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Since being placed on the UN list of non-self-governing territories in the mid-1960s, the former Spanish Sahara—now Western Sahara—has been excessively compared to other cases that conform to the United Nations framework on decolonization. Today Western Sahara has perhaps one of the most unique international legal statuses in the world: it is a non-self-governing territory under de jure Spanish administration but de facto Moroccan occupation.

Western Sahara and East Timor, because of obvious historical and legal parallels, have been subjected to numerous comparisons to gain an understanding of their seemingly divergent fates. Yet internationally recognized and legitimate acts of self-determination often take place outside of UN auspices and in places the UN never formally recognized as colonies for historical, political, or other reasons.

These cases are worth examining for three reasons. First, they provide alternative models of self-determination that might inform the Western Sahara peace process in ways divergent from the standard UN framework of a referendum on independence.

Second, these cases—some including an independence option, others not—show self-determination is often the product of a mutually agreed-upon political solution. That is, self-determination need not stand in opposition to a political solution as a nonnegotiable precondition required by international norms. Although the norm of decolonization was simply to grant European colonies independence, we see that legitimate acts of self-determination take many different forms.

Finally, these cases all suggest a broad range of final status options for Western Sahara that could push current thinking beyond a dichotomy of total independence for Polisario or integration under autonomy for Morocco.

THE AMERICAS

Two cases in the Americas are of particular relevance to Western Sahara: the Quebec sovereignty debate in Canada and the status of Puerto Rico vis-à-vis the United States.

Quebec and Canada: Self-determination in Quebec is rooted in social, linguistic, and historical claims. Unlike any other province in the Canadian federal system, Quebec has French as its official language, and the majority of the population (some 80 percent) speaks French as its first and primary language. The province is also predominantly Catholic, while the rest of Canada is mainly Protestant.

The Quebec independence or sovereignty movement has drawn parallels between its history and those of other territories conquered and colonized by the British during the height of European imperialism in the eighteenth and nineteenth centuries. As Quebec is the largest and second most populated province in Canada, contributing one-fifth of Canada's gross domestic product (GDP), the question of its secession has been a serious one for the Canadian state and polity.

The contemporary question of Québécois independence is generally rooted in the emergence of several pro-independence parties, associations, and movements in the 1960s, corresponding with a period of increasing liberalization and secularization in the province. Quebec even experienced low levels of nationalist political violence during this period. Among these movements, consensus developed on the idea of full sovereignty for Quebec, but within the context of continued economic association with Canada. This

souveraineté-association approach was modeled along the lines of the then emerging European community model, including a common currency.

Whether or not to pursue the sovereignty-association question was formally put to the population of Quebec in a May 20, 1980, referendum. If the majority of the population had endorsed the proposal, provincial authorities in Quebec would have had a mandate to negotiate sovereignty and association with Canadian federal authorities. Once an agreement was reached, Quebec authorities would then have put the final agreement to another popular referendum to seek the province's support. The 1980 referendum resulted in a clear majority vote, however (almost 60 percent), against this first step toward sovereignty-association.

In the early 1990s, Quebec's "sovereigntists" were able to take advantage of a nationwide impasse vis-à-vis revision to Canada's federal constitution. Another referendum, similar to the one in 1980, took place at the end of October 1995, although this time voters were asked whether or not Quebec should unilaterally declare independence once an association agreement was presented to Ottawa. Federalists defeated the sovereigntists by less than 2 percent in this second referendum. Since then, interest in holding a third has apparently diminished.

Puerto Rico and the United States: The Caribbean island nation of Puerto Rico was a possession of Spain until the United States seized it (along with Cuba and the Philippines) in the Spanish-American War of 1898. For over a century now, conflicting Puerto Rican desires for sovereign independence and federal statehood have challenged the imposed asymmetrical— yet evolving—relationship between Washington and Puerto Ricans, now numbering 3.6 million.

As inhabitants of an "unincorporated territory" of the United States (one of thirteen such territories, five of which are significantly inhabited), Puerto Ricans were granted US citizenship (1917) and allowed to adopt their own constitution via popular referendum (1952), which was then ratified by the US Congress and executive. The constitution freely associated Puerto Rico with the United States in an arrangement approximating a commonwealth (Estado Libre Asociado), in which the United States retained exclusive powers over foreign affairs, trade, and defense, as well as citizenship, communications, postal services, currency, monetary policy, and a number of other social, economic, infrastructural, and environmental domains.

Within the emerging UN framework for decolonization, legal and political debate continued to surround the legitimacy and ambiguities of the 1952 referendum and the ensuing commonwealth arrangement between the United States and Puerto Rico. A breakthrough was achieved in 2011 when President Barack Obama, building upon the work of the previous administration, signaled US support for a Puerto Rican self-determination vote. That vote took place on November 6, 2012 (the same day as US national and local elections), using a two-stage process. First, Puerto Ricans were polled on the question of whether or not to continue with the status quo. Second, those favoring an end to the status quo were asked which of three options they preferred: independence, sovereign association, or federal statehood. The first vote received a slight majority in favor of ending the status quo (54 percent), and the second saw federal statehood (44 percent) handily defeat both sovereign association (24 percent) and independence (4 percent).

Concerns over the regularity and interpretation of the vote, as well as the lack of a clear majority in favor of ending the commonwealth arrangement and concerns about adding another state to the US federal system, have led to the referendum's results becoming a dead letter in the US Congress. President Obama requested funds so the US federal government could organize a definitive vote; those funds were authorized in early 2014.

EUROPE

The case for power sharing between Morocco and Western Sahara relied on examples from the independent powers enjoyed by regions in Spain and Germany. Other examples from continental Europe are also worth discussing, however: the region of South Tyrol (Italy) and the Åland Islands (Finland). The following analysis of these two cases will be followed in turn by a look at cases within the former Yugoslavia and then the United Kingdom.

South Tyrol and Italy: Annexed by Italy at the end of World War I, South Tyrol is a predominantly German-speaking province formerly belonging to Austria-Hungary. South Tyrol's continued separation from Austria post–World War II and colonization by Italians resulted in an international dispute that also saw low levels of political violence by separatists. The province gained its current autonomous status in 1972 following an agreement between Italy

and Austria, although implementing it fully took many years. As of 1992, Austria considered the matter settled and dropped its territorial claim.

Then, starting in 1996, South Tyrol (Italy) began a process of joining with Austria's North and East Tyrol, along with Italy's Trentino, to form a special Euroregion through an association agreement. Today its half million inhabitants enjoy one of the world's most robust autonomy statutes, affording South Tyrol a notable, and perhaps enviable, level of economic and political independence from Rome. It has become one of the richest regions in the European Union, where the borders with neighboring Tyrolean provinces in Austria are virtually nonexistent.

Åland Islands and Finland: Nestled between Sweden and Finland, the Åland Islands are larger than Hong Kong but smaller than Luxembourg. They constitute an autonomous province of Finland, with an entirely Swedish population of some thirty thousand people.

Ceded to the Russian empire by Sweden in the nineteenth century, the Ålands became part of Finland when it emerged as an independent republic in 1917. The Swedish-identifying Åland islanders pressed their case for reunification at the newly created League of Nations, which saw the autonomy Finland granted the Ålands in 1920 as a sufficient solution to the crisis.

The Ålands' autonomy statute of 1921 (reaffirmed and strengthened by the Finnish government in 1951 and 1991) is notable for guaranteeing the political and economic rights of the Swedish on the islands. When Finland voted to join the European Union, a separate referendum was organized for the islanders. The latter supported Finland's membership, along with the rest of Finland.

The Ålands maintain a special territorial status within the European Union alongside such entities as Gibraltar and the Spanish enclaves of Ceuta and Melilla. That is, these territories are recognized by the European Union as having a unique international status, even though they rest within the sovereignty of an EU member state. While such ethnolinguistic privileging is seemingly inconsistent with multicultural EU norms, it has become an aspect of the autonomy the islands enjoy, including EU "regional citizenship" mechanisms that help maintain the Ålands' Swedish character. The islands are also noted for being neutral in wartime and demilitarized, and residents cannot be conscripted into the Finnish military.

FORMER YUGOSLAVIA

The breakup of Yugoslavia resulted in a number of experiments in territorial power sharing, notably Bosnia-Herzegovina, Macedonia, and Kosovo. All of these cases offer some ideas that might be of use to Western Sahara, particularly with regard to a binational federation, political naming issues, and the importance of international consensus.

Bosnia-Herzegovina: The multiethnic, multiconfessional state of Bosnia-Herzegovina (hereafter Bosnia) emerged from the disintegration of Yugoslavia and the bloody wars that occasioned that collapse. Today it is a federal parliamentary republic and the home of nearly four million people; half are Bosniaks, two-fifths are Serbian, a sixth are Croatian, and less than 1 percent come from other ethnolinguistic and religious backgrounds.

In February 1992, a referendum was organized so the general population could add its voice to Bosnia's declaration of independence from Yugoslavia the previous year. Though widely boycotted by Serbians, the results of the referendum—with a majority of voter turnout—were decisively in favor of independence. International recognition and UN accession followed.

Serbian resistance in Bosnia, which became increasingly armed and violent, won support from the Serbian-dominated rump of the former Yugoslavia (the Federal Republic of Yugoslavia, later the State Union of Serbia and Montenegro, until its dissolution into Serbia and Montenegro in 2006). Foreign intervention in 1995 to stop the violence, which was becoming genocidal, resulted in negotiations that attempted to draw new, mutually agreed-upon internal boundaries between the warring sides in Bosnia.

The federal state that emerged from these negotiations included two main entities whose boundaries essentially represented the battle lines of 1995: the Serbian Republic and the Federation of Bosnia and Herzegovina. From the national to the local levels, this new state was designed to use territorial and governmental means of sharing power while assuring identity groups of their security.

Macedonia: Amid the collapse of Yugoslavia, Macedonia declared its independence in 1991. The landlocked territory is today home to some two million people, most of whom are Slavic Macedonians. The 1991 Macedonian

referendum on independence saw a healthy turnout of three-quarters of the population. The vast majority opted for independence, although this did not foreclose the option of some kind of future union, association, or confederation with the successor states of the former Yugoslavia.

Greece initially opposed Macedonia's use of that name without some qualifier that would distinguish Slavic northern Macedonia from the region of Greece also called Macedonia, not to mention acknowledge the broad Greek identification with the historical identity of Macedonia and the ancient kingdoms associated with it. Some Greeks also harbor fears and accusations that Slavic Macedonians dream of a "reunited" Macedonia, posing a threat to Greece's sovereignty and territorial integrity. Given the dramatic changes in the region's borders since 1990 and the Macedonian Republic's recent "antiquization" policies, these fears are perhaps not entirely unfounded.

Officially called the Republic of Macedonia in its post-Yugoslavia constitution, Macedonia has seen this naming dispute affect its bids to join both the European Union and the North Atlantic Treaty Organization (NATO). Addition of the qualifiers "Northern," "Upper," and "Serb" or "Serbian" (in various orders) to the official name has been proposed to end it, but a mutually agreeable formula has not been found. Macedonia has offered the compromise of continuing to use its initial UN name, the Former Yugoslavian Republic of Macedonia, but Greek concerns have not been assuaged.

In 2008, the issue made its way to the International Court of Justice (ICJ) following a successful Greek effort to keep Macedonia out of NATO, and in 2011 the ICJ found the Greek effort in violation of a 1995 accord between Greece and Macedonia. The Hague, however, refused to rule on the question of whether or not Greece could legitimately challenge the Macedonian Republic in other international forums.

As Macedonia has met all criteria to join the EU, pressure to find a solution to the problem has increased. The main areas of disagreement continue to be the wording of the final name, and then whether it is merely the international name for Macedonia or must be used internally as well.

Kosovo: The Republic of Kosovo is a small, landlocked country of 1.7 million people in the heart of the former Yugoslavia. It unilaterally declared independence in 2008 after nearly a decade of transitional UN

administration following NATO's controversial military intervention against Serbia (then the Federal Republic of Yugoslavia) in the Kosovo War in 1999.

Like the other entities within the disintegrating Socialist Federal Republic of Yugoslavia in the early 1990s, Kosovo staged an independence referendum. The vote, held in September 1991 and based on an electorate of 1.05 million registered voters, was overwhelmingly in favor of independence, although Serbians (some 10 percent of Kosovo's population) boycotted it. The referendum nonetheless easily met its two basic requirements: at least two-thirds voter turnout (turnout was near 90 percent) and a simple majority in favor of independence (99 percent voted for it).

Kosovo did not receive nearly as much bilateral recognition as Bosnia and Macedonia; it was also not admitted to the United Nations. Even today, Kosovo's international recognition remains subject to contestation. Wielding a veto on the UN Security Council, Russia has backed Serbian demands for a mutually agreed-upon political solution (that is, that Kosovo's final status has to be negotiated with Serbia).

Other states have withheld recognition of Kosovo's independence precisely because of the unilateral nature of its declaration of independence (regardless of Serbia's claims). Many fear a precedent has been set with Kosovo. Some also fear new states are being declared simply because they have major-power backing (for example, Kosovo is backed by North Atlantic powers, and South Ossetia is backed by Russia) but otherwise lack internal and international legitimacy.

UNITED KINGDOM

Territorial power sharing within the context of British sovereignty has used a process of devolution—that is, state competencies being devolved to regional authorities—to guide three cases that are relevant to Western Sahara: Northern Ireland, Wales, and Scotland.

Northern Ireland: Created in the wake of the Irish War of Independence (1919–21), Northern Ireland was incorporated into the United Kingdom, which became the United Kingdom of Great Britain (the unified countries of England, Scotland, and Wales) and Northern Ireland. Ireland's partition was largely the result of its significant Protestant population; many inhabitants are descendants of settlers who arrived following the British conquest in

the sixteenth century. Today Northern Ireland's population of nearly two million is almost evenly split between Catholics and Protestants, although nearly 20 percent refuse to state their religion or have none.

The territory's status within the United Kingdom has been characterized in various ways, but from partition to "the Troubles," starting in the 1960s, it generally enjoyed autonomous governance. In 1973, as the violence surrounding the Troubles intensified, a referendum on the question of unifying with Ireland or maintaining the status quo was overwhelmingly boycotted by Catholics, resulting in 98 percent support for the status quo, with a turnout shy of 60 percent.

As the referendum was widely perceived as illegitimate, the conflict continued until a peace process led to the Belfast or Good Friday Agreement in 1998. At its core was an understanding by all concerned stakeholders— the Northern Irish, Ireland, and Great Britain—that Northern Ireland could determine its final status when it chose to do so. In the interim, the territory's autonomy or devolved government within the United Kingdom, which had been severely diminished during the Troubles, would be bolstered by new local power-sharing arrangements, coupled with security sector reforms aimed at addressing the vicious intercommunal violence.

In May 1998, Northern Ireland and Ireland held concurrent referenda to endorse this agreement so both sides would accept the North's final status. While Ireland saw overwhelming support for it at 94 percent (which initiated necessary constitutional changes to make the Irish constitution neutral on the question of the North's final status), Northern Ireland's vote was more controversial, with just over 70 percent approval, based on what many suspected was a sizeable Protestant rejection and boycott.

Scotland: Since joining with England in the early eighteenth century, Scotland has been a constituent member of Great Britain (with England and Wales) and the wider United Kingdom of Great Britain and Ireland (now Northern Ireland). Today Scotland enjoys devolved government authorities, which allow it an independent judiciary and, since a 1997 referendum, its own government (Parliament and executive). Although a 1979 referendum on devolution had majority support, the turnout (barely a third of the electorate) did not meet the agreed-upon threshold of electoral support for the result to be considered legitimate.

With the return of the Labor Party in the 1990s, efforts were renewed to hold another, similar vote. The 1997 referendum, with satisfactory turnout (60 percent), saw supermajority support for the two ballot questions: Should there be a Scottish Parliament and, if yes, should it have taxation powers?

The Scottish Parliament would also be allowed to legislate on issues not explicitly reserved to the UK Parliament in its 1998 Scotland Act. These reserved competences mainly relate to issues of national security and national policy (economics, infrastructure, and so on) that concern the United Kingdom as a whole. In September 2014, a Scottish vote on independence failed to secure majority support (55 percent voted against it), despite a very high turnout of over 80 percent.

Wales: Wales, which has been formally incorporated into England since the sixteenth century, also organized a referendum on devolved government in 1997, owing to Labor Party commitments. The Welsh were less enthusiastic than the Scots about the creation of their own parliament. The referendum, which did not include the option of voting on taxation, narrowly passed by less than 1 percent on 50 percent voter turnout. Wales gained limited control over twenty areas, including agriculture, health, education, social services, local government, and environment, while all other powers (pertaining, for example, to defense and tax or welfare benefits) remained in London's hands.

In 2011, the powers of the Welsh Parliament were extended in a referendum on the question of whether or not lawmaking in Wales's twenty domains always needed to be conducted in consultation with the UK Parliament. Although voter turnout was very low (35 percent), the initiative passed with a clear majority (63 percent). Since then, the UK Parliament has begun the process of devolving some authorities (for example, over taxation) to Wales, but the process has been slow.

THE MIDDLE EAST

Among the cases of territorial power sharing In the Middle East, the Kurdish region of northern Iraq provides the most relevant lessons for Western Sahara.

Kurds in Iraq: The Kurdish Region of northern Iraq (or Iraqi Kurdistan) began to emerge in the wake of the 1991 Persian Gulf War, when coalition forces placed a "no fly zone" over northern Iraq to protect civilians—mainly Kurdish

populations—from the Saddam Hussein regime. Although Iraqi and Kurdish leaders had, in the early 1970s, pursued autonomy negotiations in the wake of a 1960s Kurdish rebellion, hopes of a political solution evaporated as the Iran-Iraq war began to set in.

With the Anglo-American invasion of Iraq in 2003, Kurdish leaders—having benefited from a decade of aerial protection—were quick to seize the initiative afforded by the fall of the Hussein regime by working cooperatively with the occupying international forces. Iraq's 2005 federal constitution created a Kurdish Regional Government (KRG) with official autonomous powers over three governorates, as well as effective control over two other northern governorates.

Although negotiations on Iraq's constitution are ongoing, the KRG already possesses significant autonomous powers in the domains of governance (legislative, executive, and judicial), economics (foreign investment), and even regional armed forces (the peshmerga). The geographical and political limits of the KRG have yet to be finalized, while Iraq continues to hammer out a definitive federal system. Under these unsettled conditions, Iraq essentially exists today as an asymmetric or heterogeneous federal system in which the KRG has been given, and unilaterally exercises, powers different from those held by other Iraqi regions or governorates.

Negotiations between central authorities and KRG officials have been long and arduous for a number of reasons. The status of the oil-producing governorate of Kirkuk and that of the city of Mosul, for example, remain issues of contention between the KRG and the central authorities. Non-Kurdish populations in KRG-governed areas fear political and economic disenfranchisement—if not ethnic cleansing—if the KRG is granted too much autonomy. Complicating matters further, Turkey fears nationalist ambitions will lead to a breakaway Kurdish republic in Iraq, which could lead to a renewed Kurdish bid for independence in eastern Turkey as well.

CONCLUSION

From the above synthesis, a number of interesting and precautionary observations stand out as relevant to Western Sahara. As mentioned at the beginning, self-determination can exist and thrive as conflicting parties seek a political solution on which they both agree. In many of the cases summarized above, popular referenda were used to guide peace

processes rather than simply ratify agreements hammered out by elites. Traditional thinking on Western Sahara's self-determination referendum has always imagined a one-shot, high-stakes, winner-take-all event polling only native Western Saharans. Yet the cases above point to processes where (1) referenda were used to poll populations in both the subordinate and dominant territory; (2) referenda occurred in multiple stages to test changing public attitudes; and (3) the result of the referenda automatically triggered constitutional changes in the dominant country.

Moreover, the final status models listed—from Quebec's proposed sovereignty-association, bi-national confederation to the evolving process of asymmetrical regional power devolution in the United Kingdom— suggest ways to break the independence/autonomy binary that governs thinking on Western Sahara. On a cautionary note, it is worth considering the track record of unilateral acts of self-determination that initiate political dialogue rather than emerge from it. In those cases, it seems, big power or P-5 conflicts of interest have had the most detrimental impact.

Last, application to Western Sahara of models emerging from the cases above also warrants significant caution, given the high levels of development in almost all of the places named and, indeed, the predominantly Eurocentric and North Atlantic nature of the list. (Iraq is clearly an outlier for reasons besides geography, given the extremes of violent warfare and international isolation the country has experienced since 1990.)

Although the literature on democratization finds the correlation between democracy and wealth weak, the cases above nonetheless strongly suggest that self-determination and exotic forms of territorial power sharing are easier for wealthier than for poorer states to initiate and sustain. The problematic cases occurred in countries with medium levels of development, where state structures were not consolidated.

Given the Moroccan economy's increasing dependence on Western Sahara, a larger study of self-determination and territorial power sharing might consider the extent to which economic development and state weakness affect peace processes and outcomes. One need only think of East Timor and Indonesia, Indonesia and West Papua, Eritrea and Ethiopia, or the ongoing disputes between Sudan and South Sudan to recognize the problematic history of self-determination and power sharing where states are weak and economies fragile.

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