DECEMBER 2024

POLICY BRIEF

LESSONS FROM THE 50-YEAR SAHARA ISSUE: POLISARIO AND THE EVOLUTION OF INTERNATIONAL LAW

SHOJI MATSUMOTO

10 YEARS POLICY CENTER FOR THE NEW SOUTH

PB -71/24

POLICY CENTER FOR THE NEW SOUTH

10 YEARS

Over the past 50 years, international law relevant to the Sahara Issue has evolved significantly. Yet, even recent developments, such as a decision by the EU court and a proposal by the Secretary-General's Personal Envoy to partition the Saharan provinces, have not adequately accounted for these advancements.

Actions by a state that may not have been scrutinized in 1975 could now face condemnation under contemporary legal standards. Notably, the right to self-determination must not be exercised in a discriminatory manner by a privileged national or ethnic group, as this would contravene the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). Furthermore, the prohibition of racial discrimination has been recognized as a jus cogens norm in the UN International Law Commission's (ILC) 2022 Draft Conclusions on Identification and Legal Consequences of Peremptory Norms of General International Law (Jus Cogens), invalidating any agreements that conflict with this principle.

Additionally, under the ILC's 2001 Draft Articles on Responsibility of States for Internationally Wrongful Acts and decisions by international tribunals, responsibility for internationally wrongful acts committed by non-state military or paramilitary groups on behalf of a state is attributable to that state.

This paper examines the implications of the expanded concept of racial discrimination and the principle of attribution of responsibility for the Sahara Issue. Particular attention is given to the referendum persistently advocated by Polisario and the principal-agent relationship between Algeria and Polisario.

SHOJI MATSUMOTO

1. INTRODUCTION

As the 50th anniversary of the Sahara Issue approaches, UN Secretary-General, António Guterres, emphasized in his 2024 report that "this challenging context continues to make it more urgent than ever to reach a political solution to the question of Western Sahara." A fair, lasting, and mutually acceptable political solution can only be achieved on the basis of international law; otherwise, the solution risks being neither fair nor enduring. Notably, the report makes no explicit reference to international law.

Despite the significant evolution of international law over the past 50 years in relation to the Sahara Issue, recent developments, including a decision by the Court of Justice of the European Union (CJEU) and a briefing by the Secretary-General's Personal Envoy, Staffan de Mistura, during a closed UN Security Council meeting, have not adequately accounted for these advancements.

The development of international law since 1975 may have a particular impact on the status of Polisario as one of the representatives of "the people of Western Sahara" or "the Sahrawi people." Based on the right to self-determination, such representatives may be required to provide their consent to Morocco's exploitation of natural resources in the Saharan provinces, as has been repeatedly emphasized in decisions by the EU court. However, as Morocco is not a Member State of the EU, the Kingdom is not obligated to comply with the Court's decisions or obtain Polisario's consent for resource exploitation in line with those rulings.

More importantly, no single non-state group should be granted a veto over approving resources exploitation under the guise of exercising the right to self-determination. Instead, decisions should be made collectively and in accordance with democratic principles. Consent is often determined by a simple majority, as is the case with the results of referenda. Therefore, resource exploitation should not be obstructed by the demands of a privileged group. Self-determination must adhere to democratic principles and should not be an exception to them.

Although it may be argued that each individual must freely consent to relinquish some aspects of their self-determination, this does not apply to collective decisions on economic policies, for example. In fact, minorities are explicitly entitled to "enjoy their own culture, to profess and practice their own religion, or to use their own language" under Article 27 of the International Covenant on Civil and Political Rights (ICCPR). Therefore, in areas outside culture, religion and language, individual members of minority groups are not necessarily granted a veto to block approval of collective decisions.

Furthermore, there is a more fundamental issue regarding Polisario's eligibility to represent "the people of Western Sahara." While it is true that Polisario has been accorded preferential treatment within the UN-led peace process, its designation as one of the representatives of "the people of Western Sahara" by the UN General Assembly in its resolutions of 1979 and 1980 predates significant developments in international law. Notably, these resolutions were adopted well before the UN International Law Commission (ILC) introduced the 2001 Draft Articles on Responsibility of States for Internationally Wrongful Acts (Draft Articles on State Responsibility), which challenge and potentially undermine Polisario's preferential status. Based on the Draft Articles on State Responsibility, Polisario's status as a representative of "the people of Western Sahara" has become questionable due to its position as a *de facto* agent of Algeria, as will be discussed in detail below.

In the international community, "control" through extensive support or assistance provided by states to military or paramilitary non-state actors fighting abroad against other states has become "a frequent and dangerous occurrence." Among the forms of such control is "agent control," also referred to as "effective control," "overall control" or "strict control." A state's "agent control" over a non-state actor qualifies that actor as a *de facto* agent of the state and, therefore, as an organ of the state, as will be elaborated later.

According to the ILC, the concept of "control" under the international law of state responsibility encompasses situations where a state exercises *de facto* jurisdiction, even in the absence of *de jure* jurisdiction. In the case of the Sahara Issue, however, Algeria exercises territorial sovereignty, which establishes *de jure* jurisdiction, over Polisario.

2. DEADLOCK

Since Spain's withdrawal from "Spanish Sahara" in 1975, following the Declaration of Principles on Western Sahara with Morocco and Mauritania, there has been limited decisive progress in the UN-led peace process aimed at finding a just, lasting, and mutually acceptable political solution to the Sahara Issue. To this day, the conflict persists between Morocco and Polisario, despite the UN's sustained efforts, including the establishment of the United Nations Mission for the Referendum in Western Sahara (MINURSO), the conclusion of ceasefire agreements, the repeated presentation of various peace proposals, sponsorship of dialogue between Morocco and Polisario, shuttle diplomacy through the Secretary-General's Personal Envoy, and the holding of roundtable meetings.

Polisario has consistently insisted on the independence of "Western Sahara" and the implementation of a referendum to be voted by "the people of Western Sahara" or "the Sahrawi people" to achieve that goal. In contrast, in 2007, Morocco proposed the Moroccan Initiative for Negotiating an Autonomy Statute for the Sahara Region (Moroccan Autonomy Initiative), which seeks to implement the right of "the Sahara populations," or the inhabitants of the Saharan provinces, to self-determination as a means to finally resolve the Sahara Issue.

A key factor in the current deadlock is the growing controversy over whether Algeria, rather than Polisario, should be considered a full-fledged party to the Issue. This controversy is significant from the perspective of attributing responsibility for internationally wrongful acts committed by a non-state actor to a state. It is difficult to imagine Polisario making decisions on matters critical to Algeria without that state's authorization. This is especially evident following Polisario's withdrawal from the 1991 ceasefire agreement with Morocco and the 1997 Military Agreement No. 1 with MINURSO, as well as its non-participation in the UN-led peace process after the Guerguerat crisis in 2020. In this context, Algeria's role in the peace process is said to be growing.

Outside the UN, significant progress toward resolving the conflict has been made. An increasing number of states have recognized Morocco's sovereignty over the Saharan provinces and the Moroccan Autonomy Initiative. This proposal has been promoted as a means to advance the UN-led peace process by ensuring autonomy for "the Sahara populations" as an exercise of the right of "the people of Western Sahara" to self-determination under Moroccan sovereignty.

At the same time, a majority of states do not recognize Polisario's self-declared Sahrawi Arab Democratic Republic (SADR), and a growing number have withdrawn their wrongful "premature recognition" of the pseudo "SADR." According to Thomas M. Hill, 37 states have followed the 2020 U.S. recognition of Morocco's sovereignty over the Saharan

provinces. He even went so far as to state that that "the Western Sahara conflict is over." Similarly, Morocco's representative to the UN noted that more than 98 Member States support the Moroccan Autonomy Initiative as the only solution to the dispute. Reflecting the international trend toward recognizing this Initiative as the most viable path toward a lasting resolution, there is now talk of a "paradigm shift" in favor of Morocco's territorial integrity.

As it stands, however, Algeria denies being a full-fledged party to the Sahara Issue. Instead, Polisario has been accepted as a party in the UN-led peace process. The legitimacy of Polisario as a representative of "the people of Western Sahara" or "the Sahrawi people" warrants examination. There is no consensus within the UN on who constitutes "the people of Western Sahara," despite the General Assembly resolutions of 1979 and 1980.

The absence of such an agreement is evidenced by the eventual closure of the procedure to identify eligible voters for the aborted MINURSO referendum. Indeed, determining who qualifies as "the people" has been one of the central issues of the Sahara conflict. Nevertheless, the EU courts have adhered to the simplistic notion that Polisario represents "the people of Western Sahara."

In contrast, shortly after the 2024 EU court decision was made public, top EU officials—President of the European Commission, Ursula von der Leyen, and High Representative and its Vice-President, Josep Borrell Fontelles—issued a joint statement emphasizing that the "EU reiterates the high value it attaches to its strategic Partnership with Morocco, which is long-standing, wide-ranging and deep." They further stated that "the EU firmly intends to preserve and continue strengthening close relations with Morocco in all areas of the Morocco-EU Partnership, in line with the principle of *pacta sunt servanda*." The question of who constitutes "the people" should be taken seriously not only in the UN peace process but also within the EU courts.

Both within and outside the UN, attention should be given to two key lessons from the half-century development of international law in seeking a just, lasting, and mutually acceptable political solution to the 50-year Sahara Issue: a state's "agent control" over a non-state actor, and the illegality of advocating a referendum based on national or ethnic origin.

If a political solution is reached in disregard of existing international law, it may face serious challenges afterword, potentially leading to a relapse of conflict. Such a solution cannot be considered "lasting."

3. ALGERIA AS A FULL-FLEDGED PARTY

Recently, the word "Algeria" has been increasingly mentioned in the UN Secretary-General's reports on MINURSO, despite Algeria's continued denial of involvement in the Sahara Issue, insisting that it is "not a party to the conflict." However, Algeria's actions contradict its official stance, as it effectively controls Polisario through its territorial sovereignty. As has been pointed out below: "Algeria has been one of the most important actors in that conflict," and recognizing Algeria's role in the conflict is considered "key to unlocking this stagnated peace process."

In practice, Algeria is increasingly being acknowledged as a party to the Sahara Issue. In fact, Algeria has already been involved in the UN-led peace process through activities such as shuttle diplomacy and roundtable meetings. Recent Security Council resolutions more frequently use the phrase "Morocco, the Frente POLISARIO, Algeria, and Mauritania," instead of the conventional "Morocco and the Frente POLISARIO." The Security Council has "strongly encouraged Morocco, the Frente POLISARIO, Algeria, and Mauritania to

engage with the Personal Envoy throughout the duration of this process, in a spirit of realism and compromise, to ensure a successful outcome." Other relevant expressions, however, do not explicitly name specific states.

Instead, simpler phrases are often used, such as "the parties," "all parties," and "the parties and neighboring states." Additionally, the Secretary-General's Personal Envoy, Staffan de Mistura, frequently uses his own phrase "all concerned."

Notably, in the 2024 report on MINURSO, the Secretary-General described his Personal Envoy's multiple visits to Algiers and meetings with the Algerian minister of Foreign Affairs as evidence of Algeria's status as a full-fledged party to the Sahara Issue.

Conversely, if Algeria is not recognized as a full-fledged party, its decision to withdraw its ambassador to France "with immediate effect"—in response to France's endorsement of autonomy under Moroccan sovereignty as the framework for resolving the Sahara Issue—cannot be understood consistently.

There is also a basis in international law for classifying Algeria as a full-fledged party to the Sahara Issue. Responsibility for "all acts" committed by Polisario can be attributed to Algeria, given Algeria's "agent control" over Polisario and Polisario's "complete dependence" on Algeria in all fields. This conclusion is supported by Article 8 of the 2001 Draft Articles on State Responsibility, adopted by the ILC, and decisions by international courts. Dependence and control, as noted, are "two sides of the same coin."

As a general principle, the conduct of non-state actors is not attributable to a state. However, circumstances may arise where such conduct becomes attributable to the state due to a specific factual relationship between the non-state actor and the state. The ILC notes that Article 8 addresses two such circumstances.

The first involves non-state actors acting on the instructions of the state to carry out internationally wrongful conduct. This form of control applies to the non-state actor's execution of a specific act and is therefore referred to as "specific control." The second pertains to a broader scenario where a non-state actor operates under the state's direction or control, effectively functioning as if it were a state organ. This type of control is often termed "effective control," "overall control" or "agent control." These two notions of control differ not in degree but in kind. This distinction can be illustrated by the significant difference in legal consequences between "specific control" and "agent control."

The International Court of Justice (ICJ) addressed whether a US-backed non-state actor, the *contras,* attacking Nicaragua could be regarded as an agent of the US in its 1986 case, *Military and Paramilitary Activities in and against Nicaragua*. In this case, the ICJ considered "whether or not the relationship of the *contras* to the United States Government was so much one of dependence on the one side and control on the other that it would be right to equate the *contras*, for legal purposes, with an organ of the United States Government, or as acting on behalf of that Government." However, the ICJ ultimately concluded that "there is no clear evidence of the United States having actually exercised such a degree of control in all fields as to justify treating the *contras* as acting on its behalf."

In the *Nicaragua* case, the ICJ held that two requirements must be met to establish "effective control," also referred to as "agent control." The first is the existence of a non-state actor's "complete dependence" on a state. Regarding Polisario, such dependence may be demonstrated by Algeria's exercise of territorial sovereignty over Polisario, which is located within Algerian territory. Famously, it is a well-established principle that under territorial sovereignty, a state exercises "effective control" over the inhabitants and entities within its territory.

The second requirement for establishing "effective control" is that control must be exercised in "all fields," including political, economic and military domains. It is generally accepted that under the jurisdiction of a sovereign state, the scope of control extends to all these fields. According to the 1923 *Case of S. S. Lotus*, decided by the Permanent Court of International Justice (PCIJ), the states are entitled to exercise jurisdiction as they see fit unless otherwise restricted by international law. While this permissive approach has since been limited by the development of international legal norms, it remains true that the broader the restrictions on state jurisdiction, the greater the responsibility imposed on the territorial state.

Therefore, as long as Polisario operates within Algeria's territory, its "complete dependence" on Algeria and Algeria's "effective control" over Polisario in all fields cannot be denied. Consequently, responsibility for all internationally wrongful acts committed by Polisario is attributable to Algeria.

Conversely, the "overall control" standard established in the 1994 case of *Prosecutor v. Duško Tadić,* decided by the International Criminal Tribunal for the Former Yugoslavia (ICTY), is less stringent than the "effective control" Nicaragua standard set forth in the *Nicaragua* case. According to K. M. Larsen, the requirement of "direction or control" in Article 8 of the Draft Articles on State Responsibility aligns primarily with the "effective control" standard in the *Nicaragua* case and the ICJ's 1993 cases of *Application of the Convention on the Prevention and Punishment of the Crime of Genocide.* However, it also incorporates, to a lesser extent, the "overall control" standard in the ICTY's *Tadić case.* The ILC explains this distinction by noting that the ICTY's mandate focused on issues of individual criminal responsibility, rather than state responsibility.

In the *Tadić* case, the ICTY established two key criteria for determining "overall control":

1. The state must provide support "not only by equipping and financing the group, but also by coordinating or helping in the general planning of its military activity."

2. The state must play "a role in organizing, coordinating or planning the military actions of the military group, in addition to financing, training and equipping or providing operational support to that group."

When both the *Nicaragua* and *Tadić* standards are satisfied, the actions of a non-state actor may be regarded as the "acts of *de facto* state organs, regardless of any specific instructions by the controlling State concerning the commissions of those acts." Consequently, responsibility for wrongful acts committed by state organs—whether *de jure* or *de facto*—is fully attributable to the state.

Regarding the irrelevance of the distinction between *de jure* or *de facto* state organs, the ICJ has declared in an advisory opinion that physical control over a territory, rather than sovereignty or legitimacy of title, forms the basis of state responsibility for acts affecting other states. Algeria's relationship with Polisario goes beyond mere physical control of the territory where Polisario operates. Algeria exercises territorial sovereignty over Polisario's actions that affect Morocco. As a result, Polisario should be considered a de facto state organ of Algeria, at least insofar as responsibility for internationally wrongful acts is concerned.

When examining the term "overall control," it becomes evident that it may not adequately convey its fundamental distinction from "specific control." A state's control over a specific act by a non-state actor could, in practice, be as "overall" as what is described by the term "overall control." Indeed, a non-state actor's specific act could be wholly or completely controlled by a state, but only in relation to that specific act.

This limitation applies to other existing terms, such as "effective control" and "strict control," since a state's control over a non-state actor's conduct of a specific act could also be described as "effective" or "strict." However, the adjectives "effective" and "strict" primarily describe the degree of control, not the nature or kind of control.

To better distinguish the essential difference in kind between "overall control" and "specific control," alternative terminology should be considered. The phrase "agent control" may serve as a more precise descriptor, as it emphasizes the actor—the non-state actor being controlled—rather than focusing solely on individual acts.

When a state's "agent control" over a non-state actor is established, the actor is effectively equated with "a state organ" of that state, as illustrated in the ***Tadić*** case. Consequently, Polisario ceases to qualify as a "non-state" actor insofar as responsibility for its internationally wrongful acts against Morocco is concerned. Under general principles of international law, the conduct of a state organ—whether part of the central government or of a territorial unit—is attributable to the state.

In this context, Polisario's consent to Morocco's exploitation of natural resources in the Saharan provinces is effectively Algeria's consent, as per the Draft Articles on State Responsibility. It is therefore illegitimate to demand that Morocco obtain Algeria's explicit consent for resource exploitation within its own sovereign territory.

To put an end to such unfounded claims, the EU court must fundamentally reconsider the requirement of Polisario's consent for Morocco's resource exploitation. Additionally, Polisario's status as a representative of "the people of Western Sahara" in the UN-led peace process warrants reassessment, particularly in light of Polisario's recent declaration to withdraw from the process. Algeria itself should participate in the UN-led peace process as a full-fledged party, rather than relying on its agent Polisario. This would ensure that any agreement reached is "lasting" and in conformity with the relevant Security Council resolutions.

This consideration is grounded in developments in international law since the UN General Assembly's 1979 and 1980 resolutions. On reflection, one of the root causes of the present deadlock may stem from these resolutions, as they failed to accurately recognize the principal-agent relationship between Algeria and Polisario.

Accordingly, the relevance of the following developments in international law to the Sahara Issue must be acknowledged: first, the ILC's adoption of the 2001 Draft Articles on State Responsibility, as interpreted in subsequent decisions of the International Court; second, the conceptual expansion of "racial discrimination" under the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) from its anthropological basis in "race" to include national and ethnic groups; and third, the qualitative elevation of the non-discrimination norm to the status of a *jus cogens* norm, as reflected in the ILC's 2022 Draft Conclusions on Identification and Legal Consequences of Peremptory Norms of General International Law (*Jus Cogens*) (Draft Conclusions on Jus Cogens).

The question of who constitutes "the people of Western Sahara" or "the Sahrawi people" must be carefully considered. This issue is particularly relevant in light of Polisario's flawed proposal to revive the abandoned process of identifying eligible "Sahrawi" voters for a referendum on attaining statehood.

4. NON-DISCRIMINATORY SELF-DETERMINATION

A referendum, as persistently advocated by Polisario, to be voted on by "the people of Western Sahara" or "the Sahrawi people," would breach the *jus cogens* norm prohibiting racial discrimination on the grounds of national or ethnic origin, as defined under the expanded interpretation of racial discrimination in the ICERD. Furthermore, as noted earlier, this definition has been identified as a *jus cogens* norm in the Draft Conclusions on *Jus Cogens*.

Jus cogens is defined as a peremptory norm accepted and recognized by the international community of states as a whole, from which no derogation is permitted, and which can be modified only by a subsequent norm of *jus cogens*. These norms are considered elite or highest-ranking norms, overriding even the fundamental principle of *pacta sunt servanda*. Accordingly, Polisario's referendum proposal and any future results arising from it would be internationally wrongful and invalid.

However, a complex issue arises because the right to self-determination, like the prohibition of racial discrimination, is included in the ILC's list of *jus cogens* norms. These norms may potentially conflict, as the *jus cogens* prohibition on racial discrimination could intersect with the *jus cogens* right to self-determination. Notably, the ILC does not address this potential conflict in its commentaries.

In cases of conflict between different *jus cogens* norms, the general principle of *lex specialis derogat legi generali*—"specialized laws prevail over general laws"—may be applicable. The right to self-determination could be considered more general than the prohibition of racial discrimination, as it encompasses broader aspects of governance and administration, which inherently include issues related to "racial discrimination."

Therefore, "the people of Western Sahara" or "the Sahrawi people" should not be equated with Polisario. Instead, Polisario should be regarded as a state organ of Algeria in matters where racial discrimination, an internationally wrongful act, is implicated, as discussed above.

The ILC's proposition that the right to self-determination qualifies as a *jus cogens* norm is problematic, as it is not refutable and, therefore, not scientific according to Karl Popper's theory of falsifiability. Falsifiability—the ability to test and potentially disprove a hypothesis—is a necessary (though not sufficient) condition for a proposition to be considered scientific. If a proposition cannot be unambiguously proven false, it cannot be deemed scientific.

In fact, the right to self-determination does not satisfy one of the conditions the ILC itself established for identifying a norm as *jus cogens* in the Draft Conclusions on *Jus Cogens*. The ILC requires that a jus cogens norm be non-derogable. However, the right to self-determination is not explicitly non-derogable under the *ICCPR*. For instance, during public emergencies such as the COVID-19 pandemic, certain aspects of this right may be derogated.

Additionally, the United Kingdom has observed that the ICJ has never expressly recognized the right to self-determination as a *jus cogens* norm. The UK notes that this omission reflects "a conscious decision of the Court not to ascribe a peremptory character to the right, notwithstanding its importance as an "essential principle of contemporary international law." This perspective is supported by the ICJ's ruling in the *East Timor* case.

Politically, identifying the right to self-determination as a *jus cogens* norm would have significant and potentially destabilizing implications. By its nature, a *jus cogens* norm invalidates any agreements that conflict with it. If the right to self-determination were classified as *jus cogens*, existing autonomy agreements worldwide could be inaccurately claimed as invalid due to alleged conflicts with this norm. This would effectively limit the exercise of the right to self-determination to secession as the sole acceptable outcome.

Moreover, aid or assistance by states or international organizations to an act that breaches a *jus cogens* norm would also constitute an internationally wrongful act. A state or international organization that aids or assists another state or international organization in committing an internationally wrongful act is internationally responsible, provided it does so with knowledge of the circumstances of the wrongful act. Additionally, under the Draft Conclusions on *Jus Cogens*, no state shall recognize as lawful a situation created by a serious breach of an obligation arising from *jus cogens* norms, nor render aid or assistance in maintaining that situation.

Therefore, not only should eligible voters for any referendum not be identified on the basis of national or ethnic origin, but also Polisario's proposal to reopen the closed MINURSO identification process should neither be aided nor assisted by any states or international organizations. Needless to say, such a discriminatory referendum cannot be expected to solve self-determination claims, even if it does not include an independence option.

Accordingly, the phrase "the people of Western Sahara" or "the Saharan people," often found in the documents of international organizations, including the UN and the EU court, should be accurately interpreted as referring to all inhabitants of the Saharan provinces, without discrimination.

Particularly regarding the decisions of the EU court, which require Morocco to obtain Polisario's approval for the exploitation of Saharan natural resources, it is important to note that granting a particular national or ethnic group a preferred position—such as a veto right—in exercising the right to self-determination has become internationally wrongful as "racial discrimination." This underscores why "the Sahara population," including traditional tribes and other non-tribal inhabitants of the Saharan provinces, are entitled to exercise the right to self-determination under the framework of the Moroccan Autonomy Initiative.

5. CONCLUSIONS

It is not uncommon in international law for a state's action, once considered lawful, to become internationally wrongful decades later. Such shifts are often driven by the evolving activities of the ILC and other legal developments. For instance, the end of the Cold War has contributed to significant advancements in international law, particularly in the areas of state responsibility and *jus cogens*.

This development must be considered in efforts to find a fair, lasting, and mutually acceptable political solution to the Sahara Issue. As outlined above, the right of people to self-determination must not be exercised in a discriminatory manner by privileging a specific national or ethnic group, as this would contravene the ICERD. Such a contravention would constitute a breach of the *jus cogens* norm prohibiting racial discrimination, which legally prevails over the right to self-determination—even if the latter were controversially identified as a *jus cogens* norm under the ILC's proposal.

Accordingly, all representatives of the populations in the Saharan provinces are empowered to negotiate with the government on their autonomy under Moroccan sovereignty, as "the people

of Western Sahara" or "the Sahrawi people." While Polisario as an organization is qualified as a state organ, the populations in the Tindouf refugee camps may also be included in the notion of "the Saharan populations" under the Moroccan Autonomy Initiative—provided they can break away from their current state of "complete dependence" on Algeria.

The nationalist sentiments prevailing in the Tindouf refugee camps, which likely contributed to sustaining Polisario's secessionist movement, merit closer examination. Such sentiments are often fabricated or amplified for political purposes. In particular, Polisario's nationalism may align with the concept of "victimhood nationalism," which is typically constructed through narrations of collective trauma—whether perceived or real—and projects grievances onto otherwise uninvolved states. These politically constructed sentiments can, however, be mitigated through deliberate political strategies.

Nationalism is inherently political, as it aims at achieving sovereignty or autonomy. Therefore, the nationalist sentiments that have driven populations in the Tindouf camps to engage in secessionist activities may be mitigated by implementing the Moroccan Autonomy Initiative, particularly its emphasis on "inter-regional dialogue and cooperation."

While secessionist sentiments may not be easily eradicated, such cooperation could help ease these sentiments by highlighting the functional similarities between sovereignty and autonomy, with the primary distinction being external activities. Therefore, the anticipated sense of loss associated with renouncing the pursuit of statehood can be politically addressed and overcome. From this perspective, revisiting the Moroccan Autonomy Initiative becomes imperative as a viable framework for achieving a balanced and inclusive resolution.

Under the Moroccan Autonomy Initiative, the Sahara populations could be empowered to cooperate and engage with other local communities, civil societies, and national or ethnic groups across different states. Such external activities would help bridge the psychological gap between aspiring for sovereignty and embracing autonomy.

In the long term, an international framework should be established to facilitate and promote the external activities of various non-state actors, including national or ethnic groups seeking self-determination. This framework would provide an institutional mechanism to address secessionist claims worldwide, which are unlikely to dissipate in an increasingly fragmented global landscape.

Lastly, if Algeria continues to deny its role as a full-fledged party to the Sahara Issue, the resolution of the conflict would rest solely with Morocco, through the Moroccan Autonomy Initiative, as Polisario functions as a state organ of Algeria. To that extent, the Sahara Issue could be regarded as a domestic matter for Morocco. However, since the UN General Assembly still classifies the Saharan provinces as a non-self-governing territory and the Security Council has extended MINURSO's mandate, the Sahara Issue remains an international conflict that requires resolution between Morocco and the UN.

ABOUT THE AUTHOR

SHOJI MATSUMOTO

Professor Shoji Matsumoto Senior Fellow at Policy Center for the New South. He is currently working in NGOs, namely as the President of Sapporo Institute for International Solidarity (Sapporo, Japan); Japan Center for Moroccan Studies (Sapporo, Japan); and the International Center on Separatism (Tokyo, Japan).

He was previously professor of international law at Sapporo Gakuin University, and has recently retired. Dr. Shoji continues to teach international law and other related subjects at the university as a lecturer.

Dr. Shoji was additionally a visiting fellow at the SOAS, University of London and also visiting professor at Mohamed V University.

ABOUT THE POLICY CENTER FOR THE NEW SOUTH

The Policy Center for the New South (PCNS) is a Moroccan think tank aiming to contribute to the improvement of economic and social public policies that challenge Morocco and the rest of Africa as integral parts of the global South.

The PCNS pleads for an open, accountable and enterprising "new South" that defines its own narratives and mental maps around the Mediterranean and South Atlantic basins, as part of a forward-looking relationship with the rest of the world. Through its analytical endeavours, the think tank aims to support the development of public policies in Africa and to give the floor to experts from the South. This stance is focused on dialogue and partnership, and aims to cultivate African expertise and excellence needed for the accurate analysis of African and global challenges and the suggestion of appropriate solutions. Read more

Policy Center for the New South

Rabat Campus of Mohammed VI Polytechnic University,
Rocade Rabat Salé - 11103
Email : contact@policycenter.ma
Phone : +212 (0) 537 54 04 04
Fax : +212 (0) 537 71 31 54

www.policycenter.ma

10 YEARS POLICY CENTER FOR THE NEW SOUTH

RePEc