Forum:	General Assembly 4 (SPECPOL II)
Issue:	Developing an agreement regarding the governance of Western Sahara
Chair:	Evelyn Wu (Deputy Chair), Karl Chu (Deputy Chair), Eliana Ko (Head Chair) and Sophie Lien (Head Chair)

## Introduction

Western Sahara, currently viewed as Africa's "last colony", is a former Spanish colony that has been a long-standing source of dispute between the Kingdom of Morocco and the Polisario Front (a group made of indigenous Sahrawi people and is recognized by the UN as a legitimate representative of the Sahrawi people).

The Western Sahara is a 266,000-square-kilometer region in Northern Africa that is bordered by Morocco, Algeria, Mauritania, and the Atlantic Ocean. It encompasses an extensive desert and coastline region. Western Sahara, rich in phosphate reserves, natural resources, and fishing grounds, is a territory Morocco wishes to maintain control over. On the other hand, the Sahrawi people seek the independence of Western Sahara.

In the 1975 Madrid Accords, Spain relinquished Western Sahara to Morocco and Mauritania before withdrawing from the territory the following year. Morocco and Mauritania claimed the territory and stationed armed forces and citizens there. However, the United Nations (UN) did not recognize the Madrid Accords and declared that neither Morocco nor Mauritania possessed sovereignty over Western Sahara. Despite the UN's declaration, both states continued to occupy the territory. The Polisario Front, seeking independence and freedom, fought a 16-year insurgency against Morocco and Mauritania. The Polisario Front claims Western Sahara as its territory, establishing the Sahrawi Arab Democratic Republic (SADR), which has gained limited recognition. In 1979, Mauritania signed a treaty with the Polisario Front, agreeing to withdraw from Western Sahara. Following Mauritania's withdrawal from the Western Sahara, Morocco and the former part of Mauritania, which resulted in a dispute over the territory between Morocco and the Polisario Front. When the UN pledged a referendum on the territory's status in 1991, the two parties' fighting ceased. The UN Mission for the Referendum in Western Sahara

(MINURSO) is supposed to oversee this referendum; however, disputes over voter eligibility have caused the referendum to be postponed numerous times.

The issue is centered on Morocco's assertion that Western Sahara is an intrinsic part of its territory due to historical ties. Despite the International Court of Justice's (ICJ) and the United Nations' rejection of Morocco's ownership, Morocco continues to claim sovereignty over Western Sahara. For this reason, they have rejected the Polisario's Front's ongoing liberation movements.

The issue is further complicated by the different political stances of various nations. For example, had the European Union and Morocco's surrounding neighbors not rejected the United States' unilateral recognition of Morocco's annexation of the Western Sahara, the US's declaration would have had a significant impact. This action has also positioned the United States against others who support the Polisario Front, including the African Union (AU) and Algeria. These issues have added a new layer of complexity to the international community's predicament.

It has been too long since the now-forgotten struggle in Western Sahara began. Western Sahara is still classified as a non-self-governing area by the UN. The conflict has led to a crisis that puts the Sahrawi people's human rights in jeopardy, thus more efficient international efforts are required to resolve the problem. Our committee's objectives for this conference are to create a strategy that will mitigate the conflict and resolve the issue of Western Sahara's lack of a legitimate government.

## **Definition of Key Terms**

#### Sovereignty

Sovereignty is a political concept that refers to dominant power or supreme authority. It is the state of being able to govern oneself and one's affairs. State sovereignty and individual sovereignty are the two categories into which the Secretary-General of the UN separated sovereignty. National rights, globalization, and intergovernmental collaborations are all regarded as elements of state sovereignty. In contrast, individual sovereignty refers to each person's inalienable right to freedom, which is emphasized in the UN Charter.

#### **International Mediation**

International mediation is a peaceful method of conflict resolution in which impartial third parties help resolve disputes through social and political means, without resorting to violence or the legal system's authority.

#### Confidentiality

Confidentiality means adhering to approved access and disclosure limits, as well as measures to preserve personal privacy and proprietary information.

#### **Contract indemnification**

Contract indemnification refers to the undertaking by one party (the indemnifying party) to compensate the other party (the indemnified party) for certain costs and expenses. This typically stems from third-party claims.

#### Key contract terms

Key contract terms refer to the major provisions of a contract, which spell out contractual obligations. Violating them can result in a breach of contract, allowing the other parties of the contract to take legal action.

#### Legally binding

A legally binding agreement is a contract between two parties that outlines specific rules or restrictions. These agreements are legally enforceable and can be used in legal proceedings.

#### Compliance

The act of following a law or rule and behaving in conformity with its provisions. Morocco is seen by the UN as not complying with its declarations.

#### Legality

The state of being consistent with the law or of being lawful or unlawful in a given jurisdiction, and the construct of power.

#### Arbitration

Arbitration is a procedure in which a dispute is submitted, by agreement of the parties, to one or more arbitrators who make a binding decision on the dispute. It is a process in which an independent person makes an official decision that ends a legal disagreement without the need for it to be solved in court.

#### Referendum

A referendum is a vote by the electorate to either accept or reject a political question referred to them. To resolve the Western Sahara governance issue, the UN has proposed a referendum that would allow the Sahrawi people to choose between integration with Morocco and independence.

# **Background Information**

#### **Governance history**

Much of Western Sahara's history has been under the occupation of other nations. The history of the state is filled with constant conflict and clashes regarding the sovereignty of the state. The most notable conflict is between The Polisario Front and Morocco. Gaining sovereignty over West Sahara will not just be a physical win, it will also be a symbolic victory over the decades-long war between the two parties. The history of failed resolutions and agreements contributes to the unstable trust between the two countries, causing constant conflict to arise.

#### Spanish colonialism

In 1884, the Spanish claimed the coastline of the Sahara under their protectorate, underlining the fact that they owned the coastline from Cape Bojador to Cape Blanc. In 1958, the combination of the rest of the Spanish territories, Saguia el-Harma and Rio de Oroto, formed the Spanish Sahara. With the decolonization in Africa after the formation of the UN, Morocco gained independence as a country and claimed the Spanish Sahara as their land in 1956. Other parties, like Mauritania, also claim parts of Spanish Sahara's territory. The Spanish colonizers started to lose control over the territory due to local opposition forces. The Spanish failed at competing against the Polisario force's military tactics and their reluctance to engage in a full-on scale war led to their withdrawal from Western Sahara. In an agreement called the Madrid Accords, Spain ceded authority over the regions to Morocco and Mauritania.

#### Morocco

The ICJ and the UN did not recognize the Madrid Accords, thus they did not acknowledge the territorial sovereignty Morocco claims to have over western Sahara. The court overruled Morocco's claim, but the King of Morocco misinterpreted the court's opinion as an encouragement of their claim. The Green March was established to initiate a demonstration to force the Spanish to give Morocco the Spanish Sahara. Although the 350,000 unarmed Moroccans were met with no opposition from Spanish forces, they were met with resistance forces from the Polisario forces. Moreover, Morocco also annexed the previously occupied territory of Western Sahara. Even now, Morocco still claims Western Sahara as part of its territory and continues to exercise control over the region.

#### **Polisario Front**

Established in 1973, the Polisario Front is a liberation movement created by indigenous Sahrawi people to initiate decolonization in Western Sahara and to gain independence for the Sahrawi natives. It was initially created to end Spanish colonialism, after succession, the movement further pursued

Taipei American School Model United Nations, Taipei 2023 | XIV Annual Session freedom and independence. The Polisario forces' target shifted towards Moroccan and Mauritanian

#### Sahrawi Arab Democratic Republic

In 1976, when all Spanish forces were transferred back to Spain, Polisario forces took this chance to claim the country as an independent nation called the Sahrawi Arab Democratic Republic (SADR). Morocco did not recognize the state, which resulted in further conflict. However, countries like Algeria, Mexico, Iran, Venezuela, Vietnam, Nigeria, South Africa, and India have officially recognized the state.

forces after Morocco and Mauritania started exercising control over Western Sahara.

#### **Madrid Accords**

In 1975, Mauritania, Morocco, and Spain had the Madrid Accords agreement. The treaty stated Spain would pull out of their sovereign role in the Spanish Sahara region. The land would then be divided to Morocco and Mauritania, with Morocco holding two-thirds of the territory and Mauritania holding the rest. This was just a temporary solution for the country to transition from the Spanish Sahara to a decolonized state. The agreement was strongly opposed by the Polisario Front and Algeria, who sent a delegation to Spain in order to pressure Spain to not sign the treaty supporting the Polisario Front. However, the Madrid Accords are not legally approved by the UN. Thus, the UN and some countries do not recognize Morocco's claims on the territory.

#### **Reign of Unstable Control**

During the 17 years of war and conflict, the Mauritanian government in the lower South part of Western Sahara was overthrown by a military coup in 1978. After a ceasefire in 1979, called by Polisario, a peace treaty was signed where Mauritania renounced its claims on the territory. Soon after, Morocco occupied the previously Mauritanian-controlled land, which led to further struggles between Morocco and Polisario.



Figure 1: A map on the division of Spanish Sahara under the Western Sahara partition agreement

#### Ceasefire

Attempts were made to seek resolutions that would help Morocco and the Sahrawi Arab Democratic Republic to meet a consensus. In 1979, a resolution was sought by the Organization of African Unity towards the conflict and for the right of self-determination be given to the Sahrawi people. In response to Sahrawi Arab Democratic Republic joining the Organization of African Unity, Morocco first started to boycott meetings, then withdrew from the organization. In the next four years, more resolutions were passed and enacted, but little progress was made. In 1988, the UN proposed an agreement called the Settlement Plan which was later signed and adopted in 1991 by Morocco and the Polisario Front. The agreement would conduct a ceasefire, a referendum, and exchange the return of refugees and prisoners from war. Although the ceasefire lasted until 2020, the referendum was never held. The Moroccans argued that despite both sides agreeing to the agreement in principle, their interpretation on clauses differ. And most importantly, the two sides have a different standard for the eligibility of Sahrawi voters for the referendum.

#### Western Saharan Clashes

In 2020, the ceasefire ended in mid-October when a Sahrawi peaceful protest was held in a disputed region between Moroccan-occupied Western Sahara and sub-Saharan Africa. This disrupted the Moroccan transportation and trade on that side of the border and escalated to Morocco Polisario forces being deployed in the region by late October. On November 13th, a military operation was launched by Morocco in order to clear the region that was blocking their transport of goods and people. The Polisario Front saw this as a violation towards their settlement plan. Polisario forces accused Morocco of harming innocent civilians and called war on Morocco on the 14th. To this day, Morocco and the Sahrawi Arab Democratic Republic are still engaged in an ongoing conflict.

## **Countries and Organizations Involved**

#### The Kingdom of Morocco

Morocco is one of the two most important parties in the conflict over governance in Western Sahara. Morocco views the Polisario Front as a separatist group, and believes that Western Sahara belongs to them. This belief stems from the Madrid Accords, which was signed by Spain, Morocco, and Mauitina. In the Madrid Accords, Spain relinquished control over the colony to Morocco and Mauritania. However, the Accords are not recognized by the UN, thus the UN views Morocco's occupation of the territory as illegal. Morocco wants Western Sahara because of the economic benefits it provides. Western Sahara is rich in rock phosphate, and its location by the Atlantic Ocean provides an abundance of seafood. Morocco's economy is dependent on the phosphate and fishing industry, which is why it

views Western Sahara as an integral part of its country. Morocco's actions are often perceived as not fulfilling its role in agreements and is preventing the Saharawis to get their right to self-determination. Its unwillingness to cooperate with MINURSO has also slowed international progress on resolving the issue. Morocco justifies the lack of progress on abiding with their commitments in the Settlement Plan as a lack of communication between Morocco and the Polisario Front. Morocco also accused the UN of being ignorant of either side's concerns and reservations. On the other hand, the protests and attacks held by the Saharwis shows that Morocco was not the first to trigger physical conflict.

#### **Polisario Front**

The Polisario Front was first established by students who were drafted between the Spanish colonies and Morocco and Mauritania forces in which state to remain or join. They began to claim to be the representative for the Sahrawi people, and made decisions on their behalf. Their goal is for the Sahrawi Arab Democratic Republic to be recognized as a nation. And in order to achieve it, they're aiming to provide the Sahrawi people with the right to self-determination by conducting a referendum. Based in Algeria with the nation being the biggest supporter.

#### Spain

At first, the nation was urgent in avoiding conflict and wars in 1975, which is why the nation withdrew their involvement of Western Sahara. This is mainly because of the death of their leader, which led to instability within the government. Moreover, internal conflicts against the Polisario Front added pressure on Spain to relinquish its control. Spain has long maintained neutrality about the issue at hand; however, it recently shifted its position to be more supportive of Morocco's autonomy plan for Western Sahara. Spain has not formally recognized Morocco's annexation of Western Sahara, but its support of Morocco has put Spain in an awkward position in the international community.

#### Algeria

Algeria first took an international stance towards the issue by deporting over 40,000 Moroccan citizens in 1975 and widely broadcasting their support for the Polisario Front. Tension between Algeria and Morocco has increased because of the military buildup, Algeria's increasing voice in international affairs, and Morocco's use of violence against the Sahrawi people. In 2021, Algeria officially severed ties with Morocco, including halting its gas supplies to Morocco. Algeria supports a UN-supported solution for the issue at hand and hopes to bring back the Western Sahara issue to the UN agenda.

#### Mauritiana

Along with Morocco, Spain ceded control of Western Sahara to Mauritania. During its occupation, Mauritania waged four years of war against Polisario guerrillas. Finally, in 1979, Mauritania signed the Algiers Agreement with the Polisario Front. The treaty renounced any Mauritania claims on Western Sahara and recognized the right of self-determination for the Sahrawi people. Mauritania has recognized the Polisario Front as the governing party of the territory, but it has also mended relationships with Morocco. Currently, Mauritania has a neutral view on the issue and wishes to stay uninvolved.

#### **United States (US)**

In 1978, the US froze arms sales to Morocco because it violated the terms of a bilateral military agreement that prohibited the use of U.S. weapons outside internationally recognized borders. However, President Carter resumed arms sales after being pressured by Congress members who viewed Morocco as a strategic Cold War ally. Throughout the Cold War, the US has supported Morocco militarily but not politically. Until the Trump Administration, the US has maintained a neutral stance on the issue of governance in Western Sahara. Under the Trump Administration, the United States (US) has recognized and acknowledged Moroccan sovereignty over Western Sahara. The US proposed an autonomy plan that allowed limited self-governance of the Sahwaris, but the territory would ultimately be under the authority of Morocco. This new position the US is taking has induced more controversy on the issue and allowed Morocco to gain more confidence to exercise control over the area.

#### The United Nations (UN)

The United Nations (UN) has listed Western Sahara as a non-decolonized territory. Historically, the UN did not recognize the Madrid Accords. As a result, the UN does not acknowledge Morocco's annexation of Western Sahara. The UN has been encouraging peaceful negotiations between Morocco and the Polisario Front, but minimal progress has been made.

#### **MINURSO**

The United Nations Mission for the Referendum in Western Sahara, or MINURSO, is a UN peacekeeping operation started in 1978 in the Security Council resolution 690 to monitor the referendum that would be held in Western Sahara to decide whether the territory should declare independence from Morocco, or integrate with Morocco. It has the job of registering qualified voters for the referendum and conducting the referendum. Besides monitoring the referendum, it also had the task of monitoring the ceasefire between POLISARIO and Moroccan forces. It is headed by the Secretary-General's Special Representative and is aided by civilian, police, and military personnel.

## **Timeline of Events**

# DateDescription of event1973The Frente Polisario is formed and launches attacks on Spanish Colonizers

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November 14th, 1975	Spain cedes Western Sahara to Morocco and Mauritania; withdraws shortly after.
1975-1991	The Polisario fights a 16-year guerilla war against Morocco.
August 30th, 1988	Both parties agreed to a ceasefire (starting 1991) and a referendum for Western Sahara to choose between independence and integration with Morocco.
2001-2012	A series of UN-sponsored peace talks (Baker Plans I and II, Manhasset Negotiations, and other talks in New York) fail as both sides cannot agree on whether Western Saharan voters can vote for independence from Morocco in the referendum.
November 13, 2020	Moroccan forces enter the buffer zone to expel Polisario protesters blocking the traffic between Moroccan-controlled-Western-Sahara and Mauritania. The Polisario Front declared that the operation marked an end to the ceasefire with Morocco.
December 2020	The US announces it will recognize full Moroccan sovereignty over Western Sahara in exchange for Morocco establishing relations with Israel.

# **Relevant UN Resolutions and Treaties**

• Declaration of Principles on Western Sahara by Spain, Morocco, and Mauritania, 1975

This declaration, also known as the Madrid accords, ended the Spanish colonial rule of western Sahara and created a temporary transitional government of the territory to Morocco and Mauritania.

### • Resolution 2602, 2021 (S/RES/2602)

This resolution extended the mandate for MINURSO and urged nations to cooperate with each other and MINURSO.

• Question of Western Sahara, 2005 (A/60/116)

A report by the Secretary-General on the question of Western Sahara. It concluded that little progress has been made regarding the governance issue of Western Sahara.

• Resolution 2654, 2022 (S/RES/2654)

This resolution extended the mandate for MINURSO and urged nations to cooperate with each other and with MINURSO.

• Resolution 2548, 2020 (S/RES/2548)

This resolution extended the mandate for MINURSO and urged involved nations to continue talks.

• Question of Western Sahara Resolution, 1990 (A/RES/45/21)

This resolution urged nations to continue talks on the issue in Western Sahara.

• Security Council Resolution 1133, 1997 (S/RES/1133)

This resolution extended the mandate for MINURSO and started registering Western Saharan referendum voters, as well as creating a detailed plan for how the referendum would be conducted.

 Implementation of the Declaration on the granting of independence to colonial countries and peoples, 1965 (A/RES/2105)

This declaration requested colonial powers to grant their colonies independence, and discontinue segregation policies within the colonies.

## **Possible Solutions**

Developing coordination among concerned parties so that the UN may carry out the previously proposed referendum. The United Nations Mission for the Referendum in Western Sahara (MINURSO) was founded by the UN in 1991. The referendum's organization was to be established to oversee the ceasefire and carry out an impartial vote, giving the people of Western Sahara the option to choose between independence and integration with Morocco. The impacts of MINURSO are, however, slow and nearly ineffective. This is primarily due to unsuccessful rounds of negotiations between Morocco and the Polisario Front. The UN Security Council's MINURSO recently renewed the referendum, and negotiations are gaining more momentum. To ensure that this momentum is preserved, states can endorse MINURSO's actions and establish concrete plans to encourage the referendum. Moreover, states can strengthen MINURSO by not limiting its military power and providing more military support. With the completion of the referendum, Western Sahara's political governance will no longer be a complicated question that induces conflict.

Ask the UN or its member states to incorporate human rights components into their programs. There have been allegations of human rights violations against the Sahrawi people by the Moroccan government. There have been frequent documented cases of torture, arbitrary imprisonment, assaults, and falsified charges. These brutal tactics have been utilized to control the protests. Although MINURSO has no human rights component to it, it has been able to monitor the ceasefire in Western Sahara. For this reason, countries, the UN, Intergovernmental Organizations (IGOs), and Non-Governmental Organizations (NGOs) should adopt and develop a solution that makes it easier to monitor human rights breaches and provide humanitarian help. However, Morocco has consistently denied human rights monitors entry into the Western Sahara. Therefore, the solution's efficacy is debatable. However, putting these recommendations into practice would make it easier to monitor human rights violations in the Western Sahara.

Promoting and supporting the parties involved in the dispute conducts peaceful negotiations. The Polisario Front and Morocco have previously been unable to reach a consensus. Morocco, for instance, has consistently protested the referendum's voting procedures. Afterward, a solution involving an autonomy vote was proposed, in which the Sahrawis would live under the Moroccan monarchy. This referendum was suggested because Morocco refused to agree to solutions that could potentially offer Sahrawis independence. The Sahrawis, however, were against it. Negotiations between the two parties have never made much progress, thus the international community must encourage both sides to be more proactive. Though some room for political negotiations has been created by Secretary-General Steffan de Mistura's Personal Envoy for Western Sahara, the movement will remain stagnant unless states ask Morocco to release detained Sahrawi activists and encourage the Polisario to unilaterally halt its military operations. Though this solution will stimulate additional negotiations, governments must exert more pressure on the parties and empower the UN envoy. Without the support and encouragement of the international community, the parties will be hesitant to resume negotiations.

## **Questions for Further Research**

When researching about the issue, here are some questions to keep in mind:

- 1. What is your country's view on the issue? Different countries have different political opinions that influence their decisions. Research about whether your country is neutral about the issue or which side they support.
- 2. What types of solutions does your country support? Every country has their own opinions and preferences when it comes to implementing solutions. Some may like a more peaceful approach, while others may like a more militaristic approach.

- 3. Does your country have any historical, political, economic, or cultural ties with the major parties involved in the conflict? This may influence which country's opinions or proposals your country is more inclined to agree with.
- 4. How affected by the dispute is your country? Countries who are more affected by the dispute will most likely have clearer stances and opinions about the solutions than those who are less affected.
- 5. Has your country done anything regarding the issue? Was it successful or not? Things your country has done before can be implemented in the resolution and advocated for during the conference. However, if it was not successful, think about what makes it unsuccessful and think of ways to make it better.

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