



AYA KOUCH

The Impact of the Returning of Morocco to the African Union: The Regional Recognition of Western Sahara?

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Supervisor:

Dr. Francisco Pereira Coutinho, Professor of the NOVA School of Law

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Declaration Regarding Plagiarism

I, Aya Kouch hereby declare that the work presented in this master thesis entitled [The Impact of the Returning of Morocco to the African Union: The Regional Recognition of Western Sahara?] is my original work. I have developed research that I have used in my previous education and presented in the Western Sahara inauguration Conference, which grasped the interest of my supervisor, and we agreed to develop it into a master thesis.

This thesis has been a work in progress since my bachelor's degree, and I would like to expand it into maybe a PhD one.

Information derived from the published or unpublished work of others has been acknowledged in the text and a list of references is given.

I am aware of the seriousness of plagiarism and its consequences, and therefore, I confirm that the content of this thesis is entirely my own work, except where references have been made to other sources. I understand that any act of plagiarism, whether intentional or unintentional, is considered a breach of academic integrity and ethics, and may result in penalties including disqualification or cancellation of my degree.

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Abstract:

This thesis analyzes the Western Sahara Conflict through the lens of international law and constitutional theory, with a particular focus on the role of state recognition in shaping the dispute. The conflict, which originated from a territorial conflict between Morocco and the Polisario Front, has been characterized by competing claims of sovereignty and control over the Western Sahara region. Against this backdrop, the thesis investigates the impact of Morocco's recent reintegration into the African Union on the regional recognition of the disputed territory. By examining the relationship between state recognition and international law, the thesis aims to deepen our understanding of the legal and political complexities underlying the Western Sahara Conflict. In doing so, it contributes to ongoing debates surrounding the role of regional organizations in resolving conflicts and promoting stability in Africa. Furthermore, the thesis underscores the importance of analyzing the interplay between legal frameworks and political dynamics when seeking to understand complex international disputes.

Introduction:

The Western Sahara battle between Morocco and the Polisario front is far from resolved. In 1975, Morocco declared sovereignty over the region, and Spain abandoned all colonies maintain Melilla and Ceuta. The Sahrawi Arab Democratic Republic, on the other hand, objected to Morocco's proposal, asserting independence. The Polisario was founded in 1973 to combat the colonizer (Spain). Following independence, Morocco and Mauritania claimed control over the territory, however Mauritania withdrew its claim in 1979, leaving Morocco and Polisario to cope with the issue.

The struggle in Western Sahara has raged for more than four decades. **(Reynaert, 2018, p.1)** My research seeks to comprehend the ongoing conflict between Morocco and the Polisario front, as well as to understand the role of the African Union as a continental union in achieving a regional recognition in favor of Morocco. Thus, this thesis will look at Morocco's readmission to the African Union in 2017, with a focus on the Western Sahara conflict and its endpoint, with an emphasis on the African Union's role in resolving this particular issue. Is Morocco's readmission to the African Union favorable to regional recognition of Western Sahara as Moroccan?

"The Constitutive Theory of Recognition" is an international law theory of international recognition that I use as my theoretical framework. It is a statehood theory that identifies the act of other states recognizing a state's sovereignty as what provides the state international legal identity. Banerjee characterizes it as follows:

The constructive theory maintains that it is the recognition by other states that creates a new state and endows it with legal personality. New states are established in the international community as subjects of international law by the will and consent of other pre-existing states.

(Banerjee, 2017)

This concept was implemented in my research to analyze Morocco's readmission into the African Union, as well as its diplomatic efforts to build bilateral and regional collaboration among African countries. Morocco is trying diligently to obtain recognition both at the regional (African Union) and international (United Nations) levels. This theoretical framework helps explain not only the Moroccan strategy to gain regional recognition of the Western Sahara

Territory by enhancing its interaction with the African continent but also its global strategy to achieve an international recognition of this latter. . One example of international recognition is the United States' recent acknowledgment of Western Sahara as a Moroccan territory, which allowed Morocco additional legal autonomy over western Sahara. As a result, several other countries, including African ones, formally acknowledged the territory as Moroccan. The first chapter discusses the conflict's historical context up to the Spanish independence of Western Sahara. The historical stances of both the Polisario Front and Algeria on the war are then discussed. The African Union and its participation in the conflict are discussed in the second chapter. In the analysis section, an overview of Morocco's current position within the African Union, as well as the advancements that Morocco has achieved since its readmission into the continental Union, is presented. In other words, what Morocco has accomplished during the rule of Mohamed VI up to its readmission into the African Union. On the one hand, a comparative study was conducted to establish if such accomplishments will be advantageous in achieving regional recognition of the Western Sahara as Moroccan territory.

The comparative study, on the other hand, aimed to categorize African states into three groups. The first group consists of pro-Morocco countries that already acknowledge Western Sahara as Moroccan territory. Morocco's opponents make up the second tier. The third group includes the remaining states that have not yet demonstrated a definite viewpoint. Those remaining governments had not yet taken a firm stance on Western Sahara sovereignty. They may or may not be inclined to act accordingly so, contingent upon Morocco's efforts inside the African Union; certain nations are inclined to recognize the Western Sahara based on Morocco's diplomatic and economic links with them. This part is based on my internship at the Moroccan Agency for International Cooperation during the summer of 2018. I worked on south-south collaboration and bilateral cooperation between Morocco and African nations with my supervisor. This would be valuable in understanding Moroccan ambitions to establish diplomatic ties with African nations, as well as determining the extent to which they may recognize Moroccan Sahara. After assessing each state's stance on the crisis, I discussed the African Union's stance on Western Sahara. After crafting my analysis, I end by claiming that Morocco's return to the African Union is helpful to regional recognition of the Western Sahara as Moroccan and Morocco's economic links with them..

I. Historical Background :

1. History of the Conflict:

On one hand, the Western Sahara and Morocco had close historical links before Spanish colonialism, according to the Moroccan state. The United Nations on the other hand, has recognized Western Sahara as a non-self-governing territory and has called for its decolonization since 1963. **(United Nation, 1514 (XV) , 1960)**

Algeria is one of Morocco's main rivals in the Western Sahara, and it plays a key part in the battle between Morocco and the Polisario Front for the region. It has provided the Polisario Front with political, diplomatic, and military support, which has contributed to the destabilization of the region. This can be seen in Algeria's support of the Polisario Front in international forums and its arms and ammunition supply. He concludes that a resolution to the Western Sahara conflict will require greater cooperation and dialogue between Algeria and Morocco, and that Algeria must acknowledge its role in the conflict in order to find a lasting solution. **(Chabat, 2019, 144)**

To gain a better understanding of the Western Sahara conflict, it is important to delve into the history of Morocco, which sheds light on the position of the involved parties. At the end of the 19th century, European powers divided Africa amongst themselves following the 1884-1885 Berlin Conference. The Treaty of Fez in 1912 made Morocco a French and Spanish protectorate, with the French holding control over the central region and the Spanish controlling the north as well as two adjacent regions of Western Sahara, Trfaya and Ifni. This resulted in Morocco being under a dual protectorate, that of the French and Spanish.

In 1956, Morocco gained independence from French rule, which ended the French protectorate. However, Spain still retained control over some of Morocco's territories for a longer period. Morocco has consistently maintained its claim to sovereignty over the Western Sahara region and has raised this issue in various international forums such as the Belgrade Summit of the Non-Aligned Movement in 1961 and the creation of the Organization of African Unity in 1963. The United Nations also addressed the issue, with a resolution in 1966 calling for Spain to relinquish control over Western Sahara and Ifni and to negotiate their sovereignty. In 1970 and 1973, two meetings were held between King Hassan II of Morocco, President Mokhtar Ould Daddah of Mauritania, and Algerian President Houari Boumediene. These meetings aimed to find a solution to the issue of the so-called "Spanish Sahara", as both Morocco and Mauritania claimed sovereignty over the Western Sahara, citing cultural and historical links to the Sahrawi

people. Despite not claiming territorial possession, Algeria backed the cause of these reunions and their leaders. **(Achour,2015,p.34)**

Beginning in 1974, Morocco strongly sought an arrangement with the Spain to achieve decolonization of its southern territory. At the same time, Mauritania expressed its claim over the Western Sahara to the United Nations and pledged its commitment to participate in negotiations over the conflict. Morocco then publicly supported Mauritania's claim and offered to join forces with them over the Western Sahara Territory. Morocco's major goal was to isolate Mauritania from Algeria and Spain, which it accomplished after numerous discussions. The two countries negotiated an unspoken agreement to split Western Sahara, allowing Morocco to acquire Mauritania as an ally in the conflict with Spain and dissuade any attempts to establish an independent state in the Western Sahara. **(Berramdane, 1992, p.17)**

Morocco's approach to oppose the Spanish colonist was primarily diplomatic. In November 1972, Morocco acquired the Spanish company "Electric Marroqui," which had a monopoly on electricity distribution in the northern region of Morocco. This move aimed to weaken the Spanish control over Moroccan resources. Additionally, in March 1973, Morocco stretched its fishery limits up to 70 miles, which caused difficulties for Spanish fishers who were used to fishing in Moroccan waters. In 1974, Morocco pursued two strategies to address the issue: it appealed to the International Court of Justice to assert its legal right over the Western Sahara in the international arena and organized the Green March to exert pressure on Spain to come to the negotiating table. Following several rounds of concessions between Morocco, Mauritania, and Spain in Madrid on November 14, 1975, the three parties reached an agreement on the future of the Western Sahara territory. This agreement is commonly referred to as "The Tripartite Agreement." **(Berramdane,1992, p.27)**

The Madrid agreement of 14 November 1975 represented the conclusion of Spain's colonial presence in the Western Sahara. The accord stipulated that sovereignty over the territory be transferred to Morocco and Mauritania by 28 February 1976. The tripartite agreement had previously been ratified by the United Nations General Assembly on 10 December 1975, with the support of France and the United States. Spain subsequently withdrew from the territory on 26 February 1976, while the Moroccan and Mauritanian armies entered the Western Sahara, with Mauritania moving south and Morocco moving north. In April 1976, a convention was signed delineating the border between Morocco and Mauritania. By the end of that year, the Western Sahara question had been resolved for both Morocco and Spain, though Algeria's

exclusion from the decolonization process was only the beginning of the Western Sahara conflict as a broader issue for the Maghreb region. **(Berramdane,1992,p.27)**

Following Spain's ceding of the Western Sahara to Mauritania and Morocco, the Polisario Front proclaimed the Sahrawi Arabic Democratic Republic (SADR), which was subsequently recognized by Algeria. This recognition affected the diplomatic relationship between Morocco and Algeria and could have led to war. King Hassan II did not consider the situation in the Western Sahara as a decolonization issue, as the Polisario Front was backed by Algeria, and thus refused to meet with them diplomatically. However, In July 1978, the Polisario Front launched armed attacks that contributed to the downfall of Mokhtar ould Daddah's government, leading to a peace agreement signed between the new regime and the Front. As a result, Mauritania renounced its territorial claim over the Western Sahara, ceding control of its 15% portion in the south to the Polisario Front. Initially, Morocco controlled 60% of the Western Sahara, but after Mauritania's withdrawal, Morocco took control of the vacated territories, which were subsequently taken by the Polisario Front, leaving Morocco with 75% of the Western Sahara under its control. Estimates suggest that Morocco has deployed around 120,000 troops in the region, while the remaining 25% of the territory is controlled by the Polisario Front. **(Zoubir, 1990, p.119)**

Morocco increased its military capabilities in the 1980s by erecting powerful defensive obstacles that the Polisario Front found difficult to breach. However, the SADR was recognized as a full member of the Organization of African Unity (OAU) in 1982. As a result, Morocco resigned from the OAU in 1984. **(Zoubir, 1990, p.118)**

On November 22, 1988, the United Nations General Assembly passed Resolution 43/23 of the Fourth Committee, which called for direct negotiations between Morocco and Polisario.

Resolution 43/23 reads as follows:

bringing about a cease-fire to create the necessary conditions for a peaceful and fair referendum for self-determination of the people of Western Sahara, a referendum without any administrative or military constraints, under the auspices of the Organization of African Unity and the United Nations

(UN General Assembly, 1988).

The Resolution 43/23, aimed to encourage direct discussions between Morocco and the Polisario Front in order to achieve a reasonable and sustainable settlement to the Western Sahara conflict. The principal goals of the resolution were to establish a cease-fire and to withdraw Moroccan soldiers from the Western Sahara territory. It also advocated for the holding of a referendum on self-determination for the people of Western Sahara. To achieve these goals, the resolution urged that the Secretary-General appoint a Personal Envoy to assist dialogue between the two sides. The resolution underlines the international community's desire for a peaceful resolution to the Western Sahara dispute and emphasizes the importance of the United Nations. Despite its initial hesitation to acknowledge the Polisario Front as a credible negotiating partner, Morocco gradually recognized the potential benefits of direct talks with the Front. The United Nations General Assembly passed Resolution 43/23 in 1988, calling for direct negotiations between Morocco and Polisario. The decision was viewed as a step toward ending Western Sahara's long-running conflict. In addition, following years of conflict, Algeria and Morocco reestablished diplomatic relations in 1988. While many countries saw this as a positive step, it did not mean that Algeria's position on the Western Sahara conflict and support for the Polisario Front's quest for Sahrawi self-determination had ended. **(Zoubir, 1990, p.119)**

After 15 years of dismissing any possibility of dialogue, King Hassan II consented to hold talks with the Polisario Front in 1989. This plan was embraced by the Polisario Front and Algeria, who hoped it may lead to a peaceful conclusion of the war. King Hassan II emphasized Morocco's sovereignty of Western Sahara in an interview with the French newspaper *Le Nouvel Observateur* and expressed regret for not engaging in direct discussions with Sahrawi nationalists earlier. Furthermore, King Hassan II told Sahrawis that if they returned to their homeland, they would be accorded the same benefits as Moroccans. **(Zoubir, 1990, p.120)**

In accordance with Resolution 690, the United Nations Security Council established the United Nations Mission for the Referendum in Western Sahara (MINURSO) in 1991, with the goal of granting the UN Secretary-representative General's full power and responsibility for conducting a referendum on self-determination in Western Sahara. The resolution, which was passed on April 29, 1991, was a key step forward in the international community's attempts to resolve the Western Sahara issue by establishing a process for the Sahrawi people to select their democratic destiny. MINURSO was responsible with organizing and supervising the referendum, which was meant to provide the Sahrawi people the option of independence or merger with Morocco,

while also ensuring a calm and transparent process. Despite continued attempts, the referendum has yet to take place. (*MINURSO, 1991*)

I. Current Situation :

1. *African Union :*

The African Union (AU) is a continental organization founded in 2002 to replace the Organization of African Unity (OAU), which was formed in 1963. The African Union (AU) was founded with the goal of furthering the interests of African countries via greater unity, solidarity, and collaboration. It now has 55 member states on the African continent. The AU's goals include supporting peace, security, and stability on the continent, increasing economic growth and development, and improving African inhabitants' well-being. The organization aims to achieve these objectives by leveraging the collective efforts and resources of its member states and prioritizing the interests of the continent over the interests of individual nations. The AU's mission is to advance African agency, self-reliance, and global influence, which is reflected in its vision of "[a]n Integrated, Prosperous and Peaceful Africa, led by its population and representing a dynamic force in the world arena." The African Union seeks to deepen regional integration, advocate for the protection of human rights and the advancement of democracy and effective governance. across the continent through various entities such as the African Union Commission and the African Court on Human and Peoples' Rights. The organization's efforts to promote peace and security have been especially noteworthy, with its Peace and Security Council playing a key role in conflict prevention, resolution, and management throughout Africa. (**Constitutive Act of the African Union | African Union, 2000**).

The African Union (AU) has a number of decision-making organizations that work to achieve the goals of the group. The African Union Commission (AUC), which acts as the organization's administration, is in charge of carrying out the decisions taken by the body's different institutions. The Peace and Security Council (PSC), which has been instrumental in resolving crises in several African nations, is charged with fostering peace, stability, and security across the continent. The Permanent Representatives Committee (PRC), which is the main political and diplomatic advisory body for the AU, is in charge of creating the schedule for the Assembly of Heads of State and Government. The Pan African Vision of a peaceful, prosperous continent was accepted as the African Union Agenda 2063 in 2013. The Agenda 2063 lays out a long-term strategy with the purpose of addressing many socio economic issues the continent is now

facing and fostering cooperation among African governments. The agenda aims to quicken the speed of economic growth and development in Africa by giving priority to topics like infrastructure development, human capital development, industrialization, and social inclusion. The African Union (AU) seeks to advance regional integration, boost intra-African commerce, and support sustainable development on the continent through programs including the Program for Infrastructure Development in Africa (PIDA) and the Comprehensive African Agricultural Development Plan (CAADP). **(Agenda 2063: The Africa We Want (Popular Version) | African Union, 2013)**

2. Morocco's Isolation from Africa

Morocco and the rest of Africa have had complicated historical ties. After gaining its independence from France and Spain in 1956, Morocco aspired to position itself as a dominant force on the continent. In 1963, it became a founding member of the Organization of African Unity (OAU). But the Western Sahara, a former Spanish province that Morocco conquered in 1975, has long been a point of contention with other African nations, many of which back the region's independence. The Sahrawi Arab Democratic Republic (SADR), a self-declared state that asserts sovereignty over Western Sahara, was acknowledged by the OAU in 1984, and Morocco withdrew in protest. For many years, Morocco was cut off from the rest of Africa due to its exclusion from the OAU, which diminished its diplomatic clout on the continent. The African Union (AU) re-admitted Morocco in 2017 after a 33-year hiatus as a result of recent efforts Morocco has made to re-engage with Africa. The readmission of Morocco to the AU has been viewed as a crucial step in improving its relations with other African nations and expanding its diplomatic clout on the continent. **(Quinn, 2017)**

The OAU's position on Western Sahara is based on the organization's decolonization-related ideals and aspirations. As a result, the case of Western Sahara was viewed as a decolonization issue. Furthermore, the United Nations stressed "Resolution 1514 (XV)," which allows colonial governments independence and the right of peoples to self-determination, as well as the UN characterization of Western Sahara as a non-autonomous territory. Several resolutions were passed by the OAU, including Resolution AHG/Res. 61 (VIII) in 1975, Resolution AHG/Res. 104 (XIX) in 1982, and Resolution AHG/Res. 264 (XXV) in 1990, asking for a vote on self-determination in the Western Sahara. However, Morocco consistently vetoed these resolutions and put out its own proposal for the region's sovereignty. The disagreement hasn't been settled despite diplomatic attempts by the OAU and the African Union, which took over after it,

underscoring the difficulties in getting African states to agree on matters of sovereignty and territorial integrity. **(Pazzanita, 2006, p.227)**. The Sahrawi Arab Democratic Republic (SADR) was acknowledged as a full member of the OAU in 1982, which was seen as a diplomatic win for the Polisario Front. In 1984, Morocco formally resigned from the OAU in opposition to this action. Morocco claimed that the OAU had violated its territorial integrity by recognizing the SADR and that it had turned into a forum for anti-Moroccan propaganda. The OAU and the Western Sahara conflict's resolution both suffered greatly as a result of Morocco's resignation from the group. As the Polisario Front created a government-in-exile in Tindouf, Algeria, Morocco continued to rule the Western Sahara. Later, in 2002, the OAU changed its name to the African Union (AU), which is still actively engaged in efforts to end the Western Sahara dispute. **(Bamba & Diabaté, 2017, 53-54)**.

Morocco continued to be involved in the Western Sahara dispute even after it left the OAU in 1984. The OAU retreat by Morocco was dubbed “the Empty Chair Strategy” by its friends. The official map of the African Union reflected this tension by excluding Morocco from the continent and drawing North Africa without it, instead emphasizing Algeria and other Maghreb nations. The Western Sahara conflict, which is still a source of tension and violence in the region, is depicted on this map. **(Saaf, 2017, p.105-106)**

Relations between Morocco and the African Union and the New Partnership for Africa's Development were significantly impacted by its “Empty Chair Policy,” which resulted in its resignation from the OAU (NEPAD). Morocco was not allowed to take part in the AU's initial session and was not included in the negotiations that led to the establishment of the African Union in 2001. The “Empty Chair Policy” also prevented Morocco from taking part in the AU's 2001-launched New Partnership for Africa's Development (NEPAD), a regional development program for Africa. The exclusion of Morocco from these projects was viewed as a lost chance to strengthen its relationship with the continent and further its development goal. Nonetheless, Morocco has worked to uphold its ties with African nations through bilateral channels, as well as through its financial investments and diplomatic efforts in the arts. **(Boubakri, 2017, p. 117-118)**

3. AU Position on the Conflict

By leaving the OAU, Morocco allowed its rival to have an impact on the Pan-African Organization's position on the Western Sahara conflict. Since Morocco's opponents altered the

member states' influence on their aims which were detrimental to Moroccan motive. However, Morocco made significant advances after rejoining the AU in order to compensate for the country's absence within the organization. Substantial progress has been achieved with the AU on the Western Sahara conflict. The African Union (AU) has debated two legal approaches on the Western Sahara issue. The AU's Legal Counsel published the first legal opinion in February 2019. It made it clear that the 2017 agreement between the African Union and Morocco did not indicate that Morocco's sovereignty over the Western Sahara had been recognized. According to pertinent United Nations resolutions and the African Union's Constitutive Act, the legal opinion stressed the significance of respecting the Western Saharan people's right to self-determination. The Peace and Security Council (PSC) of the AU published the second legal opinion in April 2019. It concentrated on the PSC's annual report's inclusion of a section on the Western Sahara conflict. According to the legal advice, the PSC might contain a section on Western Sahara as long as it adhered to the AU's position on the matter, which is based on respect for the Sahrawi people's right to self-determination. **(Kodjo, 2019, p.1/2)**

Morocco's strategic efforts within the African Union (AU) and concerted cooperation with member nations have benefited its position and interrelationships. Morocco is largely regarded to hold a leading position as a key participant in both the economic and social arenas. The kingdom's political and economic potential has grown significantly across the African continent, indicating a discernible rise in its regional magnitude. **(Hasnaoui, 2017, p.4)**

Moroccan issues are favorably recognized and addressed in the African Union. Morocco's diplomatic efforts throughout the previous years were repaid by the end of 2020. Several African countries, as well as the United States, have formally acknowledged Western Sahara as Moroccan territory. They established consulates in Saharan cities. Recent African Union elections have brought pro-Morocco officials to power, which was not previously the case. For example, the AU's latest rotating presidency is being held by Félix Tshisekedi, the current president of the Democratic Republic of the Congo, one of the governments that recognized Western Sahara and built a consulate in Morocco's south.

4. Mohamed VI and a New Strategy in Africa : “Eco-diplomacy”

Once Mohammed VI succeeded over the throne in 1999, around eighty nations recognized the SADR, with half of those countries being African. King Mohammed VI opt for economic diplomacy. The monarch's eco-diplomacy plan seeks to enhance bilateral contacts and

economic collaboration with other African countries. The Western Sahara is a main impetus of these initiatives. The King never failed to assert Morocco's sovereignty over its southern provinces. At the African summit in 2000, he began by repaying the debts of the 25 underdeveloped Sub-Saharan African countries, which improved its relationship with the concerned governments. Mohammed VI's stance clearly separated him from his father's approach to the Western Sahara crisis. By the year 2000, the monarch had begun to organize formal talks with African leaders in attempt to develop its connection with African governments and get greater support for the Western Sahara dispute. Morocco has chosen to boost its bilateral and regional diplomacy under Mohamed VI. **(Bamba & Diabaté,2017)**

Mohamed VI never failed to demonstrate his commitment to collaborate with African governments through a variety of projects, primarily South-South collaboration and human development through economic cooperations. The king's frequent travels to African countries demonstrate his interest in the African continent. Morocco's economic growth plan in Africa aims to position Morocco as a regional center, and its economic projection in Africa has evolved in three stages. The first stage began with the Moroccan public sector's participation in the realization of numerous projects related to the development of basic infrastructure. Construction of dams, road and rail networks, telecommunications, sanitation, etc., electricity, and management of water resources and irrigation. The second stage involves the private sector, such as banks. The present stage seeks an authentic economic strategy as part of a medium and long-term vision aimed at achieving stronger regional integration in all of its commercial and financial components.**(Direction des Etudes et des Prévisions Financières – Ministère de l'Economie et des Finances du Royaume du Maroc, 2015)**

5. The return of Morocco to the AU

The connection between Morocco and Africa was never totally severed. Nonetheless, Morocco's recent actions on the African continent represent a crucial turning point toward a new diplomatic horizon. Morocco was admitted back into the African Union at the 28th summit in Addis Abeba in January 2017. The fundamental justification for its reintegration was that Morocco is a part of the African continent, which, according to Article 29 of the Constitutive Act, includes:

Any African State may, at any time after the entry into force of this Act, notify the Chairman of the Commission of its intention to accede to this Act and to be admitted as a member of the Union. 2. The Chairman of the Commission shall, upon receipt of such notification, transmit copies thereof to all Member States. Admission shall be decided by a simple majority of the Member States. The decision of each Member State shall be transmitted to the Chairman of the Commission who shall, upon receipt of the required number of votes, communicate the decision to the State concerned.

(Constitutive Act of the African Union, 2001).

Morocco gained substantial backing from the African Union's 40 member countries. Morocco was therefore reinstated as a full member of the AU. In his speech, the king said, "It's so good to be back home after being away for so long!" Mohammed VI (Mohammed VI, 2017). the country's readmission into the African Union was not a lightning-fast idea, but rather a protracted process that began long before this summit. As previously noted, the monarch chose eco-diplomacy in Africa over monarch Hassan II's more Eurocentric policy. Mohammed VI's assertive diplomatic posture, as well as various investments and aid to Africa, facilitated its readmission into the African Union. The returning of Morocco to the AU is a strategic diplomatic achievement by King Mohammed VI since he took over the reign. **(Kuwonu,2017)** It is clearly stated by Morocco that its reintegration within the African Union is not in any aspect a recognition of the so-called SADR.

From an international law perspective, the fact that a State is a member of an international organization in which an entity it does not recognize is also a member does not suggest that it recognizes the entity in question. Furthermore, Morocco manages the issue of territorial integrity within UN entities. It should also be emphasized that no request for exclusion has been included in the Moroccan reintegration procedure yet. **(Saaf, 2017)**

"Morocco's 2017 return to the African Union (AU) has created a rift between its supporters, mostly from Francophone West Africa, and those who oppose Morocco because of its claim over Western Sahara. If Morocco wants to have a say in decisions on Africa's future, it should constructively participate in AU structures and consolidate the gains made by its successful bilateral economic and cultural diplomacy on the continent."**(Louw-Vaudran,2018)**

IV. Analysis

1. *The relationship built between Morocco and African Unions Members*

Even after Morocco left the OAU, it still had a lot of close ties to other African nations. Morocco's adoption of the "empty chair" rule made it possible for the nation to forge close ties with other African nations. The withdrawal has allowed Morocco to refocus its efforts on the continent, as Mohammed VI said in his statement at the 28th AU Summit. "Morocco never felt more African," he continued, "as when it left the African Union" (**Mohammed VI, 2017**). Both the increase in tariff barriers on items from the continent and the majority of the debt owed by underdeveloped nations were paid by Morocco.

Additionally, other intensive projects, agreements, and collaborations were carried out throughout time, as the King noted in his speech at Addis Abeba: "Since 2000, Morocco has concluded about a thousand agreements with African nations in various spheres of cooperation... 515 agreements were made between 1956 and 1999, while 949 agreements have been inked since 2000." Over the course of his roughly 46 travels to 25 different African governments, the king personally negotiated these comprehensive agreements. (**Saaf, 2017**)

These conventions comprised triangular partnerships, bilateral agreements, and south-south collaborations. My internship at the Moroccan Agency for International Cooperations (AMCI) gave me the opportunity to learn more about the partnerships Morocco has forged with surrounding African nations over the past two decades. To improve Morocco's participation in international collaboration, the AMCI was founded in 1986. With the Ministry of Foreign Affairs' coordination, it serves as the foundation for developing South-South cooperation. Its primary contribution is on human development through encouraging scholarships and education for different African students in Morocco. By doing so, it improves relations with both its alumni students and the African states. The AMCI encourages technical collaborations that aim to provide internships in Morocco in addition to planning seminars and training sessions led by Moroccan specialists in African nations. Additionally, the AMCI ran a number of humanitarian initiatives in Africa. (**The Moroccan Agency for International Cooperations (AMCI)**)

On one hand, South-South collaboration is a new type of help that differs from traditional North-South cooperation. It is founded on the interchange of knowledge and expertise, as well as political, cultural, social, and economic resources, across various civil societies,

governments, and organizations. Its primary goal is to support state growth and economic autonomy. (**Direction de la Coopération des Etudes et de la Coordination, 2017**) Morocco was concerned about the influence of South Sudan's independence on the international community on the Western Sahara dispute. The vast economic catastrophe that had afflicted South Sudan, on the other hand, was on Morocco's side. Considering Morocco's assistance and reinforcement in South-South cooperation by assisting the country economically, socially, and via its participation to the fight against terrorism. (**Hasnaoui, 2017**)

In a news conference with Ally Coulibaly, Ivory Coast's Minister of African Integration, Moroccan Foreign Minister Nacer Bourita stated: *"The Moroccan Sahara region is an important commercial crossroads and a South-South cooperation pole. It connects Morocco to its African depth"* (**Bourita, 2020**) This statement was made out of the recent opening of numerous diplomatic representations of various African States in the South of Morocco. (**Ministry of Foreign Affairs, 2020**)

Morocco apprised its diplomatic policies by building embassies, signing diplomatic treaties, and traveling to develop relationships with various African governments, while King Mohamed VI conducted more than 40 official visits around the African continent. Added to that, religion, which assisted in the war against Salafism and Wahhabism through Imam training in mosques in Mali and Senegal... Various religious contacts have grown stronger as a result of the soft power approach. Furthermore, King Mohamed VI acquired a vital ally, allowing Morocco to rejoin into the African Union. (**Hugon, 2017**)

2. The Theory of recognition in International Law

Within International law it is very uncommon for cases to be resolved by judges. In practice, in terms of international law, recognition of a state is when a nation is acknowledged or accepted by another nation or member state of the international community as an international personality. The pledge to uphold some crucial requirements for statehood set forth by international law. The existence of the statehood requirements—a defined territory, a population, and an efficient government—is usually presented as a precondition for the recognition of States. Focus was placed on instances of forced separation from the previous mother-country when the idea of recognition of States evolved. The efficacy of the separation was deemed to be the most crucial factor in this case. (**Frowein, 2011, P.3**)

Sovereign states are the primary actors in the international community. Under international law, states have fundamental rights and duties. These are not simply defined, although a state can normally choose its style of government, pass laws that promote its interests, provide services to its population, exercise control over its territory, have equal legal standing with other states, and utilize self-defense against armed attacks. These rights entail obligations such as, refraining from interfering in the internal or external affairs of other states, respecting human rights and fundamental freedoms, resolving disputes with other states peacefully, and carrying out obligations imposed by treaties and other sources of international law. Nevertheless, identifying when an entity enters a state may be difficult. In fact, the Montevideo Convention of 1933 lays forth the general requirements for establishing a state. These include a permanent population and a defined region, however border conflicts do not exclude an organization from being classified as a state. An effective government is another aspect of statehood. **(Justia , 2022,P.1)**

In fact, Recognition is the procedure through which a state recognizes another entity as a state. This can include a direct remark or an action that indicates a desire to recognize the entity as a state. Each state can make its own decision regarding whether to recognize or not , which can have substantial political ramifications. For example, in order to create sovereign and diplomatic immunity, recognition is a fundamental necessity. There are two conceptions of recognition in international law. According to the constitutive theory of recognition, a state does not exist until it is recognized. The declarative theory of recognition, on the other hand, believes that a state exists without recognition, which is just an acknowledgement of an existing reality. The declaration idea has come to dominate. However, an entity's claim to statehood is likely to be stronger when it has acquired recognition from a number of other states. This is especially true if there are concerns about its capacity to satisfy the Montevideo Convention's standards. It is usually said that the existence of the conditions for statehood, notably a definite territory, a population, and an efficient government, necessitates the recognition of states. As the theory of state recognition evolved, it focused on circumstances of forceful secession from the former mother-country. The efficacy of the separation was regarded as the most crucial element in this case. The evolution of the decolonization process since 1945 has demonstrated that where there is no disagreement with a former mother-country, state recognition is a matter of routine. The many African, Asian, and American states that gained independence as a result of decisions made by former colonial powers were promptly acknowledged by the international world. This also occurred along their boundaries. **(Frowein, 2010, p.3)**

Historically, The Republic of the United Netherlands' proclamation of independence in 1581 was the earliest instance of the recognition of a new State in international law. In the treaty of January 30, 1648, Spain stated that countries are free and independent states. On the other hand, upon United States independence, a notable disagreement between France and Britain over whether or not to recognize the new State as an autonomous subject of public international law. France relied on the theory of “effectiveness,” while Britain insisted that neither revolution nor war could ever grant title to a country without the former sovereign's approval. The notion became widely established in the 19th century. The Foreign Ministers of the European Union developed “Guidelines” for the recognition of new States in response to the changes in Eastern Europe in 1990–1991. Guidelines on the Recognition of New States in Eastern Europe and the Soviet Union were originally adopted by the ministers of the European Union on December 16, 1991. **(Frowein, 2010, p.2)**

The legacy of the European States being monarchy is where the recognition of governments first emerged. Recognition of a new king was relatively common because to the numerous conflicting claims to succession that frequently existed. Spain was the first nation to recognize the first republic established in England under Cromwell by sending an ambassador there. The notion of the democratic theory of the “Pouvoir Constituant” was frequently referenced in the acceptance of the concept of effectiveness for the recognition of governments. The existence of the statehood requirements—a defined territory, a population, and an efficient government—is usually presented as a precondition for the recognition of States. Cases of forceful secession from the previous mother-country were highlighted when the theory of recognition of States was formed. The separation's effectiveness was deemed to be the most crucial factor in this case. When there is no conflict with a previous mother nation, as has been demonstrated by the growth of the decolonization process since 1945, states are recognized routinely. The international world promptly acknowledged the numerous African, Asian, and American States that had become independent as a result of decisions made by the previous colonial powers. This also occurred in areas where their boundaries were highly contested or where there was no functional national authority (such as the former Congo in 1960). **(Frowein, 2010, p.3)**

The fact that international law is flawed has an impact on how important recognition is in it. Since binding legal processes are usually unable to resolve conflicts, the stance adopted by other parties to international law becomes essential when there is a question. When everyone in the international community uses the recognition process in good faith, there won't be any

negative consequences. In the Western Sahara issue, the recognition of the states plays a major role in shaping its position within the international system.

3. Table

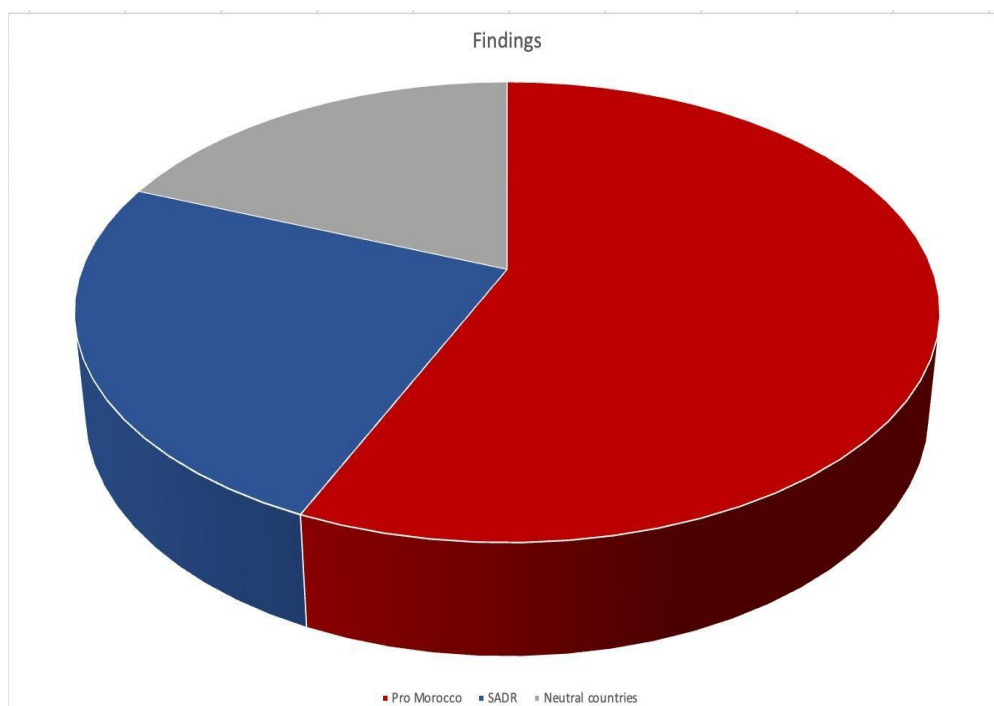
<u>Pro-Morocco</u>	<u>Co- Morocco</u>	<u>Remaining Countries</u>
Burkina Faso (Ministry of Foreign Affairs Morocco, 2020) Burundi (Kasraoui - Morocco World News, 2021) Senegal (Dumpis - Morocco World News, 2021) Democratic Republic of Congo (DRC) (Benazizi - Morocco World News, 2022) Central African Republic (Taibi, 2021) Comoros (Embassy of Kingdom of Morocco in Vietnam, 2022) Cameroon (North Africa Post, 2017) Côte d'Ivoire (Kasraoui - Morocco World News, 2021) Djibouti (Sauers - Morocco World News, 2021) Equatorial Guinea (Dumpis - Morocco World News, 2021) Eswatini (Guessous - Morocco World News, 2021) Gabon (FADLI Taibi, 2022) Gambia (Benazizi - Morocco World News, 2022) Guinea (Rahhou - Morocco World News, 2023) Guinea-Bissau (Benazizi - Morocco World News, 2022) Liberia (MINISTRY OF FOREIGN AFFAIRS , 2020) São Tomé and Príncipe (FADLI Taibi, 2021) Zambia (Kasraoui - Morocco World News, 2021) Tanzania (Mezwar, 2016) Bénin (Taibi, 2022) Madagascar (Taibi, 2021) Niger (Taibi, 2022) Seychelles (Embassy of Kingdom of Morocco in Vietnam, 2021) Togo (Hamann - Morocco World News, 2020) Sierra Leon (Latrech - Morocco World News, 2021) Cap Verde (Mariya Sahnouni - Morocco World News, 2023) Malawi (Mebtoul - Morocco World News, 2020)	South Africa (AfricaNews, 2022) Algeria (AFP, 2022) Mozambique (Sahara Press Service, 2022) Angola (Sahara Press Service, 2022) Botswana (United Nations, 2021) Lesotho (United Nations, 2021) Zimbabwe (United Nations, 2021) Kenya Ethiopia (Sahara Press Service, 2022) Uganda (Sahara Press Service, 2023) Mauritius (Sahara Press Service (El Aaiun), 2015) Namibia (4th committee United Nations, 2019)	Mauritania (Kasraoui - Morocco World News, 2020) Sudan Chad (Latrech - Morocco World News, 2021) Eritrea Tunisia(Wires, 2022) Rwanda (Eugene, 2021) Libya (Abouzzohour, 2022) Nigeria (Hamann - Morocco World News, 2020) South Sudan (Anouar-MoroccoWorld News, 2021) Somalia (Anouar - Morocco World News, 2022) Mali

28. Egypt (Aamari - Morocco World News, 2022) 29. Republic of the Congo (Benazizi - Morocco World News, 2022) 30. Ghana (Writer - Morocco World News, 2018)		
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This table displayed here categorizes African Union member states, except Morocco and SADR, the two primary protagonists in the Western Sahara dispute.. The 3 categories classify the member states into variables. The First variable includes countries that are Pro-Moroccan, which are states that recognized the Moroccan stance over Western Sahara. As it is shown below, there are 30 member states that are pro Moroccan Sahara by fully recognizing the Western Sahara as being under Moroccan territory. Thus, opening new embassies there, or by approving the Moroccan autonomy plan. The second category comprises 12 states that officially opposed to the Moroccan sovereignty over Western Sahara. These are the countries that have formally recognized the SADR as a sovereign nation of Western Sahara and call for the right to self-determination of the Sahrawi people. The remaining states are neutral countries. An examination of the remaining states is required to determine whether Morocco's reinsertion into the African Union is advantageous to regional recognition of the Western Sahara as Moroccan.

To begin with, the opponent members have strong ties with SADR. They believe that the only solution to the conflict is to apply the right to self-determination. There is a slight possibility that some of them may consider changing their position as has happened with many states before. However, the focus of this research is to target the neutral ones. Those are reluctant in terms of expressing their position in order to be on good diplomatic terms with both parties and the opponent members, especially Algeria.

3. Findings



- **53 states in African union: 100%**
- 30 for Morocco $30 \times 100 / 53 = 56.6\%$
- 12 for SADR $12 \times 100 / 53 = 22.64\%$
- 11 Left in between **20.75%**

It is clearly seen that the countries that have recognized Western Sahara as Moroccan are the dominant one with the African Union. The number of neutral states is approximately equal to the opponent states. The idea of this research is to analyze the possibility of the remaining neutral states to become pro Morocco. The purpose is to achieve a full majority for the theory of constructivism to be valid.

Morocco has tried over the past ten years to diversify its historically northward-focused international relations. Morocco's diplomacy believed that through strengthening commercial and political connections with Sub-Saharan African countries, Morocco's standing in the area would improve, and its exports would increase. During the late 1990s, Hassan II, the father of current King Mohammed VI, began opening to the continent by signing several cooperation agreements and distributing the Kingdom's diplomatic corps across it. This represented a dramatic shift in Morocco's African foreign policy. Thus, Morocco has achieved recognition by more than 50 percent of the AU members. In fact, according to the constitutive theory of recognition a state is sovereign through recognition by other states. This implies that until other states recognize them, states are effectively nonexistent and do not have any legal rights. Thus, in the context of the African Union the Majority of the members are recognizing Western Sahara as being Moroccan. In addition, the Moroccan diplomatic and economic investment plan in

Africa could be resulting in a change of position of the remaining ones as well. For instance, Chad's prime minister visited Morocco in 2020 that was seen as “fruitful and auspicious” for the future of bilateral ties because it helped “add new milestones to an already solid partnership between the two brotherly countries.” The two sides were able to discuss several topics of mutual interest and express their determination to advance bilateral cooperation. Even Though there was no direct position over Western Sahara, but that was the case for most states that switched to pro Morocco previously.

The findings of this research have shown that there are 56.6% percent of African Union members that recognize the Western Sahara as Moroccan, 22.64% of the member states are recognizing SADR and the remaining 20.75% are neutral, they are choosing not to have a stance on the issue. However, Morocco is shifting its interest into building stronger ties with African states. For now, the African countries are shifting more towards building a strong tie with Morocco as it has become the leading country in Africa. According to the finding, Morocco has already achieved recognition of the Western Sahara by more than half of the AU members. The Neutral states are more likely to support Morocco considering the actual circumstances.

Conclusion :

The Constitutive Theory of Recognition holds that recognition by other states is necessary for the legal existence of a state or government. According to this theory, a state, or government does not exist in the eyes of international law until other states recognize it.

In the case of Western Sahara, the Constitutive Theory of recognition would suggest that if other states recognize Western Sahara as being part of Morocco, then it would be considered legally a part of Morocco under international law.

With that said, the return of Morocco to the African Union (AU) in 2017 after a 33-year absence could potentially have implications for the recognition of Western Sahara as being Moroccan under the Constitutive Theory of recognition. Morocco's return to the AU could increase its diplomatic influence in Africa and potentially lead to more support for its position on Western Sahara from other African states. This could potentially increase the number of states that recognize Western Sahara as being Moroccan, which would strengthen its legal status under international law. However, it is important to note that the AU has traditionally supported the self-determination and independence of Western Sahara, and many African states continue to recognize the Sahrawi Arab Democratic Republic (SADR), the organization that claims to represent the people of Western Sahara and seeks independence for the territory. Therefore, it's

unlikely that the return of Morocco to the African Union would change the AU's position on Western Sahara.

In conclusion, The conflict in Western Sahara is a complex issue involving a number of regional and international actors, including Morocco, Algeria, the Polisario Front, and the United Nations. The conflict stems from Africa's decolonization process, when Spain abdicated control of the territory of Western Sahara. Although Morocco's re-entry into the African Union has the potential to increase its diplomatic influence in Africa and gain more recognition for Western Sahara as a part of Morocco, it is unlikely to change the AU's position on Western Sahara. As it has traditionally supported the territory's right to self-determination and independence. Eventually, any recognition of Western Sahara as a part of Morocco will be established through discussions and United Nations resolutions.

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