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Conflicting International Policies and the Western Sahara Stalemate

Hakim Darbouche and Yahia H. Zoubir

A major obstacle to North African integration and an important factor in strained Algerian-Moroccan relations, the conflict in Western Sahara attracts little attention. This “frozen conflict” or “forgotten conflict” represents an insignificant priority for major powers, notably France and the United States. These powers have implicitly delayed the decolonisation of this non-autonomous territory by failing to induce the Kingdom of Morocco, which has illegally occupied the territory since 1975, to allow the holding of a “free and fair referendum” as stipulated in all UN resolutions on the issue. Regardless of this support, no country recognises the Kingdom’s sovereignty over this former Spanish colony. The International Court of Justice in its 1975 Advisory Opinion rejected Morocco’s claims over the inalienable nature of its “historical sovereignty” over Western Sahara. Subsequently, the UN has consistently endorsed the right of the people of Western Sahara to self-determination, the exercise of which is considered the sole basis on which this matter of decolonisation can be resolved. A free and fair referendum that includes the option of independence is the only instrument through which that right can be exercised and, until such event, Western Sahara will remain on the UN’s list of non-self-governing territories.

The conflict in Western Sahara surfaced amidst the bipolar politics of the Cold War. As such, its international reverberations were confined by the prevailing geopolitical imperatives of the two blocs. After the fall of the Berlin Wall, however, hopes for the peaceful resolution of the conflict following UN involvement were short-lived. It soon became evident that contrary to other international conflicts of its type – frozen hitherto within the configurations of the Cold War – the stalemate in the Western Sahara dispute remained an interface between international legality and geopolitics. Morocco’s irredentism, consistently circumscribing the UN’s

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efforts to broker a peaceful deal since 1991, has been allowed to persist owing to the tacit support of its allies in the UN Security Council (UNSC).

Common to a number of analyses of the Western Sahara deadlock are variables described as “technical”, “pragmatic” or “modernist”. Indeed, some commentators attribute failure to resolve the conflict to the operational hurdles relating to the identification of voters, notwithstanding Morocco’s manoeuvres in this regard. Others have anticipated the “failed” nature of a would-be Sahrawi state and its susceptibility to terrorism, arguing thereby for the appropriateness of “autonomy” as a solution for such conflicts as the Western Sahara which in a modern era require more suitable concepts than the rather “outdated” and “obsolete” decolonisation and self-determination.¹ Clearly, besides circumventing international legality, these arguments merely reflect, and aim to relay, the theses of the Moroccan *Makhzen* (traditional state machinery) in attempting to legalise its occupation.

Contrary to the assumptions underlying this discourse relating to the Western Sahara conflict, it is argued here that this conflict has, since its inception, been at the heart of the contradiction between the stipulations of international law – as expressed in all relevant UN resolutions – and geopolitical considerations. Although the objective is not to delve into theoretical issues as they pertain to normativity and rationality in international relations, it is contended that, throughout the conflict and, indeed, since its inclusion on the UNSC agenda in 1991, it is the contradiction between international legality and political calculations, that has allowed Morocco to violate the former with impunity. Specifically, it will be shown that Morocco’s latest proposal for autonomy in Western Sahara is but the product of the dynamics of this incongruity. It is an attempt to capitalise on a reconfiguration of the geopolitical considerations of Morocco and its main sponsors around the *nouvelles donnes* of international terrorism, democratisation and conflict fatigue. Far from leading to a breakthrough in the conflict, the negotiations initiated in 2007 under UN auspices are likely to perpetuate the status quo. Finally, some policy pathways will be proposed by way of recommendations.

Brief background to the conflict

The war that pitted Sahrawi combatants (the Polisario Front, Popular Front for the Liberation of the Saguia el Hamra and Rio de Oro), backed by Algeria, and the Moroccan Royal Armed Forces in the 1970s and 1980s lasted until September 1991, date of the ceasefire – under the supervision of the UN Mission for the Referendum in Western Sahara (MINURSO) – and the beginning of the phase supposed to set in motion the implementation of the referendum on self-determination, scheduled for January 1992, under the terms of the 1988 UN Settlement Plan upon which the two

¹ Radu, “Struggle in the Sandbox”.

warring parties had agreed.² However, from 1992 to 1997, the situation remained stalemated, with Morocco refusing to renounce its military and administrative presence to allow for a referendum. Furthermore, it reneged on the conditions of the peace plan by adding 130,000 Moroccans claiming to be Sahrawis to the list of voters initially accepted as the basis for the referendum. UN Secretary-General (UNSG) Kofi Annan's appointment in March 1997 of former US Secretary of State James A. Baker as Special Envoy for Western Sahara offered new hope for a peaceful resolution. Henceforth, Morocco and Polisario held several rounds of negotiations; the last and most important was held in Houston in September 1997 and resulted in an agreement on a number of significant issues. However, the long-awaited referendum set for December 1998 never took place. Despite the completion of the identification process, Morocco demanded that MINURSO include additional voters, thus compelling the UN to postpone the referendum.

The coming of Mohamed VI to the throne in Morocco in 1999 brought fresh hopes for a resolution, but failed to break the deadlock. In 2000, Kofi Annan announced that the referendum could not take place before at least 2002. In fact, it soon became clear that the UN, under pressure from France and the US, sought a substitute for the Settlement Plan, the so-called "Third Way," through "the draft Framework Agreement", that would circumvent a referendum on self-determination. This first 2001 Baker proposal was seen as clearly favourable to Morocco as it fell short of including independence as an option after the five-year autonomy under Moroccan rule. Thus, unsurprisingly, Polisario and Algeria rejected the plan followed by the UNSC in 2002.

Baker's second attempt, a synthesis of some elements of the Settlement Plan and the Framework Agreement, was presented to the protagonists in January 2003. It stipulated a five-year self-government scheme but specified that the final status referendum that would take place subsequently would include independence as an option besides association and full integration. Unexpectedly, although they initially opposed it, Algeria and Polisario, under pressure from their allies, eventually accepted the "Peace Plan for the Self-Determination of the Sahrawi People".³ Moroccans rejected the plan because it explicitly provided for independence as a possible choice. They opposed the holding of a referendum after the five-year transition period, despite their numerical superiority in the occupied territory, as the plan extended the vote to Moroccan residents in Western Sahara, besides the 86,386 Sahrawi eligible voters that the UN had identified in 2000.

² For a historical analysis of the conflict, see Shelley, *Endgame in the Western Sahara*; Zoubir and Volman, *International Dimensions of Western Sahara Conflict*; Hodges, *Western Sahara*, and Damis, *Conflict in Northwest Africa*.

³ See Shelley, "Behind the Baker Plan for Western Sahara"; Ruiz-Miguel, "¿Estación de término?" According to Algerian and Sahrawi officials (personally interviewed) Algeria used acceptance of this proposal as a manoeuvre to prove Morocco's bad faith; based on past experience, Algerians were convinced that Morocco would reject it.

Subsequently, the UNSC adopted Resolution 1495, “strongly supporting” Baker’s Plan II but failing to endow it with an enforceable character due to France’s effective obstruction.⁴

This raises two questions: 1) Why did Morocco reject the Baker Plan II? 2) What are the stakes that Algeria, the Sahrawis’ main support, has in this conflict?

Given its numerical superiority in Western Sahara, it seems obvious that Morocco rejected the inclusion of independence as an option in the referendum fearing that Moroccan settlers, alongside Sahrawis, would vote for independence with the hope of establishing an alternative republican order, setting a precedent for other regions within the Kingdom itself such as the Berber Rif.

Algeria’s main interests in the conflict derive from fears of its neighbour’s irredentism. Indeed, Morocco made claims over parts of the Algerian territory and even sought to seize southwestern regions by force in fall 1963. Algeria has made the inviolability of borders inherited from the colonial period one of the tenets of its diplomacy. In addition to clear geostrategic interests, Algeria’s historical struggle for independence shaped its early diplomatic priorities around the precepts of self-determination and decolonisation. Accordingly, at its apex, the Algerian establishment in the 1970s could not condone Morocco’s ostracising violation of Algeria’s principles in its own backyard.

Failure to implement the Baker Plan II resulted in another deadlock. The conflict was put on the backburner as attention thereafter focused on the war in Iraq. Moreover, in June 2004, Baker resigned in recognition of his failure to overcome US and French opposition to a resolution based on international law and UN resolutions.⁵

Aside from developments on peripheral matters, such as family visits between the refugee camps and the occupied territories and the release of Moroccan POWs by Polisario, the Western Sahara dossier subsided between the end of 2003 and 2006. In 2006, however, the impasse led Annan to suggest in a report to the Security Council that the role of the UN in the conflict be diluted in light of its unsuccessful overtures to break the deadlock. Under pressure from Algeria and Polisario, the UNSC implicitly rejected Annan’s suggestion urging Rabat instead to be more forthcoming and to put forward a proposal of its own.⁶ The outcome was a “Moroccan Initiative for Negotiating an Autonomy Statute for the Sahara Region.”⁷

⁴ ICG, *Western Sahara: Out of the Impasse*, 3.

⁵ “Former US Secretary of State, and Former Personal Envoy of the UN Secretary General to Western Sahara, James A. Baker III discusses the protracted conflict in Western Sahara with host Mishal Husain” *PBS TV*, 19 August 2004. <http://www.pbs.org/wnet/wideangle/shows/sahara/transcript.html>

⁶ ICG, *Western Sahara: Out of the Impasse*, 6.

⁷ The full text of the proposal is available at: <http://www.maec.gov.ma/Initiative/Docs/Initiative%20ang.pdf>

Proposals and counter-proposals: self-determination between a rock and a hard place

The autonomy plan Morocco submitted to UNSG Ban Ki-Moon on 11 April 2007 is neither “fresh” nor “historic”, as its architects claim. In effect, it is mere resuscitation of unsuccessful past attempts to impose autonomy to legalise the occupation. Indeed, the concept was first engineered by Spain in 1974, then floated by King Hassan II in the 1980s and 1990s, and endorsed by Baker’s 2001 draft Framework proposal. However, Morocco had not officially formulated its idea of autonomy until December 2003 when, in an effort to circumvent the Baker Plan II, it presented a counter-proposal for a “Sahara Autonomous Region”, which would “enable the Saharan population to manage its own affairs freely . . . in full respect of the sovereignty of the Kingdom of Morocco”.⁸ Besides excluding the option of independence, Morocco’s proposal did not provide for a meaningful UN role during the transition period.⁹ Faced with Morocco’s intransigence, James Baker deemed the proposal “insufficient” and the UNSC adopted Resolution 1541 in April 2004 which, while reiterating the Council’s support for the Baker Plan, in stressing the need for a “mutually acceptable political solution”¹⁰ was seen as a regression from Resolution 1495.

Despite the legal contradictions inherent in the 2003 autonomy proposal¹¹ and its rejection by the UNSC, Morocco, under explicit nudging from the US, brought a cloned version of the plan back to the table in 2007.¹² The latest proposal is seen as a regression in relation to its predecessor from a legal standpoint and a manoeuvre by Morocco to capitalise on a positive conjuncture.¹³

The first questions Morocco’s autonomy proposal raises relate to its feasibility, given the existing constitutional, economic and socio-ethnic realities inside the Kingdom itself. Analysts have cast serious doubt on the extent, if any, of the constitutional reforms the monarchy is willing to carry out on the existing foundations of the Moroccan state to accommodate an eventual “Sahara Autonomous Region”.¹⁴ Morocco’s centralised autocratic power structures would have to be fundamentally altered to make an autonomous government

⁸ Contribution of the Kingdom of Morocco, full text at <http://www.arso.org/ProjetA2003.pdf>

⁹ Theofilopoulou, *The United Nations and Western Sahara*.

¹⁰ A formulation that was to gain greater momentum since 2004 with the support of Socialist government in Spain. San Martín, P. “Briefing: Western Sahara: Road to Perdition?” 651-60.

¹¹ For a detailed analysis of these contradictions, see: Ruiz-Miguel, *2003 Moroccan Project for Western Sahara*.

¹² John Bolton, former US ambassador to the UN, after the adoption of Resolution 1720 in October 2006, exhorted Morocco to present a global autonomy proposal that was credible for the territory and suggested the holding of direct talks, without preconditions, with the representatives of the whole Sahrawi population, including Polisario. His British counterpart reiterated the right to self-determination of the Sahrawis. For more details, see: <http://www.un.org/News/fr-press/docs/2006/CS8860.doc.htm>

¹³ Ruiz-Miguel. *The 2007 Moroccan Autonomy Plan for Western Sahara*.

¹⁴ See San Martín *et al.* *Moroccan Autonomy for Western Sahara*; Ruiz-Miguel, *2003 Moroccan Project for Western Sahara*.

in Western Sahara viable. More specifically, for autonomy to work, the absolute powers that the country's constitution confers upon the king through its infamous article 19 would need to be reformed to enable the Sahrawi population "to run its own affairs democratically" through locally elected structures. However, the unlikelihood of this happening, given its pyrrhic nature, and the vagueness of the safeguard provided in the Moroccan proposal in this regard (Ch.3, point 29), expose the questionability of the autonomy plan at best and the disingenuousness of its architects at worst.

Economically moreover, the plan's implications relate to the exploration of the natural resources of Western Sahara and to the economic independence of the would-be autonomous government. The wealth – actual and potential – of the territory is incontestable, and the question that the Moroccan proposal raises is what kind of control would a Sahrawi regional government have over its resources? The financial independence of the local government from Rabat is important for its political independence, but the proposal is conspicuously silent on both aspects.

Aside from its implementation challenges, the autonomy plan is also inherently problematic from a legal perspective. The commonality between the 2007 plan and its 2003 forerunner is that they both start out from the premise that Western Sahara is part of Morocco's territorial integrity and is under the Kingdom's sovereignty. Besides the flagrant contradiction between this basic tenet of the Moroccan project and the stipulations of international law on the matter, further inconsistencies arise with the specific integration of the self-determination doctrine into Morocco's latest proposal. The right of people to self-determination is an axiomatic principle of international law prominently enshrined in Article I of the UN Charter. By virtue of that right, all peoples are free to determine their political, economic, social and cultural destiny. Morocco claims that the provisions its proposal makes as regards submitting "the autonomy statute to the populations concerned for a free referendum" are consistent with the principle of self-determination and with the provisions of the UN Charter. However, unless it purports to modify this principle somehow through its autonomy initiative, in claiming sovereignty over an illegally annexed territory and circumscribing the choice of the indigenous population by "offering" it autonomy as its only "destiny", Morocco is in contradiction with, and transgression of, the extant principle of self-determination. Furthermore, the notion of "freedom" of the referendum that the Moroccan initiative pledges to apply is far from that defined by the pertinent UN General Assembly Resolutions 2625 and 1514, which stipulate that self-determination referenda ought to provide for the establishment of independence, association or full integration.

Contradictions in the plan extend to the hypothetical implementation of the referendum. First, the proposal's provision 28, immediately following the point highlighting its compliance with the provisions of the United Nations,

recommends that “the parties pledge to work jointly and in good faith to foster this political solution and assure its approval by the Sahara populations”. The underlying assumption behind this recommendation is that, if Polisario leadership approves the autonomy plan, both parties would canvass for its adoption by the Sahrawi population, in which event there would be no scope for a “no” campaign. Perhaps this is why the autonomy proposal is so conspicuously silent about the eventuality of a “no” vote in the autonomy referendum. In any case, the absence of a “no” option for the Sahrawi voters would seriously undermine the democratic credibility of the ballot and the autonomy plan. Secondly, the eventuality of a rejection of the plan by the Sahrawi population would be problematic. Legally, if a “no” vote were the outcome of the process, the fate of Western Sahara would subsequently be defined by the *status quo ante*. In light of the prerequisite agreement between the protagonists (sealed by the UN), implicitly granting Morocco the legal status of administrator through the holding of the referendum, the outcome would technically amount to an implicit legalisation of Morocco’s annexation of the Western Sahara.¹⁵ Therefore, regardless of the end result, the Moroccan proposal seems to be engineered in such a way as to guarantee international recognition of the Kingdom’s illegal occupation of Western Sahara.

In addition to, and as a corollary of, these contradictions, the proposal put forward by Morocco is conspicuously vague. It only parsimoniously refers to the “(other) parties” it wishes to see taking part in the negotiations and to the safeguards and concessions it is prepared to make.¹⁶ It does not specify the modalities of UN involvement in the implementation of the plan or the envisaged referendum apart from helping convince the “other parties” to accept the Moroccan offer.¹⁷

By contrast, the Sahrawi proposal¹⁸ that Polisario officials submitted to the UNSG the day before their Moroccan counterparts delivered theirs, is more coherent and consistent with the provisions of international law and UN resolutions. Although it claims no novelty, the counter-proposal makes relatively more detailed suggestions regarding post-referendum guarantees, such as accepting the outcome, be it full integration or autonomy, respecting the intangibility of Morocco’s borders, and committing to full political, diplomatic, security, economic and social cooperation with its northern neighbour. Polisario made it clear, however, that it is not prepared to make any further concessions beyond accepting the Baker Plan II – categorically so with regard to the principle of self-determination. Forfeiting this principle would indeed compromise its status as representative of the Sahrawi people. Hence, the Sahrawi proposal advocates the Baker Plan II as the “optimal political solution.”

¹⁵ Ruiz-Miguel, *Ibid.*

¹⁶ ICG, *Western Sahara: Out of the Impasse*, 7.

¹⁷ Theofilopoulou, *How to Create a Stalemate*.

¹⁸ Proposal of the Frente Polisario, full text at <http://www.arso.org/PropositionFP100407.htm>

Sahrawi and Moroccan proposals are antithetical, for while one conforms to international law and UN doctrine, the other looks like an attempt to formalise Morocco's irredentism. UNSC Resolutions 1754 (30 April 2007) and 1783 (31 October 2007), calling on both parties "to engage in direct negotiations without preconditions in view of achieving 'a mutually acceptable solution'", do no more than return the ball to the court of the UNSG and his Personal Envoy. Unable to persuade either side to accept the other's proposal, supporters of the protagonists at the UNSC hope that, by calling for direct negotiations, an approximation of the two sides' positions will create further scope for UNSC action. The handling of the dispute under Chapter 6 of the UN Charter, requiring it to be resolved by consensus between the antagonists, rather than the more compelling Chapter 7, which would endow the Council with the power to impose arbitration based on its resolutions, is another factor in the evasiveness of the UNSC's language. The latest UNSC resolutions on the matter are a reflection of the contradictory dynamics between the geopolitical imperatives of the major powers within the UNSC and international legality. Undoubtedly, the respective policies that France, the United States, and Spain have pursued largely explain the absence of resolution of this enduring conflict.

The role of outside powers in the conflict

France

French officials from across the political spectrum have consistently sided with Morocco. France made it clear that it would use its veto power at the UNSC should the UN decide to impose a solution unacceptable to Morocco.¹⁹ Current Foreign Minister Bernard Kouchner declared in 1993 that Western Sahara is Moroccan and that the conflict was Algeria's creation.²⁰ In 2001 and again in 2003, President Jacques Chirac and Prime Minister Jean-Pierre Raffarin spoke of Morocco's "southern provinces" when referring to Western Sahara.

France's policy toward the conflict has remained constant, even under the seemingly more pragmatic President Nicolas Sarkozy. Indeed, while in Morocco, he reiterated his strong support for the autonomy plan. Although Franco-Algerian relations are extremely important, France, like the United States, favours Morocco not only because its relations with Algeria are immensely complex, due to the colonial history that links the two countries, but also because Morocco is more accommodating to Western interests in general and in Africa in particular. Furthermore, Algeria's nationalism is often at odds with France's policy: only Algeria has demanded that France repent for its colonial past, an issue that has

¹⁹*Le Monde*, 26 November 2003.

²⁰Reported in *Jeune Afrique* in 1993.

poisoned relations.²¹ But, while France fully supports Morocco and is its subcontractor on this dossier at the UNSC, it also wishes to keep the triangular relationship in the Maghreb unscathed.²² Nevertheless, it has failed to persuade Algeria to curb its support for the Sahrawis. According to official sources, France sought during the Algerian crisis in the 1990s to convince Algeria to reduce its support for an independent Western Sahara in exchange for French and European economic and financial aid.²³

Given that Algeria is Polisario's main supporter, the French believe that the solution to the conflict is in Algiers, not at the United Nations.²⁴ Today, the French argue that direct negotiations between Moroccans and Algerians would lead to a resolution of the conflict, a view that Algerians categorically reject, arguing that the conflict is not between Morocco and Algeria, which has no territorial claims, but is a question of decolonisation that needs to be completed.

Throughout the conflict, French policymakers have made plain their opposition to an independent Sahrawi "micro-state" that would allegedly fall under Algeria's and Spain's influence. They also argue that it would not be viable and would thus be dependent on foreign assistance. Since the events of 9/11, they seek to persuade public opinion that such a micro-state might become a failed state in which terrorists would set up training camps. Furthermore, some French officials believe that colonial France favoured Algeria when drawing borders in North Africa and that it would only be fair today to allow Morocco to annex the former Spanish Sahara. Through its strong political and economic presence in Morocco, France hopes not only to curtail growing US influence in the region, but also to prevent the establishment of an independent Sahrawi state, whose population speaks Spanish, and would therefore be more receptive to Hispanic influence, culturally and economically.

Besides these perceptions, there are considerable political, commercial (including, important arms sales), and cultural factors that underlie this support: France is Morocco's main trading partner and the principal investor in that country, accounting for roughly 70 percent of all foreign direct investments in Morocco. Moreover, thousands of French firms operate there and 25 percent of tourists who visit Morocco annually are French. During his state visit to Morocco in October 2007, Sarkozy strengthened France's economic presence by signing agreements totalling €3 billion.

Unsurprisingly, France has assisted Morocco on the question of Western Sahara and has sought to offset the diplomatic gains made by the Sahrawi Arab Democratic Republic (the government in exile proclaimed in February 1976),

²¹ Tuquoi, *Paris-Alger, couple infernal*.

²² For more details, see Daguzan, "France and the Maghreb".

²³ Confidential interviews with Algerian officials.

²⁴ Interviews with French officials and opinion-makers.

using financial conditionality towards mostly Francophone African states in relation to their diplomatic (un)recognition of the SADR. This policy has proven relatively successful since a few African states, such as Benin, Burkina Faso, Chad, Comoros Islands, Congo-Brazzaville and Togo suspended their diplomatic ties with the SADR in 1996-97, although influential countries, such as South Africa have not done so.

The United States

Not only did the United States give Morocco the green light to march into Western Sahara in 1975 but it also put pressure on Spain to surrender its colony to Morocco and Mauritania.²⁵ The US has consistently provided decisive political and military support to Morocco, which has tilted the military balance in the latter's advantage, without however overtly supporting Morocco's irredentist claim or recognising its sovereignty over Western Sahara. Strategic interests have determined US position in the conflict and its steadfast support for the Moroccan monarchy, a key ally in the Arab world.

While Algeria's good relations with the United States are a new phenomenon, strong US-Moroccan relations date back to the 19th century. Morocco served as a proxy for US interests in Africa and the Middle East, while Algeria's interests have often been antithetical to US objectives. Although relations today have improved markedly, Algeria remains hostile to certain US strategic ambitions. Indeed, whilst Morocco has sought to host the new military African Command (AFRICOM), Algeria vehemently refused to do so.

Since the events of 9/11 and the subsequent "global war on terror" (GWOT), US policymakers have been more preoccupied with security issues than with solving the conflict in Western Sahara. Even if Algeria is pivotal for the GWOT and for energy supplies, many US officials are still attached to Morocco for the reasons mentioned above. Morocco also enjoys the support of strong lobbies which promote its cause in the US Congress.

When Morocco proposed the autonomy plan in April 2007, the US gave it full support, describing it as "a serious and credible proposal to provide real autonomy for the Western Sahara".²⁶ In contrast, the Sahrawi counter-proposal was discarded. Clearly, the US fears that a genuine referendum on Western Sahara would inevitably lead to the Sahrawis' overwhelming support for independence, which, from Washington's perspective would destabilise the monarchy, create a fragile state, and allow Islamists to take over.²⁷ Yet what is uncertain is the

²⁵ Mundy, "Neutrality or Complicity?"; Benabdallah-Gambier, "Les États-Unis et la Question du Sahara Occidental"; Zoubir and Volman, "United States and Conflict in the Maghreb".

²⁶ US Department of State, Office of the Spokesman, Media Note, Western Sahara, 2006/274, 11 April 2007.

²⁷ Bolton, *Surrender is Not an Option*, 368-9.

extent to which the US is prepared to help formalise Morocco's irredentist claims, setting a longer term precedent for regional instability in North Africa.

Spain

As the colonial and administrative power, Spain has both a legal and moral obligation to bring to terms the decolonisation of the territory. It failed to hold the referendum, but has tried nonetheless to play, for the most part, a constructive role in the conflict, adopting "positive neutrality". But, Spain, too, faces the dilemma of balancing international legal obligations and upholding geopolitical interests. Spaniards have sought to maintain balanced relations with Algeria, Morocco and the Sahrawis. But the scales have tilted since the Madrid terrorist attacks in March 2004 which resulted in the ousting of José Maria Aznar's People's Party and the coming to office of the Socialists under Jose Luis Zapatero's leadership. While Aznar's government, for its own geopolitical reasons, supported international legality on Western Sahara, thus straining relations with Morocco over the issue, the Zapatero government made clear immediately after coming to office that improvement of relations with Morocco was a priority.

Today, Spanish policy oscillates between alignment with France's position and an attachment to the principles of self-determination. Clearly, like France, Spain has considerable strategic interests in Morocco. The current government has linked Spain's security to Morocco's; it feels that collaboration with Morocco in the areas of illegal migration, drug trafficking, and terrorism is vital for Spain. Furthermore, Morocco's pressure on the enclaves of Ceuta and Melilla has also compelled Spain to pursue a cautious policy to avoid a repetition of the 2002 Spanish-Moroccan incident over Parsley Island²⁸ which resulted in a serious deterioration in relations between the two countries.

These factors provide the rationale for the Socialists' support for Morocco's autonomy as the best option for Spain, their call for the exercise of the Sahrawis' right to self-determination notwithstanding. But Spain's violation of its traditional neutrality and its decision to seek a pro-Moroccan conclusion has alienated not only the Sahrawis, but also Algeria, where Spain also has considerable interests.²⁹ However, Algeria's passive diplomatic stance until recently, especially in relation to this conflict, has rendered its considerable economic and energy leverage over Spain almost redundant.

²⁸ The islet's sovereignty is disputed by Morocco and Spain. On 11 July 2002, Moroccan soldiers set up a military outpost on the islet. Subsequently, Spain launched a successful military operation to take over the island. After mediation by the United States, the parties agreed to return to the *status quo ante*, leaving the rocky islet deserted.

²⁹ See Hernando de Larramendi, "Politique étrangère de l'Espagne envers le Maghreb", 27-43; as well as Amirah-Fernández, "Spain's Policy towards Morocco and Algeria".

Conclusions and policy recommendations

The protracted dispute over Western Sahara has gone full circle after 32 years of war, legal deliberations, diplomacy and failed negotiations. The postures of the main protagonists remain quasi-irreconcilable. Throughout the conflict, national imperatives have trumped legal considerations. The geopolitics of the UN Security Council has prevented the implementation of its own resolutions through a status quo beneficial to French and US interests in the Maghreb. The latest UN-prompted negotiations between Morocco and Polisario have consumed three rounds hitherto, the last round being held on 7–9 January 2008 in Manhasset, New York. The tone for their course was set by the contradictory objective of achieving a “mutually acceptable political solution”, inscribed in Resolution 1754 and reiterated in Resolution 1783. The UNSC abandoned its unanimously explicit support for the Baker Plan II in 2004 in favor of an attitude reflective of the preferences of the US and France. The resulting stalemate is unlikely to be broken by such negotiations, the sole realistic outcome of which will be to allow the occupying force to gain time.

Time may not be on Polisario’s side, owing to deteriorating morale and a growing eagerness for more meaningful action among the frustrated younger Sahrawi generations. But time is surely fuelling a growing youth-led Sahrawi nationalist movement inside the Moroccan-controlled territories. This nationalism manifests itself concretely in daily protests in the major Sahrawi cities of Laâyoune and Smara, denouncing Moroccan occupation and oppression and calling for independence.³⁰ Sporadic reports emerge from the territories on Moroccan repression, but Morocco’s censorship on foreign journalists and human rights organisations prevents any systematic accounts from emerging. Nevertheless, the latest (2006) US State Department report on human rights practices in Western Sahara pointed out in some detail the abuses of the Moroccan authorities towards Sahrawi activists and prisoners.³¹ Both Human Rights Watch³² and Amnesty International³³ have corroborated these violations.

The EU, for its part, despite its significant leverage over Morocco, remains conspicuously disengaged from the conflict. With the exception of modest European Parliamentary activity, the issue of human rights in Western Sahara is characteristically absent from the EU’s foreign policy agenda. It is rarely invoked in any EU–Moroccan official interaction, be it in the context of the Euro-Med Association Agreement or the Neighbourhood Policy’s Action Plan. Despite its

³⁰ See Stephan and Mundy, “A Battlefield Transformed”, 1–32.

³¹ <http://www.state.gov/g/drl/rls/hrrpt/2006/78866.htm>

³² <http://hrw.org/englishwr2k7/docs/2007/01/11/morocc14714.htm>; <http://hrw.org/english/docs/2005/12/10/morocc12183.htm>

³³ <http://web.amnesty.org/library/index/ENGMDE290032007>; <http://web.amnesty.org/library/eng-mar/index>

platitudinous support for the UN process, the EU has been unable to go beyond its member states' interests in Morocco, particularly those of France and Spain. Worse, the EU has concluded a fishing agreement with Morocco that includes the territorial waters of Western Sahara, in clear violation of international law.

Although key member states of the EU and the UNSC support Morocco's ambitions in Western Sahara, they are reluctant to officially recognise its claimed sovereignty over this territory. They are well aware of the potential implications of the precedent that such action would establish. In effect, it would shake the very foundations of the UN system. They seem less preoccupied, however, about the ramifications of their behaviour and the impact of the conflict on regional stability in the Maghreb. Besides the socio-economic costs of non-integration, this regional dispute has hindered the prospect of meaningful cooperation in the security field. With the growing threat of jihadist terrorism looming large over the Maghreb/Sahel region, as illustrated by the resurgent activities of Al-Qaeda in the Islamic Maghreb, cooperation between the countries concerned is vital in the fight against this transnational menace. Yet, instead of fostering mutual trust and cooperation, these countries seem engaged in an arms race, itself implicitly encouraged by suppliers like Spain, France, the US and Russia. Against the backdrop of political instability in the region and indeed the possibility of a resumption of hostilities, these developments should be a cause for concern to these powers and a stimulus for meaningful action to resolve the Western Sahara standoff.

In the face of the conflict's protraction, recommendations for its resolution can be formulated along two tracks: allowing interests to trump international law and setting a long-term precedent for regional and international stability or upholding the legal path at a short-term cost. Due to space constraints, only parsimonious propositions will be advanced here:

Firstly, if failure of the legal process is admitted and abandoned in favour of an alternative path, even at the risk of setting a dangerous international precedent, then the following course of action could be envisaged:³⁴

- The UNSC should terminate MINURSO's mandate, given its blatant and costly failure in achieving its constituting role of organising a referendum on self-determination;
- thereby releasing Polisario from the ceasefire agreement it has thus far upheld in return for a promised referendum;
- depending on the resulting configuration, urge major powers to encourage direct negotiations between Morocco, Polisario and Algeria outside UN auspices and without external preconditions;
- prioritise US involvement in mediating an initial agreement between the protagonists on a basic framework document, facilitating and overseeing

³⁴ These points are similar to some of those recommended by John Bolton (*Surrender is Not an Option*).

negotiations and seeking international support for this process, especially from the EU, the African Union and the UN. The US could convene a Madrid-type Conference that would gather all these parties around a resolution project.

Secondly, if the UN process is to prevail, the international community's effort should be redirected from France's and the United States' *realpolitik* game towards the following:

- reinstating the Baker Plan II as the optimal political solution;
- persuading Morocco of the necessity to hold a referendum on self-determination for the people of Western Sahara that includes the option of independence;
- empowering MINURSO to execute its mandate, that is, the holding of a referendum;
- nudging the two protagonists to negotiate post-referendum conditions;
- providing political and economic guarantees for Polisario in the event of an autonomy outcome in the referendum;
- offering guarantees to the Moroccan regime on the necessary support for political and economic reforms in case of an independence outcome to address the Kingdom's fears of resulting political destabilisation. Empowering Morocco in its nascent aspirations for democratic and liberal reforms can indeed turn it into a beacon of stability and prosperity in a troubled region, thereby setting an example for its neighbours and precluding an unstable Sahrawi state.

References

- Amirah-Fernández, H. "Spain's Policy towards Morocco and Algeria: Balancing Relations with the Southern Neighbours". In *North Africa: Politics, Region, and the Limits of Transformation*, edited by Y. H. Zoubir and H. Amirah-Fernández, 347–63. London: Routledge, 2008.
- Benabdallah-Gambier, K. "Les États-Unis et la Question du Sahara Occidental". In *Les États-Unis et le Maghreb—Regain d'intérêt?* edited by A. Benantar, 121–48. Algiers: Editions du CREAD, 2007.
- Bolton, J. *Surrender is Not an Option: Defending America at the United Nations and Abroad*. London: Threshold Editions, 2007.
- Daguzan, J-F. "France and the Maghreb: The End of the Special Relationship?". In *North Africa: Politics, Region, and the Limits of Transformation*, edited by Y. H. Zoubir and H. Amirah-Fernández, 330–46. London: Routledge, 2008.
- Damis, J. *Conflict in Northwest Africa: The Western Sahara Dispute*. Stanford, CA: Hoover Institution Press, 1983.
- Hodges, T. *Western Sahara: The Roots of a Desert War*. Westport, CT: Lawrence Hill, 1983.
- Hernando de Larramendi, M. "La politique étrangère de l'Espagne envers le Maghreb. De l'adhésion à l'Union européenne à la guerre contre l'Iraq (1986-2004)". *L'Année du Maghreb 2004*. Paris: CNRS, 2006, 27–43.

- International Crisis Group (ICG). *Western Sahara: Out of the Impasse*. Middle East/North Africa Report 66. 11 June 2007. Cairo/Brussels: ICG, 11 June 2007. <http://www.crisisgroup.org/home/index.cfm?id=4893&l=1>
- Mundy, J. "Neutrality or Complicity? The United States and the 1975 Moroccan Takeover of the Spanish Sahara". *The Journal of North African Studies* 11, no. 3 (2006): 275–306.
- Radu, M. *Struggle in the Sandbox: Western Sahara and the 'International Community'*. FPRI E-Notes. Philadelphia: Foreign Policy Research Institute, September 2007. <http://www.fpri.org/enotes/200709.radu.sandboxwesternsahara.html>
- Ruiz-Miguel, C. *The 2007 Moroccan Autonomy Plan for Western Sahara: Too Many Black Holes*. GEES Análisis 196. Madrid: Grupo des Estudios Estratégicos, June 2007. <http://www.eng.gees.org/english/pdf/214/>
- Ruiz-Miguel, C. "El largo camino jurídico y político hacia el Plan Baker II. ¿Estación de término?". *Anuario Mexicano de Derecho Internacional* 5 (2005): 445-98. <http://www.juridicas.unam.mx/publica/librev/rev/derint/cont/5/art/art14.pdf>
- Ruiz-Miguel, C. *2003 Moroccan Project of Autonomy for Western Sahara: Analysis and Consequences for the Future*. Análisis 146. Madrid: Grupo des Estudios Estratégicos, October 2006. <http://eng.gees.org/english/pdf/73/>
- San Martín, P., K. Ahmed and M. Lakhal. *Moroccan Autonomy for Western Sahara: A Solution to a Decolonisation Conflict or a Prelude to the Dismantling of a Kingdom?* GEES colaboraciones 1106. Madrid: Grupo des Estudios Estratégicos, July 2006. <http://www.gees.org/english/pdf/2772/>.
- Shelley, T. *Endgame in the Western Sahara: What Future for Africa's Last Colony*. London: Zed Books, 2004.
- Shelley, T. "Behind the Baker Plan for Western Sahara". *Middle East Report Online*, 1 August 2003. <http://www.merip.org/mero/mero080103.html>
- Stephan, M. J. and J. Mundy. "A Battlefield Transformed: From Guerrilla Resistance to Mass Non-Violent Struggle in the Western Sahara". *Journal of Military and Strategic Studies* 8, no. 3 (2006): 1–32.
- Theofilopoulou, A. *Western Sahara: How to Create a Stalemate*. USIPeace Briefing. Washington: United States Institute of Peace, May 2007. http://www.usip.org/pubs/usipeace_briefings/2007/0524_western_sahara.html
- Theofilopoulou, A. *The United Nations and Western Sahara: A Never-ending Affair*. USIP Special Report 166. Washington: United States Institute of Peace, July 2006. <http://www.usip.org/pubs/specialreports/sr166.pdf>
- Tuquoi, J-P. *Paris-Alger, couple infernal*. Paris: Grasset, 2007.
- Zoubir, Y. H. and D. Volman. "The United States and Conflict in the Maghreb". *The Journal of North African Studies* 2, no. 3 (1997): 10–24.