Thus, the designation of Western Sahara as terra nullius must be determined by the rules of international law in force at the time Spain colonized the territory. The critical date established by the Court for this purpose was 1884 - this corresponding to a Spanish proclamation establishing a protectorate over the southern portion of Western Sahara (Rio de Oro).

Had the question been moot, this would have been understandable; but there appears to be considerable ambiguity as to when a tribe has reached a sufficient level of political sophistication to be declared sovereign over the territory it inhabits. The distinction between civilized and uncivilized, or between political and non-political, is not one that can be drawn with the apparent ease assumed by the Court. The question of Western Sahara falls within a conflict of interests between the USA, France, Russia, Spain and the United Kingdom. Their differences mean that cooperation between the vetoing states in the Security Council is necessary in order to find a final agreement. What I call the containment approach aims to contain the Polisario through interminable negotiations. In other words it is an approach that counts on delaying until the Polisario changes its position to one more favorable to Moroccan interests. This gives Morocco more weight and flexibility to maneuver. Indeed, Morocco has gain It was also held that Western Sahara during Spanish colonization was inhabited by people who were mostly tribal and under chiefs adept to represent themselves. In other words, the International Court of Justice in that advisory opinion determined that Western Sahara belonged to the Sahrawi people and not Morocco before colonization. II. The Fraudulent transfer and the illegality of Morocco’s claims. Although most African countries became independent in the 1950s and the 1960s, Spain refused to recognize the right of the Sahrawi people to self-determination. Source: Sharma, Vishal. Books. This book can be found in: Business, Finance & Law > Law > International law. This book will be a valuable resource for students, researchers and practitioners in the areas of migration studies, refugee studies, comparative education, development and humanitarian studies, international relations, and regional studies (Latin America, Middle East, and North Africa).