



COMMUNICATION ON THE BREAKING OF CEASEFIRE IN WESTERN SAHARA

The **Settlement Plan for Western Sahara** was designed in 1990 as a coherent set of interdependent measures so that People of Western Sahara may decide in a referendum between independence or integration with Morocco.

The ceasefire, proclaimed on September 6th, 1991, was one of the fundamental aspects of the Plan, but not an end in itself, but the precondition for carrying out the other capital measures : the deployment of a Mission of the UN in the Territory (MINURSO); the gradual and phased reduction of the Moroccan forces stationed in the Sahara; and, above all, the organization and control of the Referendum by the UN in cooperation with the at that time Organization of African Unity (OAU), in which registered Saharawis participated. The voting date was scheduled for the end of January 1992.

Well, the ceasefire was established on the date indicated, but the Transitory Period foreseen in the Arrangement Plan to prepare for the Referendum did not even begin afterwards; which caused the entire Maghreb region to remain anchored in a tense and brittle situation of "neither war nor peace".

The UN continues to be the maximum responsible for the implementation of the Settlement Plan and the fulfilment of its own resolutions to complete the decolonization of Western Sahara with the celebration of the Referendum. However, almost thirty years after the ceasefire, it is unable to unblock the application of the Plan and resolve the conflict. Since the resignation of the previous UN Special Envoy for Western Sahara in May 2019, an unprecedented situation has been created by the failure to appoint a new Personal Envoy, leaving a gap of more than a year on the road to peace.

Forty-five years have passed since Morocco's invasion of Western Sahara, sixteen of them at war, and twenty-nine years since the deployment of the UN mission (MINURSO) in the Territory, to ensure the celebration of the Referendum. This process has been managed by six General Secretaries at the head of the UN; with the appointment of five Personal Envoys and fifteen Special Representatives for the implementation of the Settlement Plan for Western Sahara; with the preparation of one hundred reports from the UN Security Council and another hundred more from different UN General Secretaries. And meanwhile, the situation of the People of Western Sahara remains the same as in 1975, or even worse because of the tragedy accumulated during these decades.

IAJUWS



International Association of Jurists for Western Sahara
Asociación Internacional de Juristas por el Sáhara Occidental
IAJUWS

Military Agreement No. 1, signed between MINURSO and the Frente POLISARIO in December 1997 and between MINURSO and Morocco in January 1998, established a Buffer Strip five kilometers wide to the South and East of the Moroccan wall, where the entrance of troops or teams of both Parties, by ground or air, and the shooting of firearms in or over this area, is prohibited at all times and constitutes a violation.

Already when in March 2001 the Moroccan army tried to build an asphalt road through the Buffer Strip in Guerguerat towards the border between Western Sahara and Mauritania, the UN warned Morocco that this “involved activities that could constitute violations of the ceasefire”(S / 2001/398; para. 5). The UN did not then raise any issue regarding “commercial or civil traffic” in the area, an aspect that did not appear in the General Secretary reports until April 2017 (S / 2017/307; para. 2 et seq .).

The spark ignited now, again due to the incidents in Guerguerat, must not ignore the root cause of the conflict: **the paralysis, for almost thirty years, of the Referendum of self-determination of the People of Western Sahara .**

Legally this is what must be addressed.

Consequently, we urge the International Community and the different States, especially the Kingdom of Spain, given its status as the Administrative Power of the Non-Self-Governing Territory of Western Sahara, to immediately take up the organization of the Referendum for self-determination of Western Sahara, with all the necessary democratic guarantees.

In addition, and in order to guarantee the physical integrity and dignity of the civilian population, the International Committee of the Red Cross must act, meanwhile, in accordance with the IV Geneva Convention of 1949, related to the protection due to civilians in time of war, and also in accordance with Protocol I, of 1977; underlining that both Parties to the conflict, Morocco and the Frente POLISARIO, are signatories of the Geneva Convention and its Additional Protocols.

**INTERNATIONAL ASSOCIATION OF JURISTS FOR WESTERN SAHARA
(IAJUWS). 20 / 11 / 2020**

IAJUWS

International Association of Jurists for Western Sahara
Asociación Internacional de Juristas por el Sáhara Occidental
iajuws@gmail.com