

**Forum:** General Assembly Third Committee

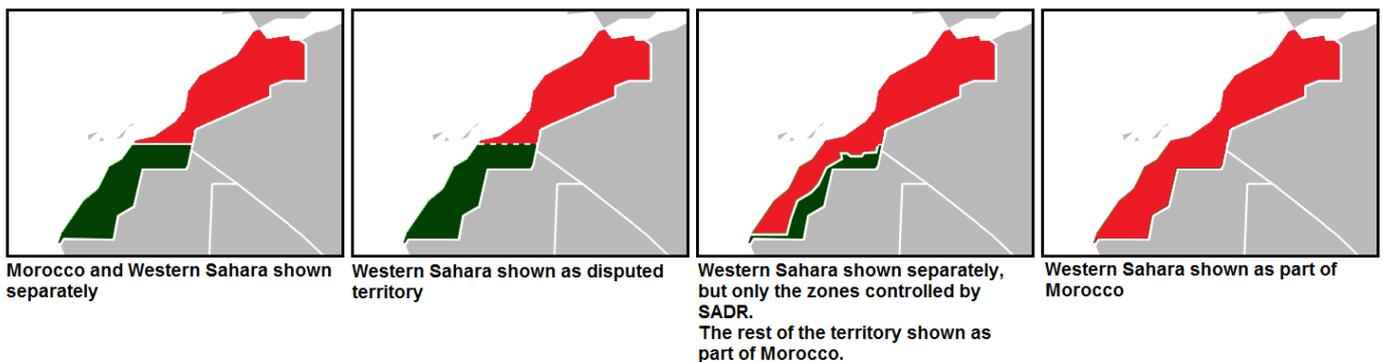
**Issue:** The Question of Western Sahara

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## Introduction

### 4 WAYS TO SHOW WESTERN SAHARA



The picture above portrays four different ways to show Western Sahara on a map today. The territory has been a topic of heated debate since the mid 20th century among surrounding nations in the African Maghreb region. Mostly composed of deserts, the region holds different symbolic meanings for each party involved in the crisis; sovereignty over Western Sahara could represent the achievement of inalienable rights to self-determination for indigenous population while some neighboring countries show blunt interest in mere occupation of the territory and its resources. This is how highly varying interests and purpose for the obtainment of sovereignty over the region render a situation of political complexity and sensitivity among surrounding parties. When Ban Ki-moon, the former Secretary General of the United Nations, visited the refugee camps of indigenous Sahrawis in Algeria in 2016 and inconsiderately declared that Morocco occupied Western Sahara, he was forced to apologize. Thus, it is crucial to note that addressing the question of Western Sahara entails a high degree of prudence as subtlety in the nuance to describe the situation such as the difference between ‘occupation,’ ‘sovereignty’ or ‘independence’ could simultaneously empower but also demean the dignity of a particular party in geopolitical means.

Occupied by Spain until the mid 20th century, Western Sahara has been on the United Nations list of both non-decolonized territories and non-self-governing territories since 1963. It is the most populous territory on those lists, and by far the largest in area. Today, a buffer strip, also known as ‘berm’ with landmines and fortifications stretches the disputed territory and separates the Moroccan-

administered western portion from the Polisario-administered eastern part.<sup>1</sup> For more than 60 years, Western Sahara has been exploited as a center of Maghreb contention due to the absence of a resolute owner of the territory. Now, it is time to end the decades of political turbulence and instability that have created a chaos over the century but rather to start the new era of coming up for mutual cooperation between all relevant nations to secure the rights of the indigenous.

## Definition of Key Terms

### Western Sahara

Western Sahara is a disputed territory of mostly desert situated in the Maghreb region of North and West Africa. A former Spanish colony, the annexation of Western Sahara in 1975 brought about the long-running territorial dispute between Morocco and its indigenous Saharawi people, led by the Polisario Front. It is bounded by the Atlantic Ocean on the west and northwest, by Morocco in the north, by Algeria for a few miles in the northeast, and by Mauritania on the east and south border.<sup>2</sup> With its rich resources of fisheries, phosphate deposits and potential oil reserves, the land has become of a great economical value for any country that could firmly establish the possession of it.

### Non-Self-Governing Territory

According to the United Nations, a non-self-governing territory refers to a territory whose people are yet to attain the full measure of self-government. It is usually governed by another country and is subject to the decolonization process. Chapter 6 of the UN Charter states that the interests within the people of the territories are paramount, with the state in charge of the territory required to submit an annual report on the development of the territory.<sup>3</sup>

### Self-Determination

Self-determination is a principle that is embodied in Article 1 of the Charter of the United Nations. Its inclusion in the UN Charter marks the universal recognition of the principle as fundamental to the maintenance of friendly relations and peace among states. It states that people, based on respect for the principle of equal rights and fair equality of opportunity, have the right to freely choose their sovereignty and international political status with no interference.

### Peacekeeping Mission

Peacekeeping Mission in the United Nations offered by the Department of Peace Operations includes observation of peace processes in post-conflict areas and assistance of ex-combatants in implementing the peace agreement, along with electoral support, strengthening the rule of law and

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<sup>1</sup> <https://www.cia.gov/library/publications/the-world-factbook/geos/wi.html>

<sup>2</sup> <https://www.britannica.com/place/Western-Sahara>

<sup>3</sup> <https://www.worldatlas.com/articles/non-self-governing-territories-of-the-world.html>

economic and social development. The UN peacekeepers can include soldiers, police officers and civilian personnel and are often referred to as Blue Helmets because of their light blue helmets.<sup>4</sup>

## Explanation of the Question

### From Spanish Sahara towards Decolonisation (1975-1991)

After the Spanish relinquishment in 1975 of the administrative control of Western Sahara, it was handed over to a joint administration by Morocco and Mauritania. Decades of social and economic changes and reforms caused by drought, desertification, and phosphate discoveries brought about national consciousness and anti-colonial sentiment to the indigenous people; the Sahrawi Arab Democratic Republic by the indigenous representatives of the Polisario Front was proclaimed. The Western Saharan War erupted since then until 1991 with the territory divided up to northern two-thirds of Moroccan-administered area and the other southern third by Mauritania. Since Mauritania has withdrawn from the territory, Morocco has taken the Mauritanian portion of Western Sahara with the remaining by the Polisario Front. Currently, 75~80% of Western Sahara lies within Moroccan administration with the other remaining 20~25% under the control of SADR.<sup>5</sup>

### UN Intervention of MINURSO (1991)

It is the United Nations peacekeeping mission in Western Sahara, established in 1991 under UN Security Council resolution 690, which had paved the way for a cease-fire in the conflict between Morocco and the Polisario Front over the contested territory. United Nations Mission for the Referendum in Western Sahara, MINURSO in short, was intended to constitute a Sahrawi exercise of self-determination and thus complete Western Sahara's still-unfinished process of decolonization by holding a referendum for the indigenous Sahrawis to choose between independence and integration to Morocco, which still has not been held due to the question of the eligibility of the voters. MINURSO has been officially given the following mandates: monitor the ceasefire, verify the reduction of Moroccan troops in the territory, ensure the release of all Western Saharan political prisoners or detainees, identify and register qualified voters and organize a free and fair referendum and proclaim the results. Recently on October 2019, the mandate of MINURSO has been renewed for another 12 months, but with Polisario's attempt to extend the mandates to human rights monitoring disregarded.<sup>6</sup>

### Autonomy Plan by Morocco (2007)

The Autonomy Plan was submitted by Morocco to the United Nations Security Council in 2007 as a proposal to potentially resolve the question of Western Sahara. Citing the Spanish approach to regional autonomy, Morocco plans to model any future agreement after the cases of the Canary Islands,

<sup>4</sup> <https://peacekeeping.un.org/en/mission/minurso>

<sup>5</sup> <https://www.unocha.org/middle-east-and-north-africa-romena/western-sahara>

<sup>6</sup> <https://minurso.unmissions.org/documents>

Basque Country or Catalonia; it has received the immediate support of both the United States and France, starting with the Security Council. As per the plan, the creation of an independent Western Sahara would be prevented by turning it into an autonomous region within the Kingdom of Morocco. Although the Sahrawis would run their own government, it would be under the control of Moroccan government in many major aspects such as defense or foreign affairs.<sup>7</sup>

### The Question of Voting Eligibility

A proposed referendum on the question of independence that would have asked the native people between independence and integration with Morocco never took place due to lack of mutual agreement on voter eligibility. This involved questions regarding the definition of who among the traditionally nomadic Sahrawis would be entitled to cast a ballot, continued throughout the 1990s and into the early 21st century. By 1999, the UN had identified about 85,000 voters, with nearly half of them in the Moroccan-controlled parts of Western Sahara or Southern Morocco, and the others scattered between the Tindouf refugee camps, Mauritania and other locations. The Polisario accepted this voter list, while Morocco refused, insisting that each application be scrutinized individually. Also, the Polisario has insisted on only allowing those found on the 1974 Spanish Census lists to vote, while Morocco has insisted that the census was flawed by evasion and sought the inclusion of Sahrawi tribes which escaped from Spanish invasion to the north of Morocco by the 19th century. Since then, Morocco has moved tens of thousands of 'settlers' into the territory and insisted that they have their voting qualifications assessed, while recently the ruler of Morocco, Muhammad VI, announced in 2001 that Morocco would no longer consider the option of holding a referendum in Western Sahara. Consequently, both sides blame each other for the stalling of the referendum, and little progress is likely to be made in the near future, especially with Morocco's clear denial of the possibility of a referendum.<sup>8</sup>

## Key Member States and NGOs Involved and Their Views

### Morocco

Morocco was the first nation to express endeavour to annex the territory except the territory's history of former Spanish colonization. Today, the Moroccan government heavily subsidizes the Saharan provinces under its control by controlling all trade. It has been continuously expanding its physical infrastructure in Western Sahara despite widespread protests against its presence in the areas under its control. It also maintains a large military presence in the territory and has encouraged its citizens to settle there, offering bonuses, pay raises, and food subsidies to civil servants and a tax exemption, in

<sup>7</sup> <https://www.morocoworldnews.com/2019/07/279377/king-autonomy-plan-political-solution-western-sahara/>

<sup>8</sup> [http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_2018\\_277.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2018_277.pdf)

order to integrate Western Sahara into the Moroccan Kingdom allegedly in an attempt to marginalize the native population.

### Polisario Front & Sahrawi Arab Democratic Republic (SADR)

The Polisario Front, a politico-military organisation first created to fight off Spain, opposed Morocco's claim to sovereignty over Western Sahara. The Sahrawi Arab Democratic Republic was proclaimed by the Polisario to embody its independence project. While the SADR is not an internationally recognised state, it continues to symbolically represent the Sahrawis' self-determination endeavour. In fact, it controls about 20~25% of Western Sahara. It has relied on Algerian support for decades since its establishment and while it is likely that Algiers will continue to support the Sahrawis' self-determination case, it is unclear how far it is willing to go as Algeria is after all facing its own political crisis. Today, 45 countries around the world recognize the legitimacy of the Polisario over Western Sahara. 84 states across the world initially recognized the SADR as a state while several states subsequently withdrew or froze their recognition. In the perspective of international law, such withdrawals are in violation of the Montevideo Convention of 1933, which states that 'recognition is unconditional and irrevocable.'<sup>9</sup>

### Algeria

Algeria has shown an unconditional support for the Polisario Front since its creation, delivering arms, training, financial aid, and food, without interruption for more than 30 years. Algeria appears as a main actor and negotiator in opposition to Morocco since the beginning of the Western Sahara conflict.<sup>10</sup>

### The United Nations

The United Nations considers the Polisario Front to be the legitimate representative of the Sahrawi people and maintains that the Sahrawis have a right to self-determination. The peacekeeping mission MINURSO established by a Security Council resolution has successfully held a cease-fire between Morocco and the Polisario Front in 1991, while its attempt to hold a referendum on the indigenous people of Sahrawis has encountered many obstacles. Recently, Mr. Horst Köhler, the Secretary General's Personal Envoy for Western Sahara, has organized direct talks about the territory between the representatives of Morocco, the Polisario Front, Algeria, and Mauritania in 2018 December.

### African Union

Formerly known as the Organization of African Unity, African Union is a continental union consisting of 55 members located on the continent of Africa. Moroccan entry to the African Union on January 30th, 2017 has met resistance from certain AU members, especially Algeria and South Africa. This integration

<sup>9</sup> <https://harvardilj.org/2017/12/moroccan-entry-to-the-african-union-and-the-revival-of-the-western-sahara-dispute/>

<sup>10</sup> <https://newint.org/features/1997/12/05/facts>

has happened despite the fact that Morocco's sovereignty claim over Western Sahara is contrary to the AU's protocols, which supports the principle of territorial integrity.

## Timeline of Events

Date	Description of Event
1957	Western Sahara is claimed by Morocco.
1958	Spain united Rio de Oro and Saguia el-Harma into Spanish Sahara.
1960	Western Sahara is also claimed by Mauritania.
1963	Phosphate deposits are discovered in the northern portion of Spanish Sahara.
1965	General Assembly adopts a resolution asking Spain to decolonise the region.
1966	A new resolution requests a referendum to be held by Spain on self-determination of the region.
1975	Spain relinquished the administrative control of the territory to a joint administration by Morocco and Mauritania. The Western Saharan War erupts between Morocco and the Polisario Front.
1976	The SADR is proclaimed by the Polisario Front.
1979	Mauritania withdraws its claims over the territory. Morocco annexes Mauritania's portion of Western Sahara.
1988	UN Peace Proposal specifies a referendum for the indigenous Sahrawis to decide between independence or integration into Morocco.
April 1991	UN Peacekeeping Mission MINURSO is established. A ceasefire is imposed by MINURSO with the acceptance of both Morocco and the Polisario Front.
April 2007	Morocco submits the Autonomy Plan to the UN Security Council.
January 2017	Morocco is readmitted into the African Union.
October 2019	Under resolution 2494, the mandate of MINURSO is extended. <sup>11</sup>

## UN Involvement, Relevant Resolutions, Treaties and Events

### Security Council Resolutions

Resolution	Date	Content
<b>S/RES/690</b>	29 April 1991	The resolution 690 called for the creation of a peacekeeping mission MINURSO on the issue of Western Sahara. It held a ceasefire on Western Saharan

<sup>11</sup> <https://www.securitycouncilreport.org/chronology/western-sahara.ph>

		War.
<b>S/RES/2440</b>	31 October 2018	The Security Council extended the mandate of MINURSO for a further six months.
<b>S/RES/2468</b>	30 April 2019	The Council further renewed its mandate for six months. Two Council members abstained.
<b>S/RES/2494</b>	30 October 2019	The Council renewed the mandate for twelve months until 31 October 2020.

### Secretary General's Reports

<b>Resolution</b>	<b>Date</b>	<b>Content</b>
<b>S/2018/277</b>	29 March 2018	This was the Secretary General's report on the situation in Western Sahara.
<b>S/2018/889</b>	3 October 2018	This was the Secretary General's report on MINURSO.
<b>S/2019/282</b>	1 April 2019	This was the report on MINURSO covering 3 October 2018 to 1 April 2019.

### General Assembly Resolutions

<b>Resolution</b>	<b>Date</b>	<b>Content</b>
<b>A/RES/34/37</b>	21 November 1979	The resolution referred to 'the continued occupation of Western Sahara by Morocco.'
<b>A/RES/35/19</b>	11 November 1980	The resolution referred to 'the continued occupation of Western Sahara by Morocco.'
<b>A/60/116</b>	12 July 2005	The resolution summarized the previous reports submitted by the Secretary General to the Security Council. <sup>12</sup>

### Possible Solutions

<sup>12</sup> <https://www.securitycouncilreport.org/un-documents/western-sahara/>

### Adopting Morocco's Autonomy Plan with modifications

Morocco's Autonomy Plan has been already backed up by the Security Council, the United States and France. With the adoption of the plan, Morocco would exert sovereignty over the region and Sahrawis would be able to exert their self-determination. However, the plan fails to offer guarantees in terms of political rights and representation to the Polisario for it to agree. With relevant changes to the plan, it has high potential to resolve the issue with demands of both parties satisfied.

### Holding a fair and peaceful referendum

Holding a referendum on the indigenous Sahrawis asking them to choose between independence or integration with Morocco has been the purpose of the establishment of MINURSO, while due to difficulties regarding agreement on voter eligibility, it has never been held. Since the referendum would most directly reflect the will of indigenous Sahrawis, obtaining a mutually acceptable list of voters should be the goal of UN with active cooperation of Morocco and the Polisario Front.

### Securing the rights of Sahrawis refugees

Currently, UNHCR estimates that more than 90,000 Sahrawi refugees live in camps in Tindouf, in Southern Algeria. Years of military affront between Morocco and Polisario pushed most Sahrawis to seek refuge in Algeria, near the town of Tindouf, where they settled in camps organised by the Polisario and partly funded by the UN. In the parts of the territory controlled by Morocco, Sahrawis face systematic repression by the authorities that demonstrations supporting Western Saharan independence is strictly prohibited. Considering that the Sahrawis are the actual representatives of the indigenous population of Western Sahara, securing the rights of the refugees would be a prerequisite to resolving the issue.

### Extending the mandate of MINURSO to human rights monitoring

The Western Sahara conflict has resulted in severe human rights abuses and serious breaches of the Geneva Convention, most notably the aerial bombardments of the Sahrawi refugee camps, the exodus of tens of thousands of Sahrawi civilians from the country, and the forced expropriation and expulsion of tens of thousands of Moroccan expatriate civilians by the Algerian government in reaction to the Green March. Astonishingly, MINURSO is the only UN peacekeeping mission established since 1978 to be operating without the capacity to monitor human rights. Growing criticism has been voiced against the UN Security Council for not establishing a program of human rights, despite serious reports of numerous abuses. However, the most recent renewal of the mandate of MINURSO disregarded Polisario's attempt to extend the mandates to human rights monitoring.

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