

# Revisiting the UN's Special Political and Decolonization Committee Effectiveness in Addressing and Resolving the Western Sahara Conflict

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**How to cite this paper:** Hasnaoui, E. Y., & Laadam, J. A. (2025). Revisiting the UN's Special Political and Decolonization Committee Effectiveness in Addressing and Resolving the Western Sahara Conflict. *Open Journal of Social Sciences*, 13, 296-312. <https://doi.org/10.4236/jss.2025.134018>

**Received:** January 5, 2025

**Accepted:** April 21, 2025

**Published:** April 24, 2025

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## Abstract

This paper focuses on the pivotal role played by the UN Special Political and Decolonization Committee, in solving the Western Sahara Conflict. In 1963, with the recommendation of Morocco, the Western Sahara was included on the UN's list of territories to be decolonized by the administering power Spain. In 1975, when Spain ceded control of this territory to Morocco since then, the issue has not been about an existing state seeking separation in boundaries. Instead, it pertains to the application of a just and lasting political solution between the concerned parties (Morocco, the Polisario Front, Algeria, Mauritania). Therefore, the work of the Committee should have ceased, as the UN Security Council addresses the Western Sahara as a matter of peace and security, and not as a decolonization matter. In this sense, this paper aims to identify the irrelevance of the Fourth Committee in solving the Western Sahara conflict and suggests the pragmatic mechanisms implemented by the Security Council to solve this issue.

## Keywords

Fourth Committee, C-24, Western Sahara, Morocco, Algeria, Autonomy Plan

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## 1. Introduction

Over the past fifty years, there have been some intriguing examples resulting from the ongoing conflicts between international legality and realpolitik. The current political environment and structure of international relations have an impact on the activities of international organizations and their outcomes. As every organi-

zation has been founded based on a certain allocation of military and economic power. Therefore, the cooperation and goodwill of big nations are essential for international institutions to remove global inequities or threats to collective security. There were many hopes when the United Nations was established as a guarantor of peace and security, yet, it has evolved and undergone several changes in the postwar era. The balance of powers between the main powers and the global system established a framework in which the UN performed the roles of conflict manifestation, collective legitimization, and conflict resolution. The UN performed under the state of affairs of US hegemony from 1948 to 1963, then between 1964 and 1974, it experienced fragmentation as a result of this hegemony and the decolonization process. From 1974 onwards, this fragmentation and disagreements have become more apparent. The types of conflicts that the UN is supposed to manage, and resolve have also evolved because of changes in the global environment.

The Western Sahara conflict is an intricate issue that has its roots in the case of decolonization. Morocco has always maintained its historical legitimacy over this region that it reintegrated from Spain in 1975. The territory, which has an area of 266,000 square kilometers and a long coast of more than 1000 kilometers, is of historical and geopolitical importance to Morocco. Before the Spanish colonization, the Western Sahara was under the jurisdiction of several Moroccan dynasties, from the Almoravid in the eleventh century to the Saadi in the sixteenth century. Historically and geographically, Saqiaa El Hamra and Rio de Oro populations in Western Sahara have the same origin as the inhabitants of Tarfaya, Ifni, Goulimine, or those who live in the north of Oued Drâa in Morocco. They don't differ ethnically from the population of Morocco. Several Sahrawi tribes from this region, such as the Rguibat, the confederation of Tekna tribes, Ouled Delim, and Ma al'-Aynayn, gave a pact of allegiance to successive Moroccan sultans (Jensen 2005: p. 23).

Although Spain attempted to acculturate the Saharawi tribes, many of their chiefs pledged loyalty to successive sultans of the Kingdom. Though Moroccan sovereignty over Oued Eddahab or Rio de Oro was suspended for 91 years (1884-1975) and that of Sakia al Hamra (El Ayoun region) for 71 years (1904-1975), due the Spanish colonization, the bonds of loyalty, or Bayia, remained in place between the Saharawi tribes and the Kingdom of Morocco (Advisory Opinion, I.C.J. Reports, 1971: pp. 31-32, paras. 52-53).

The conflict was ignited in 1975 after Spain relinquished the control of Western Sahara to Morocco and Mauritania, while the pro-independence Polisario Front, backed by Algeria, established a Sahrawi Arab Democratic Republic in 1973 (Hodges, 1983: p. 96) and embarked on a military struggle against what it viewed as an occupying power. Mauritania withdrew from its part of the territory in 1979 after a series of military defeats, leaving it to Morocco.

The United Nations first began to turn its attention to the Western Sahara conflict in the 1960s. The UN Charter, to which Spain had adhered, urged member

states with colonies under article 73 (b) of the UN charter to put in place a self-government and to take into account the political aspiration of the people and support them in the process of their free political institutions (U.N. Charter art. 73, para. 2, 1961). In 1960, the UN General Assembly took a further step to indicate that all the people are entitled to the right of self-determination through the Declaration on the Granting of Independence to Colonial Countries and Peoples without any conditions or reservations, in line with their free will and desire. A year later, the General Assembly established a special watchdog committee, known as the Committee of 24 or “C-24,” to observe and supervise the progress toward helping these territories achieve their will through decolonization.

The Fourth Committee is considered one of the most important committees as it considers, according to the official website of the United Nations (UN Fourth Committee, UN), a wide range of issues that include the question of decolonization, the United Nations Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA), Israeli practices and settlement activities affecting the rights of Palestinian people and other Arabs of the occupied territories and international cooperation in the peaceful uses of outer spaces. When Morocco requested the UN to include the Western Sahara on the list of territories to be decolonized from Spain, the United Nations adopted a two-pronged approach to address this conflict. The primary objective was to establish procedures “for the holding of a referendum under the United Nations auspices with a view of enabling the indigenous population of the Territory to exercise freely its right to self-determination” (Franck, 1976), in a way that the Sahrawis included in the Spanish census of 1974 (Arkell, 1990) would decide between two options: independence for Western Sahara or integration of the territory into Morocco, and, finally, the establishment of negotiation mechanisms and a political framework that would lead to a definitive and conclusive solution to this regional conflict, which is now overseen by the Security Council. Indeed, in 1975, after the International Court of Justice ruling, Spain ceded the Western Sahara to Morocco through political negotiations. The role of the Fourth Committee should have ended on this episode as its role was to end occupation of Spain in the Western Sahara, yet until now this Committee still discusses and addresses the Western Sahara conflict, which contravenes with Article 12 of the UN Charter (UN Charter art. 12, Ch. 4) which states that the UNGA cannot make any recommendations regarding a dispute or situation being handled by the Security Council unless specifically asked to do so. The Committee’s problematic approach towards decolonization derives from its participation within the North-South Theatre game in which antagonism and realism are prolonged between the worlds developed and less developed states.

The article examines the various phases of the Fourth Committee that the UN has managed, shedding light on the causes and motives behind the impasse of the resolution of the Western Sahara within the Fourth Committee. The UN’s efforts within this Committee to resolve the conflict are evaluated, and the negotiating perspectives of the concerned parties are analyzed, including countries that con-

sider themselves not formally part of the dispute, yet they play a crucial role in preserving the current impasse, as well as the responsibility of the neighboring country, Algeria to address the matter of the dire living conditions of the Sahrawis in the Tindouf camps. The article additionally critically examines the committee's inadequate understanding of decolonization and discusses the reasons for the Western Sahara file to be managed and resolved only within the UN Security Council and not the Fourth Committee. Finally, particular attention is given to the principle of self-determination used by some UN member states in a one-way track to foreclose and hinder the resolution of conflicts such as the one in Western Sahara.

## 2. Literature Review

Decolonization was once determined at the very existence of the United Nations. When the UN was established in 1945, a third of the world's population was still living under colonial control, and many of those territories were agitating for autonomy. The UN's membership doubled in size in just 20 years when colonial territories broke up to become sovereign states under the pressure of the international anti-imperial movements.

In 1960, the UN General Assembly adopted the United Nations Resolution 1514, which proclaimed the importance of bringing an end to colonialism in all its forms and manifestations. To fulfill the UN's purpose and assist colonial countries in achieving autonomy, the Special Committee of Decolonization was established a year later. However, if some politicians, journalists, and activists were skeptical that the UN would eventually play a decisive role in guiding dependent territories into a new era of normative statehood, many representatives of colonial governments also feared that the vague language of the UN Charter had actually created a significant loophole for delegations coming from independent nations in the global south to plead on behalf of colonized countries in the Middle East, Africa and Asia.

Between 1960 and 1970 decolonization under the auspices of the U.N has produced issues the Charter's drafters did not anticipate in 1945. Throughout these years, colonialism and apartheid had a direct impact on maintaining global peace and security due to events both inside and outside the UN. For Africa, the 20<sup>th</sup> Century was a period of decolonization from imperial powers like Spain, France, Portugal and the United Kingdom. The UN's involvement with Africa grew parallel to the process of decolonization and the UN's Special Political and Decolonization Committee has come to be one of the most active groups set up by the UN General Assembly.

Much of a recent scholarship has focused on the way the international community dealt with the UN's organs mandates, most notably the UN Special Political and Decolonization Committee and the Security Council, the colonies inherited from the defeated nations of World War I and World War II. Works by historians such as Hollis Barber and Seymour Finger (Barber, 1975; Seymour, 1972) among

others, trace the slow evolution of international colonial oversight for the colonial territories. In his work on “Decolonization: The Committee of Twenty-Four”.

Barber argues that the Committee has urged on all states to adhere to a number of principles that are at odds with the accepted international norms: e.g. the grant of material as well as moral support to liberation movements, and UN recognition of those movements, so that their representatives are granted official status and compensated from UN funds for their expenses in attending UN meetings; in a few cases, they are invited to attend international conferences on the same basis as sovereign states. Even though this kind of behavior is unacceptable to the conventional legal system, within the UN, that new international procedural code of these kinds of cases was being developed.

Within the same vein, *Seymour (1972)* formerly the United States representative to the Special Committee of 24, clearly claims that the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (Special Committee of 24), has unfortunately not done much to advance independence and notably find solutions notably to countries that gained independence from the colonizer, but are still registered within this Committee such as the case of Western Sahara. Another striking example is when the United States and the Soviet Union, the UN’s two biggest powerbrokers, frequently brought the decolonization mandate in and out of play to increase their influence in the post-colonial world. Because of this, the autonomy of colonial peoples was not always the top priority in the UN’s decolonization operation, as in the case of West Papua in which the United States acted both independently and through the UN, to have the country annexed by Indonesia so that the latter would not fall to communism. In this sense, the UN’s decolonization initiatives were always subject to the caprices of the world leaders.

### 3. Methodology

In international forums as well as in scholarly journals, the word “decolonization” is generally used as a tool to refer to a wide range of meanings and interpretations. This research endeavor outlines the formulation of a research design, and the methodology adopted to achieve the objectives of this study. This analysis aimed to concentrate on the activities of the Special Committee and its impact-successes and failures, as well as the remaining challenges within the context of the variety of underlying forces and tendencies of the world system using the Western Sahara Conflict as a case study. The goal is to identify recurrent patterns, uniformities and regularities, rather than surveying particularistic aspects of decolonization in specific territories. In addition to the sources cited, discussion draws on a series of interviews with delegates to the United Nations, Secretariat personnel, and staff members from non-governmental organizations, this information is incorporated in the text but, for obvious reasons, without attribution due to the sensitivity of the subject.

To facilitate validation of data, this research seeks to adopt a mixed method

approach, using both the quantitative and qualitative methods. The present study builds on the results of the existing quantitative studies and literature, on the UN's Fourth Committee's role in conflict resolution. First, the examination of the result of these studies was presented. Second, further investigations were implemented through the qualitative method with in-depth key informants' interviews and life story interviews.

### **3.1. Data Analysis and Discussions**

#### **3.1.1. The Western Sahara Debut at the Special Committee on Decolonization**

The United Nations was established in 1945, just after World War II, and comprises 193 member sovereign states. It is the only NGO in world politics where all nations can convene to address international and continental issues and come up with solutions that affect global politics. Unfortunately, the complexity of current issues and the indifference of some powerful states have undermined the UN and its charter. Specifically, the Special Political and Decolonization Committee (Fourth Committee) addresses various issues, including five decolonization-related agenda items and a review of peacekeeping operations.

The Special Committee on Decolonization (C-24) was established by the General Assembly on November 27, 1961, following the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples in December 1960, which sought to address the pressing issues of colonization (C 24/1961). The C-24, which currently comprises 29 members, was established in New York City with 17 members to produce reports and recommendations to the General Assembly through the Fourth Committee on the progress of the decolonization measures. The Fourth Committee first considers agenda items submitted by the General Assembly and makes recommendations, draft resolutions, and decisions to be considered by the General Assembly plenary. The Fourth Committee receives the recommendations of the C-24 and formulates draft resolutions and decisions to submit to the plenary of the General Assembly.

In 1963, Morocco requested that the issue of the Western Sahara, which was then under Spanish occupation, be added to the Agenda of the Special Committee on Decolonization to recover its colonized territory (A/5800/1964). As a result, successive resolutions of the UNGA called for negotiations between Spain and Morocco. The formation of the Polisario Front happened only ten years after Morocco had completed all the negotiation steps to recover its territory from Spain.

The United Nations initially addressed the Western Sahara conflict as a matter of decolonization, setting the legal and institutional framework for the dispute. In 1965, the UN General Assembly passed a resolution accepting the provisions of a resolution from October 16, 1964, by the UN Special Committee on the Situation concerning the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples concerning Ifni and Western Sahara, also known as the Spanish Sahara. This resolution urged Spain to take immediate action and negotiate with Morocco to free the occupied territories of Sidi Ifni and

the Spanish Sahara (S/RES/2072.1965). In June 1969, Spain and Morocco signed the Treaty of Fez, which returned the 1,920 square kilometers enclave of Ifni to Morocco that Spain had occupied for 34 years.

### **3.1.2. Algeria's Proactive Approach to Western Sahara in Fourth Committee**

On September 30, 1974, Morocco and Mauritania sponsored a UNGA resolution calling on the International Court of Justice (ICJ) to come up with an advisory opinion on the pre-colonial legal ties of the Western Sahara to the Kingdom of Morocco and Mauritania (The proposal requested an advisory opinion on the following questions): 1) Was Western Sahara (Rio de Oro and Sakia El Hamra) at the time of colonization by Spain a territory belonging to no one (*terra nullius*)? If no, 2) What were the legal ties between this territory and the Kingdom of Morocco and the Mauritanian entity? The ICJ advisory opinion, issued in October 1975, stated the ICJ recognized legal ties between the Moroccan Sultan and the Sahrawi population (King et al., 2013: p. 60). King Hassan II of Morocco seized on the first part of the opinion, issued the justification, and within hours of the Advisory opinion's publication, the Moroccan government released a communiqué that reiterated ICJ's vindication of Morocco's claim. General Franco fell to Morocco's pressure and agreed to negotiate Morocco's irredentist cause. Morocco, Mauritania, and Spain reached a Tripartite Agreement on November 14, 1975, relinquishing administration of the territories to Morocco in 1975. Seventy-two members of the legislative assembly of the Spanish Sahara, the *Jemaa*, approved and hailed the announcement of the Tripartite Agreement, known as the Madrid Accord (Mercer, 1979). In legal terms, the ICJ advisory opinion was backed as an important compromise between self-determination and convincing legal ties between Morocco and the Western Sahara territory. Thus, the ICJ's advisory opinion re-established the framework of the Western Sahara resolution in several phases. First, it admitted Morocco for its historical and legal ties to Western Sahara. Second, this opinion recognized Algeria's role in the conflict as the country retaliated the move of the Madrid Agreement, by helping to establish a liberal movement, the Polisario Front, to counter Morocco and Mauritania in their claims. Finally, the ICJ advisory opinion reframed the conflict by altering it in future resolutions from a decolonization matter to a political dispute with defined interested parties, specifically Morocco, Mauritania, and Algeria. In this matter, the decolonization of the Western Sahara was determinately sealed at the level of the fourth committee and recognized by the UN, which gave *de facto* acceptance of the Madrid Accord through its resolution, which passed on December 10, 1975, by a vote of 56 (A/RES/3458.1975). This agreement was presented to the UN Secretary-General and was endorsed by the General Assembly on November 18<sup>th</sup>, 1975. The Western Sahara conflict could have ended at the level of the Fourth Committee, but with the rivalry of Algeria, which hosted the Polisario and used it as a proxy tool against Morocco's claim, the dispute's longevity affected not only the concerned parties but the stability of the whole Maghreb region and Africa.

When the Western Sahara conflict was sealed under the Madrid Accords in 1975, the UN permanent representative of Spain addressed a letter on February 26<sup>th</sup>, 1976, to the UN Secretary-General stating that Spain definitively terminated its presence in the territory of Western Sahara (A/31/56-S/11997), and this position has been reiterated by successive Spanish Prime Ministers. Before this, in 1963, there were written declarations from General Lister, a member of the Political Bureau of the Communist Party in Spain, which expressed the solidarity of the Spanish people with the Moroccan nation for the recovery of Morocco of Sidi-Ifni, as well as the regions of Western Sahara that of Saquia El Hamra, and Rio de Oro (Yata, 1973: p. 170).

The Algerian government disagreed with the Madrid Accords that sealed this dispute. Through its Algerian officials, the Algerian government clearly stated that it doesn't recognize the tripartite Agreement between Spain, Morocco, and Mauritania to give away the territory of the Sahara and the density of its population. The Algerian authorities described this agreement null and void ([Position of the Algerian Government, November 19, 1975](#)), and considered these developments as a coup. In Algiers, Houari Boumediene united the Council of Ministers into a session on November 6<sup>th</sup> and gathered the ambassadors of the five permanent member countries of the UN Security Council to his palace. The Algerian UN representative, Abdelatif Rahal, blamed the Security Council's reaction to the Green March launched by Hassan II to recover Western Sahara, calling it "timid" and warned that if the Security Council cannot act in keeping with its responsibilities, the government of Algeria will be compelled to meet its responsibilities ([UN Security Council, Provisional Verbatim Record of the 1854<sup>th</sup> meeting](#)). Since then, the Western Sahara dispute turned into a crisis management, where Algeria has tried to hamper the political process by endorsing the Polisario Front militarily, diplomatically, and financially. It is noteworthy to mention that Algeria never brandished the principle of self-determination neither for the Northern regions of Morocco, which were once colonies, nor for Tarfaya or Sidi Ifni, which were colonized by Spain, but did it only for the Western Sahara to thwart the resolution of this conflict by backing the Polisario Front as a proxy against Morocco's claims. To justify this diplomatic and military disagreement, Algeria used resolution 1514 in the Fourth Committee as a trump card against Morocco's recovery of the Western Sahara, preaching the independence of this territory by making a selective reading of the article related to the principle of self-determination (para 2), while putting aside and ignoring two articles related to the territorial integrity of states (para 6 and 7) ([Okere, 1979](#)). As an extra factor, Algeria disregarded the call of the General Assembly, which ensured that the implementation of the right to self-determination should not be a source of balkanization or an attack on the territorial integrity of the states, which led the General Assembly to adopt the day after, a resolution 1541 (A/res/1541/1960) which stresses on principle 8 of the rights of states to recover their dismembered territories by colonial usurpation and principle four which stipulated that self-determination is not applied to a sovereign state

and member of the UN. Yet, despite the historical, political, and legal foundations of the Western Sahara's ties to Morocco, the principle of self-determination has been manipulated and distorted by the Fourth Committee for Algeria's quest for regional leadership and dismemberment of Morocco. In all its calls to solve this dispute, Algeria continues in this committee to breach all the principles set by the UN resolutions since 2007, which call for a political solution by insisting on self-determination based on the organization of the referendum. Nevertheless, the option of the referendum is not listed in resolution 1514 or 1541. What's more, following the failure to organize the referendum due to its inapplicability to this conflict, this mechanism was dropped from all the resolutions. In fact, by 2000, the UN Secretary-General Kofi Annan clearly stated in his report (S/2000/131) that the referendum could not take place. Additionally, the Security Council followed suit by pushing for a negotiation process through a political solution and officially dropping the referendum. This clearly shows that the use of a referendum at the Fourth Committee sessions doesn't lead to any solution since the only mechanism that primes to resolve this dispute between the concerned parties is the political process.

Another hindering pattern that Algeria sticks to, specifically after the Madrid Accords, is the fact that the Western Sahara is still a colonized territory, while the notion of occupation is not applied in this instance. The Hague Convention of 1907 and the Fourth Geneva Convention of 1949 assert that the concept of occupation applies to existing states, whereas the Western Sahara has never been a state.

### **3.1.3. The Practices of the Petitioners in the Fourth Committee**

The Fourth Committee of the General Assembly of the United Nations has played an important role in the decolonization process. It is mandated to examine the implementation of the Declaration on the Granting of Independence to Colonial Countries. It is also charged with providing suggestions and recommendations on the extent of the implementation of the Declaration. To this end, the Fourth Committee played a key role in advancing dialogue among the Administering Powers as well as the people of the territories. The Committee is also entrusted with the task of organizing hearing sessions from representatives and receiving recommendations from the C-24. The latter is in charge of sending visiting missions to Non-Self-Governing Territories and organizing regional seminars. Under the auspices of the Fourth Committee, more than 750 million people from Non-Self-Governing Territories (NSGTs) lived in territories that were under colonial powers, and more than 80 territories have changed their status, as in the case of the Western Sahara when it was recovered by Morocco (United Nations Website, Decolonization). The Fourth Committee *modus operandi* relied considerably on accepting petitions and granting oral hearings as a mechanism of inquiry on the state of NSGTs; nevertheless, the use of petitions and hearings has substantially surpassed its scope and usefulness.

The Fourth Committee hearings on the Western Sahara conflict is the only ses-

sion that hosts the highest number of petitioners. Hundreds of participants take part in the hearing session; among them are civil society actors, international experts, member states, and Moroccan local Sahrawis from the disputed territory who hold a historic and democratic legitimacy of the Western Sahara. The Polisario Front is also registered as a petitioner but is not considered the sole representative of the Sahrawis.

The Western Sahara is the sole territory in the list of the NSGT that does not have a defined Administering Power since Spain ended its presence in this region through the Madrid Accords. Thus, compared to the other administering powers listed in the C-24, Morocco is not listed as an Administering Power of the territory in the United Nations list of Non-Self-Governing Territories and, therefore, is not requested to transmit information on the region through Article 73 of the United Nations Charter. This shows one of the flaws of the Fourth Committee by still keeping the Western Sahara issue in the C-24 as the latter is not any more an issue of decolonization but rather a dispute that requires the implementation of a political process between the concerned parties.

Since the decolonization of the Western Sahara from Spain and the annulment of the referendum from all the UNSC resolutions, Morocco led a fierce battle at the UN to exclude the Western Sahara from the Fourth Committee, asserting that it is the Security Council, which is the only organ authorized to oversee this dispute under article 12 of the United Nations Charter. What's more is that the Security Council doesn't consider the Western Sahara as a question of decolonization but of peace and security within the framework of Chapter VI of the UN Charter. Yet this dispute is still listed in the Fourth Committee, and it has been a challenging task for Morocco to have it dissociated from this committee given the nature of the United Nations double standard blocs. Additionally, Algeria has been one of the leading contenders for the resolution of the Western Sahara dispute through political negotiations.

During the oral hearings at the Fourth Committee by the petitioners, each concerned party addresses the situation in Western Sahara. The dispute is presented, on the one hand, by Algeria and the Polisario as a question of decolonization, and on the other hand, by Morocco as the achievement of the territorial integrity within Morocco. Algeria mobilizes Algerian officials, members of the Algerian parliament as well and Moroccan dissidents who register as petitioners (GA/SPD/782, 2023) to counter the work of the security council and bring up self-determination, independence and occupation, which are not cited in any of the UNSC resolutions. Algeria keeps hindering the political process by advocating self-determination, exploiting resolution 1514, and purposely excluding resolutions 1541 and 2625 (A/res/1541/1960 & A/res/2625/1970), which call for the preservation of the territorial integrity of states. By all means, Algeria does all it can to maintain the legal dimension of the Western Sahara conflict, whereas this dispute revolves around a political dimension as convened by the security council under resolution 2414, as the legal aspect of this issue was resolved in 1975 under

the Madrid Accords.

The C-24 does not consider the population of Western Sahara under no administrative power, and this region is not labeled as non-autonomous. The end of the Non-Self Governing Territory of Western Sahara was acknowledged by the General Assembly through the ratification of the Madrid Agreement. Adding to that, Morocco is not requested by the C-24 to provide any information on the territory's population evolution in the Western Sahara. The non-application of the UN Charter's Chapter XI, which defines the list of Non-Self-Governing Territories, to the Western Sahara territory case indicates the General Assembly's recognition of the legal validity of the Madrid Agreement. At the Fourth Committee, Algeria has contested the Madrid Accord Agreement by claiming it represents a transfer of administrative power rather than a sign of sovereignty. Algeria also challenges the legitimacy of the Saharawi petitioners living in Western Sahara, who are members of the parliament and regional councils and participate in the political process and round table negotiations on Western Sahara. Furthermore, despite Algeria's apparent presence and full participation among the Algerian civil society and political parties, it continues to position itself as an observer state or a concerned neighbor and insists that the talks should be negotiated between Morocco and the Polisario, which does not align with the UNSC Resolutions which call for Algeria's full participation in the negotiation process. In the case of the Algeria-backed Polisario, their repetitive speeches focus on outdated resolutions on referendum and self-determination leading to independence, and they express an unwillingness to enter into negotiations with Morocco.

The UN Security Council Resolution 1754 (2004) sought to bring about a new impetus to the process of moving away from the referendum leading to current negotiations, along with the Autonomy Plan proposal presented by Morocco in 2007 (S/2007/206) whereby administrative, legislative and judicial powers would be transferred to the Sahrawis under the Moroccan sovereignty.

Much of the debate which took place at the Fourth Committee revolved around a political solution and negotiation rounds between the concerned parties (Morocco, Algeria, Mauritania and the Polisario Front) as recommended by the Security Council. Hence, the Fourth Committee of the United Nations General Assembly is responsible for addressing the issue within this scope. To understand the Committee's acceptance of the Moroccan autonomy plan, it is important to consider several key factors. The Autonomy Plan proposes a high degree of local governance and self-administration while maintaining Morocco's territorial integrity, intending to resolve the longstanding conflict in Western Sahara. Perez De Cuellar, Boutros Ghali, and, later Kofi Annan considered this option to be the optimal solution.

The majority of the petitioners come to express themselves on the question of Western Sahara at the Fourth Committee not as representatives of a non-self-governing territory, but they participate in these hearing sessions to communicate their views on Western Sahara as a political question that is included on the agenda

of the General Assembly. In the same vein, many UN member states endorse the political process and praise the “pragmatism” and “seriousness” of the Autonomy Plan presented by Morocco and point out how it closely reflects the international consensus over the UN-brokered, compromise-based solution. The petitioners also sound alarms over human rights (Smith, 1987) violations reports committed by the Polisario Front in Tindouf Camps on women, children, and the elderly and put the Algerian government accountable for these violations carried out on Algerian soil as well as the forced recruitment of child soldiers into armed militias in Tindouf which violates the UN Charter on the rights of children.

In the last two decades, all the resolutions released by the General Assembly regarding Western Sahara called on all the parties to commit to the UN-led political process to find a mutually agreed solution to the conflict based on resolutions adopted by the UNSC since 2007. The principal component in the resolution is the UN committee endorsement for the political process, mainly the insistence in all the 19 resolutions of the Security Council since 2007 that negotiations should be conducted to “reach a just, lasting, and mutually acceptable political solution” to the Western Sahara conflict. Morocco’s Autonomy Plan that the Moroccan government submitted is also frequently mentioned in the UN General Assembly Fourth Committee resolutions. Analytically, the support of the autonomy plan reflects a practical approach to resolving the conflict. This is also shown by the high number of the UN member states that express, before the Fourth Committee, their support for a political process and the resumption of the round tables (GA/SPD/779/2023).

### **3.2. Evaluation of the Committee’s Work in Addressing the Western Sahara Conflict and Possible Solutions**

Various observers contend that the UN’s Special Political and Decolonization Committee has little influence and that its activities are counter-productive for the resolution of the Western Sahara conflict. Chief among the criticisms are as follows:

1) In the Fourth Committee, some nations formulate intemperate and outdated statements, notably those of Algeria and South Africa, which call for the right to independence and self-determination of the Western Sahara and try their best to convince the international community that this dispute is an issue of decolonization; which contradicts with the Security Council Resolutions. Given the extreme formulation and utterance of this language that these countries try to incorporate into these calls for action, the C-24 is prone to lose its credibility as it would not comply with Article 12.1 of the UN Charter which clearly states that “While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation concerning that dispute or situation unless the Security Council so requests” (U.N. Charter art. 12). Hence, in the attempt to lend legitimacy to decolonization, the Fourth Committee may delegitimize itself (Slater, 1969: p. 7).

2) The decisions taken by the Fourth Committee are conducted as an adversary process, with little concern for shaping consensus based on shared norms. The imbalance between the Fourth Committee's decision-making on what territories should be resolved legally and those that require a political will like the case of Western Sahara, only lessens the possibilities for compromise and lessens the credibility of the Committee.

3) The United Nations' decision to keep the Western Sahara dispute with the C-24 demonstrates the inability to resolve this conflict through methods that primarily serve as a moral gesture to countries seeking to obstruct the resolution.

4) The Fourth Committee is also accountable on grounds of inflexibility and extreme eagerness. In their persistence, Morocco's rivals like Algeria and the Polisario Front make a fetish of self-determination and independence a high-priority right. For instance, when Morocco stresses the fact that the Fourth Committee's role is to abide by all the resolutions of the Security Council, which call for a dialogue between the concerned parties as well as the resumption of the Round Tables, which are convened by the UN envoy to Western Sahara, the Special Committee, at times, diverts these commitments by preferring other forms of solutions, which are inconsistent of the UNSC statements and resolutions. Similarly, Algeria persists in its distortion of the principles of the United Nations by insisting on self-determination and relating it to the referendum, which is not mentioned in resolutions 1514 and 1541 and still less in resolution 2625, which are the cornerstones of the UN General Assembly.

5) On the tactical level, it is recommended that the Fourth Committee partakes in coming up with more concrete measures. The most constructive action at the non-rhetorical stage would lie in reviewing the list of the countries that are not considered Non-Self-Governing Territories and whose disputes are already settled, like the case of Western Sahara, which was ceded by Spain to Morocco following the Madrid Accords in 1975, and it is now under the auspices of the Security Council. The latter is considered as the sole body responsible for solving this dispute by political means. Adding to that, many governments, N.G.Os, and experts expressed their disappointment during the hearing that this issue is still in the Agenda of the C-24 as they consider that it is a waste of time since the outcome of the Fourth Committee resolutions is the same as the UNSC resolution which calls for a political, pragmatic solution.

6) The context in which the Western Sahara issue was presented to the Fourth Committee, whereby Spain had to decolonize this region has ended and has been resolved, and there is no justification for continuing to include it on the agenda of this committee for any reason whatsoever. The Moroccan government has reiterated this anomalous and exceptional situation in all the hearings as well as during the annual regional seminars organized by the C-24. Thus, the UN General Assembly responsible for this committee needs to come up with a resolution that removes the Western Sahara from the NSGT list. The frequently referred "gap" between the UN bodies reflects both the lack of commitment of the major powers

and the difficulty of implementing major inquiries into concrete policies. On several occasions, some practitioners, as well as a few member states, take the opportunity to pass and promote fallacies on the nature of the conflict, which are completely against the Security Council resolutions. There were also some instances where petitioners were not concerned with the conflict, yet with the help of Algeria, they ended up taking part in the hearing sessions, which jeopardized the nature of the conflict.

7) The double discussion of the same issue by two bodies, the Security Council and the Fourth Committee, which is affiliated with the General Assembly at the same time, may lead to contradictory decisions on the Western Sahara conflict from the same organization.

8) The Fourth Committee deliberates on specific and exclusive issues, while the UN Security Council possesses general jurisdiction related to issues of peace and security. The point to emphasize at this juncture is that since the Security Council has been engaged with the management of the Western Sahara, it has certainly been, beyond any doubt, an issue of peace and security and not an issue of decolonization. Since Morocco presented the Plan of Autonomy in 2007, the Security Council took this initiative very seriously and considered it a “serious, credible and realistic solution” to the conflict, and encouraged the concerned parties (Morocco, Mauritania, the Polisario and Algeria) to engage in the search for a peaceful solution. To this effect, Morocco puts more of its weight on the Security Council’s genuine work rather than putting too much focus on the Fourth Committee as the latter takes notes and reaffirms all the Security Council resolutions. Even if there were mixed results of the UN Security Council related to other conflicts such as the Palestinian-Israeli conflict as well as Russia-Ukraine conflict; however, the UNSC gave legitimacy to international decisions regarding the Western Sahara, by determining the nature of the conflict labeling it as an issue of peace and security and setting the conflict’s stakeholders (Algeria, Morocco and the Polisario Front).

9) The most contentious issue is about the Fourth Committee policy when dealing with the so-called liberation movements as the legitimate representatives of a non-self-governing people or a disputed area like the Western Sahara conflict. There are many misconceptions about the Polisario and its role in the Western Sahara dispute. From the start and since the creation of the Polisario Front, the people of this guerilla movement were never elected by the inhabitants of Western Sahara, in addition to the fact that no international resolution of the United Nations confers on its status of “legitimate and sole representative.” Neither the United Nations nor the European Union has ever granted the Polisario Front the status of a “liberation movement”. At the same time, the Polisario Front cannot be recognized as an observer nor a representative on behalf of an already independent territory. Polisario members cannot have access to the UN building unless they are provided with a UN badge, the latter of which usually bears the name of a UN member state which is endorsed by Algeria. Whereas in the Western Sa-

hara, 73% of the Sahrawi population has fully participated in the political process in Morocco since 1976 and designated representatives in the parliament. By dealing with the “ultras,” militants, and radicals, the Fourth Committee is not helping to solve the territorial disputes, which puts this subsidiary organ in a perplexing situation with many of the UN member states that recognize the territorial historical legitimacy of countries listed in the C-24. The time has passed for simply providing a platform for revolutionary movements. Instead, the Special Committee should be open to other mechanisms of conflict resolution and conflict transformation that would unlock these long-term conflicts.

10) In the last decade, the international context has radically changed. The diplomatic dynamic surrounding the Western Sahara has made ways considerably with the big powers, (France, Spain, the United States) which declared the sovereignty of Morocco over its Western Sahara either through the plan of autonomy or through a formal recognition of the Moroccanity of this region. In addition to eleven European countries supporting the autonomy plan and more than 28 countries that opened their respective consulates in the Laayoune and Dakhla, demonstrating de facto Morocco’s historical claims.

#### **4. Conclusion**

During the period of trusts and mandates, the administering powers came together with a slightly collective challenge. Yet, with the decline of imperialism and the weakening might of the colonizing powers following the damaging costs of World War II, as well as the rise of nationalism, a large number of countries gained their independence. This move forward comprised a self-prevailing mechanism. Indeed, by 1960, a great number of countries that endured colonialism were adamant about the fact that anti-colonial resolutions could not be defeated.

The Declaration on Granting Independence to Colonial Countries and Peoples acknowledges the legitimate aspiration of the people for their quest to end colonialism, and this was the case for the Western Sahara conflict through the Madrid Accord between Spain, Morocco, and Mauritania.

Another matter to take into consideration is when the Special Committee on Decolonization was established by the anti-colonial forces; it was not intended to create or come up with a newly created state from scratch. The Western Sahara is a case in point, where the Fourth Committee, at the request of Morocco, was in charge of the process of helping Morocco gain independence of this territory from Spain through a negotiated agreement. When the agreement was sealed in 1975, the work of the Special Political and Decolonization Committee should have ceased, yet it continued to enlist the Western Sahara in its agenda even though Morocco is not mentioned as an administering power, nor is it requested to provide any information on this region that it had reintegrated. In 2007, when Morocco presented its initiative of the Autonomy Plan as a form of negotiation, the UNSC canceled the referendum because of its inapplicability on the ground. The Fourth Committee followed suit through the GA resolutions, and all the UNSC

resolutions called for a political solution and endorsed the Autonomy Plan as an important platform for the resolution of this conflict.

The United Nations cannot go at two different speeds, having the Fourth Committee and the Security Council dealing with the resolution of this regional conflict. Coming up in every session with the same recommendations of the UNSC is a synonym for redundancy and duplication. It is the Security Council that is the only organ at the UN authorized to oversee and manage this dispute. The examination of the Fourth Committee of the Western Sahara will not change the progress of the file; it is rather the political process that is hailed by more than 170 UN members. Adding to that, Algeria still refuses to recognize its responsibility in the perpetuation of the dispute despite many calls from the Security Council for Algeria to assume its duty and participate in UN-led round tables. Morocco led a fierce battle at the UN by rallying a lot of allies to its cause. One could see the change of the language and the terms in the resolutions, abandoning self-determination as well as the referendum and opting for negotiation and peace process. To many experts, Morocco is gaining momentum, yet it needs more effort and work to ensure that the United Nations corrects this framework by not having the Western Sahara enlisted on the agenda of the Special Political and Decolonization Committee.

Past solutions such as self-determination and referendums have become not only unrealistic but potentially destabilizing. These approaches were previously designed and put in place for the context where decolonization and the reconfiguration of borders were imperatives. Nowadays, we live in a reality where the consolidation of nation-states and the search for regional stability are prime. It is therefore recommended that the UN reforms its process, so it is aligned with current needs, prioritizing pragmatic and sustainable solutions rather than obsolete ideals that belong to the Cold War.

### Conflicts of Interest

The authors declare no conflicts of interest regarding the publication of this paper.

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