Chapter I

HISTORICAL BACKGROUND OF WESTERN SAHARA
Chapter 1
HISTORICAL BACKGROUND OF WESTERN SAHARA

The settlement of boundary disputes and territorial claims has been a major problem in the Afro-Asian world since the formation of new nation-states after Second World War. Several of these nation-states did not even exist earlier and if they did exist their frontiers used to be decided by the influence which their rulers exercised at any given time. With the decline of their rulers influence, the external forces not only displaced them but also combined a number of other territories according to their strategic importance and administrative convenience to create new states and boundaries. Thus, changes in the boundaries stemmed primarily from the need of colonial rulers. A simple look at the map of Africa proves that a number of delimitation of powers during the colonial period resulted from the stroke of a pen or at best a bilateral or multilateral agreement among the colonial rulers without any consultation with the local inhabitants.

Most of the nation-states which emerged after World War II have disputed the imposed borders, and the time and context in which they raise these border questions have complicated the borders questions in Asia and Africa. These border questions and territorial claims have not been settled in the right earnest as the interested parties feared loosing their hold and power. The First World War stimulated African political consciousness and aroused interest in the boundary questions. It was widely held by various scholars that the partition of Africa by the colonial powers was not realised by the Africans as to where it will lead to and they were passive and naive. But the reality is something else. The African societies were fragmented and politically they could not act cohesively. Even otherwise they were unable to alter the course of events. which was
varying very rapidly. The Europeans took advantage of the African rivalries. They used various legal, illegal and extra-legal means to acquire the territories and hence the title. Invariably these means were termed as discovery, occupation, conquest, annexation, cession or prescription and secession.

In the case of north-west Africa, treaties/protectorates were signed which goes to prove that there existed the indigenous or native ruler/government. In the areas where there was no established ruler or leader, they forcibly occupied it. These phenomena were the result of the Berlin Treaty of 1884, which led to scramble for African territory among the European powers. As the European powers increased their spheres of influence, it resulted in creating/establishing protectorates. But, in most cases the acquisition was done by conquest or occupation. The agreements/treaties were no more than devices to facilitate their desire for occupation. All this involved a complete administration over the acquired territories and a precise assertion of sovereignty. The possession of territory and territorial sovereignty has been a major aspect of the state’s right, which in turn has affected the international relations among various nation-states in Africa. It has even led to disputes between various countries as their claims for boundary came in conflict with the claim of other nation-states.

At this stage, it is important to mention the difference between the boundary issues/disputes and territorial issues/claims. Adami had defined 'boundary' as 'the line which marks the limits of the region within which the state can exercise its own sovereign right. The boundary issues arise when two (or more) adjacent states contest the boundary line to be drawn between their respective territorial domains. Territorial issues arise when one governmental entity seeks to supercede or eliminate another in relation to a particular land area. Such disputes may not involve the drawing of
boundary lines between adjacent territorial communities. Thus, whereas the dispute about the acquisition of territory is competitive between the claimants, in the sense that one must lose completely, the boundary dispute may or may not involve the complete supersession by one entity of another in relation to particular region.\(^1\) The boundary disputes does not deny the territorial and sovereign rights of the parties and the question can be solved through rules/methods like delimitation, demarcation, determination or administration, etc. By contrast, the territorial questions/issues/claims challenge the legality of the methods of the acquiring the territory per se. Territory is itself a geographical conception relating to the physical areas of the globe, but its centrality in law and international law in particular derives from the fact that it constitutes the tangible framework for the manifestation of power by the accepted authorities of the state in question.\(^2\)

The post-World War II Africa saw new nation-states coming up through grant of independence by colonial powers or through the liberation struggles. In these states, the nationhood started taking shapes in different forms. It reflected itself in national development programmes, cultural integration, boundary disputes, territorial claims, consolidation of regimes, etc. It is the territorial claims in Africa which posed a major problem as far as international relations, regional peace or the new norms of international


law were concerned. The territorial claims reflected deeply rooted values related to the state's self-image. If it was not for self-image, then it was to be for economical gains, personal antagonism between the leaders of the claimant state, ideological differences, alignment with different power blocs, regional hegemony, quest to unite people of a common ethnic heritage, etc. But the principal factor which guided the policies of the state on the boundary dispute and territorial claims, was political in character in the context of the domestic situation and international relations. The boundary disputes or the territorial claims involve a number of other factors but a 'major distinction has been drawn between disputes which concern fundamentals of self-image and touch on 'core-values' and disputes which do not affect issues to be vital for a state's existence. Claims which concern the 'core-values' of self-image can be divided into the claims based on ethnicity and historical continuity or irredentism. Before the nation-states came into existence, all the difference which existed between various tribes, classes, groups, etc., were lying dormant and they were energised to deal with the common external factor. Having dealt with the external enemy, some sort of centrepetal force was required to unite the nation. In the post-independence era, the boundary question and territorial claims came handy. New political and legal concepts like uti-possidetis, self-determination, democracy, decolonization, irredentism, etc., came into being. The existence of different ethnic groups within the same state posed acute problems as the people belonging to these groups sought separate identity and demanded a share in the political power. Lord Hailey rightly contends that the African people have in the past

---

missed the dynamic influence of the concept of territorial nationalism. Yet the current
drift has unquestionably been toward a territorial nationalism which takes the existing
colonies as setting the frame of political reference.

During 1950's and 1960's, the concept of uti possidetis, irredentism, decolonization and self-determination held sway as far as the inherited colonial borders/territories were concerned. The concept of uti possidetis which means 'as you possess' is originally derived from the Roman Law. The Peace Treaty of Westphalia of 1648 also attempted to establish a state system which 'exercises untrammelled sovereignty over certain territories and subordinated to no earthly authority'. In African context, the terms of Peace of Augsburg in 1555 where religion was at issue, was changed to nationality as 'coius regio, eius natio, or whose the region, his the nation'. The principle of uti possidetis provides that the successor states accept international boundaries set by a predecessor regime. It also governs the territorial integrity of the non-self governing territory vis-a-vis a neighbouring state. The principle of uti possidetis expects the states to respect the frontiers bequeathed by colonization. It is on this basis that a number of African states achieved independence. The practical problem relating to the application of uti possidetis arose when there was confusion over the location of actual control by the colonial powers or even when the same colonial power controlled two adjacent territories under different treaties or protectorates. The


colonial powers may have altered the administered boundaries and forced the other signatories to approve the new boundary. Such a situation may create a question whether the uti possidetis should be colonial or pre-colonial. I.W. Zartman has rightly pointed out that the territorial claims based on the principles of colonial uti possidetis have a strong case, since the successor state-nation is the primary judicial justification for any boundaries in Africa. Further, he says that pre-colonial uti possidetis would open the hornet’s nest. During 1960’s, the pre-colonial uti possidetis used to be invoked in press and parliaments, academic gatherings and party meeting, by only such spokesmen who alluded to reconstituting the frontiers of an historic kingdom.

Besides uti possidetis, the other political term being used during 1950’s and 1960’s was irredentism. It challenged the legitimacy of existing boundaries and of corresponding territorial appointments. While the colonial uti possidetis could be termed as ’status-quoist’, the pre-colonial uti possidetis and revisionist attitude of the state sought to change existing boundaries. Such an attitude called irredentism was based on ethnic nationhood, historical claims, anti-colonial ideology, self-determination, etc. Irredentism based on religious, historical and ethnic factors have created problems of immeasurable dimension. The creation of Israel in 1948, based on Zionism has destabilised the then Palestine and the Palestinian issue was one of the most thorniest problems in the history of Arab world and the contemporary international relations. The Greater Serbia question in the erstwhile Yugoslavia led to the ethnic war in the Balkans among the Serbs, Croats and Bosnian Muslims since 1991. Similar irredentist claims by China over Tibet and Taiwan, Iranians over Bahrain, Somalians and Morocco in Africa, have created tensions and low intensity conflict. The regimes in quest for legitimacy have gone to any extent to push their claims. When the territorial changes undermined the precarious internal
structure threatening the very state's existence, the states have gone for status quo. But if the territorial claims increases the regimes legitimacy, then all norms of international law are thrown to wind. Such claims are also the logical corollary of the abolition of colonial legacy or the advocacy of self-determination which led to rejection of colonial borders. The other underlying causes behind the irredentist claims could be the value of mineral sources in the territory or the geo-strategic location of the territory or a safety valve for the unstable political system or as a matter of foreign policy where territorial claims are made to improve the bargaining position or ideologically different regimes. etc. or the combination of either of the reasons.

Closely related to the utility of the 'uti possidetis' and the problems created by irredentism is the 'decolonization process' that was undertaken by the United Nations Organization (UNO), Organization of African Unity (OAU), the Non-Aligned Movement (NAM) and other bodies. The word 'decolonization' was first used in 1932 by Montz Julius Bonn in the "Encyclopaedia of the Social Sciences". Decolonization began with the First World War and entered a much accelerated stage during and after the Second World War. During the First World War, President Wilson of the US had declared before the American Congress in 1916 that 'every people has a right to choose the sovereignty under which they shall live'. In 1918, he promised that 'all well-defined national aspirations shall be accorded the utmost satisfaction that can be accorded to them without introducing new or perpetuating old demands of discord and antagonism'.

---

Wilsonian concept of self-determination was further developed and incorporated as a principle in Article I (2) of the Charter of the United Nations as development of friendly relations among nations 'based on respect for the principle of human rights and self-determination of peoples'. This was a tribute to the liberation struggles and the evolution of distinctive institutions by older social and political structures during decolonization and independence.

The principles of decolonization is based upon two concepts -- the 'concept of intangibility of international frontiers and second, the priority of the right of colonial populations to self-determination over all other rights, particularly historic rights'. It was the pressure applied by the Afro-Asian countries in the UN that the 'territorial transfer' resulting in independence took place. Self-determination was implicit in 'decolonization'. It is reflected in Article 1(2) of the UN Charter, which makes reference to the right of self-determination of people suggesting that imperial/colonial domination is wrong. A major event in the development of norm of decolonization was the General Assembly resolution 1514 in 1960 sponsored by the Afro-Asian countries which equated imperial/colonial domination with violation of human rights and declared that such domination was contrary to the UN Charter. In fact, the right to self-determination has acquired the 'peremptory norm' of international law.

The founding conference of OAU also declared that colonialism is a 'flagrant violation of the inalienable rights of the legitimate inhabitants of the territories concerned' and "a menace to the peace of the continent'. Article III(3) of the Charter of OAU also

---

7 George Joffe, "The International Court of Justice and the Western Sahara Dispute", in Richard Lawless & Laila Monahan ed. War and Refugees (London 1987) P 20
pledges the member states to respect the sovereignty and territorial integrity of each state and for its inalienable right to independent existence. Thus, the OAU while opting for the principle of uti possidetis, also opted for status quo. The acceptance of this principle by the OAU was reflected in the low level of inter state transfers of territory in Africa. This respect for the colonial boundaries also formed the basis of state boundaries after independence. While committing its member states to the status quo of the frontiers, the OAU established a commission of Mediation, Conciliation and Arbitration under Article 19 of its Charter.

While the former dependent countries were acquiring territorial sovereignty through armed liberation struggles, self-determination, transfer of territory by colonial powers, etc. few states in Africa embarked on irredentist policies leaving aside the norms of uti possidetis, decolonization and self-determination. The territorial disputes due to irredentism arose as a result of emerging nationalism or historical claims. The irredentist policies of Somalia, Morocco, Ghana and Togo caused tension and conflict between Somalia and Ethiopia, Somalia and Kenya, Morocco and Algeria, Morocco and Mauritania, Ghana and Togo, and between Morocco and erstwhile Spanish Sahara (presently called Western Sahara and represented by SADR). Partly due to that policy the republic of Somalia is in turmoil at present. Ethiopia has granted independence to Eritrea through self-determination. Dispute between Morocco and Mauritania and Morocco and Algeria have been settled through negotiation. Conflict between Ghana and Togo is dormant. It is the conflict between Morocco and SADR which has caused major trouble in the Maghreb and in UN/OAU.

Morocco's irredentist policy is a sequel to the irredentist propaganda launched by Allal al-Fassi and his Istiqlal party which started after Morocco gained independence.
in 1956. Morocco claimed the whole of Mauritania, Western Sahara, parts of Algeria and Mali, as part of the 'Greater Morocco' on the basis of the Sixteenth Century Sherifian Empire which exercised military and religious influence in these regions. On the other hand 'Spanish Sahara' was treated and recognized as an area to be 'decolonized' by the UN to enable the indigenous population to exercise its right of self-determination. From 1964 to 1974 (except 1971), the Special Committee on Decolonization called on Spain to hold referendum under the UN auspices to enable the Saharawi people to exercise their right to self-determination. But in 1975 the ICJ delivered its advisory opinion on Western Sahara and immediately after that the Madrid Accord was signed by Morocco, Mauritania and Spain. By this accord, the Spain transferred the administration to Morocco and Mauritania which got two-third of the Northern Western Sahara and one-third of the Southern Western Sahara respectively. The military occupation of Morocco and Mauritania left the Saharawi organization POLISARIO with no option but to proclaim SADR in 1976. While Mauritania renounced its claim in 1979, the conflict is going on at all levels between Morocco and SADR to achieve their respective goals.

The forcible occupation of Western Sahara by Moroccans raises certain questions -- whether there existed any empire in 12th and 16th centuries which exercised effective control in the Western Saharan region? What kind of historical relations existed between the nomadic tribes of western Sahara and the Moroccan government. Did Western Sahara formed a part of blad-as Siba or blad-al-Makhjen or was not conquered at all? How far back in the history does one go to retain or claim ownership of a territory that was reportedly lost to others or does one apply the principle 'once a part of a state, always a part of that state'? What was the attitude of Morocco towards the Spanish
Sahara during the second half of 19th century and first half of 20th century? What kind of 'religious allegiance' existed between the 'desert tribes' and Moroccan Sultan, and whether it can be taken as proof of political allegiance? What kind of treaties were signed between Morocco and other powers? Whether Morocco has any moral, ethical or Islamic right to claim any territory, given the prevailing norms of International Law? For these questions, it is necessary to dwelve into the anthropological and political history of the region as history is the record of the events that had taken place in the region.

HISTORICAL BACKGROUND DURING ISLAMIC PERIOD

The north-west Africa or Maghreb has the history of invasion and migration from the east and from across the Mediterranean in the north. The original inhabitants of the Maghreb were the imazighen or Berber-speaking 'free-men'. Around 700 B.C., the immigrant Phoenicians founded Carthage (in Tunisia). The destruction of Carthage in 146 B.C., was followed by the Roman colonization of the Maghreb. In A.D. 439, a Germanic people called Vandals, crossed from Spain into Africa and destroyed the coastal zone called Carthage till they were displaced by the Byzantines in 535. In A.D. 587, the Berbers captured Carthage and occupied it until A.D. 642, when the Arabs invaded North Africa from the East. The Arabs reached the Western extreme of the Maghreb in A.D. 680 under Uqba ibn Nafi, and defeated the final armed resistance from the Christian tribe 'Awreba' under Kosaila and the Jewish Berber tribe 'Jerawa' under its queen Kahena. With their defeat, the Berber tribes accepted Islam rather than pay tributes to the Arabs. The Islamized Berber traders of the Mediterranean spread the Muslim faith down the trans-Sahara desert caravan routes and into the bilad as Soudan.
(the Black Africa south of the Sahara). The Berber people were divided into three main
groups - Zenata, Masmuda and Sanhaja. It is the Sanhaja, also called Zenaga or
Azenaga, which inhabited the Western Sahara which is the vast triangle between the
Moroccan Sus, the Trarza (now West Mauritania) and the settlement of Timbuktu (now
in Mali). The Sanhaja were a confederation of a number of tribes like Lamta, Juddala,
Massufaq and the Lamtuna. These tribes had played a very important role in the
Trans-Sahara trade and traffic. They helped in handling gold, ivory and negro slaves
from the south in lieu of the horses and salt from the north. The Arabs had intermarried
freely with indigenous Berbers and Blacks, thereby producing a mixed people of Arabic
speech and of Muslim faith. The earliest routes from the Maghreb-al-Aqsa to Bilad-as-
Sudan (i.e. Black Africa) crossed the Sahara not far from the Atlantic coast. While in
the desert the human life, depended on scattered oases, in the coastal zone the harsh
conditions of the Sahara desert was tempered by the influence of the ocean and its
currents. The Sanhaja nomads could thus find pasture for their animal throughout the
western most Sahara. This provided a unbroken link between Morocco and the
Senegal. During the eighth and ninth centuries A.D., the Sanhaja’s were also called
Anbiya. The Sanhaja’s were sandwitched between the Sijilmasa Kingdom in the north
and Soninke Kingdom of Ghana in the south during the eighth and ninth centuries.

---


During the tenth century, the politico-religious movement under the combined leadership of the spiritual authority and the tribal amirs, mobilized the resources of the Sanhaja which led to the Sanhaja confederation between Lamtuna and Juddala which flowered into Almoravid movement later. Islam enjoins all Muslims to undertake pilgrimage (Hadj) to Mecca and Medina once in a life time according to his/her means. It was during the pilgrimages, that the tribal chiefs had to pass through Kairouan, which was the centre of propagation of Islam among the Berbers. The fuqaha (jurists) of Kairouan were helped by the 'people of the ribat' i.e. Almoravids. It was Abdallah b. Yasin, who imposed the strict application of the Sharia, abolished illegal taxes, levied the legally prescribed tax (sadaqa). established public treasury (bayt al-mal) and carefully distributed the booty according to the law. It was to crush influence of the Ibadiyya and the unislamic tendencies among the tribes that the Almoravids split into two military streams -- towards the north under Ibn Tashfin and to south under Abu Bakr. In the north, the Almoravids conquered the whole of present Morocco and defeated the Castillian army at Zalaqa in 1086. In the south, they pacified Sahara, conquered Ghana and part of western Sudan. After the death of Abu Bakr in 1087, Ibn Tashfin absorbed even the Muslim Spain in the Almoravid empire but the Saharan al-Murabitun maintained their independent character.10

The death of Ibn Tashfin resulted in revolts by Berber chiefs, Christian mercenaries, Andalusians etc., which weakened the Almoravid empire. It was Masmuda Berbers under leadership of Mohammed Ibn Tummart, who finally sealed the fate of Almoravids and, founded the Almohad Empire under Abdul-Mumin by 1150's. The

Almohads concentrated towards the East and North which resulted in the unleashing of Beni Hilal and Beni Soleim tribes by Fahmid rulers in Egypt towards the Maghreb. The arrival of Arab tribes resulted in the displacement of Berber languages by Arabic in most rural areas except mountain ranges. During the thirteenth century, another bedouin Arab tribe, the Maqil originally from Yemen, migrated across north Africa and reached as far West as the oases of the Draa valley on the Atlantic coast. With the decline of the Almohads, the Zenata Berbers (Beni Merin) from the south-east Morocco allied with the Maqil tribes to defeat the Almohads and captured Fez in 1248 and Marrakesh in 1269. After the Merinids settled in power, they took punitive action against the Maqil and besieged Sijilmasa from the Maqil dominance. The Maqil tribes (also known as Beni Hassan) were forced to migrate southwards to Dra’a-Tafilalet region and then to western Sahara. This process of slow migration by groups of Beni Hassan tribes continued over the next few centuries, who were either 'defeated, submerged, or vassalized or fused and intermarried with the Sanhaja to give rise to a new Arabic-speaking people known as 'Moors'. The 'Moors' are the miscegenation of Arab, Berber and Blacks, who live as pastoral nomads from the Dra’a river in the north to the banks of the Senegal river, and from the Atlantic coast to the present eastern Mauritania. By 1400, the Delim and Udaya Arab tribes were in control of the coastal desert. The Oulad Delim claims descent from the Beni Hassan and they consider themselves as purest Arabs of the Sahel.

In the fifteenth century, the Portuguese and then the Spanish landed at different places on the Saharan Atlantic coast, to control the trans-Saharan route with the aim of

---

conquering the famous 'Gold mine of Sudan' and of monopolising the fishing. In 1405, the Norman, Jean de Benthancart Castillanese, landed at Boujador, looted the fishing villages, but was pursued and thrown out by the Saharawis. In 1445, Joan Fernandez was captured by the Saharawi tribe while entering the Saharawi territory.12 In 1476, the Castillian master of the Canaries, Diego Garcia de Herrera, sent an armed force to the Saharan coast to build a fortress, Santa Cruz de Marpequena, which became a centre for trade and a base for slave-trading.13 The Spanish Portuguese treaties were signed in Alcacovas (September 1479), Toledo (May, 1480), Tordesillas (June, 1494) and Cintra (September, 1509), which agreed on the spheres of influence along the coast. The 1494 Treaty granted Spain the 'right of conquest' of territories between Boujador and Cape Blanc. During this time, trade was developing between Europeans, Saharawis and the Songhai empire. In 1524, the Saharan tribes sacked the fortress Santa Cruz de Mar Pequena and the Spanish imperial interest shifted to Americas.

In the early sixteenth century, a member of the Hassaniya family from Wadi Dra’a was hailed as the Mahdi and took-over Morocco as the Saadian dynasty. As the Berbers revolted and the Songhai Kingdom controlled the trans-Saharan trade, the Saadian rulers tried to establish sovereignty over desert tribes and took military expeditions to the Sudanese empire to take control of gold trade and the desert salt mines. The Saadian rulers were encouraged by their success in the battle of El-Ksar el-


Kebir (Alcazar) in 1578 when the forces of Abdei-Malek annihilated the Portuguese forces. The battle of Alcazar not only changed the course of history of Europe, but its consequences to Africa spanned the Sahara, stretching a bloody hand from Fez to the Niger and beyond. The new Sherif, Mulai Ahmed el-Mansoor in 1591, sent a desert army under a Islamized Spaniard, Pasha Judar to invade Sudan and conquer the Songhai Kingdom. Though the invasion was successful, it failed in its purpose of obtaining control of the sources of gold. The profitless Moroccan expeditions and its influence lasted from 1591 to 1612, as from 1612 onwards the Pashas of Timbuktu were not appointed by the Sultan. By 1618, the traffic in gold and slaves from Niger to Morocco had been reduced to a trickle or diverted elsewhere to the Turkish controlled cities of Algiers and Tunis via the Touat oases 'which had slipped from the Saadian control after the death of Ahmed el-Mansour, or to the Europeans on the Atlantic coast, notably at Arguin'.

While anarchy prevailed in Soudan, the Alawites gained control of the strategic Touat oases in 1645, captured Fez in 1666 and Marakkesh in 1669, under the first Alawite Sultan Moulay Rashid (1664-1672). He sent expeditions into the Sahara to pursue the rebellious marabouts, who had become quasi-independent rulers. The hostilities between the Sanhajas under Nasser-ed-din and the Beni Hasan went on for thirty years (1644-1674), called as War of Shar Boubah before the Yefdad Agreement was signed, under which the Sanhaja 'abandoned the sword for the book' and came to


15 Nasr, n 10, p. 217
be known as Ahel Ktub (people of the book). The religious fraternities among the tribes came to be known as Zwaya.\textsuperscript{16} After the death of Moulay Rashid, Moulay Ismail (1672-1727) played a major role in the Sahara, as he organized a series of expeditions into the desert to obtain additional recruits for the abid (slave) regiments and to reorient the trans-Saharan trade caravans towards Morocco.\textsuperscript{17} Moulay Ismail was successful in increasing his influence in trab-el-beidan (i.e. in Souss, Tagant, Trarza, etc.) and the tribal leaders recognized his suzerainty to buttress their own independent position. With his death in 1727, the blad-es-makhjen shrunk and blad-es-Siba reverted to its old status. The trade route shifted to the east in favour of Turks and in the south-west to French. The town of Tazeroualt and Noun in Goulimine emerged as new caravan trading centres. By the end of eighteenth century, the Alawites lost their control or influence over the inhabitants of the coast of the river Noun and beyond. This is borne out by the various treaties signed between the Alawite Sultanate and such maritime powers as Spain, Britain and US during eighteenth and nineteenth centuries in which the Sultan had accepted his 'non-control' in 'Wad-Noun and beyond' and the insertion of the 'shipwreck clause'. The treaties were signed between Morocco and Spain in 1767, 1799 and 1861; with US in 1836 and 1856, Europeans shipwrecked off the Western Sahara early in the nineteenth century had to reach Noun before they could be ransomed. The ransoming of the shipwrecked sailors was a lucrative business for the rulers of Goulimine and Tazeroualt. They had a considerable stake in the Saharan caravan traffic. Sheikh Beyrouk was

\textsuperscript{16} Hodges, n. 13, p. 9.

represented by commercial agents in all the main market towns of Mauritania and the 'Sudan'. The Beyrouk's continued their trading links with the French, Spanish and Mackenzie's northwest Africa company till 1892, despite intermittent threats from the Moroccan Sultans. Since 1844, when the Moroccan Army was defeated by French at Oujda, the Sultanate was unable to do much to control the Europeans from having trading link with Beyrouks and the Teknas. Their trading link were founded on mutual self-interest and they avoided the heavy customs duties levied by the Makhzen in its part at Mogador.

In the Western Sahara, the Requibat emerged as the largest and most powerful of all the tribes in the nineteenth century. They defeated many tribes in the northern stretch of the Trab-el-beidan. They defeated the Tadjakant (a trading people) in 1895 at Tindouf, with whom they were in conflict since 1820's. In 1866, the Requibat defeated an invading force from Adrar and Hodh (south-eastern Mauritania) led by a Marabout Sidi Ahmed el-Kounti, with the help of Oulad Bou Soaa. In 1888, they joined Oulad Tidranin's war against Oulad Delim. In 1897, they struggled against Oulad Jerir of Adrar whom they finally crushed in 1909. Simultaneously, they had been fighting against the Oulad Ghailan of Adrar during 1899-1904 and during 1905-10 against Oulad Bou Sabaa, whom they severely defeated at the battles of Foucht (1907) and Lemden el-Hauat.18

---

DURING COLONIAL ERA

The diminished trans-Saharan trade, the trading links of Europeans with the Saharan tribes, the refusal of the Emirs of the Saharan tribes to recognize the Moroccan Sultan's authority, etc., alarmed the Moroccan Sultan Moulay Hassan (1873-94). He wanted to restore the Makhzen’s administration on the fringes of the southern part of the empire. In 1882, he controlled Tarfaya and stopped Mackenzie from operating his trade. In 1886, he established a permanent garrison in Goulimine and appointed the chiefs of Tekna’s, Tadjakant as official caids, sent envoys to the oases of Gourara, Touat and Tidikent. By 1892, he established Moroccan administration over blad-es-Makhzen but he was unable to control the nomads, south of the Noun. The emirs of Trarza, Adrar, Tagant and Brakna refused to recognize his authority. The Requibat, Tekna tribes south of Noun, the Izarguien, Air lahsen and Yagout also did not submit to the Sultan. As per the Anglo-Moroccan agreement of 13 March 1895, the trading post of north-west Africa Company at Tarfaya was sold to Sultan for 50,000 British Pounds.

The Congress of Berlin, 1884 inspired the Spanish government to proclaim a protectorate over the 'territories of Rio de Oro, Angra de Cintra and the Bay of the West'. Though the Spanish founded Villa Cisneros (at Dakhla) in 1885 and placed the whole coast between Cape Bojador and Cape Blanc under their administrative responsibility, it could not occupy its allotted zone of territories, as per the treaties signed between France and Spain (in 1886, 1900, 1904 and 1912) up to 1916. In 1916, the Spanish established their second post at Tarfaya in 'Spanish South Morocco'. A third
settlement was founded at La Guera, at the tip of Cape Blanc in 1920. But, no attempt was made to occupy the interiors until as late as 1934.\textsuperscript{19}

While Morocco was trying to preserve the blad-as-Makhzen, the Saharan nomads were alarmed at the northward progress of the French through the Mauritanian region during 1890's. The Saharan nomads in north-west were unified under the magnetic appeal of Mohammad Mustafa Ould Sheikh Mohammed Eadel, nick-named as Ma-el-Ainin. By 1858, he had established relations with the ruling Alawite family of Morocco. In 1887, the Moroccan Sultan Moulay Hassan named him as the Caliph (Khalifa) in the Western Sahara. In 1895, Ma-el-Ainin proclaimed holy war against the Europeans and built his own fortress-monastery at a strategic point high up in the Saguia-el-Hamra known as Smara. He encouraged the Ahel-es-Sahel to harass the Spanish settlements and tried to prevent the Emir of Adrar and several Saharawi sheikhs to trade with the Spanish. But the continuous French penetration in Sahara forced him to seek allies in all quarters like Germans, Spanish and even Morocco. Morocco, which itself felt threatened by the French, saw in Ma-el-Aineen, an ally who could be useful in checking the French armies which were encircling from the south.\textsuperscript{20} In 1905, Ma-el-Aineen declared Jehad against the Europeans in Sahara. With the help from Sultan Moulay Abdel Aziz, the French were defeated at Neimilane in October 1906, but had to leave and retreat to Adrar when they began a long siege of the French post at Tidjilka. In

\textsuperscript{19} Tony Hodges, "The Western Sahara File" in Third World Quarterly 6(1), January 1984, p. 81.

1906, the Sultan accepted the Act of Algeciras, an agreement reached by the thirteen powers in April 1906 which amounted to placing the Morocco’s ports, police and finances under Franco-Spanish control.\(^{21}\) In May 1907, Abdel Aziz recalled Moulay Idris from the Sahara. The Sultan’s compromises with the French dismayed the Chiefs of the Saharan tribes as well as Ma-el-Aineen and they declared support for Moulay Hafid when he rose in rebellion against the Sultan in August 1907. But, once Moulay Hafid became victorious, he signed the Act of Algeciras on 5 January 1909, to obtain the European power’s recognition. Ma-el-Aineen was forced to abandon Smara and he settled in southern Souss. When Morocco entered into an agreement with France on 4 March 1910, the net result was that Morocco was prevented from providing any assistance to Ma-el-Aineen. At this, Ma-el-Aineen proclaimed himself Sultan and marched against Fez, with a force of 6,000 troops. But he was halted by General Moiniers Army and defeated at Tadla.\(^{22}\) He died on 28 October 1910.

After the death of Ma-el-Aineen (Blue Sultan), his sons kept the French at bay till 1934. His son Ahmed el-Hiba, proclaimed himself as Sultan in 1912 and invaded Morocco. He captured Marakkesh on 15 August, 1912 but was eventually defeated by the army of General Manguin. Fleeing south, El-Hiba held out against the French in the Souss for a year, when the forces under General Lyautey seized Agadir and Taroudant. El-Hiba then retreated to the Anti-Atlas from where he waged guerilla struggle against French. After 1912, the Sahrawis began to loose the unity. Due to lack of choice and

\(^{21}\) *Sahara Occidental*, Western Sahara Advisory Opinion of ICJ, 1975, p. 160.

\(^{22}\) Ibid., p. 160.
inter-tribal animosity the Mauritanian tribes fought for French while the Hassaniya Delim
were brought over by the Spanish. In 1913, the French forces under Lt. Col. Mouret
indulged in wanton vandalism and damaged Smara. The Spanish added Cape of Juby in
1916 and La Guera in 1920, to Villa Cisneros.\textsuperscript{23} The anti-French raids continued
during 1920’s. The important Saharawi leaders were Mohammed el-Mamoun (nephew
of Ma-el-Aineen), El-Aissawi et-Tibari (a Requibi), Mohammed Laghdaf etc. The
French were able to set one tribe against another by exploiting traditional
rivalries, mutual fears and suspicious. In 1934, Confins Algero-Marocains (CAM) finished the
remaining centres of dissidence in Anti-Atlas and the valley of the Dra’a. The French
Pacification of Southern Morocco, enabled the Spanish to venture into the desert, who
founded El-Ayoun, fortified Smara and the scattered wells. It is interesting to note that
in 1934, while the Requibat made contacts with the French authorities in Tindouf and
Goulimine for economic reasons, the anti-French leaders including Mohd. Laghdaf and
Mohammed el-Mamoun, preferred to establish relations with the Spanish.

From 1934 to 1946, the Spanish Sahara (Western Sahara) was governed as an
appendage of the Spanish Protectorate in northern Morocco. From 1946 to 1958, the
Spanish Sahara formed part of African Occidental Espanola (AOE) with Ifni. The
Franco-Spanish relations became more antagonistic in 1953 after Madrid had openly
encouraged Arab nationalism in the Maghreb and refused to recognize the Sultan that
French had installed in Morocco after exiling Ben Youssef to Madagascar.\textsuperscript{24} The

\textsuperscript{23} Mercer, n. 8, p. 503.

Independence of Morocco in 1956 aroused the anti-colonial sentiments among Saharawi's who took up the task of decolonization more seriously after Morocco acquired its complete independence from France and Spain.

CONCLUSION

The historical analysis of the Western Sahara region makes it explicitly clear that this region was situated on the traditional Saharan Caravan route connecting Morocco to the blad-as-Soudan (i.e. black Africa). The Almoravids and Almohads role amply goes to prove that during that period it is the Saharawis from the western Sahara region who controlled Morocco and it is the 'desert culture' which dominated the Moroccan life prior to the invasion by Europeans and their cross-culture. The all round assimilation of various peoples which took place due their trade relations, exploring new trade routes and their invasion of blad-es-Soudan. While Spain did land on the coastal areas of Western Sahara, it was only for the purpose of trade. As the value/importance of the Saharan trade route diminished during the eighteenth and nineteenth centuries, the rulers in Morocco lost their interest in controlling the region. Consequently, the region beyond river Dra'a in the south part of the Morocco was treated as blad-as-Siba while the urban/metropolitan Morocco was considered as blad-as-Makhzen i.e. well within the control of Moroccan rulers. The traditional bay'a was only nominal or religious in nature and it did relate to the sovereignty question of their subjugation. It was under such conditions that the Spanish established their control over the western Sahara region with the help of French and simultaneously maintained their hold/role in Ifni, Cueta, Melilla, Spanish protectorate in Tarfaya in southern part of Morocco and northern part of Morocco. What differentiates the western Sahara issue from the other territories held in possession by Spanish in Ifni, northern and southern part of Morocco was that the
former was not under the control or subjugation of any sovereign authority when the European colonialism penetrated the region during nineteenth and early twentieth century while the latter was ceded to the colonial masters under some or other agreement.

The Moroccan independence in 1956 brought new dimensions to the boundary dispute of frontier of the nation state. During the French control of Algeria, the borders of Morocco with Algeria beyond south of Figuig was undefined. Spain controlled the region beyond Tarfaya in the southern part of Morocco. Hence, the handing over of the French controlled territory by French to Morocco left the latter to struggle to get its borders defined. Instead of settling its border questions amicably with its neighbours, the 'successor state' Morocco challenged virtually all the existing 'colonial borders' by proclaiming and espousing 'Greater Morocco'. Such a claim throws a number of questions to be solved. Whether the treaties signed earlier between French and Spain regarding the areas out of the French Protectorate in Morocco becomes redundant or void on the principle of 'rebus sic stanti bus'? Whether the Moroccan claim of 'Greater Morocco' has any legal, ethical, historical or Islamic sanctity?