

Wilson, A., 2012. Households and the production of public and private domains. Revolutionary changes in western sahara's liberation movement. *Paideuma*, 58, 19-43.

Wilson, A., forthcoming. Remaking sovereignty: Tribe, state power and revolution in a north african liberation movement.

introduced in practice. Another possibility is that the fact that there have, at least for many centuries, been acknowledged categories of animals that may circulate as alienable property (māl) and animals that may not (cf hubs, and also mnīha, a temporary means of taking animals out of the category of māl by placing them into the category of loaned animals available for usufruct but not alienation), has favoured local tolerance and acceptance of animals being placed in a category other than māl in exile, even though the status of publicly-owned herds is not the same as either hubs or mnīha. Addressing the questions that arise from the creation of new forms of property in refugee camps, I hope, following Verdery (2003) and others, to contribute to the anthropology of the making and unmaking of property relations and the legal regimes that govern them.

Caro Baroja, J., 1955. Estudios saharianos Madrid: Consejo Superior de Investigaciones Científicas, Instituto de Estudios Africanos.

Chatty, D., 1996. Mobile pastoralists: Development planning and social change in oman New York: Columbia Press.

Chatty, D. ed. 2006. Nomadic societies in the middle east and north africa. Entering the 21st century., Leiden, Boston: Brill.

Ginat, J. & Khazanov, A., 1998. Changing nomads in a changing world Brighton: Sussex Academic Press.

Hodges, T., 1983. Western sahara: Roots of a desert war Beckenham: Croom Helm.

Lippert, A., 1985. The saharawi refugees: Origins and organization, 1975-1985 SPSC Letter: Ada, Ohio.

Verdery, K., 2003. Vanishing hectare: Property and value in post-socialist transylvania Ithaca: Cornell University Press.

owned animal herds. There does not seem to be a pre-exile precedent for such a phenomenon. Historically, although animals were branded with the mark of the qabīla (“tribe” – albeit contested term in anthropology, and in North Africa) of the animal’s owner, this branding did not imply any ownership on the collective level of the qabīla. The revolution thus created, in line with its new political preference for public resources available to assist the general refugee population rather than one family (cf the creation of new public services), a new form of ownership of animals, the publicly-owned herd. This new property form has proved enduring. Despite the fact that from the late 1990s there has been a general growth in the camps of a marketized economy and for goods, services and labour, extending eventually to the introduction of wages to the previously unwaged public sector, and although ownership of animals in the camps has shifted to favour private ownership, publicly-owned camel herds have survived in the pasturelands.

This is the research problem that I seek to address through my work with the Prométée research project into the anthropology of property relations in Muslim contexts: how new property forms have been introduced in a general context of wide-reaching new politics and new legal regimes, without, it would seem, a new legal regime of property being introduced. I likewise ask how these forms have survived even though there seem to be both longstanding and more recent preferences for contrasting forms of property (private ownership). Through further fieldwork with the refugees, I am exploring several possible explanations for the legal treatment of property, especially animals, in the Sahrawi refugee camps and connected pasturelands. One possibility is that the political context of a preference for public resources designated as intended to benefit the refugee community on a collective level, rather than a limited circle of individuals (private owners), may be so over-riding as to provide a framework of moral legitimacy, thereby reducing the need to create a new legal category of property even though new property forms and relations were

and we came across a large herd owned by a SADR ministry at a nearby well. Such publicly-owned animal herds shared the pasturelands with privately-owned herds. The owners of the latter might be rich refugees who invested their wealth in herds. Back in the camps, by this time the situation had changed once again. The refugees had moved away from “one pen” to the multiple small pens which have become so familiar a sight in the camps, and which I described above. Thus, over the course of exile, forms of animal ownership changed. In the 1980s, there was a balance between public and private ownership that seems to have favoured public ownership in at least the pasturelands, and possibly also the camps. By the late 2000s, there were animals owned privately and publicly in the pasturelands, and the balance in the camps themselves seems to have shifted almost entirely towards private ownership only.

How did these changes come to pass without, apparently, change in the legal treatment of animals as property, and property more widely? This is all the more interesting to ask given that in the pre-exile context, animals were typically privately owned, that is to say belonging to the category of *māl* (alienable property). Animals could be made into inalienable property by being designated by the owner as *hubs*, the term locally preferred to *waqf*. Sahrawis practise *hubs* to differing degrees, either affecting only the animal itself or, in the case of females, affecting its future off-spring. More research would need to be done on the pre-exile situations in which animals became *hubs*, but some refugees explained to me that *hubs* was better avoided because it created the problematic situation of an animal being taken out of potential spheres of circulation, as a *hubs* animal could be neither sold nor slaughtered. Again, more research is needed on the extent to which *hubs* may have been avoided for such reasons historically. But assuming that some avoidance of *hubs* has existed, and thus that there has been some preference for keeping animals as *māl*, it is all the more interesting that the revolution created publicly-

refugees experienced great changes in their access to property when they were dispossessed of homes, livelihoods and animals on going into exile. In response to the needs created by this dispossession, and in line with the aims of the Polisario-led social revolution, the refugees created new forms of property in exile. These included the creation of public sector resources, such as schools and hospitals, but also public productive resources such as gardens and animal herds (see Wilson 2012). I focus here on animal herds to discuss the manifestation of new forms of property in exile.

When the refugees first arrived, they had very few possessions with them (Hodges 1983: 233); those who had owned animals before exile had mostly been separated from them. The early years of exile are remembered by refugees as times of intense shortage. In the 1980s, the refugees began to develop herds of sheep and goats kept in pens near the camps. An account from the time suggests that there was a mixed tenure of animals owned by individuals and animals owned by cooperatives (Lippert 1985: 13). In the late 2000s, interlocutors who had lived through this time further recalled to me that in the 1980s there was “one pen” for animals, and “one time” for the pen to be opened and closed. This suggests that even when animals might be individually owned, the labour for servicing the animals was organized and supplied collectively. (There is arguably some precedent for this in the organization of labour in the pasturelands, as reported by Caro Baroja (1955). Animals owned by different persons within one *frīg* (encampment) could be herded together.) Beyond the camps, in the pasturelands under Polisario control, camel herds were formed that were owned by SADR ministries. For these animals, Polisario developed its own camel brand, based on the initials “FP” (for the Spanish “Frente Polisario”, Polisario Front). By the late 2000s, when I began to conduct research in the camps, Polisario-owned camel herds in the pasturelands still existed. In 2008 I was able to spend three weeks with a family who were herding a camel herd owned by a *wilāya* administration,

creating institutions for all refugees has likewise remained. The means of pursuing this has altered, though. From the 1990s, Polisario preserved the popular committees models, reformed as councils, in areas such as health, education and rations, but professionalized the administration of justice. The justice committees were disbanded, and instead more professionalized judicial institutions established, including a Court of First Instance, a Criminal Court and a Court of Appeals. There was also a proliferation of codification. From the mid 1990s, the SADR constitution was regularly discussed and, where necessary, updated in each Polisario General Congress. A penal code was also established. The SNC took on a more active role in passing laws too. By the late 2000s, legal experts in the camps claimed that there were only limited areas that were not covered by codified secular law. They were: contracts, sales and personal status. All these, according to legal experts in the camps, were dealt with through Malikite jurisprudence.

I consider elsewhere the implications of the introduction of a new legal regime in the refugee camps in popularized and professionalized forms, and especially the consequences of the shift towards professionalized forms for Polisario's subsidiary goal, where legal reforms were concerned, of severing old links between tribes and the administration of justice (Wilson forthcoming). Here, I wish to highlight that the areas that continue to be dealt with through Malekite jurisprudence (sales, contracts, inheritance and marriage gifts) are common means of the movement of material things between persons – in other words, they are areas that concern property relations. Where new political and legal regimes have been introduced in exile, it would seem that in the legal regulation of property there has been remarkable continuity between the situation of the refugees and the legal regimes of property that preceded exile. This legal continuity comes to appear all the more intriguing when it is taken into account that it has stretched across changes on the ground in property relations themselves (as opposed to changes in their legal regulation). The

authorities, Polisario rejected tribalism as a social system that legitimised certain social and political hierarchies, as well as countered pretensions to a unified national identity. Seeking also to establish a participatory form of democracy, Polisario at first emulated the popular committees of Qaddafi's Libya. Set up in key areas of public services, these committees were charged with running many practical aspects of life in the camps, such as schools, health services and rations distributions. The revolution set up a new legal regime for the refugees too. On the one hand, the aim of the new legal regime was to establish one set of laws of all Sahrawis, applied in exile but envisaged one day for all Sahrawis. To this end, Polisario established the Sahrawi National Council (SNC) as a legislative organ for the SADR. The SNC effectively replaced the colonial-era and by then defunct Djemaa or General Assembly that Spain had set up. Where the Djemaa had been composed of tribal leaders, the SNC's members in the early years were drawn from Polisario's Polit Bureau and from the directly elected heads of residential administrative units (dawair). In parallel, Polisario used the popular committee format to set up a committee dedicated to "Social Affairs", which included in its remit the work of a Court of First Instance. On the other hand, complementing the creation of new laws and new institutions for the refugees was the "unmaking" of the laws and legal institutions that were associated previously with tribes. Before Spanish colonialism, dominant tribes are reported to have had their own penal codes, and tribes were still asked to deal with various legal matters internally during Spanish colonialism (Caro Baroja 1955). Through the new national institutions and the popular justice committees, Polisario "unmade" the links that previously existed between tribes and the administration of justice.

Over nearly four decades of exile, the overt political goals of the revolution's aspirations towards social egalitarianism have remained constant (if increasingly difficult to realise as the refugees are more and more involved in local, regional and international markets). In judicial circles, the goal of

Ginat and Khazanov 1998, Chatty 2006), those undergone by Sahrawi refugees are particularly interesting because of how they represent the relationship of changes in property regimes (in this case animals) to broader transformations, here occurring in exile, in political and legal regimes.

Morocco's partial annexation of Western Sahara in 1975 divided a territory and its population. The inhabitants of Western Sahara have commonly come to refer to themselves as Sahrawis, a contested term, and population figures for them in the past and present are likely controversial. If thousands of Sahrawis remained in the territory living under annexation, thousands of others fled their homes and livelihoods and became refugees in camps near Tindouf, in Algeria's harsh hamada desert. The exiles, who are currently believed to number between 100,000 and 160,000, are governed, with Algerian consent, by a fusion of Western Sahara's liberation movement, Polisario, and the government-in-exile of the partially recognised state that Polisario founded, the Sahrawi Arab Democratic Republic (SADR). Polisario and Morocco have been locked in a dispute over the sovereignty of Western Sahara since 1975. In an international context whereby the UN Security Council verbally supports the right to self-determination of the people of Western Sahara, and yet simultaneously seeks a politically negotiated solution between the two sides, the conflict between Polisario and Morocco has become seemingly irreconcilable. Since the mid 2000s, with Morocco refusing a self-determination referendum with independence as an option, and Polisario insisting on its inclusion, efforts to resolve the conflict are at a standstill.

Polisario has styled its leadership of the liberation movement and the exiled population as a revolution (*thawra*), conceived especially in terms of a social revolution ongoing throughout exile. The revolution introduced a new kind of politics, aimed at promoting social egalitarianism amongst all refugees. A prominent feature of this mandate in the early years was the prohibition of *qabaliya* ("tribalism"); like many post-colonial governing

# 10

---

## **Faire la révolution à la sahraouie: new politics, new legal regimes – new property?**

If you go to the Sahrawi refugee camps, near Tindouf, Algeria, one of the sights that will greet you on the edge of the camps are rows of makeshift animal pens. They are put together from scrap metal, barbed wire and stones. Refugee families like to keep a few sheep and goats in such pens. In the morning and at sunset, it is a common sight to see women and children crossing from the tents to the pens with buckets laden with swill: they are “gaisin alaghanam”, as Sahrawis would say in their dialect (“going to [see] the goats”). In return for their labours of feeding and caring for the animals, the refugees can collect milk from lactating ewes and she-goats, slaughter an animal if there is a celebration at hand, and even sell an animal on to another refugee family to generate some income. Seeing animal raising as an investment, and, in most cases, lacking access to the formal financial sector, refugees sometimes jokingly refer to animal-raising as their “bank”.

The pens are so much a feature of everyday life in the Sahrawi refugee camps in the 2000s that it is hard to imagine the landscape of the camps without them. Yet the pens were not always there; in fact, the forms of animal husbandry practised by the refugees have changed enormously in past decades. Whilst transformations in animal husbandry have occurred in that period for all mobile pastoralists in the Middle East and North Africa (cf Chatty 1996,