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## The Struggle for Self-Determination: A Comparative Analysis of East Timor and Western Sahara

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**The Struggle for Self-Determination:  
A Comparative Analysis of East Timor and Western Sahara**

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Honors Thesis

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## Abstract

Self-determination is accepted as an international right of all people, yet in many cases it still takes decades of struggle to achieve it. Through comparative analysis of the self-determination and independence struggles of East Timor and Western Sahara, conclusions can be drawn as to why some former colonies are able to achieve these goals while others do not. In order to better understand the challenges associated with self-determination, I evaluate the two cases based on four overarching factors which influence the process: statehood criteria and imagined community status, colonialism and occupation, presence of natural resources, and international recognition. I argue that it is the will of the occupying or colonizing state and the actions of the international community, along with the power of human resilience, that are most important to the success of a self-determination effort.

## Introduction

Since the inception of the United Nations charter, self-determination has been considered a right of all people under international law (Cornell). This right was further solidified following World War II which marked the beginning of mass decolonization as European colonial powers lost their stronghold over their former colonial empires. Throughout the 1960's and 70's a movement in support of self-determination spread across the world and international pressure mounted to end colonization. However, in some cases, like those of East Timor and Western Sahara which are the focus of this research, the process was not that simple. The purpose of this research is to analyze why some former colonies have achieved self-determination while others have not. I will focus on a variety of factors which have proved relevant to the struggles of the East Timorese and Sahrawi peoples who have found themselves in decades long struggles to achieve something that is considered to be a right under international law.

Overall, the goal of this research is to synthesize this wide and complex idea of self-determination, by comparing a successful, albeit long and difficult, path to self-determination by the people of East Timor, to the equally challenging situation of the Sahrawis in the Western Sahara. I will show the challenges of self-determination beyond the colonial period from both a political science and international relations perspective that can be more widely applicable, but also show how personally significant this process is to peoples who have been denied the right to identify and govern themselves. Behind the political struggle of these situations are strong and vibrant cultures and resilient people, who have not given up on a hope for a better future, one of independence, liberation, and the freedom to live as they desire without oppression or occupation.

### Literature Review

The variety of sources used to form this research exist in three central categories, those relating to East Timor and Western Sahara respectively, and those which evaluate and attempt to define self-determination and statehood from a political scientist's lens. I sought out sources coming from a political science perspective because by nature the discipline requires comparative analysis leading to synthesized ideas about how political systems function and how people operate within them. Another angle to the literature that is of utmost importance in this research is the local perspective, which allows a true understanding of the beliefs, experiences, and thought processes of the Sahrawi people and the people of East Timor.

In order to create the theoretical foundation for this research, it is essential to define three overarching terms, the first of which is statehood. For the purpose of determining a prognosis for the Western Sahara, I rely on the criteria for statehood established by the Montevideo Convention on Rights and Duties of States. According to Article 1 of the Convention, to be considered a state there must be a permanent population, defined territory, a government, and the

capacity to enter into relations with other states (Montevideo, 1933). Between the two cases studied here, consideration will be given to when and how these criteria were met in East Timor and what it meant for their process towards self-determination and evaluate the extent to which they have been met by the Sahrawi Arab Democratic Republic in the Western Sahara. This definition seems to be the most widely accepted definition as the convention was ratified by fourteen states in the Americas, however it is not by any means an international law which must be met to be officially considered a state, it is more of a theoretical framework that can be applied to cases such as these. The reason I draw attention to this being theoretical is that even upon meeting these criteria, it is not uncommon for communities or territories to still not be recognized as official states by the international community, particularly by the United Nations which as an institution is at the center of these issues of self-determination. It is within the organization's charter that self-determination is declared a right of all people (United Nations, 1945). This is where the concept of sovereignty comes into play as it is often the barrier to statehood for cases like East Timor and Western Sahara.

Regardless of the presence of the Montevideo criteria for statehood, sovereignty is another criterion which has created challenges for the Sahrawis and the East Timorese because of the invasion and occupation they have faced. Sovereignty is important because it plays a strong role in creating legitimacy, in the case of Western Sahara, Morocco is considered a sovereign state while the Sahrawi Arab Democratic Republic is not, and thus Morocco has a significantly greater legitimacy in the eyes of the international community. The United Nations refers to cases like the Western Sahara, and formerly East Timor, as "non-self-governing territories" regardless of their participation in intergovernmental organizations both within Africa and internationally, and the government administration present in their refugee camps (Pinto Leite, 2006). Even

though East Timor met all conditions of statehood and had a sovereign government prior to the Indonesian invasion, which was recognized by many in the international community, the United Nations declared it a non-self-governing territory following Portugal's exit. This left the East Timorese without the power and legitimacy of institutionally recognized sovereignty (Pinto Leite, 2006). Essentially the message is that because these territories were invaded, they are then inherently incapable of self-governance. This is yet another of many contradictions that can be seen in international law, particularly stemming from the UN, because by saying that all people have a right to self-determination but then declaring these cases to be non-self-governing, they undermine the people their charter sought to protect. Often the UN acts in favor of maintaining amicable relations with larger, sovereign states like Morocco and Indonesia, and even the former colonial powers in these cases, Portugal and Spain. The reality is that if these states had been recognized as sovereign and self-governing, these invasions would have been more highly scrutinized. Later, I will further explore why that was not the case and what the prolonged implications of this label are.

A final term which can be used to legitimize and progress a group towards statehood is that of the imagined community. This concept, which was coined by Benedict Anderson in his book of the same title, is somewhat of a precursor to self-determination through which a group of people can define themselves collectively. Imagined community is used to describe a nation which exists primarily within the minds of the people who are a part of it. An imagined community has a shared identity, culture, and often language which defines them as a people and can serve as their justification for self-determination because it illustrates them as a unified group which exists within a given territory (Munro, 2021). The power of the imagined community is that it creates its own criteria for statehood and thereby forms its own legitimacy from within, it

does not rely on recognition from other states. Another feature of an imagined community is that they have specific political goals and interests. This is often what can take an imagined community and turn it into a nation-state because it is then no longer just within the minds of the people but begins to build the organizational structure of a state, thus paving a path towards self-determination (Munro, 2021). These terms, particularly that of the imagined community, are especially relevant to this conversation because they are a form of empowerment for people who have not been able to amass political power. For two former colonies who then faced occupation, they have been very limited in their ability to build their own power or even make decisions for their own political futures, thus being able to look within for something that has been denied to them by outsiders can create a sense of control over their fate.

#### Framework for Comparison

There are four factors which will be discussed throughout the piece that are key determining factors as to whether a community will be able to achieve self-determination or not. First, I consider the impact of colonialism and the historical context of the case. This includes consideration of the nature of the decolonization of these two cases, which leads into how they became occupied. An analysis of the conditions which existed under the colonial regimes which left both East Timor and the Western Sahara so vulnerable to invasion, and subsequently how the occupying nations were able to maintain their stronghold for so long is an important feature in their struggle towards self-determination. In the case of East Timor this will involve establishing the nature of the colonial relationship with Portugal and then delving into the structures which were created by the East Timorese following their independence and why they were not enough to be considered a state prior to the Indonesian occupation. It is also essential to consider the nature of the occupation, why it occurred, and what ultimately ended it. This will shine a light on a possible path forward for Western Sahara where we see a similar pattern of colonization by



Spain and then occupation by Morocco which is still ongoing. By analyzing the similarities and differences between their experiences with colonization and the historical context, the goal is to reveal why the Sahrawis are still fighting for self-determination while the East Timorese have achieved it.

Next is an evaluation of their progress towards self-determination politically, through their ability to meet the criteria for statehood as outlined in the literature review. This analysis will be through two lenses, first through the criteria for statehood in the Montevideo Convention, which represents the international law perspective and second through the principle of imagined communities which is a more sociological approach to forming a state. In these cases, it will be important to evaluate not only their ability to meet the criteria but also the relevance of their progress. These criteria are in no way binding and are formed more from a perspective of evaluating existing states than they are for state creation. Thus, it must be determined whether meeting these criteria has an impact on their ability to achieve self-determination or if other factors ultimately outweigh it, such as the power of the states which occupied their territories. When it comes to evaluating whether their existence as imagined communities is relevant, consideration must be given to the impact unity and empowerment have on the resilience of their struggle and if it has any significance to the actual political process of self-determination.

The third factor, which is central to these struggles for self-determination is the presence of natural resources in the territories. An argument can be made that the presence of rich natural resources can be an advantage to self-determination as it can boost economic viability and create opportunity for international trade agreements. However, it can also make these territories a target for invaders who wish to tap into the resources themselves and would rather be in control of them than form an agreement to obtain them. This is particularly relevant in cases where the

territory has been deemed non-self-governing, which both of these were, because it brings into question who controls the resources and who has a right to exploit them. In Western Sahara there is a great deal of conflict from the post-colonial era over coastal fishing access and phosphate mines which are crucial to global agriculture. In East Timor there is a presence of oil, natural gas, and minerals which were also a point of contention as they worked towards self-determination. In addition to the presence of these resources and who has the right to control them there is also the question of who has the capacity to manage natural resources? As some of these resources are finite and have a high global value, it is central to their struggle for self-determination to prove that if they have independence, they will be able to regulate and oversee the use, trade, and also the conservation of these resources. If they are able to do this it can prove their ability to self-sustain as a country, but if they cannot it can be grounds to question their right to self-determination.

The final key factor is the role of the international community, particularly the United Nations, in these cases and how that can impact their ability to exercise their right to self-determination. This factor comes last as it is somewhat of a culmination of the other factors, to see what it would take for the international community to recognize these cases as states. From the perspective of East Timor, this will focus on the turning point in which they actually achieved self-determination, establishing what it took for them to finally gain recognition as a state, and what impact the views of other countries around the world played along the way. For Western Sahara, it will be an analysis of the changing views of the international community and where they currently stand in terms of recognition from other states. Additionally, I will consider the role of intergovernmental organizations in these conflicts including the United Nations' efforts in both cases, and the role of the African Union in the case of Western Sahara and

Morocco. This is where emphasis can be given to the importance of clearer international laws and processes relating to self-determination, to clarify the role of the international community in the process. This will hopefully prevent other non-self-governing territories and imagined communities from enduring the painstaking processes faced by East Timor and still by the Sahrawi people of Western Sahara.

### History of East Timor

East Timor, also known as The Democratic Republic of Timor-Leste, is an island nation located in Southeast Asia, at the Eastern end of the Lesser Sunda Islands. The native people of the island of Timor are the Atoni people, and there has been a population of Malay and Melanesian people living there for centuries as well (Taylor, 1994). The Portuguese first arrived in the region in 1566 and began trading products for Timor's sandalwood in the 1600s. They first initiated colonial administration of the country in 1702 but faced challenges from the Dutch who also hoped to colonize the region. This was finally settled in 1913 when the Portuguese became the former colonial power over East Timor, while the Dutch controlled West Timor. The East Timorese never fully accepted colonial rule and resisted it as much as they could prior to the Portuguese taking control, their final prevention effort took place from the 1880s to 1912, leaving 3,000 East Timorese dead (Taylor, 1994). As colonialism and global conflict continued, East Timor and its people found themselves at the center of violence repeatedly over the course of their time as a colony and subsequently as an occupied territory. During World War II, the island was occupied by the Japanese until their surrender in 1945. Sixty thousand East Timorese people died during this occupation, roughly thirteen percent of their entire population (Taylor, 1994). Shortly after, in 1949, the Dutch decided to decolonize West Timor which then became a permanent part of Indonesia. The Portuguese elected to maintain their colonial relationship with East Timor and begin to ramp up the exploitation of its resources.

Beginning in 1972 the Portuguese become focused on the oil that had been discovered in East Timor as well as ramping up the tourism industry in the territory. This is when resistance from the East Timorese began to grow once again. This time the movement was led by young people who had been educated in Catholic or seminary schools in the capital of Dili, as well as individuals who had trained with the Portuguese army (Taylor, 1994). A turning point occurred as Portugal's "Estado Novo" dictatorial regime began to falter as Portuguese colonies in Angola and Mozambique staged major resistance efforts to colonialism. Change did not come for East Timor until the leader of the regime, Marcello Caetano, was overthrown in a military coup in April of 1974 (Taylor, 1994). The newly installed Portuguese military government then began decolonizing in Africa and Asia, prompting political groups to form and mobilize in East Timor, preparing for their seemingly forthcoming independence. The Timorese Democratic Union (UDT) and the Revolutionary Front for an Independent East Timor (Freitlin) emerged as the two foremost political organizations, and ultimately decided to work together as a coalition to form an agreement with Portugal in which they would move towards independence over a three-year period (Taylor, 1994). However, this process was jeopardized when UDT accepted a bribe from the Indonesian military to stage a coup in August of 1975, destabilizing the progress towards independence from Portugal and the East Timorese's initial process of self-determination. What Indonesia and UDT did not expect was that Freitlin would gain nearly full control of East Timor by September and began calling on the Portuguese to begin their transition to an independent state. Lisbon was not ready to grant East Timor its independence, and as the threat of an Indonesian invasion was imminent, they declared their own independence as the Democratic Republic of Timor-Leste on November 28, 1975 (Taylor, 1994).

As predicted, Indonesia wasted little time moving in on the “independent” state, initiating their occupation on December 7, 1975 (Taylor, 1996). From the start, the East Timorese faced brutal violence at the hands of the Indonesian military, in just two months 60,000 people had been killed, and many more were beaten or raped, and buildings and cities were burned as they essentially tortured and tormented the East Timorese into submission (Taylor, 1996). The tactics of the Indonesian military were undeniably cruel, with no respect for human life, they began a tactic called “encirclement and annihilation” in 1978 (Taylor, 1996). This involved bombing the East Timorese who had taken refuge in the mountainous regions or imprisoning and forcibly resettling those who decided to come down from the mountains. They moved people from their land to other less desirable parts of the territory in order to give the better land to Indonesian migrants and turn it into military run farmlands where they could grow cash crops for export (Taylor, 1996). As their invasion was complete, they shifted their priority to “Indonesianization” of the East Timorese. This process involved the building of many mosques in the predominantly Catholic nation and the banning of the native language of Tetum and the forced teaching of Bahasa Indonesian in schools. These are common practices in forced assimilation which serve to break the people down and extinguish their culture and with it any resistance. During this period famines were common, and many people died of starvation, there was also growing surveillance of the people, ensuring allegiance and further instigating a culture of repression and fear.

By 1979, Freitlin’s leadership had been all but snuffed out by the Indonesians but they managed to keep organizing targeted resistance attacks from the Easternmost point of the island throughout 1980 (Taylor, 1996). Relations between Freitlin and the Indonesian military seemed to cool down from March to August of 1983 as they agreed to a ceasefire. This created a unique window of opportunity for Freitlin to garner international support for the self-determination and

independence of East Timor. During this time they finally persuaded the UN Secretary General to mediate between the two groups, this is after 24 years of annual agreements recognizing East Timor's right to self-determination (Taylor, 1996; Martin & Mayer-Rieckh, 2005). The "peace" in East Timor was short lived as the Indonesian military broke the ceasefire in August. By 1993, the organization and leaders behind Freitlin had all been captured, and their counter attacks ceased (Taylor, 1996). The people of East Timor did not give up hope or the resistance effort, they maintained support for Freitlin through an underground network and also saw the emergence of young people taking up the cause and standing up to the Indonesian occupation. Beginning in the 1980s young people began organizing and taking action, organizing demonstrations during the Pope's visit to the territory, and a large-scale demonstration when the Portuguese Parliamentary Delegation's visit was cancelled in 1991 (Taylor, 1996). This resulted in the Santa Cruz Massacre, in which 250 resistance demonstrators were shot and killed by the Indonesian military on November 12, 1991. The Catholic Church, to which nearly 97% of East Timorese people belong, also provided support to the resistance movement, both directly and indirectly. In Dili, bishops spoke out against the blatant human rights violations being carried out by the Indonesian military and offered safe havens for East Timorese people where they could connect with each other, practice their religion, and speak their own language (Taylor, 1996). In 1985, the East Timorese Council of Priests made a formal statement calling for the right of self-determination of the East Timorese to be recognized and respected, stating that they had been witnessing "the ethnic, cultural, and religious extinction of the East Timorese" (Taylor, 1996).

Throughout history, the international community had supported the right of self-determination of the East Timorese through referendums, yet the conflict continued for 27 years after they passed the first referendum in 1975, until East Timor finally achieved independence in

2002. What can be seen from this brief summary of the history of conflict in East Timor is that despite their organized and resilient resistance efforts, without the involvement and recognition of the United Nations, they had no real ability to achieve self-determination.

The next section will examine those processes, and the UN's actions in East Timor, to determine how they finally achieved independence, as well as give some insight into why it took as long as it did for them to reach it.

### East Timorese Path to Self-Determination

The path to self-determination for East Timor is characterized by progress and interruptions, beginning with their declaration of independence from Portugal in 1975, and throughout the process of securing a vote for independence from Indonesia. What must be asserted before analyzing the process is that the people of East Timor have always strived to attain an independent government and have had a goal of self-determination from their first experience as a colony. What is clear here, and in many cases of colonization and struggle for self-determination, is that it is not from the people's lack of trying or belief in their ability to form a government. What can be found across many cases of self-determination is that control of the situation and its outcome are largely out of the control of the people who seek it. First, note that the case of East Timor was unique from any previous decolonization or state-building process, and that is why it is so relevant to this conversation and the future of Western Sahara. The case of East Timor set a precedent for international state-building, and United Nations facilitated state formation, which is something that has been scrutinized by some and lauded by others.

As discussed in the historical overview, the United Nations had passed an annual referendum in support of East Timorese self-determination annually from 1975 to 1981 (Martin & Mayer-Rieckh, 2005). In 1982, the UN General Assembly finally mandates that the secretary

general must initiate diplomatic efforts in East Timor, but it wasn't until Kofi Annan became the secretary general in 1997 that these efforts became fruitful or led to any notable change in the territory (Martin & Mayer-Rieckh, 2005). These annual discussions also began taking place in the Decolonization Committee and following the Santa Cruz Massacre, they were also brought up in the UN Commission for Human Rights. One reason these discussions did not become anything more substantial for a long period, especially in the case of the Human Rights Commission, is that the member countries of ASEAN protected Indonesia to avoid presenting a lack of regional unity to external actors like the United States and Australia, and the United Nations as a whole (Southgate, 2019). ASEAN states voted against any actions against Indonesia or efforts to hold them accountable or even acknowledge the severity of their human rights abuses against the East Timorese. During this period of relative inaction by the international community, Indonesia and Portugal were holding regular meetings to discuss East Timor, but no East Timorese had been given a seat at the table. This is why Kofi Annan played such a significant role in the shift from conversation to action by the UN, shortly after he became secretary general, he prioritized efforts to form a tripartite process and ideally cooperation between Portugal, Indonesia, and East Timor.

Perhaps the most significant moment, that was the catalyst for East Timor's independence is the fall of Indonesian President Suharto and the transition to new president, B.J. Habibie in 1998. President Habibie did what no one could have expected and stated that he was prepared to offer autonomy to East Timor, opening the floodgates for diplomatic intervention (Martin & Mayer-Rieckh, 2005). However, he did initially state that this was the absolute most he was willing to offer, hindering the tripartite agreement. Portugal would only agree to autonomy if it was transitional, meaning that East Timor would eventually be able to self-



determine their own independent state, the UN and Australia agreed with Portugal and affirmed that future self-determination was the only way an agreement could be reached (Martin & Mayer-Rieckh, 2005). In another unlikely twist in the fate of East Timor, Habibie decides in 1999 that if East Timor does not want autonomy, then he will move to separate them from Indonesia, paving the way for negotiations to begin to determine how to organize a popular vote by the East Timorese between autonomy and independence.

Through negotiations, all three actors agreed to a vote to be conducted by the UN where the people of East Timor would decide their future with Indonesia, and with it their political future as a potential state. There were many points of contention in the negotiation process, from Indonesia refusing to call it a referendum and instead calling it a “Popular Consultation” to security in the territory for both voters and UN volunteers which was of the utmost concern to the United Nations. When it came to organizing the vote by registering people and forming the ballot, the UN formed the UN Mission in East Timor or UNAMET after the tripartite agreement to hold the vote was reached on May 5, 1999 (Martin & Mayer-Rieckh, 2005). The major challenges to organizing this vote, which would prove to be the most important in its history, were continued violence incited by the Indonesian army and militia groups which had actively sought to harm pro-independence supporters, and the process of registering voters who were constantly displaced as a result of the violence. Although security to the level desired by the UN could not be achieved, the East Timorese showed up in droves to register to vote, approximately 450,000 people registered to vote out of a population of about 870,000 in 1999 (Martin & Mayer-Rieckh, 2005).

The Popular Consultation finally took place on August 10, 1999, and despite countless reasons from the perspective of the international community and security of voters and

volunteers, the resistance movement urged them to move forward with the vote. Xanana Gusmão, former leader of Freitlin, leader of the resistance movement, CRNT, and eventual first president of the Democratic Republic of Timor-Leste, affirmed to UNAMET that the East Timorese knew the risk they faced and that they would not be deterred by intimidation. This pushed the UN forward because they felt a sense of moral commitment to carry out the vote that the people were willing to risk their lives to participate in. To the relief of all, the vote was carried out in relative peace compared to all of the violence the country had faced before and during the organization process, and the East Timorese proved their commitment to the process with a 98.6% turnout of registered voters (Martin & Mayer-Rieckh, 2005).

Efforts immediately went into place to try to curb violence, East Timorese bishops organized a Peace and Reconciliation Meeting with both sides and agreed to form a standing commission following the poll, regardless of the results. On September 4, 1999 the vote was certified and 78.5% of the East Timorese voted in favor of independence (Martin & Mayer-Rieckh, 2005). The Indonesian army immediately responded with rampant violence and the entire international community mobilized to stop it once and for all. Pressure came from Kofi Annan and the United Nations as well as Australia and the United States which were a part of a “core” group of countries who had been advising the UN mission (Martin & Mayer-Rieckh, 2005). A notable influence in stopping the violence was actually the World Bank and International Monetary Fund who issued a formal warning to Indonesia to stop the violence or lose their financial support (Martin & Mayer-Rieckh, 2005). This may have been the deciding factor as this was a fairly uncommon action by the Bretton Woods institutions to push Indonesia to accept international assistance in ending the violence. This pressure proved to be enough for Indonesia and they agreed to allow UN forces to secure the territory. INTERFET, or the

International Force to Restore Order in East Timor, arrived in Dili on September 20, 1999 (Martin & Mayer-Rieckh, 2005). Led by Australia and a coalition of aid from various Asian countries as well as some from the West, they successfully restored security in East Timor and avoided large-scale deadly clashes with Indonesian troops, other than their destruction campaign as they left the country.

Once safety and order had been achieved, governance became the next task to accomplish. UNAMET's volunteers began transitioning to work with CRNT leaders on immediate needs, and without any form of administration, there were many. In October of 1999, in a pioneering action, the United Nations Transitional Administration in East Timor, UNTAET, took control of the country and served as its de facto government for just over two years (Martin & Mayer-Rieckh, 2005). They were granted the full administrative powers of a state by the UN and were tasked with preparing the East Timorese for self-governance. It was organized by three central goals, military peacekeeping, governance and public administration, and humanitarian assistance and emergency rehabilitation (Martin & Mayer-Rieckh, 2005).

There were, and are, some major concerns with this manner of transition, first that it is not controlled by the people who will be living under the government created by the transitional administration. There were major concerns over how to establish the constitution as it has been witnessed in other countries that if the people are not involved in the formulation of the constitution, it is virtually meaningless to them. However, an international state-building effort, largely funded by the West had goals of its own and initiated an effort like this to not only help the people of East Timor but also to establish a government which matches their own ideals. UNTAET had two major fears about the future of government in East Timor that they hoped to avoid through strategic state formation. The first was a tendency towards authoritarianism by the

CRNT resistance leaders and the second was a fear of one-party dominance as Freitlin had been such a key part of the resistance from its inception (Chesterman, 2002). Their biggest error was viewing East Timor as “tabula rasa” or a clean slate, UNTAET leadership consistently repeated this belief, yet it couldn’t have been further from the truth, and this may have been why their state collapsed just four years later (Jones, 2010).

Ultimately UNTAET failed to establish their ideal state type in East Timor because there were existing social conflicts between Freitlin and CRNT, as well as with the former guerrilla fighters who had favored autonomy rather than independence. These preexisting conflicts and institutions illustrate that East Timor was not a clean slate, and by not properly accommodating existing social groups these cleavages were exacerbated. This was exacerbated during UNTAET because they gave many roles to CRNT and Gusmão, who passed them out to his friends and allies, creating a system of neopatrimonialism so often seen in post-colonial regimes much like East Timor. In a state where patronage is at play and preexisting social inequality, establishing a government where certain groups do not feel represented is a recipe for unrest and violence as they struggle for control of government positions and jobs in order to gain resources. Freitlin moved to expand their power and influence quickly after winning a majority of seats in the first parliamentary election, creating a strong parliament and weak presidency, knowing that CRNT would win it, and establishing Portuguese as an official language and not Indonesian which many of the ex-guerrillas spoke (Jones, 2010). These varying levels of political empowerment translated into increased inequality in power and wealth between social groups and limited the majority of East Timorese people from participating in the process of building their state (Jones, 2010). However, this was a strategic choice on the part of the Western funders of this program as they were politically engineering East Timor to be a neo-liberal economy above anything else. In

order to ensure that the state was conducted in their image, they installed trained Timorese administrators into roles, rather than prioritizing the will of the people. They also became much more focused their access through trade to the natural resources present in East Timor like petroleum and natural gas. The reality is that a transition from their current non-existent government after decades of occupation into the structure of a developed Western state was an entirely unrealistic expectation in East Timor, and one that failed as the state collapsed in 2006 (Jones, 2010). Colonialism and resources played a role in their self-determination process, as well as the international community's recognition, which allowed adequate pressure to be placed on Indonesia to create progress in a seemingly hopeless situation for the East Timorese. However, the international community also played a hindering role when it came to East Timor working to meet the conditions of a state. It is important to consider, had they done it their own way, still meeting the conditions, but not under a Western or neo-liberal lens, could they have created a state that was a better fit for them? This is a question worth pondering as I discuss the ongoing situation of Western Sahara, which is strikingly similar to East Timor. Western Sahara has still not reached a transitional period to move towards a referendum for independence of the Sahrawi people, but already has its own UNAMET, The United Nations Mission for Referendum in Western Sahara (MINURSO) (Chesterton, 2002). I will consider the lessons that can be learned from the case of East Timor to provide a possible framework for Western Sahara to navigate its own self-determination.

### History of Western Sahara

At the center of the conflict in Western Sahara are the Sahrawi people, a formerly nomadic union of indigenous groups. The Sahrawis, like many precolonial African societies existed without a formal state and formed their "administration" through familial lineage and tribal cooperation. They experienced total political and military independence prior to the arrival

of the Spanish yet functioned cooperatively through their pastoral economy largely tied to the territory's rich camel population (Hodges, 1983). In addition to their nomadic lifestyle, they are unified by their language, Hassaniya, which is a unique dialect of Arabic. Following the Berlin Conference, Spain initiated colonization of Western Sahara in 1884 (Olsson, 2006). In the 1920s and 30s the Sahrawis attempted to resist colonization, but the efforts were squandered by 1934. Despite the initial resistance, the early years of the colonized "Spanish Sahara" were peaceful for the most part, and the Sahrawis and few Spanish settlers had little interactions with each other as the Sahrawis remained predominantly nomadic until the 1960s. This was largely due to the fact that the Spanish people did not seek out the Sahrawis or attempt to control them from the start; the Sahrawis continued their independent lifestyle and pastoral economy, predominantly interacting with the Spanish for trade purposes, and the Spanish had no real intention or means to control or tax them (Hodges, 1983). By 1952, there were still only 216 civilian employees, 155 of which were Sahrawis, and 354 school children, 189 Sahrawis documented in the Western Sahara (Hodges, 1983).

A major shift took place in the late 1950s and early 1960s as Spain gained an interest in mineral resources and oil exploration in the territory. They began delving out land to various oil companies for exploration and in July 1962 they began exploitation of Western Sahara's "famous" phosphate resources (Hodges, 1983). At the time, Western Sahara became the world's sixth largest phosphate exporter, creating numerous jobs and boosting the territory's economy, leading to an inflow of Spanish settlers and a transition to formal paid employment and increased educational opportunities for the Sahrawis. This, coupled with a drought which devastated the region's camel population which the Sahrawis had relied on for their economic ventures, led to a near complete abandonment of nomadism by 1974 (Hodges, 1983). Political evolution also took

place at this time as Spain began to treat Western Sahara as a province, granting them a small degree of representation in their legislative branch and establishing a Sahrawi advisory council to the Spanish governor in Western Sahara. This led to the emergence of a structured political system in the Western Sahara. The population also grew rapidly during this period, by the time a census was conducted in 1974 the population was over 95,000 with about 73,500 Sahrawis (Hodges, 1983). This number was likely underestimated as the Sahrawis were hesitant to participate in a seemingly invasive government process (Hodges, 1983). However, this created a bit of discomfort with the current system as the territory began to shape into a country, albeit largely because of the opportunity created by Spanish economic management of resources. By 1962 they were the only remaining colony in the region following the independence of Morocco, Mauritania, and Algeria (Hodges, 1983).

Decolonization in the region put pressure on Spain to do the same, both from within Western Sahara, as the resistance movement reemerged in the late 1950s, and the United Nations including Western Sahara on its list of countries and territories to be decolonized (Pinto-Leite, 2006). From 1967 to 1973, the UN passed annual resolutions in support of self-determination for the Sahrawis. Within two years of Morocco's independence, King Mohammad V began to speak out in favor of the idea of "reclaiming the Moroccan Sahara", which he believed Morocco had a right to both because of historical factors and "the will of the people" (Hodges, 1983). Their historical claim to the land refers to the period during the eleventh and twelfth centuries when the Almoravid Berber dynasty ruled over Morocco and the territory of Western Sahara as well as parts of Algeria, Mauritania, and Mali (Roussellier, 2005). King Mohammad V did not act on this claim until 1974, but continuously spoke out about Morocco's plans for the territory and its acquisition of it. This prompted the UN to clarify its stance in support of not only self-

determination for Western Sahara, but specifically for their independence as they passed their annual resolutions in 1972 and 1973 (Hodges, 1983). Resistance movements were emerging as educated Sahrawis knew that the UN was supporting their right to self-determination, the Organization of African Unity also moved to support them, legitimizing the possibility of Sahrawi sovereignty in Western Sahara (Hodges, 1983). However, they were not able to launch any large-scale action because despite verbal support of the United Nations for their independence, the international community was not eager to support a resistance movement. The irony of this is that had Morocco acted on its goal of acquiring Western Sahara when King Mohammed V first spoke about it, they likely could have easily defeated any resistance. Instead, they waited, giving the resistance movement and eventual Polisario Front, time to organize and mobilize the Sahrawi people. Despite the support of the international community being more of a political showing of support rather than a desire to help on the ground, the self-empowerment required for the resistance movement to take shape from 1967-1973 was a catalyst for the broader Sahrawi nationalist movement (Hodges, 1983; Olsson, 2006).

In 1973, the Popular Front for the Liberation of Saguia el-Hamra and Río de Oro (Polisario) emerged, founded by Sahrawi young people who had been educated in Moroccan Universities. It is important to recognize that while Western Sahara is the primary location of the Sahrawi people, over time, their nomadic nature spread them across several states including Morocco, Mauritania, and Algeria. Some key elements of the resistance movement were really facilitated outside of Western Sahara, by Sahrawis who had been displaced by conflicts or settled at the border of Morocco and Western Sahara and despite living in extreme poverty were granted scholarships to study at Moroccan Universities (Hodges, 1983). The formal congress that created the Polisario Front, which still exists as the primary government of the Sahrawi Arab Democratic



Republic today, was formed on May 10, 1973. They focused primarily on an end to Spanish colonialism and did not specifically mention independence as a goal of the movement (Hodges, 1983). It wasn't until guerrilla wars broke out and support was all but denied by other Arab and surrounding nations, that the Polisario moved from a resistance movement to a Sahrawi nationalist independence movement in August of 1974 (Hodges, 1983). Although the physical organization of the Polisario was small in the early 1970s, it was widely understood that nearly all of the Sahrawi people had a "nationalist outlook" (Hodges, 1983).

Following the coup in Portugal, which led to the initial decolonization of East Timor across the world in 1974, Spain announced that it would move forward with decolonization of the Spanish Sahara. A plan to support Sahrawi self-determination and a transition to self-government, included the goal of carrying out a referendum vote in 1975 (Hodges, 1983). This sudden shift enrages the Moroccan government, who refuses to accept any agreement where independence is a choice on the referendum (Hodges, 1983; Olsson 2006). Right around the same time Algeria decides to formally support the Polisario Front, marking the first major ally for the Sahrawis (Olsson, 2006). Tensions with Morocco ramped up significantly when a UN fact finding mission visited the territory, and a month later the International Court of Justice ruled in favor of the Sahrawi people's right to self-determination and referendum (Olsson, 2006). This is the last straw for Morocco and in protest of the ICJ's decision, King Hassan of Morocco initiates the Moroccan Green March in November of 1975 (Olsson, 2006). In a showing of Moroccan defiance to the international community's consensus on self-determination and independence for the Sahrawis, he sent 350,000 Moroccan people on a march to occupy Western Sahara and demonstrate popular support for the annexation of the territory (Pinto Leite, 2006). With its power diminished following the fall of Francisco Franco, and a desire to maintain

control of coastal fisheries and phosphate reserves, Spain cedes Western Sahara to Morocco and Mauritania through the Madrid Agreement just eight days later (Olsson; Pinto Leite, 2006). This prompts an invasion of the territory by Moroccan and Mauritanian troops, marking the start of the occupation of Western Sahara that is still ongoing.

Spain formally ceded the territory on February 26, 1976, and the Polisario Front declared the independent state of the Sahrawi Arab Democratic Republic (SADR) the following day, marking the commencement of a long, deadly guerrilla war between Polisario and the Moroccan military (Olsson, 2006). Despite their written support, neither the UN nor the OAU intervene in this invasion. This left the Polisario largely self-reliant, other than the support of Algeria, where refugee camps for Sahrawis in Tindouf were beginning to fill with people wanting to escape the growing violence in Western Sahara (Olsson; Pinto Leite, 2006). Mauritania's occupation was relatively short lived as they faced a coup at home and had already agreed to a ceasefire with the Polisario Front. The two opposing sides met in Algeria in 1979 and formed the Algiers Agreement, by which Mauritania withdrew its claims over Western Sahara and recognized the right of self-determination for the Sahrawis (Pinto Leite, 2006).

From here the conflict between Morocco and the Polisario Front only grew and guerilla war raged on in Western Sahara. Acknowledging the current situation in Western Sahara and their decades long struggle for self-determination, it is important to recognize that once again the international community abandoned their support for self-determination and independence when an invasion occurred, just as they had in East Timor right around the same time. This in itself is hypocritical because invasion and occupation is a direct violation of the UN Charter and is considered an international crime against peace, which is a clear violation to the right of self-determination as it is written in the same charter (Pinto Leite, 2006). The role of international

actors in Western Sahara, outside of UN sponsored action, also shifted following Mauritania's exit. Morocco moved to build a berm dividing the Moroccan occupied territory and the Sahrawi controlled territory which stretches for 2,250 kilometers, made of sand but rigged with land mines and advanced explosive equipment from the United States and France (Pinto Leite, 2006). Once again, the shifting priorities of the international community, particularly those of economically powerful countries, has left the fate of a people striving for independence in the balance.

#### Sahrawi Path to Self-Determination

Much like the case of East Timor the Sahrawi's struggle to reach self-determination is certainly not for lack of effort or impassioned belief in their right to independence. Delving into Western Sahara's progress towards self-determination, from the beginning, even before Spain had ceded the territory, the UN General Assembly had been passing annual resolutions in support of Sahrawi self-determination and independence. As with East Timor, these resolutions were ultimately lacking any kind of enforceability or desire from the international community to physically intervene in the conflict to prevent it from rising into the seemingly never-ending war between the Moroccan government and the Polisario. This lack of intervention, as well as a lack of desire to negotiate across the board, are the principal characteristics of the Western Sahara conflict.

Following Mauritania's exit from the conflict, Morocco gained control of about 75% of the territory of Western Sahara, leaving the remaining 25% percent to the Sahrawis (Zoubir, 1990). Today some estimate that Morocco has expanded to control nearly 85% of the territory, while others maintain the previous breakdown, leaving the actual split unclear. In addition to the permanence of the occupied territory, the perspectives and rhetoric of all sides has remained the same for the duration of the conflict. Morocco maintains that the Polisario is nothing more than a

secessionist group backed by Algeria, they have not seen this as a decolonization or self-determination process in any way (Zoubir, 1990). Morocco has also maintained a strong level of military control within the region, but it has led to their isolation from the world in many cases. The SADR has been recognized by many countries and was admitted as a full member of the Organization of African Unity, now the African Union, which resulted in Morocco leaving the OAU in response. Due to their firm commitment to their belief that Western Sahara was a rightful part of Morocco, the Moroccan government had never sought to meet with the Polisario, despite continuous calls and even formal votes by the UN general assembly for them to meet and reach an agreement.

This brings me to the role of the international community in the conflict and how their intervention or lack thereof has limited the Sahrawi's ability to reach self-determination. The overall desire of the United Nations is stability in this region, not only because of the rich resources present, but also because of the international relations that will be impacted if the conflict shifts. This is why, while the UN has passed resolutions with widespread support, no one has really stepped in to take physical military action because they fear that any action could destabilize the entire region because of the close relations with Mauritania and Algeria as well as the connections that these countries have to the broader Arab world. This is best shown through the reestablishment and continuance of relations between Algeria and Morocco, despite their clear opposing views on the conflict, because they both recognize that being diplomatic with each other has clear advantages. However, despite continued pressure from Algeria and the rest of the international community to establish direct negotiations between the Moroccans and the Sahrawis, there was initially no strong desire to move the conflict forward, until Saudi Arabia got involved in 1988.

Saudi Arabia helped to arrange secret talks between Moroccans and the Sahrawis, and although they did not result in any immediate change, they opened the door for further conversations (Zoubir, 1990). Word of these meetings led UN Secretary General, Perez de Cuellar, to suggest a peace plan which included two central goals, a cease-fire between the Moroccans and the Polisario and a referendum on self-determination, which both parties agreed to with some hesitation (Zoubir, 1990). However, the violence continued across Western Sahara and in Algeria, inflicted by both sides in increasingly bloody and deadly clashes. Morocco continued as it had been, agreeing to move towards a referendum but not taking any action, or showing any desire to meet with the Polisario, unless through the UN Secretary General, in an attempt to get back into the good graces of the organization rather than actually push forward a referendum for self-determination. This is consistently seen throughout the process, Morocco will sometimes soften its position to look more favorable to the international community as they know that they have continuously isolated themselves through their occupation. On the contrary, they also know that no one is willing to take direct action and so they find more comfort in the lasting conflict than they do in working towards a resolution.

This inconsistency from Morocco continued throughout the 1980s as the king consistently promised to meet with the Polisario but never followed through. One major reason for this is that they wanted to maintain positive relations with the rest of the region so it could be included in the Arab Maghreb Union which included Algeria, Libya, Tunisia, Mauritania, and Morocco; notably excluding Western Sahara despite it being recognized by several of these states (Zoubir, 1990). Morocco's participation in the union went forward when it was formally established in 1989, but marked another example of hypocrisy on all parts as a major part of their treaty includes a "prohibition against activity of organization undermining the security, territorial

integrity or political system of one of the member states” (Roussellier, 2005). Hassan knew that he had to put on a face of willingness to negotiate, although his rhetoric never changed and he maintained that any referendum that would take place would be based on “reintegration” of the Western Sahara into Morocco as an autonomous territory, without full independence (Zoubir, 1990). The AMU, particularly Algeria, took King Hassan at his word, that he would continue to move forward to a referendum, and King Hassan believed that if they solidified Maghreb unity, Algeria would eventually drop the question of Western Sahara. This seemed to be their central strategy, an assumption that Algeria would drop the Sahrawis and the international community would continue to virtually ignore the conflict so that they would “die slowly” and Morocco would be able to move in with ease (Zoubir, 1990). This did not prove to be the case as the UN began to see this movement for unity as a new opportunity to bring forth their peace plan for Western Sahara.

Finally, on September 6, 1991 the UN Security Council approved the peace plan and moved forward by creating the United Nations Mission for the Referendum in Western Sahara (MINURSO) (Roussellier, 2005). This is where the illusion of progress in Western Sahara really begins to take shape. The peace plan or the “Settlement Plan” as outlined by proposals from the UN and OAU, consisted of three main points; a transitional period which would lead up to a UN organized referendum, a cease-fire between Morocco and the Polisario followed by exchange of prisoners of war and reduction of troops, and the return of refugees once a proclamation of amnesty was in place (Roussellier, 2005). The cease-fire did come into effect and was respected by both sides for nearly 30 years (Siaci, 2021). However, as the military conflict slowed down, the political conflict surrounding the proposed referendum sped up, primarily over the issue of who could legally vote in the referendum. The central issue was whether or not the Sahrawi

tribes in Morocco would be allowed to vote as Morocco claimed that they represented the voices of the Western Sahara while the Polisario feared they would side with Morocco in the vote and threaten their chance at independence. The Polisario believed that only the Sahrawis which had been identified in the 1974 census conducted by the Spanish should be eligible to vote in the referendum because they had physically resided in the territory (Roussellier, 2005). In 1994, voter registration began and was intended to include all indigenous Saharans, meaning the Sahrawis in Western Sahara and in Morocco, exactly what the Polisario had feared, and Morocco had hoped for. The process began in the Tindouf refugee camps in August 1994 but stopped shortly after in 1995 as the Polisario refused to aid in the identification of individual voters settled in Southern Morocco (Roussellier, 2005). The broader issue here is a conflict over whether territorial or ethnic connections should be the basis of eligibility in the vote. Interestingly, progress on this stalemate in the voter registration process, originated with a familiar figurehead, UN Secretary General Kofi Annan. Annan appointed former US Secretary of State, James A. Baker III as his envoy to Western Sahara where he successfully mediated between the two parties, and by 1997 voter identification had resumed (Roussellier, 2005). Further negotiations in 1999 led to an agreement on how the contested tribal groups would be considered and by the end there were over 86,000 eligible voters and another 131,000 appeals (Roussellier, 2005). By the time these voters were identified the Polisario front had a clear advantage and Morocco began attempting to block the appeals. It ultimately became a situation where it was unlikely a referendum, regardless of its result, would be enough to stabilize or resolve the conflict in Western Sahara. As a result, everyone began to favor keeping the status quo rather than moving forward with a referendum, other than the Polisario who continued to threaten a return to violence. Members of the UN Security Council proposed the idea of a negotiated solution, which Morocco seemed

interested in, but the Polisario worried that this could result in them becoming an autonomous region of Morocco, rather than an independent state (Roussellier, 2005). The lack of willingness to compromise on all sides and a fear of causing further instability led to another stalemate on progress towards self-determination in Western Sahara.

It is worth noting that by this point East Timor had achieved independence, and the conflict in Western Sahara remained without a clear end in sight. Another small development came in 2003, when Baker proposed a peace plan which would replace the former Settlement Plan that was now dead. Under this plan a referendum vote would be held with three options for Western Sahara, independence, integration with Morocco, or autonomy, an option which had growing support from Morocco and the UN at the time (Roussellier, 2005). Despite initial support from Morocco, as the new plan would count all true residents of Western Sahara, they once again rejected it as they were dealing with increased unrest at home and felt that there was too much risk involved and that the plan would breed instability. Algeria and the Polisario on the other hand, were in support, even though it did not give the Sahrawis the clear advantage that the other plan had. This was viewed as an attempt to disturb Moroccan diplomacy and prove to the international community that the Polisario were willing to negotiate in order to move forward with the referendum as they had been consistently pushing for it. Ultimately, Morocco's refusal to accept the new plan left the conflict no better off than it had been and shortly after Baker resigned from the position in 2004 (Roussellier, 2005). From then to now there has been little to no progress towards self-determination for the Sahrawi people.

#### Western Sahara and East Timor Today

So where do these two cases stand now? East Timor gained their independence and within four years they had experienced state failure, but they were able to bounce back to a certain extent and remain an independent nation today. Despite an illusion of progress from the



late 1980s to the early 2000s, the conflict in Western Sahara has had no real attempts at a resolution. Before synthesizing these two cases and analyzing the reasons why they have had such a significant struggle in their paths to self-determination, it is important to briefly consider where the two cases currently stand. This will determine if there is any hope for independence in Western Sahara, and if true independence and self-governance has been achieved in East Timor.

Following East Timor's independence in 2002, they faced challenges in adjusting to their administration and the UN's involvement in essentially grooming certain Timorese leaders to become new government officials had an air of patronage which led to concerns about fairness and representation in the government. These conflicts came to a head in 2006 when the government's institutions effectively collapsed, and the country once again fell into violence which required UN intervention (Jones, 2010). This was due in part to an East versus West divide which was rooted in a struggle over the country's limited resources, and intense rivalries for power and control of said resources. This relates back to the negative impact of patronage in the country because those that have government roles then amass power and gain control of the resources and when there is patronage involved this power and the associated benefits are rarely distributed fairly. Following the violence, which was curbed almost entirely by 2008, UN peacekeeping forces withdrew a few years later placing the security in the hands of a newly retrained military. Since then, peace has been maintained in the country, and East Timor has actually experienced a period of economic growth following the negotiations with Australia over the petroleum in the Timor Gap, which allowed them to profit from oil. However, this growth was relatively short lived as the oil reserves became virtually unprofitable by 2019 (Neubauer, 2020). Today East Timor's two greatest challenges seem to be a lack of infrastructure and public services which limit the people's ability to lift themselves economically. Most of East Timor's

population remains reliant on subsistence farming and lives in poverty. The government has seemed to favor a top-down approach to the economy which has resulted in large yet unfulfilling plans, and little for the common citizen in need of public services (Neubauer, 2020). Despite the government claiming to have spent billions on infrastructure, little progress has been seen by citizens who have limited access to transportation as quality roads and highways have not been built, and even more limited access to employment. The one positive note seems to be that their democracy has retained a fair amount of stability, especially in comparison to the rest of Southeast Asia.

Freedom House, an American organization which focuses on supporting democratic ideals worldwide gives an annual ranking of how “free” countries are. In 2021, they scored East Timor 72/100, calling it a free country (Freedom House, 2021). This score is based on their combined scores for the extent of political rights and civil liberties afforded to citizens of the country (Freedom House, 2021). They cite the presence of competitive elections where the opposition party has a fair chance of campaigning and winning votes as well as peaceful transfers of power as indicative of the freedom in democracy in East Timor. They do point out that the country’s democratic institutions remain fragile, and that independence era political figures and ideas remain a source of conflict, but overall, they feel that the state of democracy in East Timor is progressing (Freedom House, 2021). It seems that the economy presents the largest barrier to East Timor’s future success as an independent country, but ultimately their ability to self-govern has been proven.

Switching gears to the current situation in Western Sahara, the conflict has not changed, and no resolution or progress has really been achieved. The division of the territory between Morocco and the Polisario remains at about a 75% to 25% split and the Sahrawi population

remains divided along with it. However, there has been some movement with regards to the position and views of the international community and institutions. For Morocco itself, its position on granting special autonomy or freedoms to Western Sahara has changed as they have begun to face nationalist conflict with particular regional groups within their country who are also dissatisfied with the Moroccan governments rule. Despite initial offerings of autonomy, which garnered support from the international community, as a wave of political protests broke out in Morocco in 2010 and then an ethnic centered movement emerged in the Rif region in October 2016, granting autonomy to Western Sahara would likely open the door to other regions seeking similar agreements (Fernández-Molina & Ojeda-García, 2020). Morocco wasn't the only state or organization that seemed to change course in their view of the conflict. First, the African Union, albeit with some major hesitation, readmitted Morocco as a member state in 2017 (Banerjee, 2017). In theory, some thought this was a strategy to force Morocco to recognize Western Sahara as the SADR because that is a point within the African Union charter, that states must recognize and respect each other. However, even within the United Nations not all member states recognize the statehood of each other, and thus this point was not particularly enforceable (Banerjee, 2017). Some have stated that there is, at least now, an obligation between the two parties to recognize each other as common members of the AU, and in order to remain a member they must abide by the organization's principles. A final point on changing recognition which has impacted this case, and in theory violated international principles, is the changing recognition of SADR by many states. Initially the SADR was recognized by 84 states, but since then many have changed their stance, some even withdrawing recognition, today just 43 states formally recognize the SADR (Banerjee, 2017). This in itself is questionable as the Montevideo Convention states that "recognition is unconditional and irrevocable", although there is no

enforcement body for this (Banerjee, 2017). Even the UN's "recognition" of Western Sahara as a "non-self-governing territory" is somewhat questionable because it ignores the presence of their proclaimed state despite their charter recognizing the right to self-determination as was discussed with the case of East Timor.

In addition to changing views of various actors, perhaps the most significant change with direct regards to the conflict between Morocco and the Polisario came on November 14, 2020 when the Polisario broke the nearly 30 year cease-fire, plunging the conflict back into a state of active violence for the first time since the early 1990s (Siaci, 2020). This was largely driven by unrest among young Sahrawis living in Algeria who wish to live in their homeland rather than in refugee camps (Parra, 2021). There is a growing sentiment among the Sahrawi people that war is their only path forward as the referendum that was promised to them seems as though it will never actually happen. Another layer to the situation came from the United States in late 2020 when former President Trump made the unprecedented move to recognize Morocco's claim over the territory in negotiations to normalize their relations with Israel, a strategic partner of the United States (Siaci, 2020; Parra, 2021). This puts Morocco in a stronger position than it has been in the past as they have not been formally recognized by any other state, this has allowed them to remain firmly committed to controlling Western Sahara and refuse to move forward with any efforts for a referendum. The most recent update from the United Nations was a one-year renewal of MINURSO to address the rising violence, which was confirmed by the UN Security Council on October 28, 2021 in a 13-0 vote, with Russia and Tunisia abstaining (Al Jazeera, 2021). The resolution once again calls for a referendum for self-determination to be carried out. At this point it seems that the primary goal of this renewal is to curb violence and prevent it from

escalating, but hope remains that one day the referendum will come to fruition and the Sahrawis will have the opportunity to achieve their self-determination.

### Synthesis

Now that the conditions surrounding the paths to self-determination and the historical context of these two cases have been established, conclusions can be drawn as to why they have struggled so substantially in this process. I now return to the four initial factors established at the beginning of the piece which help to determine why some post-colonial societies achieve self-determination while others don't. Using East Timor and Western Sahara as a guide, I will analyze and compare how colonialism and occupation, the ability to meet the Montevideo criteria for statehood or establish themselves as an imagined community, the impact of natural resources, and recognition and action by the international community have played a role in the struggle for self-determination. This will allow conclusions to be formed about the nature of the self-determination struggle and provide a baseline for how this process could be improved in future cases to avoid violence and long-term conflicts as seen in these cases.

### Statehood and Imagined Community Criteria

First and foremost, it is important to establish the relevance of meeting the criteria for statehood as presented in international law. The Montevideo Convention determined that the criteria for statehood are “a permanent population, defined territory, a government, and the capacity to enter into relations with other states” (Montevideo, 1933). In considering these criteria I think it is important to evaluate these two cases at two particular points; to what extent did they meet the criteria at the point of decolonization and then during their occupation, and did it change between those two points? This allows for a determination to be made as to whether meeting the criteria for statehood is significant to a people's ability to achieve self-determination and subsequent independence. Beginning with East Timor, it is easy to identify both a permanent

population, albeit a relatively small one, and a defined territory due to the agreements formed at the time of colonization between the Dutch and Portuguese which divided East and West Timor. It can absolutely be argued that there was a government established in East Timor at the time of their declaration of independence because they were able to successfully govern a majority of the country prior to the Indonesian occupation. Although it is important to note that there was significant concern from Portugal, and other countries that they would not be capable of self-governance in the long term, this remained a concern during the UN transitional process and is also a concern for Western Sahara. While the capacity to enter into relations with other states was not necessarily demonstrated at the time, it is fair to argue that they were indeed capable of these relations as many states recognized them as independent upon their declaration. During the occupation, many of the leaders of the Freitlin movement which had led the declaration of independence, were taken out by the Indonesian military and with large scale internal migrations to avoid the violence. It is fair to say that they had indeed lost any true sense of government, which is why the UN chose to come in to facilitate the transition to independence following the self-determination vote. In thinking about the process of East Timor becoming a state I think it is important to consider that UNTAET mission was to ensure that East Timor would function as an independent state and meet the necessary criteria. This begs the question, does it really matter if a nation does not meet the criteria for statehood on their own if the international community is willing and able to facilitate a transition to independent statehood? I think this question is of particular significance to the Sahrawis because their ability to self-govern has been a major concern of the international community surrounding their independence.

In considering the same two points for Western Sahara in terms of their ability to meet the criteria for statehood, there are a few differences from the case of East Timor. In this case, the

territory and population are less clear because of the nomadic nature of the Sahrawi people both before and during the colonial period. As a result of their movements, there are currently Sahrawi people living not only in Western Sahara and the Algerian refugee camps where the SADR has been able to shape into a functional government, but also in Morocco and Mauritania. When it comes to the territory there remains some contention because although the Berlin conference established boundaries between all of the colonial territories, in the context of Africa, these divisions are not always clear or logical when considering the ethnic makeup of the country. However, the International Court of Justice ruled that Morocco did not have any legal claim to the territory of Western Sahara, which is significant, but because of the nomadic population living across several states, it is inevitable that this will continue to be a source of conflict. It is important to note that few if any Sahrawis are nomadic today, thus there is a permanent population who would live in the territory if the violence had not driven them into refugee camps. In thinking about the presence of a government in Western Sahara, the Sahrawi Arab Democratic Republic has indeed gone further than just declaring their independence. They have established a full constitution for their country, complete with provisions on the branches of government, education systems, and a market economy to be established upon “the complete recovery of national sovereignty” (SADR Constitution, Article 46). The SADR has functioned as an independent government within the Algerian refugee camps, and their constitution provides provisions for how a transition to a fully independent state and government would occur. Therefore, I think it is fair to say that they are indeed capable of self-governance, although they likely were not at the time of decolonization due to a lack of an established administration in the country. The Polisario Front, which runs the government and also maintains the independence movement in Western Sahara, has been ever present and was responsible for the writing of the

constitution, but it is fairly unlikely that they would have been capable of self-governance at the time of decolonization without a properly facilitated transition from Spain. The last point, regarding capacity to enter into relations with other states, is well supported by the fact that it is currently recognized by 43 states around the world, is a member of the African Union, and conducts diplomatic relations with several countries, predominantly in Africa and Latin America. By definition it does appear that the Sahrawi Arab Democratic Republic meets the Montevideo criteria today, and with an existing UN mission in Western Sahara it is highly likely that should a referendum for self-determination actually take place, they would institute a transitional government much like they did in East Timor. This effectively negates the need to meet the criteria independently because the UN would undoubtedly facilitate it.

Another important piece to the conversation surrounding statehood relates to sovereignty. Some may argue that East Timor at the time of the Indonesian occupation and Western Sahara under Moroccan occupation today are not able to maintain sovereignty which challenges their statehood. However, as I will discuss further upon analysis of the role of the international community, international law prohibits the violation of one state's sovereignty by another state. This makes it contradictory to say that a lack of sovereignty is indicative of a lack of statehood because these states wanted to be sovereign and self-governing, but because the UN labeled them as non-self-governing territories, they do not have enforceable sovereignty and there is no consequence for violation of their sovereignty by another state.

While the Montevideo Convention presents criteria for statehood from an international law perspective, another factor that legitimacy can be derived from in these cases is the principle of the imagined community. While this is less relevant in East Timor because historically they have always had a permanent native population, as well as early settlers, it is their shared cultural



identity as East Timorese that provided a source of resilience for the Freitlin movement to outlast the Indonesian occupation. I see the definition of a group as an imagined community as an important factor in their political empowerment because it allows them to unify under a shared identity whether that be language, religion, geography, or a combination of them. Although the community of the East Timorese was never really “imagined” as it had existed for hundreds of years, it was these cultural commonalities like their Catholic religion and their language that unified them during their periods of oppression. It is these shared identities that are the source for shared goals which help take a groups desire for self-determination from ideas to action; they are the fuel to their fire. Without at least a general sense of cohesion, which is driven by these cultural factors, these people would not stand a chance against occupation or forced assimilation. Yet despite every attempt by Indonesia to snuff out the East Timorese resistance, they never gave up because their belief in themselves as a unified people with a right to independence superseded the horrors they experienced.

The Sahrawi people exemplify an imagined community almost perfectly. They formed themselves by unifying diverse nomadic tribes that were able to come together over their shared lifestyle, religion, and connection to Western Sahara, and then adopted Hassaniya as a shared language in order to bolster their unification. Then, the formation of the SADR by the Polisario Front, which represents the progression of the imagined community. They have gone from a conglomeration of tribes to a political entity which is not a recognized sovereign state with the associated benefits, but has nevertheless established a functional government in the refugee camps with clear political objectives and interests. It is the consistency and resilience of the Polisario Front and more broadly the Sahrawi people which has prevented them from succumbing to Moroccan occupation entirely. This is what makes the imagined community such

a powerful status because it is legitimacy derived from within a people, rather than sought from outsiders. I think it is particularly powerful in these cases where a people have been denied the right to self-determination countless times, yet still believe in it to such an extent because they are united under that common political goal. The Sahrawi people have endured two rounds of oppression and assimilation, under colonialism and occupation and have not lost a sense of hope that they will one day achieve freedom and control their own political fate, although significant barriers remain.

### *Colonialism and Occupation*

There is no way to truly understand these cases without discussing the impact of colonization and subsequent occupation of these two territories. In both cases there was a gradual colonial undertaking of these territories. In East Timor, the Portuguese initially held a trade relationship with the East Timorese to exploit resources but did not seek to colonize the territory until the Dutch showed interest. From there, the Portuguese moved into a more rigid, familiar form of colonization in the early 1900s through which they attempted to assimilate the East Timorese to Portuguese culture and language, often through violent means which resulted in the deaths of thousands of people. Colonization began similarly in Western Sahara, although Spain did initially form a colonial relationship with the territory through the Berlin Conference, the beginning of the relationship was generally peaceful and trade oriented. Once again, there was a shift in the colonial relationship when Spain begins to exploit the resources, particularly phosphates, present in the territory. While I will cover the specific implications of the resource conflicts in these territories later, it is important to establish the role they played in these colonial relationships and how they shifted them from trade relations to full control. Another similarity found in the colonial powers of Spain and Portugal is that they were both relatively late to decolonize their territories in comparison with the rest of the world. They both began to

transition to decolonization in the mid 1970s, while decolonization of West Timor and other African territories took place following World War II in the late 1940s. What can be seen in these cases is a desire to maintain colonial relationships, even if that meant granting more autonomy to the territories in an attempt to appease the growing nationalist independence movements that were ever present and expanding in both of the territories in the years prior to decolonization.

A substantial factor of interest in these cases comes from the nature of decolonization. The tipping point in both cases was not the independence movements or pressure from the international community, although they both played a role, but political unrest at home in both Spain and Portugal. Portugal finally moved towards independence for East Timor when their dictator was overthrown in a military coup, coupled with unrest in their African colonies which had been able to achieve independence a year after the coup. There was a similar turning point in Western Sahara as Spain had held on to the territory, though had granted it certain privileges of an autonomous region, until the fall of their own dictator. At this point both colonial powers entered into negotiations with the territories to discuss a path towards independence for them. This unrest remains the important factor in what made occupation of these territories immediately after they were ceded by the colonial powers possible because a transition to independence did not occur in either case despite strong efforts by the independence movements. In both cases there were much more significant actions taken towards independence by the colonized than by the colonizers, which is not particularly surprising as throughout these negotiations they were able to continue reaping the resource benefits of their relationships with the territories.

The other piece of the decolonization process, which was impacted by unrest in the colonial nations, is that neither country was formally granted independence. In the case of East Timor, despite negotiations, and support from the Portuguese for them to move towards independence, they did not feel that the country was capable of self-governance and refused to grant them independence as Indonesia began planning for an occupation of the territory. This meant that the independence movements had to take their future into their own hands and declare their independence, resulting in a nearly immediate occupation by Indonesia. Although East Timor did eventually succumb to the Indonesian occupation, they were able to hold on to the country and establish some governmental institutions in the months following Portugal's exit. This begs the question, had a formal transition to independence facilitated between Portugal and East Timor occurred, could the brutal years of occupation have been avoided? The same question is relevant to Western Sahara as instead of granting the Sahrawis independence, Spain ceded the territory to Morocco and Mauritania, who had also been mobilizing to occupy the territory. They did not see a benefit in facilitating a transition to independence for Western Sahara at the time. In both cases it can be argued that the colonial powers were not in a place to support the territories through an imminent occupation due to their own challenges at home, thus they left these territories as "non-self-governing" in the eyes of the international community, without an enforceable status to be respected by other states.

In thinking specifically about the occupation of these two territories, which was essentially enabled by the decolonization processes, similar factors lead to true independence and self-determination in East Timor. Despite years of violent conflict between the Indonesian military and Fretilin, years of resolutions from the United Nations, and even tripartite negotiation processes taking place between Portugal, Indonesia, and East Timor, the shift which allowed real

progress towards independence was a change in leadership in Indonesia. When President B. J. Habibie came into power, against all expectations he announces his plan to offer autonomy to East Timor. While this was not an offer for independence initially, it opened the door for real negotiations and created optimism for the future of East Timor within the territory and around the world. It was this transition which ultimately led Habibie to give in to international pressures and decide that if autonomy was not an option for the East Timorese that he would move to separate them from Indonesia. While this did not mark an immediate resolution to the violence and conflict in East Timor, it is fair to argue that they might still be under Indonesian occupation had President Habibie not changed his tone. It is interesting to see is that although Western Sahara remains under Moroccan occupation, it is the shifts within Morocco that have played the largest part in any progress towards self-determination for the Sahrawis. King Hassan shifted the conversation in Western Sahara when he decided to offer up autonomy as an option to the Sahrawi people. While this did not come to fruition, it was this change in attitude that allowed the UN referendum to move forward, marking the first time that the Sahrawis had ever truly been close to reaching self-determination. At the same time, the conditions in the colonizing or occupying nations can work against the oppressed societies as it has in Western Sahara since the late 2010s, when Morocco began to see nationalist movements with separatist sentiments arise within specific regions of their country. This moved them to take the option of autonomy for Western Sahara off the table as they did not want to open the doors to other regions attempting to gain the same arrangement.

Although I did not expect this when I began my research, it is clear that perhaps the most significant factor in a people's struggle for self-determination is the conditions and attitudes of those who oppress them. While, independence movements and international resolutions had been

around for decades, the real changes occurred for East Timor when Portugal and Indonesia shifted their priorities or experienced a challenge. While this may seem disheartening, I think it upholds a status quo in the world where larger, more powerful countries are able to call the shots and smaller nations are often times at the mercy of their decisions. This ties into the broader role of the international community in these conflicts as it is the Security Council resolutions which have enforceability in these cases, so it takes large, powerful, and largely Western countries to agree for an action to occur. Ultimately, this reiterates my earlier point that the challenges in pursuit of self-determination are not because of a lack of effort or political know how by the people of these occupied territories, but rather from a lack of action or willingness to negotiate by their oppressors and the international community, leaving their ability to achieve independence essentially out of their control.

### Resources

An important factor which relates to both the underlying motivation of colonization and occupation and concern over the ability to self-govern, is the presence of valuable natural resources in both cases. The foundation of the colonial relationship between East Timor and Portugal was over trade of sandalwood. Sandalwood is regarded as one of the most expensive woods in the world and has historically been seen as valuable because of its fragrance. It was the desire to control this resource, which had also been sought after by the Dutch, that pushed them to colonize East Timor because a trade relationship did not provide the same benefit as true control of the resource. Upon the discovery of oil in East Timor in the early 1970s, Portugal finds even more reason to maintain their colonial stronghold over the territory because these resources provide an undeniable economic benefit. The oil remained a source of conflict in the territory during occupation and even today as it is located in the Timor Sea between East Timor and Australia. During the occupation an agreement was formed between Indonesia and Australia

to determine the basis of exploitation of the oil and these two countries were the sole benefactors of the resource, with nothing going to the people of East Timor themselves. This was a point of contention for the international community against the independence of the nation because they were concerned that their government would be too small and weak to manage the resource. However, without the ability to use the resource towards their own economic growth, it is difficult to say that their government would be incapable of resource management, especially when the main reason they weren't currently managing it was because their country had been invaded. The presence of valuable resources like oil, and phosphates as I will discuss in the case of Western Sahara, draw international attention to these conflicts over self-determination because states want to see resources controlled by states who will manage them, and ideally export and trade them, in a way that benefits them. States who are not directly affected by the conflict are not as concerned over the economic benefit to the people of the country derived from said resources.

The presence of one of the world's largest phosphate reserves in Western Sahara has also been a major point in their self-determination story. They were discovered during Spanish colonialism and were a catalyst to the transition of the Sahrawi people from a nomadic to a sedentary lifestyle as they were able to gain job prospects from companies brought in to explore and eventually extract the resource. This was an initial source of motivation for the Polisario nationalist movement because there were growing conflicts between the Sahrawis and the Spanish over who should rightfully control the phosphate mines. It is also undeniable that the presence of the phosphates was at the very least a factor, if not the primary driver of the Moroccan occupation (White, 2015). While Morocco has not outright said that this was their motivating factor and has instead favored pointing towards a historical right to the territory,

Western Sahara was coined “the richest of the Maghreb in terms of natural resource abundance”, and thus it is impossible that the desire to control the resources did not play a role in their occupation of the territory (White, 2015). This has been made even clearer through the conflict between Morocco and the Sahrawis during the tripartite negotiations as Baker moved to offer control of the phosphate reserves to the Sahrawis in an autonomy agreement, and Morocco rejected it, not wanting to relinquish control of the resource (White, 2015). Again, the ability to manage the phosphate resource is vital to global agriculture as phosphates are a key ingredient in fertilizers and so the international community has raised concerns over the Sahrawi’s ability to manage it. Conversely, the Sahrawis have seen the presence of these resources as another motivating factor for their independence because they are a clear source of economic viability for their state. In both of these cases there is a struggle between whether these resources would go to waste or be left unused if an independent state would lead to mismanagement of them, or if the presence of these resources makes the functioning of a state possible in cases where there were concerns over their economic viability prior to the discovery of valuable resources. This debate within the international community has been one of many points of contention that has limited their progress and action towards self-determination in these cases.

### International Recognition

The final factor to consider is the role of the international community and their recognition in the struggle for self-determination. I will preface by saying that I expected this factor to clearly outweigh the others in terms of its influence on a people’s ability to achieve self-determination. Upon my research this proved to be less significant than the impact of the oppressor on these territories but remained a highly significant factor in the facilitation of the referendum and the final stages of solidifying independence. In both of these cases there has been a varying amount of recognition from the international community. There were countries who immediately



recognized both East Timor and Western Sahara when their former colonial powers ceded them, yet in neither case was this enough for them to take action on this recognition or prevent the invasion of these territories. Next, there were coordinated actions by the international community in the form of annual UN resolutions passed in both cases in support of self-determination and ultimately independence. This is where a lot of contradiction can be seen between international law such as the UN Charter, and the actual actions taken by the international community to enforce said laws. While the charter explicitly guarantees the right of all people to self-determination, in both these cases the countries declared their independence but then the UN labeled them as non-self-governing territories. I continue to reiterate this definition because I view it as the reason they were not given the right of sovereignty that all states have and effectively paved the way for the occupations to occur.

What becomes increasingly clear through the long-term inaction of the international community in these conflicts is that they support the idea of self-determination but in practice they will not move towards it if it poses any threat to regional stability. What is also clear through these cases, as is to be expected, is that states are inherently self-interested. They will not uphold the principles of the UN charter if they are at odds with their ability to gain economically or politically, or if they threaten strategic relationships. This was illustrated by the resistance to get involved in East Timor as Asian countries protected Indonesia in UN votes to maintain regional relationships and stability. The same can be said in Western Sahara as Western countries like the US and France have not come out in support of Western Sahara, despite believing firmly, at least from their rhetoric, in the Sahrawi's right to self-determination, in an effort to maintain their strategic military and political partnerships with Morocco. Ultimately, these cases have illustrated that the international community tends to play a more significant role

in holding up the progress towards self-determination than they do moving them forward as their charter seems to support.

There is one caveat to this hinderance to progress and that is actions coming from the UN Security Council, particularly surrounding referendums, and the transition to independence. What can be seen in these cases is that once the international community decides to become actively involved in the struggle, meaning peacekeeping forces on the ground through UNAMET and MINURSO, progress comes relatively quickly. In both of these cases the prospect of a referendum on self-determination has seemed like an impossibility for decades, but when the UN missions became actively involved, they both saw movement towards a referendum. While Western Sahara has never successfully carried out a referendum, largely due to never-ending conflict over voters and the conditions of the vote between Morocco and the Polisario, the most substantial progress towards a referendum came when Kofi Annan deployed James Baker to the territory. He was able to facilitate negotiations which resulted in voter registration and a clear plan for a referendum to take place, although other factors prevented it from being achieved. In the case of East Timor, the UN's presence was the only way to curb the violence between the Indonesian military and Freitlin in order to carry out the referendum. Of course it was not an instantaneous process and encountered many bumps along the way, but the UNAMET mission did successfully achieve registering voters and carrying out a referendum in East Timor. It is this administrative action that proves the vital role of the United Nations in particular in self-determination struggles because due to the violent nature of these conflicts, and the two parties being too at odds to carry out such a vote fairly themselves, an outside administrative body was essential. It was also completely vital to have an international military force present to curb the violence so that voters could actually make it to the polls.

Finally, there is the role of the UN in facilitating the transition to independence in East Timor. The UNTAET mission has both advantages and disadvantages which has left it somewhat of a controversial action by the UN in the eyes of scholars. While as I pointed out in the discussion of statehood criteria it did provide certain advantages because it helped East Timor form its government when it was in a particularly vulnerable state and ensured that Indonesia did not derail their independence and allowed them to achieve all of the necessary criteria for statehood. However, there is a lot of concern that this action went outside the bounds of what the UN was created to do. Some believe that the UN's facilitation of state building undermined the East Timorese's ability to form their own government authentically and imposed certain ideals and principles on them that they may not have adopted on their own. There were also concerns about the "grooming" of Freitlin leaders to become the political leaders of the new country and how that would impact the emergence or position of opposition parties or even ideologies as they had been the key player in the independence movement. Ultimately, it is undeniably an imperfect method and one that could be improved upon in the future. The first time that the UN had ever established a transitional government for a state was in East Timor. If they were to do this again in Western Sahara, which seems plausible if a referendum vote were to take place, there would be room to facilitate the transition in a less invasive or imposing way, allowing the Sahrawis to be the central leaders rather than the UN as they had done in East Timor.

### Conclusion

In conclusion, the struggles for self-determination by the people of East Timor and Western Sahara provide valuable insight into the flaws in this process and the factors which create additional barriers to achieving independence. Of the four factors, colonial attitudes and international involvement seem more significant than the presence of natural resources and the ability to meet the criteria for statehood, however all four factors work together to make this

process the struggle that it is. Unfortunately, though the UN charter promises the right of all to self-determination, it seems that is more of an idealistic principle than something that can be easily enforced or even supported in practice by the same countries who wrote it as their doctrine. While this can be a discouraging reality, perhaps the greater discovery found in this research is the power of resilience. Through decades of violence and oppression the East Timorese and the Sahrawi people have remained resolute in their belief in their own right to self-governance and independence. These people have looked inward and remained rooted in their cultural identity, despite being politically stuck without any sense of control over their own situation. To conclude my research, I come back to the point of human resilience because it is important to center the people who are most affected by these struggles and conflicts. As much as this is a struggle for political recognition which must come through political processes and strategic international relations, above all it is a struggle for freedom from oppression. I will finish with a line from the preamble to the Sahrawi Arab Democratic Republic's constitution which exemplifies their historical resilience by explaining their purpose which is *"to liberate the homeland from colonialism and occupation thus continuing the long resistance, which has never stopped during the history of our people to defend their freedom and dignity."*

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