Assessment Task 3 (CAT) CAT 3. State responsibility, the settlement of disputes by peaceful means and the use of force ● Presentation ● Objectives and Competencies ● Formal issues ● Marking criteria Presentation CAT 3 consists of a practical case. You will be asked to act as a delegation to the UN Security Council and prepare a briefing on the situation in Western Sahara. Learning objectives ● Identify the elements that entail the perpetration of an internationally wrongful act. ● Identify the consequences that emerge when an internationally wrongful act has been committed. ● Distinguish different types of State responsibility at an international level. ● Understand what diplomatic protection entails and the requirements needed to exercise such protection. ● Discover different ways of settling international disputes. ● Identify how coercive measures can be legally exercised in accordance with international law. Practical case: Outbreak of violence in Western Sahara and the response of the international community The Sahrawi Arab Democratic Republic (SADR), commonly known as Western Sahara, is a territory that emerged from the decolonization of Spain in the 1970s. After Spain withdrew from this territory in November 1975, Morocco practically annexed the two-thirds of Western Sahara (formerly known as 'Río de Oro' or 'Spanish Sahara') in 1976 and claimed the rest of the territory in 1979, following the withdrawal of Mauritania. Several episodes have happened ever since, among which we can highlight: ● A guerrilla war between Morocco and the Polisario Front (the de facto government of the SADR, which disputes the sovereignty of Rabat over the territory) that ended in a ceasefire negotiated by the UN in 1991, and which has been broken by both sides ever since. ● The possibility of a referendum organised by the United Nations on the definitive status of the territory, which has been repeatedly postponed, based on the deployment of an international mission to hold the referendum, since 1991 (MINURSO) ● The negotiation of the fishing agreement between the EU and Morocco, in which fishing in Sahrawi territory is included (and which has had the special mediation of Spain) ● The US and Spanish diplomatic recognition of Moroccan sovereignty over Western Sahara ● The stay of the leader of the Polisario Front (Brahim Ghali) in Spain, due to health reasons The UN has sponsored on several occasions talks between representatives of the Moroccan Government and the Polisario Front to negotiate the status of Western Sahara, frequently stalled and resumed. Rabat has presented a proposal for autonomy for the territory, which would allow for local Sahrawi administration while maintaining Moroccan sovereignty. For its part, the Polisario Front, with the support of Algeria, demands a popular referendum that includes the option of independence. The United Nations once again proposes to call this referendum as the administrator of this territory (Western Sahara is considered a colony at the international level. Check in that regard the List of Non-Self-Governing Territories | The United Nations and Decolonization). Over the last year, exactions and the intensification in the armed conflict between the Polisario Front and Morocco have been reported. A few days ago, some actors present in the territory affirmed that a massive slaughter of innocents has been taking place in the Moroccan occupied part of the territory as well as in the Sahrawi part. Norway, which holds the rotating Presidency of the UN Security Council, summons an urgent meeting of the different actors involved given the gravity of the situation. All delegations must prepare a five-page maximum document outlining the main tenets on the following: On state responsibility: ● The extent to which Algeria and Mauritania can invoke the state responsibility of Morocco, as many Algerian and Mauritanian citizens have lost their lives in the border zones. ● What the possible consequences of the wrongful acts committed by both Moroccans and Sahrawis are. On the peaceful settlement of disputes: ● Analyse the different methods underlined by Malcom Shaw’s book and explain to what extent they may apply to the Western Sahara case: negotiation, good offices and mediation, inquiry, conciliation, possible intervention by the African Union, as well as arbitration. On the use of the force: ● The way in which we could categorise the ongoing armed conflict in this territory; civil wars, retorsion, reprisals… ● The arguments that both the Polisario Front and the Kingdom of Morocco can use to support their right to self-defence. Formal requirements The estimated time that the student must devote to this CAT is 25 hours. It includes reading the required materials, consulting international treaties and case law, and drafting the briefing. It is an estimate since the actual hours of dedication may vary depending on the previous knowledge, skills, and circumstances of each student. The maximum length is five pages keeping this format (font, size, line spacing, etc.), excluding the cover sheet. The delivered document only has to contain the text of the briefing. Please erase the rest of the sections (Presentation, Objectives, Marking criteria, etc.). In addition, you must include your name and surname in the upper part of the document to facilitate the identification of the assignment in case it is printed. Marking criteria On the basis of the Appendix A of the ‘Student Handbook’, we will evaluate the following criteria - Task fulfilment: Fulfilment of the requirements of the task. - Knowledge and understanding: Student’s demonstration of understanding of topics. - Analysis and development of an argument: Student capacity for analysis, coherence of ideas and critical judgment. - Structure and presentation: Order and structure in the argumentation. Correct writing. Clear style. - Use of sources and data collection: Range of sources. Referencing consistent and appropriate (see Appendix B of the ‘Student Handbook’). WARNING: We take plagiarism very seriously. We invite you to read carefully the Guide on plagiarism, available in the virtual classroom. A case of plagiarism will result in failing the CAT and may lead to automatically failing the course.