ABSTRACT
Africa, Africa Union, and the Decolonization of Western Sahara.
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Five interrelated factors are at play in discussing Africa, African Union and the Decolonisation of Western Sahara. First, just like other colonies in Africa that the Euros created in the 19th Century, Western Sahara derives its geopolitical legitimacy from agreements in European capitals. Those agreements declared the territory to be Spanish Sahara in the same way as they did Leopold’s Congo, French Congo, German East Africa, or British East Africa. They all were legitimised as colonial states. Second, the continental and global pressure for decolonisation forced Spain to exit in the 1970s but then the colony became victim of multiple-colonialism when neighbourly territorial greed aborted its drive for independence. Third, Morocco probably perceives itself as more European than African and therefore adopts attitudes toward Africa that are essentially Euro. Morocco is thus a colonial power just like France, Spain, and Britain were. Fourth, is the nature of the OAU/AU and the various interpretations of, and commitments to, the vision and mission of “liberation” in Africa. The question was who was to be liberated from what and from whom and how? Fifth, the involvement of extra-continental powers and the perceived helplessness of African countries because of excessive ideological as well as financial dependency on the goodwill of those extra-continental forces is often a drawback to liberation.

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There are two phases to consider when it comes to the topic of modern Africa, the African Union, and Western Sahara. These are the colonial and the post-colonial phases whose narratives represent two sources of legitimacy in Africa. The first source of legitimacy, in the colonial phase, was the series of agreements in European capitals as to who owned what piece of territory in Africa. The second source was the Organisation of African Unity or OAU that appeared to give direction on matters of inherited colonial boundaries and thereby replaced European capitals as the source of legitimacy for African states.

Colonial Days in Africa

In the colonial days, legitimacy for colonial states was derived from agreements in Europe as to what the boundaries were. It started late in the 19th Century when the Europeans, in search of new sources of industrial raw materials and potential markets and considered Africa to be the ideal to serve three Euro-interests. These were to find rich sources of needed raw materials, to find potential markets of last resort for manufactured goods that no one else wanted, and to find areas for new settlements because the Europeans did not have space to expand. This had led to the Euro-urge for territorial colonization and so they turned to Africa1 to create new empires. To avoid the possibility of white people killing each other in Africa over African territories, they met at the Berlin Conference of 1884-1885. Among the conference was a Euro an imperial offspring, the United States of America that was full of socio-ideological contradictions between the professed ideals of liberty for white men and the reality of enslaving Africans.2

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For a long time and led by Spain from 1492 after the capture of Alhambra in Granada, the Euros had engaged in prolonged imperial ventures in which they had rewritten the past and had created myths of their greatness. In some way, Berlin reinforced that feeling of greatness over Africans by denying the humanity of the Africans. With that mind-frame, they reached critical agreements. They agreed on the method of claiming territory, on the philosophy of “open doors” to Africa by commercial and religious agents, and also not to fight each other in Africa. They also wanted each power to impose effective occupation of the territories that it claimed.

The essence of the Berlin Conference, therefore, was the sense of legitimacy that it bestowed on European capitals to decide the fate of Africa. In the process, they faced two challenges of legitimation and therefore needed to establish two types of legitimacy, first to themselves and then to the conquered Africans. First was the process of legitimizing Euro claims to African lands and tried to rationalize their actions in legal, philosophical, as well as in religious terms. Decrees and Orders in Council issued from London, Paris, Brussels, Rome, or Lisbon became the official legal instruments for ruling the acquired territory. This formed the basis of what became the colonial states that were property of European states or individuals such as King Leopold of Belgium.

The second challenge was to legitimate the claims to the Africans whose freedom, independence, and right to be a people or peoples was thereby abrogated. And within each territory, law became the political instrument for convincing a lot of different peoples who had been forced into one administrative colonial unit that they were the same, namely “natives,” in the service of colonial interests. At the same time, there was effort to create distinctions amongst the natives when it came to political issues that

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4 Macharia Munene, The Truman Administration and the Decolonization of Sub-Saharan Africa (Nairobi: Nairobi University Press, 1995), pp.2, 8-17
challenged the colonial state. Africans, argued former United States President Theodore Roosevelt when he visited Nairobi in 1909, “have not governed themselves and never could” and it would therefore “be a crime to the white races to fail to” turn Kenya into a white man’s country.

Turning African lands into “white man’s country” meant atrocities and a Euro belief that it was good for humanity for Africans to be ruled by white people even if that rule was brutal. The process of conquest involved turning one African entity against another in a successful divide and rule strategy. People called “chiefs” were turned into despotic little demi-gods whose main mission was to force other “natives” to work for and enrich the owners of the colonial state. By 1914, most Africans had been forced to accept and operate within the European order, the colonial state. They were made to understand that blood relatives were officially strangers to each other since they were claimed by different European powers or were in different colonial administrative units. They subsequently were to accept that they were “natives” in British, German, French, Portuguese, and Belgian colonial states. As “natives”, they were not considered as “citizens” of the colonial state and they could not therefore enjoy the protections of being citizens.

Of the European colonial powers in Africa, Spain appeared to be very unsuited to undertake its “white man’s burden” role. In part, this was due to the fact that it was on accelerated downward slide that made it become, Ali A. Mazrui’s noted, “peripheralised.” Despite its decline, Spain got Western Sahara whose border legitimacy emanated from

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8 Munene, The Truman Administration, pp. 13-16
10 Macharia Munene, “Conflicts and Postcolonial Identities in East/the Horn of Africa,” in Kenneth Omeje, editor, The Crises of Postcoloniality in Africa (Dakar: CODESRIA, 2015), p.124; Mamdani, Citizen and Subject, pp. 16-17
agreements in Madrid and Paris as endorsed by other Euro-capitals.\textsuperscript{12} And it seemed particularly unsuited for either conquering or administering and actually needed French help to mount effective occupation of its slice of the African territorial pie.\textsuperscript{13} For this reason, the territory was called “Spanish Sahara” because it was presumed to be Spanish property.

\textit{Independence and Post-Colonial Days.}

The process of attaining independence for European colonies in Africa and therefore changing the locus of legitimacy accelerated after World War II. First, African elite who could make it to Manchester for the 1945 Pan-African Congress demanded full implementation of the war time Atlantic Charter in the colonies\textsuperscript{14} virtually declared colonialism and imperialism to be illegitimate and therefore deserving destruction by any means necessary. Second, the winners of WWII created the United Nations with two chambers to serve different purposes. The Security Council was essentially created to protect the interests of the permanent big five against the democratic wishes of the majority in the General Assembly. In turn, the General Assembly, accepting membership from all “peace loving countries”, became an outlet for all others to express themselves on matters of global interest. The General Assembly therefore, acquired special importance as a forum for airing anti-colonial grievances and it gradually replaced Euro-powers as the source of legitimacy geopolitical units. The anti-colonialists used the UN and other global tools to accelerate decolonization.

Eventually political colonialism in Africa came to an end and European capitals stopped being the source of legitimacy in Africa. There were two new sources of legitimacy that replaced European capitals. First was the United Nations which declared 1960 to be the Year of Africa, partly due to the number of former European colonies in Africa that were admitted to that world body as independent entities. The second source came after May ...

\textsuperscript{12} Macharia Munene, “History of Western Sahara and Spanish Colonisation of the territory,” in Neville Botha, Michèle Olivier, and Delarey van Tonder, editors, \textit{Multilateralism and International Law with Western Sahara as a Case Study} (Pretoria: University of South Africa Press, 2010), pp. 91-92
\textsuperscript{13} Mai Palmberg, editor, \textit{The Struggle for Africa} (London: Zed Books, 1982), p. 44
\textsuperscript{14} Mazrui, \textit{The Africans}, p. 281
1963 with the creation of the Organisation of African Unity, OAU, at Addis Ababa in Ethiopia which then assumed the role of an African legitimizing organ. The UN and the OAU, in decreeing that territorial colonialism was illegitimate, became the new source of legitimacy.

This was the case for Western Sahara where the United Nations virtually nullified Spanish claims to the territory. Right from its 1945 founding, the United Nations rejected the suggestion from the United States that Spanish Sahara be considered Spain’s overseas province in the same way as Hawaii and Alaska were in the US and Algiers was in France. Instead, Spain was forced to accept colonial accountability as condition for admission to the United Nations; it was admitted in 1955. Still, it tended to drag its colonial feet as it watched anti-colonial developments in Algeria and Morocco. The war in Algeria destroyed the myth that Algeria was a province of France and led to the independence of many French colonies in Africa.

Independence for European colonies in Africa brought up anxieties as well as high expectations both outside and within the African countries which helped to shape subsequent events. African independence, wrote Gwendolyn M. Carter in 1962, “was the culmination of a major movement in human history” in which “the last great area of colonial control … came under local … leaders.” Westerners then worried about what African independence meant to the old order. Independence was then portrayed as an invasion that threatened the white world and might even lead to the break-up of such institutions as the British Commonwealth of Nations. If African independence was an invasion into the existing white world order, a strategy was needed to render that invasion ineffective.

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15 Munene, “History of Western Sahara,” p. 95
While the Euros officially left the political scene, there was little challenge to colonial structures that were inherently divisive. As such, African countries generally faced problems of acceptability and perceptions of legitimacy, both internally and externally. This explains the serious debates that arose as to whether independent African states should honour inherited colonial boundaries. This issue was thrashed out at the founding of the Organization of African Unity, the OAU, in 1963 at Addis Ababa. As delegates debated the nature of the new African state and how much of the colonial legacy to maintain, there basically were two sides. One side was irredentist and, adopting the concept of elasticity of state, demanded rearrangement of colonial boundaries because few Africans, if any, had participated in determining those boundaries. This would then enable peoples in different colonial states to exercise their ‘right of self-determination’ in deciding which new countries they would want to be in. They thus made the dismantling of colonial boundaries a unifying ideology that helped to create, instill, and perpetuate a sense of homogeneity and unity. Such states had coveting desires on their neighbours and they included Morocco, targeting Western Sahara and parts of Algeria.  

The other side was defensive and insisted on upholding the sanctity of colonial boundaries as a way of preventing the eruption of conflicts not only over boundaries but also over what would exactly constitute the state. Those countries, facing possible secessionism, argued for the territorial integrity of the inherited colonial state. The OAU rejected elasticity and irredentism and instead believed not only in the concept of inelasticity of state but also in the in-contractibility of the colonial state. Inelasticity was essentially a defense against outsiders or neighbours who had irredentist ambitions. In-contractibility was a defence against domestic challengers who refused to identify with the new postcolonial state.

The OAU settled the debate and in doing so it acquired the power to legitimize states in Africa. It bestowed legitimacy on the anti-expansionist group by upholding the sanctity of colonial boundaries as a way of keeping peace and to discourage secessionism and

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18 Munene, “Conflicts and Postcolonial Identities in East/the Horn of Africa,” p.124
19 Ibid., pp. 124-125; Macharia Munene, “How Somalia slowly disintegrated into small pieces of troubled nations,” Africa Review, July 1, 2010
interference in the internal affairs of other states. The OAU, wrote Sidi M. Omar, was “unequivocal in establishing the intangibility of borders inherited from the colonial period.”

There was a proviso that sister republics refrain from interfering in the internal affairs of member states. This way, the new OAU gave collective direction. That legitimacy, however, was not extended the remaining colonial states that stayed illegitimate in the eyes of the OAU and also the UN. The notion that the remaining colonial states were illegitimate was reinforced by UN resolutions which, increasingly, became specific to Western Sahara. In May 1963, the UN included “Spanish Sahara” on the list of Non-Self-Governing Territories. In 1965, the General Assembly asked Spain as the administering power “to take immediately all necessary measures for the liberation” of Western Sahara “from colonial domination.”

The acceptance of OAU as a source of legitimacy for independent states in Africa, however, remained conceptually challenged by irredentist states or people suffering multiple-colonialism. Although the OAU accorded each member state legitimacy, that legitimacy was not extended to the remaining colonial states. This made “Spanish Sahara” open to anti-colonial activities. There was, however, difference in that, despite the agreement, member states did not stop interfering in internal affairs or encouraging dissidence and as a result there were numerous quasi-wars. Somalia, with its irredentist ambitions, supported rebels in Kenya, Ethiopia, and Djibouti. Sudan supported Eritrean secessionists against Ethiopia. Morocco’s covetous eyes were trained on Algeria as a neighbor and on Western Sahara as possible zones of annexation into Morocco. And Western Sahara, still under Spanish Colonialism, became a victim Moroccan colonialism to replace Spanish colonialism.

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22 Omar, “OAU/AU and the question of Western Sahara”
23 Quote in Professor Carlos Ruiz Miguel, “Fifteen Basic FACTS you should know about the conflict in Western Sahara,” April 9, 2015, WWW.sadr-emb-ae.net/fifteen-basic-facts-you-should-know-about ... accessed October 15, 2015
Victims of Multiple Colonialism

Multiple-colonialism subjects victims in specified territory to rule by layers of colonial forces or in succession to each other. Among those subjected to such multiple-colonialism were Eritrea, South Sudan, and Western Sahara. They all had prolonged suffering on the road to independence in part because they needed to overcome additional obstacles. They experienced “deferred decolonisation” and Western Sahara is still suffering “deferred decolonization.” As a continent, Africa initially tended to ignore the challenge of multiple-colonialism because addressing it was inconvenient.

First was Sudan which became independent in 1956. It had identity problems, confused as to whether it was an African or an Arab country. The Africans in it suffered through multiple-colonialism under Arabs, Egyptians, Turks, and Britons. Independence in 1956 had different meanings for Africans and Arabs. The Arabs saw it as a license to enforce their dicta on Africans who had expected independence to mean the overthrow of both the Anglo-Egyptian rule and the Arab overlords. Since it did not and simply removed the British and the Egyptians and had left the Arabs intact, Africans mounted a war that lasted 50 years before a settlement was reached in 2005. The second country to suffer multiple-colonialism was Eritrea that was subjected to Italian and Ethiopian colonialism. Having defeated the Italians at Adowa, Ethiopia had considered Italian held Eritrea as part of its empire but Eritrea had developed an independent identity of its own. The new United Nations linked Eritrea to Ethiopia but the Eritreans refused to accept the Ethiopian connection. Eventually, Ethiopia had to let Eritrea go.

Western Sahara

Western Sahara was the third colonial state to suffer multiple-colonialism, under Spain and Morocco. Just like other colonies in Africa, Western Sahara derives its geopolitical

26 Munene, “Conflicts and Postcolonial Identities,” pp. 127-128
27 Ibid.
legitimacy from two sources, first agreements in European capitals and second in decisions of the UN and OAU. First the Euro-agreements declared the territory to be *Spanish Sahara* in the same way as they did Leopold’s Congo, French Congo, German East Africa, or British East Africa. Since the Spaniards had problems defeating the Sahrawi, they received help from France in order for Spain to have ability to impose itself on the territory and to resist anti-colonial agitation until 1975.

Spain then absconded from colonial responsibility and as it prepared to depart, a dispute arose as to who should inherit the colonial state. Two things happened that would affect the fortunes of Western Sahara. First, Morocco and Mauretania, neighbouring irredentist states violated the OAU principle sought to create new realities in order to share and annex Western Sahara. In this, they were assisted by Spain that chose to abscond its decolonizing obligation through the Madrid Accord. The two irredentist states also sought legitimacy from the International Court of Justice, ICJ, but the court turned them down pointing out that Western Sahara was not *terra nullius* in the pre-colonial days and was never part of the Moroccan kingdom.29

Still, Morocco ignored the “advise” it had sought from ICJ and stepped in to impose successor colonialism and to create a new identity for Western Sahara. Two things happened. First, Morocco wanted to make the Sahrawi people to cease having an independent identity and to make Western Sahara, as a geopolitical entity, disappear into Morocco simply as a southern province within the kingdom. Second, as Morocco whetted its irredentist appetite, there arose strong decolonizing and anti-colonialist forces within Western Sahara that had no interest in seeing Western Sahara being inherited by any neighbor. Although the decolonization process experienced internal struggle for power and identity, there emerged several Saharawi “liberation” movements among them being POLISARIO. It is POLISARIO that came to symbolize Saharawi desire for independence

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29 Omar, “OAU/AU and the question of Western Sahara.”
and the struggle for Saharawi identity that could be traced to a founding patriarch and specific language, Hassaniya.\(^{30}\)

*The Position of the OAU/AU*

Decolonisation in Western Sahara has taken longer than it should have. Initially, it was the United Nations that took the lead on the issue of Western Sahara and then the newly formed OAU followed. In the 1960s and early 1970s, the OAU appeared to have a united front on pressuring Spain to decolonize, although Morocco and Mauritania seemed to have different ideas about future Western Sahara. Subsequently, as Spain prepared to depart, the dispute that arose as to who should inherit the colonial state affected the OAU.

As matters developed, the OAU/AU position on Western Sahara was shaped and determined by two competing forces, that of Morocco trying to create new identities in the territory and that of the Saharawi trying to assert themselves in the international arena in order to be accepted as an independent people. Morocco, the new colonial power, was a founder member of the OAU and took an irredentist position. It was one of the African countries who at independence challenged the sanctity of the colonial boundaries and sought to redraw them. The OAU, whose vision and mission was one of “liberation” in Africa, rejected expansionism and thus rejected Morocco’s claim. The question was who was to be liberated from what and from whom and how?

Initially, there was general agreement on the OAU side on who was to be liberated, the African, and to be liberated from the European coloniser and they agreed that there should be an end to Spanish colonialism in Western Sahara. Thus in 1963, at its founding, the OAU accepted the United Nations list of Non-Self Governing Territories that included Spanish Sahara. In December 1965, in Resolution 2072, the UN went further and urged Spain to decolonise Spanish Sahara. In November 1966 in Addis Ababa, the OAU Council of Ministers called Spain to decolonise its colonies in Africa and the call was repeated in 1970. At Rabat, Morocco, in June 1972 the Council of Ministers and the summit unanimously

\(^{30}\) Munene, “Multiple Colonialism in Western Sahara,” pp. 183-186; Palmberg, *The Struggle for Africa*, p.45-46
endorsed self-determination and independence for the people of Western Sahara. The OAU Pressure, and with the creation of POLISARIO in May 1973 that decided to mount armed struggle, started bearing fruits as Spain indicated willingness to concede. In August 1974, Spain announced willingness to organise a self-determination referendum early in 1975.

It was at that time that serious differences as to what liberation meant arose between Morocco and the rest of the OAU. When it came to Western Sahara, Morocco rejected the notion that the OAU was a new source of legitimacy for territorial claims in Africa. It therefore sought to settle the issue through the International Court of Justice only to be thwarted by the court whose opinion was that pre-colonial Western Sahara was neither *terra nullius* nor a province of Morocco. The region had political units, with their own governing patterns, that were independent of external control. This opinion reinforced the OAU position that Morocco was simply a colonial power in Western Sahara. The question that arose was one of what to do and the decision was to support the aspirations of the Saharawi as represented by the POLISARIO. This happened in 1984, and Ambassador Ibrahim Gambari, then Nigeria’s Minister for Foreign Affairs, helped.31

Rather than abandon its colonial desires in Western Sahara, Morocco insisted that the region was its southern province and chose to quit the OAU in 1984 after it recognized SADR.32 In part, this is because it considers itself more Euro than African and hence it clings to colonialistic behavior. Just like Apartheid South Africa, it portrays itself as a bastion of Western interests in a volatile zone. This way, it is able to frustrate the OAU agenda, using its proxy position to manipulate OAU principles. Like the Euros, it tries to create facts that refuse to stick and its claim to Western Sahara is one “fact” that refuses to stick.

After quitting the OAU, it spends lots of money lobbying in Euro capitals and in Africa and this gives it a kind of veto power on the Euros. It successfully opposed any UN

requirement that it should account for human rights abuses in Western Sahara. On coming to office in the United States in 2009, Barack Obama seemed less beholden to King Mohammed VI and would not give blanket endorsement of Morocco’s “autonomy” plans. But then the White House, State Department, and the US Congress was subjected to heavy and well-oiled Moroccan lobbying using what former Assistant Secretary of State for Africa Chester Croker called “first rate hitters”, people who “know how to work Washington.” Among the “first rate hitters” is David Axelrod, Obama’s former campaign advisor and former British Premier Tony Blair.

The power of the “first rate hitters” showed up when the Obama administration in 2013 suggested human rights mandate as part of the UN peace keeping operations in Western Sahara. Angry Morocco reacted by cancelling annual joint military exercises and forced Washington to drop the idea before the actual vote. The White House then commended Morocco’s autonomy plan for Western Sahara as “serious, realistic and credible” and Obama received the Moroccan king at the White House and praised him for “deepening democracy, promoting economic progress and human development” Apart from the United States, Moroccan lobbying intensified among various African states so much that Rabat expects several AU members to shift position on Western Sahara and become favourable to Morocco.

All these are obstacles that make the AU “liberation” vision and mission on Western Sahara particularly challenging. But the AU appears determined to maintain pressure to liberate the victim of multiple-colonialism that is Western Sahara. At least and, commented

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38 “Obama praises leadership of Moroccan king,” and “Lobbying in Africa,”
AU Commission boss Dlamini-Zuma, “enable the people of Western Sahara to exercise their right of self-determination.”^40

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Extra-Continental Forces

Part of Morocco’s source of colonialistic staying stamina is the involvement of extra-continental powers and the perceived helplessness of African countries because of excessive ideological as well as financial dependency on the goodwill of those extra-continental forces which is often a drawback to liberation. Big power intervention is very selective and in the case of the Western Sahara-Morocco colonial dispute very challenging. The leading big power is the United States that controls the United Nations and that tried coming up with various formulae whose essence is to entrench Morocco’s colonialism. After Obama took office and appointed Hilary Clinton as secretary of state, Clinton was in Morocco before the end of the year 2009 to assure the king of US support on Western Sahara.^41

When Morocco replaced Spain as the colonial power, a feeling developed that Moroccan sovereignty over Western Sahara was a natural given and that the issue was how to accommodate the Sahrawi within the kingdom. This feeling was reinforced by Euro “experts” on Africa who in the late 1980s and the 1990s, claiming to be disillusioned with the “Africa”, started looking for excuses to recolonize Africans. Some claimed that independence for Africa was a mistake, came too soon, and that the independence experiment had failed. They also dismissed the idea of sovereignty in Africa and appeared to endorse Morocco’s belief that the Sahrawi do not exist. Many were well meaning, or tried to give impression that they were well meaning, as they struggled to save Africans from themselves. These pessimistic Africanists recommend redrawing of African boundaries, want the UN to decertify or deregister some countries from the roster of sovereign states, believe that the existence of some African states itself threatens security, want sovereignty of African states to be shared with external entities, advocate coups and

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^41 Patel, “Western Sahara”
arming rebels against targeted regimes.42 And they advise Euro governments on how to relate to Africans.

One of the experts wrote in 2007 about wars and chaos in Africa. He argued “the evidence suggests that the route to resolving most of the continent’s wars is through building forms of political community within which members can settle their conflict without resorting to violence …. This is particularly apparent to Africa’s continuing struggles for self-determination, such as Western Sahara … self-determination struggles are precisely rooted in the need to construct forms of political community that fulfill people’s needs for recognition, representation, well-being and security… analysts need to think through the conditions under which new states should be formed and allowed to join the club of international society.” 43

To some extent, Western Sahara is thus a victim of growing hostility from “experts” on Africa who look for excuses to impose new forms of colonialism. Subsequently, and given the impression that Morocco is almost European and that it has value to Euro geopolitics, its colonialism in Western Sahara is downplayed and sanitized. Was it surprising that it was in 2007 that Morocco came up with an autonomy strategy within the sovereignty plan for Western Sahara. It was a build-up on various emerging autonomy plans that would give room for the Saharawi to be accommodated within the kingdom of Morocco.

**Resurgent Pan-Africanism**

One positive development is the growing reaction to Euro insults through the resurgence of the spirit of Pan-Africanism and the desire to set own agenda. On the issue of Western Sahara, this implies several considerations:


43 Paul D. Williams, “Thinking about security in Africa,” International Affairs, Volume 83, Number 6, November 2007, pp. 1028-1030
First is to consider and declare Morocco to be nothing less than a colonial power in the same way as France used to be.

Second, the AU should adopt three liberation strategies that are similar to those of the 1940s, 1950s, and 1960s. These call for intensive intellectual questioning of the Euro and Moroccan arguments for extending colonialism on to Western Sahara or seeking to recolonize Africa. They call for political and mass mobilization in different institutions world-wide. And they call for AU to adopt the Manchester dictum of doing whatever is necessary to destroy colonialism, this time in Western Sahara.

Third, the AU should be determined to set its own agenda. This implies reducing its level of dependency on extra-continental forces with regard to intellectual as well as financial and material zones. African states should become key players, and producers of what they need rather than remain or appear to be perpetual recipients.

Fourth, the AU should prepare for intensified Euro-hostility, sometimes through African proxies, to assertions of independence in Western Sahara and elsewhere.