General Assembly 4

Research Report

The Question of:

The status of Western Sahara as a non-self-governing territory

Introduction

Western Sahara is a sparsely-populated area of mostly desert situated on the northwest coast of Africa. It is composed of the geographic regions of Río de Oro ("River of Gold"). It used to be a former Spanish colony, but in 1976 when the Spanish troops left the territory, instead of gaining independence Western Sahara was annexed by Morocco.

Morocco's invasion forced thousands of refugees into the Algerian desert. Since then Western Sahara has been the subject of a long-running territorial dispute. According to the EU Foreign Policy Chief, Federica Mogherini, "Western Sahara status remains that of a non-self-governing territory. According to the United Nation's documents Western Sahara has been on the United Nations list of Non-Self Governing Territories since 1963. Morocco claims Western Sahara on the grounds that a few Sahrawi tribes once pledged their allegiance to the Sultan of Morocco. Although the ICJ recognizes legal ties between Morocco and some Sahrawi tribes they concluded that there was no tie of territorial sovereignty between Western Sahara and Morocco and that the people of Western Sahara have the right to self-determination.

The Committee

The General Assembly 4 (GA4) is one of the three GAs of LEMUN 2018. General Assembly 4's issues mainly revolve around special political situations as well as decolonization. This implies, for instance, issues about territory.

The GA4 is a "normal" committee. This means that all delegates will have to prepare resolutions, which we will entertain as a whole at once. In order to put your own resolution on the agenda, you have to reach the number of eight co-submitters, who also want it to be talked about, but are not necessarily in favor of it. These will all have to sign a form, which can be handed in at the chair's desk. If the chairs have received this form, they will send the resolution to the Approval Panel, and if it approves the resolution is likely to be debated upon if time allows us.

In general, the General Assembly's member states have equal representation: every single nation has one vote. Matters are decided by a simple majority. Functions and powers of the General Assembly include:

- To discuss any question relating to international peace and security
- To make recommendations for the peaceful settlement of any situation which might harm the friendly relations among nations

- To request studies and make recommendations to promote international cooperation, the development of international law, the protection of human rights, and international collaboration on economic, social, cultural, educational and health issues

A peculiarity that is special for all General Assemblies is our participation in the Plenary Session. This is a session on the last day of the conference where all General Assemblies will assemble in the main hall to discuss one resolution from each General Assembly. We ourselves will also be agreeing upon one passed resolution in General Assembly 4 to have discussed at this Plenary Session. Amendments are not anymore permitted though, but one can speak in favor of or against the resolution as a whole, and the main submitter gets the floor with the starting and ending of the debate.

Key Terms

Polisario Front
A politico-military organization striving to end Moroccan control of the former Spanish territory of Western Sahara and win independence for that region

Saharan Arab Democratic Republic (SADR)
A self-declared state claiming authority over the disputed territory of Western Sahara, which is presently occupied by Morocco, declared by the Polisario Front (one day after Spanish withdrawal in 1976)

Green March
King Hassan, after a UN mission had reported that the majority of Sharans wanted independence and had recommended self-determination for the region, he responded with the "**Green March**" in which approximately 200.000 volunteers were sent unarmed across the border to claim Spanish Sahara

Madrid Accords
A treaty between Spain, Morocco and Mauritania aiming to end the Spanish presence in the territory of the Spanish Sahara

Referendum
A vote in which all people in a country or an area are asked to give their opinion about or decide an important political or social question

Sovereignty
The power of a country to control its own government, and to make its own decisions, without any interference from outside sources or bodies.

Exile
The condition of someone being sent or kept away from their own country, village, etc., especially for political reasons

General Overview

What is happening today

Western Sahara is claimed by two different parties. On the one hand, it is claimed by Morocco, as an integral part of its country-the Southern Provinces. On the other hand, Western Sahara is claimed by the Polisario Front, a rebel national liberation movement, fighting for the independence of Western Sahara, as the Sahrawi Arab Democratic Republic. About 85% of the region of Western Sahara is controlled and administered by Morocco, including all of the coastline and natural resources in the area. The rest of the area is controlled by the Polisario Front exiled in Algeria. Morocco built walls through Western Sahara to split the Morrocan controlled area, from the so-called "Free-Zone", or "Liberated Territories" controlled by the Polisario Front and in order to stop Polisario fighters coming into the country.

The history of the dispute

Before the colonization

Western Sahara's modern history is connected to some nomadic groups, including the Sahara group and the introduction of Islam. Islam arrived in the 8th century AD between the Berber* population who inhabited the western part of the Sahara.

Later on, in the time of the Almoravids, also known as *mujahideen* began to form tribes based on their specific occupations. This development was accelerated by the arrival of Maqil Arab tribes. In the 13th and 14th century, these tribes migrated westwards along the Sahara's northern border to settle in the Fezzan (Libya), Ifriqiya (Tunisia), Tlemcen(Algeria), Jebel Saghro (Morocco), and Saguia el-Hamra (Western Sahara).

After the fall of the Almoravid empire in 1147, the new empires (Almohads, Merinids, and Wattasids) retained sovereignty over the western part

**Berbers or Amazighs are an ethnic group indigenous to North Africa, primarily inhabiting Algeria, northern Mali, Mauritania, Morocco, northern Niger, Tunisia, Libya, and a part of western Egypt.*

of the Sahara but the effectiveness of it depended largely on the sultan that ruled. Western Sahara's history continues with the Moroccan dynasty (the Alaouite Dyna0sty) which came to power in 1659 and appears to have continued exercise of sovereignty over modern Western Sahara.

After the colonization

Later on, during the 19th century, the Western European powers began to colonize the African continent and the colonization of Africa was regulated. While the major colonizers were England and France, Western Sahara was given to Spain, which was known as Spanish Sahara.

Fast forward to 1945 and the end of the World War II, as well as the creation of the United Nations, by the victors of the war. The UN was set up to maintain international peace and promote the human race. Of course, colonization is contradictory to this, which is why the UN is fundamentally against colonialism.

Throughout the 1960's, the UN made an effort to decolonize the African continent by adopting the Declaration on the Granting of Independence to Colonial Countries and Peoples, which recognized that "All peoples have the right to self-determination…" and urged colonial powers to transfer power to the natives of their colonies. By 1980, the entire African continent had been decolonized, except for Western Sahara.

The conflict begins

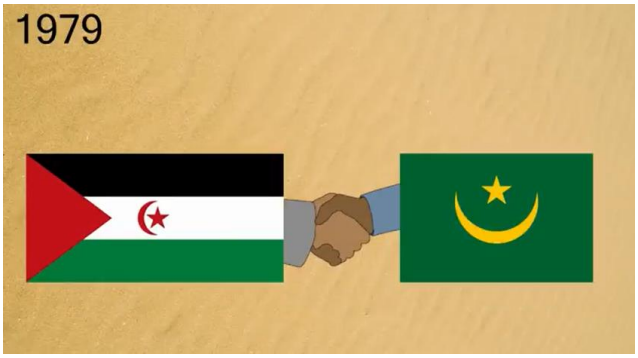
But going back to 1956, immediately after gaining its own independence, we see that Morocco claimed that Spanish Sahara was part of the pre-colonial Morocco and they were the rightful owners of the land. Just one year later, Mauritania made similar claims and believed that Spanish Sahara was theirs. In 1973, the Polisario Front was established to end the Spanish colonial rule in Western Sahara and to fight for the independence of the indigenous Sahrawi people. At this point, the region was now claimed by 4 different parties: Spain, Morocco, Mauritania and the Polisario Front. Polisario troops, with backing from Algeria, engaged the Spanish forces in guerrilla warfare. At this point though, Spain was already under heavy pressure from the UN to decolonize Spanish Sahara. So Spain was unwilling to get involved in any war over the land that they were going to have to give up the land anyway. Spain agreed to hold a referendum in order to decide for the solution of the situation in Western Sahara.

The Sahrawi people had to decide between three scenarios: *the Independence as the Sahrawi Arab Democratic Republic (SADR)*, *the Integration with the Kingdom of Morocco, or the Integration with the Islamic Republic of Mauritania.* Morocco requested the referendum to be postponed, calling for a hearing from the International Court of Justice, regarding Moroccan sovereignty over Western Sahara. The referendum was successfully postponed. The UN organized a visiting mission and a day after the mission, the ICJ published its advisory opinion regarding Western Sahara. The Court acknowledged that both Morocco and Mauritania had historical ties to the region, but nothing that would imply any legal sovereignty.

Therefore, the referendum was to go along as planned, but just hours after the Court's opinion was released, Morocco announced and began organizing the Green March. The Green March was a demonstration into Western Sahara of 300.000 Moroccan people, escorted by 20.000 Moroccan troops. This was done with a goal of putting pressure on Spain to transfer sovereignty over to them. The conflict between Morocco and the Polisario Front led to what would become a 16-year long war (Western Sahara War 1975-1991). Under pressure from Morocco, Spain held talks with both Morocco and Mauritania and the three parties signed the Madrid Accords. The Madrid Accords was a temporary tripartite administration in which *"Spain will proceed forthwith to institute a temporary administration in the Territory (of Western Sahara), in which Morocco and Mauritania will participate […]"*. Morocco was to control the northern two-thirds, while Mauritania controlled the southern third. The Madrid Accords, however, was not a transfer sovereignty.

According to Hans Corell, the General Secretary for Legal Affairs and Legal Counsel of the UN, "The Madrid Agreement did not transfer sovereignty over the Territory". He also said that "the transfer of administrative authority over the Territory to Morocco and Mauritania in 1975 did not affect the international status of Western Sahara as a Non-Self-Governing Territory".

The Polisario Front was obviously *not amused* with the Madrid Accords, believing it went against the ICJ hearing, as this did not constitute self-determination of the Sahrawi people. As Morocco and Mauritania moved in to take control of Western Sahara, they were met with heavy resistance from Polisario troops, with significant backing from Algeria. By the 26th of February 1976, all Spanish forces had withdrawn from Western Sahara and the Permanent Representative of Spain to the United Nations informed the Secretary-General that "the Spanish Government, as of today, definitely terminates its presence in the Territory of the Sahara and deems it necessary to place the following on record: … (a) Spain considers itself henceforth exempt from any responsibility of an international nature in connection with the administration of the said Territory, in view of the cessation of its participation in the temporary administration established for the Territory …" (A/31/56-S/11997). The very next day, the Polisario Front proclaimed the Sahrawi Arab Democratic Republic, claiming Western Sahara as their land.



In 1979, under the pressure from the Polisario Front, Mauritania abandoned all claims to Western Sahara and the two sides signed a peace treaty. Morocco quickly moved in to claim the land left by Mauritania. In 1982, the Sahrawi Arab Democratic Republic was admitted to the Organization of African Unity (OAU), as the government of Western Sahara. In protest to this, Morocco withdrew its membership, claiming that if SADR is a member then they are out. In 1991, after 16 years the war ended with a UN-brokered truce and Morocco and the Polisario Front signed a cease-fire agreement. Part of the cease-fire agreement was that a referendum would take place within 6 months, but despite several attempts, this has still yet to happen to this day.

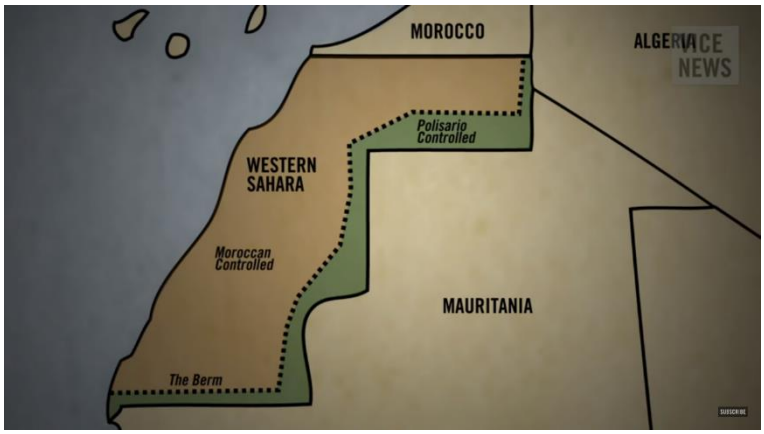
The Sahrawi Arab Democratic Republic (SADR) has been recognized as independent at various points by approximately 80 countries, although beginning in the middle of the '90s, a number of them withdrew or suspended their recognition. The majority of these nations are other African nations. No country or organization has ever officially recognized Moroccan sovereignty over Western Sahara, but many countries support the idea of Sahrawi autonomy under Moroccan sovereignty. Moreover, several states have extended diplomatic relation to the SADR, represented by the Polisario Front. However, there are countries which have been refused entry to Western Sahara from the Moroccan government or the Polisario Front. It is worth mentioning that Morocco used to be a colony of France (1912-1956), and although France seems to be quite discreet, it seems that they are supporting Morocco. For instance, in 2014 France's U.N. envoy denied threatening to use its Security Council veto power to block any proposals to have U.N. peacekeepers in Western Sahara monitor the human rights situation in the disputed North African territory.

Last but not least, there are periodic ethnic tensions between the native Sahrawi population and Moroccan immigrants. Morocco maintains a heavy security presence in the territory and the area is divided into two by a 2.700 km long sand wall surrounded by some 7.000 landmines.

Humanitarian issues

The conflict in Western Sahara consists a humanitarian crisis, which is partly ignored by some countries, leaving people that used to be citizens of the territory living in refugee camps across the region and in general creating more humanitarian issues. More than 100.000 Sahrawi people fled across the border to Algeria during the war where they have been waiting for 40 years to return to their homeland.

They have lived like refugees for all these years on a food aid program that is supposed to last no longer than three years and they choose to live like this because if they settle down that would mean that they are no longer refugees and that they've given up. The UN's brokered ceasefire, which was established 23 years ago, promised them a referendum in Western Sahara, but since then there hasn't been any change. Since the start of the military occupation in 1976, many Sahrawi men joined the liberation army and fought against the Moroccan state for several years. In their absence, Sahrawi women were primarily responsible for their household,



children, and finances. At the same time, many women reported to the Frente Polisario about the internal dynamics of the occupation.

Those who worked as informants for the opposition were arrested and unlawfully imprisoned by the Moroccan state. Many women, forcefully, were unexpectedly separated from their families and children and locked away for up to 11 years. They were tortured, interrogated, and abused all throughout their prison term in secret prisons located throughout the occupied territories and Morocco-proper.

Major Parties Involved

Spain

Plays a significant role in the conflict as the whole conflict concerning the "identity" of the territory of Western Sahara started about 2 centuries ago with the colonization of Africa. Later, Spain gets forced by the UN to decolonize the territory and give the chance to Morocco and Mauritania to govern the territory in a collaborative way (even though it never happened) Since they followed the UN instructions (even though a little bit late) their diplomatic relations remain normal.

Morocco

After gaining their independence, the Moroccan country claimed Western Sahara as part of their territory before the colonization from the European countries. They were against Spain, against Polisario Front, against Mauritania and against whoever claimed Western Sahara as their territory, therefore their diplomatic relations with the stakeholders of the issue are questionable

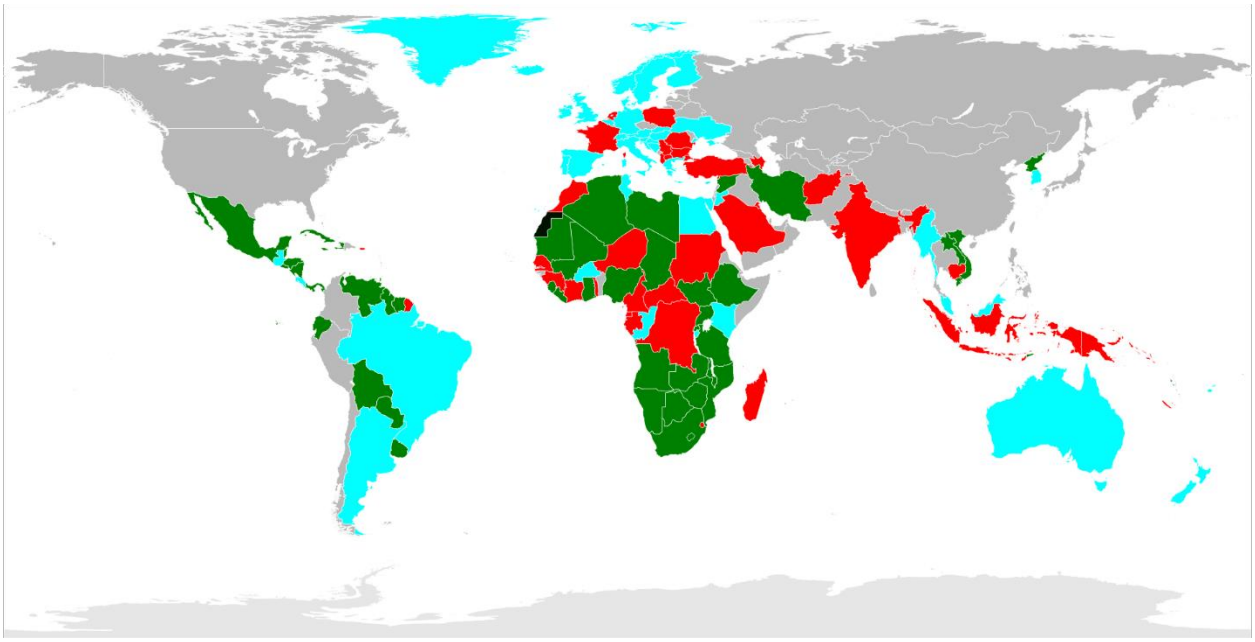
They wouldn't accept any treaty, agreement, or referendum that could possibly lead to the independence of Western Sahara. In order to achieve the above, they would commit actions such as creating Green March, taking part in the Western Sahara War, postponing all referendums proposing independence using all available excuses

Mauritania

Even though they entered the conflicted with the courage of claiming part of the territory, their strength didn't last for long and being under pressure especially from Morocco they soon withdrawn their claims. Their diplomatic relations with the countries involved in the issue aren't significantly damaged since they left the situation early enough (exception: Morocco)

Algeria

They remained to be a strong ally of the Polisario Front, backing them in critical situations. The Polisario Front is exiled in Algeria



Red: Supports Morocco's territorial claim (including support for autonomy under Moroccan sovereignty)
Green: Maintains diplomatic relations with or recognises the Sahrawi Republic
Light blue: Recognises the self-determination of the Sahrawi people, but does not recognize the SADR nor maintain diplomatic relations with it
Grey: Has not expressed any position or has expressed conflicting opinions

Timeline of Events

[redacted]

1884	Spain colonizes Western Sahara
1934	Becomes a Spanish province known as Spanish Sahara
1957	Newly-independent Morocco claims the territory
1965	The UN urges the decolonization of Western Sahara
1973	The Polisario Front is founded
1975	The beginning of the guerrilla warfare between the Polisario Front and the Moroccan Army
6 November 1975	Morocco's King Hassan, after the *decision of the ICJ**, called on 300.000 civilians to move into and claim Western Sahara as their own
26 February 1976	all Spanish forces had withdrawn from Western Sahara
1979	Mauritania abandoned all claims to Western Sahara
1982	SADR was admitted to the OAU as the government of Western Sahara
1991	The guerrilla war (after 16 years) ends with a UN-brokered cease-fire
1992	Attempt to hold a referendum but there were disagreements about voter eligibility Settlement Plan
1997	Attempt to hold a referendum but there were disagreements about voter eligibility Houston Agreement
2001	Baker Plan
2003	Baker Plan II

Previous attempts to solve the issue

Attempts to solve the issue either by holding a referendum or by applying another method to tackle the issue were made, but yet the situation is in continuance. Specifically, the Western Sahara Peace Process includes:

The Settlement Plan and The Houston Agreement (1992, 1997)

In the years 1992 and 1997 attempts were made to face the situation, however, they failed because there were disagreements about voter eligibility

The Baker Plan and Baker Plan II (2001, 2003)

In the years 2001 and 2003, a different approach was taken to resolve the dispute with two versions of what we know as "the Baker Plan". The Baker Plan of 2001 would give the Sahrawi people an autonomous government under the sovereignty of Morocco, which was rejected by the Polisario Front. However, the second version of the Baker Plan offered 5 years of the autonomy arrangement followed by a referendum. The second version was reluctantly accepted by the UN Security Council, the Polisario Front and Algeria, however, it was unanimously rejected by Morocco, stating that they would no longer agree to a referendum which had the independence as the SADR as an option.

The Future

Since May 2005, there has been an increase in the Sahrawi people's oppression at the hands of the Moroccan authorities. Peaceful demonstrations have been brutally suppressed. Many Sahrawis have been arrested and imprisoned. Some have been tortured and some have "disappeared". Women and children have been assaulted in their own homes and their property has been stolen by Moroccan police and soldiers. A 2,400km wall divides Western Sahara into the coastal zone occupied by Morocco and the interior part held by the Polisario Front.

Clearly, the present situation cannot continue. The oppression of the Sahrawis in occupied Western Sahara must stop. The refugees in the camps must feel safe to return to their own country after the referendum to be ruled by a government that they elect directly.

Attempts to hold a referendum in order to find a solution for the Western Sahara conflict have failed multiple times. In addition to that, instead of giving the chance to the ones who are truly involved, meaning the citizens of the specific area, to decide about the future of their territory we have seen countries continuously fighting in order to gain tracts of land.

The last pursuit of the issue took place 15 years ago and since then we haven't seen changes. Therefore a revolutionary resolution is needed

Important Decisions a Resolution Must Take

In order to solve the conflict, or at least provide the parties involved with an acceptable solution we need a resolution which will achieve, as the UN Secretary-General said, "a just, lasting and mutually acceptable solution, which will enable the people of Western Sahara to exercise self-determination, under the objectives of the United Nations Charter."

Take into consideration the fact that many countries could benefit from Western Sahara because it is said that Western Sahara is rich in significant mineral resources. Firstly, it is claimed to be the world's bigger exporter of phosphates, which is a valuable and vital chemical derivative of phosphoric acid. Along with nitrogen, phosphates is one of the two most necessary components of synthetic fertilizer. However, unlike nitrogen, it is a finite resource, which cannot be manufactured. Secondly, Western Sahara has some of the richest fishing waters in the world and consists of a significant exporter of sardine, which is a type of fish. Lastly, Western Sahara's off-shore oil resources are being explored.

The above characteristics make Western Sahara one of the richest parts of the Maghreb and may create vested interests among the parties involved. This situation has already appeared when a new group of fortune hunters was eying great financial opportunities in the probably oil-rich territory, ignoring international law.
Investors from Ireland, Saudi Arabia, South Africa, the US and Sweden hide behind a jungle of interwoven small companies. Moroccan authorities currently have granted two oil exploration licenses on the disputed territory of Western Sahara, despite a legal notice from the UN in 2002 questioning the legality of such exploration and concluding that further oil exploitation in all circumstances would be illegal as long as Western Sahara remains occupied.

Thus, as a summary:

- Tackle with the humanitarian issues
- Keep in mind Western Sahara's resources which could play a significant role
- A referendum isn't the best option (it has already failed a couple of times)
- Morocco is connected with Western Sahara so they cannot be out of the picture

Further Reading

The General Assembly adopts on an annual basis a resolution devoted to Western Sahara. (See: General Assembly resolution 69/101 of 5 December 2014)

Most recent United Nations Secretariat annual Working Paper on Western Sahara: A/AC.109/2015/2

https://culturesofresistancefilms.com/western-sahara
In this link you can read about a documentary which was released in 2015 concerning the situation in Western Sahara. It is called "Life is Waiting: Referendum and Resistance in Western Sahara". If you enter this site you will see a short summary of the film and of the current situation in Western Sahara.

http://www.thenation.com/article/176968/letter-western-sahara-land-under-occupation
In this link you will read about a woman you confesses about the life in this territory. The struggles, the fears and the feelings.

https://ceasefiremagazine.co.uk/western-sahara-long-lonely-journey-sahrawi-activism/
In this site they present the conflict. It contains information almost the same as the research report.

https://www.aljazeera.com/indepth/opinion/2012/03/201231410151626159 6.html

http://www.afrol.com/articles/23324

Here you can read about oil companies and about countries which are interested in the Western Sahara's resources.

http://www.afrol.com/articles/25697
Same as above

https://www.middleeasteye.net/in-depth/features/us-oil-company-set-violate-international-law-western-sahara-883955500
Here you can read about a US oil company which set foot on Western Sahara and a new situation was created as there was a problem with the international law

https://www.opendemocracy.net/north-africa-west-asia/erica-vasquez/resistance-in-occupied-western-sahara-women-defining-society
In this link you can read about the significance of women during this conflict as they played an astonishing role throughout the years

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