"Seized of the Matter": The UN and the Western Sahara Dispute

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Jacob A. Mundy

Since 1988, the United Nations has been actively involved in the Western Sahara dispute between the Kingdom of Morocco and the Western Saharan liberation movement known as the Frente POLISARIO. Over fifteen years later, there seems to be no end in sight for this seemingly intractable conflict. For the UN, the Western Sahara file is beginning to look less like East Timor and a lot more like Cyprus.

The UN originally set out to settle the dispute by holding a referendum for the population of the territory and spent the whole of the 1990s attempting to establish the electorate for the vote. In early 2000 the UN halted its Sisyphean referendum effort for a host of reasons cited by UN secretary-general Kofi Annan in his February 2000 report on the matter. He emphasized that, of all the reasons put forward, the winner-take-all nature of the referendum (independence or integration) had generated an interminable political contest situated on the identities of prospective voters for the referendum. He called for a compromise solution to be brokered by former US secretary of state James Baker, Annan's personal envoy to the Western Sahara since 1997. Since early 2000, Baker has attempted to find a resolution based on a limited autonomy arrangement between Morocco and the POLISARIO. The basic idea is that the Western Sahara would retain nominal independent governmental authority within the Kingdom of Morocco.

By the end of 2003, Baker's efforts had produced minimal results, primarily because both of the schemes put forward contained provisions for a

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final status independence-or-integration referendum following a brief period of autonomy of four to five years. The difference between the referendum in Baker's two proposals and the one that the UN abandoned in early 2000 is that Baker's would allow Moroccan settlers in the Western Sahara—not just indigenous Western Saharans—to vote on the final status of the Western Sahara.

In this essay I argue that the UN has failed to put an end to the dispute because it has continued to seek a winner-take-all solution rather than a true compromise solution. In the construction of this argument, I will track some of the events leading up to and including Baker's recent initiatives. I will then examine the structure of the recent proposals and the antagonists' reactions to the proposals and finally will attempt to explain why the UN has pursued this unfruitful tack.

The Failed Referendum

In late October 1975, King Hassan of Morocco ordered an invasion of the Spanish colony of the Western Sahara. By 14 November Spain, under pressure from the United States, handed over the Western Sahara to Morocco and Mauritania, the northern two-thirds going to the former. The Frente Popular para la Liberación de Saguia el-Hamra y Río de Oro (Frente POLISARIO), having been formed in 1973 to fight Spanish colonialism, turned its guerrilla war against the new occupying powers, while also escorting a sizable percentage of the resident indigenous population into exile in Algeria (near Tindouf). By 1979 the POLISARIO, strongly backed by Algeria both diplomatically and militarily, had driven Mauritania out of the war but still faced stiff opposition from Morocco's ground and air forces, heavily trained and equipped by France and the United States and well subsidized by Saudi Arabia. By the mid-1980s, a military stalemate had been attained, and both sides warmed up to then UN secretary-general Pérez de Cuéllar's newfound interest in settling the dispute.

By 1990, Pérez de Cuéllar had convinced the Security Council that both sides had agreed "in principle" to a settlement proposal based on a plan that the Organization for African Unity (OAU) had been hammering out since 1979. The plan prescribed a solution whereby a self-determination refer-

endum for indigenous Western Saharans would follow a military cease-fire, exchange of prisoners, repatriation of refugees, and a full withdrawal of Moroccan forces from the Western Sahara. On 6 September 1991, a cease-fire took effect, but all the other aspects of the UN-OAU settlement plan—endorsed by the Security Council in April—had to be placed on hold while the UN considered King Hassan's demand that the referendum's voter rolls be expanded beyond what had been agreed to "in principle." The settlement plan originally stipulated that the referendum electorate would be based on a census conducted by Spanish colonial officials in 1974, which had registered around seventy-four thousand indigenous Western Saharans in the territory at the time. Morocco claimed that the census failed to account for all Western Saharans; Morocco pointed to the fact that a large number of Western Saharans fled to the south of Morocco during joint Spanish-French counterinsurgency campaigns against anticolonial guerrillas operating out of Spanish Western Sahara in the late 1950s. The POLISARIO countered by claiming that an expansion of the voter criteria would allow Morocco to present applicants without real ties to the Western Sahara, ethnic or otherwise. In the end, the UN agreed to accommodate Morocco's interests, but only after over two years of negotiation.[1]

Over the course of the next six years (1994 to 2000), the UN Mission for the Referendum in the Western Sahara (MINURSO, its French acronym) interviewed 198,649 applicants to the referendum (out of 244,643 total applications received). The majority of the identification work took place between 1998 and 2000, after Annan invited Baker to become his personal envoy to the Western Sahara in early 1997. Baker's appointment came at a time when POLISARIO had refused to participate in the identification of a grouping of tribes predominantly resident in Morocco at the time of the 1974 Spanish census and widely known as the "contested tribes." Annan origi-

1. For the purposes of this discussion, and because of the importance of the legal principle of *uti possidetis*—the maintenance of prior borders—in questions of decolonization, self-determination, and successor regimes, a clear distinction will be made between ethnic Sahrawis (referred to in this essay as Sahrawis, the primarily *hasaniyya*-speaking ethnic group inhabiting parts of Morocco, Algeria, Mauritania, and all of Western Sahara), and the indigenous population of the Western Sahara (here, Western Saharans). The latter is, in fact, overwhelmingly ethnically Sahrawi, but the difference is that while most Western Saharans are Sahrawi, not all Sahrawis are Western Saharan.
2. Marrack Goulding, *Peacemonger* (London: John Murray, 2002), 214.

nally approached Baker in hopes that he could arbitrate some kind of political compromise based on an autonomy arrangement,[2] yet Baker found that King Hassan remained committed to the settlement plan despite its obvious tilt in the POLISARIO's favor. Baker soon brokered a series of agreements that got the referendum process back on track, until it came to a grinding halt.

As the UN approached the end of the voter identification process in mid-1999, MINURSO officials expected to face roughly 15,000 appeals from persons denied the right to vote.[3] Instead, MINURSO received 131,038 appeals, 95 percent from Moroccan-sponsored candidates—61 percent residing in Morocco, and 34 percent in Moroccan-occupied Western Sahara. MINURSO's worst fear—that the appeals process would become a replay of the original identification process—had come true. Out of all the applicants personally interviewed, MINURSO could only positively identify 86,412 as indigenous Western Saharans, 2,161 of those from the "contested" tribal groupings.[4]

By late 1999, shortly after MINURSO received the first avalanche of appeals from Morocco, Kofi Annan began openly to question the possibility of holding a referendum before the year 2002. The additional onslaught of Moroccan-sponsored appeals from the contested tribal groupings shortly thereafter aggravated the situation to such an extent that the secretary-general began to doubt the viability of the settlement plan itself.

In the report announcing the final outcome of the initial identification process—a devastating loss from Morocco's perspective—Annan enumerated a host of reasons for abandoning the original settlement plan. The secretary-general noted that Morocco and POLISARIO both maintained "radically opposed interpretations" of the criteria for the acceptability of the registered appeals—criteria that both parties had agreed to only ten months prior under Baker.[5] Recalling the onerous nine-year process it had taken just to

3. Canadian Lawyers Association for International Human Rights, *Western Sahara Initiative Phase II Report: Fact-Finding Mission to Morocco and Western Sahara* (Ottawa: CLAIHR, 1997), 43.
4. United Nations Secretary-General (UNSG), *Report on the Situation concerning Western Sahara*, S/2001/148, 20 February 2001, paragraphs 8–9.
5. UNSG, *Report on the Situation concerning Western Sahara*, S/1999/1219, 6 December 1999, paragraph 9.
6. UNSG, *Report on the Situation concerning Western Sahara*, S/2000/131, 17 February 2000,

accomplish one *preliminary* aspect of the settlement plan (establishing the voter roll), Annan argued that, given the mutually exclusive interests of the two parties, MINURSO could not afford to continue while the light at the end of the tunnel grew more distant. Annan also noted that simply getting the parties to meet when problems arose caused delays lasting weeks, if not months. Citing the contentious issues of "a protocol for the repatriation of Saharan refugees" and the "appropriate security conditions" for the referendum, Annan ultimately stressed the total lack of any mechanism—military or otherwise—to force either party to accept the results of the referendum. "With this sobering assessment" in mind, Annan concluded that it was time to "explore ways and means to achieve an early, durable and agreed resolution."[6] Few could not help but read this sentiment as a total abandonment of the 1991 settlement plan in favor of a political solution, most likely an autonomy arrangement similar to what Annan and Baker had in mind in 1997. On 29 February 2000, the Security Council agreed with Annan's sobering assessment and passed Resolution 1292, calling for an "early, durable and agreed" solution. The secretariat then invited Baker to re-engage in the negotiations process.

The Baker Plan

The idea of seeking a compromise—a so-called third way—for the Western Sahara conflict is nothing new. Proposals have typically sought autonomy for the territory within the Kingdom of Morocco, something akin to the status of the autonomous regions of Spain or the former relationship between Canada and Britain. Other attempts to find a compromise to the Western Sahara dispute have suggested a division of the territory, allowing for the creation of a smaller Western Saharan state while permitting the formal annexation of the remainder to Morocco. While autonomy has tended to be discussed more than partition, it has recently been suggested that Algeria signaled some support for partition late in 2001. Baker reportedly presented this option to Morocco, POLISARIO, and the UN but found little sympathy for it.[7] Earlier

paragraph 37.

7. Stephanie Irvine, "New Push to End Sahara Conflict," BBC, 14 January 2003, available at http://news.bbc.co.uk/2/hi/africa/2655719.htm, accessed 6 May 2004. Khalid Nezzar, one of Algeria's most influential leaders, claimed that Algeria never seriously entertained partition. See Samir Sobh,

proposals for autonomy have typically gained warrant from Hassan's claim that, besides "the stamp and the flag . . . everything else is negotiable," which led to failed efforts by Algeria to find an agreeable autonomy proposal between 1983 and 1985. In 1988 Hassan told *Le Monde* that he was interested in autonomy for the Western Sahara, so long as it remained "Moroccan."[8] By that time, however, too much momentum had gathered around the UN's efforts to organize a referendum.

In his February and April 2001 reports, the secretary-general lamented that no progress had been made, owing to POLISARIO's single-minded interest in moving the referendum appeals process forward and Morocco's apparent disinterest in either a referendum or in genuinely "devolving" its authority in the Western Sahara. Only a month later, though, Annan unveiled Baker's "draft framework agreement on the status of the Western Sahara."

POLISARIO's reaction to Baker's proposal was predictably negative, and the liberation front initially refused to provide comments on anything but the original 1991 settlement plan. POLISARIO primarily objected to the inclusion of Moroccan settlers in the plan's proposed final status referendum, to be held five years after implementation. According to the plan itself: "To be able to vote in such a [final status] referendum a voter must have been *a full-time resident of the Western Sahara for the preceding one year*."[9] The simple one-page document envisioned internal governance for the Western Saharan through an assembly and an executive elected by persons listed on MINURSO's provisional voter list as of December 1999 (roughly 84,000 Western Saharans positively identified as such by MINURSO). Under the arrangement, Morocco would have authority over all external matters and some internal issues.

Algeria and POLISARIO eventually submitted remarks on Baker's draft framework agreement in early 2002. Their comments revealed, however, that neither had relinquished attachment to the original settlement plan. Morocco,

"L'Algérie n'a pas besoin d'un nouvel Etat à ses frontières," *La Gazette du Maroc*, 10 March 2003.

8. Yahia Zoubir, "Protracted Conflict and Failure to Achieve Prenegotiation," *Humbolt Journal of Social Relations* 20, no. 2 (1994): 20–3.

9. UNSG, *Report on the Situation concerning Western Sahara*, S/2001/613, 20 June 2001, annex 1, paragraph 5; emphasis added.

10. UNSG, *Report on the Situation concerning Western Sahara*, S/2002/178, 19 February 2002,

however, seemed quite comfortable with the proposal. King Mohammed VI even boldly proclaimed in *Le Figaro* of 4 September 2001 that he had "settled" the Sahara issue. With POLISARIO and Algeria rejecting the plan and Morocco embracing it, Annan proposed four options for the Security Council to consider: go ahead with the referendum and begin processing the appeals, perhaps without total consent from either party; have Baker revise the draft autonomy proposals and present them to the parties on a "non-negotiable" basis; have Baker begin discussions of a possible division of the territory; or "the Security Council could . . . terminate MINURSO."[10] The Security Council opted for none of the above and called for more negotiations.

The widely perceived Moroccan bias in Baker's first proposal caused just as much consternation within the UN as it did with the Western Saharan independence movement and its international supporters. The effect was to cause the Security Council, when it reconvened on the issue in the summer of 2002, to remind Baker and Annan that they should endeavor to "secure a just, lasting and mutually acceptable political solution which will *provide for the self-determination of the people of the Western Sahara*." The resolution also made sure to "underline the validity of the [1991] Settlement Plan" and expressed the Security Council's "readiness to consider any approach which provides for self-determination."[11]

Baker II

Dubbed the "peace plan for self-determination of the people of Western Sahara," the second incarnation of the Baker plan—slightly more detailed than its predecessor, spanning four whole pages—contained similar provisions for a final status referendum to take place four to five years after the plan's implementation, albeit with a slightly more balanced voter pool. Under the plan, the electorate for the final status vote would consist of persons eighteen years and older who qualify under one of the following categories: MINURSO's voter list as of 30 December 1999 (without addressing appeals); the

paragraphs 48–51.

11. United Nations Security Council (UNSC), Resolution 1429, 30 July 2002; emphasis added.

12. UNSG, *Report on the Situation concerning Western Sahara*, S/2003/565, 23 May 2003, annex

UN High Commission for Refugees' (UNHCR) repatriation list of 31 October 2000 (the Western Saharan refugees at Tindouf); or persons "who have resided continuously in Western Sahara since 30 December 1999."[12]

It is reasonable to assume that the first two groups consist primarily of native Western Saharans. The voter list of 30 December 1999 is the product of MINURSO's five-and-a-half-year effort to identify an authentic Western Saharan electorate based on objective and transparent criteria grounded in the 1974 Spanish census and the memories of Sahrawi tribal elders—the *shuyukh*. The list of 31 October 2000 is the complete roster of Western Saharan refugees resident in the camps near Tindouf that intend to return under UNHCR supervision once conditions permit. However, the provision allowing persons "who have resided continuously in the Western Sahara since 30 December 1999" would enfranchise the majority of Morocco's settlers in the Western Sahara, Sahrawi or not, thus giving Morocco a potential edge in the final status referendum (making the debatable assumption that all of Morocco's settlers would vote for integration). One of the advantages of the second Baker plan, from the POLISARIO's perspective, is that Morocco would be unable to relocate a decisive number of it citizens to the Western Sahara in the years before the final status referendum, as the first Baker plan would have allowed.[13]

Western Saharan autonomy received a thicker description under the second Baker plan. Following a transitional period allowing for the repatriation of the refugees, indigenous Western Saharans would elect a Western Sahara Authority (WSA) consisting of an executive and a legislative body; a supreme judicial branch would later be appointed by the WSA. Under the plan, the WSA

2, paragraph 5.

13. US Central Intelligence Agency, *World Fact Book* (Washington, DC: CIA, 2003) places the population of the Western Sahara at around 261,794 (July 2003) without qualifications, but the US State Department claims that the population is roughly 400,000. See its *Country Reports on Human Rights Practices 2001: Western Sahara* (Washington, DC: US State Department, 2003). According to *Financial Times* reporter Toby Shelly, "The population breakdown is politically sensitive and contestable, but of a total population of some 300,000 in 1998 perhaps 70,000 were brought in by Rabat for the referendum process it has now spurned, many, but far from all, ethnic Sahrawis. There are probably less than 100,000 indigenous Sahrawis in the territory (plus some 160,000 refugees in southern Algeria), making the bulk of the population in the territory settlers." Toby Shelly, "A Colonial Affair," *Middle East International*, 25 July 2003.

14. UNSG, 5120031565, annex 2, paragraph 8a.

would be solely responsible for "local government, law enforcement, social welfare, cultural affairs, education, commerce, transportation, agriculture, mining, fisheries, industry, environment, housing and urban development, water and electricity, roads and other basic infrastructure."[14] Morocco, on the other hand, would retain exclusive control "over foreign relations . . . , national security and external defense," including control over firearms (except for WSA law-enforcement needs), as well as the ominous "preservation of territorial integrity against secessionist attempts." The flag, the stamp, customs, currency, and telecommunications would also remain Moroccan. The majority of the population, Moroccan settlers, will however have no voice in the WSA itself and will remain politically sidelined until their opportunity to vote in the final status referendum.[15]

Even down to the title, the second Baker plan made obvious—yet superficial—gestures toward Security Council Resolution 1429, which had stipulated that any future settlement had to be based on the Western Sahara's right to self-determination. Annan, eager to oblige the Security Council's resolution, wholeheartedly endorsed the new plan, since it aimed at "providing *the bona fide residents of the Western Sahara* . . . the opportunity to determine their own future."[16] Yet without qualifying "bona fide residents of the Western Sahara," Annan seemed intent on blurring the lines between Moroccan settlers, ethnic Sahrawis, and indigenous Western Saharans in order to give the new plan the veneer of genuine self-determination as demanded in Resolution 1429.

The UN secretariat published the comments of Morocco, Algeria, and the POLISARIO simultaneously with the new Baker plan in May 2003. None of the initial reactions elicited any surprise. For Morocco, the independence option on the final status vote was enough reason to give the new plan a very cool reception, causing confusion in the UN, since Rabat had supported Baker's original plan containing a similar option. Algeria offered a seemingly balanced critique, but the POLISARIO's response amounted to a complete rejection of the plan. The Western Sahara liberation movement, having already proclaimed in January that it would not accept, pointed to the lack of

15. Ibid., paragraph 8b.
16. Ibid., paragraph 50, emphasis added.
17. The comments of the POLISARIO, Morocco, and Algeria are contained in ibid., annex 3.

international monitoring and guarantees during the autonomy period as reason for worry, as well as the accommodation of Morocco's settlers in the final status referendum itself. The fact that the POLISARIO hoped to bring the settlement plan back from the dead by offering sweeping concessions on the appeals process seemed to suggest that Baker's newest proposal had fallen on deaf ears. After the publication of these comments, the Security Council gave Baker another two months to see if any progress could be made.[17]

Leading up to the July 2003 Security Council deadline, few would have predicted that things were about to turn upside down. On 11 July, Spain's UN representative, Ambassador Ignocencio Arias, then holding the Security Council presidency, announced that the POLISARIO had accepted Baker's newest proposal.[18] Then, shortly on the heels of POLISARIO's surprising acquiescence, Morocco declared a categorical rejection to any settlement outside of political "reconciliation" with Algeria. In no uncertain terms, Moroccan foreign minister Mohammed Benaissa later stated that "Morocco's position is clear: we refuse that any decision pertaining to the sovereignty of the kingdom be imposed on us."[19]

POLISARIO's historical volte-face spurred the United States—with firm backing from both Britain and Spain—to present a resolution to the Security Council that would have wholeheartedly *endorsed* Baker's proposal. France, however, sought to protect Morocco from an imposed solution, finding support in China and Russia—two parties that had historically rejected imposing a binding solution for the Western Sahara dispute. With the United States and France butting heads in the Security Council only months after their showdown over the US-led invasion of Iraq in March 2003, and with MINURSO's mandate set to expire that same day, the council opted for the status quo, blunting the resolution's contentious language from "endorse" to "strongly support."

18. UN News Service, "POLISARIO Set to Accept New Peace Plan for Western Sahara—Security Council," 11 July 2003.
19. Reuters, "Morocco Rejects Baker Plan," 16 July 2003.
20. Ignacio Ramonet, "Morocco: The Point of Change," *Le Monde Diplomatic*, July 2000.

A Winner-Take-All Compromise?

In his February 2000 report, the secretary-general argued that the original settlement plan, by design, created a winner and a loser, and that this aspect would generate an unending conflict so long as either Morocco or POLISARIO thought that they could win the Sahara in the end. Annan called for a negotiated compromise solution, and since then Baker has allegedly been seeking a fair and balanced solution, whereby both sides would get "some, but not all" of what they wanted.

It should be clear by now that this is not the case. Both incarnations of Baker's autonomy proposals have contained provisions for a final status referendum that would produce, after a brief four- to five-year autonomy period, exactly what Annan cited as the major problem with the original settlement plan: a winner and a loser. This observation raises two serious questions: Why did the UN really abandon the 1991 settlement plan, and why has the UN continued to pursue a winner-take-all approach?

In order to address the first question, it is important to look at the context. The most important circumstance to consider is the ascension of the politically untested King Mohammed VI in Morocco following his father's death in summer 1999, just as MINURSO completed the massive identification process. One could argue that King Hassan, with the almost absolute political power he had amassed during his nearly forty-year reign, might have been able to reconcile Morocco with a vote for independence in the Western Sahara in 2000 had he survived. However, it is doubtful that young Mohammed could have survived a "no" vote in the early months of his reign. And, more important, Morocco's main bases of support in the West—France and the United States—would never have allowed Mohammed to be tested in such a way. Ignacio Ramonet stressed the following observation from an unnamed Western diplomat:

> We must accept that the referendum is not the right answer. What happened in East Timor last year made this only too clear. . . . If Morocco lost the referendum, it would be a national disaster. It would not leave the Sahara and its position under international law would be untenable. . . . Apparently the United States and France are now convinced that the referendum's not the

> right answer. Paris has been given the job of making Morocco understand, and Washington will look after Algeria.[20]

Around the same time, Annan made a similar point. While Morocco and the POLISARIO might both lay claim to the territory, the Security Council has the ultimate say over the fate of the Western Sahara so long as the UN has its hands in the mess:

> Even assuming that a referendum were held pursuant to the settlement plan and agreements of the parties, if the result were not to be recognized and accepted by one party, it is worth noting that no enforcement mechanism is envisioned by the settlement plan, *nor is one likely to be proposed*, calling for the use of military means to effect enforcement.[21]

On the face of it, Annan's sobering assessment of 2000 gives one the impression that the binary interests of Morocco and POLISARIO are reason enough to abandon a plan that contains no provisions for enforcement. More important, as Annan pointed out, an enforcement mechanism was not "likely to be proposed." The secretariat knew all too well that the Security Council would never adopt a Chapter 7 resolution calling for active enforcement of a referendum outcome contrary to the competing yet sometimes complimentary interests of the United States and France in North Africa. Given the results of the voter identification process in early 2000, it is hard to say that the referendum vote would have been for anything but independence,[22] unless Morocco had somehow been allowed to recover its "losses" in the appeals process. One can safely say that the UN abandoned the settlement plan not because it generated a zero-sum game but because it could have generated an outcome that would have embarrassed Morocco and would have subsequently forced the West to make an uncomfortable decision.

With respect to the diplomat Ramonet quoted, it is certain that King Mohammed needed little convincing that the settlement plan was not in his best interests, and given that the UN had already considered abandoning the plan as early as 1997, it is obvious that the only parties truly committed

21. UNSG S/2000/131, paragraph 36; emphasis added.
22. Charles Dunbar, "Saharan Stasis: Status and Prospects in the Western Sahara," *Middle East Journal* 54, no. 4 (2000): 533.
23. William B. Quandt, "US and Algeria: Just Flirting," *Le Monde Diplomatic*, July 2002. The last

to the referendum were the POLISARIO, its bases of support in the international community, and Algeria.

Algeria has needed more time to come around, although it would seem that the astonishing improvement in relations between Washington and Algiers since the events of 11 September 2001 has provided the ground upon which the United States has been able to change Algeria's position on the Western Sahara. As William Quandt noted, "Nobody could have imagined a few years ago that the commander of the United States Sixth Fleet would make an official visit to Algiers, or that President Abdelaziz Bouteflika would be received by President Bush in the Oval Office twice in four months." Explaining this, Quandt argues that

> oil and the war on terrorism are behind the change. Bush has close ties to the oil business from his time as governor of Texas. One company, Houston-based Anadarko, has made a major investment in Algeria and been successful in finding fresh supplies. According to its most recent report, it has discovered 12 oil fields with reserves of 2.8bn barrels of oil since 1991. Production began in 1998 and may reach as much as 500,000 barrels a day in 2003. While still small by [Persian] Gulf standards, this is a significant involvement for an independent US oil company.[23]

The apparent US interest in establishing a military base in Algeria, the authorization of the sale of nonlethal military equipment in 2002, and the training of Algerian soldiers by the US military to guard the Sahara borders only serves to further highlight this point.

Furthermore, Bouteflika's election in 1999 also meant that, within the Algerian leadership, there existed someone whose fidelity to Western Saharan independence was suspect. When Algerian president Houari Boumediene (1965–78) took the POLISARIO under Algeria's wing in early 1975, Bouteflika's attitude at the time was widely read as ambivalent, if not pro-Moroccan. Bouteflika, born and raised in Morocco, told the UN General Assembly

visit of an Algerian head of state to the White House had been President Chadli Bendjedid's 1985 visit. It is important to note, however, that US-Algerian ties were already becoming more tenable before 11 September 2001. On this point see Hugh Roberts, *The Battlefield: Algeria, 1988–2002* (New York: Verso, 2003), 285.

24. BBC Monitoring Service, "Algeria: President to Trade Off Western Sahara for Reelection," 5

in October 1975 that Morocco's and Mauritania's claims on the Sahara were not in direct conflict with the Western Sahara's right to self-determination, so long as the population was able to exercise that right. Only months earlier, in July, however, Bouteflika had sought to trade support for Western Saharan self-determination for Morocco's ratification of a 1972 Algerian-Moroccan border convention. As one African diplomat said, "On Western Sahara, Boumediene had one language, Bouteflika had another."[24] If Algeria seemed inflexible on the Western Sahara issue during the height of its bloody civil conflict, its recent pragmatism could be the result of two factors: the diminishing threat from Islamic insurgents and the simultaneous consolidation of power within the clique of authoritarian French-leaning generals who run the show in Algeria.[25] That is to say, where once the POLISARIO had a strong base of support within all sectors of Algeria's leadership, grounded on an ideological affinity for Third World liberation struggles, Algeria's current interest in the Western Sahara is limited to the POLISARIO's value as a wedge against Morocco's regional hegemonic aspirations.

The POLISARIO's abrupt embrace of the revised Baker plan in June 2003 would seem to support suppositions regarding a shift in the attitude of Algeria's leadership and its ability to put pressure on the POLISARIO.[26] In the months leading up to the POLISARIO's acceptance of the revised Baker plan, there had been signals that some of the players within Algeria's governing ranks, even within the presidency, felt that it was time for a settlement. In March 2003, retired general Khalid Nezzar, perhaps the most public personality within Algeria's old guard, told a Moroccan newspaper that "at present, Algeria does not really need yet another country created at its borders. The creation of a Greater Morocco will help overcome this dead end."[27] Nezzar's statements caused a firestorm of criticism within Alge-

February 2003.

25. Roberts, 352.

26. Toby Shelly, "Behind the Baker Plan for Western Sahara," *Middle East Report* online, retrieved 1 August 2003 from www.merip.org/mero/mero080103.html. Shelly notes that "Sahrawi diplomats said the pressure [from Algeria] had been intense. According to an Algerian press report, [POLISARIO Secretary-General] Abdelaziz was summoned by three leading Algerian officials at the end of June [2003] in an attempt to press him to change the independence movement's stance."

27. Quoted in A. Tazaghart, "U-turn on Western Sahara Sets Stage for Algerian-Moroccan Summit," *Daily Star* (Beirut), 12 April 2003.

28. Algèrie Presse Service, "Algeria's Position toward Western Sahara Is 'Clear and Firm' Reaf-

ria and quickly spurred a declaration from the Ministry of Communications and Culture, stating that Algeria remained "attached to the principle of the Sahraoui people's self-determination."[28] However, as Toby Shelly claims, most of the criticism focused on Nezzar's willingness to sell the Sahara without "extracting a reasonable price, not that he was willing to sell it."[29] By early 2003, it also seemed clear that Algeria's president, Bouteflika, facing reelection in 2004, saw Baker's proposals as the way toward better relations with France vis-à-vis reconciliation with Morocco.[30]

At this point it should be clear that when it comes to the UN in the Western Sahara, the interests of Washington and Paris come first, those of Rabat and Algiers second, and those of the POLISARIO and its international support a distant third. The structure of Baker's recent proposals, especially the inclusion of a final status referendum, reflects his sensitivity to this hierarchy of interests, given that the proposals are best described as a game for settling the conflict to the West's liking. The UN has pursued this tack because France and the United States have essentially demanded it, and Baker is perhaps one of the few personalities that can make it happen. Annan, whose office is held hostage to the interests of the Security Council's permanent five members, could not help but show enthusiasm for the "peace plan for self-determination of the people of Western Sahara." His calling it a fair and balanced solution to the Western Sahara conflict is rooted in the fact that the electorate for the final status election will be more to France's and the United States' liking.

Conclusion: No Way Out?

In early 2000, Annan claimed that no progress could be made unless the UN addressed the fundamental issues at hand in the Western Sahara. In the years since, no progress has been made, and it appears that the fundamental issues have been mostly evaded. Ultimately, as the secretary-general implied and as Adekey Adebadjo put so succinctly, the nine-year referendum effort

firmed Mrs. Toumi," 16 March 2003.
29. Shelly, "Behind the Baker Plan."
30. BBC Monitoring Service, "Algeria."
31. Adekeye Adebajo, "Selling out the Sahara: The Tragic Tale of the UN Referendum," Institute for

in the Western Sahara was, for Morocco and the POLISARIO, "a proxy for waging war by other means."[31] As a game for determining the final status of the Western Sahara, the original 1991 settlement plan was decidedly in the POLISARIO's favor, and King Hassan went to great lengths to correct that bias right up until his death. Yet if it seemed that in 2000 the UN was done playing political games in the Western Sahara, that perception has turned out to be false. What Baker, Annan, and the Security Council have continued to seek is a new game with new rules that will finally determine who is the winner and who is the loser in the Western Sahara. That the new games are prima facie in Morocco's favor no doubt reflect the dominant interests on the Security Council, primarily France and the United States. The only question that remains unanswered is whether or not Algeria will be paid the right "price" for the Sahara.

Leaving aside the question of whether or not the UN should be playing games with the fate of the last colony in Africa, it seems as if Baker's efforts will fail for the very reasons that Annan has cited. Morocco and the POLISARIO welcomed the UN's efforts in 1988 because the military conflict had taken on a zero-sum character. This balance of power remains essentially unchanged, and both sides, as indicated from their reactions to either of Baker's proposals, still think that they can win the Western Sahara in the end. It goes without saying that as long as winning and losing are a possibility, both Morocco and the POLISARIO will vie for the Western Sahara, perpetuating the conflict ad infinitum. In pursuing this course, Baker will continue to leave himself, the UN secretariat, and the Security Council open to charges of bias that will only fuel either side's interests. If Baker had been engaged in a sincere process of finding an honest compromise, with strong and impartial backing from the Security Council, the UN might arguably be closer to actually resolving the Western Sahara conflict for good.

The stalemate in the Western Sahara is arguably neither hurting the parties involved nor ripe for negotiation.[32] Both Morocco and Algeria seem willing to tolerate an endless impasse and the resultant breakdown of the Arab

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32. For a recent discussion of these concepts, see I. William Zartman, "The Timing of Peace Initiatives: Hurting Stalemates and Ripe Moments," *Global Review of Ethnopolitics* 1, no. 1 (2001): 8–18.

33. On this point, see "The 'Hidden Message' from Army Men," *Maghreb Confidential*, no. 575

Maghreb Union. While the ultimate goal of France and the United States is probably the consolidation of Mohammed VI's regime through the formal annexation of the Western Sahara and the resuscitation of Algeria's economy, the current deadlock is more acceptable than any maneuver that might risk political instability in Morocco or the larger Maghreb.

Morocco is obviously comfortable in its position: it has effective control of the majority of the territory and is profiting from the natural resources it controls. While phosphates have widely been attributed as the original economic factor in Morocco's interest in the Western Sahara, Morocco is now also one of Africa's top producers of fish, with the waters off the Western Sahara accounting for a large proportion of the catch. In fact, some of the controlling interests in the billion-dollar Western Sahara fishing industry are officers in Morocco's own occupying forces. For Morocco, maintaining the status quo is obviously preferable to disturbing the tenuous power relations among the military, the government, and the throne.[33] Morocco has even begun to look into exploiting the possible offshore hydrocarbon reserves in the Western Sahara. Furthermore, the current political war of attrition seems tilted in Rabat's favor, and with unwavering backing on the Security Council, Morocco knows it will never have to face an imposed solution, and that, over time, the POLISARIO's international and regional (that is, African) standing could weaken to a breaking point.

Without unconditional support from Algeria, the POLISARIO's position is undoubtedly far worse than it was in 1991 when the cease-fire took hold. The POLISARIO's one trump card—a return to armed conflict—seems to have been played when it aggressively mobilized its forces in early 2001, only to have Algeria bring it back from the brink. Calling Morocco's bluff on the autonomy issue in summer 2003 was perhaps the only move left for the POLISARIO, and it could create more sympathy in Washington. The only drawback is that the POLISARIO is now committed to Baker's agenda, thus precluding any return to the original referendum effort.

While the status quo is a less comfortable prospect for the POLISARIO,

(October 2002); A. Bouzerda, "Moroccan King Quashes Debate on Military Role," Reuters, 12 September 2001; A. Maghraoui, "Political Authority in Crisis: Mohammed VI's Morocco," *Middle East Report*, no. 218 (spring 2001): 16.

it is not inconceivable that it will be able to weather the stalemate for years to come. The tens of thousands of Western Saharan refugees in Algeria are almost guaranteed a minimal existence by the international refugee donor community, and the rise of a small merchant class combined with foreign remittances has noticeably improved the standard of living in the camps. Once dependent upon tents from aid agencies for shelter, some Western Saharan refugee families can now afford to add two or three rooms to their mud brick dwellings and supplement their starch-heavy diet with vegetables and meat from local shops or Tindouf. A small number of refugees have even had family reunions in Mauritania with their relatives from Moroccan-occupied Western Sahara who they have not seen since the beginning of the conflict. Cellular phones and the Internet give the refugees a view into the lives of their friends and kin in the Western Sahara and Morocco. Despite these contacts, a random and limited sampling of Western Saharan refugee opinion in September 2003 indicates that no one is eager to return home unless Morocco's settlers and armed forces are gone. While this rhetoric might be scripted for Western observers like this author, all other signs seem to indicate that the refugees will be quite comfortable waiting it out for some time to come, whether or not their hearts are still for independence.

What is perhaps most ironic about the UN's current efforts to resolve the Western Sahara dispute is that in an effort to *avoid* an East Timor–type scenario, the conditions *for* East Timor–like violence are being set in the Western Sahara. If the UN learned any lessons from East Timor, it seems that they were the wrong ones. Rather than settle the conflict with both armies conveniently separated and confined, and with civilians safely away from the conflict areas, the UN is looking to scramble all that and throw both sides together for a five-year, one-shot, high-stakes, winner-take-all game. The conditions for violence are present: Not only is the ideological gap between the exiled Western Saharans and Morocco's settlers as wide as can be on the issue of what the final status of the Western Sahara should be, but there is also a well-documented history of consistent human rights abuses directed at the indigenous population of the Western Sahara by Moroccan security forces. Although Morocco's repression of the Sahrawis is nowhere near the scale of Indonesia's vicious and genocidal treatment of the East Timorese, it is worth noting that repression has been consistent and sometimes brutal

and continues to this day. Furthermore, the entrenched economic interests of the Moroccan military in the Western Sahara should be sufficient enough reason for the UN to realize that the autonomy period could become a disaster not unlike the aftermath of the 1999 referendum in East Timor or the botched federation of Eritrea to Ethiopia. Yet so long as the Western Sahara remains a marginal—if not all-but-forgotten—issue in world affairs, it seems unlikely that the UN will take the issue seriously, change course, or even make headway in the years to come.