara has it when, before Morocco's occupation of the Sahara in 1975, there is no single Moroccan grave in this land and there is no mosque or building built by Morocco in this land? How is that possible?

Moroccan historian Slaoui, in his book (The Survey of The Far Maghreb's history), and according to Ibn Khaldoun, he wrote that; The Far Maghreb's eastward borders is Moulouya, stretching to Safi and ending with the west coast of the Derain Mountains (Draa). At the 15th session of the General Assembly, the French Commissioner to the United Nations stated that Morocco's authority had not exceeded the Draa Valley.

There are a lot of historians and analysts who have written about the independence of the Sahrawi people in their State about any power from neighbouring and foreign countries ... Of them, Senegalese Leopold Bunny 1850, Professor Maurice Barbier 1984 - Procyon Foley and Sauniere 18th Century Tour - American consul Tangerine 1891. Mark Robert Thomas, who had studied with Hassan II in France, and some Moroccan frames, testified that he had studied with them Spain's abandonment of Tarfaya and confirmed that they had paid no attention to the subject of Western Sahara⁶¹.

- Francis Duchatier asserted that there was no direct connection between Morocco and Western Sahara, since established by The Idrisid in the end of the 8th century until the 16th century.

Moroccan Sultan Mohammed bin Abdullah wrote on May 28, 1767, in a letter to the King of Spain, His Majesty the Sultan, in consultation with His Catholic Majesty, declares that he is not responsible for the incidents south of Nuon Valley "Wadi Noun" because Spain does not extend until that quarter, and that beyond that area is inhabited by another people who have their authority and power. Abu Nasr, the son of Sultan Mulai Ismail between 1672 and 1727, revolted against his father and then expelled him and took refuge in the Saharans, who welcomed and embraced him, but soon tried to impose control on them, So, they refused to recognize any authority over them, and then killed him on Tiris land in Western Sahara⁶².

Strangely, Morocco and neighbouring States such as Algeria and Mauritania supported the independence of Western Sahara and the Sahrawi people's right to self-determination until 1974.

There are many documents to prove this, including the reference to Moroccan Representative Idriss Sidi Baba, who announced in Ethiopia at the Special Commission's meeting on 17 June 1966, his support for the independence of Western Sahara and the right of the Sahrawi people to self-determination as soon as possible⁶³. Strangely, Morocco reversed its position after 1974 and occupied Western Sahara!

- Francis Duchatier asserted that there was no direct connection between Morocco and Western Sahara, since established by The Idrisid in the end of the 8th century until the 16th century.

King Hassan II of Morocco proposed to present the Sahrawi Issue at the International Court of Justice in 1974 and he provided arguments, saying that; they were not linked between certain Sahrawi tribes and

⁶¹ Zanati Mustafa, "Analysis of the advisory opinion of the International Court of Justice on Western Sahara of 16 October 1975", Journal of Legal Studies and Researches, vol. 7, No. 1, 2022, p. 252.

⁶² Sumoud-Net, **Stations of Western Sahara History**, 01 January 2020, accessed the site on 21/02/2021 ... For more Regard: <https://www.sumoudsh.net>

⁶³ Abdelmajid Al-Abdali, **Law of International Relations**, Dar Aqwas for Publishing, Tunis, 1994, p. 54.

Moroccan sultans. After historical and legal study, the International Court of Justice affirmed: (The evidences submitted is internal and not external, in the sense that no one testifies to its validity other than Morocco and does not include international seals, transactions or conventions proving its sovereignty over this territory).

Although there were some religious and economic links between some Moroccan sultans and some Saharan tribes, such as seeking support when subjected to external attack or neighbourly trade, there were other and more similar links between Saharans and Mauritania, and yet all of them did not represent sovereign ties. It concluded that the Saharawi people had the right to self-determination in accordance with United Nations resolution 1514, like all peoples of the region, and that Western Sahara had never been Moroccan or Mauritanian⁶⁴. For the United Nations, therefore, the issue is one of decolonization and continues to be discussed every year in the United Nations Fourth Committee on decolonization.

It should be noted that the United Nations is adopted as a reference in international border conflicts inherited from colonialism. Because if historical demands were opened up, every people would demand a return to the historical era, whose State was at its largest expansion. Some will claim, for example, the boundaries of the Fatimid State, one of the Numidian or Ottoman State, or of the Chinguetti State⁶⁵, or even another will demand a return to the seventh century, when the Kingdom of Morocco was not originally founded.

The standard was therefore the inherited boundaries of colonialism and the Western Sahara border from which Spanish colonialism had emerged. It is clear to the United Nations and extends from Tah north to Al-Douera south.

Morocco's claim to Western Sahara begins after its independence from French protection in 1956. Morocco's independence was followed by a general tendency to claim Western Sahara. Morocco's demands were based on the thesis presented by leader Allal Al-Fassi, leader of the Independence Party, contained in the White Paper, the idea of the Moroccan Empire or Grand Morocco from Tangier to the Senegal River Valley. Allal Al-Fassi delivered his famous speech in Tangier on 18 June 1956, in which he said: "Moroccan patriots will continue to fight until the independence of all Moroccan territories becomes a final reality of Tangier's homeland. The Sahara, which is still under the control of Spain and all the territory under French authority, returns from Tindouf to Bashar Fatwwat, Al-Kenadsa and Mauritania"⁶⁶.

Until 1958 Spain allowed to Moroccan Liberation Army Troops to pass through Western Sahara under its control to strike French forces in the far south. It seems obvious that this reconciliation would remove the risk of liberalization from the Sahara. This phase ended with the retrieval of Sultan Mohammed V Tarfaya on April 01, 1958. Immediately thereafter, Sultan Mohammed V formed an advisory committee,

⁶⁴ Zanati Mustafa, *Ibid.*, p. 254.

⁶⁵ **Chinguetti Country**: a name known as Mauritania since the 18th century. Other nomenclature: Mauritania has long been known as the Desert of masked, the country of Shamers, the Country of Chinguetti and the Land of Almoravid. Ragheb Al-Sarhani, Chinguetti ... Lighthouse Country and the Land of the Million Poets, Islam Story 2020/12/02, for more Regard: <https://islamstory.com/ar/artical> , accessed the site on 10 May 2021.

⁶⁶ Ben Amer Tunisi, **Self-Determination and Western Sahara Case**, Master's Degree Research in International Law and International Relations, Institute of Legal and Administrative Sciences, University of Algiers, November 1982, p. 162.

with the task of studying the border problem and demanding the Spanish Sahara and Mauritania. As for the Algerian part, it was claimed after Algeria's independence⁶⁷.

Beginning in 1960, the King of Morocco attempted to restore Western Sahara, Sidi Ifni and the regions of the North through diplomacy. In this context, Spain relied on a policy of abandoning one area and retaining one area. Morocco agreed to recover one area and postpone the search for another.

In this context, Major general Franco sent to King Mohammed V a letter dated 06 October 1960, offering to abandon the city of Sidi Ifni in exchange for silence on The Saguia El Hamra and Valley of Gold "Wadi Al-Dhahab" in the first place. On 13 December 1960, the King responded with a counter-position in which he went beyond the proposal for Al-Turabi compensation, distinguishing between the evacuees from the Sidi Ifni region and the areas still under Spain's control, demanding that the former be terminated and the other file opened, without specifying or offering compensation. This Moroccan attitude changed Spain's tone. King Franco, in a second letter to the Moroccan King, highlighted Spain's role in securing the recognition of Moroccan by tribes away from Makhzen and by opening up all the other outstanding issues between the two Governments⁶⁸. On 01 November 1963, Morocco wanted to realize Morocco's great dream by attempting to invade the south-western territories of Algeria, circumventing the Saharan and Mauritanian territories and facilitating their control, but failed to do so⁶⁹.

Conclusion:

Morocco's adherence to the Territory stems from its political, economic and strategic stakes. On the political side, Western Sahara would increase its size and geographical depth, as well as its population strength. In addition, it reflects the Maghreb's dream, which is a strategic dimension. It will also gain additional weight in the region, emerge from the isolation imposed around it and impose respect for it by neighbouring States. Moreover, Morocco had a complex or concern that it had not disparaged since the independence of the Maghreb region as a whole, which was to see Algeria as a rival regional force.

From here and with all these historical arguments, incontrovertible international realities and laws refuting Morocco's ambitions, all the peoples of the free world must rule the mind and triumph of the right and uphold the right and just cause of the Sahrawi people. It is a special call for the Moroccan people and all peoples to end this conflict and to guarantee the Sahrawi people's right to independence and self-determination, to return to their land, to look forward and to build a strong Maghreb Union that includes all the peoples of the region, where hatred is removed, spirits are filtered, political borders are eroded, countries flourish and everyone has the right.

⁶⁷ Amrun Mohammed, *Evolution of the Western Sahara Conflict from Spanish opt out to Baker II Scheme 1975-2005*, Memorandum of Master's Degree, (unpublished), University of Algiers, Faculty of Political Science and Media, 2006, p. 44.

⁶⁸ Ali Al-Shami, *op. cit.*, p. 182.

⁶⁹ Mohammed Salah Tah, *the western Sahara conflict and its repercussions on the Algerian-Moroccan Relationship*, Submitted for the Degree of master in the Department of Politics, University of Warwick, 1982, p20.

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