WESTERN SAHARA DISPUTE – FROM THE POLITICAL LEGACY OF DECOLONIZATION TO AUTONOMY

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A THESIS SUBMITTED IN PARTIAL FULFILLMENT
OF THE REQUIREMENTS FOR
THE DEGREE OF MASTER OF ARTS
(HUMAN RIGHTS)
FACULTY OF GRADUATE STUDIES
MAHIDOL UNIVERSITY
2010

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ABSTRACT

This thesis features a combination of historical, legal and geopolitical accounts of the Western Sahara dispute, which involves several conflicting parties including Morocco, Algeria, the POLISARIO, and initially, Spain and Mauritania. The thesis aims to contribute deeper insight into this ongoing dispute by studying the overall debate between the concerned parties. The main discussion of the thesis centres around the gradual fading of the legal paradigm based on the discourse of self-determination, as stipulated by the International Court of Justice in 1975 in relation to the Western Sahara case, and the emergence of 'autonomy' as an alternative political discourse for dealing with the dispute.

The thesis argues that the shift from the legal to the political approach in the case of Western Sahara presents a challenge to the international legal paradigm of self-determination. It also points to the significance of the 'facts on the ground' and the role of *realpolitik* that this type of dispute over territorial possession represents. This is evident in the fact that the United Nations, faced with a deadlock in realizing the legal decision of the International Court of Justice, decided in 2001 to gradually introduce a narrative of 'negotiated political solution' in the case of Western Sahara. The introduction of this political narrative illustrates how international law bears paradoxes from which it cannot escape. Such paradoxes stem from competing ideas of international justice, and state geopolitics that influence the applicability of international law.

Finally, the thesis argues that the use of a discourse of autonomy, as initially introduced by the United Nations and deployed by the Moroccan government in recent years, also delineates how the Western Sahara dispute has been part of the struggles for political stability and national unity in the region. These struggles partly explain the persistence of institutional denial of peoples' choice of political status in the Western Saharan territory.

KEY WORDS: WESTERN SAHARA/SELF-DETERMINATION/ UTI POSSIDETIS/ AUTONOMY/DECOLONIZATION/ TERRITORIAL BOUNDARIES DISPUTE

170 pages

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