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## BRIEFING: WESTERN SAHARA: ROAD TO PERDITION?

PABLO SAN MARTÍN

AT THE TIME OF WRITING,<sup>1</sup> HOPES FOR A PEACEFUL SOLUTION to the enduring conflict of the Western Sahara are evaporating. If there is no plausible advance in the peace process before the end of 2004, the UN-brokered ceasefire between Morocco and the POLISARIO Front could come to a dramatic end. The last extension of the mandate of MINURSO, the international force supervising the truce in Western Sahara since 1991, expires in October. What will happen then is unclear, but all the signs point to a worrying panorama. Morocco would be moderately satisfied to maintain the current situation of the territory, most of which is under its *de facto* control. However, the POLISARIO Front, under growing pressure from its militants, is not in a position to accept a new extension of the ceasefire under the current circumstances. Mohamed Yeslem, Ambassador of the Saharawi Arab Democratic Republic (SADR) in Algiers, was clear when indicating that ‘if [in October 2004] Morocco continues considering that the self-determination referendum is a dead option, then it will be necessary to declare implicitly that the current ceasefire has also finished’.<sup>2</sup> The forthcoming months are therefore not only crucial for the resolution of the last decolonization conflict in Africa but also, arguably, for the stability of the whole Maghreb region. In the following pages, I shall briefly explain the background to the situation in Western Sahara by outlining major developments in the conflict in recent years, the Baker Plan II and, finally, the perspectives for the future.

Morocco and Mauritania occupied the former Spanish colony of Western Sahara in 1975, despite the protests of the United Nations and the guerrilla resistance of a nationalist Saharawi movement, the POLISARIO Front, backed by Algeria. Mauritania was unable to sustain the war against the POLISARIO Front and pulled out in 1979, recognizing officially in 1984 the Saharawi Arab Democratic Republic (SADR), the Saharawi state founded by the POLISARIO in February 1976.<sup>3</sup> The war against Morocco lasted until 1991, when the UN brokered a peace agreement, known as the Settlement Plan, based on previous negotiations initiated by the Organization

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1. In late July 2004.
2. Mohamed Yeslem, *EFE News Agency*, 15 July 2004.
3. The SADR was recognized by over 70 states (some of which have in recent years frozen or cancelled such recognition) and is a member of the African Union.

of African Unity. Thirteen years later, the peace process seems to have irredeemably stagnated. The territory continues to be divided into two parts separated by 2,000 kilometres of defensive walls, constructed by Morocco during the 1980s and surrounded by minefields. Rabat controls the western part (80 percent of the territory approximately), while the rest is administered by the POLISARIO/SADR, which also runs the refugee camps in the bordering Algerian region of Tindouf where approximately 175,000 Saharawis live.

The main obstacle to the implementation of the 1991 Settlement Plan was, from the beginning, the census of voters for the 'self-determination' referendum. While the POLISARIO supported a list of native inhabitants of the territory based on the 1974 Spanish census, Morocco attempted to introduce into the list vast numbers of settlers (from northern Morocco and ethnic Saharawis from the south). In 1997, the former US Secretary of State James Baker III was appointed by the UN Secretary General, Kofi Annan, as his Personal Envoy to the Western Sahara, with the aim of getting the stagnated peace process back on track. As a result of his mediation, the Houston Accords (1997), and the later amendments introduced in 1999, defined in detail the practicalities of the future referendum, including the conditions of eligibility to vote. After a tortuous process, the UN's Identification Commission published in January 2000 a definitive list of 86,381 persons eligible to vote, out of the 198,469 candidates interviewed. However, Rabat did not accept the list (a majority of the rejected candidates came from the Western Sahara under Moroccan control), and instigated the presentation of more than 120,000 appeals in an attempt to block process.<sup>4</sup>

The appeals could have been resolved in a period of no more than two years. In fact, most of them came from already rejected candidates who did not include any new evidence in their appeals and therefore needed not even to be re-evaluated (as had been agreed by the parties in 1999). Nevertheless, the Moroccan manoeuvre was successful and in February 2000 the Secretary General, unwilling to impose a census not accepted by Rabat, admitted that the Peace Plan was in terminal crisis and asked the parties to negotiate a new peace proposal with the mediation of his Personal Envoy. Direct talks took place in Berlin between Morocco and the POLISARIO Front, but they failed to reach any agreement.

However, months later James Baker presented a new plan, known as the Framework Agreement (2001), which was basically inspired by the 'political

4. As James Baker has pointed out in a recent interview, 'when we got right up to having identified the people who were entitled to vote, the Moroccans then walked away from the plan. Why did they do that? You'll have to ask them but I would assume it was because they were worried that they wouldn't win the vote. (. . .) The closer we got to implementing [the plan] the more nervous I think the Moroccans got about whether they might not win that referendum'. Interview with James Baker, Wide Angle, Public Broadcasting Service (PBS)-TV, 19 August 2004.

solution' supported by Rabat (that is, the integration of the Western Sahara in Morocco as an autonomous region). It proposed a period of several years of autonomy under Moroccan sovereignty, followed by a consultation over the final status of the Territory (without guaranteeing that the option of independence would be included) in which the entire population (defined as those who were living in the Territory one year before the consultation, that is to say, including the settlers) would be allowed to vote. The Plan was inconsistent with the principles and purposes of the UN Charter regarding the self-determination of non-self-governing territories and was rejected not only by the POLISARIO and Algeria but also by the Security Council, which asked for a redraft of the proposal.

The peace process was almost dead when, in January 2003, James Baker presented to the parties a new 'Peace Plan for the Self-Determination of the People of the Western Sahara', known as Baker Plan II.<sup>5</sup> In July, it was endorsed by the Security Council, stressing that it was the 'optimum political solution'.<sup>6</sup> In the words of the Secretary General, if the previous proposals had failed because they were 'zero-sum games', the Baker Plan II, through a combination of elements from various proposals, provided 'each side with some, but perhaps not all, of what it wants'.<sup>7</sup>

At first glance, however, the plan appears to be clearly in favour of Rabat. It consists of a transitional period of four to five years of autonomy under Moroccan administration, followed by a referendum. The voters for the election of the transitional Saharawi Authority would be the 86,381 persons of the Identification Commission list (UN's list), who in principle are expected to vote massively for a Saharawi nationalist government. However, the list for the 'self-determination' referendum (in which there would be three options: integration, autonomy and independence) would be the result of the sum of three lists: the UN's list (86,000), the list of residents in the Territory before 1999 (151,000 residents in the last Moroccan elections) and the refugees inscribed in the UNHCR's repatriation list in October 2000 (unknown).<sup>8</sup>

The Baker Plan II was initially rejected by both the POLISARIO and Morocco, but in July 2003 the Saharawi independence movement, in a surprising diplomatic move, accepted the Plan. The ball was then in the Moroccan court, and the expectations of many analysts of the conflict were highly positive. In the absence of Saharawi opposition, there seemed to be

5. The Plan was published in the *Report of the Secretary-General on the Situation concerning Western Sahara*, S/2003/565, 23 May 2003.

6. Security Council Resolution 1495, S/RES/1495, 31 July 2003.

7. *Report of the Secretary-General on the Situation concerning Western Sahara*, S/2003/1016, 16 October 2003.

8. A detailed analysis of Baker Plan II can be seen in C. Ruiz Miguel, 'El largo camino jurídico y político hacia el "Plan Baker II": ¿Estación de término?', *Documentos del Real Instituto Elcano* 74 (2003). Available online: <http://www.realinstitutoelcano.org/documentos/74.asp>

no apparent reason for Rabat not to accept the Baker proposal. In fact, the Plan gave Morocco two crucial gains: the legal title of administrator of the territory in the first instance, followed by a toned-down referendum in which the settlers entitled to vote would outnumber the native inhabitants of the Western Sahara. However, Rabat rejected the Baker Plan II, forcing the Security Council to extend the MINURSO mandate three times (in October 2003, and January and April 2004) without any advance in the peace process. Among other reasons, Morocco argued that the transitional Saharawi Authority would create instability in the region (fuelling tribal rivalries) and that the option of independence in the self-determination referendum was incompatible with the unquestionable principle of territorial integrity of the kingdom and, therefore, should be eliminated from any plan.

Why did the POLISARIO Front accept the Baker Plan II, despite its being apparently opposed to its interests, and why did Morocco reject it, despite its being apparently favourable to its interests? The POLISARIO Front was strongly pressured by Algeria and Spain to accept the Plan and thus break the impasse of the peace process, while vast sectors of its militants were opposed to it. But the risky POLISARIO move, far from being a capitulation, can only be understood after a careful analysis of the crucial element of the Plan: the list of persons eligible to vote in the final self-determination referendum.

The final census is unknown, because it comprises three different lists that overlap, and one of them (the UNHCR's repatriation list) has not been made public.<sup>9</sup> The parties only know the UN's list of native Saharawis and the list of residents in the Territory before 1999. The list of native Saharawis elaborated by the UN's Identification Commission is based on the Spanish census of 1974 and comprises 86,361 persons. However, most of the Saharawis identified in this list are also included either in the list of residents in the Territory (under Moroccan control) or in the repatriation list of refugees (mainly from the Tindouf Camps administered by the POLISARIO). Of the 86,000 native Saharawis identified by the UN, approximately 48,000 live in the Territory and therefore are also included in the list of 151,696 residents. This means that the result of the intersection of the UN's list and the list of residents is a census of 189,000 persons eligible to vote, of which 86,000 (45 percent) would be native Saharawis and 103,000 (55 percent) settlers or non-native Saharawis.

The final census would be the result of the intersection of this list with the list of refugees elaborated by the UNHCR. However, this third list is

9. I follow Ruiz Miguel's evaluation of the census. Ruiz Miguel, 'El largo camino jurídico y político hacia el "Plan Baker II"'.

unknown. There are 38,000 native Saharawis (out of the 86,000) not living in the Territory. But how many refugees included in the secret UNHCR repatriation list are not among those 38,000 Saharawis? Rabat does not know how many, while the POLISARIO might have a closer idea, since the repatriation list is mainly formed by refugees from Tindouf and Mauritania. The pro-Moroccan bias in the final census might be corrected to some extent if a significant number of pro-POLISARIO refugees (not included in the UN's list) are included in the repatriation list. This might be one of the reasons why Morocco vehemently rejected the Plan.

Undoubtedly, the ethnic and territorial origin of the voters will influence the result of the referendum, but there are other factors (social, economic, ideological, etc.) that need also to be taken into account. Neither all Saharawis will vote for independence nor all settlers for integration. In fact, the POLISARIO strategy (and Rabat's growing fear) is based on the estimation that, in addition to a vast majority of the native Saharawis living in the Territory, many settlers would probably vote for independence. Among the several factors accounting for such a dynamic would be the social and economic exclusion of wide sectors of the population, the high levels of corruption of the Moroccan administration, the lack of democracy, accountability and transparency, the limited freedom of speech, association and press, the continuous violations of human rights in the territory, as well as the growing discontent with the new Moroccan monarch, Mohamed VI, and his failed promises to promote a definitive process of modernization and democratization. In November 2003, the journalist Ahmed Benchemsi pointed out that

those who declare themselves clearly in favour of independence — openly and in the middle of the Moroccan [controlled] territory — are not rare, and they are usually young. Do they want a Saharawi state because of ideological conviction? Absolutely not. [They have] three reasons: one, Morocco has let them down, two, Morocco has let them down, three, Morocco has let them down.<sup>10</sup>

If the growing social discontent has fuelled the rise of political Islamism in Morocco during the last decade, in the Western Sahara it has contributed to increase the appeal of the 'secessionist' movement even among the settlers. The 1999 *Intifada* of El Aaium and other cities of the territory rang alarm bells in Rabat for the first time. Along with young native Saharawis, many young settlers also joined the revolts, demonstrating that their attachment to the kingdom should not be taken for granted. Since then, the significance of the Saharawi opposition in the territory under Moroccan control has increased without interruption, as has the public profile of

10. A. R. Benchemsi, 'Voyage au Sahara: Ouvrons les yeux', *TelQuel* 100, 14 November 2003.

Saharawi human rights activists such as Mohamed Daddach and Ali Salem Tamek. The latter, who symbolizes for many a new generation of nationalist leaders, caused a huge political storm in Morocco, after being granted amnesty by Mohamed VI in January 2004, by declaring openly in several interviews his Saharawi nationalism.<sup>11</sup>

Moreover, in recent years, the climate of unrest has also grown in Southern Morocco. This non-disputed area, which borders to the south with the Western Sahara territory, is a former Spanish protectorate annexed to Morocco in 1958, part of whose population is ethnically Saharawi. In fact, some POLISARIO leaders, as well as internal activists such as Ali Salem Tamek, came from Tan-Tan, Assa, Zag or Tarfaya, in the Moroccan Sahara. Rabat fears that a Saharawi state, or even a Saharawi autonomous region in the territory of Western Sahara, might trigger the development of nationalist movements in its non-contested southern region, as well as in other Moroccan regions with a strong identity, such as the Rif, for example.

Many POLISARIO leaders acknowledge that, despite the apparently favourable census for Rabat, the growing discontent among the residents of the territory under Moroccan control was the decisive factor in accepting the Baker Plan II. They are of the opinion that the idea of an independent Western Sahara might appeal to a significant sector of the settlers, as a new opportunity to break with their marginal situation and to construct a democratic state without the burden of the *majzen* (that is, the traditional Moroccan political elite). Everything would depend on the ability of the Saharawi Authority (almost certainly under Saharawi nationalist control) to meet the expectations of the population during the transitional period. It was a risky option, but the POLISARIO leadership seemed determined to play this card, despite the concerns raised by significant militant sectors.

But Morocco did not accept the uncertainty associated with the Baker Plan II. Despite the insistence of the Security Council, Rabat rejected it twice. According to the text of Resolution 1495, the Plan cannot be imposed on the parties but, on the contrary, has to be accepted by both the POLISARIO and Morocco in order to be implemented. In the initial draft of the resolution, the UN could impose the Plan but, to avoid a French veto, the definitive text stressed that the acceptance of the parties was a compulsory requisite for its implementation. Thus, Rabat could block the development of the peace process without any legal sanction, always safeguarded by the veto power of its close ally France. In any case, until the spring of 2004, Morocco was under strong diplomatic pressure to endorse the Plan. Spain, the former colonial power of the Western Sahara and then

11. See, for instance, Abdallah Ben Ali, 'Entretien avec Ali Salem Tamek, activiste sahraoui. Les confessions d'un séparatiste', *Maroc Hebdo International* 590, 30 January 2004.

temporary member of the Security Council, as well as the United States, supported the Plan unconditionally.

But the situation changed radically after the unexpected victory of the Socialist Party in Spanish elections. From 1996 until 2004, the Popular Party government had departed in many respects from the position of neutrality of previous governments, adopting a position closer to the POLISARIO Front, especially during the period 2000–4. In fact, the diplomatic activities of the Security Council in favour of the Baker Plan were mainly promoted by the Spanish delegation. During this period, Spain had become a close ally of the United States, strongly supporting the Iraq war, against the will of public opinion.

One of the key events marking the shift of Spanish foreign policy towards the United States was the Moroccan invasion of Parsley Island, a tiny rock close to the Spanish city of Ceuta, in July 2002. Relations between Spain and Morocco had been cool in the previous months, due to the usual disagreements in respect of illegal immigration, territorial waters and the sovereignty of the Spanish cities of Ceuta and Melilla. When Morocco invaded Parsley Island in an attempt to test Spain's decision to defend its North African territories, the Spanish government failed to find convincing diplomatic support in the European Union, due mainly to the position of France. On the contrary, it was the United States, through the mediation of Colin Powell, who played a decisive role in the resolution of the crisis. From then on, Spanish foreign policy grew progressively closer to that of the United States. The increasing Spanish involvement in the Western Sahara conflict during the last years of José María Aznar's government has to be understood within the context of the growing struggle between France and the United States for hegemony in North Africa. Spanish support of a peace plan that might lead to the emergence of an independent 'Hispanic' state in the Maghreb would undermine the Rabat-Paris axis, strengthening the regional role of Algeria and favouring the development of America's imperial grand design.

However, the new Spanish government of José Luis Rodríguez Zapatero radically changed the direction of foreign policy, with the explicit objective of improving the badly damaged relations with Morocco and 'returning to Europe' (that is, to the orbit of French foreign policy). In recent months, the messages sent by Spanish officials and high-ranking members of the Socialist Party have been contradictory, but the general contours of Spanish policy seem to converge progressively with the so-called 'political solution' promoted by Rabat and supported by Paris. While, on the one hand, declaring that any solution has to be commensurable with the principles of the UN, several concerns, on the other hand, have been raised about the celebration of a referendum on self-determination. In fact, the Spanish Foreign Minister, Miguel Angel Moratinos, has even said that a



referendum now in the Western Sahara would be negative since it would 'cause a crisis in the whole Maghreb'.<sup>12</sup>

In the midst of this changing scenario, in June 2004 James Baker resigned as Personal Envoy of the Secretary General to the Western Sahara. The main factor accounting for his resignation is thought to be the continuous Moroccan sabotaging of his Peace Plan and the lack of means to impose a solution on the parties. In fact, the Moroccan Foreign Minister, Mohamed Benaissa, declared triumphantly that 'Baker's resignation (was) the result of the persistence of the Moroccan diplomacy and its rejection of certain principles which undermine Morocco's territorial integrity'.<sup>13</sup> The lack of support for his Plan on the part of the new Spanish government, which as the former colonial power plays a significant and highly symbolic diplomatic role in the conflict, was also pointed out by certain diplomatic sources as one of the factors that might account for his resignation.

In any event, the resignation of James Baker leaves the survival of his Peace Plan in a difficult position. In fact, in Rabat and Paris it is considered as already dead, while Spain acknowledges only that it is a good point of departure for a new round of negotiations between the parties (negotiations without predetermined conditions, a clear signal that a future proposal does not need to include a referendum with the option of independence). The position of the United States, on the other hand, is also shifting, although it is still too early to see clearly the direction in which it is moving. The rapid departure of Spain from 'the coalition of the willing' was followed by an improvement in relations between Washington and Rabat, materializing in the signature of a Free Trade Agreement (FTA) and the inclusion of Morocco in the exclusive list of major non-NATO allies. However, the official position of the US administration does not seem to have changed significantly in regard to the Western Sahara dispute. Answering a question about the FTA by Congressman Joe Pitts, from the pro-Saharawi American lobby, Robert Zoellick, the US Trade Representative, declared recently that

the Administration's position on Western Sahara is clear: sovereignty of Western Sahara is in dispute (. . .) The United States and many other countries do not recognize Moroccan sovereignty over Western Sahara. [And] the FTA will cover trade and investment in the territory of Morocco as recognized internationally, and will not include the Western Sahara.<sup>14</sup>

12. Interview with Miguel Angel Moratinos, *El Mundo*, 11 July 2004. The Spanish public opinion, however, remains clearly pro-Saharawi, as well as the majority of political parties (even those supporting Zapatero's government).

13. Mohamed Benaissa, *Europa Press*, 13 June 2004. In what might be interpreted as a response to Benaissa, James Baker has warned Morocco that 'I don't know of hardly any country in the world that as a matter of international law, international recognition, recognizes Morocco's claim to the Sahara. Morocco needs to have international legitimacy attached to its claim. And that's why it's very much in Morocco's interest to find a way to work this thing, to work this thing out', instead of blocking the process. Interview with James Baker, PBS-TV.

14. Letter from the US Trade Representative to Congressman Joe Pitts, 22 July 2004.

What might have changed, on the contrary, is the willingness of the United States to get involved in the resolution of the conflict.

Under such circumstances, the survival of the Baker Plan II is in doubt. The new Personal Envoy of the Secretary General to the Western Sahara, the Peruvian Alvaro de Soto, lacks the influence and prestige of James Baker III, and his attempts to get the Baker Plan back on track will almost certainly be unsuccessful. In fact, some European diplomatic sources have already leaked the intention to negotiate a solution in a regional conference outside the UN, in which, initially, Spain, France, Morocco, Mauritania, Algeria and the POLISARIO Front would be invited to participate. By bypassing the UN, what the new diplomatic offensive seems to be promoting is a 'political solution' based on the creation of a Saharawi Autonomous Region within the Kingdom of Morocco. Algeria and the POLISARIO have already rejected participation in such process. At the time of writing, it is still too early to know, but in the coming months (probably before the end of October, when the mandate of MINURSO comes to an end) new initiatives will certainly reach the negotiating table. In this respect, the UN's mandate for monitoring the ceasefire will probably be extended for a few more months (until February) in order to give a fresh opportunity to the parties to reach an agreement. It will perhaps be the last.

The POLISARIO Front, however, cannot concede more than the Baker Plan II, which was already very difficult to sell to certain sectors of its militants owing to the risks and uncertainties that it entailed. Many considered that the plan was a capitulation, and now blame the leaders for conceding too much. A new process of negotiation, without solid guarantees that there will be a self-determination referendum and that the option of independence will be included, is unlikely to be accepted by the vast majority of the Saharawi refugees. The negotiating options of the POLISARIO leadership are therefore very limited and the resumption of hostilities seems one of their only possibilities, due especially to internal pressure.

In early July 2004, a group of critical 'Saharawi nationalists' from the Tindouf camps distributed a manifesto against the current leadership of the POLISARIO that generated a huge debate in the camps. Amid charges of corruption and of blocking the upward mobility of a new generation of highly educated Saharawi leaders (mainly formed in Cuba and other countries), the main accusation launched by the authors was the weakness of the current leadership in the negotiation processes during recent years. A common view in the Algerian refugee camps, and especially among the military in the Western Sahara Territory controlled by the POLISARIO, is that the diplomatic initiative has failed and that war is the only option for continuing the Saharawi struggle. In a recent interview, one high-ranking member of the POLISARIO summed up this feeling clearly to me by his statement that 'after more than 10 years of negotiations if we have

something clear now it is that a bullet is always more productive than a thousand words'.<sup>15</sup> This seems to be the legacy of MINURSO for many refugees.

Against this background there exists the real possibility of an interruption in the ceasefire in the coming months by uncontrolled units of the Saharawi Liberation Army, even if the POLISARIO leadership (pressured by Algeria) asks its militants for a few more months to negotiate a new accord. It will be a guerrilla war that neither the POLISARIO nor Morocco is in a position to win. The POLISARIO objective, on the contrary, would be to destabilize Morocco, fuelling the growing social, economic and religious tensions in the kingdom.<sup>16</sup> Such a scenario would destabilize the entire Maghreb region, aggravating the situation of the Saharawi refugees, worsening the difficult relations between Morocco and Algeria and probably implicating Mauritania in the conflict (since Saharawi units move also across northern Mauritania). It would also be a further blow to the already damaged credibility of the UN which, after 13 years of unsuccessful peace negotiations and more than \$600 million of investment, would have no choice but to acknowledge its own failure. The forthcoming months are crucial for the future of the region.

The briefing by Stephen Ellis on the Pan-Sahel Initiative in the last issue of *African Affairs* (103, 412), contained a significant typographical error on page 461, six lines from the bottom of the page. The sentence should have read: "The attacking force was composed of Chadian and Nigérien forces". No Nigerian forces were involved.

15. Personal interview with high-ranking POLISARIO member, Tindou refugee camps, April 2004.

16. Some Saharawi militants might agree with James Baker in that, currently, 'there is no action forcing event. [And that] if there is no conflict, if there is no pressure for a settlement (. . .) the future with respect to that doesn't look very bright'. Interview with James Baker, PBS-TV. According to such interpretation, the resumption of the hostilities would be necessary in order to improve the profile of the conflict and therefore force the Security Council to act and impose a solution.