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THE UNITED NATIONS' FAILURE IN RESOLVING THE WESTERN SAHARA CONFLICT

Yahia H. Zoubir and Anthony G. Pazzanita

Although a peace plan was accepted by Morocco and the POLISARIO in 1988, and despite a UN presence in the Western Sahara since 1991, the world body has failed to implement a referendum on self-determination in the former Spanish colony. The stalemate in the Western Sahara has put in question the competence and impartiality of the United Nations. Failure to end this 20-year-old conflict will inevitably result in a resumption of hostilities and will further destabilize the Maghrib region.

THE continuation of the little-known Western Sahara conflict¹ in the Maghrib region, although minor compared to the more tragic wars in Angola, Bosnia, Cambodia, and Rwanda, is nevertheless an obvious example of the failure of the United Nations (UN) in

1. Some of the reasons for the absence of interest in the Western Sahara conflict are dealt with in Anthony G. Pazzanita, "Morocco versus POLISARIO: A Political Interpretation," *Journal of Modern African Studies* 32, no. 2 (1994), pp. 265–78. For further details on the origins and evolution of the conflict, see Tony Hodges, *Western Sahara: The Roots of a Desert War* (Westport, CT: Lawrence Hill, 1983); an updated version was published in French as *Sahara Occidental: Origines et enjeux d'une guerre du désert* (Paris: L'Harmattan, 1987); John Damis, *Conflict in Northwest Africa: The Western Sahara Dispute* (Stanford, CA: Hoover Institution Press, 1983); and I. William Zartman, *Ripe for Resolution: Conflict and Intervention in Africa* (New York and Oxford: Oxford University Press, 1985), chapter 2.

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the peaceful settlement of disputes. The Western Sahara remains to this date the UN's last decolonization problem in Africa. This article reviews the main reasons that have prevented the denouement of this long-lasting conflict.

THE UN ROLE IN THE WESTERN SAHARA: A HISTORICAL BACKGROUND

The planning and attempted execution of the UN referendum for the Western Sahara (also referred to as the Territory), stalled due to grave difficulties both political and in the disputed Territory itself, has its origins in a series of efforts undertaken by the Organization of African Unity (OAU) in the late 1970s and early 1980s. The OAU envisioned the withdrawal of the armed forces of both the Moroccan government and the Popular Front for the Liberation of the Saguia al-Hamra and Rio de Oro (POLISARIO) from the Western Sahara, the emplacement of a neutral, interim government, and a referendum of self-determination in which the choice presented to the voters would be between independence or integration with the Kingdom of Morocco.²

After some strenuous diplomacy, the OAU succeeded in getting Morocco's King Hasan II to subscribe to the concept of a plebiscite. Its efforts, however, were destined to advance no further due to a number of factors: the lack of experience of the OAU in successfully conducting similar referenda elsewhere in Africa, the refusal of Morocco to negotiate directly with the POLISARIO, and the pro-Sahrawi sympathies of an increasing number of OAU member-states. Those states recognized the POLISARIO's state-in-exile, the Sahrawi Arab Democratic Republic (SADR), proclaimed by the POLISARIO on 27 February 1976. The matter was further complicated between 1982–84 by the divisions in the OAU between those African countries favoring the POLISARIO and those taking Morocco's side and temporarily boycotting the OAU.

The complete collapse of the OAU was only headed off by the agreement of the POLISARIO-SADR delegation not to take its seat as a full OAU member, a position it had been awarded in February 1982 in a controversial move by the organization's secretary-general, Edem Kodjo, of Togo.³ After the OAU's summit meetings in 1982 and 1983 were delayed or canceled due to the boycott, the 1984 summit, held in November of that year, took a different turn. At that conference, the SADR finally took its place as an OAU member. Morocco, carrying out the threat it had long articulated, resigned from the OAU in protest. Thus, the organization's referendum plans were stymied by the absence of one of its most important members.⁴

Renewed activity occurred in the spring of 1986, after the UN General Assembly had passed Resolution 40/50 in December 1985, by a lopsided margin of 96 votes in favor and 7 against, with 39 abstentions. The resolution endorsed the broad outlines of the OAU

2. John Damis, "The O.A.U. and Western Sahara," in Yassin el-Ayouty and I. William Zartman, eds., *The O.A.U. After Twenty Years* (New York: Praeger Publishers, 1984), pp. 286–95.

3. See Tony Hodges, "The Western Sahara File," *Third World Quarterly* 6, no. 1 (January 1984), p. 109.

4. See Anthony G. Pazzanita, "The Proposed Referendum in the Western Sahara: Background, Developments and Prospects," in Yahia H. Zoubir and Daniel Volman, eds., *International Dimensions of the Western Sahara Conflict* (Westport, CT: Praeger Publishers, 1993), esp. p. 197.

strategy for defusing tensions in the Territory and conducting a plebiscite “without any administrative or military constraints.”⁵ The General Assembly also urged the UN secretary-general, Javier Pérez de Cuéllar, to use his good offices to bring Morocco and the POLISARIO together and to start serious preparations for a referendum. Pérez de Cuéllar began a series of “proximity talks” at UN headquarters in New York, whereby the two protagonists could exchange their views without the necessity of meeting face-to-face. These talks accomplished little as the attitudes of the two parties were not reconciled to the degree necessary for further progress.⁶ They ended in failure in May 1986.

After a further resolution was passed by the UN General Assembly in the fall of 1986⁷ urging the secretary-general to persevere in his efforts to organize a referendum, the United Nations and the OAU eventually decided that a joint UN-OAU Technical Mission be sent to Morocco and the Western Sahara to gather information and to assess the problems inherent in a referendum on self-determination. That included determining the identities and whereabouts of eligible Sahrawi voters from among a fairly large and historically nomadic population, with few written records of births, deaths, marriages, and movements in and near the former Spanish colony. In November and December of 1987, the UN mission traveled to the Western Sahara, where both Moroccan authorities and the POLISARIO were very cooperative, and wrote a confidential report to Pérez de Cuéllar.⁸

Despite these hopeful signs, the United Nations probably would have failed to come up with a referendum plan had it not been for an unexpected development in intra-Maghribi relations. On 16 May 1988, Algeria—the POLISARIO’s principal supporter since 1975—and Morocco agreed to restore diplomatic relations, which had been severed in March 1976 as a result of Algeria’s recognition of the SADR.⁹ The renewed diplomatic ties, the relaxation of intra-regional tensions, the felt necessity for a political solution to the conflict, and a few meetings between the POLISARIO and Moroccan officials enabled Pérez de Cuéllar to formulate a detailed referendum plan in the summer of 1988. He presented his blueprint to Morocco and the POLISARIO at separate meetings on 11 August, and two weeks later obtained a positive response from both.¹⁰ Broadly similar to the OAU plan, Pérez de Cuéllar’s plan called for the partial withdrawal and/or confinement to supervised bases of the Moroccan and POLISARIO armies, the deployment of about 2,000 UN peace-keeping troops, civil police, and administrators to maintain a comprehensive cease-fire, and a plebiscite. The referendum would take place after the UN force had conducted a survey of the Sahrawi population for voter-eligibility purposes,

5. UN General Assembly, *Resolution 40/50*, 2 December 1985; reaffirmed in the UN Fourth (Decolonization) Committee Resolution, A/C.4/42/L.5 of 21 October 1987.

6. Pazzanita, “The Proposed Referendum in the Western Sahara,” pp. 198–99.

7. UN General Assembly, *Resolution 41/16* of 31 October 1986, cited in *The Question of Western Sahara: Report of the Secretary-General*, A/42/601, 1 October 1987, pp. 1–3.

8. For details, see *West Africa*, 28 December 1987–4 January 1988, p. 2560; *West Africa*, 11 January 1988, p. 55; and the *New York Times*, 6 December 1987.

9. Nicole Grimaud, *La Politique extérieure de l’Algérie* (The Foreign Policy of Algeria) (Paris: Karthala, 1984), p. 213.

10. Yahia H. Zoubir, “The Western Sahara Conflict: Regional and International Dimensions,” *Journal of Modern African Studies* 28, no. 2 (1990), p. 228.

using as its basis a (disputed) Spanish census carried out in 1974, which counted 73,497 indigenous persons in the Territory.¹¹

PÉREZ DE CUÉLLAR'S 1990 PLAN FOR A REFERENDUM

Until well into 1990, the two parties remained as far apart as ever on referendum modalities. Although there was a first-ever direct meeting in Marrakech between King Hasan and a high-ranking POLISARIO delegation in January 1989, there were no other breakthroughs. The situation stagnated until 18 June 1990, when Pérez de Cuéllar put forth a more detailed plan for the UN presence in the Western Sahara. It called for a cessation of hostilities between Morocco and the POLISARIO, troop withdrawals, the setting up of a UN force—the United Nations' Mission for the Referendum in Western Sahara (MINURSO)—the establishment of an Identification Commission to assemble and publish a list of eligible Sahrawi voters, and a referendum to be held about 24 weeks after the beginning of the process. The choice for the Sahrawi people was to be between integration with Morocco and independence. Upon the announcement of the results of the plebiscite, either the Moroccan troops would have to withdraw from the Territory, or, if the voters favored integration with Morocco, the POLISARIO forces would then have to be disbanded.¹²

Although the UN Security Council, by a unanimous vote taken a few days later, endorsed the secretary-general's report and called for prompt action to put the plan into effect,¹³ progress came to an abrupt halt on 2 August 1990 when the UN's attention became heavily focused on the Iraqi invasion of Kuwait. After the 1991 Gulf War, the United Nations began to devote more attention to the Western Sahara. On 19 April 1991, the secretary-general issued another report on the status of MINURSO that contained the timetable for the referendum and the guidelines for the Identification Commission. The UN Security Council unanimously approved the report in Resolution 690 of 29 April.¹⁴ It was subsequently decided that the peace process would start on 6 September 1991, the date of the beginning of the cease-fire. According to the UN schedule, the fate of the Western Sahara would be decided by late January 1992.

In the weeks leading up to 6 September, Moroccan military forces went on the offensive, attacking Sahrawi settlements from the air and using ground forces to move into certain areas of the Western Sahara they had not formerly controlled.¹⁵ The Moroccan

11. Tony Hodges, *Western Sahara*, pp. 131–32.

12. United Nations, *The Situation Concerning Western Sahara: Report of the Secretary-General*, S/21360, 18 June 1990.

13. United Nations, *Resolution Adopted by the Security Council*, Resolution 658, 2929th Meeting, S/RES/658, 29 June 1990.

14. United Nations, *The Situation Concerning Western Sahara: Report by the Secretary-General*, S/22464, 19 April 1991, and *Resolution Adopted by the Security Council*, Resolution 690, 2984th Meeting, S/RES/690, 29 April 1991.

15. See *Foreign Broadcast Information Service—Near East and South Asia* (hereafter, *FBIS-NES*), 5 August 1991, p. 30, and 6 August 1991, pp. 29–30. See also *Middle East International*, 16 August 1991, pp. 15–16, and 30 August 1991, p. 10.

attacks destroyed or damaged many buildings and other facilities that had been earmarked by MINURSO for its own use.

From 6 September to the end of 1991 the situation in the Western Sahara deteriorated. Pérez de Cuéllar went ahead with the insertion of 240 MINURSO military observers at ten strategic locations in the Territory to monitor the cease-fire.¹⁶ Their numbers, however, could not be increased beyond approximately 375 in the following year due to Morocco's insistence that population-related issues be resolved before the United Nations' interim administration could be fully functional. Thus, the UN forces from various countries, including France and the United States, had little to do but monitor the cease-fire, which was holding despite the Moroccan attacks of August and September 1991.

Regarding the work of the Identification Commission, UN Special Representative for the Western Sahara Johannes Manz, of Switzerland, was encountering enormous problems. Since 1990, when the Commission was established, it had been updating the information provided by the 1974 Spanish census, utilizing the recollections of "tribal elders" as well as more conventional means, to ascertain births, deaths, and familial relations. In the summer of 1991, the Commission arrived at a list of 70,204 prospective voters, a small number from the standpoint of both Morocco and the POLISARIO, but probably consisting of persons who could most easily be proven to have resided in the Western Sahara before or in 1974.¹⁷ But almost as soon as the UN presence in the Territory had been established, Morocco sought to alter the composition of the voter pool by moving thousands of people from Morocco to the Western Sahara and asking that their voting applications all be evaluated by the Identification Commission.

The political implications of this new turn of events seemed to be not whether the voters' list composed by the United Nations could be challenged, but whether Morocco was to be allowed to alter the status quo unilaterally. The secretary-general's report of 19 April 1991 outlined procedures for persons to follow if they wished to challenge their exclusion from the initial list of electors, but the lodging of the petitions and the submission of any supporting evidence would be expected to come from individual Sahrawis, not corporately by one of the parties to the conflict.¹⁸ The new arrivals in the Western Sahara may or may not have been Sahrawis, displaced and forced to live elsewhere by earlier armed conflicts (including a French-Spanish campaign in 1958), but the evaluation of their petitions promised to consume much additional time and resources on the part of the Identification Commission, inevitably delaying the referendum.

As attempts were made to overcome this new imbroglio in the fall of 1991, the Moroccans appeared unwilling to allow the United Nations to assert its transitional authority over the Western Sahara and barred its military observers from moving freely in the Territory, as was their mandate. The MINURSO headquarters in al-'Uyun, the capital of the Western Sahara, were virtually surrounded by Moroccan police, and the local

16. For details of initial MINURSO deployments, see *Letter Dated 3 September 1991 from the Secretary-General Addressed to the President of the Security Council*, S/23008, 4 September 1991.

17. *Le Monde*, 3 August 1991; and *FBIS-NES*, 22 August 1991, pp. 11–12.

18. *West Africa*, 2–8 September 1991, p. 1452.

population throughout the Territory was seldom permitted any contact with the peacekeepers. In addition, UN troops on patrol were sometimes intimidated by the Moroccan authorities.¹⁹

There were other problems that plagued the United Nations in the Western Sahara. In November 1991, the POLISARIO charged that a certain UN official had improperly given demographic information to Morocco, data which the Sahrawi leadership had supplied to the world body in confidence for use only by the Identification Commission. The accusation was denied by the person concerned—although he was dismissed from his UN employment—but the suspicion was inescapable that somewhere within the United Nations there were forces determined to place the Sahrawis at a further disadvantage. In addition, stories of financial irregularities on the part of MINURSO surfaced as part of a report written by a staff member of the US Senate Foreign Relations Committee.²⁰ Discouraged by these tales of malfeasance and the continuing stalemate, Special Representative Manz announced his resignation, effective 1 January 1992, to coincide with the departure of Pérez de Cuéllar and the arrival of the new secretary-general, Butrus Butrus-Ghali. One of Manz's prime complaints, laid out in a "Confidential Letter" addressed to Pérez de Cuéllar, dated 13 December 1991, was that Pérez de Cuéllar had had meetings with Moroccan officials and had introduced alterations to the peace plan without consulting with him.²¹ Manz also expressed disappointment with the way the United Nations was handling Morocco's cease-fire violations.

Before leaving office, Pérez de Cuéllar presented a detailed report on the Western Sahara/MINURSO effort that contained his proposed solution to the voter qualification dilemma. Following the advice of those who wanted eligibility to be broadened beyond the approximately 70,000 voters on the Identification Commission's list, he floated the idea of allowing those Sahrawis who could prove that they had resided in the Western Sahara for six consecutive years prior to December 1974—the time Spain had conducted the last census—or twelve years intermittently, again before 1974, to vote.²² These proposals infuriated the POLISARIO and puzzled some independent observers. Pérez de Cuéllar seemed to neglect the possibilities for confusion, delay, and fraud in this process, particularly since methods of establishing residence could be open to question if they originated with any of the two parties over the past two decades. Only Spanish records, some observers believed, were sufficiently untainted to be relied upon. The secretary-general's plan, however, would restrict the application of the residence criteria to one generation of Sahrawis only, thus setting some sort of upper limit on how much the voter rolls could be expanded.

19. *Libération* (Paris), 9 September 1991. See also Robert J. Bookmiller, "The Western Sahara: Future Prospects," *American-Arab Affairs*, no. 37 (Summer 1991), pp. 64–76; and the *Washington Post*, 14 March 1992.

20. *Middle East International*, 22 November 1991, p. 14; and *Africa Confidential*, 20 December 1991. See also George Pickart, *The Western Sahara: The Referendum Process in Danger* (Washington, DC: United States Senate, Committee on Foreign Relations, January 1992).

21. Copy of Manz's letter to Pérez de Cuéllar in Yahia Zoubir's personal archives. References to this letter can also be found in *Le Monde diplomatique*, November 1992, p. 13.

22. United Nations, *Report of the Secretary-General on the Situation Concerning Western Sahara*, S/23299, 19 December 1991, pp. 5–11.

Clearly, the proposal did not go as far as Morocco probably would have wished. On the other hand, the POLISARIO feared that since the computer disks allegedly given to the Moroccans by the wayward UN official contained the names of Sahrawis who had died since the 1974 census, Morocco would induce some of the new arrivals to the Western Sahara to assume the identities of the deceased, thereby further tilting the voting balance in its favor.²³

Intense diplomatic activity in the UN Security Council marked the final days of 1991. France sought a resolution endorsing the secretary-general's new criteria. French policymakers resisted the idea of a Sahrawi state,²⁴ fearing that a Sahrawi victory would bring down the monarchy and destabilize the Moroccan state. But other Council members, especially the United States, represented by Ambassador Thomas Pickering, as well as some African countries such as Zimbabwe, pressured France to withhold support for Pérez de Cuéllar's plans and give the matter to the incoming secretary-general for possible reconsideration. On 31 December 1991, the UN Security Council passed Resolution 725—the wording of which was purposely ambiguous to preserve unanimity—merely “welcomed” Pérez de Cuéllar's report, and urged further efforts to resolve the (unnamed) dispute.²⁵

BUTRUS BUTRUS-GHALI'S 1992 REPORT: GENESIS OF THE STALEMATE

In Resolution 725, the Security Council directed the secretary-general to make a further report on the Western Sahara within two months. Before Butrus-Ghali did so, he engaged in a strenuous round of meetings to attempt to reach a compromise on voter eligibility; by the time he issued the report on 28 February 1992, however, all he was able to claim was the resolution of a few relatively minor matters. The report asserted that Morocco was responsible for the vast majority of cease-fire violations in the Territory since the UN's deployment in September 1991, with Rabat being charged with 75 breaches as against the POLISARIO's two, although none of them involved the exchange of live fire.²⁶

The upshot of the secretary-general's report was reassuring in that he urged that MINURSO be kept in place and fully funded. But Butrus-Ghali did say that if no further progress was made, “. . . it may well be necessary to consider alternative courses of action and possibly adopt a new approach to the whole problem,”²⁷ an utterance that may be taken as a virtual admission of failure by the United Nations. Matters were further complicated by the appointment, on 23 March 1992, of Sahabzada Ya'qub Khan as the

23. See *Africa Research Bulletin, Political Series* 28, no. 11 (1–31 November 1991), p. 10355; and *Middle East International*, 22 November 1991, p. 14.

24. See Nicole Grimaud, “Algeria and Socialist France,” *Middle East Journal* 40, no. 2 (Spring 1986), p. 252–66.

25. United Nations, *Resolution Adopted by the Security Council, Resolution 725, 3025th Meeting, S/RES/725* (31 December 1991).

26. United Nations, *Report of the Secretary-General on the United Nations Mission for the Referendum in Western Sahara, S/23662*, 28 February 1992.

27. *Ibid.*, p. 8.

new UN special representative for the Western Sahara. A longtime Pakistani diplomat—and foreign minister for most of the 1980s—Ya‘qub Khan had formidable qualifications but one severe handicap: the POLISARIO’s poorly concealed distrust of his motives, given his alleged pro-Moroccan views.²⁸

At about the same time, King Hasan injected yet another difficulty into the peace process when he announced on 3 March that a Moroccan constitutional referendum and municipal and parliamentary elections would be held not only in Morocco proper but in the “Saharan provinces” as well.²⁹ This was something that he had done twice before but never with a simultaneous UN presence in the Western Sahara. When Butrus-Ghali issued another in a series of periodic reports on the situation on 2 August 1992, he expressed concern on the elections issue that bordered on disapproval. Ya‘qub Khan, on the other hand, displayed a more relaxed attitude on the matter, further alienating the POLISARIO.³⁰

In January 1993, the secretary-general released his next report.³¹ He reviewed the dispute between Morocco and the POLISARIO on the voter qualification issue and emphasized that, despite his and Khan’s best efforts, the impasse was no closer to being overcome than it had been in late 1991. Butrus-Ghali’s feelings were evident in the closing paragraphs of the report, which contained his suggested alternatives for the future of MINURSO. Those alternatives included, first, to continue and intensify the consultative efforts which had taken up the previous 18 months, although, as Butrus-Ghali stated, “it is my considered opinion . . . that the chances for success under this option are very slim”³² The second possibility was to hold the referendum based upon Pérez de Cuéllar’s criteria set out in December 1991. Butrus-Ghali freely admitted that “this may mean that the implementation would have to proceed without the cooperation of one of the parties,”³³ i.e., the POLISARIO, which opposed the liberalized voting qualifications outlined in the 1991 document. In the third option, the UN secretary-general theorized that an entirely different avenue could be pursued: “an alternative approach not based on the settlement plan,”³⁴ an echo of his January 1992 pronouncement. The matter went to the UN Security Council a few weeks later.

Among the permanent members of the UN Security Council, France was most inclined to endorse the secretary-general’s second option, which would have been the least inconvenient to Morocco. It could not, however, persuade the other members of the Council of the wisdom of this approach. The United States expressed a desire to adopt the

28. See John Damis, “The U.N. Settlement Plan for the Western Sahara: Problems and Prospects,” *Middle East Policy* 1, no. 2 (1992), pp. 41–2. The other choice for the position of UN special representative was the American, Vernon Walters, whose long-lasting friendship with the Moroccans is common knowledge.

29. *Le Monde*, 5 March 1992; *FBIS-NES*, 92–043, 4 March 1992, pp. 16–17.

30. See United Nations, *The Situation Concerning Western Sahara: Report by the Secretary-General*, S/24464, 20 August 1992, pp. 2–4; and *Africa Research Bulletin, Political Series* 29, no. 3 (1–31 March 1992), pp. 10490–91. See also *FBIS-NES*, 4 March 1992, pp. 16–18.

31. United Nations, *The Situation Concerning Western Sahara: Report by the Secretary-General*, S/25170, 26 January 1993.

32. *Ibid.*, p. 9.

33. *Ibid.*

34. *Ibid.*

first alternative instead—in other words, to keep negotiating a while longer. So, on 2 March 1993 the Security Council unanimously passed Resolution 809, thereby instructing Butrus-Ghali to “. . . intensify efforts . . . in order to resolve the issues identified in his January report, in particular those relating to the interpretation and application of the criteria for voter eligibility.”³⁵

After Resolution 809 was passed, Butrus-Ghali went back to trying to narrow the differences between the Moroccan and the POLISARIO delegations. This task was not made easier by charges of pro-Moroccan bias leveled against him and Khan by the POLISARIO, its supporters, and even by some outside observers. On 21 May 1993, he issued yet another report on the Western Sahara situation, pessimistic in tone, except for the announcement that the Identification Commission would increase its level of activity that summer.³⁶

In late June 1993, the POLISARIO issued a statement that it would accept—with reservations—Pérez de Cuéllar’s voter registration criteria contained in the former secretary-general’s report of 19 December 1991.³⁷ This stunned some observers, since it modified one of the Sahrawi organization’s most fervently-held positions. There were further encouraging signs of a breakthrough when Morocco and the POLISARIO met again, face-to-face, on 17–19 July 1993 in al-‘Uyun.³⁸ These efforts, however, were not sufficient to move the peace process forward. An attempt by Butrus-Ghali to re-activate the Morocco-POLISARIO dialogue after the abortive al-‘Uyun meetings, this time in New York, was unsuccessful.

The Identification Commission, now headed by the Malaysian Erik Jensen, began refining its detailed procedures for establishing the identity of the voters and their eligibility in light of the POLISARIO’s acceptance of the secretary-general’s controversial December 1991 criteria. Clearly, the Commission was heartened by this change in the POLISARIO’s attitude, despite a diplomatic picture which was, overall, still very cloudy.³⁹ Soon afterward, Jensen published revised lists of prospective voters, based, for the most part, on the 1974 Spanish census, but with supplements primarily for younger Sahrawis. These rosters were posted at ten locations throughout al-‘Uyun and in the POLISARIO’s refugee camps in southwestern Algeria. By the middle of February 1994, Morocco had assented to the United Nations’ placing the lists in Boujdour, Dakhla, and Smara, all of them significant Western Saharan population centers under the control of the Rabat government. The actual posting of the lists in these Moroccan-administered areas, however, never took place. This angered the POLISARIO and frustrated the UN personnel

35. United Nations, *Resolution Adopted by the Security Council, Resolution 809*, 3179th Meeting, S/RES/809, 2 March 1993.

36. See United Nations, *Report of the Secretary-General on the Situation Concerning Western Sahara*, S/25818, 21 May 1993.

37. United Nations, *Western Sahara: Working Paper Prepared by the Secretariat*, A/AC, 109/1163, 8 July 1993, p. 11.

38. *The Boston Globe*, 18 July 1993.

39. United Nations, *Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples: Question of Western Sahara. Report of the Secretary-General*, UN General Assembly, 48th session, A/48/426, 27 September 1993, p. 5.

on the ground who had thought that real progress was finally being made on one of the prime issues of contention between King Hasan and his Sahrawi opponents.⁴⁰

Continued disputes over voter-registration criteria, along with a general lack of confidence in the peace process by the POLISARIO because of its conviction that UN efforts were skewed toward Morocco, prevented the holding of the referendum once again. In an annex to his report of 10 May 1994, Butrus-Ghali set new criteria for the acceptance of the testimony of the “tribal elders” (*Shuyukh*). He also suggested another test for the inclusion or exclusion of prospective voters based on tribal affiliation. In particular, he proposed that if any member of a Sahrawi tribal “subfraction” (family group) was present within the Territory at the time of the 1974 Spanish census, he should be allowed to proceed to the next stage of the eligibility process laid out by Pérez de Cuéllar in his report of 19 December 1991.

This new proposal did not mean that mere membership in a subfraction “existing within the Territory” (i.e., the Western Sahara) in 1974 would, by itself, entitle a person to vote: the December 1991 residency requirements would still be applied. On the other hand, if no member of a tribal subfraction was inside the Territory in 1974, the entire group automatically would be disqualified from voting. This was to ensure that individuals, possibly alien to the Territory, would not be included and would not affect the outcome of the referendum.⁴¹ Morocco objected to this scheme because it would have excluded from the eligible list those subfraction members who were part of a Sahrawi tribe but were absent from the Western Sahara in 1974 due to factors beyond their control.⁴²

For its part, the POLISARIO was intensely skeptical of Butrus-Ghali’s set of proposals put forward on this issue in March 1994. The POLISARIO’s representatives stated that the criteria relative to membership in tribal subfractions did not take into account the history of the Western Sahara. They proposed that those Sahrawis whose subfraction had a majority of members, counted by the Madrid authorities in 1974, be permitted to progress to the next stage of the eligibility-determination process. Morocco rejected this as too arbitrary, and Butrus-Ghali tended to agree, stating that the POLISARIO’s recommendations would be “mathematically impossible” to carry into practice, although he did state that Morocco’s own proposals were “too imprecise and too broad” to be workable.⁴³

The secretary-general poured cold water on another POLISARIO proposal regarding the testimony of the Sahrawi tribal elders on the length of residency of their subfractions in the Western Sahara and their tribal membership. This proposal was to allow the elders to decide essentially by themselves the facts regarding the presence or absence of a tribal subfraction in the Territory in 1973–74, when the *Shuyukh* were last appointed by the Spanish colonial regime. Butrus-Ghali said that this would accomplish little, since the

40. United Nations, *The Situation Concerning the Western Sahara: Report by the Secretary-General*, S/1994/283, 10 March 1994, p. 5.

41. *Ibid.*, pp. 10–14 (Annex 1).

42. *Ibid.*, p. 11.

43. *Ibid.*

elders had already purportedly shown a tendency to reflect the wishes of whichever party to the conflict they lived under.

Summing up this most important set of developments, Butrus-Ghali succinctly addressed the basic problem: the differences between Morocco and the POLISARIO reflected the “fundamentally divergent positions of the parties in the establishment of the electorate, one party (i.e., Morocco) wanting to make all persons who are Saharans eligible to participate in the referendum, and the other (i.e., the POLISARIO) wanting to limit the electorate as far as possible to those counted in the Territory in 1974”⁴⁴ Having criticized the positions of both disputants, he held fast to his compromise proposal as the best way to ensure that the final enrollment of voters could proceed without further delay.

But the most prominent sections of the secretary-general’s report of 10 March were not those dealing with voter qualification. They were those that addressed MINURSO’s overall future in light of the deadlock in attempting to arrange for negotiations between Morocco and the POLISARIO. Butrus-Ghali set out three options. The first was to hold the referendum regardless of whether Morocco or the POLISARIO was cooperative. Under this course of action, MINURSO would wind up its duties by 31 December 1994. The second option was to continue the UN effort to reconcile the parties’ respective positions. The third option was to abandon the UN endeavor in the Western Sahara entirely, for a fixed period of time, or to indefinitely suspend voter registration, while keeping some MINURSO troops in the Territory to enforce the cease-fire.⁴⁵

In his report and in his cost estimates for each option in an addendum to his main report,⁴⁶ Butrus-Ghali appeared to favor either a quick referendum or the abandonment of the whole MINURSO endeavor. Once again, it looked as though the UN venture in the Western Sahara was nearing collapse.

As it had done twice before, the UN Security Council, by a unanimous vote, passed Resolution 907 on 29 March 1994,⁴⁷ rejecting the drastic implications of the first and third options, and urging the Identification Commission to continue its work into the summer of 1994. It also called for conciliation efforts to continue, despite the disagreements, and for MINURSO to be reassessed at a future (unspecified) date. The UN Security Council welcomed the secretary-general’s compromise proposal on voter eligibility criteria set forth in his March 1994 report, but said little in favor of it, although it did not scotch the proposal outright.⁴⁸ All the permanent members of the Security Council—including France—showed themselves more willing to prolong the peace process than some observers might have believed.

44. Ibid.

45. Ibid., pp. 7–8.

46. See United Nations, *The Situation Concerning Western Sahara: Report of the Secretary-General: Addendum, S/1994/283/Add. 1*, 21 March 1994.

47. United Nations, *Resolution Adopted by the Security Council, Resolution 907, 3355th Meeting, S/RES/907*, 29 March 1994.

48. Ibid., p. 2.

By the time Butrus-Ghali's next progress report was issued, on 12 July 1994,⁴⁹ the whole MINURSO endeavor appeared shakier than ever, despite obvious Security Council backing and considerable progress on the voter registration issue. Australia, Canada, and Switzerland pulled out all or most of their peace-keeping contingents from the Territory, and substitute forces from other countries had to be found.⁵⁰ This, by itself, was a worrying development, since more, not fewer, troops and police would be urgently required if Butrus-Ghali's new 15 February 1995 deadline for the referendum was to be met.⁵¹ All the more so since it appeared that voter identification was beginning to gather momentum, with lists being posted and updated not only in the Western Sahara and in the Tindouf region, but also in northern Mauritania; formal voter registration, in fact, began on 28 August 1994.

Aside from the still-contentious voter question, the problem of observers from the OAU remained. King Hasan, for his part, refused at first to allow any OAU presence in his "Saharan provinces," noting that the African body had admitted the POLISARIO-proclaimed SADR to full membership in 1982. Morocco demanded that the OAU expel the SADR before sending observers to monitor the situation in the Western Sahara. When this request fell on deaf ears, a few OAU personnel slated to take part in the monitoring of the plebiscite were sent, and the POLISARIO scored a minor victory. King Hasan's troops were then required to begin a partial withdrawal from the Territory by early 1995, a measure that, under the latest secretary-general's report, was to start no later than mid-August 1995.⁵² Furthermore, both sides were supposed to begin exchanging prisoners of war (something Morocco had always refused to do) and releasing political detainees. To date, neither of those requirements has been met.

By March 1995, Butrus-Ghali hoped that, if the process continued uninterrupted, the transition period could begin in August 1995 and that the referendum might finally be held in January 1996.⁵³ But the POLISARIO's several complaints concerning Moroccan and UN conduct during the Identification Commission's work had to be addressed by the UN special representative. The POLISARIO charged that MINURSO's application forms for voting were unclear and incomplete. It claimed that the forms did not allow space for Sahrawis to mention alternative criteria for qualification that they might wish to use. The POLISARIO also claimed that some census documents from the Spanish colonial period had been lost, or allegedly stolen by Morocco, and delivered later to many new arrivals, namely, Moroccan settlers to the Western Sahara. The Sahrawi leaders reiterated that only Spanish documents—with the exception contained in paragraph 16 of UN Document

49. See *The Situation Concerning the Western Sahara: Report by the Secretary-General*, S/1994/819, 12 July 1994.

50. *Ibid.*, pp. 2–3.

51. In his report to the Security Council in November 1994, UN secretary-general Butrus-Ghali stated that "many months will be required to make sufficient progress in the identification process to be close to determining a date for the referendum . . ." UN Security Council, *The Situation Concerning the Western Sahara. Report by the Secretary-General*, S/1994/1257, 5 November 1994, p. 7.

52. UN Security Council, *Report of the Secretary-General on the Situation Concerning the Western Sahara*, S/1994/1420, 14 December 1994.

53. UN Security Council, *Report of the Secretary-General on the Situation Concerning the Western Sahara*, S/1995/240, 30 March 1995.

26185 of 28 July 1993—were sufficiently reliable to be used by MINURSO. Finally, they alleged that Western deputies, international jurists, and the foreign media, by the summer of 1995, had not been allowed sufficient free access and free movement inside the Territory to observe what was taking place.⁵⁴

In his testimony before the US Congress on 25 January 1995, US ambassador Frank Ruddy, former deputy chairman of the Identification Commission of the MINURSO Peace-keeping Operation, corroborated the POLISARIO's grievances. The conservative Republican ambassador denounced what he saw as Morocco's obstructionist tactics and stated unequivocally that MINURSO had lost credibility due to what he described as "thuggery" on the part of Moroccan officials who had perverted the UN mission and were practically controlling it.⁵⁵ He reported that Moroccans prohibited UN flags in UN buildings where identification was to take place.⁵⁶ Erik Jensen, the head of MINURSO and Butrus-Ghali's special representative for the Western Sahara since late June 1995 (replacing Ya'qub Khan), himself agreed that there were still "endless obstacles" to the process of identification.⁵⁷ The accusations, which were corroborated by other independent sources,⁵⁸ were credible enough to induce the UN Security Council, in April 1995, to set up a fact-finding commission to investigate the situation in the Territory in June. The commission confirmed that there were many obstacles facing the identification process and determined that the January 1996 date for the referendum might not be realistic.⁵⁹ Indeed, in view of the many obstacles concerning the identification process and the additional lists of thousands of voters submitted by the Moroccans, Butrus-Ghali agreed that the process needed more time and, thus, requested in his September 1995 report that MINURSO's mission be extended.⁶⁰ The UN Security Council, in a report that highlighted exasperation on the part of its members, decided to prolong MINURSO until January 1996. It requested Butrus-Ghali "to report by 15 January 1996 on progress achieved towards the implementation of the Settlement Plan, and to state in that report whether or

54. Letter of Bachir Mustapha Sayed, Sahrawi coordinator with MINURSO, to Erik Jensen, special deputy representative, president of the Identification Commission of MINURSO, 7 September 1994. Butrus-Ghali's report of December 1994 took note of this problem. The European parliament issued a similar complaint with respect to access of foreign observers to the Territory; see Parlement Européen, *Résolution, B4-0424/RC, PE 188.683/RC 1, Doc. FR/RC/269/269759.hd*, 16 March 1995, p. 2.

55. Congress of the United States, House of Representatives, Committee on Appropriations, "Review of United Nations Operations and Peacekeeping," Subcommittee on the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies, Washington, DC, 25 January 1995. Although he highlighted Morocco's delaying tactics in his testimony, Ambassador Frank Ruddy spared King Hasan II from any direct criticism, arguing that were he aware of "the thuggery" of his officials in the occupied territory, Hasan would remedy the situation.

56. *Ibid.* Although the United Nations questioned the credibility of Ambassador Ruddy, it did acknowledge some of his accusations. The UN report, however, was silent on the most important charges regarding the weaknesses of MINURSO. UN General Assembly, *Document A/49/884*, 5 April 1995.

57. Cited in the *Guardian*, 25 February 1995. It was reported that UN technicians in al-'Uyun uncovered a wiretapping system on 4 lines to UN Headquarters in New York; see the *New York Times*, 5 March 1995.

58. See Thomas Dreger's article in *Woz Wochenzeitung* (Zurich), 6 April 1995.

59. UN Security Council, *Report to the Security Council Mission to Western Sahara from 3 to 9 June 1995*, S/1995/498, 21 June 1995.

60. UN Security Council, *Report of the Secretary-General*, S/1995/779, 8 September 1995.

not the transitional period will be able to begin by 31 May 1996.”⁶¹ The Security Council made it clear that if there was no real progress in the meantime, the secretary-general should “present the Security Council with alternative options for consideration, including the possibility of the withdrawal of MINURSO.”⁶²

CONCLUSION

The end of the conflict in the Western Sahara is still quite problematic. The obstacles to the implementation of the peace plan are so numerous that there is little ground for optimism. The refusal of Morocco to negotiate with the POLISARIO makes matters more complicated, especially when the POLISARIO accuses the United Nations, including the secretary-general, of favoring Morocco.⁶³ On the other hand, dismantling MINURSO and leaving the Western Sahara for good—one of the suggestions made by Butrus-Ghali in his March 1994 report—could have dangerous consequences for the Territory and for North Africa. Indeed, if MINURSO were to be withdrawn,⁶⁴ it would be extremely difficult to re-establish any UN presence there in the future, blocking any further intervention by the world body in Saharan affairs. The abandonment of MINURSO would also cripple at a stroke its only real accomplishment: the maintenance of a stable cease-fire between Morocco and the POLISARIO. If MINURSO were eliminated as a barrier between the two parties to the dispute, the way would be open to a speedy resumption of armed conflict between the two parties, with the possible involvement of other regional actors, such as Algeria.

MINURSO’s operations have been jeopardized by a US congressional decision in April 1995 to cancel the \$14.5 million in funds appropriated the previous year for the UN Mission in the Territory.⁶⁵ Fortunately, the European Union (EU), which too is anxious to see an end to the conflict, will provide some funding if solicited by the United Nations.⁶⁶ Even Great Britain, whose peace-keeping forces were withdrawn from MINURSO when the process seemed frozen, has expressed its willingness to send back these forces and make some financial contributions. It is especially interested in increasing the number of Identification Centers to help the United Nations fulfill its mission.⁶⁷

King Hasan once declared that “what is important for us—even if we should wait for 20 years—is an international endorsement. I would like that our deed of property of the

61. United Nations, UN Security Council Resolution, S/RES/1017 (1995), 22 September 1995 (New York: United Nations, 1995), p. 2.

62. *Ibid.*

63. Bachir Mustapha Sayed, the POLISARIO’s second in command, said it explicitly in an interview published in the Algerian newspaper *El Watan* on 10 August 1994.

64. In May 1995, Butrus-Ghali asked the UN Security Council to extend the mandate of MINURSO until September 1995, but the Security Council, in its resolution 995 of 26 May 1995, agreed to extend it only until the end of June, thus showing how precarious the existence of MINURSO had become. In June 1995, however, the Security Council decided to extend MINURSO’s mandate by another three months.

65. *Washington Post*, 15 April 1995.

66. Communication to Yahia Zoubir by high-ranking member of the European Commission, London, 24 May 1995.

67. Interview conducted by Yahia Zoubir with British Foreign Office professional, London, 24 May 1995.

Western Sahara be deposited at the Land Registry of the United Nations in order to forever prevent any contention”⁶⁸ Moroccans are hopeful that the United Nations will help them accomplish this goal. The Code of Conduct that Butrus-Ghali submitted to the two parties in December 1994, which was rejected by both parties in August 1995, contains an implicit recognition of Moroccan authority over the Territory, could not but expose the secretary-general to criticism. Yet, aware of the implications of a less-than-fair and regular referendum, the United States and, more recently, France—claiming to have adopted a less pro-Moroccan stance⁶⁹—have been careful not to give Butrus-Ghali a free hand on this matter. At the same time, they still have not shown the political will to terminate this conflict, which, if not resolved in an equitable fashion, might result in a much more serious regional war. The presence of yet another optimistic referendum schedule cannot, in short, obscure the real possibility for disaster in a region shaken by multifarious crises, especially when the POLISARIO is considering the resumption of hostilities to break the stalemate.⁷⁰ All sides understand the significance of the failure of the peace process, as was made clear by Butrus-Ghali himself in his reports of March, May, and September 1995.⁷¹



68. “Un entretien avec le roi du Maroc” (An interview with the King of Morocco), *Le Monde*, 2 September 1992, cited in Philippe Moreau Defarges, “L’Organisation des Nations Unies et le droit des peuples à disposer d’eux-mêmes” (The United Nations organization and the self-determination of peoples), *Politique Étrangère* (Foreign Policy) no. 3 (Autumn 1993), p. 666 (translated from the French by Yahia Zoubir).

69. Interview conducted by Yahia Zoubir with French Foreign Ministry official, 6 September 1994. The French now seem to favor a UN solution; but, one might argue that they now could do no more than what they have already accomplished on behalf of Morocco in the Security Council, especially since December 1991. Furthermore, France does not want to see the Islamists come to power in Algeria. Therefore, weakening the Algerian position on this question will be counter-productive.

70. See *FBIS-NES*, 95–165, 25 August 1995, pp. 25–26. POLISARIO officials argue that if the UN fails to implement the peace plan, Sahrawis would have no choice but to return to the battlefield.

71. UN Security Council, *Report of the Secretary-General*, S/1995/240, 30 March 1995; S/1995/404, 19 May 1995; S/1995/779, 8 September 1995.