



**EXPERT'S
REPORT**

**FOURTH GENERAL
ASSEMBLY
COMMITTEE**

CHURKIN MOSCOW
INTERNATIONAL
MODEL UNITED NATIONS



The background of the page is white with several decorative orange elements. There are large, irregular orange shapes in the top-left and top-right corners. Scattered throughout the page are various sizes of solid orange circles. The text is centered in the middle of the page.

**THE WORK OF UNITED NATIONS
MISSION FOR THE REFERENDUM
IN WESTERN SAHARA**

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INTRODUCTION

Today, the international community faces the need to ensure peace and security around the world in the face of global challenges and threats. One of the ways to achieve this is through the work of the United Nations (UN). The UN works to resolve conflicts and promote respect for human rights, and one of its special missions is the UN Mission for the Referendum in Western Sahara¹.

The country is divided into two regions: Seguiet el Hamra in the north and Rio de Oro in the south. The stepped plateau extends to the northeast, with the highest point reaching 823 meters. Flowing sands and dunes cover significant areas of Western Sahara, where the most important minerals include phosphorites and iron ores, as well as offshore oil.

In this report, we will explore the work of this mission and its importance in resolving the long-standing conflict between Morocco and Polisario Front (nationalist liberation movement seeking to establish a Sahrawi Arab Democratic Republic), which has been ongoing for nearly fifty years and has had a significant impact on the region's political landscape.

The report will analyze the work of the UN mission in the context of its mandate to hold a referendum, as well as its main tasks and the obstacles it has faced. We will also examine the prospects for the future development of the situation in the region. To accomplish this, we will need to complete the following tasks:

- Study the history of the conflict in Western Sahara and the role of the United Nations in resolving it.
- Examine the mandate and primary objectives of the UN mission.

¹The official website of MINURSO / URL: <https://minurso.unmissions.org/>

- Assess the results of the mission's efforts and their impact on the regional situation.
- Identify the challenges and difficulties faced by the UN team.
- Evaluate the possibilities for future developments in Western Sahara.

This issue is significant because the conflict in Western Sahara is one of the longest and most complicated in the world. The parties involved in the conflict refuse to find a compromise solution, and MINURSO, which plays an important role in resolving the conflict, faces several challenges. This report will discuss the main aspects of the issue and help delegates of the Fourth Committee of the General Assembly make an informed decision.

CHAPTER 1. HISTORY OF THE CONFLICT

To fully understand the current state of the conflict, it is also necessary to consider the historical aspect of the problem. Western Sahara has always remained a region of tension due to its difficult political status. In 1884, Spain declared the region its colony, which only became known as Spanish Sahara in 1958. Unrest in the region was also fueled by the eternal struggle of the local population against Spanish rule.

As a result of the Second World War, the victorious countries, as well as the United Nations, set a course for decolonization. Gradually, the former colonies gained more and more autonomy, and soon independence. However, the difficulty of Western Sahara was that the Kingdom of Morocco also claimed ownership of the region. At one time, the growth of nationalist ideas and aspirations for independence increased among the local population.

So, in 1973, the Popular Front for the Liberation of Saguia el-Hamra and Rio de Oro was formed, also known as the Polisario Front. The armed forces of the front immediately began fighting against the Spanish armed forces, which forced Spain to abandon this territory.

In 1975, the Madrid Agreements on the division of the territory of Western Sahara between Morocco and Mauritania were signed. Although the talks had started in October 1975, Morocco initiated the Green March² to coerce the Spanish government to evacuate its personnel from the region, thus leading to the Madrid Agreements, signed on the 14th of November 1975³.

²Hassan II lance la Marche verte // Jeune Afrique.com. URL: https://web.archive.org/web/20060103155727/https://www.jeuneafrique.com/jeune_afrique/article_jeune_afrique.asp?art_cle=LIN02113hassaetreveo

³Mundy, Jacob (September 2006). "Neutrality or Complicity? The United States and the 1975 Moroccan takeover of the Spanish Sahara". *Journal of North African Studies*. 11 (3). Routledge/Taylor & Francis Publishing: 283.

The Frente Polisario did not accept these agreements and announced the creation of an independent Sahrawi Arab Democratic Republic (SADR). After that, the conflict can be said to have become three-sided: Morocco, SADR and Mauritania.

Polisario received active financial support from the Algerian Government. Mauritania was unable to cope with the onslaught of guerrilla groups and withdrew its troops from the region. In 1978, a military coup in Mauritania forced the signing of a ceasefire agreement with the Polisario. Thus ended the short early Moorish period of conflict. However, the issue with Morocco remains unresolved.

To prevent the penetration of the Polisario guerrillas into the territory of Morocco⁴, a wide embankment was erected, extending for about 2,700 km (1,700 miles) from south to north through Western Sahara and southwestern Morocco. According to the maps of the United Nations Mission for the Referendum in Western Sahara (MINURSO)⁵ or the Office of the United Nations High Commissioner for Refugees (UNHCR)⁶, in some places the wall extends several kilometers deep into the internationally recognized territory of Mauritania.

The ceasefire agreement between Polisario and Morocco, monitored by MINURSO, was implemented on 6 September 1991. This led to the possibility of another referendum on the status of Western Sahara in the future. Unfortunately, however, the process of holding the referendum was delayed due to violations of voting

⁴Макутчев Александр Валерьевич "Берм": стена на границе как способ решения конфликта в Западной Сахаре // Актуальные вопросы общественных наук: социология, политология, философия, история. 2016. №9-10 (59).

⁵Mandate // United Nations Mission for the Referendum in Western Sahara. URL: <https://minurso.unmissions.org/mandate>

⁶Secretary-General Appoints Alexander Ivanko of Russian Federation Special Representative for Western Sahara // United Nations. URL: <https://press.un.org/en/2021/sga2060.doc.htm>

rights. A significant number of attempts have been made to restart the process, including the Baker Plan, but none have been successful. In April 2007, the Moroccan government proposed the creation of a self-governing entity through the Royal Advisory Council for Saharan Affairs (CORCAS). This would allow the Territory of Western Sahara to have some degree of autonomy. The draft was submitted to the United Nations Security Council in mid-April and received support from France and the United States⁷.

On the eve of this, Polisario presented its own proposal, which included holding a referendum as previously agreed, but also allowed for negotiations on the status of Moroccans living in the territory if the results favored independence. This led to the Manhasset negotiations, a process of negotiation.

Unfortunately, the conflict between Morocco and Polisario flared up again in 2020 and the ceasefire ended⁸.

⁷Коттье Родольф Себастьян Пьерр, Майует Маруан ЗАПАДНАЯ САХАРА: ГЛУБОКИЕ РАЗНОГЛАСИЯ ПО ПОВОДУ УРЕГУЛИРОВАНИЯ // Мировая политика. 2022. №2.

⁸Президент САДР объявил об окончании обязательств по прекращению огня с Марокко // ТАСС. URL: <https://tass.ru/mezhdunarodnaya-panorama/10003887>

CHAPTER 2. CURRENT SITUATION IN WESTERN SAHARA

Overview of the political and security situation in the region

After years of low-intensity fighting between the warring parties the region remains divided between Sahrawi Arab Democratic Republic and Morocco. About 20-25% of the territory is controlled by the SADR, proclaimed by the Polisario Front on 27 February 1976. Polisario-controlled territories are generally called by the organization “Free Zone”, thus relating to the right of “self-determination”. Remaining territories are controlled by Morocco, although they are not officially recognised by the international community, including the UN⁹. Thus from the SADR’s perspective these territories are considered to be occupied by the Moroccan government, while Morocco considers aforementioned territories as its Southern Provinces¹⁰. The Moroccan-controlled and Polisario-owned portions of Western Sahara are divided by the Western Sahara Berm, also known as the Moroccan Wall. The Wall became the symbol of the division between the parties to a dispute. While the Sahrawi people call it the “Wall of Shame”, Morocco considers it as a “defensive wall”.

The start of the Western Sahara War sparked one of the most devastating refugee crises in the region forcing over 100 000 people to flee to Algeria and Mauritania. Although the exact number of refugees is currently unknown, the approximate numbers claimed by the

⁹Western Sahara | The United Nations and Decolonisation //The United Nations and Decolonization / URL:

<https://www.un.org/dppa/decolonization/en/nsqt/western-sahara>

¹⁰Christian Walter; Antje von Ungern-Sternberg; Kavus Abushov (5 June 2014). Self-Determination and Secession in International Law. OUP Oxford. p. 264.

Polisario and Algeria surpass dozens of thousands. Even today the political uncertainty about the future of Western Sahara deterred Sahrawi people from returning home, and the demographic wound caused by the exodus has not yet been healed.

Speaking of social division in the region, it should be noted that both governments promote settlement programs to encourage the return of numerous refugees from Algeria, Mauritania and Libya¹¹, thereby provoking conflicts among common people. By 2015, it was estimated that Moroccan settlers constituted at least two-thirds of the 500,000 inhabitants of the Moroccan-controlled portion of Western Sahara. In 2004 the warring parties managed to produce an agreement to help several thousands of refugees meet their family members in Moroccan-controlled territory¹². Currently this practice is being gradually reduced, for the animosity is on the rise again, which leads to numerous acts of human rights abuses.

Polisario was known to have established multiple commune-like autonomous refugee camps for civilians. Such aspirations became reasons for Morocco to accuse Frente Polisario of using evacuees and refugees as hostages, while SADR believes that these claims are preposterous¹³. Moreover, the camps tend to suffer from food shortages and harsh climate conditions, thus making living conditions arduous. Camp isolation also contributes to overall conditions of refugees, who tend

¹¹Western Sahara's stranded refugees consider renewal of Morocco conflict - The Guardian / URL: <https://www.theguardian.com/world/2015/jan/06/morocco-western-sahara-referendum-delay>

¹²Western Sahara: family visits // UNHCR / URL: <https://www.unhcr.org/news/briefing-notes/western-sahara-family-visits>

¹³WESTERN SAHARA: THE COST OF THE CONFLICT // International Crisis Group / URL: [https://web.archive.org/web/20120108075623/http://www.crisisgroup.org/~media/Files/Middle%20East%20North%20Africa/North%20Africa/Western%20Sahara/65_western_sahara_the_cost_of_the_conflict.ashx](https://web.archive.org/web/20120108075623/http://www.crisisgroup.org/~/media/Files/Middle%20East%20North%20Africa/North%20Africa/Western%20Sahara/65_western_sahara_the_cost_of_the_conflict.ashx)

to suffer from health issues, unsanitary conditions and omnipresent poverty. In the camps there is the permanent shortage of medical personnel, which resulted in high rates of diseases, especially among children and pregnant women. In addition to being poorly equipped and stocked with few medicines, the medical facilities suffer from water shortages and underpaid staff. Some camps have water, though often of poor quality; others rely on truck deliveries, which are strictly rationed.

Apart from terrible living conditions and shortages of medical supplies, refugees also sporadically become unwanted targets of Moroccan anti-insurgency operations. Although various questionable cases of Morocco using unconventional weaponry against civilians are yet to be confirmed, the region still suffers from severe human rights abuses and serious breaches of the Geneva conventions on behalf of all involved parties.

According to the Report of the Secretary- General S/2023/729, the situation in Western Sahara is generally described as low-intensity hostilities between Morocco and Frente POLISARIO. Recent clashes provoked by the Moroccan forces led to the continuation of hostilities, although did not escalate the conflict to the point of an all-out war against the partisans¹⁴. In October 2020 the group of protesters set up barricades in the buffer zone of Guerguerat, demanding the release of "Sahrawi political prisoners from Moroccan jails". In response MINURSO enhanced its monitoring activities by the deployment of a civilian-based team to alleviate

¹³WESTERN SAHARA: THE COST OF THE CONFLICT// International Crisis Group / URL: [https://web.archive.org/web/20120108075623/http://www.crisisgroup.org/~media/Files/Middle%20East%20North%20Africa/North%20Africa/Western%20Sahara/65_western_sahara_the_cost_of_the_conflict.ashx](https://web.archive.org/web/20120108075623/http://www.crisisgroup.org/~/media/Files/Middle%20East%20North%20Africa/North%20Africa/Western%20Sahara/65_western_sahara_the_cost_of_the_conflict.ashx)

¹⁴Situation concerning Western Sahara // Report of the Secretary-General S/2023/729

tensions. The Moroccan side ensured that it was ready to utilize any actions needed, including direct intervention, to ensure safe navigation on the roads in the buffer zone. Later in October POLISARIO sent military personnel, consisting of up to 12 armed combatants, 8 light vehicles, to the buffer zone to protect the protesters. The Special Representative of the UN Secretary-General was informed that the deployment means no harm to the Moroccan side and is aimed at the protection of the protesters. The Royal Moroccan Army reiterated by sending military vehicles in the direction of Guerguerat. Although the MINURSO personnel advised Morocco to withdraw its equipment from the zone and received the answer of compliance, no withdrawal was observed. During the speech on the occasion of the forty-fifth anniversary of the Green March King Mohammed VI of Morocco underscored that Morocco would “respond, with utmost firmness and resolve, to any practices designed to undermine the security and stability of its southern provinces”. On the morning of 13 November the MINURSO personnel reported the gunfight between the protesters and the Moroccan soldiers. Although no one was killed, the parties started blaming one another for violation of the ceasefire agreement between them, thus eventually leading to the declaration of the termination of POLISARIO’s commitment to the ceasefire in response to the “brutal attack on unarmed Sahrawi civilians”. Secretary-general of Frente Polisario Mr. Ghali in his letter to the UN Secretary-General urged the UN and the Security Council to condemn the actions of Morocco. Morocco, on the other hand, claims that no aggressive actions against the civilians were taken¹⁵.

Provoked by the resumption of the conflict various states, including Bahrain, Burkina Faso, Equatorial Guinea, Eswatini, Guinea-Bissau, Haiti, Jordan, Libya, Malawi, Senegal, Sierra Leone, Suriname, the United

¹⁵Situation concerning Western Sahara // Report of the Secretary-General S/2021/843

Arab Emirates and Zambia inaugurated “Consulates General” in Laayoune and Dakhla, thus de facto supporting Morocco’s position in the conflict. These actions were condemned by Mr. Ghali who described them as the violation of international law and legal status of Western Sahara as a Non-Self-Governing Territory, recognised by the UN. Moreover the US is known to have declared its official support for Moroccan sovereignty over the entire Western Sahara territory, stating that only Morocco could offer a lasting solution to the conflict.

The moderate position in this situation is held by the Russian Federation. Currently the Special Representative of the Secretary-General of the UN for Western Sahara is Alexandr Ivanko - a political veteran with over 30 years of experience in international affairs¹⁶. This endorsement by the UN Secretary-General manifests that Russia understands the needs of the region. Russia has always been stressing the importance of a just solution to the conflict and always supported peace negotiations between the parties to a dispute. The solution to the conflict must be mutually beneficial and acceptable¹⁷.

It should be noted that Russia continues to support the decolonisation as it did in the times of the USSR, while also striving to mediate numerous conflicts on the continent. Russia’s contribution to the resolution of the conflict is immeasurable. Not only does Russia veto dangerous resolutions in the UN Security Council that could increase tensions and violate international law, but it also promotes the right of the self-determination of the people of Western Sahara under

¹⁶Alexander Ivanko Special Representative of the Secretary-General for Western Sahara and Head of the United Nations Mission for the Referendum in Western Sahara / URL: <https://www.un.org/sg/en/content/profiles/alexander-ivanko>

¹⁷Special Representative of the Secretary-General for Western Sahara and Head of the United Nations Mission for the Referendum in Western Sahara / URL: <https://www.un.org/sg/en/content/profiles/alexander-ivanko>

the UN Charter¹⁸. On this occasion, one can recall how Dmitry Polyanski described the draft resolution for the renewal of the mandate of the MINURSO in October 2021 as “an unrealistic and compromise plan” that doesn't reflect the objective reality of the Sahrawi settlements. Generally speaking, direct talks between Morocco and the Frente POLISARIO must be the utmost vital priority of the UN and the global community to ensure the long-lasting peace that may be mutually advantageous and acceptable. Mr. Polyansky underscored that any talks and operations should function within the framework of the UN Charter, while also envisaging self-determination for the Sahrawi people and taking into consideration territorial integrity of the states.

On balance, despite the aspirations of many nations and the UN the conflict is still present in the region, thus various decisions had and will have to be taken in order to ensure peace and tranquility in the region.

Discussion of the role of UN peacekeeping mission in Western Sahara

The conflict in Western Sahara brought global attention almost immediately due its complexity and cumbersome character. Firstly, the African Union became an active seeker for a mutually beneficial peaceful solution to the conflict. As the first organization to address the problem of Western Sahara globally, it became the most prominent and effective partner of the UN in the region. In cooperation with the African Union the UN Secretary-General established in 1985 the mission of good offices in order to promote “the settlement proposal”. The

¹⁸Explanation of vote by First Deputy Permanent Representative Dmitry Polyanskiy after UNSC vote on a draft resolution renewing the mandate of the UN Mission for the Referendum in Western Sahara// Permanent mission of the Russian Federation to the United Nations / URL: <https://russiaun.ru/en/news/sahara29102021>

settlement proposal contained various cardinal points of the post-conflict organization of the region and prospects of the referendum that would decide the future of the Sahrawi people. Eventually the United Nation Mission for Referendum in Western Sahara, or MINURSO, was established, in order to ensure the implementation of the UN Plan on Western Sahara.

The Plan, described by the Secretary-General in report S/21360¹⁹, created the main framework of the MINURSO that eventually led to the creation of the well-known structure of the mission. The establishment of the mission was initiated by the resolution of the SC 690 (1991)²⁰, in accordance with the Secretary-General's report S/22464²¹. The head of the mission, the Special Representative of the Secretary-General has the exclusive responsibility over all pivotal matters related to the referendum and is directly accountable to the UN Secretary-General. Several departments have been planned to assist the Special Representative in their mission, for instance: civilian, military and police personnel.

The Plan was set in motion after the ceasefire between Morocco and the POLISARIO in September 1991. Although the parties accepted the plan, there were several differences between them in the implementation. The main cause for clashes was the question of the criteria for eligibility to vote.

In order to find a compromise that could please the parties the MINURSO initiated the Identification Commission in July 1991 before the start of the mission. It started its preliminary works the day after the ceasefire, 7 September 1991 and had been working for more than 12 years. The identification process was concluded

¹⁹Secretary-General's report S/21360

²⁰UN SC Resolution 690 (1991)

²¹Secretary-General's report S/22464

at the end of December 2004²².

The MINURSO plays the key role in constraining the conflict and ensuring peaceful transition and implementation of the referendum. Under the auspices of the UN and the MINURSO the parties were known to have temporarily ceased their hostilities, thus strengthening peace in the region. However, it would be arduous to defy the volatile nature of the conflict. Still the warring parties engage in hostile activities with civilian and military casualties, thus escalating the conflict. Generally the MINURSO is in contact with the Royal Army of Morocco and POLISARIO militias in order to decrease the probability of any miscommunication between the two sides.

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According to the original mandate of the MINURSO its main objectives were:

- monitor the ceasefire;
- oversee the gradual withdrawal of Moroccan troops from the region;
- ensure that neither Morocco or Frente POLISARIO violate demarcation lines;

²²Background // United Nations Mission for the Referendum in Western Sahara. / URL: <https://minurso.unmissions.org/background>

- support the release of all Western Saharan political prisoners, POWs and detainees;
- monitor the exchange of prisoners of war and assist the International Committee of the Red Cross in the implementation of the aforementioned activities;
- assist the United Nations High Commissioner for Refugees with the repatriation of the refugees of Western Sahara;
- ensure and monitor the organization and the implementation of the referendum;
- reduce the threat of unexploded mines and ordinances²³.

However, MINURSO reported the renewed threat of mines and explosive remnants after the resumption of hostilities in 2020. New dangerous areas also include such regions that were previously considered safe by the mission. Only in the year 2022 MINURSO identified over 20 known minefields and around 42 cluster strikes with explosive remnants to be cleared.

In the case of natural disasters the mission also assists the population in the provision of humanitarian aid. Moreover, the mission also implements the 1308 Resolution²⁴ on the impact of HIV/AIDS in order to raise HIV/AIDS awareness among the Sahrawi people²⁵.

Due to the complexity of the conflict and disagreements between Morocco and Frente POLISARIO the referendum remains a poignant question.

Analysis of recent developments in the conflict

While striving to analyze the current situation in the

²³Mandate // United Nations Mission for the Referendum in Western Sahara. / URL: <https://minurso.unmissions.org/mandate>

²⁴Resolution 1308

²⁵HIV AND AIDS // United Nations Mission for the Referendum in Western Sahara. / URL: <https://minurso.unmissions.org/hiv-and-aids>

region of Western Sahara one has to comprehend the nature of this long-standing conflict that is reflected in the report of the Secretary-General of the UN, where it is underscored that the conflict is going through its low-intensity phase, characterized by small skirmishes.

MINURSO is known to have been addressing various issues and challenges that it currently experiences. Although the conflict may be characterized as the low-intensity one, still the mission has logistical problems provoked by the resumption of hostilities in November 2020. As a result of civilian protests to free the Sahrawi prisoners from Moroccan prisons a gunfight took place that eventually led to ceasefire breakdown.

According to the reports by MINURSO a plethora of firing incidents were concentrated in the North, near the city Mahbas. The Royal Moroccan Army continues dispatching its troops near the military base Anzarane in order to protect civilians and ensure the security of the berm that divides the region into two parts controlled by Morocco and the Frente POLISARIO. The Royal Army of Morocco implements the usage of unmanned aircraft to perform drone strikes. This tactic led to civilian casualties among the Sahrawi people. In January 2023 MINURSO investigated the site of an aerial attack by Morocco, where allegedly one civilian was killed. Previously in 2022 a larger air strike occurred in Mijek, a small village of gold miners controlled by POLISARIO, which resulted in the death of at least six civilians

According to the report of the Secretary-General, not only were the Sahrawi people killed during numerous air strikes in 2022 and 2023, but various foreigners were also murdered by this unrestricted warfare tactic implemented by Morocco. It should be noted that MINURSO confirmed that some vehicles destroyed by an airstrike in Mijek belonged to the Mauritians, since they had Mauritanian registration plates. On that matter the Secretary-General accused Morocco of targeting

civilians and escalation of the conflict.

However, the Secretary-General also addresses the logistical hindrance that the mission strives to overcome by cooperating with the parties. Thus POLISARIO implemented new security measures by constructing new blockposts, thereby restricting the freedom of movement. Such measures put the MINURSO personnel near the berm in jeopardy due to the diminishing supply of fuel²⁶.

The conflict is also influenced by the changes in the geopolitical landscape. As part of the deal between the US and Morocco the US decided to recognize Western Sahara as an integral part of Morocco, thus harming the stability of the region, while simultaneously the US also urged Morocco to recognize Israel. Eventually Israel recognised Moroccan claims to Western Sahara²⁷.

The region is in shambles and the skirmishes occur regularly, thereby leading to civilian casualties. The UN addresses the problem of human rights violations by the two sides of this conflict, while also stressing the importance of a dialogue between them. The UN is known to have called for preliminary talks without any conditions in the spirit of goodwill, however the reluctance of the parties caused by the resumption of the conflict deprives them of the ability to attend such talks. The problem of the promised referendum still remains on table, although the current trends raise concern whether the UN tactic has to be changed for the greater good. The Russian position on the conflict, for instance, remained rigid, but also just, since the Russian

²⁶Situation concerning Western Sahara - Report of the Secretary-General (S/2023/729)

²⁷UN renews peacekeeping mission in Western Sahara, calls for talks // Aljazeera. / URL: <https://www.aljazeera.com/news/2021/10/29/un-renews-peacekeeping-mission-in-western-sahara-calls-for-talks#:~:text=The%20United%20Nations%20Security%20Council%20has%20extended%20the, and%20calling%20for%20a%20revival%20of%20UN-led%20negotiations>

Federation pursues its policy in accordance with the international law and urges other countries to always refer to the international law as the main source of importance regarding the conflict. Not only should countries refrain from taking potentially dangerous measures that may damage the stability, but they also have to analyze the conflict between the two basic principles of international law: the principle of territorial integrity and the principle of self-determination. Recent developments, including the US' recognition of Moroccan claims, make the conflict more arduous to address in the field of international relations.

In conclusion, the conflict is known to have entered a new stage after the breakdown of the ceasefire of 1991. After 29 years of peace and cumbersome negotiations, the parties remain at loggerheads, however now the active phase of the conflict may lead to even more casualties among the civilians. Without political will of the parties and the states that stand behind them no facilitation of a dialogue will increase the probability of peace. The prolongation of MINURSO by the Security Council provoked critique among western statesmen, while the curbs put on the mission, especially in the sphere of humanitarian aid, tend to raise concerns among the warring parties, whether this mission is capable of delivering its goods as the peacekeeping mission of the UN.

CHAPTER 3. THE LEGACY OF MINURSO

Facilitating dialogue between parties

The United Nations Mission for the Referendum in Western Sahara is known to have been initiated by the resolution of the SC 690 in late 1991, thus implementing the planned transitional period for the parties to end their hostilities. The ceasefire was officially signed in 1991, however no lasting solution to the conflict has been reached to date. Thus under the auspices of the UN MINURSO strives to facilitate dialogue between the warring parties.

Not only does MINURSO stay in close contact with the parties, but it also promotes various UN conflict resolution plans. In 1997 one of the first attempts to settle the dispute was presented to the parties in the form of the Houston agreement that was eventually discarded by the parties due to disagreements on the issue of the voters. Therefore MINURSO started to identify possible voters, who had to be "original inhabitants"²⁸ of Western Sahara as a compromise with Morocco that was concerned about migration in the region. Although the Houston agreement was rejected, the UN and MINURSO didn't refrain from urging the parties to enter the dialogue in a spirit of mutual respect.

Second attempt to prevent further escalation occurred with the draft of the Baker Plan that was later adapted to the parties preferences, which was entitled as the Baker II. The both versions were eventually rejected and due to the absence of the proper substitute for the plans there have been no other satisfactory proposals.

²⁸Identification of Eligible Voters // MINURSO - United Nations Mission for the Referendum in Western Sahara. / URL: <https://web.archive.org/web/20071010231531/http://www.minurso.unlb.org/IDC.html>

Another attempt to set up negotiations between Morocco and the POLISARIO Front was initiated by the United Nations Security Council Resolution 1754 (2007). The new qualitative aspect of these negotiations was the call for direct negotiations without preconditions²⁹. The talks took place in four rounds and eventually resulted in a deadlock. The reasons for the stalemate were shaped by political calculus of Morocco which refused the inclusion of the independence option in the ballot.

Currently there were several calls made by the UN and promoted by MINURSO to urge the parties to enter the negotiations, however not all of them were successful. MINURSO was praised by UN Representative Horst Köhler in 2018 for its aspirations to monitor the ceasefire and confidence building measures, stating that the peaceful solution is not only possible, but also achievable in the near future.

The new threat emerged as the relations between the POLISARIO Front and MINURSO diminished due to the rising tensions in the region. Over the past six years tensions were known to have been fueling up since the POLISARIO Front started questioning MINURSO's ability to control the situation in the region. After the outbreak of hostilities in 2020 POLISARIO jeopardized the freedom of movement of MINURSO convoys that could have led to the dissolution of the mission in 2022.

Despite all the hardships the UN is convinced that only by preparing the terrain for negotiations will one be able to reach a mutually beneficial conclusion. Although the flames of the conflict ignited in 2020 once again the intensity of the conflict has diminished since, hence the possibility of a peaceful solution seems achievable. The inability to urge the parties to engage is also contingent on other key players in the conflict, including the USA and Algeria.

²⁹Resolution 1754 (2007)

On balance, MINURSO, under the auspices of the UN, strives to implement all required decisions to create the proper conditions for negotiations, but the overall effectiveness of such actions depend only on political will of the parties and their supporters in the international arena.

Supporting humanitarian assistance

The United Nations Mission for the Referendum in Western Sahara (MINURSO) plays a crucial role in providing humanitarian aid and protection to civilians in the region. This chapter will explore the main aspects of MINURSO's humanitarian efforts and its contribution to improving the lives of people in Western Sahara.

The people of Western Sahara require humanitarian assistance more than ever, as they reside in a disputed territory that exposes them to various risks to their safety and well-being.

However, the provision of aid can be hindered by several challenges, including fraud, which violates human rights under international law.

There were no doubts about the rights and wrongs of the dispute: Morocco's acquisition of the Western Sahara was "illegal" and for those who dreamt or fought for an independent Africa, the rights of the Algerian-backed Polisario the UN-recognised representative of the Sahrawi people of Western Sahara, were clear cut.

In early February 2015, Algeria's credibility in regard to the dispute over Western Sahara was called into question. This was due to the publication of a report by the European Anti-Fraud Office (OLAF), which investigated decades-long embezzlement of humanitarian aid intended for Sahrawi refugees in the Polisario-controlled camps in Tindouf³⁰.

³⁰The OLAF report 2015 // European Anti-fraud Office. / URL: https://anti-fraud.ec.europa.eu/system/files/2021-09/olaf_report_2015_en.pdf

The report, based on a survey that started in 2003 and was completed in 2007 but not publicly released until 2015, revealed that Algeria had for decades been embezzling a significant portion of the aid intended for the Tindouf camps, harming the Sahrawi people.

According to the report, the embezzlement took place at the Algerian port of Oran, where a large portion of the aid was redirected away from its intended destination in Tindouf. High-quality food and medicine meant for the camps was replaced with lower-quality goods by those responsible for the embezzlement, who then resold the goods in Algeria and neighboring countries.

Three obvious questions arise: why the EU did not publish the report when it was drafted, why it has only been published this year, and what caused the EU's lack of oversight and accountability³¹.

The first and most obvious consequence of this is that it has significantly undermined Algeria's credibility and deprived it of its moral foundations. The complicity of the Polisario leadership in fraud has also tarnished its reputation. Speaking in Geneva on February 3, Jean-Marc Maillard, a Swiss regional expert on the MENA region, expressed regret that the theft was committed "with the full connivance of the Algerian regime and its henchmen from the Polisario".

There are also signs that more and more members of the European Parliament (MEPs) are now expressing support for Morocco's proposals for "autonomy" in the dispute over Western Sahara. Indeed, the anger of MEPs over Algeria's fraudulent actions was apparently reflected in the approval by the European Parliament on March 12 of a new report on global human rights and democracy by 390 votes to 151 with 97 abstentions, which welcomed Morocco's efforts to promote human

³¹Sands shift in Western Sahara's aid-gate scandal // Middle East Eye. / URL: <https://www.middleeasteye.net/opinion/sands-shift-western-saharas-aid-gate-scandal>

rights and rejected amendments made by Morocco's opponents, namely Algeria, on the expansion of The mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO), including human rights monitoring mechanisms.

In conclusion, the provision of humanitarian aid to the people of Western Sahara is a complex and multifaceted issue that requires further discussion and analysis. The ongoing conflict in the region has resulted in significant human suffering, and humanitarian assistance is essential to alleviate these hardships. However, there are challenges associated with delivering aid, including security concerns and logistical difficulties.

The international community must continue to work together to find solutions that ensure the effective delivery of humanitarian assistance to those in need. This includes addressing the political situation in the region, as well as improving access for humanitarian organizations.

Monitoring ceasefire violations

A crucial responsibility of MINURSO is to monitor the ceasefire in Western Sahara, which has been observed by the parties since September 6, 1991. This task is carried out by 203 United Nations Military Observers (UNMOs), who are part of the military component of MINURSO. They operate under the command of a Force Commander and are overseen by the Special Representative of the Secretary-General for Western Sahara and Head of MINURSO.

In 1997, specific rules for the ceasefire were established through agreements between MINURSO and each of the two parties. These were formalized in «Military Agreement No. 1», signed on December 24, 1997, between the Frente Polisario Military Forces and MINURSO, and on January 22, 1998, between the Royal

Moroccan Army and MINURSO³².

The «Military Agreement No. 1» regulates activities related to monitoring the ceasefire. It divides Western Sahara into five areas: a five-kilometer-wide buffer strip east of the berm, two restricted areas located 25 kilometers and 30 kilometers west of the berm, respectively, and two areas with limited restrictions that encompass the rest of Western Sahara. Different restrictions apply to military activities and personnel of the parties in these areas.

Moreover, there are two other agreements that primarily focus on demining activities. These are:

- 1.«Military Agreement No. 3», which was signed on March 12, 1999, between MINURSO and the Royal Moroccan Army.
- 2.«Military Agreement No. 2», which was signed on April 5, 1999, by MINURSO and the Frente Polisario Military Forces³³.

All UNMOs are commissioned officers with a rank of Captain or higher. They are unarmed and work in multinational teams. Their mandate is to visit military units and conduct patrols at any time. To this end, MINURSO carries out daily patrols on both sides of the berm. The goal is to confirm the status of the parties' forces throughout the territory, verify violations, demonstrate the presence of the United Nations, and monitor military exercises conducted by the parties and the destruction of mines and unexploded ordnance.

To sum up, monitoring ceasefire violations is a crucial part of keeping peace and security in conflict zones. The goal is to confirm the status of the parties' forces

³²Military Agreement No. 1. / URL: <https://www.usc.es/export9/sites/webinstitucional/gl/institutos/ceso/descargas/Military-Agreement-1.pdf>

³³The largest prison in the world: landmines, walls, UXOs and the UN's role in the Western Sahara, Pablo San Martín and Joanna C. Allan, April 17, 2007

throughout the territory, verify violations, demonstrate the presence of the United Nations, and monitor military exercises conducted by the parties and the destruction of mines and unexploded ordnance³⁴.

To sum up, monitoring ceasefire violations is a crucial part of keeping peace and security in conflict zones. The work of MINURSO in Western Sahara highlights the importance of these efforts. By conducting monitoring activities, MINURSO helps to ensure that the parties follow the terms of the ceasefire agreement. This helps to promote transparency and accountability among the parties involved.

³⁴Ceasefire Monitoring // United Nations Mission for the Referendum in Western Sahara. / URL: <https://minurso.unmissions.org/ceasefire-monitoring>

CHAPTER 4. CHALLENGES FACING MINURSO

The escalating since 2020 conflict and the impossibility of a ceasefire

The duty of the United Nations Mission for the Referendum in Western Sahara is indeed an arduous responsibility. Furthermore, the mission is known to be facing numerous challenges that affect the overall effectiveness of the mission. The clashes between the POLISARIO Front and Morocco are comparatively long-standing and each side does have a plethora of grievances against each other, thus making the parties reluctant to accept any peaceful solutions that damage their credibility in the eyes of their own people. Many peace proposals and referendum plans were rejected, although the both sides have always been manifesting their desire to end the conflict not by the means of armaments, but by negotiations.

The conflict, however, does not exist in vacuum and is being influenced by other political actors, including the US and Algeria. Many other countries of the Arab World also heated the tensions by opening their consulates in Morocco-controlled territory of Western Sahara. The US under Trump's administration recognized Morocco's claims, followed by Israel. Tunisia reconsidered its position on the conflict and openly supported the POLISARIO FRONT.

Starting with the number of consulates in Western Sahara one can see the path to escalation, which resulted in the resumption of hostilities in 2020. The ceasefire was officially broken by the incident in Guerguerat district. The road of strategic importance was blockaded by peaceful demonstrations that supported the release of all political prisoners of POLISARIO from Moroccan prisons. However, the Royal Moroccan Army

launched an operation to lift the blockade of the road, controlled by MINURSO in the UN Buffer Zone. In response the POLISARIO Front withdrew from ceasefire agreements accusing Morocco of violation of human rights. Currently the conflict is in its low-intensity phase, dictated by the POLISARIO tactic of asymmetrical warfare³⁵.

The situation is extremely dire, especially due to the fragile state of the mission, since the parties lost their faith in MINURSO. MINURSO cooperates with the Moroccan Armed Forces and POLISARIO militias and maintains communication with them, while also protecting the freedom of movement, but because of the resumption of hostilities this right was jeopardized.

The inability of MINURSO to restore order and urge the parties to cease their hostilities left the POLISARIO Front and Morocco frustrated. Morocco ensured that should the mission pull out from the region, the Buffer Zone would be occupied by Morocco³⁶. The disenchantment also affected the Sahrawi people and POLISARIO that if there is no ceasefire between the parties, hence MINURSO should not be entitled to monitor the ceasefire.

Although the UN and the Secretary-General urge the parties to resume negotiations under the auspices of the UN without preconditions and in the spirit of mutual respect, the parties are still reluctant to accept such terms, thus threatening the stability of the region and the effectiveness of the mission. Still the mission manages to assist the both sides in the mine clearance and investigations of various attacks. On this occasion,

³⁵Paving the Way to Talks on Western Sahara // International Crisis Group. / URL: <https://www.crisisgroup.org/middle-east-north-africa/north-africa/western-sahara/paving-way-talks-western-sahara>

³⁶A l'ONU, Omar Hilale dénonce les obstructions du "polisario" à la mission de la MINURSO // Hespress. / URL: <https://fr.hespress.com/286840-a-lonu-omar-hilale-denonce-les-obstructions-du-polisario-a-la-mission-de-la-minurso.html>

MINURSO investigated the case of Mauritanian³⁷ and Algerian trucks destroyed by allegedly Moroccan drones³⁸.

Despite the turbulence in the region MINURSO stands loyal to its mandate and provides safety and ensures freedom of movement, while also assisting the refugees with educational practices to raise mine awareness. Still, the mission experiences various challenges because of the outbreak of war between Morocco and POLISARIO, but the aspirations to facilitate dialogue between the warring parties in order to address the matter of the future of Western Sahara remains the sacrosanct goal of the mission.

The postponement of the referendum in Western Sahara

The main task of MINURSO is obviously related directly to the holding of the referendum, which should determine the fate of Western Sahara. Since 1991, the debate on the referendum has been ongoing, and so far, no clear progress has been made in resolving the conflict.

The territory, rich in resources and strategically located, has been a source of contention primarily between Morocco and the Sahrawi Arab Democratic Republic (SADR), leading to a protracted conflict that has significant implications for regional stability and international law.

Despite the initial optimism surrounding the referendum, several factors have contributed to its indefinite postponement³⁹:

³⁷Report of the Secretary-General on the situation of Western Sahara S/2023/729

³⁸Report of the Secretary-General on the situation of Western Sahara S/2022/733

³⁹Conflict resolution in Western Sahara // Accord. / URL: <https://www.accord.org.za/ajcr-issues/conflict-resolution-in-western-sahara/>

1. **Disagreement on Voter Eligibility:** One of the central issues has been the criteria for who qualifies as a voter. Morocco's insistence on a broader definition, which includes individuals who settled in the region post-colonization, contrasts with the Polisario Front's call for a referendum limited to indigenous Sahrawis.
2. **Territorial Disputes:** The delineation of territorial boundaries remains contentious. Disagreements over the status of areas rich in resources have exacerbated tensions, complicating efforts to reach an agreement.
3. **Changing Political Dynamics:** The geopolitical landscape in North Africa and broader international interests have evolved, impacting the urgency and focus of the referendum. Regional instability, including the rise of militant groups and shifts in alliances, has drawn attention away from the Sahrawi cause.
4. **Lack of Commitment from Key Players:** Morocco's sustained refusal to fully engage in negotiations has stymied progress. The support of external allies, particularly the United States and France, has often favored Moroccan sovereignty over self-determination for the Sahrawis, complicating the UN's mediation efforts.

The international community must take proactive measures to revitalize efforts towards a just resolution for the Western Sahara conflict. Recommendations include⁴⁰:

1. **Enhanced Diplomatic Engagement:** The UN should strengthen its diplomatic initiatives by engaging both Moroccan and Polisario leaders in dialogue that prioritizes the interests of the Sahrawi people.
2. **Voter Eligibility Consensus:** A joint commission

⁴⁰Zunes St., Mundy J. *Western Sahara: War, Nationalism, and Conflict Irresolution*. Syracuse University Press, 2010. 360 p.

could be established to facilitate discussions on voter eligibility, aiming for a mutually acceptable definition that reflects historical and demographic realities.

3. **Support for Sahrawi Civil Society:** Increased funding and resources for Sahrawi civil society organizations can empower local voices and ensure that the perspectives of those affected are included in negotiations.
4. **Humanitarian Aid:** Immediate humanitarian assistance should be directed towards Sahrawis in refugee camps, addressing basic needs while also promoting economic development initiatives that can foster stability.
5. **Awareness Campaigns:** Raising global awareness about the Sahrawi plight through international media, academic forums, and cultural exchanges can mobilize public opinion and pressure policymakers to act.

The postponement of the referendum in Western Sahara reflects the complex interplay of historical issues, political interests, and international dynamics. Solving this problem requires new commitments from the international community to support the rights of Saharan people and help them towards self-determination. Only through joint efforts, respect for human rights, and constant interaction, can we hope to resolve the protracted conflict and establish lasting peace in the region.

CHAPTER 5. INTERNATIONAL LAW AND ISSUES OF ADDRESSING THE PROBLEM OF WESTERN SAHARA

Western Sahara is considered an extremely peculiar example in the field of international law, due to the complexity of various intertwined positions of various actors of International Relations. The general basis of international law and its sources define the position of Western Sahara as a Non-Self Governing Territory, which is the official position of the UN. Still, the status of Western Sahara is not thoroughly described and defined, thus making it an anomaly in the field of international law. Moreover, the UN also underlines that the Non-Self Governing Territory of Western Sahara is not vested with administering power⁴¹.

Although the Territory of Western Sahara was promised to receive its independence and full control over the aforementioned territory the question of control remains poignant. As the means of fostering decolonisation, in the year 1960, the UN General Assembly issued the Resolution 1514⁴², that set in motion the process of decolonisation of non-self governing territories. As the UN defines these territories as regions where “the population is yet to obtain the means of self-governing”, therefore such territories must be provided by a member of the UN. For this role the state of Spain was chosen due to its historical roots to the region. Eventually the states of Morocco and Mauritania claimed that the region is culturally closer to them rather than

⁴¹Western Sahara // The United Nations and Decolonization. / URL: <https://www.un.org/dppa/decolonization/en/nsqt/western-sahara>

⁴²Declaration on the Granting of Independence to Colonial Countries and Peoples // United Nations Human Rights Office of the High Commissioner. / URL: <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-granting-independence-colonial-countries-and-peoples>

Spain. However, the UN mission backed the wishes of the Sahrawi people to become independent.

These claims started the long-standing dispute in the international arena that also reflects the internal disarray of international law, precisely the collision between key and the most cardinal principles of international law: the territorial integrity, non-intervention in internal affairs and the principle of self-determination of people. As one can see, the problem of self-determination is accurately described in this report, however other principles are only mentioned, thus they have to be explained.

Morocco has always seen Western Sahara as an indispensable part of it, thus it decided to act quickly after the Madrid Accord of 1975. After the withdrawal of the Mauritania Armed Forces from Western Sahara Morocco gained a foothold in the region, thereby strengthening their positions against the POLISARIO partisans and the occupation of Western Sahara by Morocco officially began. The problem arose when the UN Resolutions in favor of self-determination of the Sahrawi people, but these resolutions were eventually blocked by France and the US, which were interested in bolstering the ties with their allies in North Africa.

In order to ensure its territorial integrity Morocco offered the autonomy plan, however it was rejected by the POLISARIO Front. The problem with this plan lies in the field of internal politics - Morocco considers Western Sahara as its territory and does not agree with the official position of the UN. Therefore in the eyes of Morocco POLISARIO are not the "freedom fighters" but rather separatists, who are also supported by foreign powers, such as Algeria, thus undermining the principle of non-intervention in domestic affairs. The proposition is based on the assumption that Western Sahara is deprived of the right of independence of sovereignty, since Morocco's position is shaped by the Madrid Accords of 1975⁴³. The plan was obviously rejected by the UN and

African Union. Otherwise the acceptance of this plan would have meant that the UN, basically, supported territorial expansion by military force. The precedent could have led to detrimental to the overall structure of international law that could have destabilized the foundation of the UN. Hence, the UN sees the territory as an occupied one, thereby not as a part of Morocco. Albeit, the possibility of an autonomous status became a viable option on the planned referendum ballots. Indeed, this decision was condemned by POLISARIO⁴⁴.

The position of POLISARIO remains unchanged since the beginning of the conflict. The POLISARIO Front is convinced that only by achieving full independence can they determine the future of the people of Western Sahara. They are still not reluctant to refrain from negotiating with Morocco when such talks are conducted under the auspices of the UN. Therefore, the parties, despite the resumption of the active stage of the conflict, communicate on various matters. However, the main issue- the consensus, on which is almost impossible to achieve, still remains an active hindrance to the end of hostilities.

Morocco is harshly against any talks on the matter of Western Sahara independence, while POLISARIO is not incentivised to accept autonomy under Rabat. Other actors of international relations, such as the US and the AU, tend to complicate the situation. The African Union used to recognise the right of the Sahrawi people to achieve unquestionable and unalienable self-determination, and Western Sahara was recognised by the AU as an independent member of the organization, however in 2017 the AU decided to abstain from further

⁴³Disposiciones generales // URL: <https://www.boe.es/boe/dias/1975/11/20/pdfs/A24234-24234.pdf>

⁴⁴Western Sahara: Self-Determination and International Law // MEI. / URL: <https://www.mei.edu/publications/western-sahara-self-determination-and-international-law>

supporting POLISARIO's cause⁴⁵. The USA recognised Moroccan claims to Western Sahara, which was followed by Israel. Eventually more and more states show tendencies of upending the status quo in the Moroccan favor, believing that this might end the conflict.

Thus the status of Western Sahara is unsure and ambiguous. The result is the following: Western Sahara and its status remain a poignant question in the field of international law, albeit it serves as a unique example of a colony that still waits for its decolonisation.

⁴⁵The Curious Case of Western Sahara // International Law and Policy Brief. / URL: <https://studentbriefs.law.gwu.edu/ilpb/2021/10/25/the-curious-case-of-western-sahara/>

CONCLUSION

In conclusion, the situation in Western Sahara remains a complex and unresolved issue, deeply rooted in its historical context and compounded by recent developments. Despite the efforts of the United Nations Mission for the Referendum in Western Sahara (MINURSO), key challenges persist, including the continued postponement of the referendum and the inability to maintain a durable ceasefire, particularly following the escalation of conflict since 2020. The role of the UN peacekeeping operations remains critical, not only in monitoring the ceasefire but also in facilitating dialogue between the parties and ensuring the delivery of humanitarian assistance to vulnerable populations.

The analysis of recent changes highlights the growing volatility in the region, which has complicated efforts to achieve a peaceful resolution. International law continues to play a significant role in framing the discourse around Western Sahara's right to self-determination, yet progress remains stalled by political and diplomatic obstacles. Moving forward, it is essential for the international community, and particularly the UN, to renew their commitment to facilitating a just and lasting solution, ensuring that all parties are engaged in constructive dialogue and that humanitarian needs are met while maintaining peace and security in the region.

The ongoing delay of the referendum reflects the broader challenge of achieving consensus among the involved participants, underscoring the need for sustained international engagement to resolve the conflict and promote stability in Western Sahara.