

THE SAHARAWI ARAB DEMOCRATIC REPUBLIC, THE ART OF RESISTANCE AND HOW TO CONSTITUTE A COUNTRY WHILE UNDER OCCUPATION

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Abstract. *The Frente POLISARIO, a liberation movement that aimed to achieve freedom of the then Spanish Sahara, was founded in 1973. In 1976, one year after the invasion of Morocco and Mauritania of Western Sahara, POLISARIO proclaimed, in the name of the Saharawi People, the Saharawi Arab Democratic Republic (SADR). Western Sahara has been on the United Nations' list of Non-Self-Governing Territories under Chapter XI of the UN Charter, since 1963. Forty-seven years later, the fight for the future of Western Sahara still ensues. Despite all judicial decisions against its claim, Morocco still occupies Western Sahara and proclaims it is part of its national territory. On the other side, Frente POLISARIO, adhering to International Law and their legitimate rights to Self-Determination, still fights. Morocco resorts to a mix of tactics: war, propaganda, fake news, defamation, imprisonment of dissidents, human rights violations, and Geopolitical Alliances.*

In 1991, under the auspices of the UN and AU, an agreement on a Referendum to determine the Liberation of Western Sahara or the Annexation into the Kingdom of Morocco was achieved, but was never materialized. A UN Mission, Misión de las Naciones Unidas para la Organización de un Referéndum en el Sáhara Occidental (MINURSO), was established. Morocco, however, did not respect the terms of the agreement, boycotting the referendum. Between 1991 and 2020, a cease-fire was in place. In November 2020, a Moroccan military assault against a peaceful protest of Saharawi civilians against a new breach of Military Agreement No. 1 triggered Frente POLISARIO to declare the cease-fire null and void and to resume military action.

In this paper, we will try to clarify what the Saharawi Arab Democratic Republic is and what Frente POLISARIO is. To achieve our goals, we have examined the SADR Constitution and how the political actors implement the ideas and ideals of the Constitution reflected on Frente POLISARIO. Our analysis has found a country ready and able to implement the structure of a functioning Modern Democratic State with the necessary prepared human resources.

Keywords: *Western Sahara, POLISARIO, SADR, War, Freedom, Morocco, Modern Democratic State, SADR Constitution*

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INTRODUCTION

In this paper, we will analyse the SADR State based mainly on its Constitution as a reference for what the State currently is and what it aims to become after the Liberation.

We chose the Constitution as our focal point since it is the Founding Document of a State and reflects the aspirations of the people. Within it, we can find the guidelines for the

separation of powers, the electoral process, judicial structure, the pillars of society, education, health, individual rights, religious rights, and State obligations.

It is essential to take into account the conditions surrounding the drafting of the First Constitution and the following addendums and revisions in midst of an ongoing conflict, occupation, and exile.

The methodology adopted was a comparison of the current Constitution and the *de facto* structure on the ground and analysing if the Constitution grants the basis of a Democratic State.

AFRICA LAST COLONY

Designated as Non-Self-Governing Territories under Chapter XI by the UN on December 31, 1963 [A/5514], the territory of Western Sahara was officially, up until 1976, a Spanish colony when the Kingdom of Morocco and Mauritania occupied it.

Up to the Moroccan invasion in 1975, the process of withdrawing the colonial power, Spain, was anything but peaceful, let alone uncontroversial (Hodges, *Western Sahara The Roots of a Desert War*, 1983, p. 135). Involved in internal confrontations against nationalist groups like *Frente Popular para la Liberación de Saguia el Hamra y Río de Oro* (Frente POLISARIO¹), the situation would escalate to such an extent that the UN would question the Spanish Delegation several times about the territories it still held in Africa. The substantial international political and, within the region, military pressure forced Spain to seek a political manoeuvre to withdraw from Western Sahara (Hodges, 1984, pp. 84-87). Between 1974 and 1975, Madrid started preparations for a Referendum plan against Hassan II, king of Morocco. To gain time, the King of Morocco, with the claim that Western Sahara was part of Morocco, petitioned, in 1974, the International Court of Justice (ICJ) to rule on this matter while ordering its navy to harass Spanish fishing boats, rising claims to Melilla and Ceuta, and creating *Frente de Liberación y de la Unidad* (FLU) a pro-Moroccan guerilla movement (Hodges, 1984, pp. 93-94).

However, contrary to what was expected, the ICJ, in October 1975, rejected this claim (International Court of Justice, 1975). Conversely, King Hassan II would subvert this decision, using it as proof of his claim, sending about 350,000 men to the border, ready to march on Western Sahara. On the other hand, Spain caved into Moroccan pressure and, on the 14th of November 1975, signed a tripartite agreement with Morocco and Mauritania in what would be known as the Madrid Accords. Spain ceded control of Western Sahara to Morocco and Mauritania [A/31/59, S/11997] in exchange for a 35% share stake in the Bou Craa phosphate mine and fishing rights for Spain (Barata, 2012, p. 143).

On November 6, 1975, Morocco fulfilled his promise, violating the borders “peacefully” under the name “Green March” (Zoubir Y. H., 1996, p. 177). At the end of the same month, what seemed inevitable happened. Most of the Saharawi population fled to Algeria (Cordsman, 2002, p. 60; Solarz, 1979, p. 284), leaving Frente POLISARIO to defend the Saharawi people's right to self-determination, moving towards an open war against the invading forces (Jensen, 2013, p. 16&34). The period that follows is marked by advances and setbacks but is, for the most part, marked by impasses. Among the advances are the proclamation of the Saharawi Arab Democratic Republic (SADR) in 1976; the admittance of SADR as a member of the Organization of African Unity in 1982; the peace agreement signed on 5 August 1979 with Mauritania, in which the latter agreed to withdraw from Southern Western Sahara. Morocco took advantage of the confusion that followed and occupied the

¹ Formed in 1973.

territories abandoned by Mauritania. The military stalemate that followed Mauritania's exit from the conflict is still the mark of the reality on the ground. Morocco has moved into static defensive warfare, building a defensive wall called *The Berm* (Jensen, 2013, p. 17), with military bases on one side and antipersonnel minefields on the other (Jensen, 2013, p. 49). This effectively divided the territory of Western Sahara into two unequal parts. Morocco gained control of 80% of the territory (Jensen, 2013, p. 47), the useful part, leaving the other 20% to SARD, as we can see in Map 1.

On the side, while the battles unfolded, intense negotiating was carried out to reach a peaceful solution. This diplomatic work was in and done by the highest institutions: in the OAU and the UN, either by the institutions themselves, by Morocco or POLISARIO, or by allied countries like the US, France and Algeria (Ferreira, 2018; Zunes, *The United States and Morocco: The Sahara War and Regional Interests*, 1987, pp. 426–429).

The direct intervention of the Secretary General of the UN, Pérez de Cuéllar, led to the creation of the position of Special Envoy of the Secretary-General for Western Sahara. A proposal for a Referendum for the self-determination of the Sahawari people, or the full and complete integration into the Kingdom of Morocco (Ferreira, 2018), was still the objective. After several years of negotiations, and when it had become clear that the war was at a stalemate, these diplomatic negotiations paid off, and a proposal was finally signed in 1991 in the form of a Ceasefire (Military Agreement No.1, 1991). MINURSO was established and became the overseer of the entire voter registration process and a peacekeeping force. However, “*Divergências quanto à identificação dos eleitores para o referendo vão, de um modo sistemático, adiando a realização do referendo.*” (Barata, 2012, p. 145). Morocco put up barriers from day one, blocking and making it difficult for MINURSO personnel and journalists to enter. In addition, Morocco has established surveillance and control networks for MINURSO members (Ferreira, 2018, p. 16). Another strategy implemented by Morocco was the constant addition of potential voters: “*Marrocos tinha já iniciado uma colonização intensa do território, incluindo uma deslocação massiva de saaráuis oriundos do Sul marroquino*” (Barata, 2012, p. 145; Ferreira, 2018, p. 16).

This whole process results, once again, in an insurmountable impasse. An impasse that, again, will drag on in time and not even with the constant changes of the Special Envoy for Western Sahara and of the UN Secretary-General, will not change for the better. The situation around the referendum has only gotten worse. The constant failures of the UN lead mediation, the continuation of the Moroccan repression, and the withdrawal of the world's attention from the legitimate struggle of the Sahawari people left one only possibility, in the eyes of many Sahawaris, to change their situation: war was unavoidable. And the only spark that was missing, that would ignite the unstable region happened on the 13th of November 2020 (Teixeira J. F., 2022, p. 10).

CURRENT SITUATION

As Brahim Ghali, President of SADR, explains in his letter to the Permanent Representative of South Africa in the UN [S/2020/1131], on the 13th of November 2020 Moroccan military forces attacked a group of peaceful Saharawi protesters. Thus, an act of violence against Saharawi civilians in the Guergarat Buffer Zone, a zone controlled by MINURSO, led to War.

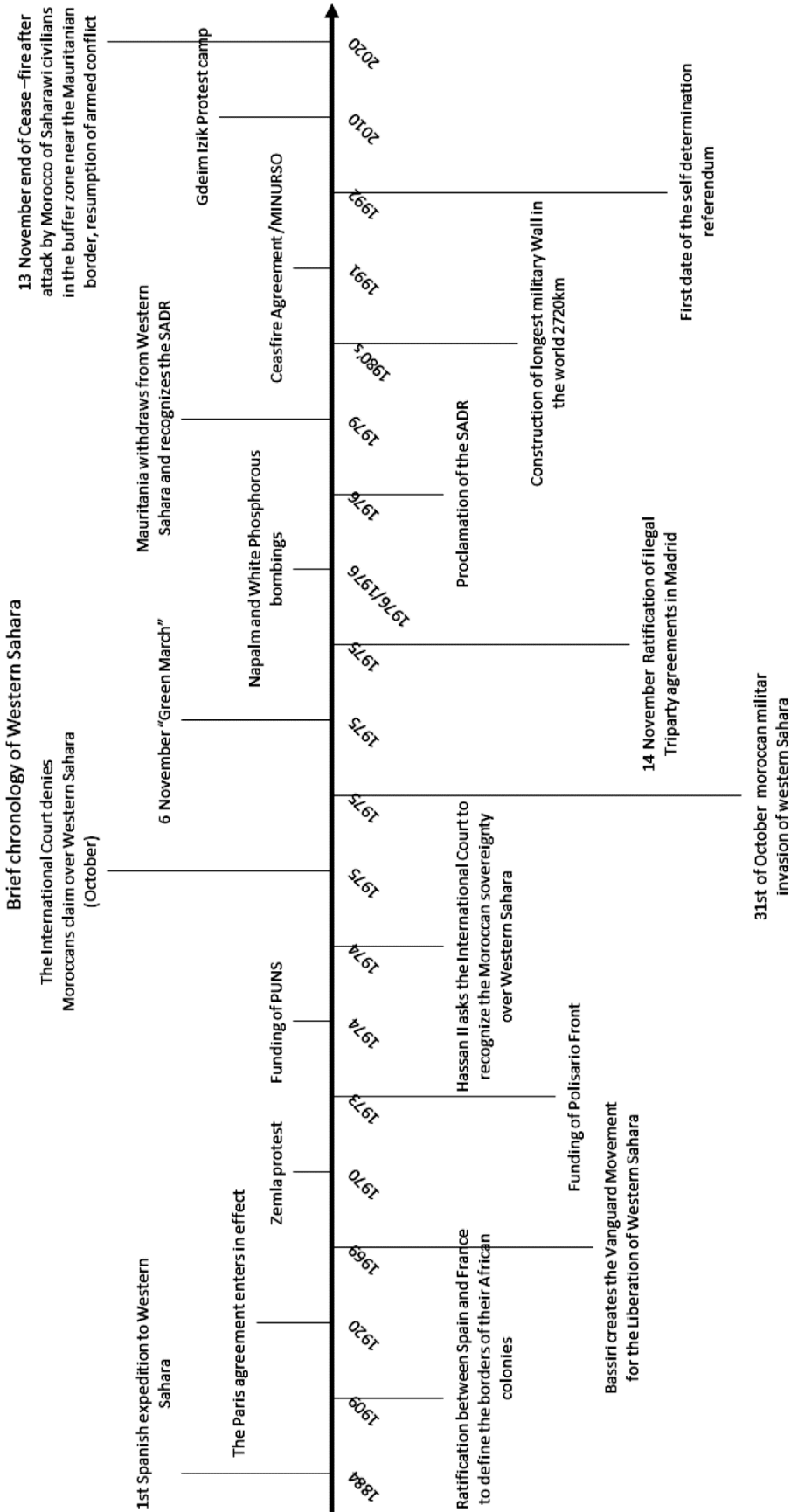
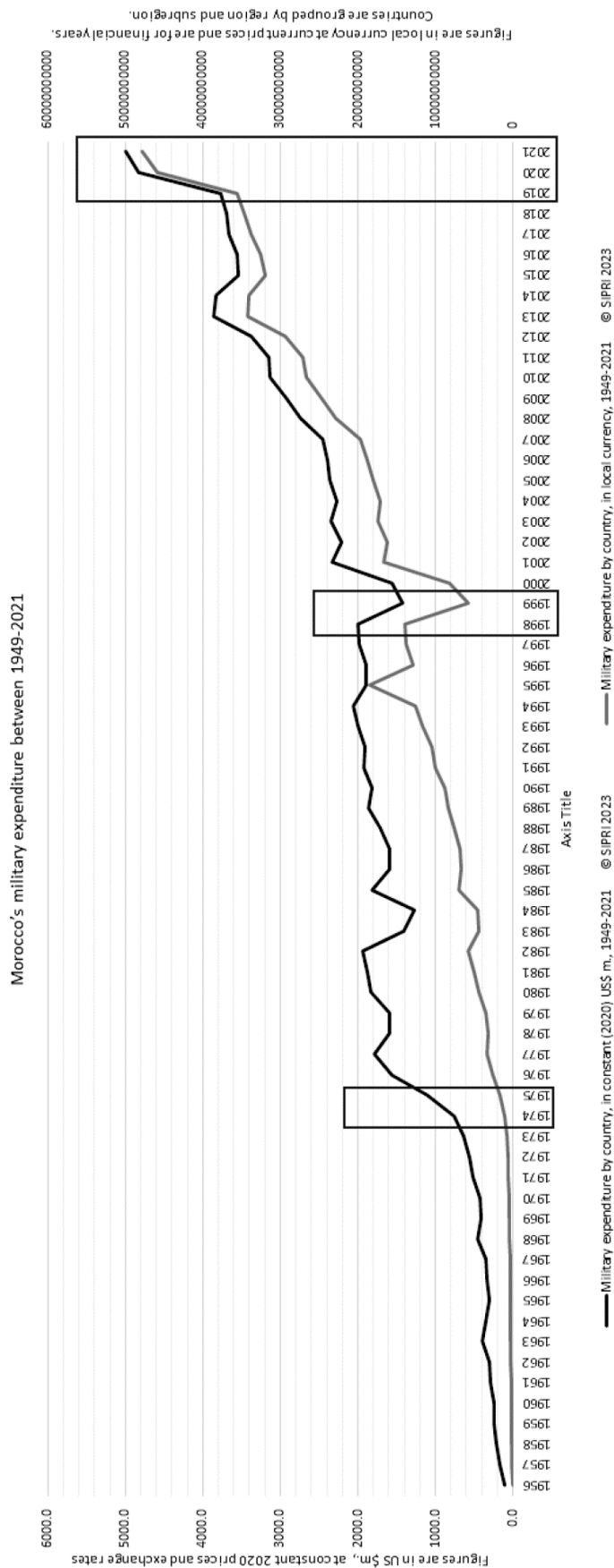


Fig. 1. Brief Chronology of Western Sahara.



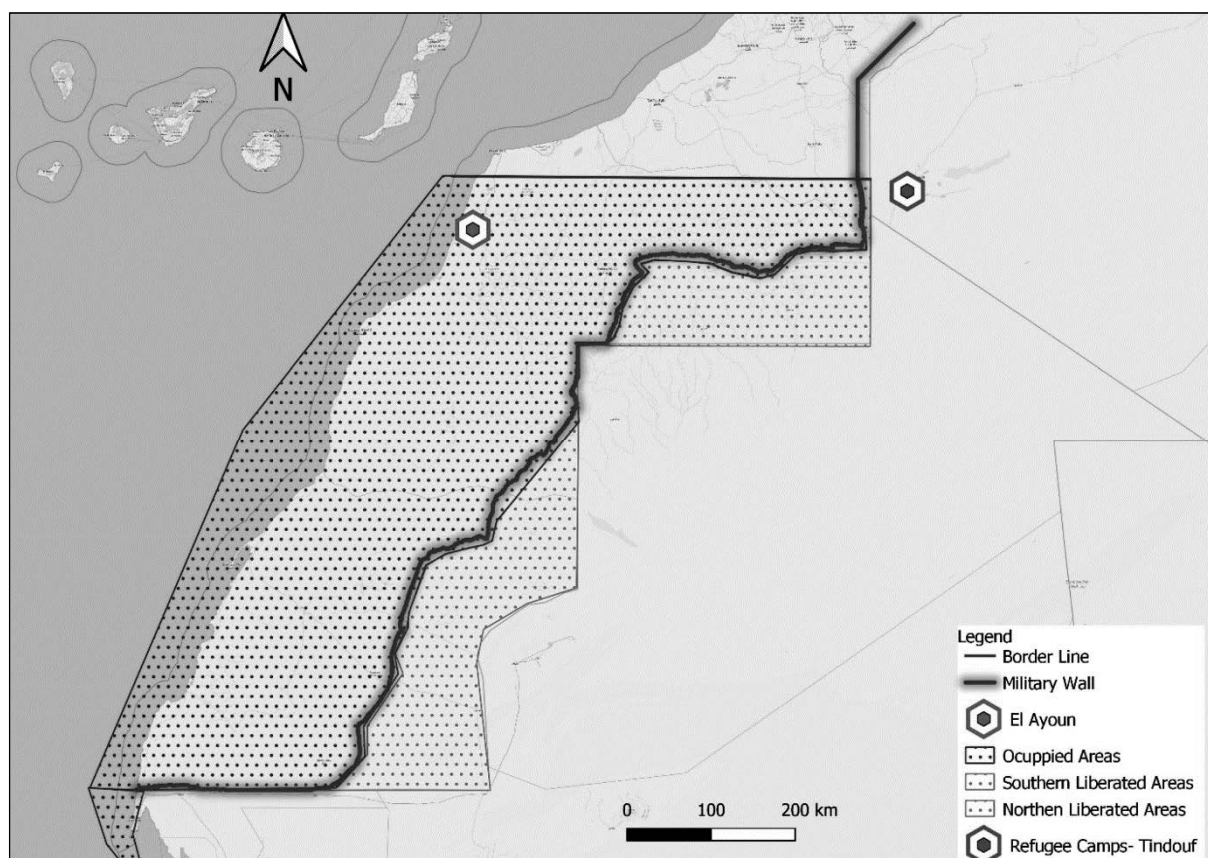
Graphic 1. Morocco's military expenditure between 1956–2021.
 Source: SIPRI Military Expenditure Database. <https://milex.sipri.org/sipri>

Since then, according to the public statements of SADR, just in the first six months of the conflict, a total of 940 attacks against the *Berm* by the *Ejército de Liberación Popular Saharawi* (ELPS) occurred, as can be seen in *Table 1*. Three years have passed, and the situation has only deteriorated². The UN has taken no action and, despite all evidence, Morocco still denies that an armed conflict broke out in Western Sahara. As we can see in *Graphic 1*. Morocco's military expenditure was in a slow but steady rise since 2000, but in 2019 spiked and, contrary to 2002 and 2013, it is still on the rise. Another important piece of information is shown by the Saharawi Mine Action Coordination Office report; there was an increase in the number of UCAV³ strikes. Between 2021–2022 there was a total of 61 strikes, an average of 30 strikes/per year, a figure only surpassed in the Yemen war. Civilians are the preferential target (SMACO, 2023, p. 9).

Table 1. Total of military encounters during the 1st six months of II Sahara War

Quarter/Semester Number	Q1	Q2	IS
Total of Attacks	567	373	940
Percentage	60,3%	39,7%	100%

Source: Teixeira J. , 2022, p. 10



Map 1. Western Sahara Political Map.

Source: Western Sahara War Archives: <https://www.westernsahara-wa.com>

² For more information, see: www.westernsahara-wa.com

³ Unmanned Combat Aerial Vehicle

There is an impasse on the ground. Morocco's strategy is very demanding and requires huge amounts of resources (money, manpower, weaponry and food). Difficulties with the war effort were already noticeable in 1982, during the first war, and could only be met with the help of friendly countries like the US and Saudi Arabia (Hodges, 1983, pp. 293-304).

The Berm, despite altering the course of the war (Jensen, 2013, pp. 68-69) by creating an almost impenetrable barrier, it has brought a high cost from the start (Shelley, 2004, p. 193) and is straining the fragile economy of Morocco (Zunes, *The United States and Morocco: The Sahara War and Regional Interests*, 1987, p. 429).

However, as soon as ELPS became able to recover its ability to strike again within the occupied territories, the situation could be reversed.

This is the ultimate design of ELPS, so one must wonder what lies ahead. If freedom is achieved, how will Frente POLISARIO transform Western Sahara? When the SADR was proclaimed, a constitution was drafted and implemented. What does it say about the future? These are some questions we will try to answer in the next pages.

SADR CONSTITUTION

According to Mohamed-Fadel ould Ismail ould Es-Sweyih "*The decision to proclaim the Saharawi Arab Democratic Republic was imposed on the Saharawi, as Spain had withdrawn from the territory the day before, leaving a juncture and institutional vacuum that only the Saharawi people, as the true legal custodians of sovereignty over the territory, are entitled to fill.*" (2001, p.39). The proclamation of the SADR is the direct, normal and logical consequence of the age-old resistance of the Saharawi to preserve their survival against colonial aggression, thus gradually becoming aware over the centuries of their own national identity.

The Saharawi needed a State besides the Liberation Movement, and unlike other African liberation movements, made a distinction between the Movement, Frente POLISARIO, and the State, Saharawi Arab Democratic Republic (SADR).

We have, therefore, since the early days of the invasion of the territory by Morocco, not only a liberation movement (POLISARIO) that defends the Saharawi Homeland, but also a State structure prepared to take over the territory and handle its administration.

As history shows, however, the process of liberation has not yet been concluded, but that does not mean that the state is not active. The SADR is functioning, administrating the liberated areas and the refugee camps, it is present in International Organizations such as the African Union and the Pan-African Parliament (PAP), has diplomats and embassies in the countries that recognise the SADR and has adopted an active role in all the mechanisms and structures where it participates, in the United Nations, in the European Union. In other institutions that do not yet recognise the SADR, POLISARIO has representatives and delegates because, according to the UN, POLISARIO is the legitimate representative of the Saharawi people.

One could argue that the Saharawi believed that the construction of a state would be forthcoming since the structures of such a state had already been partially in place left by the Spanish colonial rule. (Es-Sweyih, 2001, p. 36).

On the 26th of February 1976, the provisional act of the SADR was written and published in the *Annuaire de l'Afrique du Nord* N° 15 (SADR, 1976, pp. 916-917). The first constitution that followed the provisional act dates August 30, 1976, and was in place until 1982, when changes were made. In the year of the cease-fire 1991, new changes were made to the constitution, followed by changes in 1995, 1999, 2003, 2011, and 2015 (CONSTITUCIONES DE LA RASD).

The timing of the changes and additions made to the constitution coincide with changes in the dynamic of the conflict, the development of the Saharawi People, and their diplomatic and political action. (See *Fig. 1*).

We can see from the beginning that the main pillar of the Constitution is the obtainment of the liberation of the occupied territories. But also, a huge emphasis has been given to the development of the Saharawi People through education, health, and equality. In the refugee camps, we can see how these main issues have been implemented, although with all and against all constraints of refugee camps and their almost inexistent economic independence.

“La Constitution sahraouie est pensée et rédigée sur la base des caractéristiques principales de la société sahraouie héritées du passé : l'esprit de communauté qui semble prédominer encore dans tous les actes de la vie courante (solidarité entre tous les membres du peuple qui favorise le partage en commun des ressources disponibles), la nature civile de la société (le peuple sahraoui est attaché aux valeurs du pacifisme, du légalisme et de la primauté du social, même s'il est contraint de recourir aux armes pour se défendre) et l'orientation égalitariste qui se manifeste à tous les niveaux et dans tous les domaines du service public (alphabétisation, scolarisation, santé, éducation, formation, activités économiques, etc.)” (Es-Sweyih, 2001, p. 66).

ISLAMISM/RADICALISM IN THE CONSTITUTION?

The Moroccan occupier has tried since the beginning to portray and link Frente POLISARIO and the SADR to terrorism and radicalisation (Machloukh, 2021; de Orellana, 2015, p. 488) which has been repeatedly denied by the Saharawi (Sahrawi Arab Democratic Republic, 2021).

If we analyse the Constitution in this regard, we can read:

“Article 25: All Sahrawi citizens shall enjoy the rights and freedoms recognised and guaranteed by the Constitution without any discrimination as to ethnicity, race, colour.

Article 42: The State shall promote women and ensure their political, economic, social and cultural participation in the construction of the society and the development of the country, gender, language, religion and political or any other opinions.” (CONSTITUCIONES DE LA RASD, 2015, p. 4).

Statement of Janet Lenz religious inter-dialogue founder, regarding radicalisation given to the author in 2022:

“This is not a nation that is radical, extremist, nor violent. Such attitudes and actions are NOT acceptable in their society. As eye-witnesses...primarily American, we have more than 20 years of experience and insight to the Saharawi people. Against all odds, they have held to peace, retained their dignity as a people, and prioritized finding their own justice through peaceful process, even when their Moroccan oppressors continue their occupation of the Saharawi's legitimate Homeland of Western Sahara.

If the Saharawi are anything “extreme” in this world, they are an extreme example of choosing Peace, even though they are the ones who suffer the most to maintain that priority. Any such characterization of the Saharawi people as radical, extremist, or violent is ABSOLUTELY INACCURATE. There are thousands (Spaniards, Americans, European, African) of eyewitnesses who have seen firsthand the dignity and peace they have determined to sustain, against all odds.”

Public statement of Janet Lenz, US citizen, Founder of Not Forgotten, International Project: Left Behind Essalam English Centers Saharawi Children's Program, UN Petitioner in the 4th Committee on Western Sahara.

WOMEN'S RIGHTS

The Saharawi in the Occupied Territories of Western Sahara directly challenges the dominant Western thinking about Muslim women, "oppressed and impotent". In fact, these Saharawi women are proof that Arab-Muslim women do not exist as a homogeneous group in the Middle East and North Africa. And that stereotypes transmitted by Western society and the media cannot be applied in Western Sahara.

When asked what the role of Sahrawi women in society is, all interviewed (men and women) responded, "whichever she chooses." Many Saharawi women frequent faculties and universities outside the territories, conduct demonstrations, organise press conferences and prepare reports on the realities of the occupation. Sahrawi women in the Occupied Territories told stories of female relatives in refugee camps who are doctors, nurses, police officers, soldiers, teachers or studying abroad in Europe, Latin America, and North America and even diplomats (Lourenço, 2017).

We can observe that Women in Western Sahara play an important role in the field of health since they represent 74.88% of paramedical staff and 43% of doctors as well as in the area of education and have a basic role in teaching in that they represent 80% of teachers and 84% of educators (nursery). (Numbers given to the author by the Ministry of Health and Ministry of Education of the RASD in 2021). In this connection, the Ministry of Education has endeavoured to create training opportunities in the country and abroad, where women have always been favoured.

Considering that women form an integral part of the family, the Constitution highlights the conditions for the defence of women against all forms of discrimination, exclusion, or marginalisation and directs the State of Western Sahara itself "*to work towards the emancipation of women and guarantee their political, economic, social, cultural and other participation in the building of the society and the development of the country*" (CONSTITUCIONES DE LA RASD, Article 41).

EDUCATION AND HEALTH CARE

"Article 36: The right to education shall be guaranteed.

– The State shall ensure the compulsory and free education and organise the educational Institutions in line with the educational legislation

Article 37: All citizens shall have the right to protection and healthcare.

– The State shall ensure protection and combat against diseases and epidemics." (CONSTITUCIONES DE LA RASD, 2015, p. 4).

When the anti-colonialism movement, Frente POLISARIO, emerged, better education was one of its central features. Frente POLISARIO replaced the old pre-colonial education system and compensated for the absence of the colonial education system by establishing a mixed, universal, obligatory, and secular education system in the camps. The education system included primary and secondary schooling and centres for professional training that offer computer and technical training courses. Also, foreign funding and non-governmental organisations have enabled, especially for women, nursing training and courses in computing, driving, and languages (Lehto, s.d.).

The SADR has also given attention to children with special needs developing schools to that effect in several refugee camps, and no child is left without education (Julio, 2015).

The input in the educational system has prepared young women and men to take more responsibilities inside the state and the administration as well as in international organisations, which are reflected in a new generation of representatives of the SADR.

The Saharawi health care system is administered and implemented entirely by Sahrawi refugees.

The health care system is one of the most important aspects of the life of the refugees, who are at extreme risk due to the constant cuts in humanitarian aid as alerted by the Red Cross and ACNUR over the years. With limited material resources, the Saharawi Ministry of Health has developed a system that works and can answer the population. (Agencia Española de Cooperación Internacional para el Desarrollo, 2022). It was during the Pandemic of Corona Virus that the Ministry of Health had to be more innovative and creative to tackle the problem with the extremely limited means available. (Porunsaharalibre, 2020).

SADR AND INTERNATIONAL CONVENTIONS

The fact that SADR is not recognised as a state at the United Nations level, hinders it to be able to apply to certain covenants.

However, the SADR has made an effort to ratify all relevant conventions and others at their disposal, such as the African Charter on Human and Peoples' rights on 2nd May 1986; Convention establishing the African Economic Group, and the Additional Protocol to the Convention establishing the African Economic Group, the Constitutive Act of the African Union, the OAU Convention for the Prevention and Fight against Terrorism and the African Charter on the Welfare of the Child and adhered to the Geneva Convention (Geneva Call, 2015).

RELIGION IN THE SADR

Article 2 of the Constitution stipulates that Islam shall be the religion of the State. The Saharawi population is Muslim and practises mainly the Sunnite Malekite doctrine. Given the nature of the nomadic life handed down from father to son, religion is characterised by tolerance and the absence of any extremism and segregation among the people of Western Sahara, this is demonstrated by coexistence with other religions in the course of history and present days by the regular interfaith encounters in the SADR.

The Constitution recognises the freedom of religion. Article 43 guarantees foreigners residing in the Republic of Western Sahara the right to practise their religion and even respect their rites. This article draws inspiration from Islam which advocates the freedom of choice of religion. (African Commission on Human and Peoples' Rights, 2003).

POLITICAL PARTIES, POLISARIO AND VOTING IN THE SADR

Under Article 31, the right to form associations and political parties is guaranteed “*Article 31: The right to form associations and political parties is recognised and shall be guaranteed after the attainment of independence.*” (CONSTITUCIONES DE LA RASD, 2015, p. 4). Under Article 33 and Article 34, every citizen that meets all legal requirements can vote and be voted for, in any public office. However, as we have stated, Western Sahara is in a state of war and did not achieve freedom, thus SADR is unable to hold multiparty elections at the time being.

How will this situation be resolved if freedom is gained? Another question that arises is where does Frente POLISARIO stand in this political context?

Frente POLISARIO was born on the 10th of May 1973 (Hodges, 1983, pp. 160-161) by El-Ouali Mustapha Sayed, a Saharawi born near Hammada, that was able to study Law at Mohammed V University in Rabat, via a Moroccan Government grant (Hodges, 1983, p. 158).

There, surrounded by other Saharawi students with similar backgrounds (nomadic life followed by extreme poverty), familiar with the UN's resolution for Western Sahara and influenced by the other national liberation movements (Hodges, 1983, p. 158), start forming a rather unorganized group to liberate Western Sahara from Spain. Only in 1973 did the group, tired of the inability of the Moroccan Left-wing parties to go from words into action, shift its focus from seeking help from opposition parties to seeking support from the Saharawi in the South of Morocco and foreign countries (Hodges, 1983, p. 159).

With the changes in Morocco's political sphere due to the two military coup attempts, the favourable climate for the group also changed (Hodges, 1983, pp. 159-160). Morocco could no longer favour Saharawi freedom groups, studying in Morocco, plotting to start a war with Spain, and despite the public statements from Moroccan political elites, the police started to repress all demonstrations (Hodges, 1983, pp. 160-161). The Tan-Tan incident in May 1972 further confirmed this shift. From then onwards, this group of students started its guerrilla campaigns against Spain and later against Mauritania and Morocco.

In 1974, the now much bigger group, during their 2nd Congress, clarified its goals and aims, adopting a more nationalistic view of Western Sahara as a nation-state and as an identity, establishing: 1) the end goal of freedom; 2) the re-election of El-Oauli as the Secretary-general; 3) the main leadership body were divided into groups, Political Affairs and Guerrilla Campaign; 4) the SADR was born; 5) respect for the political borders inherited from the colonial power, in accordance with OUA doctrine; 6) denouncement of all forms of kinship and tribal affiliation; 7) the abolition of any form of exploitation, like slavery; 8) fair distribution of resources; 9) provision of housing and health facilities; 10) mandatory schooling; 11) Arab as the official language of SADR; 12) equal rights for women (Hodges, 1983, pp. 163-164). Forty-nine years later, and with several changes in its body, these still are the principles that Frente POLISARIO stills abide by.

This was enshrined in the Constitution of SADR:

“Article 32: Until the complete recovery of national sovereignty, the Frente POLISARIO shall be the political framework that shall unite and mobilise politically the Sahrawis to express their aspirations and legitimate rights to self-determination and independence and to defend their national unity and complete the building of their independent Sahrawi State.” (CONSTITUCIONES DE LA RASD, 2015, p.4).

Under such circumstances, we conclude that Frente POLISARIO will be “in-power” until the *“struggle for the recovery of the sovereignty of the Sahrawi Arab Democratic Republic (SADR) over the entire national territory and achievement of total independence”* (CONSTITUCIONES DE LA RASD, 2015, p.1). As soon as Article 32 is achieved, Political Parties and other Associations will be formed.

Despite being a Liberation Movement, Frente POLISARIO works as a regular party would. Its Political Actions are defined by the National Congress of the Party, where the Delegates vote the relevant documents. The delegates to the congress are elected in their places of residence, the refugee camps, the liberated areas, the occupied territories, and the diaspora. They represent their community in the National Congress. Each congress outlines the future lines of action. The National Secretary is elected during the congress and this secretariat will appoint the ministers of the SADR. The Secretary General of Frente POLISARIO is also elected by the Congress. This position is current and, according to Article 51 of the Constitution, simultaneously accumulates the function of President of the SADR.

Between 1973 and 2023, sixteen National Congress were held, eight between 1973 and 1991, and eight from 1991 to 2023. The last one, the 16th congress, was held in January 2023 with the attendance of 2097 delegates and over 370 foreign delegations and national and foreign press (Frente POLISARIO, 2023). In this congress, Brahim Ghali was elected as the

Secretary General of Frente POLISARIO/ President of the SADR (Ghali, 2023) by 69% of the votes, while the other candidate, Mustafa Sayed, obtained 31%.

CONCLUSION

We can observe that the SADR has built a democratic state within the constraints of war, occupation, exile, and the harsh reality of refugee camps. Our analysis has found a country ready and able to implement the structure of a functioning Modern Democratic State with the necessary prepared human resources in the entirety of Western Sahara. The Constitution and Laws provide the necessary instruments for a democratic state and have been applied over the decades.

If with the sparse means available and under the circumstances of war and occupation, the SADR was able since 1975 to construct a State that has all major pillars of a democratic society, one can deduce that with the means and resources of their homeland that are currently not available to them, the Saharawi People could develop their nation into a modern democratic state with unique features in the region.

The SADR had the insight of setting up the refugee camps as a mirror image of the occupied cities of Western Sahara, with an administrative division, locally elected people, hospitals, schools, sanitary and other structures, with the goal to prepare them to take over their tasks after the liberation process is concluded.

However, the stigma of terrorism by the Moroccan Kingdom has become a powerful tool to discredit Frente POLISARIO and carries serious political and legal consequences. Branding them as a terrorist group is the goal of Mohamed VI in order to prolong the stalemate of the conflict and change the dynamic of a possible peaceful solution, although there is no evidence that the SADR or Frente POLISARIO have ever resorted to terrorism. The Saharawi people have resorted to non-violent resistance for over 29 years (Stephan & Mundy, 2006), and returning to war after the violation of the cease-fire agreement by the Moroccan kingdom in November 2020.

The actions of the Saharawi people in the camps, occupied territories, and diaspora show their desire for freedom to be obtained through peaceful methods only returning to war after the incapacity of the UN to control Moroccan attacks against civilians and not being able to put in place the UN Security Council resolutions and the referendum.

The entire body of work that has been developed by the SADR is still dependent on how the war will ultimately end. At the moment, the *Berm* still prevails, and the passive defensive strategy of Morocco gave them the upper hand. After the 13th of November 2020, the war resumed, but now, contrary to the first years of the first war, Frente POLISARIO has just one enemy, Morocco, meaning they can concentrate all the military resources on them. The huge cost of maintenance of the Moroccan military apparatus alongside the *Berm*, always increasing, has the potential to disrupt the fragile economy of Morocco. Plus, the decrease of the morale of the Moroccan troops, caused by the constant attacks of ELPS, and likely lack of goods, if the war continues, has the potential to be a game changer, giving Frente POLISARIO a chance to turn the tides on the situation.

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САХАРСКАЯ АРАБСКАЯ ДЕМОКРАТИЧЕСКАЯ РЕСПУБЛИКА: ИСКУССТВО СОПРОТИВЛЕНИЯ ИЛИ КАК СОЗДАТЬ СТРАНУ В УСЛОВИЯХ ОККУПАЦИИ

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***Аннотация.** Фронт ПОЛИСАРИО, освободительное движение, направленное на достижение свободы тогдашней Западной Сахары, был создан в 1973 г. В 1976 г., год спустя после вторжения в Западную Сахару Марокко и Мавритании, ПОЛИСАРИО провозгласил именем сахарского народа создание Сахарской Арабской Демократической Республики (САДР). С 1963 г. Западная Сахара находится в составленном ООН списке самоуправляющихся территорий на основе Главы XI Устава ООН. 47 лет спустя борьба за будущее Западной Сахары все еще продолжается. Несмотря на все правовые решения, отрицающие притязания Марокко, эта страна по-прежнему господствует в Западной Сахаре и объявляет ее частью своей национальной территории. В то же время Фронт ПОЛИСАРИО продолжает борьбу, основываясь на международных юридических нормах и законном праве на самоопределение. Марокко прибегает к смешанной тактике, используя военную силу, пропаганду, дезинформацию, клевету, аресты, нарушение прав человека и геополитические альянсы. В 1991 г. под патронажем ООН и Африканского союза было заключено соглашение о проведении референдума о будущем Западной Сахары как суверенного государства или части Королевства Марокко, но этот референдум так никогда и не был проведен. Была учреждена Миссия ООН по организации референдума в Западной Сахаре (MINURSO). Однако Марокко бойкотировало референдум, тем самым не соблюдая условия соглашения. Между 1991 и 2020 гг. действовало соглашение о прекращении огня. В ноябре 2020 г. атака марокканских военных на западносахарских гражданских лиц, мирно протестовавших против очередного нарушения Военного соглашения № 1, подтолкнула Фронт ПОЛИСАРИО к заявлению об аннулировании соглашения о прекращении огня и возобновить военные действия.*

В данной статье авторы постарались прояснить, что такое Сахарская Арабская Демократическая Республика и Фронт ПОЛИСАРИО. Для этого они изучили Конституцию САДР и то, как воплощение идей и идеалов Конституции политическими акторами отражается на Фронте ПОЛИСАРИО. Анализ показал, что страна готова и в состоянии создать действенную структуру современного демократического государства с необходимыми подготовленными человеческими ресурсами.

Ключевые слова: Западная Сахара, ПОЛИСАРИО, САДР, война, свобода, Марокко, современное демократическое государство, конституция САДР

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