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# The EU and the Western Sahara conflict: a case of effective EU conflict mediation?

Bachelor's thesis in European Studies

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# Abstract

This paper examines the European Union as an effective conflict mediator, in the case of Western Sahara. The conflict between Western Sahara and Morocco is a case of decolonization, territorial sovereignty, resource management and more, which has for more than 60 years been a defining issue in international relations, both within and outside the Maghreb region where it exists. A region where the EU has many interests, particularly in terms of economy and security. Thus, the paper seeks to answer the question: how, and to what extent has the EU been an effective conflict mediator between Morocco and Western Sahara?

By drawing upon literature within the field of EU conflict mediation, the paper makes an attempt at creating a conceptual framework to accurately measure EU mediator effectiveness. By examining the context and evidence at hand through process tracing, and measuring them along six key variables, strategy, leverage, coherence, conflict context, impartiality and credibility, the paper concludes that the EU has not been an effective conflict mediator in the case of Western Sahara, mainly due to the Union's unwillingness to mediate the conflict in the first place.

# Sammendrag

Denne oppgaven undersøker den Europeiske Union, som en effektiv konfliktmegler i Vest Sahara. Konflikten mellom Vest-Sahara og Marokko er et tilfelle av avkolonisering, territoriell suverenitet, ressursforvaltning og mer, som i mer enn 60 år har vært et avgjørende tema i internasjonale relasjoner, både innenfor og utenfor Maghreb-regionen. En region hvor EU har mange interesser, spesielt når det gjelder økonomi og sikkerhet. Derfor forsøker oppgaven å svare på spørsmålet: hvordan og i hvilken grad har EU vært en effektiv konfliktmegler mellom Marokko og Vest-Sahara?

Ved å trekke på litteratur innenfor EU-konfliktmegling, forsøker oppgaven å skape et konseptuelt rammeverk for å nøyaktig måle EUs effektivitet som mekler. Ved å undersøke konteksten og funnene rundt konflikten gjennom prosess-sporing, og ved å måle dem etter seks nøkkelvariabler, strategi, innflytelse, sammenheng, konfliktkontekst, upartiskhet og troverdighet, konkluderer oppgaven med at EU ikke har vært en effektiv konfliktmegler i tilfellet av Vest-Sahara, hovedsakelig på grunn av Unionens manglende vilje til å megle konflikten i utgangspunktet.

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# 1. Introduction

The European Union (EU) is one of the most influential organisations on the international stage of today's world. Trade, diplomacy, investment, and international cooperation are all fields the union makes up a considerable force in. In recent years, we can see that also conflict mediation can be added to this list (Scalera & Wiegand, 2018, p. 448). Often times, when a major international event takes place, a mediator of some sort has usually played a role in the outcome. Essentially, this is a form of international politics where a select few individuals make decisions on behalf of possibly millions of people (Jones, 2001, p. 648). Thus, analysing and debating mediation, is critical to understanding not just international relations, but also organizations like the EU. Since the beginning of the 2000s, the EU has become more and more directly involved in facilitating peace negotiations both between and within states (Bergmann & Niemann, 2015, p. 957).

Western Sahara is one of these cases where the EU, and especially France and Spain have been involved in the conflict. This case of decolonization, territorial sovereignty, resource management and more, has for more than 60 years been a defining issue in international relations, both within and outside the Maghreb region where it exists (Fernández-Molina & Khakee, 2024, p. 2). Even though the EU has many interests in the region, the conflict remains unresolved to this today. With that in mind, this paper will be trying to answer the questions: how, and to what extent has the EU been an effective conflict mediator between Morocco and Western Sahara? Given the fact that the Western Sahara conflict remains unresolved to this day, it is my initial hypothesis that the EU lacks the appropriate approach to mediation and has therefore not been an effective conflict mediator in the case of Western Sahara.

In order to test this hypothesis, this paper will first briefly examine the theory behind international conflict mediation, then establish a conceptual framework and methodology to accurately measure the degree of effectiveness the EU has as a conflict mediator. Following this, we'll explore the context and history of the conflict, as well as the EU's relations with Morocco, their position on Western Sahara, and how some of the EU institutions have acted in the triangular relationship between the EU, Morocco and the people of Western Sahara. All of this will be measured along six key variables, to then finally conclude whether or not the EU has been an effective conflict mediator.

## 2. Research design

### 2.1 Literature review

In international relations, mediation refers to a type of conflict resolution which stresses the importance of a third party in the peace-making process between two or more disputing actors. In contemporary international affairs, the role of mediator has become more and more prominent (Jones, 2001, p. 648). The phenomenon of international mediation is a complex one, and it's many key terms and definitions are open for debate. Yet, approaches to studying the idea of mediation is commonly divided into two main sub-groups. The first approach focuses on forms of power, bargaining, manipulation, etc. and is usually referred to as a power-political approach to international mediation. In this approach, mediation is practiced through the manipulation of the social environment,



mostly via executive and administrative power, centred on the state (Jones, 2001, p. 649). The second approach is more concerned with factors like neutrality and impartiality and is called third-party facilitation/consultation. This approach focuses on how a mediator can actively break down social-psychological constructions, which acts as obstacles in the peace-making process (Jones, 2001, p. 650).

Effectiveness as a mediator between two conflicting parties, is entirely different to effectiveness as a party itself involved in conflict. The mediator enters negotiations with the intent to help conflicting parties reach a solution or settlement they would otherwise not come to by themselves. Which means the stakes involved, and the goals trying to be reached, are entirely different as a mediator, rather than a disputing party (Bergmann & Niemann, 2015, p. 958). Simultaneously, conflict mediation takes place in a completely different context, compared to more 'civil' negotiations, such as within the areas of trade or climate change. Factors like the intensity of violence, how long a conflict has lasted, salience of issues at stake, or the history of the disputing parties are all contextual factors which has a major impact on dynamics between all parties involved in negotiations (Bergmann & Niemann, 2015, p. 958).

In the article "The motivation of European Union mediation in civil conflicts", Scalera and Wiegand argues that the EU are most likely to intervene in a conflict through mediation, based on regional and economic ties. More specifically, these are biases based on geographical proximity, as well as economic relationships including for example bilateral trade or alliances, all based on affinity between the EU and their neighbouring countries (Scalera & Wiegand, 2018, p. 438). It is also argued that the EU has a particular normative bias towards the most difficult and hard to handle conflicts. This is based on the Union's strong emphasis on promoting and safeguarding values like peace, human rights, the rule of law and self-determination. Because of this, the EU is most likely to mediate conflicts where these values are threatened, thus the goal doesn't necessarily favour one side or the other in a conflict, but more so controlling and putting an end to the most intractable types of conflict (Scalera & Wiegand, 2018, p. 438).

## 2.2 Conceptualising EU conflict mediation and effectiveness in EU foreign policy

In their article "Mediating International Conflicts: The European Union as an Effective Peacemaker", Bergmann and Niemann defines the concept of EU mediation as any efforts by a single or collective set of actors representing the Union, to assist negotiations between disputing parties and to help them reach a settlement to their conflict (Bergmann & Niemann, 2015, p. 959). This means that EU mediation is performed by various actors and institutions within the EU's foreign policy apparatus, for example by the High Representative, the EU Presidency, delegations, or the European External Action Service (EEAS). Furthermore, the literature on EU mediation typically focuses on three approaches to study mediation effectiveness (Bergmann & Niemann, 2015, p. 959). The first one focuses on the EU as a global conflict manager, with a particular interest in EU military operations and civilian crisis management missions in regard to the Common Security & Defence Policy (CSDP), and how internal decision-making influences the EU as a foreign policy actor. Secondly, a large number of studies are concerned with how the EU, through contractual relations with conflicting parties, can contribute to conflict resolution. Particularly in regard to the European Neighbourhood Policy (ENP). Through this, we can

see how the EU uses the mechanism of conditionality to offer positive incentives and/or negative sanctions, as to push conflicting parties closer to an agreement. Lastly, the third approach analyses the EU's involvement in international institutions, and multilateral agreements. Although the studies on the EU's actorness in these contexts aren't necessarily linked to peace negotiations, they still tell us something about the conditions and patterns of EU behaviour (Bergmann & Niemann, 2015, pp. 959-960).

According to Bergmann and Niemann, mediator effectiveness for the EU can be obtained following two criteria: *goal attainment*, and *conflict settlement* (Bergmann & Niemann, 2015, p. 957). Goal attainment refers to the internal perspective within the EU itself, on whether or not they've been able to achieve their objectives as a mediator, in regard to a particular conflict. Bergmann and Niemann further measures this dimension in three levels of effectiveness: high, medium, and low. (I) A *high* degree of goal-attainment is achieved if all or most of the Union's goals set out before negotiations are met. (II) A *medium* degree of effectiveness is reached if some, but not all major goals are reached. (III) Finally, a *low* degree describes a situation where the EU has only achieved a few minor goals, or none at all (Bergmann & Niemann, 2015, pp. 960-961).

Conflict settlement on the other hand is based on the external perspective on whether or not efforts made by the EU has positively contributed to managing and settling the conflict. Additionally, the dimension of conflict settlement is something that can be observed as a change in the behaviour of each disputing party. This is observable both during the mediation process, as well as in the outcome. Examples of this could be the signing of a ceasefire, or an agreement solving parts or full conflict issues (Bergmann & Niemann, 2015, pp. 960-961). Assessment of conflict settlement can be measured in six stages, from least successful to most successful: (I) Mediation efforts lead to no agreement, neither substantially nor procedurally. (II) A Ceasefire is made to stop all military actions, and an agreement is made to seek a peaceful solution. (III) Procedural aspects are established to facilitate peace talks and implementation of concessions, this is known as a process agreement. (IV) An agreement on less important disputes is made, resulting in a settlement of minor conflict issues. (V) An agreement on highly important disputes is made, resulting in a settlement of major conflict issues. (VI) An agreement is made solving all issues between the disputing parties, resulting in a full settlement (Bergmann & Niemann, 2015, p. 961).

## 2.3 Methodology

In the small, but ever-growing literature on EU mediation, the definition and perception of effectiveness is measured along many different factors, yet we can observe some coherence between them (Chaban, Elgström, & Knodt, 2019, p. 506). Bergmann and Niemann, as thoroughly discussed previously, proposes to investigate mediator effectiveness around four main variables: mediator leverage, mediation strategy, coherence, and the conflict's context (Bergmann & Niemann, 2015, p. 961). *Mediator leverage* refers to the resources and instruments the EU brings to negotiations, in order to influence the outcome, and create an agreement. Without any leverage, the ability to exert influence becomes highly unlikely, resulting in little mediator effectiveness. *Mediation strategy* makes an important impact on the effectiveness as a mediator. As discussed in the literature review, there are several approaches to mediation, mainly facilitation or manipulation. According to Beardsley et al., manipulation is in fact the most effective

strategy. Thus, we can expect that the more 'manipulative' strategies used by the EU, will lead to a higher chance of conflict settlement (Beardsley, Quinn, Biswas, & Wilkenfeld, 2006, p. 58). *Coherence* refers to the degree of coordination and agreement between the Union's individual Member States' policies towards a conflict, and the mediation efforts handled by the EU's institutions. Lastly, *conflict context* focuses on the degree to which conflicting parties plays a role in the likelihood of conflict settlement. If a party has a low degree of internal cohesiveness, it may lead to *spoiler problems*, which refers to fractionalized parties potentially blocking the possibility for a peaceful resolution of a conflict (Bergmann & Niemann, 2015, pp. 961-963).

In their article "Perceptions of EU mediation and mediation effectiveness: Comparing perspectives from Ukraine and the EU", Chaban, Elgström and Knodt also uses coherence and mediation strategy as variables to measure effectiveness, but also includes perceived impartiality, as well as credibility (Chaban, Elgström, & Knodt, 2019, p. 507). *Impartiality* is considered to be absolutely necessary for a successful mediator. If the mediator has no stakes in negotiating an outcome, disputants are more likely to accept the mediator, and additionally providing them with information. *Credibility* refers to the degree that disputant parties believe, and trust in a mediator to deliver on a promised agreement. The higher the credibility, the more likely are disputing parties to accept the mediator's offers. Thus, we can likely observe a link between credibility and effectiveness (Chaban, Elgström, & Knodt, 2019, pp. 508-509).

While the variables above can be discussed separately, they are all connected to certain degrees. For example, the creation of a mediation strategy will usually depend on the mediator's leverage. In other words, an appropriate strategy can only be employed if the mediator possesses the necessary resources. Additionally, the conflict context may play a role in determining which strategies can legitimately be deployed. Mediator leverage, strategy, coherence, conflict context, impartiality and credibility are all variables which relate to both the EU's identity and characteristics as a mediator, as well as behaviour when conducting negotiations. Thus, we can assume that all six of these variables are adequate enough to accurately determine mediator effectiveness (Bergmann & Niemann, 2015, p. 961; Chaban, Elgström, & Knodt, 2019, p. 507). Still, it is necessary to be aware of the potential weak points to this approach. While some variables can be objective, as in they're easy to define and observe, others might purely be a matter of perception, and can thus appear vague or difficult to operationalise. For example, the EU might openly define their mediation strategies, making it easier to compare with empirical evidence. On the other hand, credibility is more so based on the perception of the EU, that the disputing parties has.

Moving forward, this paper will be conducting a single case study, using the process tracing approach. While the idea originates in the fields of cognitive psychology, the term 'process tracing' was around the 1980s appropriated to describe political psychology on an individual level. Yet, most scholars also accepts that process tracing can be used to make structural or macro-level explanations of historical cases (Bennet & Checkel, 2012, p. 7). In their paper "Process Tracing: From Philosophical Roots to Best Practices", Andrew Bennet and Jeffrey Checkel argues that process tracing retains its aspects from psychology by referring to the intermediary steps in a process, in order to evaluate if whether or not that process has resulted in an outcome of interest. The method attempts to identify intervening variables on the causal chain and causal mechanism between an independent variable and the outcome of a dependent variable (Bennet & Checkel, 2012, p. 8). Other single-case designs, for example such as the congruence method, may heavily rely on the

consistency between observed outcomes and theoretical expectations, in turn making causal interpretations a considerable issue (Schimmelfennig, 2013, p. 5). While comparative methods may give us confidence in the relationship between independent and dependent variables, they won't always provide a thorough explanation as to the causal mechanisms linking them. With process tracing however, by using process-level evidence such as historical documents, transcripts, or other sources, on causal mechanisms, we can in principle increase the validity of conclusions, strengthening our causal interpretations (Schimmelfennig, 2013, p. 5). In essence, process tracing can be defined as the analysis of evidence on processes, chain-reactions, and the conjuncture of events within a case, with the purpose of creating or testing a hypothesis about the causal mechanisms which might causally explain said case (Bennet & Checkel, 2012, pp. 9-10).

The case of the conflict between Western Sahara and Morocco has been chosen due to several reasons. Firstly, not only does the conflict remain unresolved to this day, but continuous human rights violations, as well as natural resource exploitation of a territory illegally occupied under international law, makes the conflict highly relevant (Fernández-Molina & Khakee, 2024, p. 4). Secondly, considering the conflict's relatively close geographical proximity, as well as Morocco supposedly being a 'model student' of the EU, one could assume that the EU is motivated to effectively mediate the conflict (Fernández-Molina, 2018, p. 329). Lastly, while there exist many articles regarding the relationship between the EU, Morocco and Western Sahara, recent developments in the conflict, as well as on the legal side of it all, calls for a re-examination of the EU's role in the case of Western Sahara (Lovatt, 2021).

## 3. Context and evidence

### 3.1 Background for the conflict in Western Sahara

The Western Sahara conflict stems all the way back to 1975, when a war broke out between Morocco and the Western Saharan independence movement, known as the Polisario front (Zunes & Mundy, 2022, p. 3). The territory which today is known as Western Sahara had in fact been a Spanish colony since 1884, and it would be Spain's failure to hold a referendum, called upon by the UN, on the question of self-determination which would lead to the conflict breaking out with the territory's neighbours in November of 1975. As Spain ceded the Western Sahara to Morocco and Mauritania, the Polisario front immediately declared the Sahrawi Arab Democratic Republic (SADR), which was swiftly recognized by the Algerian government as an independent state (Zoubir, 1990, p. 226). Mauritania was driven out only 4 years later in 1979 and renounced their claims on the territory. Morocco however, managed to occupy most of the country, roughly 75 percent, with generous external support. However, towards the end of the 1980s, the conflict had more or less turned into a military stalemate, with Morocco occupying the coastal zone of Western Sahara, and driving the Polisario front into the desert, by separating the two zones with a literal sand wall (Zunes & Mundy, 2022, pp. 3-4). Thus, the conflict became a matter for the UN. However, the peace process would prove to become a political extension of the war, as the military solution would be non-viable. Even though a broad consensus in the international community recognized the territory's right to self-determination from the start, great powers such as the United States and France has stood in opposition to this, just as Morocco (Zunes & Mundy, 2022, p. 59). While they both considered themselves

neutral in the conflict, by recognizing neither Moroccan claims nor the SADR's claims, they have both been actively arming and providing political support to Morocco (Zunes & Mundy, 2022, p. 60). However, the question of neutrality has partially changed recently, as the United States affirmed in 2020 that they do in fact recognize "that the entire Western Sahara territory is part of the Kingdom of Morocco" (U.S. Embassy Rabat, 2020). Even though the war ended with a ceasefire in 1991, brokered by the UN, the conflict is to this day still not concluded. Thus, Western Sahara's status is classified on the UN's list of non-self-governing territories, under illegal occupation by Morocco (United Nations, 2022). With tensions rising again, caused by Morocco securing more international support for their claim over the region, and Algeria breaking of diplomatic relations with the kingdom in 2021, as well as an attack on a Moroccan controlled phosphate mine in 2023, the hopes for a peaceful solution in the near future remains uncertain (Fabiani, 2023).

## 3.2 EU relations with Morocco

Between the years of 1992 and 1995, the EU developed a package of association agreements which they proposed to the 12 non-EU Mediterranean countries. This would include free-trade zones, financial aid, and closer cooperation in different sectors. Of these 12 countries, Morocco would be the first to be approached by the EU to begin discussions (Damis, 1998, p. 91). The negotiations would prove to be rather long and arduous, in part due to the negotiations of a new fisheries agreement, as the EU wanted to assure total access to the Moroccan's rich fishing grounds for Spain's fishing fleet. However, an agreement would be reached in November of 1995, which on the topic of fisheries, resulted in the EU's total favour. Morocco felt pressured to oblige, so they could secure the association agreement (Damis, 1998, pp. 91-100). Furthermore, the association agreement would enter into force in the year 2000, which the partnership is legally based on to this day (European Commission, 2024). Additionally, with the launch of the ENP in 2004, Morocco has gradually become a privileged partner of the EU, within fields like trade, political and economic cooperation. The country is in fact one of the neighbourhood partners who receives the largest amount of aid from the EU, in the form of financial and political support, and was even granted 'advanced status' in 2008 (Kausch, 2009, pp. 165-166). Simultaneously, the EU is Morocco's leading trade partner, as well as the largest foreign investor in the country, further stressing the importance of EU-Morocco economic relations (European Commission, 2023).

As mentioned, Morocco is a partner in the ENP, but what exactly is the ENP? In 2004, the EU launched the European Neighbourhood Policy (ENP), which has become the EU's most important, and wide-ranging foreign policy instrument over the 20 years since. Thus making it one of the most popular fields of study among scholars seeking to understand the EU's external relations and foreign policy (Schumacher, 2018, p. 3). The ENP was initially developed as a stand-in for enlargement, with the purpose of creating deeper political and economic relations with the countries at the Union's external borders. Naturally, the borders of the Union stretch far and wide, and after several rounds of enlargement, the EU is met with many unique and different neighbours. This includes Belarus, Moldova, Ukraine, as well as the Caucasian countries Georgia, Armenia, and Azerbaijan as part of the eastern neighbourhood. Additionally, we find the North African countries of Morocco, Algeria, Tunisia, Libya, and Egypt, as well as the eastern Mediterranean countries Syria, Lebanon, Israel, Palestine, and Jordan as part of the southern neighbourhood (Schumacher, 2018, p. 3).

The countries making up the ENP are given a priority due to their closeness, making it much more likely that the EU would employ resources in mediating conflicts in these regions. Naturally, disputes so close to the Union's borders are much more likely to disrupt the regional cooperation, and the EU will therefore have an invested interest in acting as an effective mediator (Scalera & Wiegand, 2018, pp. 438-439). With that being said, Western Sahara has historically remained outside the agenda of the EEC/EU, and still does to this day. The conflict has never been directly addressed by the ENP, even though 'the national question' of Western Sahara has remained the top priority for Morocco, in the EU-Moroccan relationship (Fernández-Molina, 2018, pp. 324-330).

### 3.3 The EU's involvement in Western Sahara

Considering the EU's close geographical proximity to the Maghreb region, and their historical ties of colonialism, one cannot undermine the strategic, economic, and political importance of North Africa for the EU (Benabdallah, 2009, p. 417). Consequentially, the EU's presence in the region as a whole, is remarkably high, also in regard to both sides of the Western Sahara conflict. This has been clear ever since Morocco gained independence from French colonial rule in 1956, as the country has shown a high degree of economic dependence on the European Community/EU (Fernández-Molina, 2017, p. 222). On the other side of the conflict, the EU has granted around 9 million euros per year since 1993, in the form of humanitarian aid and civil protection to the Sahrawi refugee camps near Tindouf, a town in south-western Algeria, close the border with Western Sahara (European Commission, 2024). Otherwise, only two of the EU's Member States has shown any interest or involvement in the conflict, namely France and Spain, due to their historical ties and invested economic interest. Although the two countries haven't made many contributions to a larger intra-EU intergovernmental consensus, they both seem to agree that some level of autonomy for Western Sahara, under Moroccan sovereignty, is the best way to move forward (Fernández-Molina, 2017, p. 223). In fact, as of 2022, Spain has officially recognized Morocco's plan to allow the Sahrawis their own administration over the territory, but under Moroccan sovereignty, and with the kingdom in charge of defence and foreign affairs (Minder, 2022).

Trade politics and security concerns plays a vital role in the EU's involvement in the Western Sahara conflict. In fact, the EU maintains a rather large number of contractual relations with Morocco. For example the 1996 Euro-Mediterranean Association Agreement, the ENP Action Plans from 2005 and 2013, sector-specific agreements on agriculture and fisheries, as well as the Deep and Comprehensive Free Trade Area (Fernández-Molina, 2017, p. 223). Of particular concern is the free trade zone, of which the conflict acts as a direct obstacle for EU interests. Considering the EU's need to diversify its energy supply, in the light of deteriorating relations with Russia, fostering cooperation with Morocco is of great importance (Kausch, 2009, p. 167). Most European governments view Morocco as a beacon of stability in a region otherwise plagued by transnational terrorism, illegal immigration and an increasingly dangerous Arab-Israeli conflict. Thus, the EU has somewhat reduced its commitment to political reform and democratization in Morocco, in trade for incentives driven by economy and stability (Kausch, 2009, p. 166).

On the other hand, neither the Polisario Front, nor the SADR has any contractual relations with the EU. Consequentially, in EU-Moroccan agreements, there exists no differentiation between the Sahrawi's territory, and the Moroccan occupied territories.

Thus, any bilateral economic agreement between the EU and Morocco, includes by default, the non-self-governing territory of Western Sahara, even though the occupation is deemed as illegal under international law. In practice, the continued trade of Western Saharan goods and resources between the EU and Morocco, can be seen as an acceptance of the status quo (Fernández-Molina, 2017, pp. 223-224).

### 3.4 The EU's position on the conflict

The very first time the EU took a stance in the conflict was in 1981, 6 years after the start of the war, when the EP adopted its first resolution on Western Sahara, supporting the side of Morocco. At the time, Polisario was not yet recognized by the EP as the Sahrawi's representative, and the conflict was seen more so as a dispute between Morocco and Algeria. Additionally, France has traditionally been a supporter of the Moroccan monarchy, likely due to its colonial ties (Benabdallah, 2009, p. 423). The 1981 resolution sparked some outrage amongst certain members of the EP, which led to the creation of the "Peace for the Sahrawi People" group. The group gained even more traction as Spain became a member of the EU in 1986, and Spanish members of the socialist party gained more seats in the EP. The group actively argued that the conflict was a matter of the decolonization of a non-autonomous territory, which led to the EP passing a resolution, recognizing the right to self-determination for the people of Western Sahara in 1989. In fact, the EP is the only body within the EU which has openly spoken about the situation in Western Sahara and has criticized Morocco for delaying and obstructing the peace process (Benabdallah, 2009, pp. 423-424). Additionally, the EP has regularly asked the Council, and the Member States to support the UN's peace process more actively. However, neither the Council nor the Commission has shown much, if any, effort on this issue. While the EU has declared that the conflict is a major obstacle to the stability, prosperity, and cooperation with the region, its actions seem to contradict the declarations and resolutions adopted by EU institutions (Benabdallah, 2009, p. 425).

Both the desert and the coast of Western Sahara is rich in natural resources, mainly phosphates, fish, and potentially offshore oil (Benabdallah, 2009, pp. 425-426). In fact, Morocco's occupation of Western Sahara puts them in possession of almost 70% of the world's known phosphorus reserves, and therefor accounts for 50% of Europe's phosphate imports (European Parliament, 2023). This is one of the factors which influences the EU to stick to an 'economy first' approach to the conflict, and thus seem to adopt a more pro-Moroccan policy, than what their declarations of neutrality may say (Benabdallah, 2009, p. 426).

The EU's approach to resolving the Western Sahara conflict can be described more or less as non-engagement, or 'taking the backseat' to the UN. According to the UN, Western Sahara is a non-self-governing territory which is de facto administered by Morocco. This is a position which the European Commission has stood behind at least since 2015. The then High Representative for Foreign and Security Policy between 2014 to 2019, Federica Mogherini, doubled down on this, with the approach that the EU would not make any actions which could possibly undermine the UN's mandate and efforts (Fernández-Molina, 2017, pp. 221-222). The conflict itself has seen little action since the ceasefire in 1991 and has thus become a matter of low priority for the international community. With this in mind, the EU's low profile in the conflict's resolution is presented as an intentional

and realistic choice by the Union's Member States and its institutions (Fernández-Molina, 2017, p. 222).

It is worth mentioning that in order to increase visibility, the Sahrawis have adopted an international 'parliamentarian' strategy, which involves building relationships with political parties sympathetic to their cause in other countries, as a way to influence public debate and decision making (Fernández-Molina, 2017, p. 229). This strategy has been particularly prolific, and also relatively successful in the EP. This, thanks to the Lisbon Treaty of 2009, granting the EP more control over law-making in regard to EU foreign policy (Fernández-Molina, 2017, p. 229).

### 3.5 The Court of Justice of the European Union's latest rulings & Morocco's response

Since 2016, it seems that a new body of the European Union has been challenging the status quo of Western Sahara, namely the Court of Justice of the European Union (CJEU) (Suárez-Collado & Contini, 2022, p. 1160). During the last few years, the CJEU has been issuing several rulings, regarding a variety of agreements between the EU and Morocco. One of the most prominent judgments, determined that Western Sahara has a separate and distinct status from Morocco. In effect, this means that the CJEU considers the Polisario Front as the legitimate representative of the Sahrawi people. This goes directly against the positions of the European Parliament, Commission and Council, who has for long seen the conflict as a matter of decolonization between France and Spain on the one side, and Morocco on the other (Suárez-Collado & Contini, 2022, p. 1161). Additionally, international law only permits the exploitation of natural resources in non-self-governing territories, which Western Sahara is classified as by the UN, if it is conducted in collaboration with the local population, and their interests are considered. Seeing as this is not the case in Western Sahara, the CJEU's stand to recognize the Polisario Front, has fundamentally challenged the current status of natural resource management in Western Sahara. Additionally, the CJEU has overruled the inclusion of Western Sahara in the Agricultural Agreement, as well as the Fisheries Partnership Agreement between the EU and Morocco. Further putting the relationship between the Union and the Kingdom in jeopardy (Suárez-Collado & Contini, 2022, pp. 1161-1162). In fact, it was the Polisario Front, in June of 2019, who sought the annulment of the Fisheries Partnership Agreement, made by the Council on behalf of the EU, with Morocco. Polisario argued that the Council failed to respect the Sahrawi's right to self-determination, and the Council decision was therefore annulled by the General Court. Consequentially, both the Council and the Commission appealed the decision before the CJEU (Court of Justice of the European Union, 2024).

Due to the court's ruling, fishermen from the EU will no longer be allowed to work within the waters of Western Sahara under Moroccan permits. Thus, to operate within Western Sahara, fishermen must seek the consent of the Sahrawis when entering into agreements regarding their territory (Lovatt, 2021). Unexpectedly, these new developments within the EU have angered Moroccan officials, who in turn has even threatened to weaponize migration against Europe. An example of this is how Morocco encouraged thousands of immigrants to 'flood' the city of Ceuta, a Spanish exclave on the northern coast of Morocco (Lovatt, 2021). Additionally, it's worth mentioning that in late 2022, it was uncovered that Moroccan officials had supposedly bribed Members of the



European Parliament (MEPs), to promote Morocco's political interests. The scandal was consequentially named 'Morocco gate' and led to the arrest of several MEPs, as well as parliamentary aids (Fernández-Molina & Khakee, 2024, p. 3).

## 4. Measuring EU mediator effectiveness in the Western Sahara conflict

### 4.1 Strategy

The EU's official strategy to the conflict can be described as minimalistic, as it simply involves following and supporting the efforts done by the UN, and not much more (Fernández-Molina, 2017, p. 221). Based on the literature explored earlier in this paper, as well as the lack of any substantial and observable change in the conflict, it is safe to say that the mediation strategy (or lack thereof) employed by the EU, does not contribute to effectively mediate the conflict. The literature on effective mediation-strategies favours a balanced approach to maximize effectiveness. The key is supposedly to increase the incentives for disputing parties to come to a conflict, while simultaneously using a manipulative style to structure the costs of conflict (Beardsley, Quinn, Biswas, & Wilkenfeld, 2006, p. 81). The EU's backseat approach however, is a strategy which has persisted more or less all throughout the conflict's history and involves no active role in negotiations.

Even though the EU as a whole seem to lack a prominent and clearly defined strategy, one could argue that the CJEU has in the last few years become a sort of facilitator to spark new negotiations, at least on the topic of resource management, and on the question of who Western Sahara's legitimate representative is. While the court case regarding the Fisheries Partnership Agreement concerns the waters of Western Sahara, the core of the issue is more so about the land. Fighting these legal battles in the CJEU, is a way for the Polisario front to press their sovereignty-claims and put pressure on the Moroccan's foreign policy and economic agenda (Associated Press, 2024). While it may not be completely deliberate, and definitely not coherent with the rest of the EU institutions and Member States concerned, the CJEU becomes a facilitator for the Sahrawis to adopt a legally focused strategy to achieving self-determination, and eventually settling the conflict.

### 4.2 Leverage

The point of the ENP is in part to foster change in partner countries in terms of democratization and political reform, for example by offering economic incentives. Even though this can be seen as the EU having a form of leverage against Morocco, it seems to have been ineffective in making any contributions towards mediating the Western Sahara conflict. Neither the 2005, nor 2013 action plans on Morocco mentions Western Sahara at all, in fact, not even the word 'Sahara' is written in either, showing a clear neglect of the conflict by the EU. This seems to be an extraordinary exception, as action plans on other neighbourhood countries includes several references and goals to their respective conflicts and disputes, for example Israel and Palestine, Moldova and Transnistria, Georgia and

south Ossetia, among others (Fernández-Molina, 2017, p. 225). The lack of change in the 2013 action plan suggests that the ENP has not made much of a difference in the case of Western Sahara, even as the ENP was last reviewed in 2011, following the events of the Arab spring.

The ENP is supposed to act as an effective policy tool, to create stable and cooperative relationships with these countries, and furthermore to keep up the momentum of the EU's enlargement process (Hoffman & Niemann, 2018, p. 34). However, scholars tend to disagree on exactly how effective this tool has been. In ENP literature, EU effectiveness is often linked to goal-achievement, and the idea of coherence. Meaning that a high level of coherence, leads to a higher level of effectiveness. Others suggest that EU effectiveness in relation to the ENP is rather a question of how much domestic change that has occurred in partner countries, which can be associated with the EU's leverage and incentives. Another interpretation of effectiveness, referred to as the 'capability-expectation gap', focuses the question of effectiveness on the EU's ability to act, in comparison with the Union's own expectations, as well as their ENP partner's expectations (Hoffman & Niemann, 2018, pp. 34-35). Regardless of whichever interpretation one might subscribe to, in the case of Western Sahara, the EU has not been using any form of leverage to effectively mediate the conflict.

One could argue that it is in fact Morocco which has leverage over the EU. The two parties have many mutual interests, not just related to trade and economics, but Morocco is also an important partner in counter-terrorism cooperation and migration control. Considering Morocco's close geographical location to Spain and its exclaves Ceuta and Melilla, it's especially important for the Spanish to keep Morocco as a safeguard for illegal immigration (Lovatt & Mundy, 2021, pp. 15-16). However, by accepting this form of 'blackmail' by Morocco, the EU gives up a lot of leverage, and loses a great deal of credibility. Especially when taking the Morocco gate scandal into account.

Instead of appealing and taking up the fight with the recent rulings of the CJEU, the Council and the Commission should embrace the political reform that may come to Morocco from the correct implementation of EU laws. Taking up this fight only serves to undermine the Sahrawi's right to self-determination. What the EU could instead be doing, is use their normative and trade powers to gain leverage in the conflict and use it to point the parties towards a future agreement (Lovatt, 2021).

### 4.3 Coherence

The EU seems to have a clear problem when it comes to coherent stances and policies on Western Sahara, both among Member States and EU institutions. Based on the decisions made to down prioritize political reform in Morocco, in favour for agreements on trade and economic cooperation, the Commission and the Council seem to have taken an 'economy first' approach, which also mostly has dominated the discourse surrounding the conflict (Benabdallah, 2009, p. 426). Otherwise, it seems that only the European Parliament has raised any questions surrounding human rights violations, as well as putting the humanitarian crisis which has left Sahrawi refugees stranded in Tindouf on the agenda (Benabdallah, 2009, p. 424). Simultaneously, the recent developments in the CJEU which legally differentiates the territory of Western Sahara and the Sahrawi people from Morocco, goes against the stances of the other EU institutions, while also calling a substantial number of EU-Morocco agreements into question.

While few of the EU's Member States have taken any official stances on the conflict, the ones that do, can't seem to agree either. The most involved Member States, France and Spain, tends to accept a political compromise with Morocco, in order to safeguard economic interest. On the other side, the countries more removed from the conflict, like Sweden, emphasises international law, and the Sahrawi's right to self-determination (Lovatt & Mundy, 2021, p. 15). The failure to agree on an official stance, as well as efforts made in the conflict, both between Member States and EU institutions, testifies to the EU's low degree of coherence in the conflict.

## 4.4 Conflict Context

The historical background for the Western Sahara conflict is as relevant today, as it was at the start of the conflict more than 60 years ago. As both Western Sahara and Morocco used to be colonies of Spain and France respectively, there is no surprise that both countries have an invested interest in the conflict being settled a certain way. Morocco claims the territory based on historical ties, reaching back hundreds of years, claiming that the Polisario Front simply represents an insurgency, and thus a threat to the Moroccan monarchy (Zunes & Mundy, 2022, p. 287). On the other side, you have the Sahrawi people who's right to the land is not only internally justified by Western Saharan nationalism, born from Spanish colonialism, but also externally grounded in international law (Zunes & Mundy, 2022, p. 288). Additionally, third parties both within and outside the Maghreb region plays an important role in the conflict. The UN has since the start of the conflict tried to facilitate a referendum on self-determination for the Sahrawis, but has continuously failed to do so, resulting in the stagnant status the conflict has today. Additionally, on the border with both Morocco and Western Sahara, we find Algeria, which harbours in Tindouf not only the Sahrawi refugees, but also the SADR's government in exile. With Algeria being a sponsor of the SADR, and a rival to Morocco, they can easily cause spoiler problems in negotiations (Zunes & Mundy, 2022, p. 290).

With all these parties involved, as well as the EU's own strategic and economic interests in the region, there's no doubt that the conflict's context plays an important role on mediation effectiveness. The conflict's long-lasting lifespan despite the UN's efforts to hold a referendum on self-determination speaks to the fact that the parties involved are not easily persuaded into reaching an agreement. Though, it is worth noting that this paper has not looked very deep into UN efforts, but there's still plenty of other factors which may cause spoiler problems in mediation efforts. For example, the EU's economic interests, Morocco's forms of leverage over the EU, Spanish and French interests, and much more. Thus, we can conclude that conflict context makes an important impact on mediation effectiveness in the case of Western Sahara.

## 4.5 Impartiality

While the EU officially claims to be neutral in the conflict, the evidence at hand shows something different. The EU already has a great deal of contractual relationships and agreements with Morocco, which testifies to the Union's interest in the kingdom coming out on top of this conflict. To further demonstrate this point, we can examine the effects of the Fisheries Partnership Agreement. The EU claims the agreement is to the benefit for

the people of Western Sahara, by boosting employment rates and socio-economic development, as 94% of catches by the EU's fishing fleet made possible by this agreement, comes from the waters of Western Sahara. However, this agreement was made exclusively with Morocco, completely disregarding the consent of the Sahrawi people. That means that the roughly 500 million euros (2019) of Moroccan exports to the EU, does not even touch the hands of the Sahrawi people (Lovatt & Mundy, 2021, p. 15). Furthermore, with Member States like Spain already recognizing Moroccan sovereignty over the territory of Western Sahara, while not even recognizing the Polisario Front as the Sahrawi's legitimate representative, there is clearly an imbalance which comes with the EU as a conflict mediator.

On the other side, with the Sahrawis being able to lobby the EP, and build relationships with important political parties, they can remind the EU that there is in fact two sides to this conflict. Furthermore, the CJEU is a completely objective body, as it bases its rulings in international law. Also, not all Member States has the same stance as Spain on the conflict, as mentioned earlier with the case of Sweden. Still, the Member States and the institutions of the EU which are the most involved with the conflict seems to be in favour of Morocco, mainly due to economic and security reasons, based in the many agreements between them. Thus, we can conclude that the EU has a relatively low degree of impartiality, which results in ineffective conflict mediation.

## 4.6 Credibility

The official decision to stick with the UN's efforts so closely in Western Sahara does give the EU some extra credibility by extension. After all, the UN is an organization who's core values are built on democracy and human rights. In fact, since its creation, the UN has done more to support democracy around the world, than any other international organization (United Nations, 2020). The EU themselves already holds a great deal of credibility based on its achievements. Since its beginning, the EU has helped to bring peace, stability and prosperity to the European continent. In fact, the EU already has experience within the field of conflict mediation, as it has played a crucial role in rebuilding peace and stability in the Western Balkans, after the Yugoslav wars. Additionally, the Union works to spread democracy, fundamental human rights and the rule of law across the globe and provides humanitarian aid to more than 120 million people worldwide (Directorate-General for Communication, 2024).

Considering the factors mentioned above, one could draw the conclusion that the EU is seen as a credible mediator by the disputing parties. However, taking into account the EU's rather low degree of impartiality, as discussed in the previous sub-chapter, one could argue that it hurts the Union's credibility, especially for the Sahrawi people. Furthermore, the EU priding themselves in being somewhat a 'protector' of democracy and the rule of law, while still making compromises on political reform, in favour of economic interests, puts the Union's credibility to question. Therefore, I'd like to argue that the EU only has a medium degree of credibility in the case of Western Sahara.

## 4.7 Conflict settlement & goal attainment

The recent resumption of low-intensity hostilities, causing the collapse of a more than 30-year-old ceasefire, as well as the disputants unwillingness to come to any agreement, shows that the conflict hasn't come any closer to being settled (Fernández-Molina & Khakee, 2024, p. 2). In fact, as the EU has become increasingly more involved with Morocco during the 2000s, the conflict has taken a step backwards in regard to being settled. While the EU's involvement may not necessarily be a causal factor in this development, it is still certainly eyebrow raising, as we previously in the conceptual framework, identified this situation as the lowest degree of conflict settlement.

Considering the EU's doggedly approach to the conflict, it's hard to identify any concrete goals. As the EU claims to be a neutral party in the conflict, who's stance is supporting the efforts made by the UN, we could consider the goals of the EU to be synonymous with the goals of the UN. The United Nations Mission for the Referendum in Western Sahara (MINURSO) is the UN's representative in Western Sahara, and the ones responsible for achieving the UN's goals. MINURSO was created for a number of reasons, but it's main goal was to monitor the ceasefire, and organise a referendum on self-determination for the people of Western Sahara (MINURSO, 2024). To this day, no referendum has been held, and the ceasefire was ended in 2021 by the Polisario front (International Institute for Strategic Studies, 2021). Thus, no major goals have been achieved. On the other hand, we can identify some of the EU's more unofficial goals. A continuous thread throughout this paper, is the EU's emphasis on keeping good relations with Morocco, for economic and security reasons. Though EU-Morocco relations seem to go through both ups and downs, I'd argue that the EU's goals have mostly been kept throughout the conflict. However, these goals do not relate to mediating the conflict, and I'd therefore conclude that EU mediation efforts has had a low degree of goal attainment.

## 5. Conclusion

In summary, Western Sahara is a non-self-governing territory, entitled to self-determination by international law. However, failed attempts of decolonization stemming all the way back to the 1960s, would eventually lead to a conflict unresolved to this day. In this paper, I've examined the EU's involvement in mediation efforts along six key variables, which summarized lets us measure how, and to what extent the EU has been an effective conflict mediator. The EU has applied no effective strategy to mediating the conflict, and the leverage it has, has not been used effectively. Additionally, the Union has a low degree of coherence due to Member States and EU institutions not being able to agree on an appropriate approach, and a low degree of impartiality, due to the EU-Moroccan relationship. All of this, together with a difficult conflict context, and only a medium degree of credibility, has resulted in no steps taken towards conflict settlement, and a low degree of goal attainment for the EU. In conclusion, the EU has by no means been an effective conflict mediator in regard to Western Sahara, mainly due to it taking little, if any interest in mediating the conflict in the first place. This means that the initial hypothesis, as presented in the introduction, stands correct.

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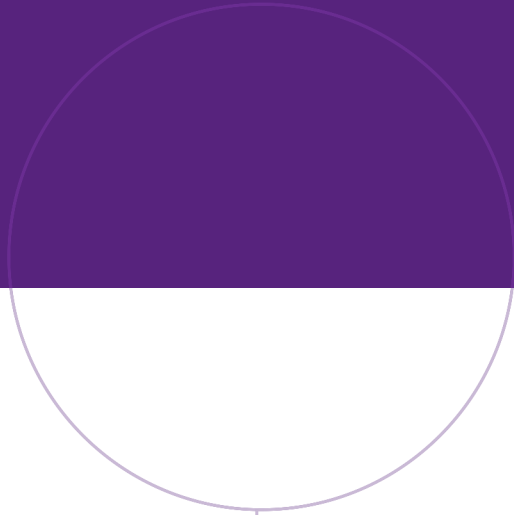
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