



The role of the United Nations resolutions in achieving justice and peace in the Western Sahara conflict: A case crisis of relevance

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ABSTRACT

Since the founding of the United Nations, it has successfully played the proper role in international disputes, though sometimes failures remain. Each case has its causes and ends. Yet, to explore the reasons why the UN resolutions, even officially passed, failed to reach the desired goals. This paper aims to analyze the UN resolutions to argue how to implement international legal principles and resolutions in constructing world order and international governance. The case study is the key focus of this paper and tries to highlight the impact of UN failure in terms of peace development and the practices of the UN consistent with international law. The case analysis uses the example of the UN's failure in resolving the Western Sahara conflict as an African problem. It also argues the interests of foreign states involved in the Western Sahara issue and the new balance of supported powers imposed by the Arab and African alliance in the face of regional rivalry. Finally, the paper explains and assesses the challenges and difficulties that the role of the United Nations security council as well as the personal envoys of the UN secretary General for Western Sahara have been facing since the conflict in Western Sahara territory transformed into a regional proxy war, in which several neighboring states around the Maghreb region, such as Algeria, Mauritania, and the African Union states, as well as the Polisario Front, used free force to reach their geopolitical outcomes.

Keywords: Western Sahara, Morocco, Algeria, Polisario United Nations, UN resolution, North Africa

INTRODUCTION

In 1884, formerly a Spanish colony called Spanish Sahara, the vicinity is characterized through a historical and ongoing territorial conflict most of the kingdom of Morocco and the Sahrawi rebellion motion the Frente well-known de Liberacion de Saguia el Hamra y Rio de Oro, referred to as the Polisario the front which is backed with the aid of Algeria. A dispute marked by means of way of colonization, decolonization, invasion, and an intermittent political stalemate has given upward thrust to "one of the longest, most intractable conflicts in Africa".

The warfare in Western Sahara started out in 1975 after the Spanish withdrew as a colonial energy, allowing the dominion of Morocco to legalize this area. Morocco's possession changed into challenged with the aid of the Polisario the the front; a group that were created to combat for independence from Spain. On the begin, the

Polisario started out powerful guerrilla war closer to the Moroccan forces, with extraneous useful resource from Algeria. Inside the aftermath, however, the United countries (UN) changed into worried in and brokered a ceasefire in 1991 that averted the conflict among Morocco and the Polisario the front and started out a present day journey of diplomatic scenes and peace settlement resolutions to the Western Sahara dispute. The United international places has certainly been so eager on selling its resolutions of peace and stability within the conflict of Western Sahara, despite the fact that that supposed non-violent instability and the prevent of decisive diplomatic talks. In reaction to all United countries (UN) resolutions to clear up this issue, the UN modified into trapped at the threshold of a complicated struggle that required local states' efforts to quit this territorial trouble. Those varieties of occasions discover the reasons that caused the United countries (UN) failure

of the peace settlement in terms of world regulation doctrine (Ben-Meir, 2010). Because of this complicated Western Sahara's repute, this peace settlement added about an quit to lively confrontation, however in the long run, it did not clear up the dispute. balloting at the referendum become often not on time, and diplomatic discussions nevertheless existed, making the Western Sahara warfare remain unnoticed and usually unresolved for extra than half a century.

LITERATURE REVIEW

Historical View of Western Sahara

Western Sahara has been referred to as the "old disputed wilderness" on the African continent. Its miles placed inside the northwest of Africa and it has nearly about 266,000 square kilometers of Sahara land. In geopolitical phrases, Western Sahara is also wealthy in herbal resources, for example, having one in all the biggest resources of phosphate in the world and offshore. at the equal time, it's miles conspicuous approximately the opportunity of oil and natural gas exploitation. Except this, Western Sahara has more than 720 miles of coastline with wealthy fishing resources that have attracted canary islanders for many centuries. For now not only monetary however additionally political reasons, Moroccan nationalism is based on the "belief of improving the misplaced territory of Moroccan Sahara" (Western Sahara)—it's miles hard for the Moroccan government to compromise on an answer. Moreover, because of the geopolitical hobby of powerful states, especially the us and France, Morocco has persevered the ownership of its lost territory without robust pressure from the worldwide community. Traditionally talking, Western Sahara become officially a Spanish colony called Spanish Sahara. Before the Spanish colonization, many Moroccan dynasties ruled in Western Sahara for almost 1000 years. The first dynasty that ruled over the Sahara changed into the Almoravid beginning in 1060 A.D. (Bennett, 1996). Below the guideline of Yusuf Ibn Tashfin, the Almoravid Dynasty governed massive areas in Northern Africa and Southern Europe. These regions comprised what is presently called Western Sahara and maximum of southern Spain. Control over the Moroccan territory shifted from one dynasty to any other through the years. Every dynasty that took over Morocco managed various territories according to the electricity it held.

In 1884, Spain, a latecomer to the colonial scramble for Africa, seized Western Sahara close by tribes refused to simply accept this territorial claim, as an alternative choosing to interact in a 50-12 months fight closer to the colonial electricity for manage of the land. After Morocco won independence from its northern territory in 1956, Spain maintained control over the coastal region of the us known as the Western Sahara. June and July 1956 marked the start of the Morocco Liberation military's

(MLA) actions and principal Saharan tribes-Tekna and Reguibat against Spanish rule to have Western Sahara reintegrated into Morocco (Campos, 2008).

In February 1957, the MLA launched its attack in opposition to the French posts. The Spaniards and their supporters were defeated, and their installations and garrisons have been destroyed. In February 1958, with the assist of the French army, the Spanish military retaliated thru a joint navy operation named Ouragan, at some stage in which the MLA emerge as closely defeated (Richard, 1988). Cease of Spanish career of Western Sahara and introduction of the liberation movement. In 1963, Morocco correctly lobbied to have the United international locations (UN) formally claim Western Sahara a non-self-governing territory and requested Spain to decolonize it below general meeting decision 1514 (XV) of 14 December 1960.

The Polisario the the front changed into set up on 10th may 1973, and installation itself as the only representative of the Sahrawi human beings, with guide from the Algerian government and other African states.

The Factual Dispute of Western Sahara Territory

The Western Sahara dispute was accepted in 1963 by the UN as a non-self-governing territory. This acceptance indicates an acceptance of the Saharawi people's right to self-determination. In October 1975, during the green March, 350 000 Moroccan citizens crossed the frontiers of southern provinces into Western Sahara as a significant action to recover the missing land. Spain, Mauritania, and the Kingdom of Morocco signed to divide the territory between Mauritania (one-third) and the kingdom of Morocco (two-thirds).

The early Saharawi movements did not aim to separate Western Sahara from Morocco, instead, they wanted to fight the French and the Spanish alongside opposition parties from Rabat. Stephen J. King et al. explicitly stated that "(t)he Basiri-led independence movement hoped for a Western Sahara integration with Morocco. He had studied in Morocco and, in 1966, briefly published a periodical in Morocco called *Al-Shihab* (The Torch), which espoused Moroccan claims to Western Sahara".

The El Ouali Mustapha Sayed led-movement sought help from political parties. The group met with Allal El Fassi, the UNFP, the PLS, and the trade Morocco Union to seek support, but the Moroccan authorities did not respond to their request. Accordingly, these Sahraoui students "lost patience with the Moroccan opposition parties, who, despite their verbal anti-Spanish militancy, they were not prepared to provide any practical support". Lacking the necessary support from the Moroccan government, the group started to consider it-self a more autonomous entity and began to think about the notion of an independent Sahraoui state, especially after Morocco began to oppress protesters who took to the streets to protest against Spanish colonization (Laadam, 2019).

Hodges stressed that the phrase “total liberty” was not used to mean independence from Morocco. In fact, at the end of 1973, El Ouali drafted a memorandum to the UNFP exiles in Algiers endorsing the idea of the integration of Western Sahara with Morocco and highlighting the fact that those who migrated in and out of the region were “integrally linked at most times with the existing authorities in Morocco” making the region akin to a Moroccan province (Maghraoui, 2003).

The Sahrawi Arab Republic (SADR) was declared with the aid of the Polisario the front in 1976. The Polisario front and their supporters sought shelter in Tindouf, in South West Algeria with the help of the Algerian army. Considering that Spain officially withdrew, the two navy forces, Morocco and Mauritania had been within the position of maximum of Western Sahara. In 1979, Mauritania deserted its hobbies within the territory of Western Sahara, and the kingdom of Morocco reintegrated it. Similarly, in time the Polisario the front restarted to undermine Moroccan forces. As an end result, the Moroccan authorities decided to build up the Berm; a 2200 kilometer-lengthy and closely militarized sand wall to keep out the guerilla opponents of the Polisario front. In 1988, the United international locations to dealer a ceasefire, and made up a peace plan in partnership with the employer of African unity (OAU). In 1991, the ceasefire settlement initiated *via* the UN and the United nations mission for the Referendum in Western Sahara (MINURSO) force was deployed. The essential step of the MINURSO became to label and register Sahrawis citizens and to supervise the referendum (Mundy, 2007). In 1988, each events signed upon a few principles for being registered as a voter in the referendum. The situation blanketed being a Western Saharan included within the 1974 Spanish Census of the population within the territory and being elderly 18 years. The accurate plan for the agreement proposals became announced in 1991, with a few modifications. The circumstance for being classified as a voter in the referendum changed into changed from the original ones. The order changed into now to update the 1974 census by deleting deceased Sahrawis humans from the listing and keep in mind packages *via* Sahrawis previously deleted. The advent of a suggestion method for individuals not recovered from the electorate' list changed into additionally a crucial change (Mundy, 2010). Sola-Martin highlights that the peace plan was applied to Morocco's regulations through the involvement of the new circumstance of potential. The Polisario front disagreed with the new circumstance. By way of approving the 1988 peace plan, both events had similarly approved the 1974 census listing as a basis for the voters' list for the referendum. In 1991, the dominion of Morocco gave a list of feasible electorate to the UN, which recovered more than one hundred twenty 000 names now not included in the 1974 census listing. In September 1991, the Moroccan interior Minister launched that those individuals would be moved into the

Western Sahara territory. At the end of 1999, after numerous interruptions, the identification commission confirmed a conational citizens listing of 86 386 voters. Presently, the electorate' listing changed into confronted with 131,038 appeals. The UN was unwilling to reject these calls and diplomatically dropped the 1991 settlement Plan. Kofi Annan asked James Baker to find out the abilities for an intermediate resolution. Baker comes up with the structure Plan in 2001. The plan approves a length of autonomy earlier than the referendum, and that every one settlers in the territory are allowed to vote. The plan became refused by way of Polisario front, the kingdom of Morocco, and the UN safety council. In 2003, Baker encouraged the Baker Plan II. The plan turned into an upgraded model of the new shape Plan. The Polisario the front willingly customary the brand new peace plan. Morocco rejected the plan, arguing that Baker's new concept was aligned with the failed agreement Plan, reintroducing the holding of the referendum that might provide the worried parties with the preliminary alternatives. This plan did not do not forget the sociological, tribal, and ethnic composition of the population of Western Sahara, as well as the need for the genuine adhesion of all populations to the status given to them.

After Morocco's legitimate rejection of the plan, the U.S.A.'s personal Envoy James Baker resigned, resulting in a sudden quit to UN and US mediation efforts. After a -yr hole, the Secretary-general appointed Peter van Walsum to the put up in 2006. Morocco decided to reinvigorate its autonomy plan for Western Sahara on eleven April 2007.

Autonomy indicates the right to be self-governed (Marks, 1976). Sovereignty, as properly, may be indicated as complete manage or political influence over a territory. To reach autonomy, it's miles sometimes obligatory to set up a sovereign state. On the identical time, autonomy does now not require sovereignty. The Moroccan suggestion shows that Western Sahara will become a self-reliant territory, ruled with the aid of Moroccan political authority. Through 2007, the Polisario the front proposed an anti-draft idea to Morocco's autonomy plan. The opposing plan supported self-dedication toward an unfastened referendum with sovereignty as an alternative. The Polisario the front idea proposed a few deals, as an instance, assured citizenship for all Moroccan residents in the location. The proposed autonomy plan presented by means of Morocco asserted that it turned into based totally on the world over identified norms and standards, and designated the proposed powers of the Sahara self-sufficient region, the bodies of the area, and modalities for approval *via* the population involved with the statute *via* US Undersecretary of nation Nicholas Burns, america fast welcomed the concept, characterizing it as “critical and credible” (Mearsheimer, 2010). The Moroccan initiative turned into not a decisive answer however provided a platform for negotiation.

The United Nations Resolutions

The dispute in Western Sahara is dealt with as a non-international armed conflict. Protocol II of the 1977 Geneva conference describes non-global armed conflicts as "disputes at the territory of one of the high Contracting parties among its defense force and dissident armed forces or other armed agencies and below the responsible command of part of its territory of manipulate in order that it could conduct continuous and coordinated army operations" (Protocol II), 8 June 1977. The interference of the safety council in such subjective conflicts is targeted at the principle of the international safety of civilians below worldwide humanitarian regulation, in keeping with the 2005 Sovereignty and non-intervention committee. In this manner, the Security Council's interference within the conflict of Western Sahara is distant from the stages of its improvement. The worldwide court of Justice additionally mentioned the safety council that's the unrestricted authority to interfere in non-worldwide armed conflicts towards its decision that this warfare paperwork to be "a risk to worldwide and local peace and safety", even as its powers are restricted to creating recommendations to the events of the warfare to calm down the dispute peacefully. With the aid of reading resolutions made by the United international locations concerning the conflict in Western Sahara, it's far noteworthy to highlight the most essential cases wherein the safety Council has determined, to create a risk to global peace and protection:

- The occurrence of violations of human rights and international humanitarian law: the high level of violence in the conflict and the high number of refugees disrupt access to humanitarian assistance in Tindouf Camps to those in need.
- The use of weaponry in the conflict against civilians or refugees.
- The embezzlement of EU humanitarian aid intended for Tindouf camps in Algeria.
- The failure to conduct the census in Tindouf camps which led to social up rising.

In the framework of the interference of the United Nations and foreign states to supply and sustain humanitarian assistance, two significant issues must be identified:

First of all, to support the state to safeguard its citizens and supply humanitarian assistance, which must be subject to the consent and needs of the state concerned.

Secondly, the United Nations' interference to respond to a humanitarian armed crisis, should be connected to the Security Council's decision to be able to protect its citizens, and interfering in this situation includes a variety of diplomatic and coercive measures to protect citizens.

Finally, the United Nations must act and engage itself in the preservation of international peace, security and the protection against invasion. When the UN resolutions are taken under Chapter VI, as the Sovereign and Prevention

of Intervention Committee have concluded, military interference by the United Nations can only be justified when non-military alternatives fail to resolve the conflict or crisis peacefully, and when there are objective circumstances to believe that peaceful measures will not succeed in resolving the conflict such as the case of Western Sahara conflict.

Analyzing the UNSC Resolutions

Inside the following components of studying the U.S., the review of some content material of the UN security council resolutions has been decided on for the prison technique for the United nations and intervention in Western Sahara between 1991 and 2014. The UN files for Western Sahara security council resolutions have been chosen below subsequent framework measures that shaped the peace agreement system inside the Western Sahara warfare. Despite the fact that this chronological evaluation is formally written inside the United international locations safety council record. Starting with the first united states decision 690, dated April 29, 1991, emphasizes the company and the supervision with the aid of the United nations of a referendum for the self-willpower of the Sahrawi populace and referred to as the secretary-fashionable to keep the united states published at the fame of the agreement plan. It factors out the cooperation of the organisation of the African solidarity (OAU) within the established order of the agreement plan.

Due to this, U.S.A. decision 1108, dated might also 22,1997, mentions extending the MINURSO project Mandate in Western Sahara's disputed territory. It highlights the implementation postpone of the referendum as agreed with each events inside the 1991 settlement plan.

USA decision 1238, adopted on May 14, 1999, proposes the resumption of the identification of the citizens illegible to participate inside the referendum. It mentions the popularity *via* each events (the dominion of Morocco and the Polisario front) of the set of alternatives made through the UN Secretary-fashionable Kofi Annan in step with the identification, the appeals, and the new agenda for the referendum.

U.S. decision 1292, updated on February 29, 2000, restates the dedication of the United nations to put in force what the events have agreed on, regarding the Referendum, in the course of the 1991 settlement plan. It emphasizes the life of capability issues and endorses the UN Secretary-widespread non-public Envoy to Western Sahara to study and updates new resolutions of these conflicts while consulting with both parties.

United States resolution 1301, on might also 3, 2000, encourages each events to offer the UN Secretary-standard non-public Envoy the very last thought's plan agreed upon to prevent the issues that are blocking the implementation of the settlement Plan.

United States resolution 1309, adopted on July 25, 2000, notes the vicinity of disagreements among Morocco and the Polisario over the settlement Plan. It urges both parties to explore every other collectively agreed solution for the war over Western Sahara.

but, the U.S. resolution 1359, followed on June 29, 2001 outlines the Polisario front proposals to resume the implementation of the settlement Plan, taking into consideration the draft of the Framework agreement formulated by using James Baker, the UN secretary-general personal Envoy to Western Sahara, without disposing of self-determination for the Sahrawi populace. It pushes both events to negotiate the draft of the Framework settlement and additionally different possible political solutions that might attain a jointly agreed-upon agreement.

U.S. resolution 1394, dated on February 27, 2002, offers with the 4 alternatives cited on this United States file for the future of the Western Sahara war. It examines the failure of cooperation and commitment of both parties with the United countries to calm down this longstanding dispute.

U.S. resolution 1495, adopted on July 31, 2003, factors out that the unsolved conflict of Western Sahara stops the improvement of the Maghreb vicinity. It backs, under chapter VI, the Baker Plan II as a reasonable decision to the warfare if mutually agreed upon by using each event. It urges the Polisario front to launch all the final prisoners of struggle without in addition postpone.

U.S. resolution 1541, followed on April 29, 2004, restates the UN dedication to assist each parties to attain a very last political answer that guarantees the self-determination of the Sahrawis people and highlights that this settlement wishes the cooperation of both events and the neighboring states, especially Algeria and Mauritania.

Additionally, United States of America resolution 1754, voted on April 30, 2007, defined the Moroccan notion for the autonomy of Western Sahara territory, exceeded to the UN Secretary-general on April eleven, 2007, as a credible and reasonable effort through to the very last agreement of the warfare. It highlights the want for direct negotiations with none necessities.

As cited, U.S.A. resolution 1813, followed on April 30, 2008, illustrates that the status quo is not a suitable answer and that the progress of the negotiations will must beautify the living situations of the Sahrawi population. It pushes each parties to keep cooperation and negotiations with the supervision of the UN.

The Practice of the United Nations Consistent with International Law

Beneath the UN steering, the Western Sahara dispute has seen divergent shifts, in particular in the exercise of the safety Council in its involvement regularity of

worldwide regulation. Article 1 of protocol II to the 1977 Geneva conference states that "the provisions of this protocol shall not follow to situations of inner unrest and tension";, therefore, the intervention of the company of African cohesion and the Maghreb-Arab Union States and other States and their support of the competition groups (SADR) at this stage of the armed struggle is investigated. It's also highlighted that the peril of armed intervention disobeys chapter VIII of the charter of the United international locations and its concepts that "constrain all Member States of the United nations, in its overseas relations, of the risk or use of force towards the territorial integrity or political independence of any nation or in some other way unpredictable with the purposes of the United nations". As a consequence, the security council concludes to increase the mandate of MINURSO and calls on the parties, Morocco, Algeria, the Polisario, and Mauritania, to cooperate with the UN project, consisting of its unfastened interplay with all interlocutors, and to take the vital actions to guarantee the safety. moreover, the Moroccan government has the right to simply accept the mediation of the Maghreb-Arab Union States that the protection council resolutions 2044 (2012) and 2044 (2012) supported ending the problem and reaching progress through a political solution on the Western Sahara struggle in contravention of the UN constitution and international regulation.

Inside the same manner, safety council resolution no. 1979 (2011) violated the global by legal guidelines for imparting humanitarian help to useful resource companies in co-ordination with the authorities of the centered country (Tindouf Camp in) Algeria. The Moroccan authorities's function become bounded to help the humanitarian resource escorts while neighboring states (Algeria) were fully answerable for imposing the monitoring mechanism, fitness assistance, and subduing in their demilitarization system. except, the security council welcomed the introduction of a national council on human rights in Morocco and the proposed constituent regarding the Western Sahara war, and the dedication of Morocco to guarantee unqualified and retained get admission to all special approaches of the United international locations Human Rights Council and additionally notes the importance of the parties to hold the process of diplomatic negotiations under the United countries-supervision talks. To that extent, all protection council consequences on the resolution of the struggle inside the Western Sahara deadlock talk over with the liability of non-state armed organizations, growing crimes of human rights, the lifestyles of slavery and servitude, and blockading all states from maintaining to lower back those groups, as well as human trafficking and fingers smuggling to them. although, the failure of the safety council to step in to take any measures in opposition to those international locations that maintain on discarding international legitimacy is considered opposite to the constitution of the commission and is a peril to global peace and safety.

The Impact of UNSC Involvement in Western Sahara

Since the beginning of the Western Sahara conflict, the security council has ratified its commitment to the sovereignty and territorial integrity of Western Sahara as a part of Moroccan conflictual territory and to the United Nations Charter and its principles in resolution S/RES/1495(2003) which highlights that the regular violations of the Sahara territorial sovereignty through a direct Polisario Front aggression endorsed by the Algerian coalition as well as by the African states (South Africa and Namibia) and the European countries is illegal. The only legitimate intervention is the MINURSO's intervention, which came through the request of the legitimate government of Morocco, under the Charter of the United Nations and must be recognized in legitimacy and coordination with the government of Morocco by the states wishing to or not to advance to settle the Western Sahara impasse in the Moroccan integrity. Despite this, the security council did not decide to prevent these countries especially Algeria from enduring their irresponsible practices, which allowed these states to replay aggression against Sahrawis in Tindouf Camp throughout the Western Sahara conflict.

The council acknowledged that: The peril of the Polisario Front (SADR) groups and terrorist-affiliated organizations in Western Sahara and its borders towards its resolution S/RES/1979 (2011). Seemingly, the reports of the African Union and the UN observers as well as documents of the Secretary-General of the United Nations all highlight the existence of the Polisario (SADR) groups who carry out armed-operations which supported the import of money and weapons that would facilitate these groups to take control over the Western Sahara.

Accordingly, it makes sense to see resolution S/RES/1979 as a reflection of the classical possibility of including armed groups (SADR) on terrorist lists, which highlights the lack of a coherent classification of terrorist groups. This provides the extension of the conflict due to the involvement of regional and international actors in advocating armed groups (Polisario Front) which would then make them identified as terrorist-supporting states after being assisted as Saharawi human rights supporters. Many members of the Polisario groups have been increasing the Islamic banner since the starting point of the Western Sahara dispute (Rasler et al., 2006).

Yet, the security council hasn't taken any serious action to stop states (Algeria) from supporting armed groups such as the Polisario Front outside its UN framework or to enact states to fulfilling their obligations to fund humanitarian response plans of up to 15% while asking for neighboring states not to interrupt the UN response plan to compromise a political settlement for the Saharawi people and the Western Sahara impasse as a whole. The Security Council did not seek any report on the circumstances of Sahrawi refugees in these camps and no action was taken in the sense of accusation of

vulnerability to illegitimate practices and disciplines by those states particularly (Algeria).

Since the Western Sahara tension started between Morocco and the Polisario Front (SADR), the African state's attention focused on the prospects of the disagreement between Algeria-backed SADR and Morocco. At that point, the Security Council intervened in 1984 as a supporter of the settlement resolution of the Polisario Front (SADR) through its support for the decisions of the African Union States, with the unwavering support of the Algerian government, including the recognition of them as a legitimate representative of the Saharawi people, and despite the acceptance of the documents of the international observers and resolutions issued by the Council on human rights abuses and mistreatments committed against Saharawi people ideology, that they call on the legal authorities in the Kingdom of Morocco to negotiate with their SADR representatives on the future of the Western Sahara dispute, and the protection of its population.

For sure, the Security Council has linked the political resolution of Western Sahara to the consensus of conducting the diplomatic negotiations with Algeria and its counterpart the SADR's representatives, which are already connected to the positions of the advocating and funding states, which was approved by the Council in its resolution S/RES/2044 (2012). With this, the Council certifies the close link between the ceasefire and the launching of the political settlement process.

In all UNSC decisions, the Council declares that the Saharawi people will determine the future of Moroccan Western Sahara. However, this Council decides to create a Transitional Governing Committee with all involved powers and to modify the resolutions and other peace settlement procedures of the final political resolution process. The Council acknowledges that its conditions will be agreed upon between the representatives of the Polisario front (SADR) and the legitimate authorities of Morocco. The function that the UN observers will play in pushing the conflictual parties to complete the process of a peace settlement which will be decided upon, and the fact that the reports of the UN Secretary-General to the Security Council show the SADR's rejection of any solutions implemented by Moroccan authorities.

In UNSC affairs, "consensus" means the accepted framework in which the involvement of the Security Council as a party to the conflict reflects the adjustment of disputes through diplomatic negotiation as the only legitimate way. Yet, its decision, the resulting balance of world power highlights the argument that the most significant role in determining the plans for ending the dispute in Western Sahara will be fixed on the outcomes of these international balances, while the role of the Council will be restricted to interpreting these balances

into a plan that will pave the way for a post-end-of-the-dispute time.

The Role of the Personal Envoys of the UN Secretary-General for Western Sahara: Continuity and/or change

For greater than half a century, the United international locations has sought to solve the Western Sahara dispute, balancing and settling the issues of the main events' dreams: autonomy/sovereignty and self-dedication. The reputation quo is the final results of an unusually great and steady set of factors. First, interest from the worldwide community in this conflict is small, and insufficient global attention is given to the war, despite the persevering with most important threats of terrorism tendencies and the spike in instability and insecurity inside the Sahel and neighboring regions, in which links between Al-Qaeda in the Islamic Maghreb (AQIM) and the Polisario front were revealed (San Martin, 2004). 2nd, the endurance of the intermittent historical tensions among Algeria and Morocco as well as Algeria's lack of true dedication to resolving this dispute severely avoid its resolution.

Inside the UN, the dearth of political momentum famous the divergence of intentions between states within the U.S. or UNGA, or the imminent rounds of negotiations. The battle examined James Barker's creativeness and endurance from 1997 to 2004 throughout which he proposed a referendum that did no longer lead everywhere. His successor as the U.S.A.'s private Envoy to Western Sahara, Peter Van Walsum, resigned after 3 years due to the fact he believed that independence become not a feasible answer. For van Walsum, the referendum become a "recipe for violence", but a political solution primarily based on direct negotiations between the protagonists become seen because the only reasonable choice. Direct negotiations without preconditions, it was argued, need to "work out a compromise between worldwide legality and political truth which might offer for the self-determination of the human beings of 'Western Sahara'" (Spector, 2009). The Polisario alongside Algeria refused to maintain the negotiation system beneath van Walsum's supervision and held no self-belief in him as the safety widespread's envoy. Some weeks later, the UN Secretariat ended Van Walsum's agreement and Christopher Ross took over.

Taking on where van Walsum left off, Ambassador Christopher Ross-one of the US's main middle East diplomats-commenced to mediate the 4-decades-long battle. Before joining the UN, Christopher Ross served because the U.S. Ambassador to Syria and Algeria. In his submit in Algeria in which he served from 1988 to 1991, Ambassador Ross turned into successful in establishing non-public ties with many Algerian officials and diplomats.

Mr. Ross' mandate changed into two paintings with the events and neighboring states primarily based on the UN protection Council decision 1813, which calls on the Council to assist the events to reap a simply, lasting, and mutually suitable political answer. His first visit to Morocco and the place from February 18-24, 2009, became a time for him to get in touch with the parties, to listen their perspectives on the next rounds of negotiation, and to examine the situations of the instruction of the fifth spherical of the technique, which become launched in 2007.

Morocco reaffirmed to the private Envoy its commitment to implement the security council resolution 1813 inside the framework of the continuation of the work accomplished through Mr. Van Walsum and to go into an in depth and widespread segment of negotiations, based totally at the Moroccan autonomy initiative.

Ross served for eight years seeking to get the Moroccan government and the Polisario front independence movement to settle the Western Sahara dispute. He became, but, not able to assist the parties acquire any development.

The casual rounds that befell between the events all resulted in impasse and didn't gain any development. Ross's foremost failure became his closeness to Algerian officials, which made his declarations biased. He became more amenable to Algeria's desires, pushing for independence and implementation of a human rights monitoring component inside the responsibilities of the MINURSO.

Ross was regarded to be a fastidious defender of human rights, and his apparent mission changed into to kill the autonomy inspiration provided by using Morocco-making it all the extra apparent that Algeria did affect the UN envoy regarding Western Sahara's choices and results. Morocco saved calling attention to Ross' positions on the Western Sahara struggle-urging the UN to position a stop to it. Omar Hilal, the UN Ambassador to Morocco, described Ross as a diplomat that changed into too near Algeria, pointing out that "Christopher Ross has been the first-rate diplomat Algeria has ever had over the last 40 years. (Though he) had the task to facilitate negotiations, he, regrettably, has turn out to be the hassle".

What Christopher Ross did again and again is to brush aside numerous crucial statistics as properly the U.S.A. resolutions through which possible get a clearer hold close of the complexity and implications of the Western Sahara battle. After thirteen rounds of casual talks among the parties, all failed as each party rejected the inspiration of the opposite as the sole basis of negotiation. Christopher Ross, in place of proceeding with the parameters genuinely defined by means of the UN security council by using bridging the gap between the events and bringing to give you a political compromise and realism to attain a political answer decided to leave apart these critical questions by dividing

the disputes into unique subject matters, articulated particularly around the management of foremost herbal assets (phosphates, fisheries), mine clearance and the consolidation of confidence-building measures (own family visits). Drafts were finalized on a lot of these factors, however this was not enough to provoke a manner that might result in major negotiation. The UN envoy additionally overstepped his position as a mediator by means of pushing for the status quo of a mechanism to display human rights in Western Sahara below the auspices of the MINURSO. The latter whose project is in particular technical. As a be counted, under Christopher Ross's mandate, the UN omitted its principal task which is to be a useful company to help the parties to attain a political answer, however instead have become a legal responsibility.

In September 2018 the new U.S. non-public Envoy to Western Sahara, Horst Kohler, invited the 4 parties, Morocco, the Polisario, Algeria, and Mauritania to Geneva on 4 and five December 2018 with a new dynamic and spirit through the roundtable initiative. however, these conferences got here to a halt due to Algeria's decline to participate within the Western Sahara round desk despite the fact that nearly all America resolutions point out Algeria more than 5 times as an essential party within the decision of this dispute. equally critical, all through Kohler's tenure, he capitalized on the UNGA to observe and speak Western Sahara with the African Union Chairperson Moussa Faki, while, this dispute ought to be resolved inside the scope of the United international locations and now not the African Union. Horst Kohler stepped down for health motives.

With the appointment of the new private Envoy for Western Sahara in October 2021 Mr. Steffan De Mistura, matters have now not plenty modified. De Mistura's task as his preceding predecessors is confronted with the divergence of the positions of the primary events to the war:

- The Moroccan function is primarily based on the confirmation of Morocco's full sovereignty over the Western Sahara. As a strategy to this protracted warfare, Morocco gives the Plan of Autonomy because the simplest answer. Morocco additionally continues that this is a regional dispute with Algeria and not with the Polisario, and insists that any negotiation, discussion, or answer should take vicinity in the framework of a full engagement with Algeria. Sooner or later, Morocco sticks and commits to U.S. resolutions that call for a political, practical, and realistic approach to the Western Sahara battle and categorically refuses to return to the referendum, identification, and the proper to self-dedication which was excluded from the U.S. resolutions for extra than two a long time.
- As in keeping with the location of the Polisario front which withdrew from the 1991 ceasefire agreement on November 23, 2020, decided to resume combating as

a "sacred proper of self-protection". It also insisted on the initiative that it submitted to the Secretary-fashionable on April 10, 2007, at the protecting the referendum, after a transitional length (decision 9007, 2007).

- Ultimately, De Mistura is faced with the anxiety between Morocco and Algeria, which hits its lowest point. Algeria's stubbornness now not to participate within the negotiations makes the complete procedure very complicated.

de Mistura came at a time during which Algeria cut off its diplomatic family members with Morocco, hardened its tone to any include with its neighbor, and confirmed in its reputable documents that it's miles a part of the dispute and now not an observer as it had pretended. The Polisario continued to ship signals of war escalation within the short and medium time period. This changed into evidenced through the resumption of hostilities in numerous parts of the area of Guerguerat. notwithstanding his regional tours in Morocco and Algeria and his aim to relaunch the round tables initiative, de Mistura's venture turned out to be fruitless. This has been hindered *via* Algeria's unwillingness to cooperate and collaborate with the events and defying all the U.S. resolutions which name for Algeria to participate inside the negotiation technique, the roundtables conferences, and without pre-situations.

By way of adopting this function, Algeria pushes towards a scenario of armed war in which it would be a co-belligerent. Morocco then again is currently setting pressure on the international network, trying to convince the latter that the plan of autonomy stays the most critical option because it became reiterated in several U.S. resolutions.

Because the political solution seems to be the best concrete method to solving the Western Sahara dispute, de Mistura's instant triumph or failure will rely upon whether or not he can rally the events concerned across the "new momentum" components. Hence, it's far important to research from the strategies of former UN diplomats, which did now not lead Western Sahara to a main political answer, and from the stubbornness of the U.S. to pander to unfeasible mechanisms inclusive of self-willpower main to independence. The latter example, which whilst implemented through the UN to some warfare zones together with in South Sudan, delivered chaos and instability to the citizens. In the end, the UN's mediation position in this struggle should be redefined in mild of cutting-edge trends in the vicinity, in addition to the threats of refugee Tindouf camps on the stableness and security of the location and Algeria's complete-fledged function in the conflict.

Algeria's Leadership's Reaction to the Autonomy Plan

In his November 2005 speech marking the green March, King Mohammed VI had already revealed that he could

enter into a national dialogue with Morocco's political parties concerning the Autonomy Plan mission of Western Sahara. Rabat submitted its thought to the new UN Secretary-trendy, Ban Ki-moon, on April 11, 2007. This happened a day after Polisario submitted-without word to the UN secretariat—several dramatic bridging proposals to revive the 2003 Peace Plan. But, the lengthy-expected Moroccan idea obtained a long way extra interest than Polisario's desperate try to thieve the spotlight.

Morocco proposed the introduction of a "Saharan self-sustaining vicinity" (SAR) with domestically elected government elements (executive, judicial, and legislative) granted for unique abilities. The autonomy plan was supplied as an alternative to the Moroccan blockade to the "Baker Plan." This initiative obtained excessive praise from many North American, French, and Spanish officers. In June 2007, the U.S. nation department's Undersecretary for political views William Burns referred to as it "a serious and credible concept to offer real autonomy for the Western Sahara, a word later repeated earlier than the U.S. residence of foreign family members committee by way of Assistant Secretary of country for near eastern Affairs David Welch. From a global law angle, the Moroccan "initiative" constituted a turning point in overseas coverage on the Western Sahara query and become defined as a new critical basis of negotiation. Welch went on to insist that the Western Sahara struggle had to be resolved fast as he saw that the Polisario administered refugee camps gift a potentially attractive haven for terrorist planning or pastime.

Through the identical token, the security Council's reaction to the Moroccan suggestion become welcoming, borrowing the precise language—"severe and credible"—of Washington and Paris. Even though it also took notice of Polisario's concessions and reiterated the Council's aid for a "together acceptable political solution" that "will provide for the self-dedication of the people of Western Sahara, its most critical element became its call for direct negotiations, which have been deserted in 2000.

DISCUSSION

On February 26 and 27, 2008, a meeting happened with the U.S. kingdom branch close to Japanese Assistant Secretary C. David Welch, President Bouteflika, and high Minister Abdelaziz Belkhadem in attendance. Bouteflika and Belkhadem insisted on their typical course of self-determination for Western Sahara and discussed the want to discover a answer that might allow Algeria to keep away from embarrassment because of its direct involvement inside the blockade of the peace system.

Bouteflika conveyed to the officials that members of the family with Morocco were "brotherly" and that Western Sahara become the simplest situation among them. Bouteflika did no longer hesitate to declare that Morocco felt threatened through the opportunity that Western

Sahara ought to advantage independence, and he blamed Rabat for the continued situation because of the "clumsy" way wherein it treated the problem. Welch drew the Algerian president and his delegation's attention to the reality that the U.S. became looking for a realistic answer that might lift the blockade and help negotiate the peace technique and that the Autonomy Plan furnished this type of opportunity. Bouteflika answered that the autonomy plan became considered an empty shell as it would simply postpone the trouble without imparting any opportunity solution. He insisted, but, that the Framework agreement of the former secretary James Baker supplied a critical alternative to the conflict (Stephen, 1987).

As pronounced by using WikiLeaks, President Abdelaziz Bouteflika defined to David Welch that if any other option was important, "self-determination is that alternative" and the Baker Plan must be discussed. Welch replied that the Baker Plan is useless as it, too, failed to generate development. In Bouteflika's view, Baker failed because it became no longer given a hazard, and he blamed the U.S. for "no longer taking its UN security Council duties seriously" (WikiLeaks, Algerian management Tows Western Sahara Line with A/S Welch, March 2008).

Bouteflika reiterated that the Moroccan proposal offered less autonomy for Western Sahara than an Algerian province currently enjoys. during his verbal exchange with the American diplomat, he admitted that Algeria does impact Western Sahara, however he allegedly promised that he might not utilize it to breach what he conceived as global regulation. significantly, the Algerian President, as constantly, held Morocco liable for thwarting the peace manner, and this time he went even similarly to blame Morocco's "clumsiness," whilst reiterating the importance of reviving Baker's plan.

Because the WikiLeaks files revealed, Bouteflika began giving examples of countries that Morocco ought to observe to get out of the impasse. "Bouteflika defined, saying that Morocco should have effortlessly used a more 'stylish' approach to produce a Western Sahara independence that could be managed or supervised." as an alternative, he said, "They want Anschluss like Saddam Hussein with Kuwait." Bouteflika said he without problems ought to have imagined an final results in which Western Sahara selected to stay part of Morocco after seeing the blessings of Moroccan rule, in a lot the identical manner "as Puerto Rico selected to remain part of the U.S." according to Bouteflika, Morocco needed to provide the Polisario something, for the reason that "you can't ask concessions from people who have nothing of their pockets." Had it now not been for Morocco's "clumsy" approach, Bouteflika said Morocco "may want to are becoming what (it) wanted."

Similarly, Bouteflika strongly and bluntly blamed France for assisting Morocco's new concept and defined it as a powerless player—unable to undertake a positive position in resolving the Western Sahara dispute.

According to Bouteflika, France has in no way sincerely typical Algerian independence. Moreover, he claimed that France changed into seeking to settle ratings with Algeria *via* interfering in Western Sahara in assist of Morocco (Zoubir, 2007).

Bouteflika's high Minister, Belkhadem further escalated the dialogue with Welsch *via* trying to influence the U.S. to emulate the endorsement it gave to the independence of East Timor and Kosovo. He bluntly stated: "Why do not your percentage the same perspectives on 'Western Sahara'?" requested Belkhadem, "it leaves us wondering what our U.S. friends want." Morocco?

Bouteflika's high Minister, Belkhadem further escalated the dialogue with Welsch by using attempting to steer the U.S. to emulate the endorsement it gave to the independence of East Timor and Kosovo. He bluntly stated: "Why don't you share the same perspectives on 'Western Sahara'?" requested Belkhadem, "it leaves us wondering what our U.S. friends want." Morocco? (WikiLeaks, Algerian leadership Tows Western Sahara Line with A/S Welch, March 2008).

As a reaction to Belkhadem's announcement, U.S. Undersecretary of nation David Welch reiterated that the U.S. intention changed into to searching for realistic alternatives that would assist in the development of negotiations. The Moroccan idea, he indicated, became a possibility.

In sum, Algeria's policy-making in the direction of the new suggestion, the autonomy plan, turned into driven with the aid of ideological motivations. Algeria has constantly claimed to haven't any interest in blocking off the Western Sahara peace technique development, pointing out that it welcomes each suggestion recommend *via* the worried events. But, this claim seems to be at odds with Algeria's response closer to the autonomy plan proposed by means of Morocco, which the Algerian president condemned and defined as an empty shell that would dramatically gradual the peace procedure. Moreover, the president portrayed Morocco as clumsy in handling the struggle; this adversarial attitude closer to Morocco on behalf of the Algerian leadership demonstrated that Algeria did not admire its fame as an observer. As an alternative, its moves and statements clearly showed that it was a central a part of the conflict, opposite to its claims of neutrality. For this reason, the reputation of Algeria as an observer of the Western Sahara war should be delivered into query. Even the UN envoy to Western Sahara, Peter van Walsum, concluded that Algeria performs "a preeminent and dominant position" in the Western Sahara struggle, going in addition to say that "there's hope if at ultimate Algeria's role may be candidly mentioned. The question of 'Western Sahara' does not stand a threat of ever being understood as long as Algeria's deep involvement is not considered" (Thompson, 1995).

CONCLUSION

This research paper was built to analyze the failure of UN resolutions and settlement processes in the case of the Western Sahara conflict preliminary with the ceasefire in 1991 until 2014. It analyzed and examined the main reasons behind the UN's failure in implementing reliable resolutions in the Sahara conflict and their positions, as well as the distinctive plans that were invented by the United Nations and the Organization of African Union to end the Western Sahara territory.

The research also investigated the peculiar inability of the UN failure of the settlement process in Western Sahara, provided some resolutions on how to settle the dispute, and debated several possibilities that should be taken to operate the stipulations for a settlement of this longstanding dispute. In addition to this, the research paper positioned the essential involved parties in the Sahara impasse since its ending in 2014. The recent key parties are the Kingdom of Morocco, Algeria, and the Polisario Front (SADR), along with neighboring Mauritania, which still act as a subordinating role. The essential supporters of these significantly involved parties were also recognized alongside the fewer conditions of each party to settle the conflict of Western Sahara territory. Accordingly, in the analysis context also re-evaluated decisive plans in the United Nations resolution process. Though, the 1991 UN resolution which is the Settlement or Referendum proposition was the prior UN failed plan analyzed in this research paper, proceeded by the Baker Plan I in 2001 and the Baker Plan II in 2003. It is noted that the 2007 proposals for both conflictual parties Morocco and Polisario Front (SADR), were also reviewed, along with the four parties discussions (review) of uncooperative and ineffective diplomatic negotiations between the Kingdom of Morocco and the Polisario Front that were held in the United States during 2007 to 2008. The most important motives for the United Nations' failure of the Resolution Plan were disputes and mistrust throughout the identification process.

Since 2007, the United Nations adopted the same UNSC resolutions calling the parties to cooperate fully with the United Nations Secretary-General and his envoy to reach a political solution to this regional dispute based on the resolutions adopted by the Security Council in 2007. The Security Council supports this policy based on more than 19 resolutions to achieve as "lasting and mutually acceptable political solution" to the question of Western Sahara. However, what the UNSC overlooks is the remaining party, Algeria, considering the dispute effectively confined between Morocco and the Polisario and not regional issues that highly require the political will of Algeria.

Algeria is the one that endorses the Polisario militarily, financially, and diplomatically and shelters the SADR in its territory in southwest Algeria. The latter can solve this

dispute with a brave decision for the sake of peace in the whole region and the interest of the Arab-Maghreb, its construction, and development.

One piece of the puzzle in the United Nations' role in solving the western sahara conflict is its continuous decision to put this dispute in bodies like the UN Special Committee on Decolonization known as C-24 which one has to question whether it is still necessary to discuss this conflict within the framework of the C-24. In other words, the file was put at this committee in 1963 at the request of Morocco to achieve independence from Spain only and not from the Polisario which was formed ten years after. The Madrid Accord between Spain, Mauritania, and Morocco irreversibly sealed the decolonization process. This dispute was examined next by the Security Council under Chapter VI of the UN charter to seek an acceptable political solution beneficial to all parties. Additionally, now the Security Council is in a position to make recommendations and extend the MINURSO terms. Article 12 of the UN charter endorses the latter argument which clearly states that while the Security Council is exercising in respect of any, the General Assembly and its bodies shall not make any recommendation concerning that dispute or situation unless the Security Council so requests.

Finally, for more than half a century, the United Nations has sought to resolve the Western Sahara dispute, balancing and settling the concerns of the main parties' goals: autonomy/sovereignty and self-determination. The status quo is the outcome of an unusually significant and consistent set of factors. First, interest from the international community in this conflict is small, and insufficient international attention is given to the conflict, despite the continuing major threats of terrorism developments and the spike in instability and insecurity in the Sahel and neighboring regions, where links between Al-Qaeda in the Islamic Maghreb (AQIM) and the Polisario Front have been revealed. Second, the persistence of the intermittent historical tensions between

Algeria and Morocco as well as Algeria's lack of genuine commitment to resolving this dispute seriously hinder its resolution.

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