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Background

The question of Western Sahara remains the last African colony. The decolonization is debated everywhere, it is a hot issue, debated in Universities because of its human implications, as human right, as question of self-determination, or as a subject of contemporary international law treating a colonized people and territory. And because it is a typical African-Arab country, the Kingdom of Morocco, attempting to annex another African nation, the students and political circles are particularly involved and alerted against such dangerous precedent, which could destabilize the entire continent and its institutions.

It is a former Spanish colony, unlike Morocco, which was a French protectorate. A brutal post colonial experience where a small and peaceful people, the Sahrawi's, were surprised by the brutal invasion of Morocco right at a time, they were to get the fruit of their long years of resistance against Spain.

It is an issue where people right to self-determination have been ignored. That inalienable right was recognized in 1960 by the United Nations' numerous resolutions and decisions.

In 1956, Morocco an Arab country surprised the International community when it claimed most of West Africa an area that includes Mauritania, West of Algeria and North of Mali, and Western Sahara. The policy generated in Rabat was an expansionist attempt to aggrandize the country by claiming new territories from their neighbors. First victim Mauritania.

In 1975, Morocco invaded Spanish Sahara to block the UN referendum scheduled then and sought since to bring the international community to recognize its military fait accompli. Morocco did not succeed, not every its closest friend France has recognized that... No country has recognized Moroccan sovereignty in Western Sahara; to the contrary,

Africa recognized the Sahrawi state and called on the world to recognize the Territory's independence.

The war

The military invasion and partial occupation of the Western Sahara by Morocco in 1975 led to a fierce war with the Sahrawi people's army. Superpowers, France and the United States came to the rescue of Morocco and designed Moroccan strategy to keep the richest part of the territory by building the longest wall in the sand, 2700 km, the longest wall after the Chinese wall. Today Morocco's military spending exceed what it is allocating to education and health. It is purchasing highly sophisticated F-16 warplanes while its youth is fleeing by thousands and dying in illegal crossing of the sea to Europe.

The UN-AU peace initiative

In 1984, the United Nations at the initiative of the African Union was called again back to organize a referendum following years of direct negotiations between the Kingdom of Morocco and the Polisario Front which led to the acceptance of the UN-AU settlement Plan, which hinged on a ceasefire and the organization of a referendum. A UN-AU mission, MINURSO was deployed in the Territory since 1991. The ceasefire took effect but the referendum was delayed because of Morocco's new conditions. Morocco wants to have a referendum with just one option: accept Morocco integration, but not independence.

The search for a peaceful resolution

Because of Morocco's intransigent attitude, the United Nations mediation becomes tortuous. The mission seems to deviate more and more away from its initial mandate: to bring about a free and fair referendum...Year after year, the Security Council shifted the mandate away from a democratic solution – a referendum of self-determination, to the search of a common ground on a political deal that will provide to the Sahrawi people's right to self-determination. Negotiations between

the two warring parties, the Polisario Front and the Kingdom of Morocco, have shifted into a blurry round table which an agenda going beyond the decolonization of Western Sahara. Several mediators, including the Baker Plan, named after James Baker III, former US secretary of State, who attempted to bring a solution following years of direct negotiations between the two parties, have also produced few plans. Morocco rejected the Baker Plan, because it included the option of independence.

New momentum during the first roundtable

A new momentum created by the first roundtable meeting in December last year. In-depth discussions between the Sahrawi and Moroccan delegation on how to achieve a mutually acceptable political solution to the question of Western Sahara which will provide for the self-determination of the people of Western Sahara in accordance with Security Council Resolution 2440 (2018). In this regard, they agreed to continue the discussion in order to identify elements of convergence.

The second roundtable

The second roundtable was convened for a meeting from 21 to 22 March 2019 near Geneva. The second meeting adopted the format established in December 2018, assembling Morocco, the Frente POLISARIO on one hand and Algeria and Mauritania on the other around the same roundtable.

The UN was “encouraged by their constructive and serious engagement” and their strong commitment to intensifying discussions and establishing a negotiations process, nevertheless, the UN Personal Envoy noted serious differences of opinion on the future status of Western Sahara. The unyielding attitude of the Moroccan delegation created an impasse in the talks.

However, it was reported also that the two parties “agreed that the focus of the second round-table meeting should be on more substantive

discussions regarding the future of Western Sahara.” The two sides will take up ways and means to increase trust in the political process and between the parties. Delegations engaged courteously and openly, in an atmosphere of mutual respect.

Delegations welcomed the intention of the Personal Envoy to invite them to meet again in the same format. They agreed that additional trust needed to be built and committed to continue to engage in the process. The Personal Envoy encouraged delegations to explore good faith gestures and build more trust.

Human Rights

Morocco has resisted and continues to resist any monitoring of Human Rights in the occupied territories of Western Sahara. The Minurso is the only UN mission that doesn't have a monitoring mechanism and France a permanent member of the UN Security Council threatened to use its veto if this option is imposed on Morocco. France, the land of liberty and fraternity, is standing in front of any efforts to promote human rights and in fact is the only European country that stands and work against any genuine decolonization of Western Sahara. For good reasons, France still keeps its colonial tentacles around the world.

This of course embarrasses the UN Secretary General and he reported in his recent report that the Office of the High Commissioner for Human Rights is concerned by the continued pattern of restrictions to the rights of freedoms of expression, peaceful assembly and association in Western Sahara. During the reporting period,¹ OHCHR continued to receive reports of harassment, arbitrary arrests, confiscation of equipment and excessive surveillance of journalists, bloggers and human rights defenders covering human rights violations in the territory.

The occupied territory of Western Sahara is behind an iron curtain. Most of the Moroccan army and secret police operate in the territory

and are holding the Sahrawi civilian population hostage. Access to Western Sahara remained limited for some people. Information received by OHCHR indicate that at least 15 persons were expelled from or denied access to the territory of Western Sahara by the Moroccan authorities during the period under review, including human rights defenders, researchers, lawyers and representatives of international non-governmental organizations.

Torture and ill treatment of Sahrawi prisoners in Morocco continued to be reported. OHCHR received several communications from lawyers and/or family members of the Gdeim Izik group of prisoners alleging that several members of the group were subjected to torture, prolonged solitary confinement, medical neglect, denial of family visits and access to independent monitoring mechanisms. According to sources, in the reporting period, at least four of the prisoners entered in, or continued a hunger strike that lasted from 48 hours to over 30 days. Some of these prisoners consequently developed critical health conditions.

The African Union

The African Union initiated in 1984 the present peace process in joint good office it initiated when Morocco withdrew in 1984. Because the conflict is raging on African soil, the AU is central in any peaceful effort. That responsibility is inescapable and In March 2019, the Chairperson of the AU Commission assured the United Nations of its support and informed that the African Mechanism established by the African Union Summit of July 2018 in Nouakchott, including the Troika could not convene its inaugural meeting in the margins of the 32nd Ordinary Session of the Assembly of the Heads of State and Government, Nevertheless, it was planning to convene its inaugural meeting as soon as possible. The Troika comprising three heads of State and the AU commissioner will work to mediate the conflict between the two member states, the Sahrawi Republic and the Kingdom of Morocco,

which are both seated in the African Union and must abide by its Constitutive act, including respect the borders inherited from the colonial time and end their dispute through direct dialogue and negotiations.

SADC solidarity Conference;

The centrality of the African Union in the tireless search of a peaceful resolution of the Western Sahara question has also been reiterated at the Solidarity Conference the Southern Africa Development Community dedicated to the conflict on March 25-26, 2019. For the first time ever, the Southern Africa Development Community which includes 16 countries met in a Special summit to debate the question of Western Sahara and to express solidarity with the Sahrawi people in their legitimate struggle for independence and self-determination. The Summit took place in South African, Pretoria, the Land of Nelson Mandela, who has always said that so far that one people of African is not free, Africa is not free. SADC heads of States and government **RECALLING** the decision of the AU Peace and Security Council 668th Meeting of 2017 underlining the imperative for the Kingdom of Morocco and the SADR, in their capacities as members of the AU to immediately engage in direct and serious talks without preconditions and in compliance with Article 4 of the Constitutive Act of the AU;

The conference was a real success. It has reaffirmed the basic principles that guide decolonization in the continent and affirmed the need for all African countries member of the African Union to comply with the AU constitutive Act.

The conference also discussed means to increase pressure on the Kingdom of Morocco in order to bring that country to end its colonial occupation of parts of the Sahrawi Republic and committed the SADC country to work to alleviate the suffering of the Sahrawi people in the

refugee camps and work to break the media blockade imposed by Morocco in the occupied territories.

The impasse in the negotiation and the return to war

Debate is recurrent with regard to what should be done, if Morocco continues to drag its feet during the peace process. Since 1991, several precious years have passed and Morocco instead of showing a change in its expansionist policy, it is attempting to dictate its own way to the United Nations and keep the Sahrawi people captive in their own land.

War characterized this conflict from 1875 to 1991. Morocco's army was defeated and pushed way to its frontiers, but France and Gulf states came to the rescue of Morocco and reversed the trend on the ground. Today Morocco intransigence is back by France a permanent member of the UN Security Council.

Rounds of talks and glimmer of hope

At the roundtable 2., the result was not very encouraging. The Moroccan delegation led by its Foreign Minister with the omnipresent but invisible backing of France set the ceiling to the position that has been defined by Morocco in 2007, as an offer of large autonomy for Western Sahara, but a rejection of a free and fair referendum in which the Sahrawi could choose between independence or integration with the Kingdom of Morocco. Morocco insists that the referendum must have alone one option: integrate with Morocco.

The Moroccan military fait accompli, and the occupation of the large and richest part of the Spanish Sahara in 1975 was the first attempt to change the reality on the ground. The decolonization of Western Sahara has to be not according to the norms and principles followed by the UN but in line with what Morocco wants it to be.

The assessment could have been disastrous for the future of the UN mission for a referendum in Western Sahara (MINURSO) and could during this month of April bring the US administration to make cutback in the \$50 million budget, which has since 1991 kept the mission alive.

The UN mission was set up with the clear objective to bring about a free and fair referendum in the Territory. A referendum for the people of Western Sahara and reinstate the decolonization process interrupted in 1975 by the Kingdom of Morocco.

Spain still listed as the administering power ceded illegally the administration to Morocco and Mauritania. Behind the scene were the invisible hands of the United States and France, which encouraged Morocco's King Hassan II in 1975 to invade the territory and create chaos in the face of the United Nations.

The journey for Morocco was tumultuous: the war was a fiasco for both Morocco's and Mauritanian army in the face of the resistance of the Sahrawi's. Mauritania withdrew following its debacle while a multinational force to erect a 2700 km long wall in order to delay its defeat backed Morocco. Once completed the wall, Morocco accepted 1991 to come back to the UN and committed itself to a peace process that led to the UN mission back to the territory and the starting of negotiations between the two warring parties.

By accepting a referendum, Morocco's first objective was to freeze the war and win UN supervision of a cease-fire. That ceasefire remains in place and respect by the Polisario Front, even today, when it appears clear that Morocco will never accept the organization of the referendum by the United Nations.

Last April, during the UN debate to renew the mandate of the Minurso, the Trump administration threatened to start cutbacks in the Western Sahara mission if no progress is in sight. In fact the National Security chief, Bolton worked to create a pressure on the parties to move forward by shortening the time of the mission from one year to six months.

The renewal of the mandate of the MINURSO will initiate a new debate that will clarify the positions of the main actors in this decolonization issue. France and the United States counted among the “friends of the Western Sahara” will play a major role in redirecting the forthcoming mediation on the issue. A blind eye from the Security Council will very likely encourage the intransigence of Morocco and its persistent violation of human and people’s right.

The Sahrawi Republic biography

Area: 266,000 km² (103,000 sq.mi)

☒☒ Population: about one million inhabitants

☒☒ Location: Northern Africa, bordering the Atlantic Ocean between Mauritania (South and East), Morocco (North), and Algeria (Northeast).

☒☒ Ethnical origins: Africans, Berbers and Arabs.

☒☒ Government: Saharawi Arab Democratic Republic Proclaimed on the 27th of Feb 1976.

☒☒ Liberation movement: Frente Por la Liberación de Saguia- Hamra y Rio de Oro (POLISARIO) founded on the 10th of May 1973.

☒☒ Status: Independent State and Founding Member of the African Union (Partly occupied by Morocco).

☒☒ Recognitions: 84 countries from Africa, Latin America, Europe and Asia recognize SADR as independent State.

☒☒ The International community does not recognize to Morocco any sovereignty over the territory under its occupation. UNGA identified Morocco as an occupying force in its resolution 34/37 of 1979, and 35/19 of 1980.

The Sahrawi Republic national days

☒☒ February 27: Independence Day (Proclamation of the

SADR in Bir Lehlou, 1976).

☒☒ March 8: Day of the First Martyr 1974

☒☒ May 10: Foundation of the Polisario Front, in 1973

☒☒ May 20: Start of Armed Struggle against Spain in 1973

☒☒☒ June 9: Day of the Martyrs, on which Polisario's Founder, Martyr, El-Ouali died in 1976

☒☒☒ June 17: Day of Zemla Intifada, the First Saharawi Uprising against the Spanish in 1970

☒☒☒ October 12: Day of National Unity, celebrating the Ain Ben Tili Conference of 1975 that unified Saharawis from all walks of life around the Polisario Front as their only and legitimate political organization and representative.

☒☒ Occupied by Spain from 1884 to the 26th of February 1976, Western Sahara has been on the United Nations list of non-self-governing territories since 1963 and recognized to its people their inalienable right to self-determination and independence like all other colonized peoples.

☒☒ In 1965, the UN General Assembly adopted its first resolution on Western Sahara, asking Spain to decolonize the territory, more than 110 resolutions has been adopted since then all of which recognizing Saharawi people's sovereignty over their land.

☒☒ In 1975 the International Court of Justice issued a legal opinion confirming that the native Sahrawi people of Western Sahara are the only sovereign power in Western Sahara. It also considered that it "has not found legal ties of such a nature as might affect the application of resolution 1514 (XV) in the decolonization Western Sahara and, in particular, of the principle of self-determination through the free and genuine expression of the will of the peoples of the Territory."

☒☒ Polisario was constituted in the 10th of May 1973, and officially launched the armed struggle against Spanish colonial

presence in the 20th of May 1973. It succeeded to liberate 90% of the territory by the beginning of 1975.

☐☐ In the 27th of February 1976, Polisario Front proclaimed the Saharawi Arab Democratic Republic (SADR) as an independent State representing the people of the country.

☐☐ Mauritania withdrew its claims in 1979. It signed a Peace Agreement with the Saharawi Republic and recognized it afterward, while Morocco persisted in its expansionist adventure.

☐☐ SADR won formal recognition from 84 states, and was extended membership in the Organization of African Unity (African Union) since 1981.

☐☐☐ In 1991, the OAU/UN brokered a ceasefire between the two belligerents. Morocco and Polisario Front signed and agreed to implement a Settlement Plan under the aegis of the OAU/UN to end the conflict.

☐☐☐ The UN constituted MINURSO (Mission for the Referendum in Western Sahara) with a clear mandate. Morocco never stopped putting obstacles to the organization of the vote so far.

☐☐ SADR is a Presidential Republic. It has an elected President, Parliament and independent Justice. Ministers and Secretaries of State covering all sectors form the Saharawi government.

☐☐ SADR prioritized education and health. The Saharawi women play a major role in the decision-making and leadership.

☐☐ - The Saharawi Liberation Army is stationed in 7 military regions in the liberated zones over which it has total control.

SADR market will be mainly based on industries such as fishing, phosphate and other Minerals mining, tourism, and pastoral nomadism.

The territory can also develop important agricultural products and has huge potential in renewable sources of energy (especially Solar and Wind Power). The SADR may also have an important potential in Oil and Gas according to strong indicators.