

RESEARCH ARTICLE

A de facto state's struggle for international recognition: The case of the Sahrawi Arab Democratic Republic

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Abstract

The Sahrawi Arab Democratic Republic (SADR) is a unique example of a *de facto state* – having existed for almost 50 years and enjoying international recognition provided by over forty states. Nevertheless, it controls only one-fifth of the territory it claims rights to, while the rest of it lies within the Moroccan borders. Since the 1991 ceasefire, the POLISARIO Front – the Sahrawi political representation – has sought international recognition by means of peaceful methods. However, in November 2020 it renewed the conflict, because of the Moroccan activity in the buffer zone near Guerguerat. The article elaborates on the strategies adopted by the SADR to gain international recognition, as well as the Moroccan response in the form of counter-recognition strategies. The study is based on a qualitative analysis of the already-existing sources, a critical reading of the literature on the subject, and qualitative data gathered during study visits to Algeria, Morocco, and Mauritania.

Keywords

de facto state, international recognition, SADR, Western Sahara, Morocco, POLISARIO Front

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Introduction

The Sahrawi Arab Democratic Republic (SADR) is a unique example of a *de facto state*, having existed for almost 50 years and enjoying the international recognition of over forty states, including the largest and most important regional organisation on the continent – the African Union. However, it controls around one-fifth of the territory it claims (around 20%), while the rest of it is under Moroccan control. After the end of its war with Morocco in 1991, the Sahrawi political representation – the POLISARIO Front – sought international recognition by means of peaceful methods. Nevertheless, the question of Western Sahara remains unresolved, as the referendum that was supposed to be held as a part of the implementation of the ceasefire (6 September 1991) has never materialised. Therefore, the Western Saharan issue continues to cause tensions in the Maghreb region and beyond, e.g., inhibiting interstate regional cooperation. Moreover, in November 2020 the SADR renewed the conflict by declaring war on Morocco, because of the Moroccan activity in the buffer zone on the Moroccan (Western Saharan)–Mauritanian border and the clashes between both sides that erupted in the aftermath, which became known as the Guerguerat crisis.¹

This article attempts to present and analyse the strategies adopted by the SADR to gain international recognition, as well as the Moroccan counter-recognition strategies which are being undertaken by the Kingdom as a response. It also explores the importance of international recognition for *de facto states* in the specific context of Western Sahara's *de facto statehood* and the geopolitical situation in which this entity finds itself, based on the hypothesis that for the SADR, wide international recognition is one of its two ultimate goals (along with exercising control over the entirety of the territory it claims). The study is based on a qualitative analysis of the already-existing sources (official documents, the press in English, French, and Spanish) and a critical reading of the literature on the subject (in English, French, Spanish, and Polish), as well as qualitative data gathered during study visits to Algeria – including Sahrawi refugee camps near Tindouf (2016, 2017), Morocco – also in the territory claimed by the SADR (2013, 2019, 2020), and Mauritania (2019) in the form of participant observation, in-depth interviews (sometimes semi-structured - wherein we maintained a predefined list of topics to guide our conversations, and of varying duration - contingent upon the availability of the interviewee),² and informal talks with the subjects of ethnographic study. The

¹ Guerguerat is a settlement in the south of Western Sahara, 5 km from the buffer zone. Morocco has extended the road leading to Mauritania, entering an area that should be controlled by the POLISARIO under the 1991 agreement, as well as the buffer zone near Guerguerat, a sort of no-man's-land monitored by MINURSO. Peaceful demonstrations staged by the Sahrawi completely blocked the traffic on this route. The Moroccan security forces used violence to disperse the demonstrators, leading to the termination of the almost 30-year ceasefire with the SADR and a formal renewal of the conflict; R. Kłosowicz, "Policies of the Maghreb countries toward Western Sahara: Mauritania's perspective," *Hungarian Journal of African Studies* 16, no. 1 (Spring, 2022): 64, 65.

² The purpose of the interviews was often triangulation, that is why only a few are cited in the text.

ethnographic approach was our methodological orientation. As such, we had to accept that, in most cases, it is not possible to reproduce or repeat an ethnographic study to check its validity, which differentiates this kind of research from experimental methods. All of our interviews and informal conversations were conducted face-to-face during the aforementioned field research stays, utilizing both snowball and purposive sampling (the latter within SADR's institutional bodies relevant to our research). We aimed to avoid forming deeper relationships with our interlocutors, as this could potentially interfere with our interpretative analytical process. However, in some cases, we had to gain their trust due to the sensitive matters we were discussing, which required creating more friendly situations. However, in some instances, we engaged in multiple conversations with the same individual over the course of several years.

Ethics and consent

The article draws upon data collected during research, encompassing qualitative fieldwork consisting of in-depth interviews, informal conversations, and both open and covert observations. As it was already mentioned the qualitative field research was conducted not only in Morocco and Algeria (where the Sahrawi refugee camps are situated) but also in Mauritania. It is worth noting that each of these countries faces challenges in upholding human rights to varying degrees and does not meet the criteria for being classified as full democracies. All individuals quoted in the article were informed of our identity, the purpose of our discussions, and that we intended to use the information obtained for academic publication. We only included quotations from them after having secured their verbal consent. Given the political and security context in the aforementioned countries, some individuals tend to be cautious about signing any documentation, including consents or agreements. Throughout our decade-long research on Western Saharan issues, we have conducted numerous interviews and informal discussions during which our interlocutors requested anonymity due to security concerns, either for themselves or their families. Consequently, many individuals either withheld their full names or explicitly asked us not to disclose their identities.

At the time of research neither the funding body, the National Science Centre, nor the Institute of Political Science and International Relations, Faculty of International and Political Studies, Jagiellonian University, required that interview questions and procedure are approved by an ethics of research commission. Such commission was founded at our institution in 2021. At the same time, both the director of the Institute of Political Science and the Vice-dean responsible for research were well-informed about the nature of field research and interviews conducted by the authors of the article and approved such research, its methods and scope (confirmed by the supporting letter on 25 March 2024). Additionally, we secured an invitation from the Sahrawi Arab Democratic Republic's Embassy in Algiers to access and conduct our research within the refugee camps (administered by POLISARIO Front).

A Non-Self-Governing territory and a *de facto* state

Since 1963, the Western Sahara has been listed by the United Nations as a non-self-governing territory. This means that according to the UN the process of decolonization of Western Saharan territory has not yet been accomplished. Chapter XI of the Charter of the United Nations defines Non-Self-Governing Territories as “*territories whose people have not yet attained a full measure of self-government*”.³ Nowadays there are 17 territories considered by the UN as Non-Self-Governing Territories, inhabited in total by fewer than two million people. Of the territories on this UN list (last updated 4 August 2023) Western Sahara is the only one that is considered (at least by some scholars) to be the only *de facto* state in Africa (most such entities are islands in the Caribbean and Pacific). It is also the only one of its kind to not have an administering power indicated,⁴ albeit with the largest population and territory among such entities. The powers administering Non-Self-Governing Territories are obliged to pass on the information regarding these territories, while the United Nations monitors their progress towards self-determination. Moreover, in 1960 the UN General Assembly adopted the Declaration on the Granting of Independence to Colonial Countries and Peoples (resolution 1514 (XV)), also known as the Declaration on Decolonization. That same year another General Assembly resolution (1541 (XV)) specified that a Non-Self-Governing Territory can be understood to have attained a full measure of self-government by its emergence as a sovereign independent state, free association with an independent state, or its integration with an independent state.⁵

A basic political-science definition of *de facto* states was proposed by Pål Kolstø. In his understanding, a *de facto* state is a political entity that has control over most of the territory it claims, seeks the international recognition of other states (but is in most cases is deprived of it), and has existed for at least two years.⁶ This definition can be supplemented by the earlier definition provided by Scott Pegg, according to whom such elements as an organized political leadership that enjoys popular support, effective authority providing governmental services, and the ability to establish relations with other countries were equally important.⁷ The common elements of such entities are the capacity to exercise sovereign legislative, executive and judicial

³ “Charter of the United Nations, 26 June, 1945, San Francisco,” accessed September 30, 2020, <https://www.un.org/en/charter-united-nations/>.

⁴ One can assume that this is because the United Nations does not recognize Morocco as a legitimate administrative power over the Western Saharan territory.

⁵ United Nations, “United Nations and Decolonization,” last modified August 4, 2023, <https://www.un.org/dppa/decolonization/en>.

⁶ P. Kolstø, “The Sustainability and Future of Unrecognized Quasi-States,” *Journal of Peace Research* 43, no. 6 (2006): 749, 750.

⁷ S. Pegg, *International Society and the De Facto States* (Ashgate: Farnham, Surrey, 1998).

power over their territories, their struggle for independence, and the lack of an ability to maintain international relations with other states. However, the general understanding of *de facto* states (or *quasi-states* as they are often called) is that they are in control of the territory they claim but are unrecognized or only partially recognized in the international arena (e.g. Somaliland, Kosovo, Transnistria, Abkhazia, South Ossetia, Nagorno-Karabakh and Northern Cyprus). This way of thinking breaks with the considerations of Robert H. Jackson, who, in his book *Quasi-States: Sovereignty, International Relations and the Third World*, used the concept “quasi-states” to name those states which, according to current research/knowledge, can be defined as dysfunctional or fragile ones.⁸ Kolstø also draws attention to the existing terminological chaos in this matter, highlighting that the term *quasi-states* itself should be reserved for unrecognized, *de facto* states, also known under the name of *pseudo-states* or *para-states*.⁹ For both Kolstø and Pegg, the SADR does not constitute a good example of a *de facto* state. The former describes it as a ‘borderline case’, while the latter as an exception that meets only some of the criteria of inclusion as a *de facto* state.¹⁰ The exclusion of the SADR from this imagined *de facto* state set, despite its meeting all the other criteria, is most often caused by its lack of control over claimed territory.¹¹

Adrian Florea distinguishes four pathways through which *de facto* states could have developed: 1. an outcome of internal warfare; 2. contentious interaction between separatists and the parent state; 3. as a consequence of state collapse; and 4. the result of the decolonisation process. The last one fits the situation of Western Sahara, whose case is often described as ‘unfinished decolonisation’.¹² Florea also proposes the data set *De Facto States in International Politics (1945–2011)*, stating that between 1945 and 2011 there were 34 *de facto* states, Africa being historically the continent most prone to ‘de facto separation’.¹³ In this seven-element definition of a *de facto* state several features are required to classify a polity as such, and it seems that the SADR case ticks all the boxes (See Table 1).

⁸ R.H. Jackson, *Quasi-States: Sovereignty, International Relations and the Third World* (Cambridge: Cambridge University Press, 1990), 21–26; R. Kłosowicz and J. Mormul, “Pojęcie dysfunkcyjności państw – geneza i definicje,” in *Państwa dysfunkcyjne i ich destabilizujący wpływ na stosunki międzynarodowe*, ed. R. Kłosowicz (Kraków: Wydawnictwo Uniwersytetu Jagiellońskiego, 2013), 18, 19.

⁹ Kolstø, “The Sustainability and Future,” 748, 749.

¹⁰ Kolstø, “The Sustainability,” 750; Pegg, *International Society*.

¹¹ Most definitions emphasize the need to control the territory claimed by a *de facto* state, if not in its entirety, then at least most of it, e.g. Caspersen indicates the need to control two thirds of the territory, including the main city and key regions; N. Caspersen, *Unrecognized States: The Struggle For Sovereignty in the Modern International System* (Malden, MA: Polity, 2012).

¹² A. Florea, “De Facto States in International Politics (1945–2011): A New Data Set,” *International Interactions* 40, no. 5 (2014): 796.

¹³ Florea, “De Facto States,” 792–794.

Table 1. Sahrawi Arab Democratic Republic vs. Adrian Florea's definition of a *de facto* state (Authors' own analysis).

Belonging to or being administered by a recognized country, but not being a colonial possession	Around four-fifths of Western Saharan territory is being controlled and administered by Morocco.
Seeking some degree of separation from that country and having declared independence (or having demonstrated its aspirations for independence)	The Sahrawi people have constantly sought it since November 1975 (the Green March and the beginning of the Moroccan presence on the Western Saharan territory) and on Feb 27, 1976, they unilaterally proclaimed independence of the Sahrawi Arab Democratic Republic.
Exerting military control over a territory or portions of territory inhabited by a permanent population	The Sahrawis maintain permanent settlements in the so-called Liberated Territories (approx. one-fourth of the claimed territory), where Tifariti, the SADR's <i>de facto</i> capital, is located.
Not being sanctioned by the government	The Moroccan authorities have never recognized the existence of the Sahrawi Arab Democratic Republic.
Performing basic governance functions (provision of social and political order)	The Sahrawi authorities govern in the Liberated Territories and in the refugee camps in Algeria, where most of the Sahrawi population outside Western Sahara lives; they provide healthcare, access to education, a justice system etc.
Lacking international legal sovereignty (recognition by a simple majority of UN Security Council permanent members plus recognition by a simple majority of UN members)	At its peak, the SADR was recognized by 84 UN member states; however, none of them was UN Security Council permanent member.
Existing for at least two years (24 months)	The Sahrawi Arab Democratic Republic has existed for 47 years.

However, the SADR's incapacity to control the entire territory claimed, and hence the difficulty in exercising governance over the population living under Moroccan control, may raise concerns that to a certain extent its statehood is virtual and therefore could weaken the will of other international actors (if there were such) to recognize it.

The SADR's struggle for international recognition

In October 1975, the International Court of Justice ruled that the population of Western Sahara (then known as Spanish Sahara) had the right to self-determination; this decision was tantamount to recognizing the legitimacy of the actions of the Popular Front for the Liberation of Saguia El Hamra and Rio de Oro (*Frente Popular*

de Liberación de Saguía el Hamra y Río de Oro) – the POLISARIO Front, founded in 1973 and since that time fighting for the creation of an independent state for the indigenous population of the area, the Sahrawis. Following the difficult internal situation in Spain related to the prolonged illness of general Francisco Franco, King Hassan II of Morocco organized at the beginning of November 1975 the so-called “Green March”, having mobilized approximately 250,000–300,000 Moroccans (mostly civilians) to cross the border in the south and seize the territory of Western Sahara. In consequence, Spain agreed to the division of its former colony between Morocco and Mauritania, which also expressed claims to this area.¹⁴ This move was an overt negation of the *uti possidetis* principle that was applied across Africa through the resolution adopted by the Organisation of African Unity in 1964 as one of the means of avoiding interstate conflicts after the decolonisation process. Both the ICJ ruling and the already mentioned UN designation of Western Sahara as a Non-Self-Governing Territory became legal-rational sources of legitimacy for the SADR and the POLISARIO Front, as well as many ordinary Sahrawis (both in the refugee camps and in the territories controlled by Morocco), especially since in the following decades the UN Security Council in its resolutions continued to stress the right to self-determination of the Sahrawi people. All this combined constitutes the SADR's founding narrative: that it merely wants the Sahrawis' right to be respected to be seen as even more credible.¹⁵

The Moroccan policy of *faits accomplis*, involving the occupation of the territory of Western Sahara, and then organizing there a mass Moroccan settling, while at the same time resettling the Sahrawis, met with an overwhelming response by the POLISARIO Front, which on February 27, 1976, following the withdrawal of the Spanish colonial troops, unilaterally proclaimed the Sahrawi Arab Democratic Republic, and waged an open war against Morocco and Mauritania. Unilaterally proclaiming independence did not rule out the need of international recognition. According to Florea, international recognition is a powerful selection mechanism that influences an entity's potential longevity; in other words, it is of key importance for a polity's survival prospects.¹⁶ In 1979 Mauritania withdrew from the conflict, but the Moroccan – Sahrawi war continued for the next decade. To gain an upper hand in the conflict, over the period 1981–1987 Morocco erected a 2720 km-long wall (The Berm) surrounded by a belt of mines and artillery positions. It divides the disputed territory in the north-western Moroccan part, rich in vast deposits of phosphorite and larger in terms of territory (approximately 80% with access to coastline),

¹⁴ A. Kosidło, *Sahara Zachodnia. Fiasko dekolonizacji czy sukces podboju 1975–2011* (Gdańsk: Wydawnictwo Uniwersytetu Gdańskiego, 2012), 42–52.

¹⁵ A. Wilson and F. McConnell, “Constructing legitimacy without legality in long term exile: Comparing Western Sahara and Tibet,” *Geoforum* 66 (November, 2015): 207, 208.

¹⁶ A. Florea, “De facto states: survival and disappearance (1945–2011),” *International Studies Quarterly* 61, no. 2 (2017): 345.

from the south-eastern desert areas left under the control of the POLISARIO Front (approximately 20%) known as the Liberated Territories (*Territorios Liberados*) or the Free Zone (*Zona Libre*). In 1991, thanks to the efforts of the United Nations, a ceasefire was negotiated, and the United Nations Mission for the Referendum in Western Sahara (MINURSO)¹⁷ arrived in the area.¹⁸ However, the referendum has never come to fruition due to two contentious, elementary issues: 1) the lack of consent of the Moroccan authorities to independence, which the Sahrawis could gain as a result of the referendum (the POLISARIO Front agrees only to full independence); and 2) the lack of agreement on the issue of who is entitled to vote – either Sahrawis only, or also Moroccans living in the areas of Western Sahara occupied by Morocco?¹⁹

The surge of hundreds of thousands Moroccan civilians into the Western Saharan territory was a good example of ‘demographic engineering’, similar to that which has been observed in, for instance, Tibet. Even today, almost 50 years after “the Green March”, Rabat offers a wide range of benefits for those Moroccans who decide to settle in Western Sahara (bonuses, pay rises, tax exemption, food subsidies).²⁰ Moreover, the Moroccan investments in the infrastructure and economic projects west of the Berm that are part of Rabat’s efforts to fully integrate the Western Saharan territory are a fact, confirmed even by MINURSO.²¹ In the past some analysts have suggested that because of the Western Saharan issue, Morocco has become a victim of the *sunk cost effect*.²² A decade ago, at least some of these investments (for example in the tourist infrastructure) seemed as if they were akin to “shell companies”, i.e. empty hotels not kept in a habitable state but left as a

¹⁷ In 2016 Morocco expelled dozens of MINURSO staff (later the same year Rabat agreed to their gradual return) and almost withdrew all the Moroccan soldiers engaged in U.N. peacekeeping missions all over the world. The reason behind this move lay in the then-U.N. Secretary-General Ban Ki-moon’s visit to the Sahrawi refugee camps in Algeria, where he used the term “occupation” in relation to the Moroccan presence on the Western Saharan territory; P. Markey, “Morocco’s U.N. expulsion puts Western Sahara ceasefire at risk: movement,” *Reuters*, March 22, 2016, <https://www.reuters.com/article/us-morocco-sahara-idUSKCN0WO2BK>.

¹⁸ Kosidło, *Sahara Zachodnia*, 50–54, 72–84, 100–103.

¹⁹ I. Fernández-Molina and R. Ojeda-García, “Western Sahara as a Hybrid of a Parastate and a State-in-Exile: (Extra)territoriality and the Small Print of Sovereignty in a Context of Frozen Conflict,” *Nationalities Papers* 48, no. 1 (2020): 87.

²⁰ R.J. Huddleston, “Can John Bolton Thaw Western Sahara’s Long-Frozen Conflict?,” *Foreign Policy*, May 9, 2019, <https://foreignpolicy.com/2019/05/09/can-john-bolton-thaw-western-saharas-long-frozen-conflict-morocco-western-sahara-polisario-minurso-sahrawi-republic/>; Authors’ observations and informal talks in Laayoune, Dakhla and their surroundings, August, 2013 and February, 2020.

²¹ “Western Sahara. Working Paper prepared by the Secretariat, Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,” United Nations General Assembly, A/AC.109/2019/17 (February 1, 2019), <https://www.undocs.org/A/AC.109/2019/17>.

²² K. Von Hippel, “Sunk in the Sahara: the applicability of the sunk cost effect to irredentist disputes,” *Journal of North African Studies* 1, no. 1 (1996): 95–116.

visible sign of Moroccan investments in the region.²³ The authors' visit to the territory in February 2020 revealed that a much more advanced stage of investment, i.e. in terms of tourism development, was particularly visible in Dakhla, a city which has a great potential to become an important international holiday resort and a mecca for surfers. The takeover of Western Saharan territory by Morocco seems to have improved the economic situation of the Kingdom, mainly because of the increased exploitation of natural resources; but it did not improve the standard of living of most of the indigenous peoples of Western Sahara, although officially, Morocco maintains that the Sahrawi population is/will be the main beneficiary of these projects.²⁴

It has been assumed that *de facto* states are primarily seeking international recognition. However, this may not always be the case; the examples of Transnistria, South Ossetia, Abkhazia or Nagorno-Karabakh show that their goal does not have to be international recognition, and that they could content themselves with maintaining the status quo or merging with their patron-states, even despite official political declarations.²⁵ Nevertheless, in the case of the SADR, since its proclamation in 1976, international recognition has been one of its main goals and one of the pillars of its foreign policy. Hence the great effort the SADR has put into achieving it. Recognition is also an important element in the self-construction of states.²⁶ The uniqueness of the SADR is embedded in the fact that its declaration of independence did not originate from a secessionist process but was the result of unsuccessful decolonization and a foreign occupation that came afterwards. For the question of international recognition, this is even more important because the independence of Western Sahara is not in conflict with international law or the principle of *uti possidetis* (in the latter case, quite the contrary).²⁷

The decision on the recognition of new states lies somewhere in between international politics and international law. There is a conviction that recognition is a legal act that pertains to the international sphere; on the other hand, national political leaders often assume that they should be able to decide freely to recognize or not to recognize a political entity seeking recognition. In this case, the fate of a whole nation and its international status could be dependent on arbitrary political decisions.

²³ Authors' observations in Laayoune and Fom el-Oued in August, 2013.

²⁴ Conversations with Moroccan academics and students on the condition of anonymity, Meknes, July–August, 2013.

²⁵ M. Kosienkowski, "Is internationally recognised independence the goal of quasi-states? The case of Transnistria," in *Moldova: In search of its own place in Europe*, eds. N. Cwicinskaja and P. Oleksy (Bydgoszcz: Wydawnictwo Epigram, 2013), 55–65; M.J. Seth, *Not on the Map. The Peculiar Histories of De Facto States* (Lanham – Boulder – New York – London: Lexington Books, 2021).

²⁶ G. Kyris, "State recognition and dynamic sovereignty," *European Journal of International Relations* 28, no. 2 (2022): 292.

²⁷ Fernández-Molina and Ojeda-García, "Western Sahara as a Hybrid of a Parastate," 84.

From the legal perspective, there is a longstanding debate between two theories of recognition: constitutive and declaratory. According to the first one an entity becomes a state when it is recognized as such, so only because of the actions of other states.²⁸ The declaratory theory identifies statehood with the use of a set of observable constitutive elements of a state that can be found in Article 1 of the *Montevideo Convention on the Rights and Duties of States*: “(a) a permanent population; (b) a defined territory; (c) government; and (d) capacity to enter into relations with the other states.”²⁹

The Sahrawi Arab Democratic Republic is recognized by the African Union and, as of December 2022, by 47 U.N. member states, as well as another *de facto state*, South Ossetia. However, 36 other countries that had previously recognized the SADR have already frozen (i.e. suspended) or withdrawn their recognition, and one country (Yugoslavia) has disappeared.³⁰ Since the proclamation of independence, the SADR was recognized by 84 states (in total), but this number is constantly changing. The international recognition of the SADR since its very foundation has always had “a distinct non-aligned bias” and no Western state has ever recognized it, i.e., the EU member states stick to “a twofold stance of nonrecognition” – they do not recognize the SADR (and in consequence do not maintain any official relations with it) and they do not recognize Moroccan sovereignty over Western Saharan territory either.³¹ Nevertheless, the withdrawal of recognition itself is not only problematic from a political/geopolitical point of view, but also from a legal one. According to the *Montevideo Convention*, one state cannot simply withdraw recognition of another. Its article six says that “*The recognition of a state merely signifies that the state which recognizes it accepts the personality of the other with all the rights and duties determined by international law. Recognition is unconditional and irrevocable*”.³² The SADR, which has witnessed significant fluctuations in recognition, finds itself in a difficult position. George Kyris, who uses for this situation the term of ‘de-recognition’, also points out that apart from Western Sahara, a similar problem (although not on the same scale) is also experienced by Kosovo, which is recognized by around half of the United Nations members. Recently, due to successful Serbian lobbying, some have withdrawn their recognition. An extreme example would be the case of Taiwan, which has experienced

²⁸ J. Crawford, *The creation of states in international law* (Oxford: Oxford University Press, 2007), 18–21; J. Eriksson, “Swedish recognition of Palestine: politics, law, and prospects for peace,” *Global Affairs* 4, no. 1 (2018): 40.

²⁹ *Montevideo Convention on Rights and Duties of States*, 1933, LNTS 165, 19, <http://treaties.un.org>.

³⁰ Centro de Estudos do Sahara Occidental da USC, <https://www.usc.es/es/institutos/ceso/>.

³¹ Fernández-Molina and Ojeda-García, “Western Sahara as a Hybrid,” 94; D. Bouris and I. Fernández-Molina, “Contested States, Hybrid Diplomatic Practices, and the Everyday Quest for Recognition,” *International Political Sociology* 12, no. 3 (2018): 314.

³² *Montevideo Convention on Rights and Duties of States*, 1933.

the process of 'de-recognition' since the 1960s, but after the 1971 expulsion of Taiwan from the UN this has intensified.³³ Currently, only 13 UN members recognize it. Recognition changes across time and it is primarily determined by politics rather than law; a good example that provides evidence of this correlation is the 2014 recognition of Palestine by Sweden.³⁴

Between the 1991 ceasefire and the 2020 Guerguerat crisis, the SADR sought international recognition in a peaceful manner. The POLISARIO Front did not use terrorist methods, it respected the negotiated ceasefire and waited for a solution to the conflict by consensus and negotiation, refuting the Moroccan arguments that it was posing a terrorist threat to the regions of Maghreb and Sahel. However, the mere existence of the SADR has been an unceasing cause of tensions in international relations in the Maghreb region. Until January 2017 Morocco was the only African state that was not a member of the AU; and in the Arab Maghreb Union – the regional Maghrebi organisation – its activity is limited because of the support given to the POLISARIO Front by Algeria. The relations between Morocco and Algeria have been very much strained. The presence of thousands Sahrawi refugees on Algerian soil, where almost half of the Sahrawi population took refuge after 1975, does not really help mutual relations. The POLISARIO Front has been administering the camps independently of the United Nations or the Algerian authorities since their creation in 1976. According to an official UNHCR report released in 2018, 173,600 people live in the Sahrawi refugee camps near Tindouf, experiencing the harsh conditions of the Algerian hamada.³⁵

To achieve international recognition, the POLISARIO Front adopted several strategies in order to show the international community that its government is viable. For years, the SADR has been realising state functions in the refugee camps and in the Liberated Territories. In the refugee camps Sahrawis have managed to create new social and political structures, different from those known in the pre-exile time, which were much more affected by tribalism or connected with wartime effort. The new Sahrawi identity has been created and strengthened over four decades.³⁶ It has also been transmitting (i.e., through media releases, official diplomatic representatives, as well as testimonies given by humanitarian workers or volunteers visiting the camps) a certain image of the Sahrawi population living in

³³ Kyris, "State recognition," 288, 294, 295, 300, 301.

³⁴ Eriksson, "Swedish recognition of Palestine," 39–49.

³⁵ UNHCR, "Sahrawi Refugees in Tindouf, Algeria: Total In-Camp Population," Official Report, March, 2018, 4–7, https://www.usc.gal/export9/sites/webinstitucional/gl/institutos/ceso/descargas/UNHCR_Tindouf-Total-In-Camp-Population_March-2018.pdf; J. Mormul, "Hijos de las nubes i 45 lat marzeń: uchodźcy Sahrawi na terytorium Algerii," *Politeja* 6, no. 7 (2021): 171, 172; During the fieldwork conducted in April–May, 2016 in the Sahrawi refugee camps (Boujdour, Rabouni, and Smara), the authors gathered several testimonies about the life in the camps and the way they are organized and administered by the SADR's authorities.

³⁶ P. De Orellana, "Struggles over identity in diplomacy: 'Commie terrorists' contra 'imperialists' in Western Sahara," *International Relations* 29, no. 4 (2015): 482.

the camps. Elena Fiddian-Qasmiyeh argues that this is a performative act aiming at presenting the Sahrawi refugee camps as ‘ideal secular spaces’ inhabited by a religiously tolerant and gender-egalitarian society. According to Fiddian-Qasmiyeh, this is a conscious strategy of the POLISARIO Front to maximize the benefits of its administration inside and outside the camps.³⁷ During their fieldwork the authors had rather different conclusions drawn from the interviews conducted with Sahrawi refugees in the camps³⁸ and the members of the Sahrawi diaspora in Spain (mostly in Madrid, Castilla y León and the Basque Country); however, further research needs to be done regarding this issue, as the situation in the camps is dynamic and the social fabric keeps changing, i.e. one of the authors’ respondents mentioned the influences of Islamic fundamentalist preachers who occasionally enter the camps from Mauritania or Algeria, and not all the Sahrawi are immune to their teaching – it may cause problems in the future.

The Sahrawi authority does not miss any opportunity to use its diplomatic corps in its struggle for recognition. Though it may be *a de facto state* with a small population, the SADR maintains a permanent representation in most of the EU member states, as well as the United States, Australia, and Russia; it has also sent its representatives to international organisations such as the UN, the EU, and, obviously, the AU. Very often these are one-man or one-woman operations with a shoestring budget conducted out of the studio-apartment in which they work and live.³⁹ The high level of activity of Sahrawi diplomats is illustrated in the research conducted by R. Joseph Huddleston, according to whom over the five-year period 2014–2018 Sahrawi official representatives met with representatives of other governments 250 times. This diplomatic activity motivates Moroccan counteroffensives, for instance the Kingdom used to rely on its ambassador to Indonesia when it came to Australian issues; however, a few years after the establishment of the permanent Sahrawi representation in Canberra (1999), Morocco opened its embassy in Australia.⁴⁰

The SADR’s authorities are also trying to assert their rights through legal channels. Morocco is an important strategic partner of the United States and the European Union. However, in December 2016 the EU-Moroccan relationship reached a historic low point, when the European Court of Justice (ECJ) ruled that the association and free-trade agreements with regard to agriculture between the EU

³⁷ E. Fiddian-Qasmiyeh, *The Ideal Refugees: Islam, Gender, and the Sahrawi Politics of Survival* (Syracuse, New York: Syracuse University Press, 2014), 172–261.

³⁸ For example, with the Secretary-General of the National Union of Sahrawi Women Fatma Mehdi Hassam (April 30, 2016, Boujdour refugee camp, Algeria), but also during informal talks with ordinary Sahrawi women.

³⁹ Huddleston, “Can John Bolton Thaw Western Sahara’s Long-Frozen.”; Conversation with Mr. M.M. Cheikh, First Counsellor in the SADR’s Embassy in Algeria, April, 2016.

⁴⁰ Huddleston, “Can John Bolton Thaw Western Sahara’s.”

and Morocco do not apply to the disputed territory of Western Sahara, while in February 2018 the ECJ ruled that a long-standing Morocco-EU fisheries agreement does not apply to the waters off the coast of Western Sahara.⁴¹ However, the EU may be struggling with the implementation of its own judicial decisions. Morocco makes its policing of migrants conditional upon the EU refraining from pressuring Morocco and supporting the POLISARIO Front. Therefore, for many years, the official Spanish position was one of “active neutrality”, this kind of balancing being an answer to the pressures coming from both sides of the conflict.⁴² However, this policy ended in April 2022, when the government of Pedro Sánchez decided to back the Moroccan autonomy plan for Western Sahara against the backdrop of the scandal with the Pegasus breach, during which a significant amount of data from the mobile phones of members of the Spanish government was obtained, allegedly by Moroccan intelligence.⁴³

Moroccan counter-recognition strategies

For years the Moroccan counter-recognition strategy aimed at weakening / undermining Sahrawi *de facto* statehood has been based on six main arguments (not necessarily used simultaneously):

1. The historical argument. From the beginning of its independence from France, Morocco made claims to sovereignty over the area of Western Sahara, which at that time had the status of an independent Spanish overseas province. Rabat, based on historical premises (in accordance with the concept of the so-called *Greater Morocco*), also did not recognize the independence of Mauritania (1960) and made claims to its territories. The Moroccan authorities maintained that Mauritania, Western Sahara, and Algeria were artificial creations of French and Spanish colonialism. This argument is still applied to Western Sahara. Its formal beginning in Moroccan foreign policy can be dated back to January 1960, when Mohammed V went on a month-long trip to several Arab countries to gain their support for the idea of joining the lands of Spanish Sahara and French Mauritania to Morocco. Most of the leaders of the visited countries, except for Tunisia, supported Rabat's claims.⁴⁴

⁴¹ More accurately, the Court ruled that the territory of Western Sahara cannot be included within the scope of this Fisheries Agreement because it does not form part of the territory of the Kingdom of Morocco. Court of Justice of the European Union Press Release No. 21/18: The Fisheries Agreement concluded between the EU and Morocco is valid in so far as it is not applicable to Western Sahara and to its adjacent waters, Luxembourg (February 27, 2018), <https://curia.europa.eu/jcms/upload/docs/application/pdf/2018-02/cp180021en.pdf>.

⁴² Fernández-Molina and Ojeda-García, “Western Sahara,” 88.

⁴³ M. Bartolomé, “Why Is Spain Pandering to Morocco on Western Sahara?,” *Foreign Policy* (May 13, 2022), <https://foreignpolicy.com/2022/05/13/spain-sanchez-morocco-polisario-western-sahara-algeria/>.

⁴⁴ Kłosowicz, “Policies of the Maghreb countries toward Western Sahara,” 57–70.

2. Accusations of terrorism against Sahrawis living in the refugee camps in Algeria.⁴⁵ The use of this argument has especially increased since the 2011 kidnapping of three European aid workers from one of the refugee camps.⁴⁶ Although obviously its beginning can be dated back to the aftermath of 9/11 attacks when the United States made the fight against Islamic terrorism one of its top foreign policy priorities. Further terrorist attacks and kidnappings in the Sahel region, as well as the March 11 attacks in Madrid with its links to al-Qaeda, caused US politicians and military officials to direct their attention at the threat of Islamic terrorism in the Sahara. This situation was deftly exploited by Rabat. Algeria, Mauritania, and Mali began to be described as weak states, unable to ensure effective control over their territories. Using the threat of terrorism, Moroccan politicians succeeded in convincing at least some US (and French) decision makers that the control of Western Sahara by Moroccan armed forces was the remedy for the infiltration of the area by terrorists. This line of argumentation proved so effective that the theme also began to appear in the statements of leading American politicians and military officials.⁴⁷ An additional factor in the use of this kind of argument may be the trauma related to the 2003 Casablanca terrorist attacks, which is still present in Moroccan politics.⁴⁸ The problem of homegrown terrorists severely tested the Moroccan state's stability just four years after the accession to the throne of King Mohammed VI. The situation in the aftermath of these events was not only a serious PR problem for the Kingdom but proof that the long-term strategy for countering Islamists already employed during the rule of Hasan II was also a failure. The strategy itself was composed of three elements: 1. Denouncing Islamists as 'extremists' and at the same time linking them to violent groups; 2. Reinforcing their own religious fundamentals;

⁴⁵ E.g. in 2018 Moroccan Foreign Minister Nasser Bourita made the accusation that Iran equips and trains (through Hezbollah) the POLISARIO fighters; Huddleston, "Can John Bolton Thaw Western."

⁴⁶ They were released a few months later in northern Mali. A fledgling terrorist organization with ties to al-Qaeda in the Islamic Maghreb, the Movement for Oneness and Jihad in West Africa (*Mouvement pour l'unicité et le jihad en Afrique de l'Ouest*, MUJAO), claimed responsibility for the kidnapping; M. González, "Exteriores confirma que los dos cooperantes liberados están bien," *El País*, July 18, 2012, https://elpais.com/politica/2012/07/18/actualidad/1342619563_870767.html; Representatives of the Sahrawi Ministry of Foreign Affairs claimed that Moroccan security services were behind the kidnapping, and that Moroccan agents are still trying to penetrate their structures. Authors' interview with the Secretary-General of the SADR's MFA – H. Bueha and the Head of the Department of Europe and Arab World Mohamed Hammadi, May, 2016, Rabouni refugee camp.

⁴⁷ Kłosowicz, "Policies of the Maghreb countries," 62, 63; Linking the POLISARIO Front with a global identity related to security concerns such as Islamic terrorism and the ongoing War on Terror was a great success of Moroccan diplomacy, similar to that of demonstrating Sahrawi alignment with the Communists during the Cold War; De Orellana, "Struggles over identity," 477, 478.

⁴⁸ A series of suicide bombings perpetrated in Casablanca on 16 May 2003 by bombers from Sidi Moumen – a poor suburb of the city.

3. Highlighting a commitment to 'modernity' and Western values.⁴⁹ In this context, it may be worth recalling that the Moroccan monarchy feels privileged in religious matters as the King claims to be a descendant of the Prophet, which constitutes the legitimacy of the royal power. Mohamed VI holds the title of the Commander of the Faithful (*Amir al-Mumineen*)⁵⁰ and since the beginning of his rule he has been committed to promoting the modern and moderate vision of Islam in Morocco. The monarch himself is often involved in religious celebrations, for example leading prayers on television.⁵¹

3. Allegations of a socio-cultural/religious nature – mainly directed towards the audience in the Arab states, e.g. Sahrawi women are presented as 'bad' liberated Muslims that do not follow the teachings of the Prophet.⁵² It is curious, though, that in the context of the three-element counter-Islamist strategy mentioned in the previous point, the Moroccan authorities want to present themselves as committed to 'modernity' and Western values, they helped to create several western-style women's rights associations, for which they were praised by their Western partners.⁵³ Therefore, the attacks against the similarly (to a certain extent) Western-values-oriented Sahrawi women (or at least their official image as such) seem to be an ill-considered strategy that can only be explained by the attempt to influence a totally different target group.

4. Insistence on the 2007 Moroccan autonomy initiative as the starting point for a peaceful resolution of the Western Saharan conflict. Submitted on 11 April 2007, the Initiative for Negotiating the Autonomy Statute for the Sahara Region assumes solely Western Saharan thus autonomy within the Moroccan state and categorically rejects Sahrawi independence; it is unacceptable to the POLISARIO Front and the majority of the Sahrawis living in the refugee camps. While there was at the time no reliable information about on views of the Sahrawi living in the territories controlled by Morocco (whose exact numbers are also unknown), both

⁴⁹ A. Wolf, "What are 'secular' parties in the Arab world? Insights from Tunisia's Nidaa Tounes and Morocco's PAM," in *Political Parties in the Arab World. Continuity and Change*, eds. F. Cavatorta and L. Storm (Edinburgh: Edinburgh University Press, 2018), 53, 54; B.C. de Salies, *Kraje Maghrebu. Historia, polityka, społeczeństwo*, trans., K.J. Dąbrowska (Warszawa: Wydawnictwo Akademickie DIALOG, 2012), 206–210.

⁵⁰ This moniker was historically associated with Moroccan sultans; however, the religious status of the Moroccan monarch was codified in the 1962 constitution during Hassan II's reign; A. Sheline, *Royal Religious Authority: Morocco's 'Commander of the Faithful'* (Center for the Middle East, Rice University's Baker Institute for Public Policy, 2019), <https://www.bakerinstitute.org/research/royal-religious-authority-moroccos-commander-faithful>.

⁵¹ Mentioned by Wolf "What are 'secular' parties in the Arab world?," 54; But also seen by the authors themselves during the Holy Month of Ramadan in Morocco in 2013.

⁵² Authors' interview with the Secretary-General of the National Union of Sahrawi Women Fatma Mehdi Hassam, April 30, 2016, Boujdour refugee camp, Algeria.

⁵³ Wolf, "What are 'secular' parties."

the United States and France were quick to welcome this Moroccan proposal.⁵⁴ According to Rabat, a rejection of the Moroccan proposal should dismiss the notion of a Sahrawi *de facto state* in the eyes of the world, as a political force that does not seek a peaceful solution of the conflict.

5. Accusations of human rights violations in the refugee camps. In the Moroccan narrative POLISARIO is defined as “*a Cold War hangover; a Communist dictatorship controlled by Algeria’s geopolitical interests, implicated in crime, smuggling and Islamic terrorism – in contrast to Moroccan democracy and human rights. [...] holding a dictatorial grip on the Tindouf camps and facilitating lawlessness.*”⁵⁵ At the same time, Rabat often enforces a media blackout regarding the events taking place in its ‘southern provinces’, while by contrast the SADR’s authorities have at their disposal a well-documented history of abuse committed by the Moroccan security forces in the ‘occupied’ territory. This becomes even more interesting when we recall that less than a month and a half after his accession to the throne, King Mohamed VI had to face reality in the occupied territory of Western Sahara, when on September 11, 1999 local police brutally suppressed a student demonstration in Laayoune, during which dozens of people were injured. In terms of his image, the situation was not very comfortable for the young monarch, as in his inaugural throne speech given on July 30 of the same year, he strongly emphasized his commitment to international human rights regime.⁵⁶ However, there are many such examples, including the events of Gdeim Izik (Oct 9–Nov 8, 2010), when the Moroccan security forces brutally dismantled a Sahrawi protest camp, or the still unsolved issue of the Sahrawi activists missing from the Morocco-controlled territories that according to Sahrawi sources are *desaparecidos* [those who have disappeared], indicating that these assurances do not reflect the reality.⁵⁷ Nevertheless, Rabat repeatedly accuses the SADR authorities of criminal embezzlement of humanitarian aid, trafficking, and smuggling contraband, but most of all the serious human rights abuses said to be constantly committed in the Sahrawi refugee camps. A selection of examples of these human rights abuses found in different Moroccan government-related sources is quoted by Pablo de Orellana, and for the purpose of a better understanding of the style of the Moroccan narrative and the arguments that

⁵⁴ E. Jensen, *Western Sahara: Anatomy of a Stalemate?* (Boulder, Colorado: Lynne Rienner Publishers, 2012), 110, 111.

⁵⁵ De Orellana, “Struggles over identity,” 478.

⁵⁶ de Salies, *Kraje Maghrebu*, 187, 195.

⁵⁷ The most complete study published so far on the repressions of the Moroccan authorities against the Sahrawi people from the beginning of the conflict in 1975 until 2010, and the Sahrawi protests in Gdeim Izik, was prepared by C.M. Berestain and E.G. Hidalgo. The report runs to almost 1,000 pages and is published in two volumes in Spanish. Each volume also includes a 100-page summary in English; C.M. Berestain and E.G. Hidalgo, *El Oasis de la Memoria: Memoria Histórica y Violaciones de Derechos en el Sáhara Occidental: Tomo I, II* (Bilbao: Instituto de Estudios sobre Desarrollo y Cooperación Internacional – HEGOA, 2012), <https://publicaciones.hegoa.ehu.es/publications/281>.

are being used, it is also worth quoting here: “*refugees forbidden from returning to Morocco, POLISARIO ‘thugs’ falsifying refugee figures and Moroccan plans to ‘urgently’ and ‘humanely’ repatriate Sahrawi refugees who have become a ‘professional confined population’.* [...] *kidnapping of nomads to swell numbers ‘estimated at 40,000 persons’, the enrolment and forced indoctrination of refugees as guerrilla fighters, the indoctrination of children, police surveillance, brutality and torture, ‘psychological conditioning’, the imposition of ‘an education based on hatred and mind of savageness(sic)’, compulsory polygamy to ‘occupy his combatants’, imprisonment in underground cells and no freedom of information.*”⁵⁸

6. Presenting the Sahrawi authorities as totally dependent on Algeria and implementing Algiers’ policy (the ‘Algerian stooge’ argument). This is probably the oldest among the arguments used by Morocco for its counter-recognition strategies, as it was already well visible in the 1970s and continues to be used until today. The problem starts with an attempt to assess the Algerian role in the Western Sahara conflict, which, according to Stephen Zunes and Jacob Mundy, “*has always been highly politicized.*”⁵⁹ For the authorities in Rabat, but also for many ordinary Moroccans, the conflict over Western Sahara is a Moroccan-Algerian conflict, in which the POLISARIO Front and the Sahrawi Arab Democratic Republic are just mere instruments in realising Algeria’s strategic interests and would not exist if Algiers did not let them. To combat this reasoning Zunes and Mundy point to three counter-arguments: 1. Western Saharan nationalism predates Algerian support and engagement in the conflict, 2. even weaker nationalist movements have been able to survive (and sometimes succeed) without a strong patron-state’s umbrella (such as Eritrea or East Timor), 3. The Western Saharan conflict has been influenced not only by Algeria, but as much, if not more, by the supporters of Morocco.⁶⁰ Rabat attempts to attribute the blame for the stalemate in resolving the conflict to its eastern neighbour and wants to negotiate with Algiers only, excluding the SADR’s authorities. In part, this is certainly an extension of the mutual tensions and animosities that have been going on since decolonization, but it is impossible not to notice that this argument, omnipresent in the Moroccan media (at least in the French and

⁵⁸ De Orellana, “Struggles over identity,” 484, 485; A similar narrative can be found in journalistic texts; a good example is the work of Y. Jajili, a Moroccan journalist who rose to fame after publishing in the weekly “*Aoual*” a report of his week-long stay in the Sahrawi refugee camps, entitled *Une semaine dans l’Etat fantoche, enquête sur les camps du Polisario à Tindouf* (“A week in the puppet state, an investigation into the Polisario camps in Tindouf”), for which he obtained the National Moroccan Press Prize in 2011. The continuation of his investigation into the subject was published in the form of an extended interview with Moroccan politician M. Elyazghi; Y. Jajili, *Mohamed Elyazghi: Éclairages sur le Sahara* (Casablanca: Les Editions Maghrébines, 2018).

⁵⁹ S. Zunes and J. Mundy, *Western Sahara. War, Nationalism, and Conflict Irresolution* (Syracuse: Syracuse University Press, 2010), 30.

⁶⁰ Zunes and Mundy, *Western Sahara*, 30, 31.

English-language media) is intended to further reduce the importance and even existence of Sahrawi *de facto* statehood.⁶¹

The above arguments are present in the Moroccan media and disseminated by Moroccan officials. Most probably they are also used in Moroccan diplomacy, in its lobbying efforts to prevent international recognition of Western Saharan statehood or convince other international entities to withdraw their already-granted recognition. Since 1976, 39 states have decided to withdraw or frozen their recognition of the Sahrawi Arab Democratic Republic, some of them more than once. One of the most recent examples of such conduct can be seen in the case of El Salvador. The central American country recognized the SADR on 31 July 1989, in April 1997 withdrew its recognition, but resumed it on in June 2009, only to withdraw it on 15 June 2019, after the presidential office had been assumed by the new president Nayib Bukele two weeks before⁶² and in the face of the visit of the Moroccan Minister of Foreign Affairs, Nasser Bourita, which resulted in new cooperation agreements with Morocco in various fields of the economy. The current Salvadorean authorities state that they support Moroccan sovereignty and its autonomy initiative as the only solution to the Western Saharan conflict.⁶³

Morocco's lobbying against recognition of the SADR is often accompanied by promises of closer economic relations, development aid, or investments by Moroccan companies. An example of Moroccan preventive action could be observed in 2012 when the Swedish parliament called for unilateral recognition of the SADR. The recognition was never finalised as Sweden softened its policy in the matter in the face of the Moroccan authorities' threat of a boycott. The threat consisted of boycotting Swedish companies and exports if the country implemented the parliamentary motion.⁶⁴ Some of the Moroccan lobbying efforts seem, however, to be even more hostile in nature, such as preying upon India's dependence on phosphate imports and making it withdraw recognition of the SADR in 2000; even more ruthlessly,

⁶¹ Based on the interviews with F.M. Hassam, H. Bueha and M. Hammadi, conversations and material obtained during visits at the Sahrawi Information Center [*Centre d'Information Saharaoui*] in Algiers, April, 2017.

⁶² Interestingly, his inauguration was attended by the president of the SADR, B. Ghali.

⁶³ "El Salvador rompe relaciones con la República Árabe Saharaui Democrática," *Europa Press Internacional*, June 11, 2019, <https://www.europapress.es/internacional/noticia-salvador-rompe-relaciones-republica-arabe-saharaui-democratica-20190615233800.html>; It is worth mentioning that even the smallest success related to undermining the recognition of the SADR or supporting the Moroccan autonomy initiative is carefully noted by the pro-government media, such as, for example, *Le Matin*, a daily francophone (and Saudi-owned) pro-government newspaper. In February 2020, the newspaper described (in rather lofty words) the support for the autonomy initiative given by representatives of 18 Italian municipalities in the geographical-historical region of Canavese (today a part of Piedmont and made up of 129 municipalities); "18 villes italiennes apportent leur soutien à l'Initiative d'autonomie," *Le Matin*, February 14, 2020, 3.

⁶⁴ "Sweden softens line on Western Sahara recognition in face of boycott threat," *Radio Sweden. Sveriges Radio*, October 2, 2015, <https://sverigesradio.se/sida/artikel.aspx?programid=2054&artikel=6269430>.

Morocco refused to deploy troops as a part of a peacekeeping operation in Haiti in 2010 because of its recognition of the SADR (later withdrawn in 2013).⁶⁵

A new Moroccan policy offensive regarding Western Sahara had its 'grand opening' in January 2017 when Rabat joined the AU after a 33-year absence in this largest African regional organization.⁶⁶ It was, however, met with some resistance from several AU members regarding the status of Western Sahara and the Moroccan position in the conflict. Becoming the organisation's 55th member state, Morocco had to accept, *de facto*, the membership of the SADR, although the debate and discussion on Western Saharan status were postponed for another time. Behind the motives of Morocco's desire for admission/readmission to the AU, one can find hopes for some diplomatic gains in the prolonged conflict, as well as a new range of possibilities for lobbying against the POLISARIO Front.⁶⁷ Officially, Sahrawi representatives saw it as "a good opportunity" or "a chance to work together", but many – especially in the refugee camps – were worried about the possible development of events.⁶⁸ Although some pointed out that with Morocco's presence in the AU there would be expectations that certain decisions taken by the organisation in the past (i.e., those regarding the planned referendum that never took place) would be now put into practice, others feared that Morocco would use its membership in the organisation to change the AU stance on the Western Saharan issue. The readmission of Morocco did not end the Algerian – Moroccan dispute over Western Sahara. Algeria wanted to condition Rabat's readmission with the acceptance of Western Sahara's independence, and a similar stance was presented by the Western Saharan allies South Africa and Zimbabwe.⁶⁹ The first major diplomatic win for Morocco within the African Union took place during the organisation's 31st summit, in Nouakchott in July 2018. The AU decided to limit its peace efforts in the Western Saharan conflict and reaffirmed the exclusivity of the United Nations in searching for a "lasting and mutually acceptable political solution".⁷⁰ This decision stands in line with Morocco's opinion, repeated on various occasions, that the AU stance in the conflict is biased (one of the arguments supporting this position is the recognition

⁶⁵ Huddleston, "Can John Bolton Thaw."

⁶⁶ Until 2002 it was the AU's predecessor – the Organization of the African Unity (OAU). Morocco left the OAU in 1984, after the body had decided to recognize the independence of Western Sahara.

⁶⁷ "Morocco rejoins the African Union after 33 years," *Al Jazeera*, January 31, 2017, <https://www.aljazeera.com/news/2017/01/morocco-rejoins-african-union-33-years-170131084926023.html>.

⁶⁸ Interview with Prof. S. Debeche, University of Algiers 3, Algeria, May, 2017.

⁶⁹ "Western Sahara welcomes Morocco's African Union membership," BBC News, January 31, 2017, <https://www.bbc.com/news/world-africa-38808811>.

⁷⁰ "AU Assembly Decision 693. Decision on the report of the Chairperson of the Commission of the African Union on the issue of Western Sahara," Nouakchott, July 1, 2018, https://archives.au.int/bitstream/handle/123456789/8133/Assembly%20AU%20Dec%20693%20XXXI%20_E.pdf?sequence=1&isAllowed=y.

by the AU of Sahrawi statehood). It is also viewed as the consequence of the admission of Morocco to the AU Peace and Security Council and its activity in this body. The decision taken in Nouakchott is considered as a reversal of the one from the January of the same year, in which the Assembly of the African Union called for 'joint AU and UN facilitated talks for a free and fair referendum for the people of Western Sahara'.⁷¹ The declaration of the 37 members of the AU (including Morocco) that attended the African Ministerial Conference on the AU's Role in Supporting the UN-Led Political Process in Western Sahara that was held in Marrakech in March 2019 sustained this decision, while almost at the same time (also in March 2019) the opponents of the Moroccan policy were hosted by South Africa and Namibia in Pretoria at the Southern African Development Community (SADC) Solidarity Conference with the Sahrawi People. This situation raises a question about the future unity of the African Union with regards to other issues unrelated to Western Sahara.

Conclusions

Although over the years the POLISARIO Front has gained many allies in different foreign governments, there has never been unanimous support for the SADR in international bodies. One particularly loyal ally to the Sahrawi government (excepting Algeria, which as mentioned hosts the Sahrawi refugee camps on its territory, or the culturally close Mauritania) is South Africa. Probably the most spectacular manifestation of its pro-Sahrawi sympathies was the seizure of a Moroccan ship that was transporting Western Saharan phosphates when it stopped over in the port of Cape Town in June 2017. The cargo (worth 5 million USD) was later handed over to the Sahrawi authorities. The SADR also enjoys the support of the already mentioned SADC, where SA is its strongest advocate. In 2019, there were still three countries in the world that continued to purchase the phosphates mined in Western Sahara: India, China, and New Zealand. Companies in the latter have been experiencing a growing pressure to stop this practice; moreover, shipping phosphates is increasingly expensive, as after another seizure of Western Saharan cargo (this time in Panama) ships must now avoid not only the Cape of Good Hope but also the Panama Canal.⁷²

Speaking on the 46th anniversary of the Green March in 2021, King Mohamed VI said: *"Today as in the past, Moroccan sovereignty over Western Sahara will never be up for negotiation"*, officially making it clear that no change in the

⁷¹ N.C. Ani and L. Louw-Vaudran, "AU limits its role in Western Sahara crisis," Institute for Security Studies, September 11, 2018, <https://issafrica.org/iss-today/au-limits-its-role-in-western-sahara-crisis>.

⁷² Huddleston, "Can John Bolton Thaw."

Moroccan position on the disputed territory was an option, despite rapidly deteriorating relations with Algeria.⁷³ Thus, the struggle for recognition and non-recognition between the SADR and Morocco is still ongoing; however, it may be worth posing the question of whether gaining or losing recognition from one state or another will dramatically change the fate of Western Saharan *de facto* statehood. For example, although in October 2014 Sweden recognized Palestine,⁷⁴ little has changed either for better or for worse in the intervening years.

In his piece published in May 2019 in *Foreign Policy* R. Joseph Huddleston suggested that the POLISARIO Front leadership was looking hopefully towards the administration of United States President Donald Trump and placed a lot of faith in the second half of Trump's tenure, mostly because of the presence of John Bolton – the then-President's National Security Advisor, appointed to that position in April 2018. The history of Bolton's relations with Western Sahara dates back to his pro bono work as deputy to James Baker, the U.N. envoy to MINURSO, in 1997–2000. Moreover, in 2006 he threatened, as the U.S. ambassador to the United Nations, to dissolve MINURSO if it did not fulfil its mandate for the referendum.⁷⁵ However, neither Huddleston nor Sahrawi officials could have foreseen with any degree of certainty at this point that later in 2019 John Bolton would be ousted as national security advisor; or that in December 2020, just before the end of Trump's term, Washington would recognize Moroccan sovereignty over Western Sahara in return for the Kingdom's normalisation of relations with Israel (the so-called Abraham Accords). This move was of an exceptional nature considering the fact that until then no other state in the world had recognized Moroccan sovereignty over Western Saharan territory, even the those that without much hesitation do business with Morocco involving Western Sahara's natural resources. The timing of this decision was also highly peculiar if we consider that a month earlier – in November 2020 – the 29-year-old Morocco-SADR ceasefire had been broken. Huddleston, Ghoorhoo, and Maquera Sardon point out that the Guerguerat crisis itself can only be seen as a direct cause of the POLISARIO decision to return to armed struggle, others being a growing proliferation of Moroccan drones on Western Saharan territory and the discontent of the Sahrawi people as the POLISARIO-led diplomatic efforts of the SADR are not bearing the expected fruit.⁷⁶

⁷³ “Morocco’s king says Western Sahara status not up for debate,” *Al Jazeera*, November 7, 2021, <https://www.aljazeera.com/news/2021/11/7/moroccos-king-says-western-sahara-status-not-up-for-debate>.

⁷⁴ Interestingly, the Palestinian authorities do not control the entire territory for which they apply for recognition as a state. These allegations were refuted in Sweden, with a comparison being made, for example, with the recognition of Kosovo in 2008, even though the Kosovo authorities did not control the entire territory; Eriksson, “Swedish recognition,” 43.

⁷⁵ Huddleston, “Can John Bolton.”

⁷⁶ R.J. Huddleston, H. Ghoorhoo and A.M. Sardon, “Biden Can Backtrack on Trump’s Move in Western Sahara,” *Foreign Policy*, January 9, 2021, <https://foreignpolicy.com/2021/01/09/biden-can-backtrack-on-trumps-move-in-western-sahara/>.

In his first months after taking the Office in January 2021, the new US President Joe Biden was believed, at least by most of the observers of the Western Sahara conflict, to reverse Trump's decision. However, he has not done so, although his administration has not reconfirmed this recognition either. Considering the constant refusals of White House officials to answer journalists' questions regarding these issues, it seems that the accepted tactic is to avoid the subject and sweep the matter under the carpet. In January 2022, a year after Biden's inauguration, Stephen Zunes pointed out the dangers of such a policy, for example in the context of Russia's illegal annexation of Crimea and the threats to Ukraine's territorial integrity pronounced at that time by Vladimir Putin and his entourage.⁷⁷ In the context of the Russian invasion of Ukraine that took place a month later (24 February 2022), this does not seem irrelevant and has additional consequences. In theory, Western countries are more interested in maintaining good relations with the SADR-supporting Algeria, since they want to diversify their energy resources in the face of the sanctions against the Russian Federation. Nevertheless, it is hard to reconcile this with the traditionally good Russian-Algerian relations and the ongoing military cooperation between the two being developed, which in the face of Russia's mounting crimes against civilians in Ukraine and never-ending threats to its EU-NATO neighbors is hard to accept.⁷⁸ On the other hand, the recent events show that Morocco has found its feet in the new international situation. Despite (or because of) the large amount of European criticism the Kingdom has had to face recently, due to the country's alleged involvement in the European Parliament corruption scandal, Morocco has found its own way to improve and strengthen relations with its Western partners, becoming the first African country to supply Ukraine with heavy weapons - delivering 20 renovated T-72B main battle tanks (together with spare parts).⁷⁹ This decision is a major change, given Morocco's previous neutrality in the face of the conflict, similarly to most African states; it may help repair relations with European partners and strengthen Moroccan counter-recognition efforts regarding the status of Western Sahara. The complicated international situation does not

⁷⁷ S. Zunes, "Biden's Dangerous Refusal to Reverse Trump's Western Sahara Policy," *Foreign Policy in Focus*, January 21, 2022, <https://fpif.org/bidens-dangerous-refusal-to-reverse-trumps-western-sahara-policy/>.

⁷⁸ However, the Desert Shield 2022 joint military exercises of Algerian and Russian motorized infantry units in the Sahara that were supposed to take place in the second half of November, and that alarmed many political sectors in the EU, were cancelled at the last minute without any reason being given. According to speculation among analysts of Algerian politics, the decision may have been motivated by the Russian Federation's large military engagement in Ukraine or diplomatic pressures from various Western world powers; J. Peña, "Algeria and Russia cancel military exercises in the Sahara," *Atalayar*, November 29, 2022, <https://atalayar.com/en/content/algeria-and-russia-cancel-military-exercises-sahara>; However, during the authors' research stay in Algiers in May 2023, there was a belief that the exercises had taken place but media silence was ordered and they were not reported.

⁷⁹ J. Holleis, "Tanks to Ukraine mark change in Moroccan foreign policy," DW, January 26, 2023, <https://www.dw.com/en/tanks-to-ukraine-mark-change-in-moroccan-foreign-policy/a-64527084>.

improve the outlook for the SADR, if only because the eyes of the world are turned towards Ukraine and Russia, Taiwan and China, or Iran. Meanwhile, the traditional allies of the Sahrawi cause are mostly on the wrong side of the barricade.

Data availability

The qualitative data gathered during study visits to Algeria, Morocco, and Mauritania cannot be shared publicly as they contain fragile information about the interlocutors, each of the countries has problems with human rights violations so in many instances the interlocutors agreed to talk with only on the condition of anonymity, in other situations the interviewees were informed how they will be quoted in the research and if they agree. The purpose of the interviews was often triangulation, which is why only a few are cited in the text.