

## What will it take to resolve the dispute in Western Sahara?

Hakim Darbouche

After four years of diplomatic stalemate, there appeared to be some movement around the ‘frozen’ conflict in Western Sahara early in 2007, with a ‘fresh’ Moroccan proposal presented to a UN Security Council meeting on April 11th. The outcome of this submission, and its Sahrawi counterpart,<sup>1</sup> was a UNSC resolution calling on:

the parties to enter into negotiations without preconditions in good faith, taking into consideration the developments of the last months, with a view to achieving a just, lasting and mutually acceptable political solution, which will provide for the self-determination of the people of the Western Sahara.

The protagonists agreed to hold a meeting on 18-19 June in New York under the auspices of the UN Secretary-General’s personal envoy<sup>2</sup>, who invited the ‘interested parties’, namely Algeria and Mauritania, as well as the ‘group of the Western Sahara friends’, made up of the United States, France, Spain the UK and Russia, to participate as observers.<sup>3</sup> But, apart from agreeing to meet again in August, Morocco and the Polisario Front failed to agree on much else. This looks like another round of manoeuvring and counter-manoevring in an enduring dispute which will continue to beset the UN for some time to come.

<sup>1</sup> Submitted one day before by the Sahrawis’ representative body, the Polisario Front (*Frente Popular de Liberación de Saguía el Hamra y Río de Oro*).

<sup>2</sup> Peter van Walsum.

<sup>3</sup> The latter group of countries ended up not attending. Spain also wanted to attend, but the Sahrawi delegation objected. Algeria and Mauritania attended the opening and closing sessions only.

The proposed *Moroccan initiative for negotiating an autonomy status in the Sahara region* stipulates the establishment of an “*autonomous Sahara region...in the framework of the Kingdom’s sovereignty and national unity*”. Whilst hailed by the political establishment in Morocco as an “historic initiative”, it remains far from a novel idea since the notion of ‘autonomy as compromise’ dates back to the days of the late King Hassan II. The idea never bore fruit, however, due to its total exclusion of, and contradiction with, the defining principles of self-determination. The move was motivated by an international conjuncture, perceived by its architects to be favourable to the Kingdom’s thesis, which enjoys strong French and Spanish support, and the current US administration’s renewed interest in the region stemming from its war against terror. The Polisario Front’s scheme, which proposes ‘*a mutually acceptable political solution that provides for the self-determination of the people of Western Sahara*’, does not reject the option of autonomy but requests that it be listed among several choices, including full independence and full integration, to be submitted by referendum to the people of Western Sahara.

Months of diplomatic campaigning saw Morocco take its proposal to a number of political capitals around the world in an attempt to canvass its initiative. Capitalising on a predominantly security-oriented argument, the proposal elicited a largely positive response. But by ostracising the Sahrawis and the Algerians, the Moroccans did not advance the interests of trust, which is crucial in such situations. It looked, once more, as though the Moroccans were more interested in impressing outside onlookers than engaging in a genuine process of negotiations. The vagueness in which the terms of the proposal are couched further reinforced this view.

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Since the extension of the US-led global war on terror into the Sahel region, Morocco has argued that autonomy in the Western Sahara is best not only for stability in the Kingdom but also for the Maghreb and the international community as a whole. Its logic is based on two suggestions:

- that the Polisario Front is training terrorists in the region and that the ‘oppressed’ refugees in the camps near Tindouf in southwest Algeria are vulnerable to recruitment campaigns by ‘Al-Qaeda in the Maghreb’; and
- the creation of a new vulnerable state would destabilise the region by potentially serving as a safe haven for terrorists, just like Afghanistan prior to 9/11.

Whilst terrorist threats undeniably exist in the region, chiefly materialising thus far in Algeria and Morocco, their links to the Polisario Front remain fanciful. Even more uncertain is whether Morocco’s autonomy plan is likely to satisfy a lost generation of Sahrawis and dissuade them from resorting to violence. Indeed, more than 30 years of Moroccan political, military and socio-economic presence in over 80% of the Western Saharan territories have failed to quash routine uprisings in the major cities of the region.

The UN has always regarded the question of Western Sahara as a matter of decolonisation and defined its resolution in terms of self-determination. However, its efforts since 1991<sup>4</sup> to operationalise these principles by

<sup>4</sup> Date of coming into effect of UN-brokered ceasefire and deployment of the MINURSO (Mission des Nations

holding a referendum have failed because the *Realpolitik* approach of the UN’s permanent five, particularly France and the US, has thus far taken precedence over international law. The 16-year ceasefire has avoided loss of life in the conflict, but it has ironically not helped resolve the standoff by making it a ‘Chapter 6’ – requiring resolution by consensus between the antagonists – rather than a ‘Chapter 7’ case of the UN Charter – which would endow the Council with the power to impose arbitration based on its resolutions.

What are the odds of success for the negotiations this time round, bearing in mind that the positions of both parties failed to converge during this first two-day meeting? Sahrawi negotiators stated ahead of the meeting that they were not going to make any concessions on the principle of self-determination. Having, in their opinion, made costly and yet unrewarded concessions in the past, such as accepting the 2003 Baker Plan II,<sup>5</sup> they have now declared that the failure of direct negotiations this time would result in resumption of ‘armed resistance’. Algeria, for its part, has indicated that, should a fair and free referendum be held, it would support any choice made by the Sahrawis even if this meant full integration with Morocco. The Moroccans argue in fact that the Polisario Front is a mere appendage of Algeria’s policy towards the Kingdom, which aims at preventing the latter from ‘repossessing its southern provinces’, regardless of the fact that no country or international organisation recognises Morocco’s sovereignty over these territories.

Paris and Madrid<sup>6</sup> are the only European protagonists to qualify the Moroccan proposal as ‘constructive’. Washington sees it as a ‘positive effort’ but its diplomats both in Rabat and Algiers reiterated the self-determination principle. The European Union, apart from its intermittent parliamentary declarations, has, despite its weight as a potential broker, remained conspicuously disengaged from the conflict – most probably at the behest of France and Spain. Nobody needs reminding that a return to an armed conflict in the Western Sahara, in a context of international terrorism, would have serious consequences not only for the stability of the Maghreb but potentially for

Unies pour un referendum au Sahara Occidental). See map above.

<sup>5</sup> Consisting of granting Morocco a five-year autonomy period at the end of which a referendum would be held in which Moroccan settlers would be allowed to take part. The plan was rejected by Morocco because it included the independence option.

<sup>6</sup> Spain, the former colonial power in the Western Sahara until 1975, withdrew hastily from the territories after the fall of Franco and avoided the UN process of self-determination by sealing a secret deal with Morocco and Mauritania, which subsequently invaded the territories. As such, it is said to bear a moral duty towards the region.

Europe as well. The Polisario leadership for its part seems convinced that, in view of the unconditional support that Morocco enjoys from France and Spain in particular, in addition to America's reluctance to upset the balance of power in the region, only 'resistance by its own means' will help it achieve its goal.

The inter-state dynamics of the conflict have not meaningfully changed – not for the better at least. It is not clear therefore what the Security Council's latest resolution could mean when it calls on the parties to take account of 'the developments of the last months'. If the positions of the main protagonists are unchanged, little can be expected from proposals either for autonomy or independence. Morocco is more determined than ever to deny the Sahrawis the right to a referendum as stipulated in most UN resolutions on the issue, despite the fact that the outcome of an eventual vote is not obvious for either side. Mohamed VI's entourage know that this would exacerbate an increasingly strained sovereign-subject relationship in Morocco. The Polisario, for their part, are aware that the time factor is not on their side, both within their camps and outside. As to Algeria, it is, now more than ever, convinced that a full recovery on the regional scene after more than a decade of isolation is at stake in the rivalry that brings it into conflict with neighbouring Morocco, neighbouring Morocco; the regional geopolitical dimension of this conflict can be said to be a reflection of this rivalry.

The same goes for the European powers. Even with a new president in France, who is likely at a minimum to break away from Chirac's quasi-paternalistic protection of Mohamed VI, not much change can be expected. Between France and Morocco, the connections run deeper than personal relationships at the state level. Furthermore, even if France wanted to broker a deal between Morocco and the Algeria-backed Polisario, it would not be able to do so because of its historical legacy in the region. Spanish governments, in their turn, seem unable to keep a balance of interests between Morocco and Algeria. Whilst the former Aznar government succeeded in raising the country's relationship with Algeria to a historic high, it almost went to war against Morocco in 2002. Socialist Zapatero, on the other hand, has managed to reverse the situation. His government's relationship with Algeria has deteriorated lately due to an extremely complicated gas dispute between their respective national oil and gas companies, which, while a primarily commercial matter, has a political dimension to it.

Unless war breaks out, no international actor in the present configuration seems able or willing to engineer a lasting resolution to the conflict. Besides, it would be utopian to suggest this should be left solely to the parties involved, given their 'quasi-irreconcilable' positions.

Could the United States bring a solution to the table, offer the incentives for the parties to cooperate and provide the guarantees for a lasting breakthrough? The last time the US got involved was in 2005, when it successfully brokered the release of more than 400 Moroccan POWs from the Polisario's detention centres. Although it has traditionally backed its long-standing ally in the region on this issue, the US is now more cautious and tries to balance its relations with Morocco and Algeria, the latter having become a key partner in the global war on terror. From Africom<sup>7</sup> to WTO accession, along with other political, military and economic incentives, the United States' leverage in this conflict is considerable. Whilst it may have reservations about a new state in the Maghreb, the US recognises the strategic importance of the Sahel region in its war against terror. It is therefore crucial to secure the cooperation of Algeria in particular, whose territory covers most of the region and borders all surrounding countries, but this would not be offered up for free.

As a dispute in which international law conflicts with geopolitical interests, the Western Sahara will need more than 'Chapter 6' UN resolutions to be settled. Faced with the inability, on the one hand, of Morocco, the Polisario Front and Algeria to find a solution amongst themselves and, on the other, of the Europeans to engage in a constructive role, the Western Saharan *Frente de liberación* has no choice but to involve the United States one way or another. Should the US decide to become actively involved, however, bringing back the Baker Plan II would indeed be the optimum solution.

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<sup>7</sup> The US military is planning to set up, as of September 2008, an Africa Command centre around the Sahel region. Morocco has offered to host the Africom. Algeria rejected it.

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