

This May 2024 Swedish article quotes [Dr. Stephen Zunes](#)* on international legal implications of the occupation

“Not only the fate of the people of Western Sahara is at stake.”

Many times, the people of Western Sahara have been victim of blatant disregard of international law. With last year’s broken ceasefire and the Trump administration’s recognition of Morocco’s claims over Western Sahara, the interests of the Sahrawis are once again neglected. Before the recognition, many did not even know about the existence of Western Sahara. Is it possible for Western Sahara to win a war fought against Morocco’s superior military, backed by powerful nations such as the United States and France? Or is the solution elsewhere? What does international law say about this conflict? Is it possible that a global civil society can put pressure on governments and the UN to act and highlight the ongoing repression and human rights violations in Western Sahara? After decades of failed UN negotiations, it is now perhaps time for the global civil society to again step up and this time support the Sahrawis right to self-determination.

The former Spanish colony Western Sahara was occupied by Morocco in 1975. Today Morocco still controls about three quarters of the Western Sahara territory. During the first war between Morocco, and the Polisario Front, representing the people of Western Sahara, about half of the Sahrawi population fled across the border to Algeria where they still reside in refugee camps. In 1991, the UN brokered a ceasefire between the two parties and promised a referendum to the people of Western Sahara where they could exercise their right to self-determination. However, the referendum has still not happened due to stalling by Morocco and the almost 30-year-old ceasefire was broken last year when Morocco broke the ceasefire agreement. Civilian Sahawais had protested against Morocco opening a passage for transport between Morocco and Mauritania, which is a violation of the 1991 agreement. Moroccan forces then mobilized to remove the blockade of Sahrawi protesters and entered a buffer zone between the occupied territory and the liberated areas of Western Sahara. This was a grave violation against the ceasefire agreement since no armed forces are allowed in the buffer zone. The Polisario Front states that their intervention was necessary to defend the civilians against the Moroccan military.

After Morocco’s violation of the almost 3 decades-long ceasefire agreement in November last year, the people of Western Sahara are now more vulnerable. The recognition by Trump of Morocco’s claims over Western Sahara also adds to the complex situation. Last week, Emmaus Stockholm held a webinar to discuss these issues, untangle questions around the conflict, and possible prospects for peace in the region.

How does the broken ceasefire affect the situation for the people of Western Sahara?

Members of civil society organizations from the region share insights about the consequences of the broken ceasefire. Maglaha Hama from the Sahrawi refugee camps states that:

– It is now, more than ever a necessity for us to work on peace. Hama is a representative of the organization Non-Violence Action (NOVA) that works with dialogue for peace in the refugee camps and internationally. Lack of success in previous UN-led peace processes and the status quo has caused a frustration and an increased willingness to return to war among the population in the refugee camps. The work for peaceful dialogue is now more crucial than ever.

In the occupied territories, the Moroccan repression has intensified as a result of the broken ceasefire while the strict information- and media blockade continues. Mohamed Mayara is a media activist and co-founder of Equipe Media, a collective of independent journalists. He reports that activists, journalists, human rights defenders, and civilians are being targeted by Moroccan occupying forces and subjected to arbitrary violence.

The Moroccan Association of Human Rights (MAHR) has a different position compared to the Moroccan authorities. MAHR expresses concerns about the human rights situation in Morocco and Western Sahara. MAHR, one of the biggest human rights organizations on Morocco demand a democratic solution to the conflict. Additionally, MAHR call upon international institutions to map all human rights violations while also arguing that the broken ceasefire could have been avoided if the UN had taken more action, for example appointing a UN envoy for Western Sahara that could lead political negotiations. The last UN envoy resigned in May 2019.

What are the reasons behind Trump's decision to recognize Morocco?

One month following the escalation of the conflict, Western Sahara again came into the spotlight when the Trump administration recognizes Morocco's claims over the Western Sahara territory. The recognition is part of an agreement between Israel, Morocco and the U.S. In exchange for Morocco to normalize its relations with Israel, the U.S. recognizes Morocco's sovereignty over Western Sahara, this along with economic and military support. Trump has stated that "as more Arab countries normalize relations with Israel [...] the region will become more stable, secure and prosperous".

What are the implications of the Trump administration's recognition of Morocco?

Pål Wrangé, professor in international law at Stockholm University, says:

-It is clear that Morocco is an occupying power and has no right to claim sovereignty over the territory. According to international law, Western Sahara's status as a non-self-governing territory gives the people of Western Sahara the right to self-determination. Without a referendum, the U.S. recognition therefore disregards international law. In theory, the recognition does not change anything – the Sahrawis still have a right to self-determination.

In Morocco, MAHR and other organizations opposes the Moroccan regime's normalization agreement with Israel. This position reflects the widespread support for Palestina within the Moroccan civil society. MAHR reports that, Trump's recognition has boosted the Moroccan regime which means harder repression. The situation for human rights organizations is now even more difficult than it was before.

The Trump administration's recognition has also brought international attention. The decision has been heavily criticized by several influential politicians, diplomats and scholars, especially in the United States. The former U.S. secretary of state James Baker states that "Trump's recognition of Western Sahara is a serious blow to diplomacy and international law." Similarly, former US national security advisor John Bolton, calls the recognition a "mistake." Baker and Bolton, along with other politicians from both the democratic and republican parties, opposes the recognition since it abandons the U.S. long-term position of promoting an UN-led peace process.

The latest statement regarding Western Sahara and Trump's proclamation comes from Sweden's foreign minister. Ann Linde says that "the status of Western Sahara can only be determined through a just, sustainable and mutually acceptable negotiated solution that satisfies the right of the people of Western Sahara to self-determination in accordance with international law." Linde argues that recognizing Morocco's claims does not

contribute to a sustainable solution and further stresses the importance of an UN-led process to a solution in line with international law.

The opposition to Trump's rushed and unrighteous recognition of Morocco's alleged sovereignty over Western Sahara prompts President Biden to correct this mistake. However, is it as easy as it sounds?

***Stephen Zunes**, professor in politics and international studies at University of San Francisco, answers this:

– Biden could resend the U.S. recognition with the stroke of a pen, however, this has put him in something of a dilemma. President Biden is pressured by pro-Israelis from one side in Washington, arguing that a withdrawal will perhaps endanger the deal of Morocco normalizing its relations with Israel. From the other side, there is also an opposition in Washington that calls for a resignation of the recognition and states that it will not risk the Israel-Morocco agreement.

Similar to James Baker and John Bolton, Stephen Zunes argues that Trump's recognition of Morocco's claims over Western Sahara opposes earlier fundamental core issues within U.S. foreign policy.

– Considering Western Sahara has been recognized by several nations, is a full member state of the African Union, and has not yet conducted a referendum. What Trump did was that he recognized the takeover of one recognized African state by another, he says.

If looking back at history, when Iraq invades Kuwait, it causes a great reaction from the international community. Such an aggression must not stand, and the United States took the lead in trying to uphold this principle. But now under Donald Trump, the United States have taken the opposite position, Zunes argues. While Iraq's occupation in the 90s was met with condemnation and sanctions from the international community, Morocco has been met with cooperation and trade agreements – and now even justification by the Trump administration.

What are possible future pathways for Western Sahara?

A solution to the now over 45-year-old conflict is difficult. A military victory for the Polisario Front is unlikely considering Morocco's superiority in terms of military arms supply combined with the support from its allies. Stephen Zunes instead gives historical, similar examples, such as East Timor's struggle for independence and apartheid in South Africa where a powerful civil society movement and international actors had a significant role.

– Through protests, organizing, lobbying, non-violent direct action and other means, a mobilized global civil society can bring attention to a previously obscure conflict and put pressure on its governments to act against ongoing repression, Zunes says.

Maghla Hama, Mohamed Mayara, and Mohamed Cheikh Koumani are all part of a crucial civil society movement that can spread awareness of Morocco's occupation and human rights violations. However, more people around the world needs to join the movement to achieve an impact and to pressure governments and the UN into action.

– What is at stake here is not just the fate of the people of Western Sahara, but the entire international legal order established after World War II, Zunes argues. If the international community accepts Morocco's occupation of Western Sahara, they also legitimize a country's expansion by military force and denies a population their right to self-determination.

For every day that the international community continues to turn the blind side, there goes another day when the Sahrawis are denied their rights and subject to repression by the Moroccan forces. When we choose to be quiet, we, not only deny the principles of international law, but also the fundamental values on which the legal order is based upon. The civil society needs to act now, mobilize, and acknowledge the ongoing human rights violations in Western Sahara to achieve a peaceful change.