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THIRD INTERNATIONAL DECADE FOR THE ERADICATION OF COLONIALISM

**Pacific regional seminar on the implementation of the Third International
Decade for the Eradication of Colonialism: commitments and actions for
decolonization in the Non-Self-Governing Territories**

**Managua, Nicaragua
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DISCUSSION PAPER

PRESENTATION

BY

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THE UNITED NATIONS AS SOURCE OF LEGITIMACY FOR WESTERN SAHARA.

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I would like to start by thanking you Mr. Chairman for inviting me and also the UN team that has been very supportive and helpful.

I would also like to thank the Government of Nicaragua for making me comfortable during my visit to the country.

Let me make a few things clear. I am not from Western Sahara. I am a Kenyan but I do not speak for Kenya or the African Union. I am here as a scholar of decolonization and anti-colonialism and also as an African.

My presentation, following the Chairman's advise on short oral presentations, is a brief overview of the document I had sent earlier to the Committee.

To start with, let us take into account some basic facts:

First, Western Sahara exists as a distinct geopolitical entity with defined borders.

Second, it is surrounded by other entities with distinct defined borders.

Third, it is a victim of multiple colonialism, Spanish and then Moroccan colonialism.

Fourth, Western Sahara remains a Spanish colony that should be decolonized.

Decolonization is a major issue in Western Sahara but there is more to it and we should go beyond decolonization. It is the question of *legitimacy*, the source of legitimacy for any geopolitical entity. The United Nations is that source of legitimacy and any other claim is invalid. The issue in Western Sahara therefore is one of the source or location of its legitimacy.

Western Sahara's Legitimacy

Western Sahara derives its legitimacy from two international organizations. First is the United Nations which declared Western Sahara to be a dependent colonial territory in need of decolonization from Spain. Like other colonial states in Africa, the territorial boundaries of Western Sahara were set in the 19th Century through agreements on spheres of influence among European powers, particularly France and Spain. The European capitals, therefore, became the source of colonial legitimacy in Africa. This changed after World War II in 1945 with the

creation of the United Nations, UN, which became the new source of legitimacy for states and their claims to sovereignty. Second, Western Sahara also derives its legitimacy from the African Union, the former Organisation of African Unity, which independent African states created in 1963 as a body to look after and advance their collective interests.

Both the UN and the OAU were made possible by two discredited pre-World War II beliefs. First was racism as an official doctrine of any state. Only South Africa embraced racism while the rest tried to run away from it. Second was the belief that legitimacy emanated from agreements in Western capitals. The source of legitimacy and sovereignty shifted to the United Nations.

As the new source of legitimacy, the UN guided the world in the direction of decolonization. Among those to benefit was Morocco, gaining independence from France in 1956. Being near, but not in Europe, independent Morocco appeared to be stuck in the 19th Century imperial mind frame of empire building. Empire building entails two aggressive activities, abrogating the sovereignty of target people and annexing territories.

At its founding, the OAU debated the future of colonial state boundaries. One side, particularly Morocco and Somalia, believed in "expandability" of states and wanted to abolish boundaries while others, for self-protection, insisted on non-contractibility of states. Members decided that prudence demanded acceptance of colonial boundaries, and the UN agreed. This was to avoid likely bloodshed over border disputes and hence they insisted on the doctrine of non-interference in the internal affairs of "sister" states. The legitimacy of each African state, therefore, is derived from acceptance by both the OAU which became the AU and by the UN. Independent Morocco seemed not to grasp the importance of this position in part because it was bent on empire building and so it invaded Western Sahara in 1975.

The UN and AU refused to accept the annexation and considered Spain to be the legitimate colonial power that is yet to fulfill its decolonization obligation. In reality, the people of Western Sahara are suffering from both Spanish and Moroccan multiple-colonialism. Of the two, Morocco is the more egregious partly because it is time warped, is blind to geopolitical reality,

and disdains others. The disdain encourages Morocco to act with impunity and gives impression that it is immune to world opinion.

Morocco's impunity is partly due to the influence it seemingly exercises on key world powers that include the United States and France, two permanent members of the UN Security Council. They have become virtual cheerleaders for Moroccan intransigence in ignoring UN calls for decolonization.

They actually usurp UN authority as the source of legitimacy and sovereignty and tarnish their credibility in two ways. First, the identification with Morocco designs effectively condones illegitimacy and denies independence and sovereignty to the people of Western Sahara. Second, it contradicts commendable public postures on aggression and territorial annexations. While the United States, for instance, rightly and successfully mobilized the UN to resist Iraqi annexation of Kuwait, it has been reticent on holding Rabat accountable for doing the same in Western Sahara.

Way Out

The challenge of unresolved Western Sahara issue threatens world peace and calls for acceptance of two realities. One, Morocco currently holds the UN hostage to its desires as it frustrates independence. Two, the UN needs to expand its scope on Western Sahara beyond decolonization because it is not simply an issue of decolonization. It is one of locating legitimacy. It is also one of *aggression* on the Saharawi people and *annexation* of the Western Sahara territory.

Five things need pointing out as a way out. *First*, the UN is the only global organ with the mandate to legitimize states and their sovereignty. The end of World War II, having discredited colonial empires, essentially transferred the role of legitimizing states to the UN.

Second, the UN and AU recognize the legitimate existence of the geopolitical entity called Western Sahara. The entity is not disappearing.

Third, Spain is the recognized administering power and technically, Western Sahara remains a Spanish colony. It is up to Spain, and it should be encouraged, to take up its UN mandated responsibilities seriously. It should assert its colonial presence as a way of extricating itself from the mess it finds itself in. It can borrow a decolonisation strategy leaf from Britain which reasserted its control of Rhodesia and then supervised the transition to independence.

Fourth, the United States and France should be assisted to free themselves from the image of being body guards for Morocco's aggression on, and annexation of, Western Sahara. Since the two consider themselves to be *honourable* states, the image of either coddling or being beholden to Morocco's activities is unbecoming of supposedly *self-respecting* big powers.

Fifth, Morocco should answer to the offences of frustrating independence, aggression against the people of Western Sahara, and violating UN norms on the sanctity of accepted geopolitical entities.

Conclusion

In the post-World War II period, the legitimacy of a state or any geopolitical entity comes from the United Nations but not from agreements in some capitals on how to annex territories. In this context, Western Sahara exists as a legitimate geopolitical entity that Spain has yet to decolonize properly. Western Sahara has full backing from two international organs that are the valid sources of legitimacy globally and in Africa, the UN and the AU. With the two sources of legitimacy having refused to accept Morocco's annexation of Western Sahara, its claims are illegitimate and a violation of UN and international norms.

Morocco needs help to save its own image. Out of tune with the 21st Century in which the UN is the source of legitimacy for any entity, it seemingly holds on to 19th Century Euro-imperial mentality on annexing territories and abrogating the rights of targeted people. It should be assisted to get out of that mind frame, to respect the UN, and to realize the long term folly of Independence Frustration, Aggression, and Annexation of Western Sahara. This would help to speed up decolonization.