General Assembly 4 (GA4)

The Situation in Western Sahara

Research Report

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Fake News

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Issue: The situation in Western Sahara

Position: Chair

Introduction

Since 1975, the territory of the Western Sahara has been a heavily disputed area and is located in North-Western Africa. It was colonized by Spain in 1885 and then placed on the United Nations' list of dependent (non-self-governing) territories under Article 73 of the Charter, where it has remained till now. Right after their independence from the Spanish in 1975, a military battle between Morocco, Mauritania, and the Polisario Front, a group representing the Sahrawi people, erupted in this region. A long-promised referendum on the territory's status has yet to be held, despite the UN brokering a cease-fire in 1991. Civil liberties, on the other hand, are severely curtailed, particularly in relation to independence activism.

The pro-independence Polisario Front declared an end to its cease-fire with Morocco in November of 2020 after Moroccan forces cleared a road that was reportedly blocked by Polisario supporters. The Polisario subsequently engaged in fighting with Moroccan forces.

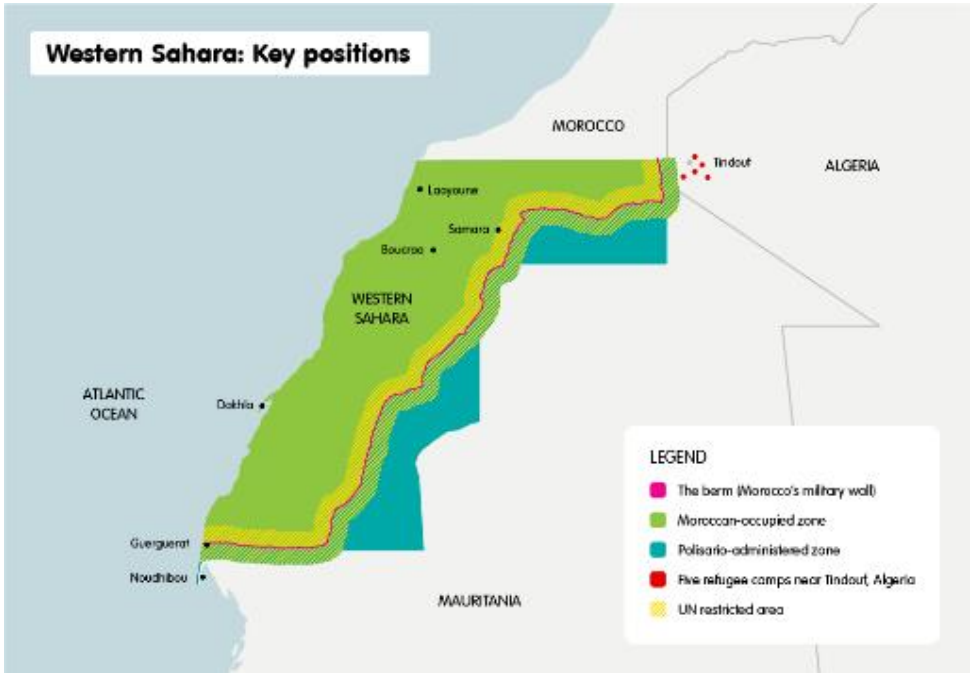

Figure 1: The current state of Western Sahara (ECFR)

Definition of Key Terms

Sahrawi Arab Democratic Republic:
A self-declared state claiming authority over the disputed territory of Western Sahara, which is presently occupied by Morocco.[1]

Decolonization:
The process by which colonies become independent of the colonizing country.[2]

Non-Self-Governing Territories:
Chapter XI of the United Nations Charter defines a non-self-governing territory as a territory "whose people have not yet attained a full measure of self-government."

Territorial Dispute:
A conflict between two governing bodies over land claims. Territorial disputes are often related to the possession of natural resources such as rivers, fertile farmland, mineral or petroleum resources although the disputes can also be driven by culture, religion, and ethnic nationalism. Territorial disputes often result from vague and unclear language in a treaty that set up the original boundary.[3]

Sovereignty:
The ultimate overseer, or authority, in the decision-making process of the state and in the maintenance of order.[4]

Polisario Front:
A political-military organization, which are the legitimate representative of the Sawhari people, striving to end Moroccan control of the former Spanish territory of Western Sahara and win independence for that region.[5]

Moroccan Western Sahara Wall – The Berm:
A 1,700-mile desert barrier made by Morocco keeping Sahrawis out of the resource-rich west.[6]

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[1] "Sahrawi Arab Democratic Republic." *Encyclopædia Britannica*, Encyclopædia Britannica, Inc., https://www.britannica.com/place/Sahrawi-Arab-Democratic-Republic.
[2] "Decolonization." *Encyclopædia Britannica*, Encyclopædia Britannica, Inc., https://www.britannica.com/topic/decolonization.
[3] "Territorial Dispute." *Wikipedia*, Wikimedia Foundation, 30 July 2022, https://en.wikipedia.org/wiki/Territorial_dispute.
[4] "Sovereignty." *Encyclopædia Britannica*, Encyclopædia Britannica, Inc., https://www.britannica.com/topic/sovereignty.
[5] "Polisario Front." *Encyclopædia Britannica*, Encyclopædia Britannica, Inc., https://www.britannica.com/topic/Polisario-Front.
[6] "The Moroccan Wall in Western Sahara, a Silent Crime." *Build Resistance Not Walls*, https://book.stopthewall.org/the-moroccan-wall-in-western-sahara-a-silent-crime/.

Right to Self-Determination
The legal right of people to decide their own destiny in the international order. [7]

General Overview

Historical Context

As previously stated, Western Sahara was colonized by Spain in 1885. In 1965 the UN called Spain to decolonize Western Sahara and allow the right of Self-Determination to the Sahrawis and in 1975 Spain left the region. On April 14, 1976, Morocco and Mauritania signed a pact in which they split Western Sahara and legally annexed the provinces designated to it under the treaty's authority (Convention concerning the state frontier line). However, the International Court of Justice (ICJ) ruled that Morocco's and Mauritania's legal claims to the Spanish Sahara were tenuous and did not negate the right to self-determination by the Sahrawis. Morocco took possession of the northern two-thirds of the territory and, as a result, the phosphates and Mauritania took authority of the southern third. The Polisario Front, which was supported by and based in Algeria, engaged in sporadic conflict. In 1976 the Polisario Front declared a government-in-exile of what it called the Saharan Arab Democratic Republic. On August 10, 1979, Mauritania reached an agreement with the Polisario Front, relinquishing its claim to any territory in Western Sahara, but in response Morocco promptly annexed Mauritania's portion of Western Sahara. In 1988, the United Nations proposed a referendum for the indigenous Sahrawis to decide whether they wanted an independent Western Sahara led by the Polisario Front or if they wanted the territory to become part of Morocco. Both Morocco and the Polisario Front accepted this peace proposal, and the two sides agreed to a cease-fire in 1991. As a UN administrative and peacekeeping force called MINURSO (United Nations Mission for the Referendum in Western Sahara) arrived in Western Sahara to prepare to conduct the referendum, however, Morocco moved tens of thousands of "settlers" into the territory and insisted that they have their voting qualifications assessed. By 2001 tens of thousands of Sahrawis, including numerous Polisario Front soldiers, had relocated to semi permanent refugee camps in Algeria.

Morocco proposed autonomy in 2007 but did not hold a referendum. The US insisted in 2018 that the UN peacekeeping mission's continuing presence is conditional on progress in resolving the long-running conflict. This resulted in Morocco and the Polisario Front meeting in December of that year to re-examine the situation. Despite the fact that continued negotiations yielded little, the UN renewed its peacekeeping operation. In the latter half of 2020, the Polisario Front, seeking to force change in the status quo, began obstructing a key trade route between Morocco and Mauritania. Morocco launched a military operation in November to break the blockade,

[7] "Self Determination (International Law)." *Legal Information Institute*, Legal Information Institute, https://www.law.cornell.edu/wex/self_determination_(international_law).

prompting the Polisario Front to announce that it would no longer observe the 1991 cease-fire agreement.

General Situation in Western Sahara

Government Power

Western Sahara has no freely elected leaders and is under total Moroccan rule. Representatives from the "Southern Provinces" serve in the lower house of the Moroccan parliament, which is dominated by the monarchy. The monarchy determines government policies regarding the territory. The Polisario Front governs the east territory of Western Sahara (can be found in the map in the introduction) and it leads a nationalist movement comprised of members of the Sahrawi ethnic group. It controls the less-populated interior of the territory. The constitution of the government-in-exile states that the leader of the Polisario Front is the territory's president, but it does not hold regular elections within the territory. The Sahrawi Arab Democratic Republic (SADR), the breakaway government, maintains a 51-member Sahrawi National Council, which is indirectly elected by the General Popular Congress of the Polisario Front. Most voting occurs in refugee camps in Algeria. The Polisario Front organizes the elections and does not allow any political parties to compete. It has cracked down on political opposition in recent years, imprisoning a number of the regime's critics. A strong opponent who had been jailed for his activities was discovered dead at the Dheibya prison in 2018, possibly by hanging. The Polisario Front said that he committed suicide, but his relatives insisted he was murdered.[8]

Morocco had submitted the plan to the United Nations in April 2007, in response to Security Council calls for a "definitive political solution". The plan would see some administrative, legislative and judicial powers transferred to residents, who would "themselves run their affairs democratically". The "Sahara autonomous Region" would have its own government and a parliament made up of both representatives of local tribes and directly elected members.

Economic Situation

The three primary economic sectors in Western Sahara are phosphate mining, fishing, and pastoral nomadism. Since stationary agriculture is difficult in the region's dry desert climate, Western Sahara imports a large portion of its food. The Moroccan government is a major contributor to employment, infrastructure improvement, and social spending in Western Sahara. It also oversees the region's economic affairs. The Sahrawis who live in the Tindouf camps must endure exile, isolation, and poverty; they feel further abandoned by the global world as each day passes. They are ruled by an exiled state structure (Polisario and its Sahrawi Arab Democratic Republic), whose leaders are suspected of benefiting themselves through assistance embezzlement and whose government is hardly democratic.

[8] "Western Sahara: Freedom in the World 2021 Country Report." *Freedom House*, https://freedomhouse.org/country/western-sahara/freedom-world/2021.

Environmental Situation

Landmines and other explosive remains of war are wide spread throughout the Western Sahara region (ERW). The struggle between the Royal Moroccan Army, Mauritanian armed forces, and the military forces of the Frente Popular para la Liberación de Saguia el-Hamra y Ro de Oro between 1975 and 1991 is what caused the poisoning. As hostilities resume in November 2020, more landmines and other explosive remnants of war (ERW) are likely to be found across the Territory, including in spots that were once thought to be safe. There is little doubt that the issue of Western Sahara's natural resources, including fish, oil, and phosphates, has been the primary driver of interest in the region. The exploitation of natural resources, especially the employment opportunities it generates for the occupiers, causes states and people to act egotistically and in violation of international law, as it does in so many other areas across the world.

Morocco-Algerian Conflict

The initial source of friction was a border dispute over a piece of desert land handed to Algeria by French colonial rulers, which Morocco wanted to reclaim after both countries gained independence. In 1963, Moroccan attempts to capture the land resulted in a brief bout of combat between the two countries known as the "sand war." Since 1975, the dominant issue between the two countries has been the conflict in Western Sahara. After the former colonial power Spain withdrew its forces and handed control of the territory to Morocco and Mauritania, Algeria threw its support behind the local Sahrawi people's claims for self-determination and the Polisario movement fighting on their behalf. With Algerian backing, Polisario was able to cause serious problems for Moroccan forces in Western Sahara, but the conflict stabilized in the mid-1980s following Morocco's construction of an enormous sand wall, or berm, along the boundary of the territory it controlled. In the later part of the decade, tensions between Algeria and Morocco subsided.

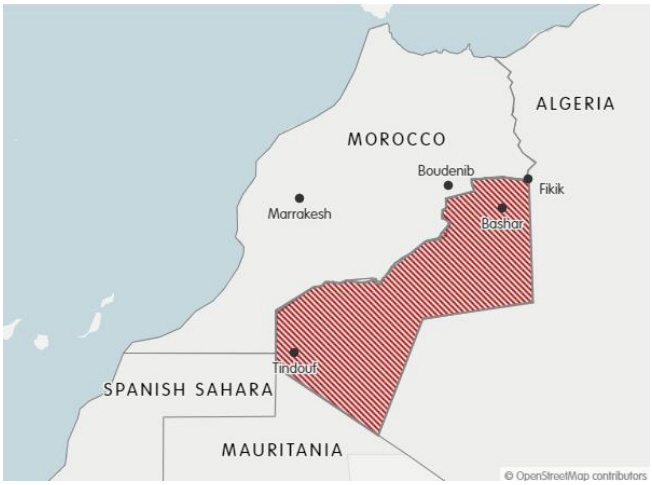

Figure 2: Area of dispute in 1963 "sand war" between Morocco and Algeria (ECFR)

Recently, Algeria has suspended diplomatic ties with Morocco, stopped gas shipments through Morocco to Spain, and accused Moroccan forces of killing three Algerian civilians in the disputed province of Western Sahara since August 2021. The tensions between these two heavily armed countries have prompted fears in the region and in Europe that Morocco and Algeria could become embroiled in open conflict, resulting in huge destabilization in North Africa and the ramifications for the European Union.

International Organizations

The United Nations, the African Union, the European Union, the International Court of Justice, the European Court of Justice and all regional organizations do not recognize Moroccan sovereignty over the Western Sahara. The Organization of African Unity (current African Union) admitted the Sahrawi Arab Democratic Republic as a member in 1984. As a protest to this, Morocco left the organization and rejoined in 2017 after a gap of 33 years. At its 54th meeting in Addis Ababa, Ethiopia, in March, the AU's Peace and Security Council (PSC) urged the UN Security Council to fully assume its responsibilities and "take all necessary measures to rapidly resolve the Western Sahara conflict." In other meetings, the PSC also decided to actively reengage in the search for a political solution of the long-standing conflict by reopening their office in Laayoune, in Western Sahara, and arranging a field visit to the territory to gather firsthand information on the developing situation.

Moroccan wall in Western Sahara

After the Chinese wall, the Moroccan wall in Western Sahara is the largest wall in the world but made the least visible by the mainstream media. During the war years, and specifically since 1980, Morocco has embarked on a plan to construct barriers throughout the occupied area of Western Sahara, with the assistance of Israel and the US. The wall's objective, according to Morocco, is to guard against the Sahrawi Liberation Army's (official name of the Polisario Front's armed branch) crimes and to ensure the safety and security of Sahrawi natural resource exploitation and extraction operations. Morocco uses the wealth from the Sahrawi people to finance their occupation and make capital gains at the expense of the Sahrawi people. The structure of the Moroccan occupation wall in Western Sahara concerns many international organizations and many of them state that it is a true crime that pursues the extinction of Sahrawis.

Aside from the social and psychological effects of isolating Sahrawi families between occupied, liberated, and camp areas, the wall also has an influence on the Sahrawi economy, which has traditionally relied on livestock. The wall restricts the Sahrawi people's freedom of movement, as they are effectively living in a vast jail under Moroccan rule, which continues to routinely violate human rights in the face of international apathy. The wall's structure has also had a significant environmental impact. It has resulted in changes to the earth's surface, which has become more

fragile over time and now acts as a barrier, preventing the flow of water between the two sides of the border.

Figure 3: The West Saharan Wall (International Campaign Against the Moroccan Occupation in Western Sahara

Media Coverage

There is very little known about what is happening in Western Sahara. A report that came out this year from the Spanish branch of Reporters Sans Frontières, called Western Sahara: A Desert for Journalists, warned about the information-drought in the territory. "There are no independent media nor Saharawi journalists recognised as such by the Moroccan authorities," the report said. Thus, the struggle for the establishment of borders and the control of the territory has resulted in the absence of freedom of expression and the press. "Morocco does not want to talk about Western Sahara, and every time a Moroccan journalist tries to report on it, they are dismissed and prosecuted for attacking national integrity," Alfonso Armada, president of RSF Spain, told Index. "In addition to the artificially drawn geographical borders, a border of silence has been established." But because of a complete lack of freedom of the press, there is very little discussion of the situation or reporting from either side. Salamu Hamudi, a Sahrawi journalist living in Spain, feels ashamed that "the situation of the press in Western Sahara is not under scrutiny as it is in Turkey, Venezuela or Saudi Arabia". He added: "There is no freedom of expression. One cannot practise journalism. It's not only Sahrawi journalists: foreign correspondents are returned to their country, and Morocco does not even allow international observers in." Reporters El Bachir Khadda, Hassan Dah, Abdellahi Lakhfawni and Mohamed Lamin Haddi were arrested in 2010 while covering the Gdeim Izik protest camp in Western Sahara's Southern Province. They are still in prison and are being prosecuted for crimes including allegations that they belonged to an armed group and caused the death of Moroccan officers through violence. The crimes they are alleged to have committed carry sentences of between 20 years and life imprisonment.

The only people still reporting from the area is Equipe Media, a group of journalists and activists set up in 2009 to break the information blockade imposed by Morocco. In order to do their job safely, Equipe Media journalists have to resort to clandestine meetings. “Laayoune is taken militarily. No journalist can access Western Sahara – we are targets for Moroccan police forces,” said Mayara. “We manage to hold our meetings in secret places or in the countryside. We also get in touch secretly with the organisers of demonstrations to know where they will take place and send our cameramen to roofs in the area so that they can film.”[9]

Major Parties Involved

Morocco

Western Sahara was annexed by Morocco in 1975. Since then, it has been the subject of a long-running territorial dispute between Morocco and its indigenous Saharawi people, led by the Polisario Front. The kingdom sees the territory as its own "southern provinces", a region it controlled before colonial Spain seized it. Over the past four decades, the Moroccan government has pumped investment and people into the areas it controls, according to an October report by the International Crisis Group. King Mohammed VI reiterated in a speech in November of 2021 that Moroccan sovereignty over the territory "will never be up for negotiation". However, Morocco has been pushing more countries to back its "initiative for negotiating an autonomy statute for the Sahara region", that would offer limited autonomy via a devolved government in Western Sahara, with tax raising and budgetary powers, though with foreign relations, security and defense remaining in the hands of Rabat.

Spain

Spain’s move came after relations with Morocco hit a new low in May 2021, when Spain gave access for hospital treatment to the leader of the Polisario Front Brahim Ghali, initially denying the fact to Morocco. Morocco reacted with retaliation, opening its borders to the island of Ceuta, where roughly 10,000 migrants arrived in the island in a few days. In March of 2021, the Spanish Prime Minister Pedro Sanchez issued a letter backing Morocco’s plans to give limited autonomy to the disputed territory of Western Sahara. It was a “small part of a bigger deal with Morocco” that includes an agreement on migration and Spanish enclaves of Ceuta and Melilla management. "Prime Minister Sanchez's letter to the King of Morocco said that the Moroccan offer is real and credible," socialist EU legislator Juan Fernando López Aguilar told EURACTIV. “However, this does not imply that Spain recognizes Moroccan authority over the land." According to Aguilar, Morocco’s plan could lead to a “lasting and solid settlement and a peaceful arrangement of this situation”.

[9] “Morocco / Western Sahara.” *Bienvenue Sur Le Site De Reporters sans Frontières*, 29 July 2022, https://rsf.org/en/country/morocco-western-sahara.

United States of America

In late 2020, US President Donald Trump's administration recognized Moroccan sovereignty over Western Sahara in return for the kingdom officially recognizing Israel. Washington states that the US is "fully engaged diplomatically, in support of the UN and together with our international partners, to reinforce a credible, UN-led, political process leading to an enduring and dignified resolution". Ambassador David T. Fischer on his visit to Morocco stated "In the weeks ahead, we will initiate the process of identifying an appropriate site for a physical consulate. Opening a consulate will allow the United States to take further advantage of Morocco's strategic positioning as a hub for trade in Africa, Europe, and the Middle East. Specifically, it will support and encourage investment and development projects that bring tangible benefits for the region. In the meantime, this Virtual Presence Post for Western Sahara represents our commitment to strengthening our already strong ties with Morocco, built over 200 years of friendship. Please visit this site for U.S. government announcements and information about new programs that promote economic and business opportunities for the region." Trump's recognition has not been publicly reaffirmed by the Biden administration. However, official U.S. government maps produced under the Biden administration always include Western Sahara as part of Morocco with no distinction between the two, in contrast to maps from the United Nations, National Geographic, Rand McNally, Google, or pretty much everywhere else. The occupied region is treated like a province of the United States by diplomatic personnel who visit it. The area is no longer identified as a distinct entity in State Department reports that mention it. Officials in the Biden administration have frequently declined to respond to press inquiries about the U.S. recognition.

Algeria

The conflict in Western Sahara has been the main point of contention between the two governments since 1975. Algeria backed the native Sahrawi people's claims for self-determination and the Polisario movement fighting on their behalf after the former colonial state Spain withdrew its military and transferred authority of the territory to Morocco and Mauritania. Prior to Spain's withdrawal, Algeria had been hesitant to back Polisario's position, and even seemed ready to support Morocco's claim in exchange for resolving its own border dispute with Morocco. Since August 2021, Algeria has severed diplomatic relations with Morocco, cut off gas shipments that previously ran through Morocco to Spain, and accused Moroccan forces of killing three Algerian citizens in the disputed territory of Western Sahara. The tensions between these two heavily armed countries have raised concerns within the region and in Europe that Morocco and Algeria could drift into open conflict, risking massive destabilization in North Africa with all the consequences that would entail for the European Union.

Polisario Front

The Algeria-backed Polisario separatists took up arms in the 1970s and have continued to demand an independence referendum on the basis of a 1991 deal that included a ceasefire. The Polisario Front movement accused Spain of making a “grave error” after it changed its position. Its founder is El-Ouali Mustapha Sayed, its secretary general is Brahim Ghali and it’s based in Sahrawi refugee camps, in Tindouf province of Algeria. “The position expressed by the Spanish government totally contradicts international legitimacy,” the Polisario statement said. “The United Nations, the African Union, the European Union, the International Court of Justice, the European Court of Justice and all regional organizations do not recognize Moroccan sovereignty over the Western Sahara,” the movement said.

Mauritania

In an apparent diplomatic shift following the election of a new president, Mauritania stated that it "hopes to see a solution" to the Western Sahara problem, which has long divided Morocco and Algeria. "Mauritania is active and keen to find a solution to this conflict that is accepted by all parties involved in this regional dispute that caused the paralysis of the Maghreb Arab Union," he added. Mauritania has previously taken a "positive neutrality" stance, engaging with both sides of the dispute, during the term of former President Mohamed Ould Abdel Aziz, this approach irritated Morocco and worsened relations between Rabat and Nouakchott. Mauritania first became involved in the Western Sahara conflict in the 1970s, when it acquired a third of the region following the Spanish withdrawal and fought an unsuccessful battle with the Polisario Front. In the beginning of 2008, under the leadership of retired army general Ould Abdel Aziz, the arid Western African nation experienced its most calm period in decades. Ould Abdel Aziz stepped down in 2018 after former Defence Minister Ould Cheikh Mohamed Ahmed el-Ghazouani won the presidential election, paving the way for the country’s first peaceful transition of power.

Timeline of Key Events

1884	Spain colonizes Western Sahara, an area formerly populated by Berber tribes.
1965	The UN calls for the decolonization of Western Sahara.
1973	Polisario Front, the indigenous Saharawi independence movement, is founded.

1975	Spain withdraws and Morocco's King Hassan defies a Hague ruling in favor of Saharawi rights to self-determination and stages the "Green March" of 350,000 Moroccans into Western Sahara.
1975-1991	Polisario Front fights a 16-year-long guerrilla war against Moroccan forces, which ends with a UN-brokered cease-fire.
1991-2020	UN brokered cease-fire ends war but Morocco has yet to hold an agreed referendum on independence. Numerous UN-sponsored talks have failed to yield a breakthrough.
2020-Present	The Polisario Front announced that it would no longer observe the 1991 cease-fire agreement, due to a conflict with Morocco in the West Saharan border with Mauritania.

Relevant UN Documents and Resolutions

1. Security Council Resolution 690, 29 April 1991

This resolution established the UN Mission for the Referendum in Western Sahara (MINURSO).

2. Security Council Resolution 1495, 31 July 2003

This resolution supported the peace plan proposed by James Baker as an optimum solution on the basis of agreement between the parties.

3. Report of the Secretary General 843, 1 October 2021

The current report written by the Secretary General on the issue of the Western Sahara.

Possible Solutions

An International Legal Framework

A possible solution would involve the creation of an international legal network that identifies the sovereignty of non-UN recognized states and Non-Self-Governing Territories. By doing so, the committee would ensure that disputes regarding the sovereignty of a Territory-State will be already addressed by international laws. Through this we would ensure that conflicts regarding such issues would decrease and our world would be a sustainable environment for everyone. To

make certain that this idea is successful, the legal framework must be written and designed in a way that permits many delegations to sign it. Ways of achieving that include but are not limited to a neutral governing body, respecting sovereignty, and adherence to previously accepted international laws.

Free Association

With Free Association the Sahrawis would be recognized internationally as a sovereign nation with control over its political affairs. At the same time, they would also maintain a defined association with Morocco, specifically in the area of defense. This has been established previously with the international agreement between the Federated States of Micronesia, Marshall Islands, Palau and the United States. The Sahrawi people would grant the Moroccan government some operating rights in the exchange of defense access to social services and grants for the citizens of Western Sahara. Supervision mechanisms and international agreements would be crucial in ensuring the success of this agreement. This concept has been introduced by both the International Court of Justice and the UN General Assembly during the attempts made for the decolonization of West Sahara. A free association treaty must also be accepted in a referendum by all the Sahrawis both in the region of Western Sahara and the in the Algerian camps. In order for a diplomatic settlement to succeed, all sides must be willing to make compromises.

Autonomous Region

122 countries nowadays have autonomous regions like Denmark with the Faroe Islands and Greenland, France with its many territories, China with its pro-independence provinces and the United States with Puerto Rico and Northern Mariana Islands. When looking for ways to settle internal political issues, the use of autonomy in governments with a strong legal system might serve as an inspiration. Autonomy gives a minority group within a state the freedom to express its rights while also ensuring the territorial integrity, unity, and sovereignty of the state. A system of political organization can be considered autonomous if it grants specific rights to autonomous entities that are either delegated or shared with the central government while still being subject to its control. However, neither the Polisario Front nor Morocco will agree with this proposal but perhaps it is a more feasible way to end the conflict.

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