



# International Malfunction

The role the United Nations play in the current status quo of the Western Sahara Conflict

Student: Mohammed Amin Zaghdoud

Student number: 14747452

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Supervisor: Dr. L. Milevski

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## Contents

Introductory	2
Background	2
Literature review	4
1. Methodological framework	7
2. The UN and the WSC	10
From 1956 until 1975	10
From 1976 until 2004	13
From 2005 until 2018	17
3. The role relevant parties play in maintaining the status quo	20
France	20
The US	21
Russia and China	22
The UK	23
The SC and the WS Conflict	23
4. The alternative ways James Baker proposed to solve the WSC	25
Implementation of the settlement plan without concurrence of both parties	25
Revision of the draft framework agreement, also without concurrence	25
Division of the territory	26
Termination of MINURSO	27
Conclusion	28
Bibliography	30

## Introductory

### *Background*

*“Given the limited impact of institutions on state behavior, one would expect considerable skepticism, [...] when institutions are described as a major force for peace. Instead, they are still routinely described in promising terms by scholars and governing elites”.*<sup>1</sup>

Ever since the devastation of the Second World War, international institutions try to maintain international peace and security. They do this by concentrating on subjects, such as conflict prevention, helping parties in conflict make peace, peacekeeping and creating conditions to allow peace to hold and flourish.<sup>2</sup> One could argue that the world encompasses less armed conflict. However, does this mean that the world is a more peaceful place to live in?

A conflict, which is located in North Africa and mostly forgotten but has a risk of re-escalation is the Western Sahara Conflict (WSC). The WSC is a long-standing dispute which is yet unresolved, and international organizations’ inability to achieve peace becomes quite clear in this specific case. The Western Sahara (WS) is an arid region, which at first glance does not seem worth fighting for. The region was colonized by Spain in the 19<sup>th</sup> century and occupied by Morocco and Mauritania since 1975. Mauritania left the WS in 1979 and acknowledged the Polisario Front (PF), a Sahrawi political and military organization, as the legitimate representatives of the region. Proceeding this event, Morocco seized control in almost all previously Mauritanian ruled areas.<sup>3</sup>

The region is now the only ‘colonized area’ left in Africa, a continent that has a long history of colonization. The African continent and specifically the North African region are highly influenced by this event. The WSC has caused strong frictions between Algeria and Morocco, since Algeria supports the independence of the WS. Morocco views the Algerian position as an attack on its sovereignty and thus maintaining good relations with Algeria is not a high priority.<sup>4</sup> Following this fact, it becomes clear that any other country that promotes and supports the

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<sup>1</sup> John J. Mearsheimer, “The False Promise of International Institutions,” *International Security* 19, no. 3 (1994-1995): 47.

<sup>2</sup> “What we do,” UN, Accessed December 10, 2017, <http://www.un.org/en/sections/what-we-do/>.

<sup>3</sup> Erik Jensen, *Western Sahara: Anatomy of a Stalemate* (Colorado: Lynne Rienner Publishers, 2005), 32.

<sup>4</sup> Raphael Lefevre, “Morocco Algeria and the Maghreb’s cold war,” *The Journal of North African Studies* 21, no. 5 (2016): 738.

independence of the WS is also in conflict with the Moroccan view and thus international diplomatic relations can become difficult quite easily. This has become the case to such an extent, that Morocco was not part of the African Union (AU) because of the independent representation of the WS in this union.<sup>5</sup> On September 22, 2016 Morocco officially submitted a request to re-join the AU. During the 28<sup>th</sup> summit of the AU it became clear that Morocco secured enough votes to be part of the union and was officially admitted. Morocco sees this as an opportunity to strengthen its relationship with the members of the AU. However, WS representatives criticize this effort by stating that if Morocco: “*wants to join the club, [it] must respect the rules of the club*”.<sup>6</sup>

The difficulties with Morocco in the AU also occur in the United Nations (UN) when it comes to the WSC. Because of the fact that the conflict is still not resolved and every day, people in the WS, Tindouf and Morocco are affected by the continuation of the conflict, it is important to analyze the actions taken so far in the WSC by the UN. Besides this, the eventual solution for this conflict could possibly help solve future conflicts with similar characteristics. Therefore, the main question I seek to answer is: ‘To what extent has been the UN a good third party to assist in resolving the WSC and if so, does the UN have to consider an alternative solution for the conflict in which coercion is not excluded?’

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<sup>5</sup> BBC, “Morocco should not rejoin African Union.”

<sup>6</sup> “Morocco should not rejoin African Union,” BBC, Accessed November 10, 2016, <https://www.bbc.com/news/world-africa-37941687>.

## Literature review

The discussions concerning the WSC focus primarily on the specific reason Morocco entered the WS. Some scholars, for example, argue that Morocco entered the region because the Moroccan monarchy needed to strengthen its own position. Others argue that Morocco is primarily motivated because of the natural resources in the WS, such as the rich fishing grounds. Finally, some argue that Morocco has entered the region because it genuinely believes that the region is part of Moroccan territory.

Besides the above, there are not many scholarly disagreements concerning the conflict. For example, many scholars think that the UN has not had a positive impact on the conflict and that the taken actions are primarily based on the will to prevent the outbreak of a war. The WSC is more discussed in terms of subjects, such as, the role of international organizations. It is mostly researched from a historical perspective, that analyses the past and looks at motivations behind certain actions.

The first subject that is discussed among scholars is the current status of the conflict and how this status came into existence. Because the topic of the WS is heavily neglected, it is important for researchers to give an overview of the current situation in relation to the conflict.<sup>7</sup> Some literature focuses particularly on the nationalist part of the conflict and less on the role institutions play in maintaining the status quo in the region. Nationalism is an important element of the conflict, since from the start nationalism and identity are important in identifying, for example, possible voters for the referendum on the status of the WS.<sup>8</sup>

The second subject concerning scholarly literature is about international organizations and their position in relation to the WSC. For example, the WS is regularly compared to the situation in Timor-Leste and how the UN has helped in solving that conflict.<sup>9</sup> Articles about this conflict

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<sup>7</sup> Raquel Ojeda Garcia, Irene Fernández-Molina and Victoria Veguilla, ed., *Global, Regional and Local Dimensions of Western Sahara's Protracted Decolonization* (Palgrave Macmillan US, 2017), 5.

<sup>8</sup> Jacob Mundy and Stephen Zunes, *Western Sahara: War, Nationalism, and Conflict Irresolution* (Syracuse, New York: Syracuse University Press, 2010).

Anouar Boukhars and Jacques Roussellier, ed., *Perspectives on Western Sahara: Myths, Nationalisms, and Geopolitics* (Maryland: Roman & Littlefield, 2013).

<sup>9</sup> Pedro Pinto Leite, "Independence by fiat: a way out of the impasse – the self-determination of Western Sahara, with lessons from Timor-Leste," *Global Change, Peace & Security* 27, no. 3 (2015): 368.

give an idea on the inability of the UN to resolve the WSC and push through certain resolutions against Morocco, because of the Security Council (SC).<sup>10</sup> The literature about international organizations does not solely focus on the UN.<sup>11</sup> There is also literature about regional organizations, such as the AU. Literature about these international organizations look at their position in relation to the conflict. This literature is important for my research, since I look at the position of the UN as a third party in resolving the conflict. I do not look at all the international organizations, as some scholars did, since focusing on one organization will give the reader a better understanding on how the UN influences the conflict, which is important for answering my specific main question.

Finally, the last subject that is regularly discussed in the field concerning the WSC is about the economic effects the conflict has on the parties involved. The WS is seen as a region, which is rich of multiple natural resources.<sup>12</sup> This notion influences the conflict, because it adds an extra dimension to the WSC. For example, currently there is a lot of discussion about the fishery agreements between Morocco and the EU. This discussion focusses on the aspect of legality of Morocco's usage of the WS's coastal areas for economic gains.<sup>13</sup> Economic effects of the conflict are interesting for my thesis, since they give an idea on why certain countries position themselves as they do. My thesis focusses solely on the role of the UN, however, to fully comprehend the background of certain developments, it is good to also keep certain economic motivations in mind.

The gap that becomes clear after analysing the current literature of research concerning the WSC, is that, besides that the conflict has been heavily neglected by the scholarly field, the work that has been written down, is still too broad and does not focus on the alternative solution, as proposed by James Baker.

I encountered literature, that is prejudiced in the way that it becomes very clear that the writers support WS independence. An article from 2001, for example, written by Zunes titled 'UN

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<sup>10</sup> Leite, "Independence by fiat," 362.

<sup>11</sup> Yahia Zoubir and Karima Benabdallah-Gambier, "The US and the North African Imbroglia: Balancing Interests in Algeria, Morocco, and the Western Sahara," *Mediterranean Politics* 10, no. 2 (2006): 185.

<sup>12</sup> Natasha White, "Conflict Stalemate in Morocco and Western Sahara: Natural Resources, Legitimacy and Political Recognition," *British Journal of Middle Eastern Studies* 42, no. 3 (2015): 341-345.

<sup>13</sup> "EU-Morocco fishing deal casts doubt on EU future foreign policy," EU Observer, Accessed March 10, 2018, <https://euobserver.com/opinion/141029>.

betrayal of Western Sahara' states that the influence of the UN has been negative in relation to the position of the WS in the conflict.<sup>14</sup> I did keep this in mind while selecting literature for my thesis.

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<sup>14</sup> Stephen Zunes, "UN Betrayal of Western Sahara Appears Imminent," FIPF, Last modified June 1, 2001, [https://fpif.org/un\\_betrayal\\_of\\_western\\_sahara\\_appears\\_imminent/](https://fpif.org/un_betrayal_of_western_sahara_appears_imminent/).

## 1. Methodological framework

My master thesis consists of qualitative research and is based on an in-depth analysis of characteristics, such as the role the UN plays in the WSC and the resolutions that were drafted along the way, of the WSC. I have chosen to split my thesis up in three parts. The first chapter, relating to the content of my research, will focus on the history of the conflict and, more specifically, look at the UN and their involvement in trying to resolve the conflict between the PF and Morocco. This chapter is divided into three phases, to construct a clear overview of the history of the conflict. The phases are based on significant historical events that influenced the current status of the conflict. The first phase starts in 1956, with the independence of Morocco. This phase ends with the Green March and the Madrid Accords, the Madrid Accords which stated that Spain would end its presence in the territory of Spanish Sahara and would transfer its administrative powers to Morocco and Mauritania in 1975.<sup>15</sup> I selected these two events, because they mark the beginning of Moroccan expansion into the WS area. The next phase starts with the founding of the PF movement, which until this day plays a significant role in the conflict in representing a large part of the Sahrawi people. This phase ends with the complete Moroccan rejection of the Baker Plan.<sup>16</sup> The conflict namely took another turn after this rejection, because the Baker Plan was long seen as a possible solution for the conflict. The situation resulted in a status quo. The last phase starts in 2005 with a new special representative for WS and ends with the current situation. I have chosen to focus specifically on the actions of the UN, because of the prominent position of the UN in the conflict.

In order to answer my research question, namely to what extent the UN has been a good third party to assist in resolving the WSC and if so, whether the UN has to consider an alternative solution for the conflict in which coercion is not excluded, it is important to have a clear view of the contributions of the UN in the conflict. So that the reader is able to form a more reasoned opinion on whether the UN has had a positive impact on the conflict. A positive impact is, for example, that the relevant parties support the efforts of the UN. A good third party also looks at multiple ways for resolving the conflict so that the conflict progresses towards a solution. Currently, the UN uses a ‘moot’ approach. This means that everyone is consulted and that a

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<sup>15</sup> White, “Conflict Stalemate,” 346.

<sup>16</sup> Jeremy Keenan, *The Sahara: Past, Present and Future* (New York: Routledge, 2007), 325.



decision is made collectively.<sup>17</sup> The question this thesis tries to answer is if the UN should use more of an ‘autocratic’ method in resolving the WSC.

It is also important to know if the relevant parties are open for another organization, nation or institution to take the position of the UN as a third party. A good third party has to have the support of all the relevant parties in the conflict and must be taken seriously by all of them. This is important for a third party, because they have to have a certain authority in respect to the conflicting parties. Finally, it is also important for a third party to have an international character and to have access to many opportunities. This is relevant for the neutrality of the third party; the more international the party, the more views are included. The access to opportunities helps renewing the approach if the conflict solving progress stagnates.

The second chapter focusses on the position of the permanent members of the UN SC. The reason why I chose to include this chapter in my thesis, in order to answer my main question, is because of the influence these members have on the outcome of the conflict. It is important to review their opinion on the matter and how they view the course of the process, since these parties eventually decide the direction of the peacemaking process. In my main question, I specifically mention coercion as a possible solution for the conflict. In order to analyze whether the permanent members will select coercion and whether they already consider it as an option, it is important to have a chapter that focusses solely on their specific position towards the solving of the conflict.

When looking at the conflict it becomes clear that a status quo has been reached. Because of the status and the negative prospect in the near future, the UN could consider alternative solutions. The reason I specifically look at the aspect of coercion, has to do with the previous actions, such as not implementing the settlement plan, taken by the relevant parties, namely, Morocco, the PF and the permanent members of the SC. Coercion has not been taken into consideration except by James Baker who was not able to reach a consensus with the SC. Therefore, the last chapter analyses these alternative solutions proposed by James Baker. The proposed options provide a footstep in understanding how coercion could be implemented. It also merges together with the

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<sup>17</sup> S. I. Keethaponcalan, *Conflict Resolution: An Introduction to Third Party Intervention* (Maryland: Lexington Books, 2017), 71-72.

previous chapter, since the analysis made is necessary in order to explain why the options were rejected and why whether they will work or taken seriously or not.

Because of this set-up, the thesis has a descriptive character. In order to answer my research question properly, in relation to the WSC, which is not as widely known as other international conflicts, this descriptive character cannot be avoided. As shown above, it is essential to fully explain not only the course of the conflict, but also, for example, the view of the members of the SC. Analyses are made at the end of each individual chapter to provide the reader with an understanding of how it relates to the main question.

## 2. The UN and the WSC

This chapter will focus on the three timeslots as discussed in the methodological framework. The first timeslot is from 1956 until 1975. The second time slot focusses on the events that occurred between 1976 and 2004. Finally, the last timeslot includes events that happened from 2005 until 2018.

### *From 1956 until 1975*

In the UN, the WS has been on the list of Non-Self-Governing Territories that in accordance with General Assembly resolution 1514 should be decolonized.<sup>18</sup> As discussed in the introductory, Spain occupied and ruled the WS from 1884 until 1975. The occupation of the WS by Spain was questioned by Morocco after it gained independence in 1956. The WS issue shows a strong believe in Moroccan politics and social life that Morocco has a valid claim to the territory as an integral part of the national patrimony. The issue resulted in a diversion from national malaise into national unity.<sup>19</sup> Moroccan King Hassan II knew that the WS issue could be used to achieve national cohesion and preserve the fortunes of the monarchy. He decided to launch a campaign over the border issue, hoping to consolidate his power.<sup>20</sup>

In 1963, Morocco's military entered the Colomb-Beshar area of Algeria, to assert Moroccan claims over border zones. This action resulted in multiple reactions from the Algerian and the Moroccan side of the conflict.<sup>21</sup> King Hassan II tried to consolidate multiple strategic locations, such as the principle highway connecting coastal Algeria Tindouf and the Spanish Sahara. The King received support from the Moroccan people as a reward for his actions; they did however result in deteriorated relations between Algeria and Morocco.<sup>22</sup> The organization of African Unity (OAU), predecessor of the AU, mediated between the two states and they reached a ceasefire in 1963, the relations were repaired during an Arab League-sponsored summit in Cairo in 1964, but remained cooled.<sup>23</sup> In the same year, the UN's Decolonization Committee branded

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<sup>18</sup> "Non-Self-Governing Territories," UN, Accessed February 27, 2018, <https://www.un.org/press/en/2009/gaspd422.doc.htm>.

<sup>19</sup> John Damis, "Morocco and the Western Sahara" *Current History* 89, no. 546 (1991): 165.

<sup>20</sup> Karen Farsaun and Jim Paul, "War in the Sahara: 1963," *MERIP Reports* 45 (1976): 13.

<sup>21</sup> Anthony Clayton, *Frontiersmen: Warfare In Africa Since 1950* (London: UCL Press Limited, 1999), 108.

<sup>22</sup> Farsaun, "War," 13.

<sup>23</sup> *Ibid.*, 13-14.

the Spanish Sahara and Ifni as colonized regions. During the following year, the UN General Assembly decided that both territories “had the right to freedom from “colonial domination” and called on Spain to “enter into negotiations on the problems relating to sovereignty presented by these two Territories.”<sup>24</sup> Finally, through resolution 2229 (XXI), the UN requested Spain to hold a referendum in the WS to ultimately decolonize the region.<sup>25</sup>

In 1973, the PF was founded with the purpose of obtaining independence for the WS. In the same year, the PF started fighting against the Spanish military in order to achieve their goal.<sup>26</sup> The next year, Spain already started identifying possible participants for the referendum that ultimately would decide on self-determination for the WS inhabitants.

On December 21, 1974, the International Court of Justice (ICJ) received, from the General Assembly of the UN, a request for an advisory opinion on two questions:

*“ I. Was Western Sahara at the time of colonization by Spain a territory belonging to no one?*

*If the answer to the first question is in the negative,*

*II. What were the legal ties between this territory and the Kingdom of Morocco and the Mauritanian entity? ”<sup>27</sup>*

The UN General Assembly’s request for this advisory opinion was accompanied by a request for a UN’s visiting mission. Simultaneously the ICJ’s advisory opinion decided unanimously on the first question that the WS at the time of colonization of Spain was not a territory belonging to no one.<sup>28</sup> They pointed out that there was an existence of legal ties between the Sultan of Morocco and some of the tribes living in the territory of WS, which immediately provides an answer to question II. However, this cannot be explained as an establishment of Moroccan territorial sovereignty on the WS territory. Morocco rejected this view by explaining to the court that in the

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<sup>24</sup> Jensen, “Anatomy,” 25.

<sup>25</sup> Myres S. MacDougal and W. Michael Reisman, *International law in contemporary perspective: the public order of the world community: cases and materials* (Mineola: Foundation Press, 1981), 640.

<sup>26</sup> Allison McManus, “The fragility of the Modern Imaginary: A case study of Western Sahara,” *Global Societies Journal* 1, no. 1 (2013): 83.

<sup>27</sup> “Western Sahara: Advisory Opinion of 16 October 1975.” ICJ, Accessed March 21, 2018, <http://www.icj-cij.org/files/case-related/61/6197.pdf>.

<sup>28</sup> Ibid.

context of Morocco, territorial integrity should be explained in terms of Islamic similarities and on allegiance of various tribes to the Sultan.<sup>29</sup> Morocco thus interpreted the Court's recognition of tribal allegiance in its favour.<sup>30</sup> This also shows that sometimes international law can be understood in different ways and is subjected to cultural differences. Spain, however, argued against cultural particularization of international law and warned against departing from international law. It would mean losing a common legal language and without it states would be unable to reach true agreement.<sup>31</sup> The delegation that executed the mission concluded that widespread native support existed for an independent WS instead of a WS region as part of Morocco or Mauritania.<sup>32</sup>

In this time, both Morocco and Spain were allied to the United States (US) during the Cold War.<sup>33</sup> In response to ICJ's rejection of the Moroccan claim of the WS and the General Assembly Visiting Mission's reported negative stance of the WS's population on Morocco's territorial claim, Morocco reassured the US' Minister of Foreign Affairs Kissinger that Morocco would not attack Spain, which was welcomed by Kissinger. Hassan II did announce that 350.000 Moroccan civilians would enter the Spanish Sahara in a march that is now known as the Green March, that eventually took place on November 6, 1975.

On November 14, 1975, Morocco, Spain and Mauritania agreed on a treaty that is known as the Madrid Accords, which stated that Spain would end its presence in the territory of Spanish Sahara. The three most plausible reasons for Spain to leave this area are that, firstly, Spain did not want to engage in a military confrontation with Morocco. Secondly, Spain wanted to uphold its responsibility to decolonize the area, as was repeatedly stated by the UN, by terminating its responsibility over the territory as the administering power. Finally, one could argue that the US put pressure on Spain, as was repeatedly mentioned in Spanish media. The territory would

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<sup>29</sup> ICJ, "Western Sahara: Advisory Opinion."

<sup>30</sup> Abdeslam Maghraoui, "Ambiguities of Sovereignty: Morocco, The Hague and the Western Sahara Dispute," *Mediterranean Politics* 8, no. 1 (2010): 115.

<sup>31</sup> Karen Knop, *Diversity and Self-determination in International Law* (Cambridge: Cambridge University Press, 2002), 133.

<sup>32</sup> Jacob Mundy and Stephen Zunes, "Western Sahara: Nonviolent Resistance as a Last Resort," in *Civil resistance and conflict transformation: transition from armed to nonviolent struggle*, ed. Véronique Dudouet (London: Routledge, 2014).

<sup>33</sup> Mundy and Zunes, *Western Sahara*, 60.

subsequently be divided between Morocco and Mauritania.<sup>34</sup> The Pact was strongly opposed by Algeria and the PF. Before the signing of the pact, Algeria maintained a low profile but became more influential in the conflict because they recognized their responsibility in upholding the UN's Charter.<sup>35</sup>

### ***From 1976 until 2004***

In 1976, the Sahrawi Arab Democratic Republic (SADR) was proclaimed by the PF and waged a guerilla war against both Morocco and Mauritania to liberate the area from its new occupiers.<sup>36</sup> The rise of Sahrawi nationalism, which was also evident in the growing popularity of the PF, was one of the defining events of this period. The Sahrawi's felt amplified by the declaration of the UN "That all peoples had the right to self-determination".<sup>37</sup> The General Assembly of the UN adopted to this end resolution 1514 which declares that:

*"Immediate steps shall be taken, in Trust and Non-Self-Governing Territories or all other territories which have not yet attained independence, to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or colour, in order to enable them to enjoy complete independence and freedom."*<sup>38</sup>

The PF successfully countered the Moroccan and Mauritanian forces. In 1979, Mauritania decided to withdraw its forces from the area and Morocco annexed a large part of the territory that Mauritania abandoned. The war between Morocco and the PF intensified through the 1980's until the OAU and the UN negotiated a ceasefire between the parties. The OAU was heavily divided on the best way to solve the conflict, in part of the different interests of member states in

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<sup>34</sup> Martin Dawidowicz, "Trading fish or human rights in Western Sahara? Self-determination, non-recognition and the EC-Morocco Fisheries Agreement," in *Statehood and Self-Determination Reconciling Tradition and Modernity in International Law*, ed. Duncan French (Cambridge: Cambridge University Press, 2013), 258.

<sup>35</sup> Tami Hultman, "The Struggle for Western Sahara," *African Studies* 7, no. 1 (1977): 27.

<sup>36</sup> Bella Holt, *Western Sahara, Sahrawi Arab Democratic Republic: Protracted Sahrawi Displacement and Campment* (Abidjan: Dany Beck Paper Shop, 2017).

<sup>37</sup> Joseph Sanders, "The International Community and Self-Determination," in *Justice for Nations: Searching for Common Ground*, ed. Andrea P. Morrison (Montreal: McGill-Queen's University Press, 1997), 94.

<sup>38</sup> "The United Nations and Decolonization," UN, Accessed April 10, 2018, <http://www.un.org/en/decolonization/declaration.shtml>.

this organization. One of the biggest problems for the organization during this period was the membership issue of the SADR in the OAU.<sup>39</sup>

In 1989, the Moroccan minister of Foreign Affairs, Filali, received peace proposals from the UN and the OAU. They called upon Morocco to find a just and definitive solution for the WSC in which self-determination was respected. They also came with a joint proposal for the holding of a referendum in which the people of the WS could vote for their status within the region.<sup>40</sup> In their eyes, the best way to solve the conflict was through political negotiations. Both Morocco as well as the PF reached an agreement, better known as the settlement proposals, to respect a ceasefire which the UN would supervise in collaboration with the OAU. Both parties think that the two organizations should be responsible for the execution of the proposed referendum in accordance with accepted international practices and norms.<sup>41</sup> The Secretary-General (SG) of the UN appointed a special representative for WS, Héctor Gros Espiell, for the transitional phase, which encompasses the period between the ceasefire -which became active in 1991 - and the announcement of possible referendum results. The special representative would also be responsible for answering questions relating to the referendum.<sup>42</sup>

In 1990, the SG of the UN wrote a report for the SC that also contained a detailed plan that ought to solve the conflict between Morocco and the PF.<sup>43</sup> The report complied with resolution 621 that was written down in 1988 and was accepted by both Morocco and the PF. The SC requested the SG:

*“to transmit to the Security Council as soon as possible a further detailed report on his implementation plan, containing, in particular, an estimate of the cost of the United Nations Mission for the Referendum in Western Sahara, under understanding that this*

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<sup>39</sup> Anthony Pazzanita, “Legal Aspects of Membership in the Organization of African Unity: the Case of the Western Sahara,” *Case Western Reserve Journal of International Law* 17, no. 1 (1985): 124.

<sup>40</sup> Europa Publications, *The Middle East and North Africa* (New York: Routledge, 1993): 687.

<sup>41</sup> Sidi M. Omar, “The right to self-determination and the indigenous people of Western Sahara” *Cambridge Review of International Affairs* 21, no. 1 (2008): 52.

<sup>42</sup> Unknown, “the making of a new nation agreement on Namibia,” *United Nations Chronicle* 26, no. 1 (1989): 58-59.

<sup>43</sup> “Western Sahara,” UN, Accessed April 27, 2018, <http://www.un.org/documents/ga/res/46/a46r067.htm>.

*further report should be the basis on which the Council would authorize the establishment of the Mission.*”<sup>44</sup>

On April 29, 1991, the UN established MINURSO, via resolution 690, a mission that among others is responsible for maintaining the ceasefire throughout the WS and to identify voters for the referendum on the political status of the territory.<sup>45</sup> Until now, there is a lot of discussion about the activities of MINURSO and whether MINURSO should also encompass human right abuses in the region<sup>46</sup>, something that Morocco strongly opposes to.

In 1992, indigenous residents were scheduled to vote on whether the territory would become an independent state. However, the UN was unsuccessful in making sure the referendum could take place, because of conflicting interest of Morocco and the PF.<sup>47</sup> Until this day, the referendum has still not taken place due to insurmountable differences. During these years, the UN demanded the cooperation of both parties in order to ensure the implementation of the referendum. This was difficult due to the resistance of both parties to work with one another.

In 1997, Baker was named the new special UN envoy for WS to break the deadlock. He was described by UN Secretary General (SG) as a “most distinguished statesman of high international reputation”.<sup>48</sup> Baker mediated in talks between Morocco and the PF in London, Lisbon and Houston, among others. He initiated the Baker Plan, which was designed to replace the settlement plan and grant self-determination to the WS. When Morocco realized that a referendum was not in its favor it opted for a political discussion in which the WS could be an autonomous region under Moroccan sovereignty.<sup>49</sup> The PF, however, saw this as a sign of weakness and, in contrast to their previous interest to meet directly with Morocco, it stated that it was only interested to talk about the settlement plan, and was unwilling to discuss anything that

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<sup>44</sup> “The situation concerning the Western Sahara,” UN, Accessed April 27, 2018,

[http://www.un.org/en/sc/repertoire/89-92/Chapter%208/AFRICA/item%2008\\_Western%20Sahara.pdf](http://www.un.org/en/sc/repertoire/89-92/Chapter%208/AFRICA/item%2008_Western%20Sahara.pdf).

<sup>45</sup> Anna Khakee, “The Minurso mandate, Human Rights and the Autonomy solution for Western Sahara,” *Mediterranean Politics* 2, no. 1 (2014): 456.

<sup>46</sup> *Ibid.*, 457.

<sup>47</sup> Omar, “The right to self-determination,” 52.

<sup>48</sup> “UN names James Baker,” NY Times, Accessed April 29, 2018, <https://www.nytimes.com/1997/03/18/world/un-names-james-baker-to-western-sahara-post.html>.

<sup>49</sup> Anna Theofilopoulou, “The United Nations and Western Sahara: A never-ending affair,” *Special Report USIP*, no. 166 (2006): 14.



did not include independence as an option.<sup>50</sup> Baker repeatedly tried to solve the conflict between the two parties and reach a political solution. In 2001 Baker proposed the first framework agreement on the status of the WS, Morocco saw this as a success because the proposal offered the WS minimal autonomy and gave Morocco a better chance of winning a possible referendum. The other relevant parties did not agree. After Kofi Annan, the SG of the UN concluded that the relevant parties did not show the intention to solve the conflict and come to a negotiated political solution, Baker came up with four alternative options:

1. Implementation of the settlement plan without the concurrence of both parties.
2. Revision of the draft framework agreement, also without concurrence.
3. Discussion by the parties of a possible division of the territory, and if that fails, submission of a proposal to the Security Council that would be presented to the parties on a non-negotiable basis.
4. Termination of MINURSO.<sup>51</sup>

The SC opposed because it thought a solution should always be reached on consensus. Following these developments, Baker finalized the framework. In the Baker Plan, also known as the ‘Third Way’, a referendum about the final status of the area would be conducted within 5 years. It created a new option for the final status of the WS, namely the WS becoming an autonomous Moroccan territory with far-reaching self-determining capabilities.<sup>52</sup> However, the relevant parties in the conflict did not show any willingness to resolve the conflict and still tried to influence the outcome of a possible referendum, and thus opted for a winner takes all option. Morocco objected, mainly because it revived the option of a referendum in which the voters could vote for ‘independence’ instead for the vaguer term ‘self-determination’. Moroccan representatives stated that the country would only accept autonomy as a possible solution and rejected every referendum that would have independence as an option. PF and Algeria first opposed to the Baker Plan, however, at the end, they viewed it as a basis for further negotiations

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<sup>50</sup> Theofilopoulou, “The United Nations and Western Sahara,” 6.

<sup>51</sup> Carol Migdalovitz, “Western Sahara: Status of Settlement Efforts,” *CRS Report for Congress* (2006): 4-5.

<sup>52</sup> Theofilopoulou, “The United Nations and Western Sahara,” 10.

and a compromise in favor of peace, and they accepted Baker Plan II. Morocco ultimately rejected the plan.<sup>53</sup>

### ***From 2005 until 2018***

The WSC is one of the few stories in which possible termination of colonial rule is still not successful. The Baker Plan has not been mentioned in the SC, since Baker resigned. Peter van Walsum became the new special UN envoy for the WS. He argued that the WS was a forgotten conflict, which did not receive enough political attention for a solution to be drafted quickly. Countries, such as France, wanted to maintain good relations with Morocco and Algeria. This meant that a continuation of the status quo maintained.<sup>54</sup> SC resolution 1754 called on Morocco and the PF to “negotiate without preconditions on a political solution that will provide for the self-determination of the people of the WS.”<sup>55</sup> It became more and more clear that the parties were not willing to negotiate on terms they deemed crucial. The new Moroccan king, Mohammed VI, stated in a speech, in which he commemorated the thirtieth anniversary of the Green March, that he would look into the possibility of granting autonomy to the WS. He would also begin an internal dialogue in which he would measure the Moroccan attitude in response to his proposal. If domestic agreement would be reached, he would present proposals to the UN.<sup>56</sup> In 2006, Morocco composed the WS Autonomy Proposal, which resembles the Spanish approach to regional autonomy. It received the backing of two permanent members of the SC, namely France and the US. Morocco submitted the proposal in 2007.<sup>57</sup>

The conflict retained its non-violent character and because of the ‘war on terror’, multiple nations did not want an independent state in the Middle East, which could possibly be a hotbed for terrorism. Pham states, “an independent Saharan mini-state with few resources would constitute a ‘mini-Mauritania.’ That is, ‘a source of instability for its people and, more broadly, for the region (...)’<sup>58</sup>. Morocco wanted that its autonomy proposal would be taken seriously as a

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<sup>53</sup> Jensen, “Anatomy,” 112.

<sup>54</sup> Yahia Zoubir and Karima Benabdallah-Gambier, “Western Saharan Deadlock,” *Middle East Report* 227 (2003), 10.

<sup>55</sup> Migdalovitz, “Western Sahara,” 3.

<sup>56</sup> J.P. Pham, “Not another failed State: toward a realistic solution in the Western Sahara,” *Journal of the Middle-East and Africa* 1, no. 1 (2010): 10.

<sup>57</sup> Garcia, Fernández-Molina and Victoria Veguilla, *Western Sahara’s Protracted Decolonization*, 45.

<sup>58</sup> Pham, “Not another failed State,” 18.

legitimate peace offer by the SC and fully committed itself to present van Walsum a detailed proposal. It meant that Morocco would most likely be kept by the SC to its commitment to autonomy and Mohammed VI would break away from his father stance on self-determination.<sup>59</sup>

In 2008, Human Rights Watch investigated the attitudes in the WS and concluded that the attitude was still very hostile to the ‘annexation’. Morocco, however, could not abandon its claim on the WS, because of the domestic point of view.<sup>60</sup> The WS was already part of the national identity of most Moroccans and abandoning its claim on the region would worsen the position of the King in Morocco.

In April 2008, van Walsum stated that “an independent WS is not a realistic proposition”.<sup>61</sup> The PF argued that van Walsum was, because of his comments regarding the status of the WS, biased and thus incapable of remaining the special UN envoy for the WS.<sup>62</sup> He lost his position at the end of the same year because of his comments and was replaced by the American Christopher Ross, the same year Obama was elected as the new President of the US. His predecessor George W. Bush had taken a pro-Moroccan stance on the issue. Obama, however, changed the US’ position and made it more neutral.<sup>63</sup> Under the leadership of Ross, Morocco and the PF did not sit on the same table for more than seven years. Christopher Ross maintained during his tenure difficult relations with Morocco. Morocco accused Ross on multiple occasions of being partial and trying to enforce MINURSO with a Human Rights mechanism. In 2012, Moroccan officials stated that they had lost confidence in Ross because of his stance on the issue.<sup>64</sup>

This period was also characterized by deteriorating relations between Morocco and former UN SG, Ban Ki-Moon. He described the annexation by Morocco of the WS as an occupation. Morocco decided to expel dozens of UN personnel, following his comments. UN spokesperson Stephane Dujarric stated that “his use of the word was not planned, nor was it deliberate, it was a spontaneous, personal reaction. We regret the misunderstandings and consequences that this

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<sup>59</sup> Jacob Mundy, “Out with the Old, in with the New: Western Sahara back to Square One?” *Mediterranean Politics* 14, no. 1 (2009): 118.

<sup>60</sup> George Joffé, “Sovereignty and the Western Sahara,” *The Journal of North African Studies* 15, no. 3 (2010): 378.

<sup>61</sup> Pablo San Martín, *Western Sahara: the refugee nation* (University of Wales Press, 2011), 172.

<sup>62</sup> Ibid.

<sup>63</sup> Yahia Zoubir, “The Maghreb: Strategic Interests,” in *America’s challenges in the Greater Middle East: the Obama Administration’s policies*, ed. Shahram Akbarzadeh (New York: Palgrave Macmillan US, 2011), 124.

<sup>64</sup> Arch Puddington, *Freedom in the World 2013: The Annual Survey of Political Rights and Civil Liberties* (New York: Rowman and Littlefield Publishers, 2013), 838.

personal expression of solicitude provoked”.<sup>65</sup> Ban Ki-Moon ordered the SC to fully restore MINURSO and respect the mandate. The SC honored the SG’s demand. It called on Morocco to fully restore MINURSO. Morocco and the UN agreed to restore MINURSO to full functionality on July 13, 2016.

Finally, on the 16<sup>th</sup> of August SG of the UN Antonio Guterres appointed former President of Germany Horst Köhler as his new Personal Envoy for the WS, succeeding Christopher Ross. Instead of extending MINURSO for a full year, the SC adopted resolution 1720, extending MINURSO for only six months. Members of the SC requested the parties to use the six months to finally break the status quo in the situation in the WS.<sup>66</sup>

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<sup>65</sup> “U.N. chief regrets Morocco misunderstanding,” Reuters, Accessed April 10, 2018, <https://www.reuters.com/article/us-morocco-westernsahara-un/u-n-chief-regrets-morocco-misunderstanding-over-western-sahara-remark-idUSKCN0WU1N9>.

<sup>66</sup> “Security Council unanimously adopts 1720,” UN, Accessed April 10, 2018, <https://www.un.org/press/en/2006/sc8860.doc.htm>.

### 3. The role relevant parties play in maintaining the status quo

The previous chapter focussed on the role and actions of the UN in creating and maintaining the status quo in relation to WSC. However, the UN itself is an association in which countries, and more specifically, the SC, are charged with the maintenance of international peace. The devastating war in Syria shows the incapability of the UN to stop certain conflicts, due to permanent SC Members having conflicting interests.

This chapter will focus on the role the SC members played in reaching a status quo in the WSC. This is crucial to understand the current situation in the WS. All the members that I will discuss, possess veto power in the UN SC and they are thus capable to prevent the status quo to change.<sup>67</sup>

#### *France*

France plays a crucial role in the WSC. Morocco, which is a former French protectorate, maintains excellent bilateral relations with France, which also repeatedly reiterated its support for the Moroccan autonomy plan for the WS. Juridically, however, France considers itself neutral in the dispute and supports a negotiated political solution, by arguing that it has never formally recognized Moroccan sovereignty over the area or recognized the SADR.<sup>68</sup> Since the outbreak of the war in 1975, France supported Morocco politically, economically and militarily in relation to the dispute, which questions France's neutrality in the conflict. In the UN, France is seen as Morocco's number one supporter in the WSC. A supporter which has, in contrast to other veto powers, a different understanding of how and if veto should be used. France tries to limit the veto power in the UN and wishes to regulate the use of it in the SC.<sup>69</sup>

The last time France has made use of its veto right dates back to 1989. However, a mere threat of using a veto sometimes results in a prevention of a vote from being called. This applies to the WS dispute, where France, that denies the accusations, apparently repeatedly threatened to use

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<sup>67</sup> Keith Dowding, *Encyclopedia of Power* (California: Sage Publications Inc., 2011), 687.

<sup>68</sup> Zoubir and Benabdallah-Gambier, "Western Saharan Deadlock," 10.

<sup>69</sup> "Why France wants to regulate veto," Gouvernement Francaise, Accessed May 15, 2018, <https://www.diplomatie.gouv.fr/en/french-foreign-policy/united-nations/france-and-the-united-nations/article/why-france-wishes-to-regulate-use>.

its veto power to block proposals to have MINURSO monitor the human rights situation in the area.<sup>70</sup>

It is difficult to see the SC effectively resolve the conflict with France being part of it. The relationship between Morocco and France dates back a long time and is very tight for this conflict to jeopardise their connection.<sup>71</sup> For example, France is the leading foreign investor in Morocco, with over 800 million euros invested in 2016, France is Morocco's second largest trading partner in the world, and Morocco is the leading beneficiary of the French Development Agency (AFD).<sup>72</sup>

### *The US*

As discussed earlier, the US had a similar policy as France in relation to the WSC. It supports regional and international actors to resolve the conflict. However, this was partially different before 1999, when Morocco experienced difficulties in their bilateral relations with the US because of the conflict and the referendum that was ought to be held.<sup>73</sup> The US thought that the relevant actors needed to overcome difficulties and relied more on Morocco to do so. The situation in Algeria with radical Islamism resulted in a US policy in which a status quo was acceptable.<sup>74</sup> During this period, the communication between Morocco and the US was led by the American embassy in Morocco and this embassy eventually caused the US to obtain a more constructive approach towards Morocco. The US did not believe in the existence of a 'winner takes all' formula, because the loser would simply not accept this outcome and this would thus only worsen the outcome of the conflict.

The discussions that were being held in the US, and more specifically in the Congress, did not only revolve around this conflict but also around peacekeeping in general and how the US should act in these type of conflicts. When Baker was appointed, Morocco changed to a more resolving stance in the conflict. Baker eventually proposed a solution that would also mean that Morocco should remove its forces from the Sahara; Morocco did not accept his proposal and rather took

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<sup>70</sup> Karin Arts and Pedro Pinto Leite, *International law and the question of Western Sahara* (Michigan: International Platform of Jurists for East Timor, 2007), 288.

<sup>71</sup> Boukhars and Roussellier, *Perspectives on Western Sahara*, 154.

<sup>72</sup> "France and Morocco," Gouvernement Francaise, Accessed May 20, 2018, <https://www.diplomatie.gouv.fr/en/country-files/morocco/france-and-morocco/>.

<sup>73</sup> Boukhars and Roussellier, *Perspectives on Western Sahara*, 154.

<sup>74</sup> Zoubir, 'The US and the North African Imbroglia,' 186.

this as potential territorial threat to Morocco's territorial integrity and national security. His proposal led to renewed tensions in Moroccan – US bilateral relations.<sup>75</sup>

Bush, however, changed the US' position on the WS completely, because, in part, of the war on terrorism and the fear that the WS could be a potential hub for terroristic activities. Bush was undermining Baker's efforts to resolve the conflict because of "the need to make sure Morocco would continue to be a safe and stable partner in the political, economic and military struggle against national and transitional Islamic militance"<sup>76</sup>.

Obama took a more neutral approach to the conflict in comparison to his predecessor. During his campaign for the presidential election, he did not take a clear stance in the WSC. The Obama administration pushed for a more neutral stance in the conflict in which self-determination was fundamental.<sup>77</sup> Whitehouse spokesperson Jay Carney pointed out that Obama took the Moroccan autonomy plan for the WS seriously. U.S. Undersecretary of State Nicholas Burns described the autonomy plan as realistic and credible.<sup>78</sup> The Obama administration did press Morocco on the before mentioned additional human rights mechanism for MINURSO, which, because of the help of France, was successfully prevented by the French outing of their displeasure. MINURSO does remain the only peacekeeping mission without such a mandate.<sup>79</sup>

Under the administration of the new president of the US, Donald Trump, the stance towards the conflict is still unclear. I do not foresee a dramatic change in the position of the US in relation WSC, because the US is more focussed on Iran, North Korea and Russia and there are no big motivations to change the position.

### ***Russian and China***

In contrast to the conflict in Syria, where Russia takes a proactive stance in the UN SC, Russia does not actively involve itself in the WSC. Russia supports the process that is led by the UN SC. They abstained, however, in 2016 from voting in the UN SC vote over the renewing of the mandate of MINURSO. In 2018, Russia abstained again when the mandate for MINURSO was

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<sup>75</sup> Boukhars and Roussellier, *Perspectives on Western Sahara*, 165-176.

<sup>76</sup> Theofilopoulou, "The United Nations' Change," 67.

<sup>77</sup> Zoubir, "The Maghreb: Strategic Interests," 124.

<sup>78</sup> Migdalovitz, "Western Sahara," 5.

<sup>79</sup> Stephen Zunes, "Western Sahara, Resources, and International Accountability," *Global Change, Peace and Security* 27, no. 3 (2015): 294.

renewed for six months. They thought it was unfair that only the PF were confronted with their actions in the buffer zone, Guergarat.<sup>80</sup>

In comparison to Russia, China takes quite a similar stance in the WSC. China remains neutral in the conflict and urges all involved parties to reach a peaceful, political solution. They too abstained from the vote in 2016 and 2018 in the UN SC.<sup>81</sup> Both countries currently have discussions about territories that they control, namely Tibet and the Krim. Positions that take a strong stance could harm their positions in their own countries and give the opposition arguments to oppose to them. The negative position of these countries, in respect to the human rights mechanism, shows the way their stance is influenced by own interest.

### ***The UK***

Just like France, the UK (United Kingdom) did not use their veto since 1989. The UK supports the self-determination of the WS people. They voted in favour of the resolution to renew MINURSO and support the continuing work of the mission. The UK called upon the parties to engage in a political process in which realism is fundamental. In relation to the six-month renewal of MINURSO, the UK stated that it had provided “an opportunity and indication of the importance the international community attaches to achieving progress”. The UK reviews the way the UN functions around this conflict and stated that the UN process has the full support of the UK.<sup>82</sup>

### ***The SC and the WSC***

What becomes clear when reviewing the positions of the permanent members of the SC is that France fully supports Morocco in the WSC. The US had become more neutral during the reign of president Obama, however, it is not clear if Trump will continue Obama’s position concerning this conflict. Trump tries to resolve many conflicts around the world and it is yet unknown how he will position the US in relation to Morocco. MINURSO has only been extended for six months and Köhler will brief the SC on the situation in the WS after this period. It will be

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<sup>80</sup> Jacques Roussellier, “A Role for Russia in the Western Sahara,” Carnegie, Last modified June 5, 2018, <http://carnegie-mec.org/sada/76532>.

<sup>81</sup> UN, “Calling for Renewed Efforts.”

<sup>82</sup> “Supporting self-determination of the people of Western Sahara,” UK Government, Accessed May 20, 2018, <https://www.gov.uk/government/speeches/supporting-self-determination-of-the-people-of-western-sahara>.



interesting to see how the SC reacts and how France responds to his proposals and findings. SC members will not change their position if their interests do not align with a change in the status quo, which currently is not the case.

The UK has a less proactive opinion concerning the WSC and tries to maintain good relations with all the relevant parties while urging all parties to come to a political solution in which self-determination for the WS people is guaranteed. Russia and China both play a similar role in comparison to the UK, but they are more critical of the peace making process and the way it is shaped now.

#### **4. The alternative ways James Baker proposed to solve the WSC**

In chapter two, Baker proposed multiple alternatives to solve the WSC in which coercion is not excluded. Today, nobody talks about these alternative solutions and the conflict still maintains a status quo.

##### **Implementation of the settlement plan without concurrence of both parties**

Morocco did not like any of the options because of the non-consensual approach. The only option Morocco would take into consideration was the second option proposed by Baker.<sup>83</sup> The PF, however, favoured the first option, namely the implementation of the settlement plan without concurrence of both parties.<sup>84</sup> The PF opted, since the beginning of the conflict, for a referendum in which the native inhabitants of the WS could choose for self-determination. Algeria was critical of the UN because of their inability to implement the settlement plan.<sup>85</sup> Morocco was not in favour of this option because it would revive the possibility of full independence.<sup>86</sup> At this moment, there are still difficulties in identifying voters for a referendum. Both parties have different criteria, which they deem important, so that a referendum would have a positive outcome for them. Morocco has influenced a possible referendum by, among others, moving people from Morocco into the WS to act as potential voters and a status quo is thus in its favour. Enforcing a referendum onto both parties would only cause more difficulties, because voter identification has only become more difficult. In relation to the UN, it is difficult for the institution to act unilaterally in respect to the WSC. All the parties hold firmly on to the prescribed referendum, however, a referendum has not been imposed. Morocco has shown clear unwillingness to go forward with the settlement plan. Enforcing the settlement plan would thus mean that the SC, including France, needs to take a different path in the WSC. Something I clearly doubt will happen.

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<sup>83</sup> Roussellier, "The evolving role," 134.

<sup>84</sup> Ibid.

<sup>85</sup> Jensen, "Anatomy," 17-18.

<sup>86</sup> Roussellier, "The evolving role," 134.

### **Revision of the draft framework agreement, also without concurrence**

As stated above, Morocco did not like any option Baker suggested. However, if pressed, it would only accept option two, namely the revision of the draft framework agreement, without concurrence of both parties. The PF rejected this option and Algeria called it ‘dead on arrival’.<sup>87</sup> Morocco undertook genuine flexibility in relation to the framework agreement and the US “tabled a modified draft of the resolution in support of a revised framework agreement, now including the phrase ‘which provides for self-determination’.”<sup>88</sup> It becomes clear that after 9/11 the discussion concerning the WS changed in favor of Morocco. A revision of the draft framework agreement was thus a serious possibility, because senior UN-representatives were capitulating to Moroccan pressure.<sup>89</sup> The plan submitted to the PF in 2001 “would simply have consecrated the integration of the WS into Morocco under the cover of an illusory autonomy”.<sup>90</sup> It is thus not surprising that the PF and Algeria were against the framework agreement as a whole and preferred the settlement plan instead. Opting for a revised framework agreement in 2018 would not be logical and would not be favorable for a possible solution of the conflict. The SC did not accept the framework agreement because they were aware of the Algerian and the Sahrawi opposition. Kofi Annan and Baker, however, kept putting the third way back on the table, implicitly supporting Morocco in their claim over the WS.<sup>91</sup> Despite their perseverance, the plan did not succeed and I do not expect a similar plan to succeed in the near future.

### **Division of the territory**

This is an option the PF and Algeria wanted to take into consideration. At this moment, the WS is divided into two areas. One is controlled by Morocco and the other is controlled by the PF. A division of the territory without concurrence could end the conflict in the WS. Morocco, however, did not consider this option when Baker proposed it. As El Ouali states this option was “the political solution with the advantage of partially, if not entirely, satisfying all the parties, and inspired by previous territorial agreements, in terms of which in 1976 Morocco and

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<sup>87</sup> Theofilopoulou, “The United Nations and Western Sahara,” 10.

<sup>88</sup> Jensen, “Anatomy,” 109.

<sup>89</sup> Ibid.

<sup>90</sup> David Sorenson, *Interpreting the Middle East: Essential Themes* (New York: Routledge, 2018).

<sup>91</sup> Zoubir and Benabdallah-Gambier, “Western Saharan Deadlock,” 10.

Mauritania agreed on the division of land, without copying them”.<sup>92</sup> If the parties refused to accept them, the Personal Envoy would then be asked to submit to the relevant parties a proposal which would be then submitted to the SC and which would be presented to the parties on a non-negotiable basis. This option is now still relevant, applicable and could be implemented today to reach a political solution for the conflict. Algeria clearly stated that this option was negotiable.<sup>93</sup> The SC could revive this option and look at the position of Morocco now that the conflict has reached a status-quo.

### **Termination of MINURSO**

Finally, Baker suggested the possible termination of MINURSO as an option to resolve the conflict and give it a new, fresh direction.<sup>94</sup> MINURSO’s mandate is, among others, focused on the identifying of possible voters. However, MINURSO is still the only UN peace initiative, which does not have a human rights’ mechanism. MINURSO is thus not capable of fully and effectively executing its mission.<sup>95</sup> With Donald Trump becoming the new president of the US, MINURSO could possibly have a change of direction, which is necessary, so that the conflict could escape the current impasse. The SC renewed the mandate of MINURSO for six months calling for a realistic, practicable and enduring political solution of the conflict.<sup>96</sup> It is important for MINURSO to engage directly with the relevant parties, including neighboring states, so that a solution would be widely supported. MINURSO is important for a solution of the conflict and has wide support of all parties present in the SC. The members of the SC do have different views on what MINURSO should focus on, but maintaining regional stability is of utmost importance in a region that is tormented by conflict and war. Terminating the mandate of MINURSO in the present day is in my opinion not favorable. I do however think that the way MINURSO operates is not fully efficient and that MINURSO should fully focus on relaunching negotiations between the parties. It is important that the SC redirects the conflict into a new direction. In addition,

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<sup>92</sup> Abdelhamid el Ouali, *Territorial Integrity in a Globalizing World: International Law and States’ Quest for Survival* (Springer Heidelberg, 2012), 362.

<sup>93</sup> Zoubir and Benabdallah-Gambier, “Western Saharan Deadlock,” 10.

<sup>94</sup> Hakan Edström and Dennis Gyllensporre, *Political Aspirations and Perils of Security: Unpacking the Military Strategy of the United Nations* (Hampshire: Palgrave Macmillan, 2013), 95.

<sup>95</sup> Khakee, “The Minurso mandate,” 457.

<sup>96</sup> UN, “Calling for Renewed Efforts.”

renewing the mandate for only six months shows a first step in realizing a change in the status quo.

## Conclusion

The main question I ought to answer in this thesis is: “To what extent is the UN a good third party to assist in resolving the WSC and if so, does the UN have to consider an alternative solution for the conflict in which coercion is not excluded?”

In the second chapter, I provided a detailed description of the background of the conflict. Starting from 1956 it became clear that the UN played an important role in creating the current situation. The PF and Morocco each have their own view on how the conflict should be solved. In the third chapter I looked at the UN SC and their role in relation to this conflict; France plays the biggest role as a permanent member in this conflict. The other permanent members, however, try to solve the conflict and seek to achieve a solution via the UN. Finally, in the last chapter, I looked at the four options Baker presented to the SC and their applicability in the current time. This chapter focused more on the coercive side of my main question.

I expected to find a more negative stance against the UN because of the status of the conflict. However, the thing that became clear is that all relevant parties, including Morocco, the PF, Algeria and all permanent members of the SC, highly value the UN peacemaking process. The UN has the best position to solve the WSC, which is important for a third party. Even though Morocco and the PF have different ideas on how the conflict should be handled and which political process is suitable to satisfy all parties involved. Baker saw, at an early stage, that both parties have strong opinions that contradict each other. The implementation of the initial settlement plan becomes harder during the years because of the changing situation in the WS and because of the actions of both Morocco and the PF. The UN is thus in my opinion, and in respect to the criteria I set out in the methodology, a good third party to assist in solving the WSC.

Coercive measures should, in my opinion, be considered as a possible solution because the UN needs to play an important role in breaking out of the impasse. As Baker stated, the UN should look at alternative solutions for the WSC, because a status quo has been reached. The division of the territory and the termination of MINURSO are options that should be looked at, if the situation does not change. However, the way the UN functions causes problems since permanent members of the SC have great influence because of, among others, the possibility of the veto. The SC does need to reach a consensus, and if reached should do all that is in its power to

implement the possible solution agreed upon. Renewing the mandate for MINURSO for only six months is a start in changing the current political process, which has resulted in the status quo. The options as proposed by Baker, could be updated into the current context and be presented to renew the discussions concerning the WSC. At this moment, the actions taken by the UN did not result in anything of means, except the prevention of war.

This research is important because it shows the importance actors give to the UN. However, the UN SC is shaped in a way that causes multiple conflicts, due to contradicting interests of countries that are member of the Council, harder to be solved. This is most noticeable in conflicts that have a wide range of media attention, such as the Middle East Peace Process and the current conflict in Syria. The forgotten conflict of the WS is thus another example of possible malfunction in the SC due to contradicting interests of its members.

I would recommend future researchers on this topic to also look into research written about the subject in the French language, especially because of the interests of France that play a role within the process of the SC. I would also recommend scholars to focus more on the role Algeria plays and how this relates to the process in the UN.

This thesis can be used to look at comparable conflicts and possible ways to resolve certain difficulties one can encounter during the peacekeeping and –making process.

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