

**Forum:** Political Committee

**Issue:** The question of sovereignty in the Western Sahara conflict

**Student Officer:** Aykan Akyıldırım

**Position:** President Chair

## Introduction

Located in northwestern Africa, Western Sahara has been the stage for a decades-long conflict. Neighbored by Mauritania to the south, Morocco to the north, and Algeria to the northwest, Western Sahara is a coastal region where 567,000 people reside (BBC). The vast landmass of Western Sahara has caused much controversy and conflict.

Formerly controlled by Berber tribes, Western Sahara was colonized by Spain in 1884. Various conventions and correspondences between Spain, France and Germany affect the extent of sphere of Spanish reign over the Western Sahara. Nevertheless, until the call for decolonization by the UN in 1965, the region remains a province of Spain called Spanish Sahara (The Norwegian). The decolonization of Spanish Sahara without any nation-building or political assistance brought about a political vacuum, leading to conflicts of interest between regional powers such as Morocco, Algeria, Mauritania, and the indigenous Sahrawi groups.

Western Sahara is especially important because of its historic status as the last colony in Africa. The region, however, is still endangered by the alleged exploitation of the present resources, political divide, and polarization of the people of northwestern Africa. Today, the world's second largest wall is in Western Sahara, separating people of Western Sahara and southern provinces of Morocco. Annexed by Morocco, the region still has not received unanimous external recognition upon the sovereignty of Western Sahara because of the present indigenous movements such as Polisario Front which supports the principle of self-determination of the people of Western Sahara.

The issue involves numerous legal, military, and historical layers and requires international engagement for the resolution of the issue. The issue has even damaged the integrity of African Union after the Union recognized the independence of Western Sahara and Morocco left the Union (Al Jazeera and Mohammed). Bilateral talks, compromises, and future agreements are crucial to tackle the

polarization of the political powers in the region and the Union and to solve the question of sovereignty of Western Sahara in order to foster “accord in a world of intolerance”

## Definition of Key Terms

**Guerilla:** a guerilla is a member of an unorganized warfare faction. In this context, guerilla warfare had been initiated by indigenous pro-independence Sahrawi groups against Morocco.

**Qaid:** a qaid- or a caid- is a Berber tribe chief (“Qaid”). Morocco delegation presented historical ties with and the allegiances of qaids of Western Sahara tribes as evidences of Morocco’s legitimate sovereignty over the region. The ICJ opinion on these connections was that they were legitimate though not representative of the region as a whole (The Norwegian).

**Plebiscite:** a plebiscite is a type of election where the question is initiated by the government and not by the people. The results of a plebiscite are not necessarily binding, constitutional, or legislative. A referendum, however, is initiated after a demand by the people. A plebiscite could be used in order to obtain self-determination opinions of a certain section of people such as Sahrawi indigenous communities in Western Sahara.

**Self-Determination:** the right to self-determination is a right which principally enables people to choose their political status. The right to self-determination is a recognized principle of international law (UNPO). In this context, Sahrawis reserve the right to self-determination.

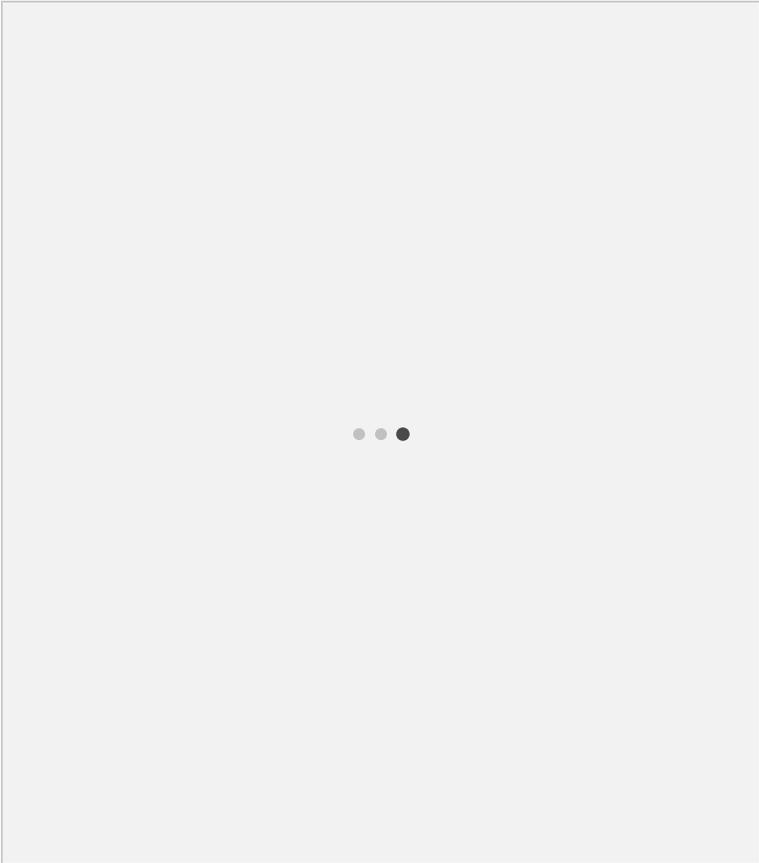
**Sovereignty:** Sovereignty could be examined in two levels: national sovereignty and popular sovereignty. National sovereignty concerns the independence and the “freedom of a collective entity to act” (De Benoist) Popular sovereignty, however, refers to the capacity to hold legitimate power by recognition (De Benoist).

**Terra nullius:** *Terra nullius* refers to the Latin term which means land belonging to no one. In law, the term is used to express a certain land where either there has not been a claim for sovereignty or the prior political power of sovereignty has given up the entirety of her sovereignty (US Legal).

# General Overview

Western Sahara is located in Northern Africa, neighboring Mauritania, Morocco, Algeria, and the North Atlantic Ocean. The borders of Western Sahara encompass a landmass of 266,000 sq km. The contested borders of Western Sahara include a 1,110 km coastline. In addition, the region has a typical desert climate with rarely observable occasions of rainfall, hot and dry air, and prevalent fog at night. The region is threatened by severe lack of farmable land and water shortage. Conversely, Western Sahara is abundant in terms of phosphate and iron ore (CIA).

Western Sahara is home to a variety of people. The population of Western Sahara is around 261,800 according to 2003 estimates. Furthermore, the region hosts mostly Arab and Berber ethnicities. The indigenous people of Western Sahara are better known as Sahrawis. Most of the population is Muslim, and Moroccan and Hassaniya dialects of Arabic are spoken in the region (CIA). The population of the region is mostly located in La 'Youn, in Northwestern Western Africa. The region has been the epicenter of Morocco-Polisario Conflict.



Picture 1: The map of Western Sahara

## **Morocco-Mauritania-Polisario Conflict**

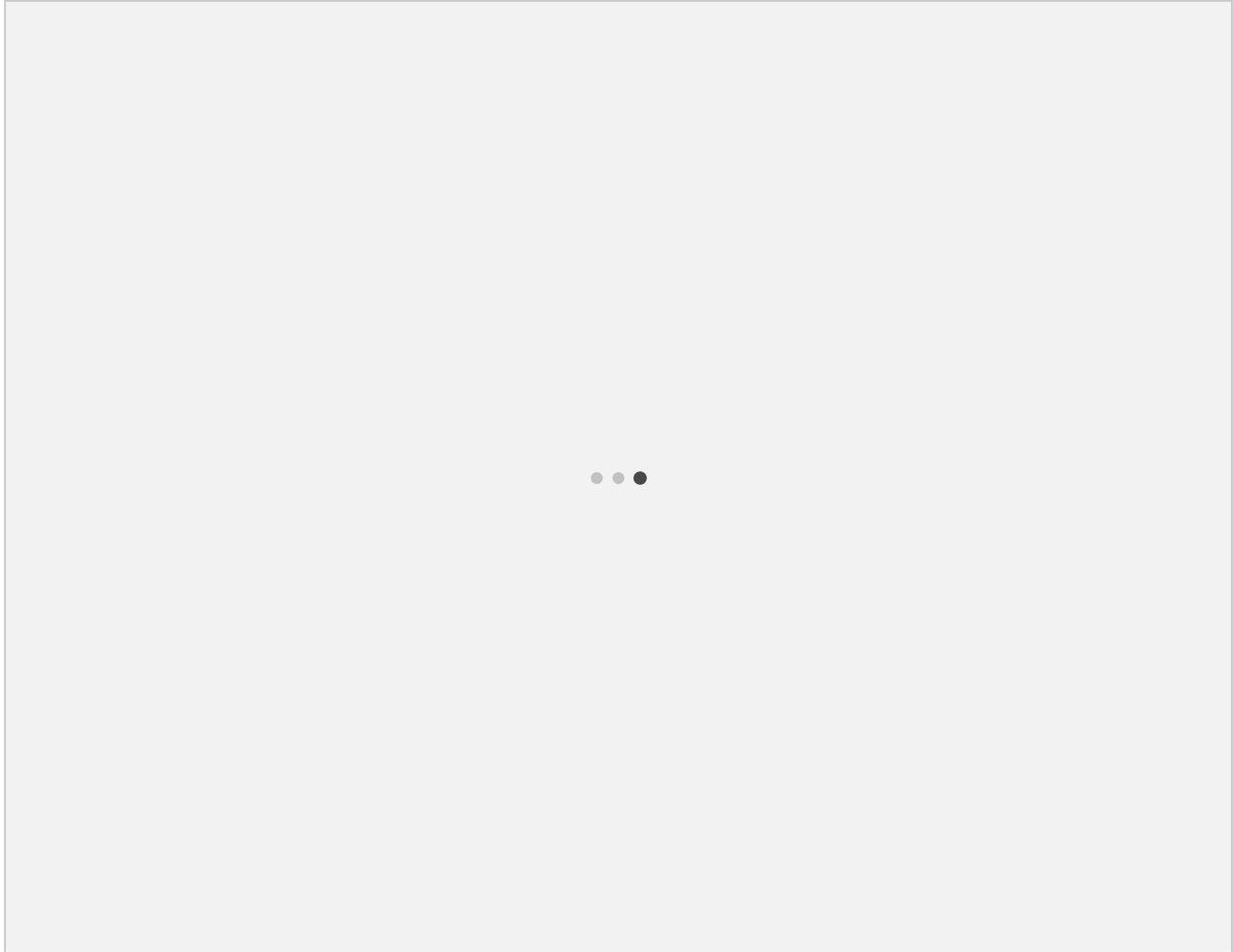
After conflicting claims of various parties, the United Nations General Assembly Resolution 2711 declared an advisory opinion be made from the International Court of Justice upon the right of determination in the region. King Hassan of Morocco initiated the Green March following the ICJ opinion on the matter. The march ended on November 9<sup>th</sup>, 1975. Several negotiations and Madrid Accords resulted with full Spanish withdrawal and relinquished administrative power in the region (Smith Jr.). Amidst this political vacuum, Sahrawi Arab Democratic Republic arose and claimed sovereignty as a state over the region with La 'Youn its claimed capital.

Sahrawi Arab Democratic Republic government is a government in-exile. Sahrawi Arab Democratic Republic was proclaimed by and is an extension of the Polisario Front. Sahrawi Arab Democratic Republic has no executive branch (CIA). However, SADR has some administrative power over Sahrawi refugee camps in Tindouf, Algeria.

Since its establishment, Polisario has fought against Morocco and Mauritania claims. In 1979, Mauritania gave up its claims on Western Sahara. Consequently, Morocco extended its annexations to the previously Mauritania sections of Western Sahara. Recently, it was observed that Polisario Front is on retreat from various sections of Western Sahara. UN observers confirm the withdrawal of Polisario Front forces from Guerguerat region, near Mauritania (Global Security).

Morocco has been solidifying its administrative power over the region with various action, particularly with a security berm across Western Sahara. In 1982, the first wall of the berm was completed by which the cities of La 'Youn, also known as Laayoune, Smara, Boucraa, and Boujdour were secured by Morocco. The extent of this controlled region was enhanced by the second wall in 1984. The third wall secured the city of Hawza and its surrounding territories in 1984. The fourth wall was completed in 1985 and absorbed the cities of Al Farcia abd Mahbas. The fifth wall was constructed in September 1985, securing Dakhla, Chalwa, Guelta Zemmur, and Oum Dreyga. Following the completion of the sixth wall, every wall was connected and additionally Baggari, Bir Gandouz, Techla, Awsard, and Imlily were secured. The regions under the berm make up of around two thirds of the entire Western Sahara.

Morocco-Polisario conflict came to a ceasefire after the UN-brokered truce in 1991. Since then, there has been talks of organizing a plebiscite for the people of Western Sahara to determine the sovereignty over the region. However, such a plebiscite has been postponed multiple times due to disagreements of either sides upon the matter of eligible voters.



Picture 2: The political map of Western Sahara and the division of the territories with barriers

### **External Recognition of Sovereignty of the Region**

The administrative power of Sahrawi Arab Democratic Republic was recognized by 85 states. However, 39 of these states withdrew their recognition of Sahrawi Arab Democratic Republic. Currently, Sahrawi Arab Democratic Republic maintains its relations with 40 UN member states. Sahrawi Arab Democratic Republic has full rights in the African Union, but it is not recognized by the Arab League, which endorses Morocco's right to administration in Western Sahara (Arab News). Currently, Morocco effectively administers around 85 percent of Western Sahara and  $\frac{2}{3}$  of the northern Western Sahara. Additionally, Morocco has claimed the right to utilize natural resources in Western Sahara.

## Major Parties Involved and Their Views

**Morocco:** Located in northwestern Africa, Morocco developed into a sovereign state from a colony. After the independence of Algeria in 1967, Morocco had territorial disputes with Algeria upon the provinces of Tindouf and Béchar, both of which are located in present day Algeria. Following the call for the decolonization of Spanish Sahara, Morocco has asserted claims on parts of the region. Morocco requested an ICJ opinion on the sovereignty of the region and started the Green March upon King Hassan's disagreement with the opinion. Approximately 200,000 Moroccan civilians marched to the region to claim it (Swearingen et al).

**Mauritania:** Mauritania, officially known as Islamic Republic of Mauritania, is a former French colony. Northern Mauritania's borders extend throughout the southern and eastern parts of Western Sahara. Mauritania gave up its claims on Western Sahara in 1979 (BBC).

**Polisario Front and Saharan Arab Democratic Republic (SADR):** Polisario Front is the abbreviated version of Popular Front for the Liberation of Saguia el-Hamra and Río de Oro. The organization aims to take over the Morocco-controlled Western Sahara and gain independence. The majority of the organization consists of indigenous Sahrawis. Following the Spanish withdrawal from Western Sahara, the organization declared independence under the name Saharan Arab Democratic Republic. The organization has engaged in armed conflicts against Morocco, but the organization accepted an UN-brokered truce in 1991 (The Editors).

**Spain:** Spain is one of the countries in Europe with an accountable history of colonization and slavery. In 1884, Spain colonized the region; in 1934, the Spanish government shifted the region's status from a colony to a province, and thus, the region became a Spanish Province named Spanish Sahara. Regardless of the calls for decolonization, Spain remained active in the region until its complete withdrawal in 1975 (BBC).

**United States of America:** The United States of America is a known ally of Morocco and has been cooperating with Morocco to prevent radical Islamic insurgency in the region. The United States of America does not recognize the sovereignty of a Saharawi Republic.

**Algeria:** Algeria openly supported the Polisario Front and Sahrawi Arab Democratic Republic- the government in-exile. Algeria has been an advocate for the self-determination rights of Sahrawis. Algeria

has been a host to thousands of West Saharan civilian and soldier refugees (The Encyclopædia Britannica).

## Timeline of Events

Date of the Event	Event
1884	Western Sahara is colonized by Spain (BBC).
1934	Spanish Sahara becomes a province.
14 December 1960	Declaration on the Granting of Independence to Colonial Countries and Peoples-UN resolution 1514 is passed.
1973	Polisario Front is founded.
13 December 1974	Question of Spanish Sahara- UN Resolution 3292 is passed.
16 October 1975	ICJ reads the Advisory Opinion on Western Sahara.
20 October 1975	The Situation Concerning Western Sahara-UNSC resolution 377 passes.
1979	Mauritania gives up its claims on Western Sahara.

16 April 1987	The construction of the 6 <sup>th</sup> wall in Western Sahara is completed (MINURSO “Chronology”).
29 April 1991	UNSC Resolution 690 establishes UN Mission for the Referendum in Western Sahara- MINURSO (MINURSO “Chronology”).
6 November 2005	“The King of Morocco announces the launching of a process of consultation with the parties on granting autonomy to Western Sahara” (MINURSO “Chronology”).
11 March 2012	Morocco and the Polisario Front met for the ninth round of informal talks (MINURSO “Chronology”).
28 April 2017	UN observers confirm the withdrawal of Polisario Front forces from Güergüerat region, near Mauritania (Global Security).

**UN Involvement**

The United Nations has been somewhat active on the matter. After United Nations Security Council adopted Resolution 690, MINURSO has been launched to actuate the referendum process for the people of Western Sahara. In addition, UN has called for interested and concerned parties to appropriate the convenient conditions for bilateral talks to take place and UN Secretariat to take action.

MINURSO has been acting as an observing and peacekeeping mission. The mandate of MINURSO has been renewed in 2017. Ongoing mandate of MINURSO enables MINURSO to “monitor

the ceasefire; reduce the threat of mines and UXOs; and [providing] logistic support to the UNHCR-led measures” (MINURSO “Mandate”).

## Relevant UN Documents

- Declaration on the Granting of Independence to Colonial Countries and Peoples, 14 December 1960 (1514(XV))
- Question of Spanish Sahara, 13 December 1974 (3292(XXIX))
- The Situation Concerning Western Sahara, 20 October 1975 (UNSCR: 377)
- Western Sahara, 29 April 1991 (UNSCR: 690)

## Treaties and Events

Western Sahara was colonized in 1885. The extent of Spanish colonies in Africa has changed over time. The change in Spanish sphere of influence have come as a result of various conventions and correspondences. Franco-German Conventions of 1904(October 3) and 1912 (November 12) have outlined the borders of Western Sahara and set certain boundaries for the Spanish colonies which would not interfere the sovereignty of France over its colonies. The majority of the people in Spanish Sahara was of Sahrawi ethnicity (The Norwegian).

In 1918, the US President Wilson introduced self-determination as a guiding principle for the future of emerging nations. The implication of his principle is the right to become one’s own government wherever the majority deems possible and necessary.

Based on the principle of self-determination, Polisario Front was founded to represent, defend, and fight for the majority Sahrawis’ right to independence from Spanish, Moroccan, and Mauritanian rule. This claim on the sovereignty of Western Sahara has become a dispute between parties and brought about Morocco’s appeal to ICJ for an advisory opinion. The ICJ hearings were finalized in 1975 which concluded that native Sahrawi people of Western Sahara hold the right to sovereign power in Western Sahara, emphasizing the right to self-determination (The Norwegian). The advisory opinion was ignored by the King who encouraged Moroccan citizens to march into Western Sahara. The event which is now

recalled as the “Green March” was held with the participation of some 350 thousand unarmed civilians. Following the Green March, Spain started a withdrawal from the region.

## **Evaluation of Previous Attempts to Resolve the Issue**

There has been various missions, operations, and attempts to sustain dialogue between involved parties. UN Resolutions have been adopted by the Security Council and General Assembly such as UNSCR 377 and UNSCR 690. UNSCR 377, signed in 1975, requests UN involvement on the issues to “adopt appropriate measures” (*UNSCR*) and calls for the moderation of the concerned parties to facilitate the UN missions in the region. The excess involvement of concerned and interested parties has been viewed as an obstacle to solid progress and stability. Morocco, for example, hopes Algeria to “[lift] its hands from the conflict” (*Naji*).

As for the UN mediation, the 1991 truce was brokered by UN to stabilize the region. The mediation started informal dialogue between concerned and interested parties. However, the dialogues did not bring about a solid negotiation. The ninth round of these talks was held in 2012.

## **Possible Solutions**

There are various possible solutions to tackle the issue. The solutions offered to the house should consider the theme of “fostering accord” in Western Sahara and base their foundations on compromises and long-term stability of the region. Therefore, the involved parties could be encouraged to engage in further dialogue under the oversight of a non-party observer. The parties could also consider consensually sharing the landmass of Western Sahara. However, because the Polisario Front and SADR are unrepresented in the UN, such sharing of lands would be held outside of UN, perhaps through future dialogues as mentioned above.

The aspects of the issue also concern the polarization and the division of people in the region. In this context, the gradual deconstruction of some portions of the Western Sahara wall could be discussed with the delegation of Morocco in return for promising agreements and other compromises. A compromise will have to be made upon the control of resources in the region. Western Sahara’s phosphate-rich

regions will be an elemental factor of compromise for both Morocco and SADR. For this reason, decision-making upon the share of such resources should be evaluated.

International partnership is crucial for the continuity of gradual solution of the question. If agreed upon nation-building, international community will have to provide financial, technological, and humanitarian aid for Southern Provinces and other communities in Western Sahara. UN missions will have to be reinforced to uphold peace, security, and stability in the region. Lastly, a binding referendum based on the principle and the right to self-determination could take place in a democratic environment overseen by third party observers such as NGOs. However, any action should consider mutual agreements of the parties to foster accord and cooperation.

## **Notes from the Chair**

The solutions should concern the stability of the region and should not risk the long-term stability of the existing powers. Also, the control over natural resources in Western Sahara should be a matter of discussion for delegates.

The steps of the Political Committee should be taken with good faith and righteousness under international law.

Readers may access the referenced sources online by (ctrl+) clicking on the citation in Bibliography section.

## **Appendix**

ICJ Advisory Opinion on Western Sahara, 16 October 1975:

[http://www.worldcourts.com/icj/eng/decisions/1975.10.16\\_western\\_sahara.htm](http://www.worldcourts.com/icj/eng/decisions/1975.10.16_western_sahara.htm)

Vienna Convention on the Law of Treaties, 23 May 1969:

[http://legal.un.org/ilc/texts/instruments/english/conventions/1\\_1\\_1969.pdf](http://legal.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf)

Operational Map of MINURSO:

<https://minurso.unmissions.org/map>

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