

## Quicksand in the Western Sahara? From Referendum Stalemate to Negotiated Solution

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**Abstract.** The thirty-year old proxy conflict that has pitted Morocco against Algeria over the status of the former Spanish colony of Western Sahara, together with indigenous independence aspirations, continues to challenge conventional wisdom in conflict resolution. Largely ignored by the international community, the question of Western Sahara's future continues to have increased strategic relevance in geopolitical and economic terms. Not merely a standard post-colonial conflict among territorial integration, independent statehood, and partition, the Western Sahara issue elicits a deeper resonance of clashing national and ideological identities. No lasting settlement of the Western Sahara question seems imminent unless the current negotiation process factors in post-independence nation-building dynamics that underpin the conflict, feeds its resilience, and informs its complexity.

**Keywords:** Western Sahara, Maghreb, United Nations, self-determination, sovereignty, referendum, nation-building.

Direct and covert claims by Morocco and Algeria over control of the former Spanish colony of Western Sahara (the Territory), arguably one of the most complex and yet unresolved post-colonial issues faced by the United Nations and the international community, have challenged even the most seasoned international negotiators. In addition to the emergence of a Sahrawi independence national consciousness, this article highlights the complexity of the claims on the Territory from a strategic and geopolitical perspective by examining the history of the conflict and the various attempts to bring stability to the sub-region. Following a brief history of the Territory, the article attempts to (1) provide a historical account of dispute resolution efforts with an emphasis on the referendum process and parallel negotiation on a political solution; (2) examine the interests of the main parties to the conflict; (3) define the intricacies of past negotiations, tentative talks and failed agreements on the status of the Western Sahara Territory; and (4)

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explore the national values of and historical relationship between Morocco and Algeria together with nascent Sahrawi nationalism that underpinned the dynamics of the conflict. Only by examining the many ill-fated endeavors to settle the conflict and by understanding the multifaceted dimensions involved, can the international community learn useful lessons for future negotiations and eventually achieve lasting stability in the Maghreb region.

### **Regional Solutions for a Regional Dispute**

#### *Spain Puts Western Sahara on the Map*

In 1884, Spain – eager to play its part in the scramble for colonial Africa – established three coastal trading stations on the western shore of the Sahara desert and claimed a Spanish protectorate over the shore and interior of the Territory. Located south of Morocco and north of Mauritania, roughly the size of Colorado or New Zealand, the Territory was then inhabited by tribes that came from Yemen. Dominated by a large Bedouin tribe, the Reguibat, these nomadic tribes had, by the 19th Century, expanded over southern Morocco, the eastern part of the Territory, adjacent Mauritania, and western Algeria. Madrid's policy towards its southern flank was motivated by strategic and economic interests, which were linked to its historical possessions in the neighboring Canary Islands. The Berlin Conference (1884–1885) recognized the Spanish claim over the trading posts as well as the interior. For much of the first half of the 20th century, Spain confined its presence to the defense of its small trading harbors against periodic attacks by local populations while slowly expanding control to the south and west. From 1934 to 1958, the Territory remained incorporated into Spanish West Africa, which included Spanish southern Morocco (Tarfaya) and the neighboring Ifni enclave.

After Morocco gained independence from France in 1956, Spain retained control of the Territory. Riots between Spanish troops and local resistance took place in 1956–1958. In 1961, Madrid made the Territory a Spanish province with limited representation at the local level. While skirmishes with Moroccan armed forces supported by local tribes continued, Madrid did not significantly increase its presence, nor did its administration interact with the local population. The Territory's social fabric appeared to remain tribal and religious with no indication of shared national identity (Damis 1983a), although the tribes residing in the Territory share a deep-seated aversion to outside intervention in their internal affairs. Spain's road map for the Territory sought to prepare first for internal autonomy, with the help

of the traditional assembly of tribal leaders (the Jmaa), and then grant independence with the support of the United Nations (Berramdane 1992: 21–22).

#### *Early African Concern*

International pressures for the de-colonization of the Western Sahara Territory built up throughout the 1960s. As fighting broke out between Moroccan and Algerian forces in the Tindouf region (southwestern Algeria) in September 1963, the newly created Organization for African Unity (OAU) responded by establishing a stand-by mediation process to deal with African disputes. A joint Ethiopian-Malian mediation recommended an *ad hoc* commission to apportion responsibility in the Western Saharan conflict and devise proposals for settlement. As the commission's work proved fruitless, Morocco and Algeria were left to negotiate directly. The OAU's early involvement in the Western Sahara dispute was motivated by its concern for, as a matter of principle, the legitimacy and intangibility of borders inherited from colonial past and the precedent that an armed conflict on recognized frontiers might entail for the whole continent.

#### *Autonomy and Self-Determination Proposed*

In 1965, the UN General Assembly passed its first resolution calling on Spain to grant the Territory self-determination and initiate negotiation with Morocco and Mauritania. As both Morocco and Mauritania held conflicting historical claims on the Territory, the idea of a joint treaty was rejected. Morocco's links with the Territory stem from a variety of political, cultural, and religious sources that are widely viewed in Morocco as constitutive of genuine and effective exercise of sovereignty. The discovery of large phosphate deposits in the north of the Territory prompted Spain to review its Saharan policy, which came to favor the idea of creating a puppet state that would safeguard its economic rights. In 1967, Spain officially endorsed the principle of a referendum, but remained non-committal as to the date of the planned plebiscite.

In the early 1970s, Morocco, Algeria, and Mauritania began to cooperate with a view to exerting diplomatic pressure on Spain. In June 1972, the OAU adopted a resolution at its Rabat Council of Ministers Meeting calling for a self-determination referendum in the Territory (Sefiri 1983). Franco's government responded with delaying tactics while pretending that Spain was moving towards self-rule in the Territory. By mid-1974, the Western Sahara issue began to evolve rapidly towards an armed conflict after a decade of painful, protracted, and eventually fruitless diplomatic maneuvering by

the now emerging regional power players: Morocco, Mauritania, and Algeria. Morocco and Mauritania backed liberation and self-determination for the Territory but privately sought a bilateral solution. Algeria voiced high-minded views on self-determination while quietly nodding to a Moroccan-Mauritanian *entente*. In fact, public utterances by Morocco and Algeria supporting self-determination belied deep-seated doubts as to the fairness of a popular consultation in the Territory. Meanwhile, the Sahrawi independence movement Polisario Front was founded on 10 May 1973. Ten days later it carried out its first armed attack on a Spanish post at El-Khanga.

In July 1974, with the prospect of escalating armed conflict, Spain informed the three regional powers that it would grant internal autonomy to the Territory as a first move towards implementing self-determination. Madrid even contemplated the creation of a Western Saharan state in the Territory under joint Algerian and Spanish trusteeship. The rapid collapse of the Portuguese colonial possessions in Africa (1974–1975) prompted Madrid to express a fresh intention to hold a plebiscite under UN supervision to determine the future status of the Territory. Spain's unexpected move clearly unsettled Morocco, whose strategy was to secure recovery of the Territory through diplomatic negotiations. Rabat, perhaps alarmed by simmering nationalist sentiment, also cast doubts that the population of the Territory, if afforded the opportunity of an unfettered vote on the Territory's political status, would spontaneously opt to join the Moroccan kingdom.

*A Legal Solution? The ICJ's "Judgment of Solomon"*

Subsequently, Morocco and Mauritania initiated a surprise *rapprochement*. Mauritania's unexpected estrangement from Algeria was prompted by two factors: (1) growing links between the Western Saharan Liberation Front's (Polisario) and Mauritanian opposition movements; and (2) fear of the emergence of a rival independent state on Mauritania's northern flank. Eventually, in late 1974, under Morocco's prodding, the UN Fourth (De-colonization) Committee adopted a resolution requesting that the International Court of Justice (ICJ) issue an advisory opinion on the legal status of the Territory at the time of its colonization by Spain in 1884 (Chapez 1976). The ICJ unanimously concluded, on 16 December 1974, that the Territory was not *terra nullius* at the time of Spain's colonization and found that there were (a) legal ties of allegiance between the Moroccan sultan and some tribes, and (b) rights, including some land rights, which constituted legal ties between the "Mauritanian entity" and the Territory. The Court, however, observed that these legal ties did not entail territorial sovereignty between the Territory and Morocco or the "Mauritanian entity." The Court also deter-

mined no legal ties that might restrict the right of the Sahrawi population to self-determination through the free and genuine expression of the will of the peoples of the Territory, as called for by various UN General Assembly resolutions. In diplomatic and political circles, it was widely felt that the ICJ advisory opinion, which upheld the sanctity of the right of self-determination, although a mastery of compromise granting assents while simultaneously eschewing consent, stemmed as much from international law as political sensitivity (Hodges 1983: Appendix).

#### *A Populist March*

King Hassan II of Morocco, politically weakened at home and abroad, interpreted the ICJ opinion as a vindication of his kingdom's claim. In early November 1975, the king, motivated by a precarious political standing and exploiting nationalist demands at home, led a massive peaceful march of 350,000 civilians to the Territory. Upon King Hassan's order, however, the Green March, as it was to be known later, stopped short of reaching the Spanish "dissuasion line" twenty kilometers from the border after Spain agreed to negotiate with both Morocco and Mauritania to the exclusion of Algeria. Intense diplomatic flurries followed, but Algiers balked at acknowledging any *fait accompli*. The failure of the United States and France to push Morocco to compromise was arguably prompted by fears that Morocco's premature withdrawal from the Territory could have unleashed a political backlash threatening the pro-Western monarchy's survival. Spain felt determined to identify a dignified exit from the Territory while avoiding entanglement in an Arab dispute and a protracted colonial war. In Madrid, while General Franco's health was fast deteriorating, a conservative fringe of politicians and army officers left in charge of Spain's African policy, eventually compromised Morocco's attempt to secure a peaceful transfer of sovereignty.

#### *Joint Administration*

On 14 November 1975, Spain, Morocco, and Mauritania signed the Tripartite Agreement (The Agreement) which provided for (a) an interim administration in the Western Sahara Territory (following the departure of Spain) and (b) the transfer of Spain's administering power and responsibilities – though not sovereignty – to a joint Moroccan-Mauritanian administration. Spain reportedly received considerable economic concessions, including phosphate and fishing rights. The decision by Spain was to allow Morocco and Mauritania to stake their conflicting claims by granting them joint administration of the Territory. By indirectly supporting their territorial aspirations in the context

of de-colonization and nation-building, Spain avoided decision on their mutually exclusive ambitions, only to raise the stakes vis-à-vis Algeria. Spain's overriding concern, as a NATO member and staunch US ally, remained prevention of the emergence of a Soviet satellite close to its southern Canary Islands, just 100 miles off the coast of the Territory. Not only were the Spanish Canary Islands an important military and intelligence base for NATO during the Cold War, but their strategic significance for controlling the sea route between Europe and the Arabic Gulf, particularly after the closure of the Suez canal in 1956 and the Soviet Union's fresh gains in Africa, excluded a hostile neighbor on the Atlantic shore of the Sahara desert. Hence Madrid's reluctance to hand over the Territory to Polisario and its willingness to allow Morocco and Mauritania to fill the vacuum intended to keep socialist Algeria at arm's length. Spain effectively guaranteed its strategic interest in preserving a *de facto* zone of influence.

Morocco moved quickly to establish administrative structures and security forces in the northern sector of the Territory. Mauritania, constrained by a lack of resources, relied on Moroccan assistance to oversee its assigned southern zone. In retaliation, Polisario, with the support of Algeria, launched several attacks on Moroccan and Mauritanian army units. By backing Polisario's harassment operations, Algeria contested the Moroccan-Mauritanian accord, from which it had been excluded, while avoiding direct involvement.

This, in turn, led Morocco and Mauritania to strengthen their position and seek to incorporate their share of Western Sahara into their own national territory (while concurrently paying lip service to the UN call for self-determination). On 10 December 1975, the UN General Assembly endorsed the conclusion of the report of the UN Visiting Mission to Sahara (May–June 1975) that measures should be taken to enable all Saharans originating in the Territory to decide on their future in complete freedom and in an atmosphere of peace and security. This UNGA Resolution 3548 (XXX) also urged all the parties concerned and interested to exercise restraint. After Spain officially ended its presence in the Sahara (26 February 1976), a rump session of the Jmaa, an assembly of handpicked tribal leaders created under Spanish rule, endorsed the Agreement, but Spain refused to accept the vote as a genuine consultation of Sahrawi opinion (Hodges 1982: 104). Former Spanish Western Sahara became, according to the United Nations, a non-autonomous territory, while Spain was designated as the *de jure* administering power. The Jmaa endorsement prompted Polisario to announce the creation of an independent Saharan state in the Territory, the Sahrawi Arab Democratic Republic (SADR), on 27 February 1976. Algeria quickly recognized the SADR, forcing Rabat and Nouakchott to break diplomatic relations with Algiers.

*Short-Lived Partition*

The establishment of SADR in the eastern part of the Territory in April 1976 impelled Morocco and Mauritania to sign an agreement to partition the Territory. Meanwhile, Algeria's diplomatic success between 1976 and 1979, particularly at the OAU, complemented its military and logistic support to Polisario. Moroccan forces, supported militarily by France, concentrated on maintaining control over the primary population centers and settlements in the Territory. The escalating conflict in the Territory imposed a heavy burden on Mauritania's economy, which neared collapse. A military *coup d'état* in mid-1978 ended the Mauritanian army's participation in this costly war. In August 1979, Nouakchott signed a peace treaty in Algiers with Polisario, ceding it to the SADR. Mauritania thereafter adopted a position of "positive neutrality," but remained wary of King Hassan's claim on Mauritania.

On 14 August 1979, Morocco officially seized the Mauritanian area of the Territory and found itself alone fighting Algerian-backed Polisario troops. Eventually, and despite revision in its military strategy, Morocco could not afford a major offensive to pacify and control the whole of the Territory. Rabat therefore opted for a limited military objective within a security triangle in the northern part surrounded by a security belt ("Great Wall"). Increasingly isolated on the diplomatic scene and at the OAU, Morocco felt confident enough to offer to organize a "controlled referendum" in the Territory, taking into account its historical rights. In fact, the preferred wording of the proposed referendum was so slanted toward integration with Morocco that few outside observers really believed it could reflect the will of the population. Despite the Moroccan offer – applauded by the OAU, cautiously received in Algiers, and rejected by Polisario as a ruse – the OAU recognized the SADR in February 1982 (Damis 1984: 278–280). Morocco, subsequently, withdrew from the pan-African organization in November 1984.<sup>1</sup>

*Hopes of Regional Economic Integration*

In the early 1980s, a deteriorating economic situation in Algeria resulted in decreased support to Polisario. Continuing liberalization of the economy in Algeria and the growing assertiveness of the European Community in its relations with the Maghreb brought about a new *rapprochement* between Morocco and Algeria, ultimately resulting in the creation of the Arab Maghreb Union (AMU) in February 1989. The AMU, which comprises Mauritania, Morocco, Algeria, Tunisia, and Libya, seeks greater cooperation in diplomatic, security, economic, and cultural spheres. The AMU Treaty includes a collective

security clause (Article 14) as well as a prohibition against “activity or organization undermining the security, territorial integrity or political system of one of the member states” (Article 15). The institutionalization of AMU in the early 1990s and the signing of over thirty primarily economic conventions underscore members’ belief that a unified approach to Maghreb regional economic integration would reinforce their individual leverage vis-à-vis emerging trade multilateralism. Economically, the AMU sought to ease border disputes and promote the eventual free movement of capitals, goods, services and labor. Creating a nucleus based on common economic policies and subsuming internal disputes among members, however, fell short of the political dynamic necessary to further develop. It was, predictably, the Western Sahara issue that derailed the AMU process: Algeria’s understanding that Morocco would initiate direct talks with Polisario never materialized. Morocco had sought to use regional integration as a tool to wean the Algerians from the Polisario cause (SADR was excluded from AMU), hoping that the bilateral benefits derived from increased cooperation and trade would gradually triumph over their ideological support for Polisario. The Algerians hoped that the AMU would bring about a negotiated settlement that would create an integrated Maghreb encompassing the SADR. Morocco and Algeria both had engineered to use the AMU process to support their own political agendas on the Western Sahara issue, combining economic lures with over-optimistic expectations that the other party would concede its basic tenets in the dispute. The illusion that declining North African nation-states would contribute to an end to the Western Sahara conflict was quashed.

#### *Self-determination Referendum Re-visited*

This new, albeit aborted, regional economic cooperation dynamic did make it propitious for the UN Secretary-General Perez de Cuellar to dust off the initial peace plan and press Algeria and Morocco to agree to a cease-fire and referendum. Although Rabat could not accept negotiations that would have implied recognition of Polisario, direct talks were nevertheless held in 1983, 1985, 1986 and 1988. Although the talks did not achieve much substantively, they were significant even though Rabat described them as internal Moroccan talks between the two Sahrawi divides. In early December 1985, the UN General Assembly adopted a resolution urging the parties to negotiate the terms of a cease-fire as well as modalities for the holding of the planned referendum. High-level talks in Marrakech in early January 1989 between King Hassan and senior Polisario officials addressed details of the referendum, truce arrangements and exchange of prisoners of war.



The King, however, never reconvened talks with Polisario, deferring to the UN the task of organizing indirect or proximity talks.

*Parties' Interests*

By the mid-1980s, the parties to the Western Sahara conflict, i.e. Morocco, Mauritania, Algeria, and Polisario, seemed to have reached well-articulated positions on their interests and objectives in relation to both policy and strategy regarding the Western Sahara issue (see Table 1).

Table 1. Stakeholder Issues and Interests

Country	Issues	Interests
Algeria	<ul style="list-style-type: none"> <li>+ National consciousness based on political struggle</li> <li>+ Ideological foundation of statehood</li> <li>+ Regional cooperation (AMU)</li> <li>+ <i>Status quo</i> vs. resolution of conflict</li> <li>+ Bilateral issues with Morocco (e.g. borders)</li> </ul>	<ul style="list-style-type: none"> <li>+ Long-term support for political solution least favorable to Morocco</li> <li>+ Tactical support for Referendum process</li> <li>+ Mean for control by military over civilians</li> <li>+ Regional hegemony</li> </ul>
Morocco	<ul style="list-style-type: none"> <li>+ National consciousness based on history</li> <li>+ Islamic and communal definition of statehood</li> <li>+ Legal ties vs. sovereign rights</li> <li>+ Nation-building</li> <li>+ Regional cooperation (AMU)</li> <li>+ Bilateral issues with Algeria (e.g. borders)</li> </ul>	<ul style="list-style-type: none"> <li>+ Integration of Western Sahara w/out autonomy</li> <li>+ Abandon Referendum process</li> <li>+ Remain as long as possible administrating power in Western Sahara</li> <li>+ Internal political dynamic/cohesion</li> <li>+ Regional hegemony</li> </ul>
Polisario	<ul style="list-style-type: none"> <li>+ International legality based on self-determination</li> <li>+ Territorial foundation of state</li> <li>+ Nationhood</li> <li>+ Autonomy status</li> <li>+ Legitimacy of organization and goals</li> <li>+ <i>Status quo</i> vs. resolution of conflict</li> </ul>	<ul style="list-style-type: none"> <li>+ Independence of Western Sahara</li> <li>+ Maintain Referendum option</li> <li>+ Explore political alternatives</li> <li>+ Survival as liberation movement</li> <li>+ International recognition</li> </ul>
Mauritania	<ul style="list-style-type: none"> <li>+ Historical/ethnic links to Western Sahara</li> <li>+ National identity/cohesion</li> <li>+ Legal ties vs. sovereign rights</li> <li>+ Regional cooperation (AMU)</li> </ul>	<ul style="list-style-type: none"> <li>+ Regional balance (avoid hegemony)</li> <li>+ Preserve stability in the region</li> <li>+ Maintain internal ethnic balance</li> <li>+ Seek mutually acceptable solution for parties to the conflict</li> </ul>

*Morocco*

Morocco's position on the Western Sahara issue is based on a quasi-universal and deeply felt attachment to the Territory, which predated and outlived Spanish colonization. Moroccans almost universally share their country's claim on the Territory as an integral part of the kingdom's patrimony, of its collective memory, and of its national political consciousness, a vision that also includes other claims of Greater Morocco, such as western Algeria, Mauritania, and northwestern Mali. The Moroccan tie with the Territory has two main roots. First, Rabat bases its historical claim on the concept of Greater Morocco, which dates back to the Almoravid Berber dynasty in the 11th and 12th centuries when it ruled over not only Morocco, the Territory, and all of Mauritania, but also northwest Mali and most of western Algeria. Second, Morocco attributes historical ties of a political-religious nature to the Sahrawi population, based on the premise that the Moroccan state was founded on the religious bond of Islam and tribal allegiance to the ruling head of state (the Sultan). Although the Sultan's political and administrative control never extended to western Saharan tribes, Morocco argues that his religious authority was widely accepted there. In the course of the 19th and 20th centuries, some Saharan tribal leaders received appointments and/or instructions from the Sultan who also appointed royal officials at the tribal level (*caid*).

Finally, economic factors, though increasingly relevant, might not appear central to Morocco's claim. Morocco's exploitation of phosphate at Bu Craa – estimated to be large and rich – represents only ten to twenty percent of total Moroccan production. Compared to Moroccan investment in the Territory since 1975 and war expenditures (von Hippel 1996), revenues derived from the Bu Craa phosphate are outweighed by the cost of economic and social development in the Territory. As the US, however, seeks to diversify its oil imports, phosphate-derived uranium and possible commercial oil reserves reinforce strategic interest in the resolution of the Western Sahara issue. Lack of effective prospecting to date leaves the Territory's wider mineral wealth largely unmapped and untapped.

*Mauritania*

Comparatively weaker than neighboring Morocco and Algeria, Mauritania had to weigh a variety of domestic and regional factors to define its approach to the Western Sahara issue, resulting in an often shifting and seemingly contradictory pattern. Broadly elaborated as a counterproposal to the threat of Greater Morocco, the Greater Mauritania claim, which emerged in the late 1950s, rested on the perceived shared ethnicity, culture, language, religion and economy between the population in the territory of the Moors (the

land of the whites) and nomadic tribes inhabiting the Territory, southern Morocco, and western Algeria. Mauritania has argued that the Bilad Shinguitti entity (overlapping present Mauritania and part of Western Sahara) consisted of two types of political systems. One, the Emirate of Adrar, located around the cultural hub of Shinguitti, served as a form of league or association with nomadic Sahrawi tribes, implying legal ties between these tribes living in the Bihad Shinguitti and Mauritania. The ICJ clearly opined that Bilad Shinguitti could not be considered a Mauritanian entity enjoying sovereignty in Western Sahara.

The obvious advantage of a buffer state with Morocco through control over all or part of the Territory or in the form of an independent “friendly” Western Saharan state remained an overriding principle in Mauritania’s policy. Concern for a fragile national cohesiveness dependent on Arab/African relationships, however, checks Mauritania’s involvement in the Western Sahara dispute. Any tilt within the Mauritanian ethnic balance in favor of the Arab (Moors) majority through territorial expansion in Western Sahara could trigger negative repercussions for the African minority. Hence, Mauritania’s annexation of southern (Spanish) Sahara did not take place under the same dynamic of national unity and liberation that Morocco experienced with its seizure of the northern section of the Territory. Mauritania’s *rapprochement* with the Western Sahara Territory is best described as reactive, tactical and inherently pragmatic, which often meant Nouakchott would be content with an observer status at peace negotiations.

#### *Algeria*

Notwithstanding the absence of stated claims to the Territory, Algeria stood as an interested party to the dispute with long-standing regional and national interests in the Territory. Although widespread sympathy resonates among the Algerian people for the legitimacy of the Sahrawi independence struggle in the Western Sahara Territory, the level of popular support and readiness to risk lives for the Sahrawi cause may be limited. More importantly, since the Algerian military takeover in December 1991, the army’s prevailing influence on Algerian leadership and politics ensures active Polisario support on the part of most senior military officials (Damis 1992: 45). In turn, the Algerian military leverages the Western Sahara issue to control civilian politicians, including President Bouteflika despite his longstanding links with Morocco. Mirroring Algeria’s own revolutionary struggle for independence, Sahrawi self-determination and national liberation were also considered a way to oppose a Moroccan takeover of the Western Sahara that would have tilted the regional balance of power towards Morocco. Algiers consistently views Morocco as the only Maghreb country capable

of challenging its assumed preeminence in North Africa and would prefer its chief sub-regional rival to stay out of the Territory.

Algeria's support for Sahrawi nationalism grew out of the realization that Spanish neo-colonialism in the Western Sahara Territory would fail and that a genuinely popular indigenous liberation movement would be the best tactic to contain Rabat's regional hegemonic aspiration. It was also conceived as a means to check Morocco's conservative regime, which has remained intent on neutralizing the Algerian socialist revolution. For Algiers, the usefulness of propping up Polisario to contain its western neighbor was based on a two-track approach: military (keep Morocco stuck in the Western Sahara desert with the possibility of embarrassment in the war theater) and diplomatic (run the high tide of the self-determination doctrine to maintain SADR in international arenas) (Zunes 1995). Algeria's position on the Western Sahara issue owes much to geopolitical, economic and national concerns. Moved by a sense of revenge against history, Algeria vies for the status of the Maghreb's great power that would deprive Morocco of its Saharan "encroachment," guarantee Algeria secured access to the Atlantic,<sup>2</sup> restore national unity, and maintain control over a sizeable part of the Sahara Desert.

*Polisario*

Created in 1973, the Frente Polisario (known under its Spanish acronym POLISARIO) is the heir to the Saharan Liberation Movement founded in 1968. For the first two years of its existence, the Front was based in Mauritania and carried out attacks on Spanish targets in the Sahara. In 1975 and 1976, it encouraged the flight to southwestern Algeria of large numbers of Sahrawi supporters who refused the new Moroccan and Mauritanian authorities. Organized in some 23 camps around the southwestern Algerian border town of Tindouf and with effective control of 15 percent of the Territory (east and southeast), the approximately 160,000 Sahrawi refugees constitute the power base for Polisario's emerging Saharan nationalism. Polisario's overriding goal lies in an internationally recognized and independent Saharan state within the international borders of the Western Sahara Territory, based on "international legality" regarding self-determination. SADR's power base relies on state recognition by part of the international community (mostly non-aligned countries), skillful networking with civil society, the media and parliamentarians, and the support of international legal scholars. While this internal dynamic provides a necessary powerful counterweight to Morocco's diplomacy, it may not matter essentially at the negotiating table.

Polisario's unflinching – yet not irreversible – support for a referendum-based solution to Western Saharan self-determination is often conveyed through periodic threats to return to military options should the referendum

plan be abandoned. Such war rhetoric is, however, unlikely to remain unabated, as Algeria might not contemplate a resumption of fighting. In reality, Polisario could not have sustained an armed challenge to Morocco over the years without Algerian military, diplomatic, humanitarian, and financial support. Polisario's decision not to resume direct military confrontation against Morocco over the past thirteen years testifies more to Washington's discreet pressure on the powerful Algerian military than Algerian presidential influence. Polisario reportedly indicated behind the scenes that, in return for territorial independence, it might be prepared to share the exploitation of the Territory's mineral wealth and fish stocks.

### **United Nations-Brokered Referendum**

#### *An Inauspicious Start*

In late August 1988, Morocco and Polisario accepted in principle proposals from UN Secretary-General Perez de Cuellar and the then Chairman of the OAU aimed at a settlement of the conflict (the "Settlement Plan"). On 29 April 1991, the UN Security Council approved the UN Secretary-General's detailed implementation plan (UNSG Report S/22464), thereby establishing the United Nations Mission for the Referendum in Western Sahara (known under its French acronym MINURSO), mandated to ensure full implementation of the Settlement Plan. The plan provided for (a) a transition period leading up to a referendum organized by the United Nations, (b) a cease-fire followed by an exchange of prisoners of war, reduction and confinement of troops, and (c) return of refugees following proclamation of general amnesty.

Contention continued throughout the preparation and the implementation of the Settlement Plan with the cease-fire coming into effect on 6 September 1991. The cease-fire left Polisario with effective control over roughly the eastern swath of the Territory, with heavy concentration of troops and arms in the northern part connecting Tindouf. While the cease-fire held up, the issue of establishing the electorate emerged as the most contentious issue on account of the nomadic and ill-defined tribal structure of the Western Saharan society, as people freely move across borders. Identification of Saharans eligible to vote posed complex problems, leading to successive deadlocks. Both sides agreed that the 1974 Spanish census of the Territory's population should serve as the basis for eligibility in the self-determination referendum, however, the parties differed on who should have the right to vote. Polisario maintained that only those identified in the Spanish census

should be eligible while Morocco demanded the inclusion of voters with links to the Territory.

The UN then proposed five criteria for eligibility of applicant voters to overcome the deadlock. However, these eligibility criteria favored the Moroccan position, and if implemented would have secured Moroccan victory at the ballot box. In fact, the UN Security Council (Resolution 725 of 31 December 1991) actually only “welcomed” the Secretary-General’s proposals (Zoubir and Volman 1993). Based on UN guarantees that only genuine inhabitants of the Territory (i.e. indigenous Saharans) will be selected as potential voters, voter identification operations started in the Territory and the Tindouf refugee camps in Algeria in August 1994. By late 1995, the identification exercise ground to a halt because of parties’ divergent views on the role of tribal leaders designated to testify during the identification of individual voters. In addition, Polisario refused to take part in the identification of three tribal groupings (the “contested tribes”), as some of those tribes settled in southern Morocco and were expected to vote for the Moroccan alternative. Morocco, predictably, claimed that those tribes represented thousands of genuine Western Saharan voters whose support it could count on. In fact, the dispute over the contested tribes encapsulates the core issue of whether the eligibility criteria should be based on territorial or ethnic links. In reality, the eligibility criteria derived from both. Eventually, the United Nations identified some 60,000 applicants.

#### *A Voter List Without a Vote*

Tentative talks to salvage the plan, including the alternative of a negotiated settlement, were held in 1993 under UN auspices, and again in 1996, without yielding positive results (UNSG Report S/2001/613, para. 30–32). In an attempt to break the *impasse*, the newly-appointed UN Secretary-General Kofi Annan, eager to improve the UN’s credentials on conflict resolution with the Clinton administration (Zoubir 1997: 19–21), appointed former US Secretary of State James A. Baker III as his personal envoy for the Western Sahara. Baker, the mediator, clearly bore the mark of both “eminent person” and facilitator, bringing to the negotiating table statesmanship and seasoned negotiating skills with leverage limited to moral and political influence. Positively, Baker enjoyed both parties’ trust and access to top leaders.

Following four rounds of direct negotiations, Baker secured an agreement on overcoming the deadlock in the identification process (Houston Agreements, 14–16 September 1997) (UNSG Report S/1997/742). Voter identification resumed in December 1997 before being interrupted by technical issues. Arduous negotiations between the Moroccan government and

the UN in the spring of 1999 led to a series of agreements (“The Package”) to proceed with the identification of the final group of some 63,000 potential voters from three contested tribal groupings. The identification process was finally completed at the end of 1999 with 86,412 applicants found eligible and 131,038 appeals to be processed. The electoral and geographic arithmetic of these identification results pointed to a commanding advantage for pro-Polisario voters. Indeed, Morocco failed to secure a comfortable majority of voters in Morocco and the Territory – as compared to the number of pro-independence voters registered in Polisario camps – so as to guarantee a pro-integration referendum outcome. In this context, Morocco’s subsequent attempt to block the appeals process on procedural grounds released Baker to launch a fresh political negotiation while still officially negotiating a resumption of the appeals process.

#### *A Continuation of War through Ballots*

In hindsight, the referendum process may have served various, related purposes. Some concerned states viewed it as a pedagogical tool to lead parties to conclude that the referendum process, with its inherently flawed premises and dubious implementation, was doomed. Parties were expected to concur that no other viable option but direct talks on a mutually satisfactory political solution based on special autonomous status for the Territory would bring lasting peace. The continuing on-and-off inter-party talks throughout the decade-long referendum process demonstrated the concern and conviction that a referendum alone would be inconclusive unless parties cooperated and sought alternative resolution mechanisms. For Morocco, such an open-ended process fulfilled its basic interest in consolidating its control of the Territory while Polisario, convinced of winning the referendum, remained intent on keeping the referendum option alive. Moreover, parties’ continued adherence to the cease-fire, sharp divisions in the Security Council on the Western Sahara issue, choppy relations between Morocco and Algeria, and the seemingly minimal attention devoted to the issue in influential capitals (namely Washington and Paris) contributed to the preservation of the *status quo*. Polisario’s repeated threats to resume armed struggle – in the light of Morocco’s and some UN Security Council members’ (US, France, and Great Britain) support of a negotiated solution – demonstrated that the logic of war was effectively transferred to the referendum process.<sup>3</sup>

### The Elusive Quest for a Negotiated Solution

Positive political developments in Morocco, including the death of King Hassan II in July 1999 and the accession of a more modern and innovative monarch, Mohammed VI, prompted Baker to re-engage the search for a negotiated solution in the Spring of 2000. Baker's mediation style, characterized by instrumental facilitation (identifying a means to achieve common goal), communication (as parties' locked-in positions precluded direct contacts), and formulation (re-framing issues, proposing formula), finally led to a hurting stalemate that enticed parties to explore alternate options. Polisario's constituency at home and abroad had been growing impatient at the lack of progress and the prospect of another round of appeals process. Rabat's eagerness to negotiate an alternative political solution from the Settlement Plan was rivaled only by Algeria and Polisario's intent on remaining publicly committed to the referendum process. Mohammed VI, in a significant departure from his father's staunch stance, favored regional autonomy within Moroccan sovereignty. Despite several rounds of talks under Baker's auspices, the parties failed to present concrete proposals to continue with the implementation of the plan, prompting Baker to ask the parties to agree to discuss a political solution other than the Settlement Plan. Morocco indicated its readiness and was urged "to offer or support some devolution of authority for all inhabitants of the Territory that was genuine, substantive and in keeping with international norms" (UNSG Report S/2001/613). Polisario maintained that it would agree on a dialogue only within the framework of the Settlement Plan, but privately expressed interest in exploring the extent of what autonomy might mean.

#### *From Settlement Plan to Peace Plan*

In Spring 2001, Baker presented to the parties a draft Framework Agreement, which outlined a possible political solution involving devolution of authority to the inhabitants of the Territory with final status to be determined by a referendum five years later. Morocco supported the draft Framework, but Polisario and Algeria expressed strong reservations. A revised draft Framework – a peace plan for the self-determination of the people of Western Sahara – was introduced in early 2003. This current peace plan, which replaced *de facto* the Settlement Plan, provides for a referendum on the final status of the Territory for *bona fide* residents of the Territory that would pose three alternatives: independence, integration with Morocco, and self-government or autonomy, as supported by Morocco and suggested by the



UN. The proposed voter list, according to the plan, combines three overlapping voter rolls: (1) MINURSO's provisional list of voters of December 1999 (deemed to favor Polisario), (2) the United Nations High Commissioner for Refugees' (UNHCR) repatriation list of October 2000 (Polisario camps' refugee population), and (3) those persons who have resided continuously in the Territory since 30 December 1999, as determined by the UN (a list that could tilt towards Morocco). Devolution of authority is scheduled to take place between the time parties agree to the plan and a new government is in place following implementation of the results of the referendum. In this interim period, the plan envisions that an executive authority will be elected by persons whose names appear either on the provisional list of voters of December 1999 or the UNHCR repatriation list of October 2000, as determined by the UN in the final analysis. Thus, while the interim authority would be supportive of independence, if not of Polisario, the outcome of the Referendum remains uncertain. The current peace plan appears again to buy more time for parties to reach a political and negotiated solution.

While the plan offers elements of compromise and trade-off, Morocco's initial support stemmed from an electoral list projection weighed in its favor. However, concerned that it might be losing central control over the regions in a context of economic weakness, increasing disaffection with national politics and rising political Islam, Rabat switched positions and rejected the plan. The granting of significant autonomy to the Territory, Rabat feared, with Berber militancy on the rise in the Agadir area and the notoriously rebellious northern Rif region, might have led to similar demands in the southern and northern regions. In addition, devolution of authority to the Territory was seen as too risky a strategy in the run-up to general elections in September 2002. With a more clearly defined autonomy plan for the Territory and indications that the two parties would not be as closely involved in the preparation of the referendum as in the past, Morocco could only dismiss the Baker plan. Rabat could bear neither the loss of control over the Territory's future nor the internal risks the plan entailed. Still intent on non-negotiable Moroccan sovereignty over the Territory, while allowing an autonomy-based, political solution, the Kingdom warned that any transitional period, as provided for in the peace plan, would heighten insecurity and instability in the region (UNSG Report S/2004/325, Annex I).

Meanwhile, Algeria and Polisario accepted the plan. According to informed sources, Polisario faced pressure from Spain and Algeria, and Algiers, with improving security and economic ties with Washington, sought to avoid offending the US. Despite an unacceptable voter roll and a lengthy transition period, Polisario's qualified endorsement of the peace plan may be

tactically intentioned to throw Rabat's diplomacy into disarray. The plan, described as one solution among others, however encouraged Rabat to cut a deal with Algiers by excluding Polisario. Morocco reportedly succeeded in thwarting any obligation to accept the plan, thanks to the intervention of France, which sided with Rabat in a competitive bid with the US to reinforce its standing with the Kingdom. Morocco's position that even the final nature of the autonomy solution is not negotiable rules out not only the independence option in a self-determination referendum but also compromises the prospect of international negotiation on the future status of Western Sahara. Baker's resignation on 11 June 2004, reportedly over increasing frustration at lack of progress in brokering an agreement – while the current Special Representative of the Secretary General for Western Sahara, Alvaro de Soto, was asked to continue the search for a mutually acceptable political solution – may signal more than just mediator's fatigue. Similarly, South Africa's long-delayed decision on 15 September 2004 to officially recognize the SADR owes much to a sense of impatience, even deception, at Morocco's intransigence. Without the pretense of a plan as a basis for negotiation, has Morocco truly abandoned its seasoned diplomatic strategy that, as *de facto* administering power, the passage of time plays in its favor?

*Parties Concerned: Interests and Strategy*

Throughout and beyond the referendum process, the United States, France, Spain, and, to a lesser extent, Russia have positioned themselves as powerful and influential backstage players in the search for a settlement. While concurring on the futility of the referendum process – except as a pedagogical means to nudge parties in seeking alternatives – and the preservation of stability, these concerned states placed various emphases on desired outcomes and processes. Broadly speaking, the United States, France, and Spain are more likely to favor a negotiated settlement than a referendum-based solution. On the spectrum of expected outcomes as they relate to Morocco's or Algeria/Polisario's interests, the United States will probably settle for a moderately pro-Moroccan position, with France at one end, with a staunchly pro-Moroccan integration stand (albeit qualified by autonomy status), and Spain at the opposite, securing Sahrawi interests in a negotiated solution that would fall short of independence.

*United States*

For the United States, a number of key objectives have consistently dominated its approach to the Western Sahara conflict, with varying weight depending on the presidential administration. Washington's concerns include

the avoidance of (1) internationalization of the conflict through containment and the preservation of stability in the sub-region; (2) destabilization of Morocco, a country valued as guarantor of the Straits of Gibraltar, ally in Africa, moderate voice in the Middle East and potential political model to other Arab states; (3) Algeria's estrangement as a US partner; and (4) Libya's destabilizing policy in the region (though Tripoli is no longer involved in the Western Sahara conflict). The US approach emphasizes support for a negotiated political solution unfettered by superpower intervention – excluding *de facto* a military solution – or support for a referendum that would not necessarily lead to independence. This has translated into promoting Baker's initiative and avoiding the humiliation of a potential mediation failure. Washington also endorses the "Eizenstat Initiative," which calls on Morocco, Algeria, and Tunisia to create a single market large enough to attract US investment. The conclusion on 3 March 2004 of the US-Moroccan free trade agreement, strategically motivated by Morocco's prominent role in the World Trade Organization, was viewed as a threat to Europe's (and France's) traditional sphere of influence in the Maghreb as evidenced by the 1995 EU-Morocco Association Agreement. More recently, anti-terror efforts, freshly expanded to West Africa's Sahara borders (Pan-Sahel Initiative) to prevent al-Qaeda and allies in the region from using the lawless Saharan borders as operational haven, have intensified US interest in a lasting solution to the Western Sahara issue.

#### *France*

France, the former colonial power in both Morocco and Algeria, still wields considerable influence, more so in Rabat than Algiers. Paris' willingness to engage hand-in-hand with the US in a mediation effort, however, should be nuanced by a fear that a successful US mediation would establish Washington as a major regional player and reap economic benefits, overshadowing France's prominent status in North Africa. But like Spain and the US, France's overriding interest remains the preservation of regional stability, which it sees as best achieved through the integration of the Territory in Morocco.

#### *Spain*

Spain, internally paralyzed by a complex nexus of relations between Madrid and its regions, has suffered from prolonged, guilt-ridden feelings about its mismanaged de-colonization process in the Western Sahara Territory. Spanish civil society's widely shared sympathy for the Sahrawi plight imposes limits on Madrid's ability to secure geopolitical interests in the region and in articulating a position on the future status of the Territory. History and moral

guilt still constrain Spain internally and externally in its approach to the Western Sahara issue, particularly in relation to Morocco, as Madrid's heart still beats for the Sahrawi cause.

### *Russia*

Russia's policy on the Western Sahara question, which it inherited from the Soviet Union, is designed to avoid alignment with either Morocco or Algeria while maintaining good relations, including arms sales, with both states. Although relations with Algeria have somehow been privileged, Russia has sought to prevent the conflict from internationalizing as evidenced by its reluctance to transfer sophisticated arms to Algeria and Libya, fearing they might end up in Polisario's hands. During a brief period of Libyan support, however, Qaddafi procured SAM6 missiles and other sophisticated weapons from the Soviets that he passed on to Polisario. Moscow has stressed respect for the right of self-determination, but refused to recognize the SADR and never listed Polisario as a liberation movement. Russia did, however, become more vocal in opposing the first US-backed Framework Agreement, proposing instead a partition of the Territory among Morocco and an independent state. Algeria and Polisario expressed a willingness to negotiate a possible division of the Territory (UNSG Report S/2002/178, para. 46).

### **The Missing Third Dimension: Nation, State and Sovereignty**

The Western Sahara conflict emerged from two different conceptions of the Territory's political nature: Morocco's irredentism against Polisario's claim of a Sahrawi nation within the Territory's boundaries. Morocco claims that the people living in the Territory have always possessed ties with the Moroccan monarchy, thus excluding the validity of the Territory's boundaries as criteria for defining its future (Dunbar 2000). Polisario contends that only an electorate that could prove residence in the Territory back to Spanish colonial time should decide the Territory's future. Polisario has consistently argued that the conflict has been fought for access to the Territory's natural resources, mainly phosphates, oil and fishing. Morocco has denied such assertions and invoked historical rights to support claims that the definition of borders before colonization should be retained. Sahrawi nationalism draws its legitimacy from the initially political and thereafter international legal norm of the right of people to self-determination (Mohsen-Finan 1996).

Polisario favored the legalistic territorial definition, while Morocco called for more vague ethnic and national referents (Chopra 1997), in a case of

conflicting concepts of sovereignty: one communal and quasi-stateless, the other legalistic and postcolonial. The concept of a Moroccan state bears little resemblance to the concept of modern nation-state (based on sovereignty over a specific territory and legitimized by the consent of a national community inhabiting the territory). Instead, the pre-colonial Moroccan state resided in a communal sovereignty (Joffe 1995). Morocco's concept of citizenship is based on the *jus sanguinis* while Polisario refers to *jus soli*. In Islamic Law, the allegiance to the sovereign (Bay'a) is a political and constitutional notion; it serves as the basis of the state and links territory with the sultan. The traditional Islamic understanding of an effective exercise of sovereignty appears quite different from what Bay'a meant for the ICJ: a mere personal tie which may, once real and proven, signify a genuine link predicating territorial sovereignty.

The validity of the arguments remains an open debate. The legal underpinning for the understanding of self-determination in the context of de-colonization offers little clarity, let alone, solution. The UN General Assembly Resolution 1541(XV) of 15 December 1960 defines "self-government" as including independence, free association with an independent state, or integration on a basis of equality with an independent state. Notably, the resolution sets out independence as the standard and preferred option, while the other two possibilities remain subject to a high degree of popular consent. The subsequent UN Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States of 1970 construes self-determination as being achieved through independence, free association or integration, as well as "the emergence into any other political status freely determined by a people." Such emphasis may be found repeated time and again by subsequent UN resolutions. Self-determination leading to free association is understood as a free and voluntary choice through informed and democratic processes. Self-determination resulting in integration requires (1) complete equality between peoples of the territory and the independent state to which it adheres, (2) an advanced stage of self-government with free political institutions, and (3) consultation based on universal suffrage. As far as the attainment of independence vis-à-vis self-determination, Resolution 1541 does not provide any particular democratic standards. Applied to Polisario's insistence on implementing "international legality" for Western Sahara self-determination, this norm requires a referendum for integration or association with Morocco, while the achievement of independence does not necessarily imply democratic consultation *stricto sensu*, as it could legitimately include other acceptable procedures of consultation.

Against Polisario's claim of retaining colonial borders as the basis for defining popular consultation on sovereignty, one could also contrast the nomadic character of the Sahrawi people and kinship with neighboring populations (Mauritania and, to a lesser degree, Algeria). These populations that are closely related to the Sahrawi may over time develop their own consciousness, either within their own national state or in relation to the Territory (Pazzanita 1992: 284). To Morocco's pretense of an idiosyncratic conception of sovereignty translating personal allegiance into effective territorial sovereignty, one could invoke adherence to international norms on sovereignty and state control over territories and populations. Thus, historical and cultural particularity of Morocco on state sovereignty would seem a weak, though perfectly legitimate petition, in the courtroom or at the negotiating table (Joffe 1996).

There is another dimension to these conflicting concepts of nation, state and sovereignty: they both are symptomatic of and instrumental to a broader contest for regional power between Morocco and Algeria. Their contentious quest for domination provides a conduit for a complex, and often antagonistic, relationship rooted in culture, national consciousness and representation of the future at variance. Regional in nature, embedded in local problematic and fueled by competitive ideologies entrenched by cold war rivalry, the Western Sahara conflict is the result of two antagonistic nationalisms and two opposite interpretations of history growing in the shadow of de-colonization and nation building (Damis 1983b).

Through the conflict over Western Sahara, Morocco and Algeria channeled essentially internal political objectives. In Morocco, the Western Sahara issue helps the King enhance his legitimacy, both as secular ruler and spiritual leader, by restoring a portion of the national patrimony, as illustrated by the episode of the Green March. In Algeria, the issue, albeit less central in the internal political debate, remains a powerful and rallying factor with strong resonance, particularly among the Algerian military, that maintains a tight grip on the Western Sahara policy. Hassan II made the "recuperation" of the Western Sahara Territory a national unifying cause after the two aborted military coups in 1971 and 1972; it could help to resume dialogue with left-wing opposition movements and reduce criticism of the monarchy by allowing opponents limited participation in state institutions. For its part, Algeria's goal, although less clear, consists of using the Western Sahara issue to maintain an uneasy balance within its powerful military structure between supporters and opponents of economic and political reforms (Leveau and Mohsen-Finan 1999: 12–13).

For Algerians, as noted observers commented, history gives shape to the national territory, which, as such, does not exist as a natural foundation. For Moroccans, in contrast, the layout of the nation is found in historical development as determined by the royal function, and by arbitrary frontiers. Two opposing conceptions of the nation-state emerge as the result of different historical heritages. Algeria's colonization is much older than in Morocco and yielded two different views on the colonial experience. In Morocco, France recognized and consecrated the idea of a renaissance of Morocco's national conscience. Modernization of the country was introduced in parallel with maintaining the old royal administration (Makhzen) as a small, pro-independence elite emerged. In Algeria, political culture is conceived as a re-conquest whereas for Morocco it is more a matter of being reunited with a long and glorious past (Burke 2000). Algeria's past was too complex and hybrid to be a unifying national reference. To Algerians, the colonial period unambiguously represents a form of long oppression, which it would rather expunge. Algerians aspire to a clean break with their past while Morocco wishes to return to a glorious history through a renewed monarchical model. In short, Algerian nationalism signifies both a conscious catharsis and deliberate amnesia; Moroccan nationalism reunifies and renews compromise between monarchical continuity and rejection of colonialism. Morocco's own imperial discourse often comes at the expense of Spain, sparing France. Algeria's revolutionary discourse found practical translation in a postcolonial, socio-economic liberating praxis (e.g. nationalization) – targeted at France – consonant with Polisario's congenial freedom struggle for state sovereignty. In this context, Algeria's option for a revolutionary socialist state at independence and Morocco's desire for continued conservative monarchical regime make sense.

### Concluding Observations

The story of the dispute over the Western Sahara Territory goes beyond a textbook case study in Africa's longest-running de-colonization process. From its early exacerbation by Cold War rivalry through proxies, the conflict eventually froze for want of new and available solutions. The elusiveness of a solution to the Western Sahara conflict testifies to the intractability of international conflicts: a strong sense of identity, entrenched grievances (historical, political, economic), the continued option of armed conflict as a possible solution, the entanglement of complex internal and external processes

(here, nation building dynamics and regional hegemony), resilient vested interests in continuing antagonistic approaches instead of exploring more risk-prone solutions, and the emergence of new complicating factors (such as a Sahrawi identity antithetic to Morocco's integrationist design). Beyond stated and hidden interests, as well as underlying factors, the conflict over the status of Western Sahara relates to deeper internal national processes that have added constraints to the actual search for a mutually acceptable solution. To predicate ripeness for negotiation on the gradual elimination of the Western Sahara issue from these nation-building dynamics at work in Morocco and Algeria may prove illusory. The chance of a successful and peaceful end to the dispute, therefore, depends as much on the viability of either independent statehood or integration/autonomy as on the extent to which a mutually agreed status for Western Sahara can fulfill the contending demands of Morocco and Algeria's own unfolding state building exercise within a given geopolitical context. The emergence and legitimacy over time of a Sahrawi national consciousness in Western Sahara – counteracting Morocco's assimilation – will add a third dimension to any future peace settlement. A regional context marked by US and EU competing interests, as well as emerging anti-terrorist security concerns has not yet yielded a positive outcome in new incentives for overcoming internal obstacles to the settlement of the Western Sahara status. The crucial lack of political will on the part of key external players (US, France, Spain, and the EU) to coordinate policies, particularly in the economic and trade areas that would entice parties to reach a settlement undermines mediation efforts. Applying a strategic, comprehensive, and multi-track approach (involving interested as well as concerned parties, plus civil society) to the format and substance of the current negotiation would improve the possibilities for lasting settlement.

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### Notes

1. Morocco withdrew from the OAU when a SADR Representative was seated at the 20th OAU Assembly of Heads of State and Government in November 1984. SADR was admitted in February 1982 but agreed not to take its seat as a full member to avoid divisions among OAU members.



2. The Territory could provide a transit route to the Atlantic shore for iron ore discovered in southwest Algeria in 1952, for which a 1972 Agreement made at Rabat (and never ratified) proposed a railroad as well as joint Moroccan-Algerian exploitation.
3. UNSG Report S/2001/613, para. 29: "It is, therefore, equally doubtful whether any other adjustments to the settlement plan would resolve these problems, since the endgame would still produce one winner or one loser."

## References

- Berramdane, Abdelkhalek (1992). *Le Sahara Occidental: Enjeu Maghebin*. Paris: Khatala.
- Burke III, Edmund (2000). "Theorizing the Histories of Colonialism and Nationalism in the Arab Maghreb," in *Beyond Colonialism and Nationalism in the Maghreb: History, Culture and Politics*, Ali Abdullatif Ahmida, ed. Palgrave: New York.
- Chapez, Jean (1976). "L'avis consultatif de la CIJ du 16 octobre 1975 dans l'affaire du Sahara occidental," *Revue Générale de Droit Public International* 4: 1132–1187.
- Chopra, Jarat (1997). "A Chance for Peace in Western Sahara," *Survival* 39, 3: 51–65 (Autumn).
- Damis, John (1983a). *Conflict in Northwest Africa: The Western Sahara Dispute*. Stanford, CA: Hoover Institution Press.
- (1983b). "The Western Sahara Conflict: Myths and Realities," *Middle East Journal* 17, 2 (Spring).
- (1984). "The OAU and Western Sahara," in *The OAU After Twenty Years*, Yassin El-Ayouty and I. William Zartman, eds., New York: Praeger.
- (1992). "The UN Settlement Plan for the Western Sahara: Problems and Prospects," *Middle East Policy* 1, 2 (Summer).
- Dunbar, Charles (2000). "Saharan Stasis: Status and Future Prospects of the Western Sahara Conflict," *Middle East Journal* 4: 522–545 (Fall).
- Hodges, Tony (1982). *Historical Dictionary of Western Sahara*. Metuchen, NJ and London: The Scarecrow Press.
- (1983). *Western Sahara: the Roots of a Desert War*. Westport, CT: Lawrence Hill and Company.
- Joffe, George (1995). "The Conflict in the Western Sahara," in *Conflict in Africa*, O. Furley, ed. London, New York: Tauris Academic Studies/I.B.
- (1996). "Self-determination and Uti Possidetis: The Western Sahara and the 'Lost Provinces,'" *Morocco* 1: 97–115.
- Leveau, Remy and Khadija Mohsen-Finan (1999). "L'Affaire du Sahara Occidental," *Etudes*: 12–13.
- Mohsen-Finan, Khadija (1996). "Sahara Occidental: de la prolongation du conflit à la nécessité de son règlement," *Politique Etrangère* 61, 3: 665–675.
- Pazzanita, Anthony G. (1992). "Mauritania's Foreign Policy: the Search for Protection," *The Journal of Modern African Studies* 30, 2.
- Sefiri, Abdeslam (1983). *L'Organisation de l'Unité Africaine (OUA) et le Dossier du Sahara*. Rabat.
- von Hippel, Karin (1996). "Sunk in the Sahara: the Applicability of the Sunk Cost Effect to Irredentist Disputes," *The Journal of North African Studies* 1, 1 (Summer).

Zoubir, Yahia H. (1997). "The United States and Conflict in the Maghreb," *The Journal of North African Studies* 2, 3 (Winter).

Zoubir, Yahia H. and Daniel Volman (1993). "The Western Sahara Conflict in the Post-Cold War Era," in *International Dimensions of the Western Sahara Conflict*, Yahia H. Zoubir and Daniel Volman, eds., Westport, CT and London: Praeger.

Zunes, Stephen (1995). "Algeria, the Maghreb Union, and the Western Sahara stalemate," *Arab Studies Quarterly* 17, 3 (Summer).