

# افغانستان آزاد – آزاد افغانستان

AA-AA

چو کشور نباشد تن من مباد بدین بوم و بر زنده یک تن مباد  
همه سر به سر تن به کشتن دهیم از آن به که کشور به دشمن دهیم

[www.afgazad.com](http://www.afgazad.com)

[afgazad@gmail.com](mailto:afgazad@gmail.com)

European Languages

زبانهای اروپایی

By Luis Portillo Pasqual del Riquelme  
18.09.2022

## *The international crime of Western Sahara, which is not Ukraine, and the right to self-determination*



**Sources:** fronterad.com/ [Image: Photo: Michele Benericetti. Source: Wikipedia. License: Creative Commons Attribution 2.0 Generic]

"Moroccans are here to stay" ([Frank Ruddy's](#) warning to the Saharawis) [\[1\]](#)

The President of the Spanish Government, Pedro Sánchez, has shamefully and unilaterally yielded to the demands of the Moroccan satrap, Mohamed VI, thus perpetrating what has been described as ["the second betrayal of the Saharawi people"](#). In my opinion, it is, rather, the third (as explained below, in reference to the betrayal of Felipe González).

Given the topicality of the [Democratic Memory Bill](#), approved on July 14, 2022, it is worth reminding (historical memory!) the Spanish president – and also his Minister of Foreign Affairs, [José Manuel Albares](#) – of what is stated in the following lines about the right of the Saharawi people to self-determination and the crime perpetrated against Western Sahara. [\[2\]](#)

The Minister of the Presidency, Relations with the Courts and Democratic Memory, Félix Bolaños, in his speech at the Congress of Deputies on the Democratic Memory Bill, said that "memory is a right, a right of citizenship and, above all, a right of the victims." And this Law is based, they say from the Government, on the fundamental principles of International Humanitarian Law and on the recommendations of international organizations, such as the United Nations; and they assure that it deepens the State policy in favor of truth, justice, reparation and the duty of memory as a guarantee of non-repetition. However, that Law [leaves many dissatisfied](#); and as far as Western Sahara and the Saharawi people are concerned, he does not even mention them, [nothing at all](#)..., as if that international crime of the last Government of the Franco dictatorship and that heavy legacy had nothing to do with Historical Memory and... Democratic... [\[3\]](#)

In relation to these principles and foundations of that Law, and as far as Western Sahara and the victims (the Saharawi people) are concerned, it should not be forgotten (more 'historical memory') that the Minister of Foreign Affairs, José Manuel Albares, was placed in that position, on July 10, 2021, by the President of the Spanish Government, fundamentally to comply with the demands of Morocco, which included the dismissal of his predecessor in office, [Arancha González Laya](#), and the unprecedented turn of the traditional Spanish position (of *neutrality* ? ...) on our former colony (formerly, *the 53rd Province* of Spain; today, Western Sahara), handed over to Morocco and Mauritania through [the illegal and illegitimate Tripartite Agreements of Madrid](#) , signed at the palace of La Zarzuela on November 14, 1975.

Y es que, el señor ministro de Asuntos Exteriores, dados sus antecedentes en la Embajada de España en la República Francesa, se ha encontrado muy cómodo y satisfecho al hacer suya, ¡por fin!, y superar incluso [la cínica posición de los gobernantes franceses](#) sobre la excolonia española. Como es sabido, Francia es la principal valedora del [sátrapa marroquí](#) [\[4\]](#), impidiendo en todos los foros la autodeterminación del Pueblo Saharaui y la

independencia del Sáhara Occidental, incluso con su veto en el Consejo de Seguridad de Naciones Unidas. Ello, a pesar de calificar la colonización francesa de Argelia como “crimen contra la Humanidad” [\[5\]](#)

## **El robo del Sáhara**

En enero de 1976, tan solo dos meses después de la Marcha Verde marroquí, el prestigioso jurista estadounidense Thomas M. Franck publicaba un extenso artículo, en la no menos prestigiosa revista académica *American Journal of International Law*, con un título bien elocuente: ‘[El robo del Sahara](#)’, en su traducción al castellano [\[6\]](#). En dicho artículo alertaba de las graves consecuencias de no respetar el principio de la intangibilidad de las fronteras heredadas de la colonización, principio que había sido violado impunemente por Marruecos en el Sáhara *Español*, hasta entonces [Provincia 53 de España](#). Y añadía:

“(…) El tratamiento de la cuestión del Sáhara por las Naciones Unidas ha sido garrafalmente mal llevado, creando así un precedente con un potencial de perjuicios futuros absolutamente desproporcionado con la importancia del territorio.

El ‘arreglo’ de la cuestión del Sáhara a favor de la reivindicación, por parte de Marruecos, de derechos históricos y la denegación de la autodeterminación al Pueblo Saharaui se desvían radicalmente de las normas de descolonización establecidas y aplicadas coherentemente por las Naciones Unidas desde 1960. Ello habrá de tener una gran importancia para muchas otras reivindicaciones territoriales irredentistas (...).”

## **Los acuerdos nulos de Madrid**

En septiembre de 1977, Julio González Campos [\[7\]](#) –catedrático de Derecho Internacional Público y Privado, magistrado del Tribunal Constitucional y conocedor como pocos de los entresijos del *conflicto* saharauí– publicaba en el diario *El País* su certero artículo ‘[Los acuerdos nulos de Madrid](#)’, tan actual como si hubiera sido escrito hoy mismo, casi medio siglo después. Por su relevancia, veracidad y trascendencia, y porque sería muy difícil mejorar la exposición de un verdadero maestro, me permito recoger a continuación buena parte de ese artículo:

“Como tantos otros episodios de la política exterior de la dictadura, el asunto del Sahara Occidental aún conserva muchos de sus aspectos en la sombra. Entre ellos, el singular desenlace que le diera el Gobierno presidido por el señor Arias Navarro [8], el 14 de noviembre de 1975, fecha en que éste firma en Madrid con los representantes de los Gobiernos de Marruecos y Mauritania una ‘declaración de principios’ sobre el territorio bajo administración española. Este acuerdo internacional, al igual que las posteriores medidas encaminadas a su ejecución, creo que nunca ha sido aceptado por una gran parte de la opinión pública española, que aún sigue preguntándose cómo pudo llegarse a tal solución. De otra parte, las consecuencias de aquel acuerdo todavía siguen pesando dolorosamente no solo sobre el destino del pueblo saharaui, sino sobre nuestras propias relaciones exteriores en la actualidad. Parece obligado, por tanto, tratar de esclarecer el alcance de aquel acto, no tanto para juzgar un pasado político ya muerto, sino porque este pasado, en el caso del Sahara Occidental, aún sigue afectando el futuro de nuestras relaciones internacionales.

Por el acuerdo de Madrid (...) se abrió el camino para la inmediata ocupación militar del territorio por parte de los dos Estados [Marruecos y Mauritania] –no sin encontrar una fuerte resistencia armada de su población– y para su posterior reparto entre ambos (...). Este resultado es tanto más sorprendente ya que el Gobierno español había defendido reiteradamente –ante los órganos políticos de las Naciones Unidas (NU) y, con abundantes pruebas documentales, ante el Tribunal Internacional de Justicia– que ninguno de los dos Estados a los que ahora se entregaba el territorio poseía título jurídico alguno sobre el mismo. Extremo que fue reconocido por el principal órgano judicial de las NU en su dictamen consultivo de 16 de octubre de 1975.

Correlativamente, el Gobierno español admitió en dicho acuerdo que la voluntad del pueblo saharaui, que debía expresarse libremente en un referéndum celebrado bajo los auspicios y la garantía de las NU, podía ser reemplazada por la apariencia de una consulta a la *Yemaa*, que se realizó sin contar con un gran número de sus miembros y ante la presencia de las fuerzas de ocupación marroquíes. Resultado no menos sorprendente, porque se halla en abierta contradicción con anteriores declaraciones españolas, entre ellas, la hecha por el entonces jefe del Estado, el 21 de septiembre de 1973 [‘Escrito del General Franco a la Yemmá’] [9], que afirmaba que el pueblo saharaui era ‘el único dueño de su destino’ y que el Estado defendería ‘la libertad y la voluntad de libre decisión’ de los

habitantes del territorio. Y contradecía también la comunicación hecha por el Gobierno español a las NU en el verano de 1974 aceptando la celebración de un referéndum en el territorio para 1975, como le había solicitado reiteradamente la Asamblea General de la Organización.

(...) Pero el hecho es que, en octubre de 1975, como se afirma en el informe de la Misión de Visita de las NU, la población saharaui residente en el territorio deseaba, en su inmensa mayoría, acceder a la independencia. Y el Tribunal Internacional de Justicia, en el citado dictamen consultivo de 16 de octubre de 1975, afirmaría, dada la inexistencia de anteriores vínculos de soberanía entre el Sahara Occidental y Marruecos o el conjunto mauritano en el pasado, que nada se oponía ‘a la aplicación del principio de la libre determinación, a través de la expresión libre y auténtica de la voluntad de las poblaciones del territorio’. (...) Los hechos, como dije antes, aún permanecen en su mayor parte en la sombra.” (...) Falta explicar importantes cuestiones sobre ‘un acto del Gobierno español por el que se condenó al pueblo saharaui a una nueva dominación colonial. Entre ellas, sin duda, un lugar de primer orden corresponde a la *marcha verde*; pero los documentos de las NU han revelado un hecho entonces ocultado a la opinión pública española: que la marcha se inició y realizó en el entendimiento del Gobierno español de que, si la marcha se realizaba en un área limitada y por tiempo también limitado, no se produciría una respuesta armada por parte de las fuerzas españolas ante la penetración en el territorio’. Quedan también las imágenes de las reuniones del Consejo de Seguridad, convocado a instancias del Gobierno español, la enérgica actitud de los representantes españoles y la condena por este órgano de la *marcha verde*; sin que Marruecos –tal vez por gozar de un decidido apoyo diplomático de Estados más poderosos– se dignase a aceptar sus resoluciones. Y también (...) los viajes y las negociaciones sucesivas, entre el Gobierno español y los de Marruecos y Mauritania, entre el 21 de octubre y el 3 de noviembre. Si hemos de creer la declaración hecha por SM el Rey de Marruecos al representante especial del secretario general de las NU, señor Lewin, el 4 de noviembre de 1975, en esta fecha ya se habían convenido las principales disposiciones de la que sería la Declaración de Madrid y en ella se estipulaba, según el soberano alauita, ‘la transferencia de soberanía por parte de la potencia administradora a Marruecos y Mauritania’.

### **El gran ‘show’ marroquí**

(...) La *marcha verde* fue, ciertamente, un gran *show* marroquí, al que no faltaron las imágenes de TVE para mayor impacto en la confusa opinión pública; pero también era, de otra parte, el gesto simbólico que preludiaba la posterior anexión del territorio.

En esta perspectiva, hoy resuenan como huecas las censuras dirigidas por el ministro [de la Presidencia durante los últimos años de la dictadura de Franco] señor Carro Martínez a la conducta de las Naciones Unidas, en el pleno de las Cortes del 18 de noviembre de 1975, así como tantas apelaciones improcedentes al honor del Ejército español, que nunca estuvo en juego en aquella crisis.

Pero los hechos de aquel período –aun siendo insuficientemente conocidos en todos sus aspectos– permiten, no obstante, establecer ciertas conclusiones muy precisas, conforme al derecho internacional en vigor. En primer término, que si un territorio no autónomo, como el Sahara Occidental, ‘tiene en virtud de la Carta una condición jurídica distinta y separada de la del territorio del Estado que lo administra’ y esta condición subsiste hasta que el pueblo de dicho territorio ‘haya ejercido libremente su derecho de libre determinación de conformidad con la Carta’, el acuerdo de Madrid, de 14 de noviembre de 1975, es nulo, pues el Gobierno español no podía hacer entrega del territorio, como se pactó, a los Gobiernos de Marruecos y Mauritania. Su retirada del Sahara Occidental hubiera requerido el establecimiento de una administración del territorio, a cargo de las Naciones Unidas, pero nunca la concertada con estos dos Estados y seguida de la ocupación militar por parte de los mismos.

En segundo lugar, dado que el derecho de libre determinación de los pueblos es hoy una norma imperativa de Derecho Internacional, que no admite pacto alguno en contrario, la *Declaración de Principios* hecha en Madrid, el 14 de noviembre de 1975, es nula, por ser contraria a estas normas de *jus cogens*. En efecto, el objeto y fin de dicho acuerdo fue privar al pueblo saharauí, mediante una ocupación militar de su territorio, del derecho a expresar libremente su voluntad, mediante un referéndum. La consulta a la *Yemaa* que figura en el citado acuerdo, al constituir una simple farsa, no fue otra cosa que una flagrante burla del Derecho de las Naciones Unidas y que éstas se negaron a admitir, rechazando el envío de un representante del secretario general.

**‘Crimen internacional’**

Finalmente, la violación grave de una obligación internacional de importancia esencial para la salvaguardia del derecho a la libre determinación de los pueblos ‘como la que prohíbe el establecimiento o el mantenimiento por la fuerza de una dominación colonial’, constituye un hecho internacionalmente ilícito, que da lugar a la responsabilidad internacional del Estado ante la comunidad internacional y que a juicio de la Comisión de Derecho Internacional de las Naciones Unidas, debe ser calificada como un ‘crimen internacional’. Los actos realizados por los Gobiernos de Marruecos y Mauritania con posterioridad al 14 de noviembre de 1975, al ocupar militarmente el territorio del Sahara Occidental y proceder a su reparto, puede estimarse que quedan comprendidos en el supuesto del precepto anteriormente citado, pues, de hecho, equivalen a establecer una nueva –y más cruel– dominación colonial del territorio.

A mi juicio, corresponde a las Cortes surgidas de las elecciones del 15 de junio, solicitar, mediante la creación de una comisión especial, una completa y detallada información sobre los hechos que condujeron a la firma del acuerdo de Madrid. (...)”.

Y finalizaba su artículo proponiendo que las nuevas Cortes elegidas democráticamente (15 de junio de 1977) adoptaran un acuerdo

por el que se declare que, a juicio del Estado español, la *Declaración de Principios* hecha en Madrid, el 14 de noviembre de 1975 [por el último Gobierno de la Dictadura], es un acuerdo nulo [\[10\]](#), conforme al Derecho Internacional en vigor, y, consiguientemente, que el Gobierno debe orientar su política internacional, en relación con la cuestión del Sahara Occidental, en toda ocasión y circunstancia, de conformidad con este acuerdo[\[11\]](#). La posición actual del Gobierno español, por su inherente ambigüedad, resulta difícilmente admisible, pues equivale a admitir el acuerdo de Madrid, pese a su nulidad y negarse a reconocer los efectos del mismo. [\[12\]](#)

Al respecto, Emilio Menéndez del Valle decía[\[13\]](#):

“Quienes en el Gobierno se asusten o escandalicen por la rotunda afirmación del Frente Polisario (FP) ante la ONU, en el sentido de que España ha cometido ‘un crimen internacional’, no tiene más que colocarse en la situación del pueblo saharauí, en lucha por sobrevivir, sometido al hambre, enfermedades y lacras generales de una guerra, todo ello



derivado del acuerdo de Madrid de 1975, propiciado y firmado por el Gobierno español de entonces”.

Otros autores describían así la situación:

“La ilegalidad en la que se encuentra la situación del Sahara Occidental, no solo deriva de los objetables Acuerdos de Madrid, en clara contravención al compromiso de permitir la libre autodeterminación del pueblo saharaui, sino de la actual situación de ocupación militar. (...) La lista de infracciones y graves violaciones tanto a los derechos humanos como al régimen del DIH [Derecho Internacional Humanitario], cometidos por la potencia ocupante en los territorios ocupados es larga.[\[14\]](#)

En junio de 2001, Julio González Campos prologó el libro del profesor Juan Soroeta Licerias titulado *El conflicto del Sahara Occidental, reflejo de las contradicciones y carencias del Derecho Internacional* ([disponible en internet](#)) [\[15\]](#), basado en la tesis doctoral del autor. Dicha tesis había sido defendida en la Universidad del País Vasco en abril de 1999, ante un tribunal que le otorgó la máxima calificación, y fue galardonada en 2001 con el Premio Extraordinario de Doctorado. En las páginas de ‘Presentación’ de su libro, el profesor Soroeta pone de manifiesto su empatía con la noble causa saharaui, señalando que su obra

“está dedicada al Pueblo Saharaui, que resiste pacientemente tratando de agotar todas y cada una de las cada vez más exiguas posibilidades que le ofrecen las instancias internacionales de recuperar sus territorios por vías pacíficas, con la esperanza de que no se vea obligado a retomar la lucha armada, legítima, pero terriblemente costosa y dolorosa”.

Hoy, esa esperanza se ha visto defraudada, y ese pueblo pacífico, paciente y generoso se ha visto obligado a retomar las armas (el 14 de noviembre de 2020, precisamente en el aniversario de la firma de los infaustos Acuerdos Tripartitos), ante la violación del alto el fuego por Marruecos, la falta de actuación responsable del Consejo de Seguridad de la ONU, la terca obstrucción de Marruecos y Francia, la hipocresía y [el cinismo del Gobierno de España](#) y la indiferencia de la comunidad internacional.[\[16\]](#)



Sáhara Occidental es actualmente el último gran territorio [pendiente de descolonización](#).<sup>[17]</sup> Y tal como señala el profesor Soroeta, la ONU está obligada a asumir su responsabilidad llevando a cabo la consulta a la población saharaui (la celebración del referéndum de autodeterminación, [razón de ser de la MINURSO](#): Misión de las Naciones Unidas para el Referéndum en el Sáhara Occidental) y la imposición de su resultado a las Partes; si preciso fuere, mediante la aplicación del [Capítulo VII de la Carta de la ONU, en lugar de mediante las disposiciones del Capítulo VI](#) (presunto ‘acuerdo’ entre las Partes, ¡invasor e invadido!), que no han servido para nada, salvo para mantener estancado el *conflicto* y la impunidad de Marruecos.

### **El derecho a la autodeterminación**

Entre las características principales del derecho a la libre determinación de los pueblos se encuentra su carácter imperativo, de *ius cogens*. Una norma de *ius cogens* se caracteriza por ser de obligado cumplimiento y no admitir acuerdo en contrario de los Estados, por lo que su violación constituye un crimen internacional, como denunció públicamente el profesor González Campos en su artículo antes citado.

Un crimen internacional –señala el profesor Soroeta, en términos similares a los expuestos por González Campos– “puede resultar, en particular (...) de una violación grave de una obligación internacional de importancia esencial para la salvaguardia del derecho a la libre determinación de los pueblos, como la que prohíbe el establecimiento o mantenimiento por la fuerza de una dominación colonial”. La doctrina de la ONU ha sido concluyente a la hora de afirmar que el derecho a la libre determinación tan solo es aplicable en el contexto de la descolonización, a los pueblos inmersos en dicho proceso, como sucede en el caso del *conflicto* saharaui.

Además, la jurisprudencia ha afirmado el carácter *erga omnes* (respecto de todos o frente a todos) que se deriva del derecho a la libre determinación de los pueblos. Y su trascendencia en el conjunto del ordenamiento internacional –señala el profesor Soroeta– quedó fuera de toda duda tras la calificación del colonialismo como crimen internacional ([Resolución 1514 \(XV\)](#) de la Asamblea General de la ONU) y su inclusión entre los principios estructurales de dicho ordenamiento ([Resolución 2625 \(XXV\)](#)).

De hecho, la Corte Internacional de Justicia, en su sentencia de 30 de junio de 1995 sobre el *caso relativo a Timor Oriental* (Portugal contra Australia), afirmó de forma expresa la oponibilidad *erga omnes* de este derecho: “(...) el carácter *erga omnes* del derecho de los pueblos a la libre determinación se desprende tanto de la Carta como de la práctica de las Naciones Unidas. El principio de la libre determinación de los pueblos ha sido reconocido por la Carta de las Naciones Unidas y por la jurisprudencia del Tribunal [Internacional de Justicia], y es uno de los principios esenciales del Derecho Internacional contemporáneo”.

Tampoco se cuestiona hoy el carácter de ‘derecho humano fundamental’ del derecho a la libre determinación de los pueblos, pues su respeto es considerado como condición previa para la existencia y disfrute del resto de los derechos humanos fundamentales de las personas. En este contexto –prosigue el texto del profesor Soroeta–, en el seno de Naciones Unidas se tiende a identificar el fenómeno del colonialismo con el del *apartheid*, así como con todas las prácticas de discriminación racial. De hecho, la Asamblea General de la ONU, en su [Resolución 2105 \(XX\)](#), aprobada el 20 de diciembre de 1965, se declaraba “plenamente consciente de que la persistencia del régimen colonial y de la práctica del *apartheid*, así como todas las formas de discriminación racial, constituyen una amenaza a la paz y seguridad internacionales y un crimen contra la Humanidad”.

Por cierto, la brutal represión y la permanente violación de los derechos humanos (DDHH) y del Derecho Internacional Humanitario (DIH) en las zonas del Sáhara Occidental ocupadas por Marruecos son consecuencia estructural del régimen colonial y de la ocupación misma.[\[18\]](#)

### **Integridad territorial e intangibilidad de las fronteras**

En [las principales resoluciones](#) [\[19\]](#) de la Asamblea General en la materia –prosigue el profesor Soroeta– hay reiteradas referencias al principio de la integridad territorial de los Estados. Y aquí hay que traer a colación el principio de la intangibilidad de las fronteras establecidas en la época colonial (principio del *uti possidetis iuris*). En virtud de ese principio, esa delimitación debe ser respetada y mantenida tal y como fue heredada de la antigua metrópoli, tanto respecto de las fronteras resultantes de acuerdos internacionales concluidos entre las antiguas potencias administradoras como respecto de las derivadas de simples decisiones administrativas internas de las potencias coloniales.

Para la Corte Internacional de Justicia, el principio de la intangibilidad de las fronteras es “un principio de orden general necesariamente vinculado a la descolonización donde quiera que ésta se produzca”. Precisamente, la finalidad de este principio –señala el profesor Soroeta– era “preservar las conquistas de los pueblos que han luchado por su independencia y evitar la ruptura de un equilibrio que haría perder al continente africano el beneficio de tantos sacrificios (...) para sobrevivir y consolidar progresivamente su independencia”.

Thomas M. Franck, en su artículo [‘El robo del Sáhara’](#), también remitía a esta cuestión:

“Las fronteras establecidas tienen que ser respetadas y sólo pueden ser modificadas con el libre consentimiento del pueblo que vive en cada territorio (...). Marruecos y Mauritania, con la ocupación del Sáhara sin el consentimiento de su población, han conseguido frustrar la aplicación de esta norma (...). La exitosa utilización de la fuerza por parte de Marruecos y Mauritania para apoderarse del Sáhara Occidental ha reforzado la tendencia de los Estados del Tercer Mundo a perseguir sus intereses nacionales mediante la agresión militar, en lugar de mediante la ley y la diplomacia”.

### **La legitimidad del uso de la fuerza y la consideración de conflicto internacional**

Es en este contexto donde hay que traer a colación la legitimidad del uso de la fuerza por los pueblos sometidos a dominación colonial, como es el caso del Sáhara Occidental, cuyo pueblo se vio obligado a tomar las armas contra el invasor, primero en 1975, en una cruenta guerra que duró hasta 1991; y de nuevo en 2020, tras la ruptura del alto el fuego por Marruecos en la localidad saharauí de Guerguerat.

In this regard, Jadiyah el Mohtar, journalist, teacher and diplomat, member of the National Union of Saharawi Women, said:

"We have resumed the war in the face of the ineffectiveness of the UN and the unwillingness of the international community. We were right: only the Saharawi people can decide their future." [\[20\]](#)

Professor Soroeta points out the practical unanimity existing in internationalist doctrine when it comes to affirming the compatibility of the prohibition of the use of force established by [Article 2.4 of the UN Charter](#) – binding on Member States – with the legitimacy of its use by peoples subject to colonial domination. The use of force by States is regulated both by customary international law and by international treaties. The aforementioned Article 2.4 of the UN Charter reads:

"The Members of the Organization, in their international relations, shall refrain from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with [the Purposes of the United Nations](#)."

That obligation and [that Principle](#) have been violated with impunity by the occupying State, Morocco, since 1975.

On the other hand, [in Resolution 2625 \(XXV\)](#) of the UN General Assembly, of October 24, 1970, it is established that

"the territory of a colony or other non-self-governing territory has, under the Charter, a distinct and separate legal status from that of the territory of the State administering it".

Consequently, Soroeta argues, the conflicts between the colony and the metropolis are no longer internal, but international. In the same vein, [Additional Protocol I to the Geneva Conventions of 1949](#) was pronounced, which considered as international conflicts "armed conflicts in peoples fighting against colonial domination".

In addition, on 16 December 1966 the UN General Assembly adopted two Covenants in its [Resolution 2200 A \(XXI\)](#): the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). [Article 1.3](#) of both Covenants provides that

"States Parties to the present Covenant, including those with responsibility for administering Non-Self-Governing Territories and Trust Territories, shall promote the exercise of the right to self-determination and shall respect this right in accordance with the provisions of the Charter of the United Nations."

That provision was even reinforced by [Resolution 2787 \(XXVI\)](#), adopted on 6 December 1971 with a very eloquent title: "Importance of the universal realization of the right of peoples to self-determination and of the rapid granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights". Among other things, this Resolution *reaffirms* "*solemnly* that the subjection of peoples to foreign subjugation, domination and colonial exploitation constitutes a violation of the principle of self-determination, as well as a denial of fundamental human rights and is contrary to the Charter of the United Nations". It states that "every State has a duty to promote, through joint or separate action, the application of the principle of self-determination".

As established in the aforementioned International Covenants of 1966, the prohibition of the use of force against peoples subject to colonial domination, in their struggle to exercise the right to self-determination, has two relevant aspects that our author specifies: on the one hand, a negative legal duty, borne by all States, to refrain from any action that deprives peoples of their right to self-determination; on the other, a positive legal duty, borne by them, to respect, promote and assist peoples in the exercise of such a right.

### **Aid from third countries**

Such assistance from States can be provided both individually and collectively, as stated in [Resolution 2787 \(XXVI\)](#). But even more important – says Professor Soroeta – is that which the United Nations itself must lend – and which it has lent in some cases – directly to these peoples.

Aid can be both material and moral, and can range from the delivery of war material, so that these peoples can maintain the armed struggle, to any form of political, economic or any kind of aid: "The Member States shall provide the widest moral and material assistance necessary to the peoples of the colonial territories in their struggle to achieve freedom and independence" (art. 3.2 of [Resolution 2621 \(XXV\)](#) of the General Assembly, adopted on 12 October 1970). And it is very important to stress that the assistance that third States can provide, in the context of the struggle of the peoples for their self-determination, in no case implies interference in the internal affairs of the colonial power, since, as has been said before, these are conflicts of an international nature.

On the other hand, the main consequence of the prohibition of the use of force, when there is the physical occupation of the territory of a people subject to colonial domination, is the denial of any legal effect to it. In this sense, [Resolution 2625 \(XXV\)](#) cited above states that "no territorial acquisition derived from the threat or use of force shall be recognized as legal", an affirmation that is of special importance in the case of the military occupation of Western Sahara by Morocco and the obligation of States not to recognize the annexation of Saharawi territory. This obligation is breached and violated by the eccentric president of the United States, Donald Trump, in the throes of his controversial presidency.

### **Applicability to Western Sahara**

The above aspects in relation to the use of force are logically applicable to national liberation movements, insofar as they constitute "the organized expression of all or part of the population of a territory subject to colonial domination, which has as its objective the self-determination or independence of the territory and which has been recognized as such by the organized international community, granting it a privileged international status for the fulfillment of its purposes." [\[21\]](#)

In the work of Professor Soroeta that serves as the basis for this article, the three steps that national liberation movements usually follow in the recognition of their struggle within the United Nations system are indicated:

First, they appear as recipients of various aids that, through their agencies and institutions, are granted by the United Nations.

Secondly, their recognition as "authentic" or "legitimate" representatives of their peoples, recognition that does not meet specifically legal criteria [\[22\]](#), but "a revolutionary or historical legitimacy and the de facto adhesion (or considered as such) of the peoples to their action".

And finally, and as the culmination of a process by virtue of which representatives of the different recognized national liberation movements are invited to participate, in different ways, by different subsidiary bodies of the United Nations. Some of these organizations have been granted observer status, as did [Resolution 3280 \(XXIX\)](#), adopted on 10

December 1974, for national liberation movements recognized by the Organization of African Unity (OAU; now the African Union, AU).

In this regard, Professor Soroeta continues, the case of Western Sahara has a specificity that makes it unique, given the simultaneous existence of the Frente POLISARIO and the Sahrawi Arab Democratic Republic (SADR). As has already been said, the Polisario Front is a national liberation movement recognized by the UN itself as the sole and legitimate representative of the Saharawi people (General Assembly [Resolution 35/19](#), adopted on 11 November 1980). SADR is a state that has been recognized by more than 80 countries and is a full member of the African Union (OAU/AU), but whose existence has been [ignored by the United Nations](#).

And to conclude, our author makes it clear that the combatants of the national liberation movements, and therefore those of the Polisario Front, enjoy special protection within the framework of Humanitarian Law. By virtue of General Assembly [Resolution 3103 \(XXVIII\)](#), adopted on 12 December 1973, members of national liberation movements who are taken prisoner, in view of the international nature of the armed conflicts in which they are involved, enjoy the status of prisoners of war, the provisions of the Geneva Conventions of 12 August 1949 relating to the treatment of prisoners of war ( paragraph 4 of the above-mentioned Resolution). This too [is a dead letter for Morocco](#). As Mikhail Gorbachev explained to journalist Berna González Harbour,<sup>[24]</sup> Russia had learned from its mistakes: "No government can be imposed by force on a territory." I take this quote in case those who intend to illegally impose an alleged *autonomy* – which has not even been allowed in the Rif – on the Saharawis ... based on a military occupation and the force of arms , want to take it for granted.

We must thank Professor Juan Soroeta Licerias for such an enlightening and important text for the noble Saharawi cause. Our rulers would do well to take a look at it and reflect on its implications.

### **Mr. Bono and the 'sale of the donkey'**

All this *corpus* of provisions of International Law referenced by Professor Soroeta, and many others, is what they intend to hide and – if possible – devastate characters such as



the former socialist minister José Bono and other illustrious pro-Moroccan lobbyists. [25] Mr. Bono, brazenly riding the pro-Moroccan wave, tried to *sell us the donkey*. Former President Felipe González, who in the past had already slipped that "we must encapsulate the issue of the Sahara" – which he did not achieve, as we have been able to verify with the information explosion in this regard for months and months – had affirmed, in relation to the unprecedented volantazo of President Sánchez, that you can be right and lose it if you do not explain well [the turn of Pedro Sánchez] or do not know the reason why you do not know the reason why it has, in reference to the change of position of Spain with respect to the Sahara. [26] So Mr. Bono, following in that wake, had the effrontery to take advantage of the television cameras to try to convince public opinion that the unilateral turn of President Pedro Sánchez with respect to Spanish policy towards Western Sahara – standing in favor of Moroccan pretensions – "has been a success." He added:

"The Saharawis are fed up with those who only offer them United Nations resolutions and what they want is to live and not die of hunger, they need solutions and not resolutions. Spain has to get along with a good neighbour and a good friend." [27]

What you have to hear and see in the XXI century! As the Ingenious Hidalgo said to his faithful squire, *Cosas veredes, friend Sancho*. It does not seem that being in favour of the expansionist and irredentist theses of the Moroccan occupier has much to do with the alleged 'socialist' values and principles... And even less so, when it comes to an international crime, as explained before.

But as far as the Popular Party (PP) is concerned, it is not far behind in cynicism either. After so much complaining about President Pedro Sánchez's turn, [the PP – along with the PSOE – voted against](#) a parliamentary initiative that urged a reversal of Sánchez's turn to Spain's traditional position of *neutrality* on Western Sahara. [28]

Of course, the Saharawis want to live! That is why they fight against the occupier of their territory. But they are not sold for a plate of lentils, as some would like: President Sánchez, for example, always mentions the measly food aid to the refugee camps as the maximum demonstration of the alleged support of the Spanish Government to the Saharawi people, when what they need, in addition to lentils, is political support, defense

of human rights systematically violated by the occupying power and compliance with international legality, instead of blindness, deafness and repeated betrayals.

The Saharawi people are setting an example to the world, an example of resistance, coherence, determination and absolute respect for international legality. [29] Mr. Bono, like so many others, talks about what, in his opinion, the Saharawis want and need; but they, the Saharawis themselves, are not allowed to speak or exercise their inalienable right in a referendum on self-determination.

And despite this, the Saharawi people have expressed their will repeatedly: in 1970, with the Zemla Intifada (Basiri and so many others); in 1973, with the creation of the Polisario Front and the beginning of the armed struggle against Spanish colonialism, for its closure and repression of a possible peaceful and negotiated way [30]; in May 1975, on the occasion of the UN Visit Commission, which testified and reported on the broad support of the Saharawi population for the Polisario Front and their desire for freedom and independence; with its resistance to the Moroccan invader in a bloody war that lasted until 1991; in the 2005 Intifada; in the hunger strike of Aminatu Haidar, which managed to subdue Mohamed VI and which should serve as an example to many so-called feminists to defend vigorously – beyond their own 'personal sorrows' – the struggle of Saharawi women; in 2010, with the Camp of Dignity (Gdeim Izik), razed by the Moroccan occupation forces; the resumption of the war against the Moroccan occupier from November 2020, for the violation of the ceasefire agreements in El Guerguerat by the occupation forces; Sultana Jaya's incredible resistance to the sadistic Moroccan humiliations, on which our feminist Minister of Equality, Irene Montero, has maintained a resounding silence [31]; the enormous suffering endured by the Saharawi political prisoners in Moroccan prisons [32] and the terrible pain endured by the families of those killed in combat and the 'disappeared'...

Very recently, on the occasion of the visit of the UN Special Envoy for Western Sahara, Staffan de Mistura, to the Tindouf Camps, the Polisario Front announced that "it is fully committed to a just peace, but also to the defense, by 'all legitimate means', of the inalienable right of the Saharawi people to self-determination and independence. The representative of the Polisario Front to the United Nations, Sidi Mohamed Omar, [in statements to the press](#), affirmed that "the Polisario Front is ready to cooperate with the

United Nations and its Personal Envoy in their efforts to reach a peaceful, just and lasting solution based on full respect for the inalienable and non-negotiable right of the Saharawi people to self-determination and independence." This is not the first time that the Polisario Front has reiterated its cooperation with the United Nations and the Personal Envoy of the UN Secretary-General. "It's been doing it for more than three decades; on the contrary, it is Morocco that continues with its refusal, blocking the peace process and obstructing the work of the four UN emissaries," said Sidi M. Omar. [\[33\]](#)

### **Promises and forgetfulness: the second betrayal and the third**

The '[American friend](#)' [\[34\]](#) has been followed, unilaterally, by the President of the Government of Spain, Pedro Sánchez, who has yielded to the permanent blackmail of Morocco and the charms of the unpresentable Donald Trump, and has materialized the main objective of the [pro-Moroccan lobby](#), without being the protagonist of [the – in my opinion – third betrayal of the Saharawi people](#) (the first was the signing of the nefarious and illegal Tripartite Agreements in 1975; the second, the one starring Felipe González). And I would say that it has also betrayed the feelings and will of a large part of the Spanish people, the noblest and most supportive, [as the secretary general of the PSOE](#), Felipe González Márquez, said on November 14, 1976.

On that date, he visited the Saharawi refugee camps and delivered a memorable speech before them that fuelled hopes for a speedy resolution of the conflict, in the event of a socialist victory at the polls (as some today expect from a possible electoral victory of the Popular Party): [\[35\]](#)

"We wanted to be here today, November 14, 1976, to demonstrate with our presence, our revulsion and our condemnation of the Madrid agreement of 1975.

(...) most of the Spanish people, the noblest of the Spanish people, are in solidarity with your struggle.

(...) We are ashamed that the Government has not only done a bad colonization but a worse decolonization, handing it over to reactionary governments such as those of Morocco and Mauritania. (...).

The [socialist] party is convinced that the Polisario Front is the right guide towards the Final Victory of the Saharawi people and is also convinced that your independent and democratic Republic will be consolidated over your people and you will be able to return to your homes.

We know that your experience is that of having received many promises never fulfilled. I want, therefore, not to promise you something, but to commit myself to history. Our party will be with you until the final victory."

Unfulfilled promises and words that were blown away by the wind, which broke the heart and shattered the confidence, once again, of the Saharawi people, with the breach of the word given to the Saharawi people and their legitimate representative, the Polisario Front. [Mariem Hassan](#) collected for eternity that betrayal in the indomitable cry of her incomparable [cantata 'Shouka' \('The Thorn'\)](#).

Felipe González, *the young man*, had even signed [a joint communiqué](#) with the Polisario Front in which he described as "null and illegal" – as in fact they were and are – the Tripartite Agreements of Madrid, which involved the distribution of territory between Morocco and Mauritania. [\[36\]](#) As if that were not enough, in 1979, the Socialist Parliamentary Group in the Congress of Deputies asked the centrist government of Adolfo Suárez (UCD) to denounce the Tripartite Agreements of Madrid and the recognition of the Polisario Front. The Proposal No of Law (PNL) that contained these two points was presented at a press conference by the socialist deputy Manuel Marín and the member of the International Commission of the PSOE Emilio Menéndez del Valle. The first, now deceased; the second is still today in the honest struggle of those who defend genuinely socialist principles and values, as we will see later.

The reasons given by the Spanish Socialists at that time to demand that the Suárez Government take a position were based on recent events in Western Sahara, which supposed, in fact, the non-validity of the Madrid Agreements. Firstly, the breakdown of the agreement by one of the parties (Mauritania), on the basis of paragraph 1-A of the Mauritanian-Saharawi Peace Agreement, signed on 5 August 1979 in Algiers, with the return of Tiris el Garbía [\[37\]](#) [Rio de Oro] to its true owners, the Saharawi people.

Secondly, the violation of that Treaty by Morocco by forcibly annexing the territory south of the Sahara, hitherto under Mauritanian administration.

### **War and Peace with Mauritania: consequences**

After the signing of the peace with Mauritania in 1979, Emilio Menéndez del Valle, then a member of the PSOE's Ministry of Foreign Affairs, wrote the following about Mauritania, Spain's interest and the new situation in Western Sahara[\[38\]](#):

"The Islamic Republic of Mauritania made a historic mistake by totally changing its policy on the Sahara in 1975 and aligning itself in the division of territory with Morocco. The error took on particular dimensions if one takes into account that it had only been a short time since Morocco had formally recognized the existence of the Mauritanian State, an existence stubbornly denied for ten years, given that Moroccan expansionism claimed not only the entire Sahara, but also Mauritanian territory itself [and part of Algeria and Senegal].

The scarce political vision of the Mauritanian leaders of 1975 was the beginning of a disastrous adventure – from which today the country is disengaged – for a scarce plate of lentils, the portion of desert (90,000 square kilometers) known as Rio de Oro by the colonizers and that, despite its name, has neither one nor the other. The phosphates, in huge quantities, came under Moroccan control.

It is therefore to be congratulated – for the good of the Mauritaniens, for that of the peoples of the area and for the international peace and security of the area – that Mauritania signed on 5 August [1979] a formal peace agreement with the Polisario Front, under which that country 'solemnly declares that it has no territorial or other claims over Western Sahara'.

However, such an agreement and the arrogant Moroccan military invasion of the part of the Sahara now abandoned by Mauritania creates a new situation in the area, which must be carefully considered and on which Spain must define itself. Let's see the main ingredients of such a situation and the consequences and observations that can be derived from it:

Both events – Mauritanian withdrawal and Moroccan invasion – imply de facto the invalidation of the Madrid tripartite agreement on the Sahara signed on 14 November 1975 by Spain, Morocco and Mauritania. Its terms have been altered by the unilateral actions of Mauritania (aimed at peace) and Moroccan (prone to war), which, in any case, depart completely from what is stipulated in the agreement. This is regardless of the fact that one of the essential points of it – the expected self-determination of the inhabitants of the Sahara – was never carried out, due to the opposition of the two invading states, now only one: Morocco.

### **Internationalization**

From now on, Morocco and the Polisario Front are directly opposed. In recent times, everything indicates that Hassan II is simultaneously seeking bilateralization and an internationalization of the conflict. Bilateralization in the sense of increasing the chances of an armed clash between Rabat and Algiers; internationalization in the sense that, in the face of such a clash – immediately produced or in order to avoid it at the last moment – power or powers outside the area (most likely the United States) would intervene or be called upon to intervene in it.

That may be Morocco's strategy. The question is whether Hassan conceives it in this way in the certainty that the United States will support its position to the end and the bottom in order to consolidate the Moroccan presence *throughout* the occupied Sahara – knowing that such expansionism is something that Algeria can hardly tolerate and, of course, counting on the guerrilla activity of the Polisario Front to increase to the maximum – (...). No doubt the next few days will shed light in this direction. Light that cannot come from any public statement of the Alawite monarch, however solemnly it may be presented, but from the intricacies of Morocco's internal policy and its relationship with the United States and France, when they manifest themselves openly.

Obviously, in the Sahara conflict, the attitude of the United States is key. It is to be hoped and assumed (although it cannot be guaranteed) that this superpower will not make the same mistakes as with the PLO and the Middle East affair. (...)

### **Aislamiento marroquí**

De modo similar (...), constituiría una segura equivocación política del Departamento de Estado [de EE UU] no ya *no* favorecer el asentamiento del pueblo saharauí en la parte sur del Sahara de la que acaba de desentenderse Mauritania, sino sobre todo, el apoyar, propiciar, tolerar (por ausencia de presión) o simplemente *no* condenar la ocupación marroquí de tal territorio. (...) Y ello no puede significar sino la congelación definitiva de la venta de todo tipo de armas que Rabat pueda utilizar en el territorio, y la puesta en marcha de las presiones políticas y económicas que obliguen al actual régimen marroquí a abandonar sus pretensiones expansionistas y a buscar decididamente la paz.

Finalmente, la posición de España. La coyuntura de estas semanas venideras es la última oportunidad interesante que se nos presenta para enmendar errores pasados (el acuerdo tripartito) y para instrumentar una política exterior coherente respecto de la zona en cuestión. Ante el rápido curso de los acontecimientos no valen medias tintas ni buenas palabras o intenciones. Si bien es verdad que en política exterior nos hallamos condicionados por la potencia hegemónica del bloque en que actualmente nos encontramos (Estados Unidos) también lo es que disponemos de un cierto margen de maniobra. (...)

### **Dignidad y firmeza**

(...) In view of the latest, recent and new developments, Spain must denounce the outdated Madrid agreement, recognize the Polisario Front as a valid interlocutor, promote diplomatic and political actions at the regional level that favor a negotiated and fair solution to the dispute, assert itself before the hegemonic power of the day for this purpose (which we have never done and there are means), assume a role of dignity and firmness that will have to be considered by Morocco and Algeria, establish serious contacts with the representatives of the SADR) in the face of the already secure future of that country (fishing, future economic cooperation ...) and prepare to act before the international instances (UN) in the event of an eventual internationalization of the war, requesting in due course, if necessary, the action of the competent organs of the United Nations to avoid, or at least call into question, the interference of foreign powers.



This is the time. (...). It is the opportunity to systematize a decent, congruent, reciprocally fruitful external action with these peoples, in their interest and in the true interest of Spain, before it is too late, before others do; for example, France."

Faced with this situation, the PSOE considered that the Spanish centrist government was legitimized to denounce the Tripartite Agreements, and considered it absurd that the UCD Government (Union of the Democratic Center) was reluctant to recognize the Polisario Front, when it already had representation in the Organization of African Unity (OAU, later AU) and in the United Nations (UN), and had been recognized diplomatically by several States.

" I am convinced – wrote Emilio Menéndez del Valle – that in the specific case of the Sahara a kind of 'Moncloa pact' could be reached provisionally at the level of foreign policy, on the theses advocated by the PSOE. Because support for the self-determination of the Saharawis should not [be] only a postulate of the socialists, but, following the logic of the 'national interest', Mr Suárez's party should be – at least provisionally – of the same opinion." [\[39\]](#)

### **Betrayal of his own electoral program**

After learning of President Sánchez's *bandit*, Jadiyahetu El Mohtar [\[40\]](#), journalist, teacher and diplomat, member of the National Union of Saharawi Women, said: "It seems that it is already a socialist tradition to please Morocco against all odds." And in the refugee camps, the Saharawis were quick to underline the enormous contradiction of La Moncloa: to defend international legality in Ukraine, against the Russian invader, and to raze it to the Sahara, giving recognition to the Moroccan invader who, in addition, has been perpetrating serious violations of human rights against the indigenous population during nearly half a century of occupation. And Jadiyahetu added:

"It is regrettable that a government that claims to defend international legality is failing to comply on the other hand. It is regrettable that a government that claims to defend international legality [Ukraine] is in breach on the other hand [Western Sahara]."

"(...) As for the Saharawi people, nothing good is ever expected of socialist governments. (...) The Spanish people have always been on the side of the Saharawis; it is the government that always stars in infamy."

"Hemos reanudado la guerra ante la inoperancia de la ONU y la falta de voluntad de la comunidad internacional. Estábamos acertados: solo el pueblo saharaui puede decidir su futuro".

Algunos medios sostienen que hoy Felipe González es un ferviente defensor de la monarquía alauí. No solo se ha olvidado convenientemente de defender el derecho de autodeterminación del pueblo saharaui, sino que además viaja a determinados países con la misión de impedir que reconozcan a la RASD o que retiren su apoyo al Frente Polisario. Cuesta creerlo, pero está documentado. Casi resulta ciencia ficción el *cambiao* del líder socialista. Así se explicaba en la década de 1980, antes de *cambiar de chaqueta*:

"Sobre el problema del Sáhara Occidental estamos totalmente de acuerdo con el Polisario. Hemos ido allí abajo, en 1976, y hemos hecho mucho para romper el muro del silencio que rodeaba la guerra. (...) En algunos lugares hemos llegado a hacer que el Frente Polisario fuera reconocido, y admitido en la Internacional Socialista". [\[41\]](#)

Amazing, isn't it? What happened next, Philip? And why?, as Emilio Menéndez del Valle asks himself today. Those same sources affirm that, in its drift, the PSOE has ended up betraying even its own electoral program, reaping the rejection of its government partners and the opposition. In the program of the April 2019 elections, it stated:

"We will promote the solution of the conflict in Western Sahara through compliance with UN resolutions that guarantee the right of self-determination of the Saharawi people."

"To this end, we will work to reach a solution to the conflict that is just, definitive, mutually acceptable and respectful of the principle of self-determination of the Saharawi people, as well as to promote the supervision of human rights in the region (...)".

Some terms that, with the new Foreign Minister, José Manuel Albares, have disappeared from the *socialist narrative* to shamelessly throw themselves into the arms of the Alawite monarchy.

However, and fortunately, not all the Socialist Party agrees with the *bandit* perpetrated by the Sánchez/Albares tandem, far from it. As a prominent sample button, we have, again, the relevant testimony published by Emilio Menéndez del Valle – socialist and ambassador of Spain – in the newspaper *infoLibre*, asking '[Sahara: why?](#)', just three days after knowing the unforeseen unilateral *blow* of President Sánchez [\[42\]](#):

"In November 1976 I accompanied Felipe González, then secretary general of the PSOE, to an event in the liberated Saharawi territories. Liberated is practically an entelechy because the Saharawis controlled – and control – only a small part. After flying to Tindouf we traveled to a small desert town to express our rejection of the Madrid Tripartite Agreement by which (while Franco was dying) the Government handed over the Sahara to Morocco and Mauritania. And to express our solidarity with the refugees, who fled – like Ukrainians today – from their land, annexed – as in Ukraine today – by an expansionist autocrat. At a rally in that village on November 14, Felipe González reminded the many attendees that at that time it was exactly one year since the signing of an agreement of sad memory by which three States arrogated to themselves the right to dispose of the Saharawi people and to divide their territory and their national wealth.

"We went because we were convinced that the vast majority of Spanish public opinion had not accepted – nor today in Ukraine – the aggression of an expansionist power. We went because we considered the Tripartite Agreement null and void. Because we were scandalized and dead of shame as Spaniards because in its day the Spanish Government had consistently and firmly defended in the United Nations and in the International Court of Justice (ICJ) that neither Morocco nor Mauritania, to whom the territory was now handed over, had any legal title over it. Precisely the ICJ, in its advisory opinion of 16-10-1975, ruled that 'neither the internal nor the international acts on which Morocco is based indicate the existence or international recognition of legal ties of territorial sovereignty between Western Sahara and the Moroccan State (...) do not show that Morocco exercised any effective and exclusive State activity in Western Sahara. However, they provide

indications that, in the relevant period, there were legal bonds of loyalty between the Sultan and some, but only some, of the nomadic peoples of the territory...’.

“En definitiva, el Tribunal Internacional de Justicia manifestó que la resolución 1514 (XV), de 14-12-1960, de la Asamblea General onusiana sobre la concesión de la independencia a los países y pueblos coloniales era vigente y que la descolonización debía hacerse vía referéndum: ‘Nada se opone a la aplicación del principio de libre determinación, mediante la expresión libre y auténtica de la voluntad de las poblaciones del territorio’. Añadamos un aspecto grotesco: Franco había afirmado contundentemente en 1973 que ‘el pueblo saharaui es el único dueño de su destino. El Estado defenderá la libertad y la voluntad de libre decisión de los habitantes del territorio’. (...)

“La violación de la legalidad internacional se inicia ya en el primer artículo del Acuerdo Tripartito: ‘España ratifica su resolución –reiteradamente manifestada ante la ONU– de descolonizar el territorio del Sáhara Occidental’. Sin embargo, no procedió a realizar el referéndum estipulado por el TIJ. Alude solo a una ‘consulta con la Yemaa’, la asamblea de notables saharauis... Por su parte, la Asamblea General de la ONU (resolución 3458B, de 10-12-1975) exigió a los tres firmantes del Acuerdo que cumplan con el referéndum. De modo que, en 1975, como potencia administradora, España tenía solo dos opciones para cancelar su responsabilidad respecto al Sáhara: descolonizar, lo que en virtud de la legalidad internacional únicamente podía hacerse vía referéndum, o no descolonizar, transfiriendo la administración del territorio. Pero la Carta de Naciones Unidas (artículo 77.1.c) estipula que esa transferencia debe ser hecha al Consejo de Administración Fiduciaria onusiano, no a Estado alguno, por lo tanto no a Marruecos y a Mauritania”.

## **The Covenant**

"Apparently, the Government of Spain has decided to recognize the 'autonomy' of the Sahara within Morocco (and therefore, its sovereignty over it) in exchange for guarantees on the Moroccan side in the management of migratory flows and respect for the integrity of Ceuta and Melilla. The Minister of Foreign Affairs, José Manuel Albares, has expressed his satisfaction with this because it benefits the interests of the Spaniards. It is worth asking whether an 'uncomfortable' decision on the part of Algeria in the supply of gas to Spain, and via Spain, to Europe, would benefit the interests of Spaniards and Europeans.

Asked by the minister about the opposition of Unidas Podemos to this agreement, Albares replied that it was a 'nuance', that in any coalition government there are discrepancies. I would not describe the pact signed as a nuance, but as a substance."

"Former President José Luis Rodríguez Zapatero has said that 'we must congratulate ourselves because we have recovered something as important for Spain as a relationship of trust with Morocco'. He is selling the bear's skin before hunting it. In my opinion, the only pacts with certain guarantees of being respected are those signed between democracies, as history well demonstrates when referring to the supposed trust agreements with Hitler's Germany or Stalin's USSR."

"Autonomy of the Sahara within the Alawite kingdom, the kingdom of an autocrat? In the event that this 'solution' to the conflict comes to fruition in the future, the abdication by the Government of Spain of its obligations under international law, United Nations resolutions and the Charter of the organization and its renunciation of the values and ethical principles (the same ones that these days move us to support Ukraine in the face of Russian expansionism) that this implies, it could only, perhaps, begin to be worthwhile the day morocco was transformed into a democracy."

"There are those who justify this dislate in the name of *realpolitik* (according to the Royal Academy), politics based on pragmatic criteria, regardless of ideologies. I prefer the definition of the concept 'principle', that is, the fundamental norm or idea that governs thought or behavior)."

"Final coda. – There are also those who dialectically cling to the fact that France and Germany have adopted the same position that the Government of Spain now adopts. Or that [Donald] Trump recognized Morocco's sovereignty over the Sahara (in exchange, by the way, for Rabat's recognition of Israel). I would like to remind you that the West is not the whole planet, that 84 States recognize the Sahrawi Arab Republic, in addition to those that maintain relations with the Polisario Front. And that in the recently held (February 2022) 35th Assembly of the African Union, the President of Kenya and the Peace and Security Council of the same, Uhuru Kenyatta, urged the Assembly to 'fulfill its mandate on the Saharawi conflict', insisting on 'the importance of finding a solution that guarantees the self-determination of the people of Western Sahara'. Indeed, in that Assembly the

Moroccan delegation made an unsuccessful effort to have Israel admitted as an observer member."

In addition, those who try to justify pedro Sánchez's *volantazo* by claiming that this has been done to 'defend the interests of Spain', it would be convenient for them to be illustrated with the words of Emilio Menéndez del Valle already in the early date of 1977 [43]:

“He aquí unas cuantas razones para apoyar las tesis del FP [Frente Polisario], dirigidas a todas aquellas personas que se escandalicen por la expresión ‘interés nacional’ de España:

“1. España *no hizo* la descolonización del Sahara, de acuerdo con los principios de la Carta y Resoluciones de la ONU. No ha habido descolonización del Sahara, como el propio Ministerio de Asuntos Exteriores comienza a reconocer (‘La continuación y conclusión del proceso de descolonización...’, en declaración a *El País*, 2-11-77)”.

“2. Los Estados *tienden* a actuar de acuerdo con los principios de las Naciones Unidas no tanto porque ello favorezca su interés nacional, sino porque el no actuar de acuerdo a ellos podrá dañar ese interés ante la comunidad internacional”.

“3. Mediante el acuerdo de Madrid, España no actuó según los principios descolonizadores de Naciones Unidas, sino de acuerdo a los intereses *nacionales* de Marruecos y Mauritania, por un lado, y del *lobby* español promarroquí, por otro. De forma que con tal actuación se beneficiaron dichos intereses de Marruecos y Mauritania y un sector muy limitado del capitalismo español vinculado a los mismos. Ni siquiera se benefició el capitalismo español en su conjunto, que además chocó con Argelia”.

"4. Those who taste the concept of 'national interest' with special pleasure must be reminded that the State is much broader and more permanent than governments or regimes. That the Madrid agreement – with the ignominious surrender, not decolonization, of the Sahara – *momentarily* benefited a regime, the Franco regime, and not even the Arias Government (although perhaps some of its members did). Obviously, it did produce profits (for how long?) to the Spanish capitalist minority sector linked to Morocco. But of course it harmed the *national interest of Spain* in that, from an ethical-political point of

view, the Spanish State was discredited before the majority of the international community (which is not only integrated by the United States)".

" It is clear that, in the interests of the Spanish State, the Spanish Government should at least:

"(a) For the sake of minimal political decency and *consistency*, to *interrupt* the supply of arms to Morocco and Mauritania.

"(b) Without *in any way* meaning that Spain should send soldiers into the territory and if it really wishes, as it now affirms, that the decolonization process be 'concluded', 'as well as the modalities for the exercise by the indigenous population of the territory of their right to self-determination' (*El País*, id.), it must favor the initiatives of those parties that tend to do so. And such parts are not – at least at the moment – neither Morocco nor Mauritania."

It would be convenient for today's Socialists to read these articles by their colleague Emilio Menéndez del Valle and reflect on the pro-Moroccan drift of President Pedro Sánchez. It would not be surprising if this matter had electoral consequences...

### **Inconsistencies and contradictions**

Abdulah Arabi, representative of the Polisario Front in Spain, in a recent article published in the digital *elDiario.es* with the title '[Western Sahara: the eternal contradiction of Spain](#)', after "listening to the statements of the Spanish Minister of Foreign Affairs, with much effort in vain, trying to explain Spain's position on Western Sahara", argued:

"If Spanish foreign policy states that its vector is respect for human rights, it should defend it with facts, equally, in all corners of the world. Similarly, if it opposes wars and invasions, it must be a traditional position in all places and places on the planet and not in terms of who is the aggressor and the aggressor, as, for example, what happens with Western Sahara. (...).

"To say with regard to Western Sahara that Spain's position is reflected in the mixed declaration with Morocco, devoid of any legal basis, and that the king of that country has praised in a poisonous way, is the best proof that Spain has distanced itself from



International Law to, then, say that Spain seeks a solution within the framework of the UN. That's trying to say a lot so as not to say anything at all."

"In this sense, [Josep] Borrell tries to throw a cable to Spain clarifying the position of the EU that contemplates the holding of a consultation for the Saharawi people to decide their future, insinuating that it is the same as that of Spain. Then [José Manuel] Albares tries to nuance and entangles the matter even more."

“Todo este barullo sucede en un momento clave en las relaciones entre Argelia y Francia, vital para la zona de Sahel y el Magreb Árabe, hecho que ha provocado la ira del ministro de Exteriores de Marruecos que, sin tapujos, ha deplorado las declaraciones de Borrell al referirse a las posturas de España y la UE. Para más inri, ha cancelado una reunión prevista para septiembre con el responsable de la política exterior de la UE. No satisfecho con este panorama, arremete contra Túnez, país que acoge la cumbre TICAD-VIII, Japón-Unión Africana, por la presencia de la RASD, que es un país miembro fundador”.

“Muy difícil lo van a tener los expertos encargados de “vender” una imagen de España que apuesta por un país invasor como Marruecos en detrimento del pueblo saharauí, con el que España tiene unas responsabilidades históricas y jurídicas fehacientemente documentadas (...)”.

Abdulah Arabi concluye señalando la empatía del Movimiento solidario español con el pueblo saharauí: lo van a tener muy difícil los encargados de *venderles la burra*. A buen entendedor...

### **La legalidad internacional no es una utopía**

Hace tres lustros, contestando a un artículo promarroquí, publicado en el diario *El País*, en el que su autor venía a decir que la legalidad internacional –por cuyo cumplimiento está luchando y sufriendo el pueblo saharauí– es una utopía, yo mismo traté de refutar sus argumentos enviando mi propio artículo a dicho periódico para su publicación (no fue aceptado, ‘por problemas de espacio’...). Entre otros razonamientos, exponía lo siguiente [\[44\]](#), que considero plenamente vigente y que, por ello, quiero compartir con los lectores:

"International legality is – with all its shortcomings – the set of norms that humans have given us as a framework for coexistence, to live in peace and resolve conflicts peacefully. But it must be respected and implemented. Morocco does not respect it (in accordance with Chapter VI of the Charter of the United Nations) and the international community does not exert sufficient pressure to implement it (in accordance with Chapter VII). As Bernabé López [the author of the published article] points out, 'international legality is a framework to ensure respect for the rights of peoples'. But are the legitimate rights of the Saharawi people respected? And on the contrary, have the Saharawis violated the rights of the Moroccan people? If SADR had invaded and occupied Morocco, how would the international community have reacted? The case of Kuwait – also that of Timor – is very close in time. There is plenty of speculation about it."

"If Morocco has systematically obstructed a transparent and fair referendum, it is because its rulers fear losing it. They thus deny, in advance, by suppressing it from reality, the so-called *utopia* (international legality and, where appropriate, independence) of which Bernabé López speaks, while keeping the Saharawi people in the most unworthy of living conditions, exile and misery ([www.umdraiga.com](http://www.umdraiga.com)). They hope to gain time, exhaust and demoralize the Saharawis, alienate the historical memory of the young generations, defeat by exhaustion an entire people, with the vain hope that, finally, they will succumb and accept what is thrown at them, sunk in the contradictions that the torticeros obstacles generate".

"Morocco has not been for more than 30 years practicing the *ostrich policy*, as our author maintains, but the scorched earth policy, of fait accomplis, since the infamous *Green March* (of enraged and manipulated civilian population, on the one hand, and of tanks, planes and troops, on the other), concocted under the strategic advice of Henry Kissinger. And Spain and the international community have let do, looking the other way, absorbed in other more profitable businesses and with a myopic vision, short-term, which already lasts too long and has become unbearable. "

"The right to self-determination does not necessarily and necessarily presuppose independence. As explicitly and verbatim stated in [point 8 of the Saharawi Proposal \[45\]](#), 'The Polisario Front also undertakes to accept the results of the referendum, whatever they may be, and to negotiate already with the Kingdom of Morocco, under the

auspices of the United Nations, the guarantees that it is prepared to grant to the Moroccan population residing in Western Sahara for 10 years, as well as the Kingdom of Morocco in political, economic and security aspects, in case the referendum on self-determination culminates in independence'.

"If now, at this moment, new winds are blowing, it is because the ruling elite in Morocco has been running out of its cards, because the Saharawi people have been able to resist with dignity, again and again, maintaining their firm commitment to international legality (not *utopia*), weaving a dense network of solidarity among all peoples and taking their cause to all corners of the world. And because civil society – not always the rulers – increasingly demands respect for and the application of international legality."

### **Rectificar es de sabios**

Quiero concluir estas líneas recogiendo parte de las palabras del presidente de honor de CEAS-Sahara, Pepe Taboada, que pertenecen a una *Carta abierta al Gobierno de España sobre el Sahara*, escrita tras el insólito *bandazo* del presidente Sánchez en la política del Estado relativa al Sáhara Occidental y que merece la pena conocer y difundir:

“(...) España debe y tiene que enmendar y rectificar la histórica mancha en su contemporánea historia con y para su ex-colonia, el Sahara Occidental, con hechos y no huecas declaraciones que sólo le sirven para caer en la misma intransigencia de Marruecos en lo relacionando a la descolonización y desocupación del territorio NO Autónomo del Sahara Occidental.

"The facts that the foreign policy of the Spanish State must materialize to rectify the bad and unfinished decolonization of its former colony can be listed as follows:

1. Publicly renounce the so-called 'Madrid Agreements' that are still in force between Spain and the Kingdom of Morocco and are the root of which all that destabilization that is being experienced in the region continues to feed.

2. Comply with Resolution 1514 of the Magna Carta of the UN according to which it must decolonize its former colony with the promised and not yet held referendum of self-determination of the Saharawi people.

3. Propose a definitive solution within the General Assembly and the Security Council of the UN that guarantees the legitimate right of self-determination of the Saharawi people, as required by international legality and as well as the neighbor Portugal imposed to decolonize its former colony of East Timor.

"This is the only way to solve this long conflict in a fair and definitive way and that is increasingly deepening and expanding to the entire geographical area of the Mediterranean along its two shores." [\[46\]](#)

Let us hope that the Government of Spain will take note. We are not 'anti-Moroccan', Mr Bono, we have nothing against the Moroccan people. It is its rulers who must comply with international legality – including the Spanish Government – if we really want to have a friendly and reliable neighbor. It is not an easy task, but there are means to achieve it and put an end to blackmail and betrayal. The Saharawi people have said enough! and they will not deceive you again with broken promises or use it as a bargaining chip. That's okay!

## Notes

[\[1\]](#) Carlos Ruiz Miguel, 'Frank Ruddy: farewell to a fundamental diplomat in the history of Western Sahara', *From the Atlantic*, 11/05/2014,

<https://www.periodistadigital.com/desdeatlantico/20140511/frank-ruddy-adios-a-un-diplomatico-funda-689403919443/>

—Congress of the United States, 'Statement by Frank Ruddy to the Subcommittee on the Departments of Commerce, Justice and State, the Judiciary and Related Agencies', 25/01/1995, House of Representatives, Appropriations Committee, Washington, DC 20515-6015, Review of United Nations Peacekeeping Operations and Measures, *ARSO*, s/f., <https://www.arso.org/06-3.htm>

—Luis Portillo Pasqual del Riquelme, 'Memory and testimony of Frank Ruddy: Occupied Sahara', *What We Are (LQS)*, 06/06/2019, <https://loquesomos.org/memoria-y-testimonio-de-frank-ruddy-sahara-ocupado/>

—Frank Ruddy, 'Western Sahara: The Last Colony in Africa', *Rebellion*, 08/12/2007, <https://rebellion.org/sahara-occidental-la-ultima-colonia-en-africa/>

—Frank Ruddy, 'The UN and Western Sahara' (Statement by Frank Ruddy, retired AMBASSADOR of the United States, at the International Conference on Multilateralism and International Law in Relation to Western Sahara, held in Pretoria on 4 and 5 December 2008), *Critical Thinking*, s/f., <http://www.pensamientocritico.org/frarud0109.html>

[2] Fernando Ríos Rull, 'Brief history of a triple betrayal of the Saharawi people', *elDiario.es*, 01/09/2022, [https://www.eldiario.es/canariasahora/canarias-opina/breve-historia-triple-traicion-pueblo-saharaui\\_129\\_9282269.html](https://www.eldiario.es/canariasahora/canarias-opina/breve-historia-triple-traicion-pueblo-saharaui_129_9282269.html)

[3] 'The Democratic Memory and Western Sahara Bill', InfoLibre, 31/10/2020, [https://www.infolibre.es/opinion/plaza-publica/proyecto-ley-memoria-democratica-sahara-occidental\\_1\\_1189310.html](https://www.infolibre.es/opinion/plaza-publica/proyecto-ley-memoria-democratica-sahara-occidental_1_1189310.html) ,

—Luis Portillo, 'Memoria histórica e infamia política: reclamación de la causa saharaui', *fronterad*, 22/10/2021, <https://www.fronterad.com/memoria-historica-e-infamia-politica-reivindicacion-de-la-causa-saharaui/>

—Pedro Fernández Barbadillo, 'The Spanish lies about the Sahara', *Digital Freedom*, 13/12/2020, <https://www.libertaddigital.com/cultura/historia/2020-12-13/pedro-fernandez-barbadillo-las-mentiras-espanolas-sobre-el-sahara-6689735/>

—Jesús Garay, 'Western Sahara in memory and elections', *El Salto*, 05/05/2019, <https://www.elsaltodiario.com/tribuna/sahara-occidental-memoria-elecciones>

—Jesús Domínguez, 'Laws of selective memory with respect to Western Sahara', *El Periódico*, 10/09/2021, <https://www.elperiodico.com/es/entre-todos/participacion/leyes-memoria-selectiva-sahara-occidental-11956538>

[4] Ignacio Cembrero, 'The prolonged absences of Mohamed VI: 3 months in a row in Paris and half a year outside Morocco', El Confidencial, 01/09/2022, [https://www.elconfidencial.com/mundo/2022-09-01/prolongadas-ausencias-mohamed-marruecos-visitas-paris\\_3483412/](https://www.elconfidencial.com/mundo/2022-09-01/prolongadas-ausencias-mohamed-marruecos-visitas-paris_3483412/)

[5] Marc Bassets, 'Macron admite que la matanza de argelinos en 1961 fue 'un crimen inexcusable para la República'', El País, 16/10/2021, <https://elpais.com/internacional/2021-10-16/macron-admite-que-la-matanza-de-argelinos-en-1961-fue-un-crimen-inexcusable-para-la-republica.html>

—Ibid., 'Gas, memoria histórica, Rusia: Macron viaja a Argelia para 'refundar' la relación', El País, 25/08/2022, <https://elpais.com/internacional/2022-08-25/gas-memoria-historica-rusia-macron-viaja-a-argelia-para-refundar-la-relacion.html>

—Aída Palau, 'Macron irritates by recovering the debate of French colonization in Algeria', RFI, 16/02/2017, <https://www.rfi.fr/es/francia/20170216-macron-califica-la-colonizacion-francesa-en-argelia-de-crimen-contra-la-humanidad>

—Rosa Meneses, 'Macron visits Algeria to relaunch their relationship at a critical moment for the Maghreb', El Mundo, 25/08/2022, <https://www.elmundo.es/internacional/2022/08/25/6307783bfc6c83465c8b458c.html>

—Amal Benotman, 'Macron visits Algeria in a context of calm after months of controversy', France24, <https://www.france24.com/es/%C3%A1frica/20220825-macron-visita-argelia-en-un-contexto-de-calma-tras-meses-de-controversia>

—'France, environment, human rights and hypocrisy taken to the extreme', Restore, 29/07/2021, <https://restaurarg.blogspot.com/2021/07/francia-medio-ambiente-derechos-humanos.html>

—'France will not apologize for the colonial and war crimes committed in Algeria', Telam, 20/01/2021, <https://www.telam.com.ar/notas/202101/542173-francia-argelia-emmanuel-macron-africa.html>

—Bruno Guigue, "Yes, colonization is a crime against humanity", Rebellion, 28/02/2017, <https://rebellion.org/si-la-colonizacion-es-un-crimen-contra-la-humanidad/>

[6] Thomas M. Franck, 'The Stealing of the Sahara', American Journal of International Law. – Cambridge: Cambridge University Press – October 1976, Vol. 70, No. 4, pp. 694 – 721. There is a Spanish translation available on the internet: 'El robo del Sáhara', Pensamiento Crítico, s/f.: <http://www.pensamientocritico.org/thofra1108.html>

[7] González Campos, Julio Diego. Alcalá de Guadaira (Seville), 5.IV.1932 – Madrid, 20.X.2007. Professor of public international law and private international law, rector of the Autonomous University of Madrid, judge of the Constitutional Court, member of the Council of Universities and the Advisory Committee of the European Centre for Higher Education of UNESCO, representative of Spain in numerous international conferences, and advisor in various border disputes before the International Court of Justice, of which he became an ad hoc judge. (...) As international legal adviser, he was representative of the Government of Spain before the International Court of Justice in the Western Sahara case (1975), counselor of the Government of the Republic of Honduras between 1976–1980 in the mediation procedure with El Salvador and subsequently before the aforementioned Court in the case of the Land Border Dispute, insular and maritime (El Salvador/Honduras) (1986–1991); also of the Government of the State of Qatar between 1990–1992 in the case concerning Maritime Delimitation and territorial issues between Qatar and Bahrain (Qatar v. Bahrain) and of Libya, in the case of territorial dispute (Libyan Arab Jamahiriya/Chad), in 1991–1992. He was also an advisor to the Government of the Argentine Republic in the arbitration with the Republic of Chile on the Boundary between Milestone 62 and Mount Fitz Roy (1990–1992). Learn more at <https://dbe.rah.es/biografias/137093/julio-diego-gonzalez-campos>

[8] N. de L. P.: Mr. Arias Navarro, president of the last Franco government, who was most responsible for the infamous tripartite agreements, was the only one of those mentioned who avoided appearing at the session of the Foreign Affairs Committee of the Congress of Deputies, held in 1978, with the excuse of being traveling abroad... Small 'detail' that has gone unnoticed by many. A similar excuse was made by the current honorary president of the newspaper El País, Juan Luis Cebrián, to avoid talking in his Memoirs (First page) about everything concerning the Spanish Sahara. Claiming to have been traveling abroad



for a few days ('coincidentally' coinciding with the Moroccan 'green march' and all those events), he does not even mention the taboo word 'Sahara' in the events that occurred in the years 1975-1976, thus hiding (remember that guideline of "we must encapsulate the issue of the Sahara"... ) absolutely everything that happened in those two years, and even later, in relation to the former Spanish colony: green march, negotiations with Morocco and Mauritania, comings and goings of ministers, signing of tripartite agreements, abandonment of the Sahara, Moroccan-Mauritanian military invasion, Sahara war, bombings with napalm and white phosphorus, Saharawi genocide ... This is how history is written (or hidden), even by the 'best' professionals.

[9] General Franco's letter to the Yemmáa: Franco declares in writing to the Yemmáa that "the Saharawi people are the sole master of their destiny". "The Saharawi population will freely determine their future, when they freely request it. The Spanish State will guarantee the territorial integrity of the Sahara, represent it in the international arena and guarantee its defense." . <https://infosaharaoccidental.org/hitos/escrito-del-general-franco-a-la-yemma/>

[10] N. de L. P.: The Democratic Memory Bill provides for declaring General Franco's regime 'illegal'; therefore, with all logic, the Madrid Declaration or, what is the same, the Tripartite Agreement should also be officially declared 'illegal' (and null and void). Or is it that Franco's dictatorial regime is going to be 'illegal' for some facts yes and for others no?

[11] N. de L. P.: Just the opposite of the turn perpetrated by President Pedro Sánchez.

[12] Julio D. González Campos, 'Los acuerdos nulos de Madrid', El País, 18/09/1977, [https://elpais.com/diario/1977/09/18/internacional/243381616\\_850215.html](https://elpais.com/diario/1977/09/18/internacional/243381616_850215.html)

[13] Emilio Menéndez del Valle, 'El Sahara y el interés nacional de España', El País, 4/11/1977, [https://elpais.com/diario/1977/11/04/internacional/247446020\\_850215.html](https://elpais.com/diario/1977/11/04/internacional/247446020_850215.html)

[14] Jorge Alejandro Suárez Saponaro, 'Human Rights and International Humanitarian Law. Its application to the Saharawi case', Strategy and Defense, 1/09/2022, <https://estrategiaydefensadelsigloxxi.blogspot.com/2022/09/derechos-humanos-y-derecho.html>

[15] Juan Soroeta Licerias, 'The conflict in Western Sahara, a reflection of the contradictions and shortcomings of International Law', University of the Basque Country, 2001, <https://addi.ehu.es/bitstream/handle/10810/44280/USPDF013137.pdf?sequence=3&isAllowed=y>

[16] Santiago F. Reviejo, 'El bombardeo con napalm sobre los saharauis que huyendo de la ocupación marroquí que no se investigación', Público, 24/07/2021, <https://www.publico.es/internacional/bombardeo-napalm-saharauis-huian-ocupacion-marroqui-no-sido-investigado.html>

—Chema Tante, 'You, Sánchez, Albares, Borrell, Von der Leyen, are as responsible as Mohamed VI for the deaths and torture of innocent people in Nador, in Morocco, in the seas', My aunt's house, 26/06/2022, <http://www.lacasademitia.es/articulo/economia/ustedes-sanchez-albares-borrell-von-der-leyen-son-tan-responsables-como-mohamed-vi-muertes-torturas-personas-inocentes-nador-marruecos-mares-chema-tante/20220626072807126170.html>

[17] United Nations, 'The United Nations and Decolonization: Non-Self-Governing Territories' (NT), <https://www.un.org/dppa/decolonization/es/nsqt>

[18] Alfonso Lafarga, 'Saharawi April: Morocco increases repression in occupied Western Sahara', Contramutis, 06/05/2022, <https://contramutis.wordpress.com/2022/05/06/abril-saharawi-marruecos-incrementa-la-represion-en-el-sahara-occidental-ocupado/>

—Jean-Paul Le Marec, 'Repression in Western Sahara is an everyday fact', Rebellion, 05/11/2007, <https://rebellion.org/la-represion-en-el-sahara-occidental-es-un-hecho-cotidiano/>

—Ibid., 'Repression in Western Sahara: the UN hears nothing, sees nothing...', Rebellion, 18/05/2009, <https://rebellion.org/la-onu-no-oye-nada-no-ve-nada/>

—Enric Llopis, 'Repression (silenced) in Western Sahara', Rebellion, 09/02/2019, <https://rebellion.org/la-represion-silenciada-en-el-sahara-occidental/>

—Matthew Porges and Christian Leuprecht, 'Abstaining from terror: the paradox of non-violence in Western Sahara', Revista CIDOB d'Afers Internacionals, n.112, p. 149-172. April 2016, <file:///C:/Users/Usuario/Downloads/308269-Texto%20del%20art%C3%ADculo-434770-1-10-20160502.pdf>

—Ahmed Ettanji, 'Spain legitimizes repression in Western Sahara', El Salto, 24/03/2022, <https://www.elsaltodiario.com/sahara-occidental/espana-legitima-la-represion-en-el-sahara-occidental>

—Farah Dih, 'Western Sahara: between repression and oblivion', elDiario.es, 27/12/2020, [https://www.eldiario.es/opinion/tribuna-abierta/sahara-occidental-represion-olvido\\_129\\_6516936.html](https://www.eldiario.es/opinion/tribuna-abierta/sahara-occidental-represion-olvido_129_6516936.html)

—Alfonso Armada, 'Morocco has acted like the Mafia in the Sahara', says the former deputy head of the UN mission in the area', El País, 28/06/1996, [https://elpais.com/diario/1996/06/28/internacional/835912817\\_850215.html](https://elpais.com/diario/1996/06/28/internacional/835912817_850215.html)

—Luis Portillo, 'Police state, thuggery and terror in Western Sahara occupied by Morocco. Memory and Testimony of Frank Ruddy', Critical Thinking, May 2019, <http://www.pensamientocritico.org/estado-policial-matonismo-y-terror-en-el-sahara-occidental-ocupado-por-marruecos-memoria-y-testimonio-de-frank-ruddy/>

—PUSL, 'Moroccan drone attacks against the civilian population, silenced crimes', For a Free Sahara (PUSL), 07/09/2022, [Moroccan drone attacks against the civilian population, silenced crimes – FOR A FREE SAHARA .org – PUSL](https://www.forafreesahara.org/en/moroccan-drone-attacks-against-the-civilian-population-silenced-crimes)

[19] An excellent abbreviated compendium of the relevant resolutions and provisions of the different international and regional bodies relating to Western Sahara is the book by Carlos Ruiz Miguel, Moisés Ponce de León Iglesias and Yolanda Blanco Souto, El Sáhara Occidental. Legal record. 15 basic statements about the conflict, Ed. Andavira, 2nd edition, Santiago de Compostela, January 2019 (there is translation in English and French), <https://www.usc.es/export9/sites/webinstitucional/gl/institutos/ceso/descargas/CE-SO-libro-Sahara-es-2.pdf>

[20] Francisco Carrión, 'From González to Sánchez, the PSOE consummates its betrayal with the Saharawis', El Independiente, 19/03/2022, <https://www.elindependiente.com/espana/2022/03/19/de-gonzalez-a-sanchez-el-psoe-consuma-su-traicion-con-los-saharais/>

—The leader of the Spanish opposition criticizes the turn of Pedro Sánchez and recalls that "the relationship of Western Sahara with Spain has nothing to do with other countries (VIDEO)", Sahara Press Service, 07/09/2022, <https://spsrasd.info/news/es>

—Adrián Lardiez, 'Congress reminds Sánchez that he is alone: an NLP approved for a referendum on Western Sahara', El Plural, 07/04/2022, [https://www.elplural.com/politica/congreso-recuerda-sanchez-esta-solo-aprobada-pnl-referendum-sobre-sahara-occidental\\_287618102](https://www.elplural.com/politica/congreso-recuerda-sanchez-esta-solo-aprobada-pnl-referendum-sobre-sahara-occidental_287618102)

—Alfonso Lafarga, 'PP, Más Madrid and Compromís accuse Sánchez of the consequences of the crisis with Algeria for the turn on Western Sahara', Contramutis, 07/09/2022, <https://contramutis.wordpress.com/2022/09/07/pp-mas-madrid-y-compromis-acusan-a-sanchez-de-las-consecuencias-de-la-crisis-con-argelia-por-el-giro-sobre-el-sahara-occidental/>

[21] González Campos, J. D., Sánchez Rodríguez, I. I., Y Andrés Sáenz de Santamaría, M. P., Curso de Derecho Internacional Público, 6ª ed., Civitas, Madrid, 1998, p. 787 (cit. by Juan Soroeta Liceras in El conflicto del Sahara Occidental, reflejo de las contradicciones y carencias del Derecho Internacional, Universidad del País Vasco, 2001, p. 28).

[22] As Professor Soroeta points out, "a consultation with the population in the territory on the representativeness of this or that liberation movement is little less than impossible." Hence, in my opinion, the importance of the United Nations Mission to Western Sahara in 1975. That Mission noted that an overwhelming majority of the population of the Saharawi territory supported the Frente POLISARIO and yearned for freedom and independence.

[23] La Resolución 3103 (XXVIII) estableció los ‘Principios Básicos de la condición jurídica de los combatientes que luchan contra la dominación colonial, extranjera o regímenes racistas’.

[24] Berna González Harbour, ‘Extraños suicidios’, El País, 03/09/2022, <https://elpais.com/opinion/2022-09-03/el-pais-de-los-extranos-suicidios.html>

[25] Luis Portillo, ‘Los clamorosos silencios del lobby promarroquí español. Trasfondo y sentido de la visita borbónica a Marruecos’, Pensamiento Crítico, febrero de 2019, <http://www.pensamientocritico.org/los-clamorosos-silencios-del-lobby-promarroqui-espanol-trasfondo-y-sentido-de-la-visita-borbonica-a-marruecos/>

[26] EFE, ‘Felipe González dice que plan marroquí sobre el Sáhara es “la mejor solución”’, El Mundo, 01/04/2022, <https://www.elmundo.es/espana/2022/04/01/624675ebfdddf9ca08b45bc.html>

—Europa Press, ‘Felipe González cree que se puede tener razón sobre el Sáhara y perderla si no se explica bien’, 04/05/2022, <https://www.europapress.es/nacional/noticia-felipe-gonzalez-cree-puede-tener-razon-sahara-perderla-si-no-explica-bien-20220504134137.html>

—'Zapatero reiterates from Morocco his support for Sánchez in his turn with respect to Western Sahara', El Confidencial Saharaui, 06/09/2022, <https://www.ecsaharaui.com/2022/09/zapatero-reitera-desde-marruecos-su.html>

—Julia Navarro, 'Huele a chamusquina', Diario de Avisos, 07/09/2022, <https://diariodeavisos.elespanol.com/2022/09/huele-a-chamusquina/>

[27] 'Bono says that "changing his position regarding the Sahara has been a success" and that this is the "most reasonable for the Saharawi people"', El Confidencial Saharaui (ECS), 24/07/2022, <https://www.ecsaharaui.com/2022/07/bono-dice-que-cambiar-de-posicion.html>

—'Bono defends the government's turn on the Sahara: "It has been a success"', La Sexta.com, 24/07/2022, [https://www.lasexta.com/programas/sexta-noche/bono-defiende-giro-gobierno-sahara-sido-acierto\\_2022072462dce1186e10ad0001639624.html](https://www.lasexta.com/programas/sexta-noche/bono-defiende-giro-gobierno-sahara-sido-acierto_2022072462dce1186e10ad0001639624.html)

[28] Alfonso Lafarga, "The PP voted with the PSOE against returning to the situation prior to Sánchez's support for Morocco over Western Sahara", Rebellion, 18/07/2022, <https://rebellion.org/el-pp-voto-con-el-psoe-en-contra-de-volver-a-la-situacion-anterior-al-apoyo-de-sanchez-a-marruecos-sobre-el-sahara-occidental/>

[29] Luis Portillo, 'Western Sahara: The legitimate reasons of the Saharawi people', SPS SADR, 30/09/2018, <https://www.spsrasd.info/news/es/articles/2018/10/03/17561.html>

—Carlos Ruiz Miguel, Moisés Ponce de León Iglesias and Yolanda Blanco Souto, Western Sahara. Legal record. 15 basic statements about the conflict, Ed. Andavira, 2nd edition, Santiago de Compostela, January 2019 (there is translation in English and French), <https://www.usc.es/export9/sites/webinstitucional/gl/institutos/ceso/descargas/CE-SO-libro-Sahara-es-2.pdf>

[30] 'The Frente POLISARIO was born as a result of Franco's Spain's rejection of a peaceful and agreed solution, and of a fierce and short-sighted repression', SPS, 2/06/2021, <https://www.spsrasd.info/news/es/articles/2021/02/06/30922.html>

—'The myopia of Spain in the 'Spanish' Sahara', Rebellion, 13/02/2021, <https://rebellion.org/la-miopia-de-espana-en-el-sahara-espanol/>

[31] Alfonso Lafarga, 'Sultana Jaya vuelve a la lucha', Contramutis, 06/10/2021, <https://contramutis.wordpress.com/2021/10/06/sultana-jaya-vuelve-a-la-lucha/>

—'AFAPREDESA Report on Sultana Jaya: 11 months of siege and aggressions', Contramutis, 13/10/2021, <https://contramutis.wordpress.com/2021/10/13/informe-afapredesa-sobre-sultana-jaya-11-meses-de-asedio-y-agresiones/>

—Alfonso Lafarga, 'The Government of Spain claims to defend human rights in particular cases, but does not pronounce on the Jaya family', Rebellion,

17/11/2021, <https://rebellion.org/el-gobierno-de-espana-afirma-defender-los-derechos-humanos-en-casos-particulares-pero-no-se-pronuncia-sobre-la-familia-jaya/>

—Luis Portillo, 'Letter to the Minister of Equality', Rebellion,  
27/11/2021, <https://rebellion.org/carta-a-la-ministra-de-igualdad/>

—Ibid., 'The institutional cowardice and loneliness of Sultana Jaya, letter to Irene Montero, Minister of Equality', My aunt's house,  
25/11/2021, <http://www.lacasademitia.es/articulo/firmas/cobardia-institucional-soledad-sultana-jaya-carta-irene-montero-ministra-igualdad-luis-portillo-pasqual-riquelme/20211125224159118794.html>

—Ibid., European Spaces, 25/11/2021, <https://espacioseuropeos.com/2021/11/la-cobardia-institucional-y-la-soledad-de-sultana-jaya/>

—Ibid., Kaos en la Red, 26/11/2021, <https://kaosenlared.net/la-cobardia-institucional-y-la-soledad-de-sultana-jaya/>

[32] Luis Portillo, 'Freedom for Saharawi political prisoners imprisoned in Morocco', Rebellion, 04/06/2021, <https://rebellion.org/libertad-para-los-presos-politicos-saharauis-encarcelados-en-marruecos-todos-los-lunes-damos-testimonio/>

—'Saharawi July-August: Mpps urges Albares to denounce the situation of Saharawi political prisoners', Contramutis,  
05/09/2022, <https://contramutis.wordpress.com/2022/09/05/julio-agosto-saharauis-el-mpps-insta-a-albares-a-denunciar-la-situacion-de-los-presos-politicos-saharauis/>

—Danilo Albin, 'Trials without guarantees, torture and estrangement: the hell of more than 40 Saharawi prisoners in moroccan prisons', Público,  
18/03/2022, <https://www.publico.es/politica/juicios-garantias-torturas-alejamiento-infierno-40-presos-saharauis-carceles-marruecos.html>

—Ibid., 'Relatives of Saharawi political prisoners ask the Spanish Government to 'not be complicit with war crimes'', Público,

19/03/2022, <https://www.publico.es/politica/familiares-presos-politicos-saharauis-piden-gobierno-espanol-no-sea-complice-crimenes-guerra.html>

—'Tag: Saharawi Political Prisoners', For a Free Sahara (PUSL),  
09/09/2022, <https://porunsaharalibre.org/tag/presos-politicos-saharauis/>

—Óscar Hernández, 'The Saharawis denounce the imprisonment of 43 'political prisoners' in Morocco and the murder of 19 civilians', El Periódico de España (EPE),  
17/04/2022, <https://www.epe.es/es/internacional/20220417/presos-politicos-marruecos-sahara-asesinato-13415688>

[33] Ahmed Zain, 'The Frente POLISARIO bets on peace, but discards for now to lay down its arms', El Confidencial Saharaui,  
03/09/2022, <https://www.ecsaharaui.com/2022/09/el-frente-polisario-apuesta-por-la-paz.html>

—'The Saharawi army causes enormous human and material losses to the occupying forces in the regions of Aagad Aragan, Sabjat Tanuchad and Udei Adamran', Sahara Press Service (SPS), 06/09/2022, <https://spsrasd.info/news/es/articles/2022/09/06/41460.html>

—'Clashes of Western Sahara (2020-present)', Wikipedia,  
27/07/2022, [https://es.wikipedia.org/wiki/Enfrentamientos\\_del\\_Sahara\\_Occidental\\_\(2020-present\)](https://es.wikipedia.org/wiki/Enfrentamientos_del_Sahara_Occidental_(2020-present))

[34] Domingo Garí, United States in the War in Western Sahara, Catarata, Madrid, 2021. [https://www.catarata.org/libro/estados-unidos-en-la-guerra-del-sahara-occidental\\_132889/](https://www.catarata.org/libro/estados-unidos-en-la-guerra-del-sahara-occidental_132889/), <https://www.dykinson.com/libros/estados-unidos-en-la-guerra-del-sahara-occidental/9788413523507/>

—Emilio Menéndez del Valle, 'El Sahara, España y los Estados Unidos', Triunfo Digital, Number: 666, Year XXX, 07/05/1975, p. 14-15, <https://www.triunfodigital.com/mostradorn.php?anyo=XXX&num=666&imagen=14&fecha=1975-07-05>



—Jacob Mundy, 'How the US and Morocco seized the Spanish Sahara', ARSO, s/f., <https://www.arso.org/MundyMondeDiplo2006es.pdf>

—Ibid., Rebellion, 03/08/2010, <https://rebellion.org/como-los-ee-uu-y-marruecos-se-apoderaron-del-sahara-espanol/>

[35] Mikel Razkin Fraile, 'La traición al pueblo saharaui', Noticias de Navarra, 30/03/2022, <https://www.noticiasdenavarra.com/opinion/2022/03/30/traicion-pueblo-saharaui-2085872.html>

—Lehbib Abdelhay, 'The betrayal of Felipe González with the People of Western Sahara', El Confidencial Saharaui, 19/08/2020, <https://www.ecsaharaui.com/2020/08/la-traicion-de-felipe-gonzalez-con-el.html>

—Luis Portillo, 'The betrayal of Felipe González to the Saharawi people, answered by Mariem Hassan', El Mercurio Digital, 27/01/2011, <https://www.elmercuriodigital.net/2011/01/la-traicion-de-felipe-gonzalez-al.html>, <https://webcache.googleusercontent.com/search?q=cache:Iq3ZaVIwCpYJ:https://www.elmercuriodigital.net/2011/01/la-traicion-de-felipe-gonzalez-al.html&cd=1&hl=es&ct=clnk&gl=es>

—Francisco Carrión, 'From González to Sánchez, the PSOE consummates its betrayal with the Saharawis', El Independiente, 19/03/2022, <https://www.elindependiente.com/espana/2022/03/19/de-gonzalez-a-sanchez-el-psoe-consuma-su-traicion-con-los-saharauis/>

[36] Manuel Ostos, 'The document signed in 1976 by Felipe González and the Polisario Front supports the creation of the SADR', El País, 11/03/1983, [https://elpais.com/diario/1983/03/11/internacional/416185201\\_850215.html](https://elpais.com/diario/1983/03/11/internacional/416185201_850215.html)

[37] In the distribution made by the Madrid agreement, Mauritania was responsible for the Southern Zone, known as Tiris el Garbia [Rio de Oro], including the city of Dakhla (former Villa Cisneros), while Morocco annexed the north of the former Spanish colony. Morocco, following Mauritania's withdrawal from the Tiris el Garbia area, invaded the

Mauritanian part, including the city of Dakhla. The then President of Mauritania, Uld Haidala, sent his personal adviser, Mabjub Boya, as a personal emissary to participate in the official acts of the fourth anniversary of the proclamation of the SADR, held on February 27. Mauritania would soon recognize the Sahrawi Arab Democratic Republic (SADR). In return, the Polisario Front would return to Mauritania the prisoners it held. In the Algiers agreement, Mauritania and the Polisario Front renounced any territorial claim to the territories of the other country. Mauritania promised to definitively abandon the war in Western Sahara, and both this country and the Polisario Front, on behalf of the Saharawi people, signed an agreement described by both as "definitive peace": EFE, 'The Polisario demands mauritania the surrender of Tiris el Garbia', El País, 06/03/1980, [https://elpais.com/diario/1980/03/06/internacional/321145211\\_850215.html](https://elpais.com/diario/1980/03/06/internacional/321145211_850215.html)

[38] Emilio Menéndez del Valle, 'El interés de España y la nueva situación en el Sahara occidental', El País, 22/08/1979, [https://elpais.com/diario/1979/08/22/internacional/304120802\\_850215.html](https://elpais.com/diario/1979/08/22/internacional/304120802_850215.html)

[39] Emilio Menéndez del Valle, 'El Sahara y el interés nacional de España', El País, 4/11/1977, [https://elpais.com/diario/1977/11/04/internacional/247446020\\_850215.html](https://elpais.com/diario/1977/11/04/internacional/247446020_850215.html)

[40] Jادیetu El Mohtar (Polisario Front): 'Spain's betrayal is nothing new for the Saharawi people', Público, 19/05/2022, <https://www.publico.es/publico-tv/publico-al-dia/programa/1009059/jadiyetu-el-mohtar-frente-polisario-la-traicion-de-espana-no-es-nada-nuevo-para-el-pueblo-saharaui>

—Jادیetu El Mohtar, 'Spain loses credibility in the Western Sahara dispute', Diario16, 08/09/2022, <https://diario16.com/espana-pierde-credibilidad-en-el-contencioso-del-sahara-occidental/>

[41] Francisco Carrión, 'From González to Sánchez, the PSOE consummates its betrayal with the Saharawis', El Independiente, 19/03/2022, <https://www.elindependiente.com/espana/2022/03/19/de-gonzalez-a-sanchez-el-psoe-consuma-su-traicion-con-los-saharaui/>

—Ibid., 'The PSOE offers itself as an 'agent' of Morocco in Europe and infuriates the Saharawis: "It's a shame"', El Independiente, 20/10/2021, <https://www.elindependiente.com/espana/2021/10/20/el-psoe-se-ofrece-como-agente-de-marruecos-en-europa-y-enfurece-a-los-saharauis-es-un-descaro/>

[42] Emilio Menéndez del Valle, 'Sahara: why?', infoLibre, 21/03/2022, [https://www.infolibre.es/opinion/plaza-publica/sahara\\_129\\_1223023.html](https://www.infolibre.es/opinion/plaza-publica/sahara_129_1223023.html)

[43] Emilio Menéndez del Valle, 'El Sahara y el interés nacional de España', El País, 4/11/1977, [https://elpais.com/diario/1977/11/04/internacional/247446020\\_850215.html](https://elpais.com/diario/1977/11/04/internacional/247446020_850215.html)

[44] Luis Portillo Pasqual del Riquelme, 'International legality is not a utopia', Rebellion, 20/06/2007, <https://rebellion.org/la-legalidad-internacional-no-es-una-utopia/>

—Ibid., Strategic Studies Group (GEES), 19/07/2007, <http://gees.org/articulos/sahara-occidental-la-legalidad-internacional-no-es-una-utopia>

—The extracts of the different international and regional organizations (resolutions of the UN, OAU/UA, TIJ, CJEU, etc.) that demonstrate the legality and legitimacy of the Saharawi cause are perfectly collected in the book by Carlos Ruiz Miguel, Moisés Ponce de León Iglesias and Yolanda Blanco Souto, El Sáhara Occidental. Legal record. 15 basic statements about the conflict, Ed. Andavira, 2nd edition, Santiago de Compostela, January 2019 (there is translation in English and French), <https://www.usc.es/export9/sites/webinstitucional/gl/institutos/ceso/descargas/CE-SO-libro-Sahara-es-2.pdf>

[45] Security Council, United Nations, 'Letter dated 16 April 2007 from the Permanent Representative of South Africa to the United Nations addressed to the President of the Security Council', 16 April 2007, S/2007/210, Centre for Western Sahara Studies (ESC), University of Santiago de Compostela, [https://www.usc.es/export9/sites/webinstitucional/gl/institutos/ceso/descargas/S\\_2007\\_210\\_FP-proposal\\_es.pdf](https://www.usc.es/export9/sites/webinstitucional/gl/institutos/ceso/descargas/S_2007_210_FP-proposal_es.pdf)

[46] Pepe Taboada Valdés, 'Open letter to the Spanish Government on the Sahara', Público, 03/09/2022, <https://blogs.publico.es/otrasmiradas/63291/carta-abierta-al-gobierno-espana-sobre-el-sahara/>

Source: <https://www.fronterad.com/el-crimen-internacional-del-sahara-occidental-que-no-es-ucrania-y-el-derecho-a-la-autodeterminacion/>

**Rebellion 17.09.2022**