

## Western Sahara sovereignty?

Wikipedia, describes the former Spanish Colony or Western Sahara thus:

“Since the Madrid Accords of 1975, a part of Western Sahara has been administered by Morocco as the ***Southern Provinces***. Another section, the ***Liberated Territories***, is administered by the Polisario Front as the Sahrawi Arab Democratic Republic (SADR). (1)

An encouraging sign for Morocco is, that the **UN** does not recognize either Morocco nor SADR sovereignty, over Western Sahara. This suggests that the jury is still out – or to be more precise, *their* Court has yet to convene. This suggests that the time to make a case for Moroccan sovereignty over their southern provinces, is now.

It is the **UN** to whom we look for solutions which meet the aspirations of competing nations. These solutions may well be a compromise. But this is the *raison d’etre* of the United Nations.

The **UN** postulates a *Referendum* as the key to the solution of self-determination; yet the ‘Referendum Mechanism’ is not in any **UN** reference document in relation to self-determination! How then do we make progress?

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If the preference of denizens of a territory is to be a deciding factor, the example of Kosovo comes to mind where historic occupancy was also a consideration. For in spite of Secretary of State Condoleezza Rice blithely insisting that Kosovo was unique and set no international precedent whatsoever, as Ted Galen Carpenter perceptively points out: (2)

“Moscow's August 26 decision to recognize the independence of Georgia's separatist enclaves of South Ossetia and Abkhazia demonstrates the arrogant folly of that position. In just a matter of months, the Kosovo precedent has backfired on the United States and generated dangerous tensions between Russia and the West.

Carpenter went on to observe that the Balkans solution embraced by the Clinton Administration bypassed the **UN** security Council (and hence the Russian veto) to launch its military operation and to impose further disdain for Russia’s prerogative as a permanent member of the Council and a major power in the international system.

Challenges to the **UN** authority have not abated with passage of time. In 2003 when America and its coterie of law breakers from the ‘International Community’, invaded Saddam’s Iraq, they did so under the now widely discredited justification of *Weapon of Mass Destruction*.

Notwithstanding that this deliberate lie had not been exposed at the time of the invasion, **UN** secretary general Kofi Annan said that the US war on Iraq was illegal. (3)

Whether these events have eroded the credibility of the **UN** – is a **subjective test**. But what *is needed* is an **objective test** of the legitimacy or otherwise, of the '**International Community**' as a surrogate for the **UN**.

Unfortunately, 'illegal wars' is not the only field in which the **UN** seems to lack the ability to enforce its mandate.

Even more concerning is the application of policy by the 'International Community' which seems to embrace acceptance of, 'double standards'.

So, while *Rome Burns*, to objectively evaluate the political situation in this former African Spanish Colony, a good place to start might be **Kosovo** and **Crimea**. These case studies at the least, take cognizance of historical occupation of the regions, of the determinations the **UN** applied but was unable to assert; and the emerging penchant for double standards which America and its 'International Community' seem to embrace.

Kosovo is landlocked in the central Balkan Peninsula, bordered by Albania to the southwest, the Republic of Macedonia to the southeast, Montenegro to the west and Serbia to the north and east. Until the demise of Yugoslavia in 1990ies, Kosovo was part of that post WW2 pro Soviet State.

The 1389 battle of Kosovo is considered to be a defining moment in Serbian history. Kosovo was the core of the medieval Serbian state and it has been the seat of the Serbian Orthodox Church from the 14th century.

From the 15th to the early 20th century, Kosovo was part of the Ottoman Empire until the defeat of the latter in the First Balkan War (1912–13), when the district of Kosovo was ceded to the Balkan League. The Kingdom of Serbia took the larger part of Kosovo, while the Kingdom of Montenegro annexed the western part before both countries joined the Kingdom of Yugoslavia after World War I. Post-World War II, Yugoslav constitution established the Autonomous Province of Kosovo.

Thus, the history of Kosovo territory provided a compelling case for Belgrade, as it emerged from the cauldron of Yugoslavia's disintegration, to retain the province as part of what remained of President Tito's post world War II fiefdom.

The rise of Slobodan Milosevic' in the 1990ies saw the reduction of powers of the autonomous province of Kosovo within of the province Serbia within Yugoslavia. This precipitated a proclamation of independence by the majority of Kosovo residents who happened to be Albanian – not Serb. This majority was also supported by neighboring Albania. A consequence was the subsequent armed conflict in Kosovo which extend from 1998 – 1999.

As the conflict deepened in what remained of Yugoslavia, under the ruse of NATO, America took a leading role. But its bombing campaign was not approved by the **UN**. It was therefore 'Illegal'. (4)

A contrary opinion to the above legal imperative of the **UN** may be found at Amsterdam Law Forum (5) which published the following view:

“The most important precedent supporting the legitimacy of unilateral humanitarian intervention was established by the events that transpired in Kosovo between March and June of 1999. NATO’s intervention in Kosovo has confirmed the doctrine of humanitarian intervention as legal custom. The Kosovo incident also gave expression to the moral consensus in the international community that severe tyranny should not be tolerated.

The author of this unilateral legal attack on international jurisprudence went on deliver an astonishingly subjective obiter or conclusion:

“The Security Council suffers from a legitimacy deficit, not because it is dominated by western powers (that is one of the good things about the Council), but because one oppressive régime has veto power, and because several of the non-permanent members have dubious moral credentials, to say the least. We should not worship process for process’ sake.

“The United Nations (and the Council in particular) is not a democratic body. The Security Council may well be the only thing we have in the times to come, but it is certainly not a reliable guardian of human values.

The rationale of intervention on humanitarian grounds as the above attempts to justify, in spite of **UN** legal determinations to the contrary, remains a contentious issue and as such it undermines the legitimacy of the international body set up in 1947 to provide guidance to the Free World.

The 2008 Kosovo declaration of independence was adopted on 17 February 2008 by representatives of the Kosovo people. The participants unanimously declared Kosovo to be independent from Serbia, while all 11 representatives of the Serb minority boycotted the proceedings.

Since its unilateral declaration of independence from Serbia, international recognition of Kosovo has been divided on the issue.

As of 1 December 2016, the Republic of Kosovo has received 114 diplomatic recognitions as an independent state. Notably, 110 out of 193 (57%) United Nations (UN) member states, 23 out of 28 (82%) European Union (EU) member states, 24 out of 28 (86%) NATO member states, and 34 out of 57 (60%) Organization of Islamic Cooperation (OIC) member states have recognized Kosovo. (6)

The Government of Serbia does not recognize it as a sovereign state, but has begun to normalise relations with the Government of Kosovo in accordance with the Brussels Agreement. (7)

Recognition of Kosovo's independence is controversial and is a precedent which can be applied to other contested territories. Abkhazia and South Ossetia formerly part of Georgia are two enduring examples but the most contentious may be the annexation of Crimea by Russia in 2014. (8)

The Ukrainian territory of Crimea was annexed by the Russian Federation on 18 March 2014. The annexation was preceded by a military intervention by Russia in Crimea, which took place in the aftermath of the 2014 Ukrainian revolution and was part of wider unrest across southern and eastern Ukraine. Russian media regularly carried reports of a massive majority of the Crimea peninsular, voting in favour of seceding from Ukraine and joining Russia.

In his speech of March 18, President Putin revisited the disagreements over Kosovo's declaration of independence, even quoting the U.S. argument before the ICJ: (9)

"I do not like to resort to quotes, but in this case, I cannot help it. Here is a quote from another official document: The Written Statement of the United States America of April 17, 2009, submitted to the same UN International Court in connection with the hearings on Kosovo. Again, I quote:

"Declarations of independence may, and often do, violate domestic legislation. However, this does not make them violations of international law." End of quote.

"They wrote this, disseminated it all over the world, had everyone agree and now they are outraged. Over what? The actions of Crimean people completely fit in with these instructions, as it were. For some reason, things that Kosovo Albanians (and we have full respect for them) were permitted to do, Russians, Ukrainians and Crimean Tatars in Crimea are not allowed. Again, one wonders why.

Of course, one speculates that this plagiarized American logic by the Russian President, infuriates the Americans and its supporters as much as did the opinion of Condoleezza Rice infuriate the Russians, justifying the secession of Kosovo. But with perspicacity, Mr. Carpenter commenting on the American logic of the times, accurately identified America's arrogant folly.

In November 2016, the **UN** committee passed a resolution condemning Russian occupation of Crimea 72-23 with 76 abstentions. (10) When these numbers are compared to the vote on Kosovo (as above), the evidence suggests that a clear majority in both cases is far from achieved. And once again, the impotence of the world body set up to prevent wars and lead the planet to peaceful resolution of its problems, has failed.

**In the view of the writer, these events tend to suggest that occupancy is nine tenths of the law (to coin a legal maxim).**

**Taking into consideration this cursory analysis of world events, I am bound to conclude that where Morocco stands today, Morocco should stay.**

With a so called indigenous population of nomadic people numbering less than half a million in a territory larger than the UK: to locate, identify and canvass for votes among these people, is I suggest a daunting and in fact an unrealistic task.

To place the resources of the land and sea of the former Spanish colony in the hands of such a vulnerable people, would be in my view a crime against humanity. A better recipe for another war could not better be conceived than perhaps, in America. Plunder and exploitation would quickly follow and to the victor would go the spoils.

To acknowledge that Morocco (and Mauritania for that matter), had a long standing cross cultural affinity with the 'indigenous people', long before the European colonialist nations which plundered the globe with impunity, were defeated in 1945, makes infinitely more sense to me and undoubtedly is a more just course.

**And who am I to pass such judgment? Since 2005 I have been engaged in commercial ventures from Morocco to Moscow; from Prague to Pyongyang; and Syria to the South Pacific. Before that I was a Member of the New Zealand parliament for 9 years; 3 of which were as part of the Executive. Prior to that I was a commissioned officer in the New Zealand police. I have university qualifications to Master's level in Law, Economics and Public Policy. I am also an Honorary Consul.**

**CV version: Ross Meurant is New Zealand businessman. A former Member of the New Zealand Parliament and the Executive and prior to that a commissioned officer in the NZ police, he has a Master's degree in Public Policy from Victoria University and Bachelor qualifications from the University of Auckland. He is also an Honorary Consul.**

- (1) [https://en.wikipedia.org/wiki/Western\\_Sahara](https://en.wikipedia.org/wiki/Western_Sahara)
- (2) <http://nationalinterest.org/article/kosovo-precedent-prevails-2833>
- (3) <https://www.theguardian.com/world/2004/sep/16/iraq.iraq>
- (4) [https://www.google.co.nz/?gws\\_rd=ssl#q=nao+bombing+jugoslavia+unlawful+](https://www.google.co.nz/?gws_rd=ssl#q=nao+bombing+jugoslavia+unlawful+)
- (5) <http://amsterdamlawforum.org/article/view/62/119>
- (6) [https://en.wikipedia.org/wiki/International\\_recognition\\_of\\_Kosovo](https://en.wikipedia.org/wiki/International_recognition_of_Kosovo)
- (7) [https://en.wikipedia.org/wiki/International\\_recognition\\_of\\_Kosovo](https://en.wikipedia.org/wiki/International_recognition_of_Kosovo)
- (8) <http://nationalinterest.org/article/kosovo-precedent-prevails-2833>
- (9) <http://opiniojuris.org/2014/04/02/kosovo-south-ossetia-crimea-legal-rhetoric-intervention-recognition-annexation/>
- (10) <https://www.thestar.com/news/world/2016/11/15/un-committee-passes-resolution-on-crimea-condemning-russian-occupation.html>