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## **PROTRACTED CONFLICT AND FAILURE TO ACHIEVE PRENEGOTIATION IN THE WESTERN SAHARA CONFLICT**

***Yahia H. Zoubir***

### **ABSTRACT**

This article deals with a case of failed (pre)negotiation. The two parties to the protracted conflict in the Western Sahara have yet to succeed in getting to the table and engaging in genuine (pre)negotiations. Despite the existence of a UN peace plan agreed to by the two parties, both have failed to pursue direct negotiations in order to put a definitive end to this conflict, itself a result of an unfinished process of decolonization. The thesis in this article is that Morocco, for various reasons, has categorically refused to seriously negotiate with POLISARIO, which it does not recognize as an independent actor. The United Nations and Western powers, due to the absence of political will and/or questions of Realpolitik, also bear responsibility for the continuation of this enduring conflict.

## INTRODUCTION

One of the main difficulties in dealing with protracted conflict is understanding the reasons why the parties to the conflict "would not recognize each other, would not talk to each other, would not commit themselves to a negotiated settlement, and would not negotiate" (Saunders, 1985:251). This is rendered even more difficult when each party feels that right—however it defines it—is on its side and that whatever claims to the contrary, even if embedded in International Law, is interpreted by one side in ways that would circumvent the internationally agreed upon resolutions, thus leading to a continuation of the conflict and/or a stalemate.

In order for a negotiation process to take place in view of resolving the conflict or reaching a compromise, there must be certain rules accepted and adhered to by both sides. As correctly put by Harris in the Preface of this issue, "in protracted conflict the parties have not accepted such prerequisites and in some cases have not fully recognized them." The problem is more complex when, for reasons of pride and status, a party to the conflict feels that it has nothing to gain from negotiation.<sup>1</sup> What if, for instance, this same party decides that its "sovereignty," even if it is not recognized by any other party or even by the entire world community, cannot be the subject of negotiation? It is true that, historically, political leaders, even the most unyielding on negotiating with the "rebels," the "secessionists," the "puppets," end up doing just that, e.g., French President Charles de Gaulle with the Algerian FLN or the Israelis with the PLO. The question, therefore, would be to understand what "triggers" (pre)negotiation. The answer is partly found in the definition of prenegotiation provided by one of its proponents:

Prenegotiation begins when one or more parties considers negotiation as a policy option and communicates this intention to other parties. It ends when the parties agree to formal negotiations...or when one party abandons the consideration of negotiation as an option....In essential terms, prenegotiation is the span of time and activity in which the parties move from conflicting unilateral solutions for a mutual problem to a joint search for cooperative multilateral or joint solutions (Zartman, 1989:240).

Despite its many merits, however, this definition is somewhat too inclusive and may, as a result, see its analytic focus reduced. More specifically, can one consider as prenegotiation mere contacts

between conflicting parties? What if the contact is simply a stratagem to please international public opinion or to set the stage for confidence-building with the "patron" at the expense of the "client" of one of the two parties involved in the conflict? Or, what if the objective is an attempt to create discord between two allies? Also, what if the intent is to divide the leadership/membership of the opponent? In other words, the question being raised here is whether "strategic bargaining"—one in which there is no genuine intent to negotiate, but where other calculations are the primary objective—should be regarded as prenegotiation. For, only if one accepts strategic bargaining as prenegotiation, would it be possible to argue that in the case study under consideration, namely, the Western Sahara, there have been, albeit failed, instances of prenegotiation. The best that can be said is that there have been contacts, both direct and indirect, with different motivations for each side, with the promise—never fulfilled—that it would prepare for negotiation.

In the study of the Western Sahara, I will argue that: 1. Only one party to the conflict has sought to negotiate, whereas the other has used strategic bargaining as a way of circumventing (pre)negotiations and never had any intention of "getting to the table." 2. Domestic imperatives, cultural factors, and the support and/or ambivalence/weakness of outside powers, have played a crucial role in preventing the other side from undertaking genuine (pre)negotiations. 3. Whatever the evolution of the protracted conflict under study, regardless of the changes in the domestic, regional, and international contexts, and unless a credible process of negotiation is initiated, this conflict will persist for much longer.

## **GENESIS AND EVOLUTION OF THE WESTERN SAHARA CONFLICT**

Following the successful resolution of the conflict in Namibia in spring of 1990, the Western Sahara dispute has become one of the longest running regional conflicts, dating back to 1975, and the last unresolved decolonization issue. The necessary ingredients for solving the issue have been present for many years and some "ripe moments" for resolution were missed (Zartman, 1985).<sup>2</sup> Because scholars are divided over the conflict in the Western Sahara, depending on their sympathy or lack thereof for the Sahrawi national liberation movement, my description of the origins of the conflict will be based primarily on those issues that, whatever their rationality, find their support in international legality.<sup>3</sup>

The origin of the conflict in the Western Sahara lies in Spain's failure—as the colonial power since 1884—to abide by its commitment to hold a referendum on self-determination in its colony, as demanded by the United Nations since 1965 and by the Organization of African Unity (OAU) the following year. In fact, just when Spain set out to hold the referendum in 1974, at the behest of Morocco—which had "historic" claims over the entire territory—and Mauritania, the UN General Assembly adopted a resolution on 13 December 1974 which solicited "the International Court of Justice, without prejudice to the application of the principles embodied in General Assembly resolution 1514 (XV) [concerning the rights of self-determination],<sup>4</sup> to give an advisory opinion at an early date on the following questions: '1. Was Western Sahara (Rio de Oro and Sakiet El Hamra) at the time of colonization by Spain a territory belonging to no one (*terra nullis*)?' if the answer to the first question is in the negative, '2. What were the legal ties between this territory and the Kingdom of Morocco and the Mauritanian entity?'" It is worth reproducing the conclusion of the ICJ:

The materials and information presented to the Court show the existence, at the time of Spanish colonization, of legal ties of allegiance between the Sultan of Morocco and some of the tribes living in the territory of Western Sahara. They equally show the existence of rights, including some rights relating to the land, which constituted legal ties between the Mauritanian entity, as understood by the Court, and the territory of Western Sahara. On the other hand, the Court's conclusion is that the materials and information presented to it do not establish any tie of territorial sovereignty between the territory of Western Sahara and the Kingdom of Morocco or the Mauritanian entity. Thus the Court has not found legal ties of such nature as might affect the application of resolution 1514 (XV) in the decolonization of Western Sahara and, in particular, of the principle of self-determination through the free and genuine expression of the will of the peoples of the Territory (ICJ, 1975:68).<sup>5</sup>

Clearly, whatever one's political/ideological predilections, the ICJ unequivocally rejected both Morocco's and Mauritania's claims to precolonial territorial sovereignty over the Spanish Sahara and upheld the Sahrawis' right to self-determination. King Hassan, who interpreted this ruling as an affirmation of Morocco's own claims, discarded the Court's opinion and launched the so called Green March of 350,000 Moroccans (civilians and troops) into the territory, which was the prelude to the (re)colonization of Western Sahara

It should be pointed out that the Western Sahara is not a case where a territory seceded from a recognized country; POLISARIO Front—founded in 1973 by Sahrawi nationalists to liberate the territory—in fact, seeks self-determination of the territory within the Spanish colonial boundaries, thus the relative ease with which the proclaimed state was admitted to the OAU in 1984 (Neuberger, 1986:28).

Under the terms of the Madrid Accords of November 1975, Spain, succumbing to pressure from the United States, ceded on 26 February 1976 administrative control over the Western Sahara to Morocco and Mauritania, thus leading to tension with Algeria, the main supporter of the Sahrawi nationalist cause. The heightened tension doomed the prospects of a peaceful settlement. Clearly, both Morocco and Mauritania were opposed to the holding of a referendum on self-determination for fear that the Sahrawis would vote overwhelmingly for independence. In fact, one day before the ICJ rendered its opinion on the Western Sahara on 16 October, the UN mission of inquiry had published its report in which it concluded that "the majority of the population within the Spanish Sahara was manifestly in favor of independence" (*Report of United Nations Visiting Mission to Spanish Sahara*, 1975:66).

The POLISARIO, which since its creation in May 1973 led attacks against Spanish colonial troops, now shifted guerrilla war to Moroccan and, until their withdrawal in 1979, Mauritanian forces. The day after Spain finally withdrew on 26 February 1976, the POLISARIO Front proclaimed the Western Sahara an independent state, known as the Sahrawi Arab Democratic Republic (SADR). Algeria's recognition of the new state on 6 March led the Kingdom of Morocco and Mauritania to break off diplomatic relations with their eastern neighbor. Further, Moroccan bombardments of the refugee camps set up outside the major Sahrawi cities, created a new wave of forced migrations (Balta, 1990:174 *passim*). Tens of thousands of Sahrawi refugees now found sanctuary in the southwestern part of Algeria (near Tindouf), where camps administered by POLISARIO were set up. Moreover, continued Algerian support for POLISARIO—motivated by the country's traditional commitment to movements of national liberation, but also by compelling geopolitical considerations, as well as mistrust of its regional rival—led to threats of "hot pursuit" against Sahrawis living in the Tindouf area, in retaliation for POLISARIO attacks against Moroccan positions in the Western Sahara. An all-out war between Algeria and Morocco was barely avoided, although two deadly clashes did occur in January and February 1976. But, on

the diplomatic front, a real rivalry took place: Morocco has sought support for its irredentist claims from its traditional allies in the West, as well as conservative African countries; Algeria has extended material and political support to POLISARIO; it also sought to convince the OAU and the Non-Aligned movement that decolonization of the Western Sahara should pursue its course and, therefore, the Sahrawis should gain their independence. The Sahrawis, for their part, in addition to forming an army and building state structures, undertook diplomatic activities throughout the world to obtain backing for their cause.

Reassured by continued French and US military assistance and by strong domestic support from the political parties and the population at large—Morocco set out to strengthen its military position in the occupied territory. In order to fortify its occupation of the Western Sahara, Morocco initiated colossal investments and encouraged its citizens to settle in the Western Sahara while displacing Sahrawis to the north and to southern Morocco (Bookmiller, 1991; Zoubir 1990a), and to almost double the size of its armed forces.

Convinced of Morocco's "historic and legitimate" claims to the territory, King Hassan viewed Sahrawi nationalists as Moroccan secessionists sponsored by the Algerian government. Thus, he adamantly refused to recognize the question of the Western Sahara as a decolonization issue or to agree to talks with POLISARIO. It is my contention that King Hassan has never moved away from this position. Even if, as shall be seen, direct and indirect talks did take place, they were part and parcel of the king's periodic maneuverings, for he was convinced—and probably still is—that real negotiations will eventually be with the Algerians. The Algerians, for their part, have always insisted that they have no territorial claims nor are they party to the conflict; however, they define their position as one of a "concerned" party [*partie intéressée*] to the conflict and would not agree to any illegitimate annexation of the territory by Morocco.

Despite their numerical superiority, Moroccan troops suffered severe military defeats. In the first few years of the conflict, the focus was on the permanent situation of *casus belli* between Algeria and Morocco; yet, there was no war and communication between the two countries never ceased despite the absence of diplomatic relations. A kind of *modus vivendi*, whereby no direct military confrontation between the two regional giants ought to happen, was established since the two major clashes at Amgala in 1976, despite King Hassan's threats of hot pursuit thereafter. As of 1977,



Algeria's leadership declared that no bilateral disputes existed between the two countries; their policy consisted in urging Moroccan and POLISARIO representatives to pursue direct negotiations (Grimaud, 1984:213). In many ways, this has remained Algeria's policy until the present. At the height of the diplomatic war with Morocco, the objective was to have the international organizations endorse the principle of self-determination for the Sahrawi people and direct negotiations as the main avenue for achieving an equitable solution. Perhaps, it is worth mentioning that, whatever other considerations, this position was a reflection of Algeria's own historical experience.

Even if Morocco rejected the principle of negotiations with POLISARIO, it did seek to build bridges with Algeria, while showing steadfastness on the situation on the ground. The major initiative was launched by the king himself who proposed, through an emissary, the holding of bilateral discussions. His own sister, Princess Aïcha, would represent him. Indeed, she met in December 1977 with Algeria's president Houari Boumédiène's political advisor, Dr. Ahmed Taleb Ibrahimi, in Lausanne, Switzerland. The king's advisor, Réda Guedira replaced the Princess in the several talks that were held between the two advisors during the first six months of 1978. A working document was devised and was meant to serve as the basis for discussion for the two heads of state, who were scheduled to meet in Brussels on 6 July 1978. Morocco had apparently agreed to make substantial concessions regarding the division of the territory between POLISARIO and Morocco (Balta, 1990:224). However, King Hassan decided not to leave for the meeting in Brussels, perhaps because he was aware of the *coup d'état* that was in the making in Mauritania.

In October 1978, the king's envoys, Réda Guedira, Ahmed Dlimi, and Ahmed Bensouda met in Bamako with Mahmoud Abdelfattah, a low-level ranking, very young and inexperienced POLISARIO official. The meeting took place in the presence of the president of Mali, Moussa Traoré. The nature of the contact was "quite superficial and was aimed at testing what the Algerians were really up to. The Moroccan side also tried to lure us into giving up the fight through making us all kinds of offers."<sup>6</sup> Apparently, the king also offered POLISARIO leaders cabinet positions in his government if they abandoned their struggle for independence and urged them to enter Mauritanian politics since a change of government had occurred in that country (Hodges, 1983:329). The true reasons behind Morocco's seemingly conciliatory approach were the country's military setbacks against



POLISARIO forces and the fear that the conflict would spread beyond the southern borders, i.e., inside Moroccan territory itself. But the sickness of Houari Boumédiène, Algeria's president, in the fall of 1978 encouraged the Moroccans to adopt a wait-and-see attitude.

What is interesting to discuss, albeit briefly, for it has already been dealt with in greater detail elsewhere (Zartman, 1985:49-50), is the situation that led to the negotiations between POLISARIO and Mauritania. POLISARIO led a two-track policy *vis-à-vis* Mauritania, the weakest of its two opponents, but also the closest ethnically and linguistically. POLISARIO troops launched intensive attacks aimed at crippling Mauritania's economic base, while conducting continued contacts for a separate peace. The success of POLISARIO attacks resulted on 10 July 1978 in a military coup in Mauritania. This prompted a cease-fire by POLISARIO fighters. Shortly after, extensive discussions were held in September in Paris between Sahrawis and Mauritians. A few weeks afterward, in October, further talks between Mauritanian and POLISARIO officials were held in Bamako, Mali, in the presence of two of Hassan's closest collaborators. But the news of Boumédiène's serious illness reduced the king's interest in talking to POLISARIO. However, although POLISARIO broke its unilateral cease-fire with Mauritania—due to the latter's failure to withdraw from Tiris el Gharbia, the portion of the territory it occupied—the renewed attacks brought the Mauritians to the negotiating table, thus resulting on 5 August 1979 in the peace agreement signed in Algiers that brought an end to Mauritania's involvement in the conflict.

Previous to that agreement, Morocco (and Mauritania) had hoped that Chadli Bendjedid, the successor of Boumédiène, who died in December 1978, would be more sympathetic to Morocco's irredentist claims and that he would be willing to "sell out" the Sahrawis in exchange for joint exploitation of the rich resources of the territory. Chadli Bendjedid, under pressure from the military to be sure, made no concessions whatsoever on Algeria's position concerning the Western Sahara. Like his predecessor, Bendjedid refused to negotiate in lieu of the POLISARIO.

In the peace agreement with POLISARIO, Mauritania "solemnly declares that it does not have and will not have territorial or any other claims over Western Sahara" and "decides to withdraw from the unjust war in the Western Sahara." Attached was a secret clause in which the Military Committee for National Salvation pledged that it would "put an end to its presence in Western Sahara

and to hand over directly to the POLISARIO Front the part of the Western Sahara that it controls within seven months from the date of signing the present agreement" (*Sahara Libre*, 1979). The French and Mauritanian idea of a Sahrawi mini-state that circulated for a while was, for different and obvious reasons, acceptable neither to the Moroccans, who saw it as a front from which POLISARIO could regain the Moroccan-occupied portion of the territory and also legitimize the national aspirations of the Sahrawis, nor to POLISARIO, which demanded nothing less than full independence within pre-1975 boundaries (Hodges, 1983:267). The peace agreement led to the re-establishment of diplomatic relations between Algeria and Mauritania a few days after it was signed. But, in the meantime, Morocco took over most of the sectors previously held by Mauritania before the secret clause of the agreement could be implemented (Seddon, 1987:103).

From the analysis so far, it appears very clearly that in the Mauritanian case, there was genuine intent to enter negotiation with the POLISARIO following the military coup against President Mokhtar Ould Dadda. The ceaseless POLISARIO attacks on Mauritania proved too costly for this poor country. Yet, the successive Mauritanian leaders after the coup hoped to see a global peace settlement because of the fear that a bilateral accord with POLISARIO would alienate King Hassan, whose military forces were still present in Mauritania as a result of the 1977 military pact. This is why they sought approval from their stronger ally before they could initiate any contacts with POLISARIO. Mauritians hoped that France, whose considerable economic interests in Algeria had been damaged because of its intervention on behalf of Mauritania and its backing of Morocco on the Western Sahara despite its declared neutrality, would put pressure on Morocco to find a global solution to the problem. But King Hassan, who had mobilized the entire country over the Western Sahara issue, could not allow Mauritania to make territorial arrangements with POLISARIO. From a Moroccan point of view, Algeria, not POLISARIO, was the party to negotiate with. This, however, did not prevent Mauritania from engaging in prenegotiations with POLISARIO. While Mauritania acknowledged that "POLISARIO is a reality which we recognize, perhaps not as an exclusive representative, but we know it exists and has a role to play in the peace process" (Hodges, 1983:270). Despite Mauritanian leaders' ambivalence due to their fears *vis-à-vis* Morocco, their willingness to talk to POLISARIO compelled the latter to extend the cease-fire it had unilaterally decreed. Meanwhile POLISARIO had set certain

conditions for permanent peace with Mauritania, while continuing direct contacts. Mauritania's misfortune, however, stemmed from the fact that it was caught between two impossible situations: a threatening and intransigent Morocco on the one hand and an impatient POLISARIO on the other hand. The resumption of POLISARIO attacks against Mauritania a year after the cease-fire was instituted prompted the Mauritanian leadership to overcome their hesitations and fears by attempting to negotiate a peace treaty very close to the terms set by POLISARIO's Fourth Congress held in late September 1978.

On the basis of what has been discussed, it is obvious that the Mauritanian gesture toward the POLISARIO following the coup can be defined as prenegotiation, since, in this particular case, the Mauritians "consider[ed] negotiation as a policy option and communicate[d] this intention to other parties" (Zartman, 1989:4). The Mauritians succeeded in persuading POLISARIO that a joint solution to a common problem was possible. This phase ended when the Mauritians and Sahrawi leaders met in Algiers to work the details of a peace agreement.

In this case study, it can be asserted that in the nearly twenty years since the conflict has erupted, this was the only instance where the notion of prenegotiation could apply, for there have never been similar situations involving POLISARIO and Morocco. As far as Algeria and Morocco were concerned, there were occasions which could easily be described as prenegotiations. However, the argument emphasized throughout this article is that there was no attempt on the part of the Moroccans to initiate (pre)negotiation with the Sahrawis. The core of the problem lies in the fact that Morocco made it an official policy not to recognize POLISARIO as a negotiating partner, whereas Algeria refused to negotiate with Morocco in lieu of the Sahrawi nationalists. This is not to say, however, that negotiation between the two parties will never occur. The cases of the FLN and France and the Israelis and the PLO are good examples of reversal in official policy.

## **DIPLOMATIC WAR AND INTERNATIONAL RESOLUTIONS**

Unwilling to wage war, Algeria and Morocco sought to convince their friends and foes of the rightness of their respective positions. Since there is abundant literature on the subject for the period 1977-1985, all that is necessary here is to give a brief summary of the major events.

Both war and peace threatened Mauritania. The latter's peace with and sympathy for POLISARIO and its rapprochement with Algiers enraged Morocco. This resulted in a break in diplomatic relations in 1981. But Mauritania, fearful of a Moroccan take over—Morocco never really accepted Mauritania's independence because of its irredentist claims over it—progressively adopted an attitude of neutrality in the conflict without, however, giving up support for resolutions favorable to the SADR in international organizations. At the same time, Mauritania did its best to improve relations with its powerful former ally in the conflict. Fear and realism compelled it to reach an agreement with Morocco in 1981, but at the same time its position came closer to Algeria's. By 1983 it had entered the Treaty of Fraternity and Concord with Algeria and Tunisia and decided on 27 February 1984 to recognize the SADR (Pazzanita, 1992).

The SADR, due to Algeria's diplomatic, logistical and political support, the growing popularity of its cause in Third World countries, as well as the military successes of its military branch, made important gains, especially at the OAU and the UN. By 1979, the OAU adopted a resolution calling for a cease-fire and the holding of a free referendum in which the Sahrawi people could exercise their right to self-determination. The choice offered would be a) total independence; or b) preservation of the status quo, a meeting between all the parties involved in the conflict, etc. In the same year, the UN General Assembly in its resolution 34/37 recognized POLISARIO as the representative of the Sahrawi people. In July 1980 the question of the SADR's admission as a member of the OAU was raised, while in November 1980 the UN General Assembly voted resolution 35/19, in which Morocco was asked to begin negotiations with POLISARIO.

In June 1981, under a nudge from the US and France and because of the possible admission of the SADR to the OAU, King Hassan reversed his position on holding a referendum and declared at the OAU Summit in Nairobi that he would accept "a controlled referendum whose modalities would give justice simultaneously to the objectives of the [OAU's] *ad hoc* committee, that is to say the committee of wise men, and to Morocco's conviction regarding the legitimacy of its rights" (Hodges, 1983:311; Berramdane, 1992:90; Pazzanita, 1993:195). But, as has become clear since, the king never had any serious intention of allowing the holding of a referendum that he might lose, a position he strongly maintains today. In fact, upon his return to Morocco he stated unambiguously that "I see the referendum as an act of confirmation" and made it

explicit that he rejected the idea that POLISARIO was party to the conflict by declaring that "For me, the parties interested in the Saharan affair remain Morocco, Algeria, and Mauritania, to the exclusion of POLISARIO, which has never existed for the African community" (*Le Monde*, 4 July 1981). In August 1981 an eight-point resolution regarding the implementation of a referendum in the Western Sahara was adopted following the committee meeting, known as Nairobi II (August 1981), and the remaining points were to be voted on at Nairobi III (February 1982). An Implementation Committee, composed of African heads of state, was mandated "to take, with the participation of the United Nations, all necessary measures to guarantee the exercise of a general and regular referendum on self-determination by the people of the Western Sahara" (Hodges, 1983:312; Berramdane, 1992:91). To this effect:

1. An immediate cease-fire was to be negotiated;
2. A peacekeeping force provided jointly by the UN and the OAU to be stationed in the Western Sahara to guarantee security during the referendum and to supervise the cease-fire;
3. Troops in the conflict would be confined in their bases;
4. A choice between independence and integration to Morocco would be offered to the Sahrawis;
5. Voters on the 1974 Spanish lists and those listed in the UNHCR's documents were eligible to vote for independence or integration;
6. Establishment by the Implementation Committee of an impartial interim administrative authority, working in collaboration with the existing administrative structures, headed by a commissioner, and in charge of organizing the referendum (*Maghreb-Machrek*, 1981:99-104).

The OAU resolutions reflected a compromise between the positions of Morocco (no recognition of POLISARIO, no negotiations with the latter, and no withdrawal of Morocco's troops or administration) and of Algeria (a genuinely free referendum, an interim administration, and a peacekeeping force). Although it has been argued that these resolutions constituted a good basis for a referendum (Zartman, 1985:53; Berramdane, 91-92), one might also contest such an optimistic assessment by saying that what

prevented progress toward a referendum was the exclusion by Morocco of POLISARIO as an independent actor, seeing it simply as an agent of Algeria, at a time when SADR was obtaining numerous recognitions. Moroccans were totally opposed to talking to POLISARIO, let alone entering negotiations with its leaders. Moroccan Foreign Minister, M'Hammed Boucetta declared unequivocally:

For us the POLISARIO does not exist either legally or internationally. We will never recognize the POLISARIO. There will be no withdrawal of Moroccan troops from our Saharan province, and there is no way that the Moroccan administration will leave the Western Sahara territory [*New York Times*, 10 February 1982].

There is in Morocco's consistent refusal to negotiate with POLISARIO more than a political element. In February 1982 M. Boucetta made a statement whose underlying rationale went beyond the legal norms he emphasized. He stated that "POLISARIO is not a recognized liberation movement. What is called the SADR is not a recognized state. *His Majesty the King has clearly stated that Morocco will only negotiate with its equals*, with recognized states [i.e., Algeria and Mauritania]...to seal or close, or render airtight, their frontiers, so that incursions cease on all sides" (cited in Hodges, 1983:314, emphasis mine). The psychological element is to be found in the italicized statement. Indeed it is very hard, from a Moroccan point of view, to conceive that the king, who has a centuries-old monarchy behind him, would negotiate with poor nomads, "uncouth Bedouins." Not even the Moroccan opposition parties could negotiate with the king. They should feel privileged enough that the king agrees to listen to what their representatives have to say. The king who symbolizes so many things cannot be put on the same level as the opposition parties, let alone with individuals, in this case the Sahrawi nationalists, whom he considers to be the stooges of a foreign government. As shall be seen below, the closest to a recognition POLISARIO representatives were able to get from the king was in the late 1980s when he described them as "Moroccan subjects who had gone astray." Therefore, one should be careful not to easily discount the psychological dimension in this conflict. In other words, King Hassan could not lower his prestige by meeting with a non-state entity on an equal footing.



## THE SEARCH FOR A SOLUTION AND POLITICAL ALIGNMENTS

Little progress was made after Nairobi II, mostly because of Morocco's refusal to recognize POLISARIO as its opponent. The OAU's Implementation Committee sought not to alienate Morocco's sensitivity on the issue of recognition of its adversary. Therefore, although it knew well who the warring parties were, it decided not to name them, thus failing to get them to negotiate, even indirectly. This situation was interpreted as victory by the Moroccans, who saw a confirmation of their position that "No one is duped any longer. Algeria, that's POLISARIO, and POLISARIO is nothing other than Algeria" (cited in Hodges, 1983:314). The Committee failed even though it made the statement that "a total cease-fire will take effect after consultations with all the concerned parties" (cited in *ibid.*). The SADR and Algeria, which sought to induce Morocco to negotiate with the SADR, counter-attacked by pushing successfully on 22 February 1982 for the admission of the former to the OAU. The admission of the SADR (which for many reasons did not take place until 1984) was followed in June 1983 by a resolution—AHR/RES 104 (19)—voted at the OAU's XIXth Summit which exhorted Morocco and the POLISARIO Front—now named explicitly as the two parties to the conflict—to undertake direct negotiations for "a cease-fire [and] to create the necessary conditions for a peaceful and fair referendum of self-determination of the people of the Western Sahara, a referendum without any administrative or military constraints, under the UN and the OAU." The target date for a referendum was December 1983.

Through Saudi mediation, a meeting took place between Bendjedid and King Hassan on 26 February 1983, i.e., four months before the OAU resolution was adopted. The greater affinity between the two men created a good atmosphere, but did little to resolve the conflict because both maintained their respective positions. There was hope that the meeting would lead to a reconciliation between the two states, that the Sahrawi dossier would have a peaceful ending, and that regional cooperation would outweigh the existing problems. Optimism was very high, for the king is said to have hinted in the conversation: "Leave the stamp and the flag for me and everything else is negotiable" (in Balta:181; 228). The meeting did not produce any tangible results, for the Algerians did not think that the king had made any noticeable changes in his position, whereas the king felt that the Algerians were seeking to use regional integration as a stratagem to impose



the SADR as the sixth Maghrebi state (in addition to Algeria, Libya, Mauritania, Morocco and Tunisia). However, according to Zartman (Zartman, 1983:57 *passim*), aides of the two heads of state discussed some avenues to reach a compromise on the Western Sahara before the OAU meeting so that such a compromise could constitute the basis of the OAU resolution at the upcoming meeting in Addis Ababa. In essence, the deal was that Morocco would agree to have a direct meeting with POLISARIO representatives; in exchange, Algeria would enjoin POLISARIO not to seek OAU membership but to push for an early referendum. "Autonomy, federation, and other outcomes less than independence were discussed." In April a secret meeting was held in the Algerian capital between the king's advisor, his foreign and interior ministers, and three high-level POLISARIO leaders. According to Hodges (Hodges, 1987:437), the king's emissaries offered the Sahrawis autonomy within the framework of Moroccan sovereignty, a proposal rejected by POLISARIO leaders who demanded full sovereignty for the Sahrawis. According to a POLISARIO official, the Moroccans did not make any serious proposition even regarding the so called autonomy: "What they proposed to us was an offer for jobs in the Moroccan government. They also told us that the [Moroccan] nation was forgiving and merciful. We proposed that serious negotiations take place to resolve this conflict. We demanded no less than independence, but we assured the Moroccans that their interests would be taken into account" (Interview, March 1994).

One detectable aspect of the meeting between Hassan and Bendjedid is that, according to some analysts, it signaled the beginning of divisions within the Algerian leadership between those favorable to making concessions to the Moroccans at the expense of the Sahrawis and those who remained inflexible on the issue (Grimaud, 1994:411). This may be plausible, for some high-ranking officers in the Algerian military and POLISARIO officials today admit that Bendjedid was very much in favor of an entente with Morocco and was opposed to a Moroccan military defeat. The Algerian military, apparently, was intent on either intervening directly against Morocco or allowing an all-out offensive by POLISARIO forces with substantial Algerian backing in order to break the deadlock and to prevent Morocco from achieving a *fait accompli* in the territory, especially after the completion of the rather effective defensive walls built around the so called "useful triangle," i.e., the phosphate-rich area of Al-Ayoun, Smara, and Bu-Craa. According to these sources, Bendjedid succeeded in preventing such a decision by the high-command.<sup>7</sup> The suspicious death on 25

January 1983 of General Ahmed Dlimi, commander of the Moroccan armed forces, may sustain this hypothesis, for Dlimi was said to be in close contacts with Algerian officials and, apparently, with POLISARIO leaders as well. He was depicted as favorable to a negotiated settlement with POLISARIO (Zunes, 1993:71; Seddon, 1987:122). However, POLISARIO officials deny that any such contacts with Dlimi ever occurred.

Yet, there is also reason to believe that Bendjedid was not as favorable to making concessions to Morocco as other sources seem to suggest. On the basis of his own declarations, it seems that Bendjedid hoped that he could play the role of mediator between the Moroccans and the Sahrawis (Hodges, 1987:436-7). In a communiqué issued by the Algerian ministry of foreign affairs shortly after the meeting it was stated that:

The problem of the Western Sahara is a problem of decolonization that opposes our brothers of the Western Sahara to our Moroccan brothers. Algeria has always affirmed that it is prepared to work toward bringing closer our brothers of the Western Sahara and our brothers of Morocco in order to find a solution in line with the inalienable right of the people of the Western Sahara to self-determination and to independence. Algeria is convinced that such a solution, while reestablishing peace in our region, will make possible cooperation commensurate with the ideal of Maghrebi unity. It is in this spirit that Chadli Bendjedid...met with King Hassan (*Le Monde*, 1 March 1983).

The Algerian president explained at the OAU Summit held the following June the purpose of his meeting with Hassan:

I was very clear concerning Algeria's position with respect to the question of the Western Sahara. I have explained to the sovereign [King Hassan] that I was not mandated to speak on behalf of the Sahrawis and that I would not arrogate to myself the right to speak in their name or to assume their trusteeship....However, Algeria is prepared to do its utmost to contribute to a rapprochement of the two parties' viewpoints, similarly to the role I played concerning [the peace agreement between] our brothers in Mauritania and in the Western Sahara (*El Moudjahid* [Algiers], 12 June 1983; Hodges, 1983:334).

In March 1983, Algeria had signed with Tunisia the Treaty of Fraternity and Concord, which Mauritania adhered to in December the same year, in the hope that it would create a framework for a

definitive resolution of the Western Sahara conflict. It was expected that both Morocco and Libya would join; but instead, in August 1984, Morocco and Libya united in an unholy alliance, known as the Treaty of Oujda (Mortimer, 1993).

The year 1984 was a crucial year in the development of the conflict in the Western Sahara. At the OAU XXth Summit held in November, the SADR finally took its seat as the fifty-first member of the organization with little opposition. But this led to the withdrawal of an important and founding member of the organization, Morocco. The immediate result of such a decision was the absence from the OAU of one of the two parties to the dispute. This episode also marked the end of the handling of the Western Sahara conflict by the OAU and its displacement to the United Nations.

This shift was in fact sought by the Moroccans themselves. On 27 September, King Hassan had stated at the XXXVIIth UN General Assembly that:

Morocco tells you that it wants the referendum; Morocco tells you that it is ready to hold this referendum as of tomorrow if you wish it; Morocco is prepared to grant all the necessary conditions to all observers wherever they may come from so that a cease-fire can take place and that a just, equitable and true consultation ensues. Finally, Morocco is solemnly committed to the results of the referendum (Berramdane, 1992:93, my translation).

King Hassan, accusing the OAU of partiality, decided that the Western Sahara dossier should be handled by the United Nations (Berramdane, 1992:93). But clearly the UN arena, especially the General Assembly, was more favorable to the SADR than the Moroccan authorities anticipated. The notion of direct negotiations between the belligerents, as sought by Algeria and the SADR, appealed to the majority of the members. Perhaps to avoid such an alternative, the Moroccan Minister of the Interior, Driss Basri, met in Lisbon in April 1985 with Bachir Mustapha Sayed, POLISARIO's main negotiator and second man of the Sahrawi leadership. Again, there was no genuine attempt to negotiate. Rather, the Moroccan side sought to convince the Sahrawis to "get back to their senses and return to reason."

In September 1985 the Non-Aligned Movement (NAM) adopted a resolution at the foreign ministers' conference held in Luanda, Angola, which supported the OAU's resolution 104 by endorsing the latter's call for direct negotiations. Worse still for Morocco, two months earlier, in July, Mohamed Abdelaziz, the SADR's president,

was elected one of the OAU's vice presidents. These events forced King Hassan to turn to the United Nations. Even if the question of the Western Sahara had not been an important item on the organization's agenda since 1975-76, many resolutions had reaffirmed the "Sahrawis' inalienable right to self-determination and to independence" and that only negotiations between the two parties would create the objective conditions for a return to peace in the region and for a fair and regular referendum (e.g., UN General Assembly Resolution 37/28 of 23 November 1982 or UN GA Resolution 38/40 of 5 December 1984). Nevertheless, through his move the king hoped that he could regain some of his lost prestige and credibility in the world body (Pazzanita, 1993:198). Morocco also hoped that, unlike the NAM, the UN would circumvent the OAU's Resolution AHG 104 and subscribe to Morocco's view of a referendum plan that would not necessitate direct negotiations with POLISARIO, despite the fact that previous UN General Assembly resolutions had already done so. The UN, however, regardless of Morocco's attempts to avoid the necessity of direct negotiations, adopted on 2 December 1985 Resolution 40/50 which unequivocally supported the OAU's plan for direct negotiations, a cease-fire and an interim administration in the occupied territory, and a referendum in the Western Sahara "without any administrative or military constraints under the auspices of the Organization of the African Unity and the United Nations."

Although Morocco's policy boomeranged, for the OAU's and the UN's positions now coincided, the UN Secretary-General, Javier Pérez de Cuéllar sought, as early as 1986, to accommodate the parties to the conflict by offering his good offices to arrange for indirect talks between POLISARIO and Morocco. Thus, two series of indirect discussions were held in New York from 9-15 April 1986 and from 5-9 May 1986. These separate talks were held in the presence of the president of the OAU's personal envoy. Algerian and Mauritanian representatives were informed of the substance of the talks. The UN Secretary-General gave the two parties detailed questionnaires in six points relating to the different aspects of the process of the planned referendum (Berramdane, 1992:94; Pazzanita, 1993:198). The two parties responded to these questions and submitted their answers to the Secretary-General (Grimaud, 1988:99-100; 104-5). Of course, this procedure prevented—as was wished by Morocco—the two parties from meeting directly, hence avoiding direct negotiations. Although it was hoped that these indirect talks would eventually result in direct negotiations and lay the conditions for a cease-fire before the

holding of a referendum, they merely allowed Morocco to gain time and devise a new strategy. The Secretary-General's visit to Morocco in July 1986 did little to alter Morocco's refusal to hold direct talks with the Sahrawis.

Morocco's resolute opposition to negotiation with the Sahrawis was predicated upon a number of factors: Algeria's "new pragmatism" and the seeming divisions within the Algerian regime on the Western Sahara, the Reagan Administration's support for Morocco, and consolidation of the defensive walls.

### **ALGERIA'S "NEW PRAGMATISM"**

Although the meeting between King Hassan and Chadli Bendjedid in February 1983 did not produce any tangible results, it was described as cordial and warm. Yet the fact that the agreed upon meeting in Tunis did not take place was an indication, according to some analysts [Grimaud, 1994:411], that several tendencies existed among policymakers in Algeria. Apparently, a segment of the leadership was favorable to making concessions to Morocco to the detriment of the Sahrawis, whereas another faction was inflexible on the Western Sahara issue. Further, the good rapport between Hassan II and Bendjedid seemed to inaugurate a new era in Algerian-Moroccan relations despite the absence of diplomatic relations. Sensing a "change" in Algeria's position, King Hassan agreed to listen to a proposal made by Algerian jurists on a possible personal union between the Sahrawis and Morocco. The Algerians had basically acted upon the king's own suggestion: "leave me the stamp and the flag and everything else is negotiable." The Algerians proposed a kind of personal union between the Sahrawis and the king whereby Hassan II would be King of Morocco and of the Western Sahara. Western Sahara would be independent and run its own affairs. A Moroccan High Commissioner would be established in the Sahrawi capital, Al Ayoun. Defense and foreign affairs would also be in the hands of the Sahrawis, but with close links with the Moroccans. The Moroccan and Sahrawi flags would be displayed on all buildings [Author's interview with POLISARIO official]. In May 1985, King Hassan rejected this proposal as not "serious" [Press conference, cited in Grimaud, 1994:411]. The truth is, according to POLISARIO officials, that the Moroccan side did not agree to self-rule by the Sahrawis, i.e., they refused to allow them to have control over their own defense, foreign affairs, economy, etc.

While Algerian diplomacy gave signs of flexibility on the Western Sahara, the Moroccan side decided to counteract by seeking the maximum support from its Western allies. The Treaty of Oujda with Libya, having caused much strain with its allies—albeit no reduction in military and economic assistance from the United States and France—Morocco then sought to regain Washington's favor by making a major move. While still president of the Arab League (president of the Islamic Quds [Jerusalem], committee), the king held direct talks in July 1986 with then Israeli Prime Minister Shimon Peres. Hassan's main goal was to obtain congressional support in the United States for Morocco's war in the Western Sahara in the form of increased economic and military aid. Another reason was surely an attempt to prevent a closer rapprochement between Algeria and the United States following Bendjedid's historic visit to Washington in April 1985. A third reason was to get Israeli military assistance [*Jerusalem Post*, 24 December 1986]. The Treaty of Oujda, which had compelled Libya to stop forever its material assistance to POLISARIO, was terminated by King Hassan on 29 August 1986. Yet despite all the political moves, Morocco still could not win the war and remained diplomatically isolated.

In the fall of 1986, Algeria continued to lay down the foundations of the Greater Maghreb. Improved relations between Tripoli and Algiers, on the one hand, and Tunis and Tripoli, on the other hand, led to further isolation of Morocco in the region. Morocco was blamed for being an impediment to a faster process of Maghrebi integration because of the intransigence concerning the Western Sahara. Algerians argued that a settlement of the conflict based on the principles laid down by the United Nations and the Organization of African Unity resolutions would constitute a great step toward Maghrebi unity. While an appeal was made toward Morocco to move in that direction, Algerian policymakers insisted that "the right to self-determination could only be realized through direct negotiations...between the Kingdom of Morocco and the POLISARIO Front in order to institute a cease-fire and to organize a free and regular referendum under OAU and UN auspices, without any military or administrative constraints" [*Revue Algérienne des Relations Internationales*, 1987:177].

In late 1986 and spring of 1987, Morocco was close to finishing the last defensive wall. Algeria viewed with concern the expansion and completion on 16 April 1987 of the sixth wall because it came so near the border with Mauritania, Algeria's powerless ally. Preoccupied with a possible tension between Morocco and Algeria,



coupled with events in the Near East and the Gulf region, Saudi King Fahd mediated a second meeting between Bendjedid and Hassan II. The gathering took place in the presence of King Fahd himself on 4 May 1987 in the Algerian-Moroccan border-town Akid Lotfi. Although the meeting eased tension between the two countries, both sides remained apart as far as conflict in the Western Sahara was concerned. But, due to the king's interest in coming out of his isolation and adhering to the ongoing process of regional integration, the momentum was continued throughout the year. An exchange of Moroccan and Algerian prisoners held since the two deadly battles of Amgala in 1976 took place immediately after the meeting of the two heads of state. There is no doubt that the Saudi role was instrumental in inducing Morocco to seek a negotiated settlement of the conflict. There was increasing evidence that the Saudis, who were paying about one billion dollars a year to help the king wage his war in the Western Sahara, would use their financial leverage to bring the king to their direction.

The good atmosphere that surrounded the talks in Akid Lotfi could not hide the deep disagreements regarding the Western Sahara conflict. The Sahrawis continued their periodic attacks against the walls and insisted that direct negotiations with the Moroccans should be held before international observers could be sent to the area and that occupying troops should be withdrawn during the holding of the referendum in order to guarantee a free consultation [Balta, 1990:234]. The Moroccans, who were eager to soften Algeria's position on the Western Sahara and to be part of the process of integration, used some timely tactics by making appeasing statements, such as the one made by Hassan II himself: "If the Sahrawis decide to integrate Morocco, they would be most welcome. If they decide to secede [sic], we would be the first ones to open an embassy in their capital" [cited in Balta, 1990:234]. Feeling that this was a constructive approach, the Sahrawi leaders were hopeful that the integration process underway would include them and that a possible solution would be found within that framework. This was a rather naive assessment of the king's policy, for Hassan II has never considered the possibility of relinquishing the Western Sahara. There is no doubt, and successive events have confirmed this point, that Morocco has never had any intention of allowing the holding of the referendum decided upon by the United Nations, and agreed to by Morocco, unless it was sure to win it.

In order to avoid being isolated in the region, Morocco's diplomacy began to be readjusted to the regional realities. One of



the king's major "concessions" in the summer of 1987 was his statement, just before his trip to England, that conflict in the Western Sahara was between Morocco and POLISARIO and not with Algeria as he had claimed hitherto [*Financial Times*, 14 July 1987]. This recognition did indeed mark a departure from his earlier position which blamed Algeria for the war and which described the Sahrawis as "mercenaries" created by the eastern neighbor. The continuous dialogue between the two neighbors led to the re-establishment of diplomatic relations on 16 May 1988. For Algerians, the reestablishment of these ties was aimed at correcting an anomalous situation. Morocco, on the other hand, decided to renew diplomatic relations with Algeria not only to break the kingdom's isolation on the Maghrebi and African scene, but also to better carry out the king's new diplomatic offensive. However, the major objective was to isolate the Sahrawis, whose cause it was hoped would be sacrificed on the altar of Maghrebi integration. Some observers believed that the construction of the greater Maghreb had taken precedence over the question of the Western Sahara. From a Moroccan point of view, Algeria's rapprochement with Morocco meant that the latter had no need to negotiate with the Sahrawis, for Algeria was allegedly abandoning its client. Sahrawi leaders were initially quite nervous about the turn of events. But their reaction, after receiving assurances from the Algerians, was positive because they hoped that renewed diplomatic relations and better rapport between Algeria and Morocco would compel Hassan II to seek a political solution. In fact, the Algerian-Moroccan joint communiqué was clear as to the necessity of a political settlement of the conflict:

[E]ager to promote the success of international efforts undertaken to hasten the process of good offices for a just and definitive solution to the Western Sahara conflict through a free and regular referendum for self-determination held without any constraints whatsoever and with utmost sincerity...[the two countries] have decided to reestablish diplomatic relations [*E/Moudjahid*, 17 May 1988].

But due to the seeming divisions within the Algerian regime regarding the issue, many observers and diplomats speculated about a "fix" between Algeria and Morocco concerning the Western Sahara, whereby a face-saving formula was agreed upon to make the Sahrawi territory an autonomous region of Morocco. This scenario was played up following King Hassan's interview with the French daily, *Le Monde*, published on 3 August 1988. According

to the king's formula, the Sahrawis would be granted autonomy if they decided to remain Moroccan. At the same time, he made it very clear that he was totally opposed to Sahrawi independence. In other words, there would be no negotiation on this issue. All the Sahrawis could expect was some sort of vague autonomy under full Moroccan sovereignty. The door to genuine negotiations with the Sahrawis was basically closed. There is no doubt that Algeria's attempt to build a united Maghreb without excluding Morocco and its failure to include the SADR in the process convinced Morocco that negotiating with the Sahrawis was pointless, for the major supporter of the cause showed signs of weakness. But, at the same time, Morocco had to give the impression that it was seeking a political solution. Thus in July of 1988, once again through Saudi mediation, secret talks were held in Taëf, Saudi Arabia, between Sahrawis and Moroccans. They were conducted at a very low level. According to a POLISARIO official, the Moroccans had promised that a member of the royal family would meet with the Sahrawi "Elders" (*Shuyukhs*): "A member of the royal family did come; he said: 'You are meeting, that's good!' Then he left" [Interview, 23 March 1994]. Unquestionably, the main Moroccan objective was to avoid embarrassing the Algerians by creating the illusion that a peace process was underway and that Morocco was fulfilling the pledge it made as a precondition for the renewal of diplomatic relations with Algeria.

As indicated earlier, Morocco's analysis of Algeria was based on the perception that there existed divisions within the Algerian leadership between radical and moderate factions. The first, pro-Sahrawi, was thought to be inflexible on the question and was opposed to better ties with Morocco. The second, moderate or liberal faction, represented by President Bendjedid, was believed to be more sympathetic to Morocco's claims and that all it needed was a face-saving solution to abandon all support for POLISARIO. In effect, if there was a face-saving solution, it came from the United Nations, whose Secretary-General Javier Perez de Cuellar proposed on 11 August 1988 a peace plan to the parties in conflict, Morocco and the Sahrawis, which offered, among other things, a cease-fire and a referendum that would allow the Sahrawis to exercise their right to self-determination. The two parties accepted—albeit with reservations—the peace proposal. The acceptance of and commitment to the peace proposal, however, did not mean an end to the conflict. In September 1988, the POLISARIO armed forces launched several attacks against Moroccan positions. Their objective was clearly to demonstrate that POLISARIO was an

independent force to be reckoned with and that Moroccan dialogue, if not negotiations, with the POLISARIO was as important as with Algiers. Therefore, direct negotiations were from POLISARIO's point of view a necessary condition for a genuine peace process. Although they rejected POLISARIO's view on direct negotiations, Moroccans came to accept their opponent as a reality. No longer did they blame POLISARIO attacks on Algeria.

Even though there might have been divisions within Algeria's leadership on the Western Sahara issue, it is clear that those who allegedly sought to abandon POLISARIO failed to gain the upper hand, for POLISARIO's attacks on Moroccan positions would not have been possible without at least tacit approval from Algeria. Against mounting speculations about Algeria's new attitude *vis-à-vis* POLISARIO, President Bendjedid made reference to the issue in an important speech—against the so-called radicals opposed to his liberal reforms—given on 19 September 1988:

We have been clear [with the Moroccans] from the beginning. In no way, will Algeria ever renounce her fundamental principles regarding the defense of just causes and peoples' right to self-determination. This was understood by our Moroccan brothers. We believe that the Sahrawi question is a just cause [*El Moudjahid*, 21 September 1988].

Yet, despite these statements and POLISARIO attacks, Moroccans still believed that negotiations were unnecessary and that sooner or later the Sahrawi cause would die a natural death. This is why they thought that the mere acceptance of holding a referendum in the Western Sahara would satisfy Algeria's leaders and would make it easier for its neighbor to eventually drop the issue altogether. This also explains why Moroccan officials, although they accepted the principle of a referendum, continued to insist that the Western Sahara would remain Moroccan and that the referendum was simply a "procedure and an episode."

## **THE ALGERIAN CRISIS AND THE QUESTION OF THE WESTERN SAHARA**

In October 1988 a series of violent urban disturbances erupted throughout Algeria. King Hassan decided to extend support to Algeria's president because, unlike his predecessor Houari Boumédiène, Bendjedid was perceived as "a good man...having no personal ambitions and desirous to live in peace with us" [*FBIS/*

NES, 16 December 1988:49]. During the same period, Algerians maintained their position and insisted on the necessity for direct negotiations between Morocco and POLISARIO and reiterated their call for a referendum which should take place under conditions that precluded Moroccan administrative and military intimidation. In the same month, the United Nations Fourth Commission on Decolonization had voted overwhelmingly in favor of Resolution 43/23 (adopted with no opposition by the General Assembly in November) which called for direct negotiations between POLISARIO and Morocco as the best avenue for "bringing about a cease-fire to create the necessary conditions for a peaceful and fair referendum for self-determination for the people of Western Sahara without any administrative or military constraints under the auspices of the Organization of African Unity and the United Nations" [General Assembly, Forty-Third Session, *Supplement No. 23, A/43/23, Ch.. IX*]. However, the Moroccans felt that there was even less need for direct negotiations now because of the mediation provided by the UN Secretary-General. The King himself continued to display the seemingly contradictory discourse on the Western Sahara:

We are about to embark on a referendum and I know best the atmosphere surrounding this referendum...I say to those [i.e., the Sahrawis] who went astray and lost their way that they should fear God for the sake of the homeland and kinship. They should realize that the referendum on which we embark with all our determination and strength and our belief in our right *will only enhance the right that has already been confirmed for years and centuries* [FBIS/NES, 7 November 1988:15, my emphasis].

Following this provoking statement, King Hassan made a tactical, highly publicized move whose aim was to serve several functions. Indeed, in December 1988 the king declared to the French media that he would agree to a meeting with Sahrawi nationalists, including representatives of the POLISARIO [*Le Point*, 12 December 1988:43; *The New York Times*, 28 December 1988]. But, again, a close analysis of the language used by the king demonstrates his total—albeit consistent—opposition to genuine negotiation:

*Question:* You have agreed to the holding of a referendum in the Western Sahara. Would you give up this territory if you lost?

*Answer:* If the outcome is negative, Morocco would know how to draw the necessary consequences.

*Question:* Wouldn't it be preferable that there be agreement between the two parties?

*Answer.* I have always wished that because this referendum is aggrieving. Families will be split in two. This is why I called upon those [i.e., Sahrawis] on the other side [i.e., in Algeria]. I have said and I repeat: "the doors of my palace are open." I am ready to listen to everyone, to hear their grievances and to know what they wish for this part of the territory [Western Sahara]. I will guarantee everyone's safety upon arrival and at departure. *I am willing to discuss, but not to negotiate.*

*Question:* Are you willing to meet with them if they come as Moroccan subjects?

*Answer.* Not even, not even. They can come as POLISARIO, but to my place.

*Question:* Is a Sahrawi State conceivable?

*Answer.* Nobody talks about independence anymore. It would be a cancer for Mauritania, Algeria, and Morocco [*Le Point*, 12 December 1988].

There was no doubt as to the tactical nature of such a statement. Yet, the important point is to determine the reasons which motivated the king to make such a decision. There are at least five considerations which have impelled the king to agree to meet with POLISARIO officials. First, the king may have been convinced that the value of the new relationship with Algeria was worth a small "concession," not least because the Maghrebi summit scheduled to take place in February 1989 in the Kingdom of Morocco would be jeopardized unless Algeria's demand for direct talks between Morocco and POLISARIO was accepted. Second, Rabat's categorical refusal to comply with UN and OAU resolutions was upsetting to many governments. Third, French President, François Mitterrand, had pleaded with the king during the Franco-African summit held a month earlier to speed up the peace process. Fourth, the United States had also shown increasing interest in seeking a settlement that would promote stability in the region. Fifth, the king was hopeful that he might be able to divide the Sahrawi leaders who were becoming increasingly weary as a result of many years of struggle and would thus be more amenable to a compromise with Morocco.

## KING HASSAN'S MEETING WITH POLISARIO

The two meetings on 4 and 5 January 1989 between King Hassan and the three POLISARIO representatives was the most promising of all encounters between Moroccans and Sahrawis. The importance of these meetings stemmed from the fact that the king himself—and he was the only "negotiator"—chaired the

meeting. This fact was also important because he alone and no one else can make any consequential decision on the Western Sahara.

The leaders of the POLISARIO Front welcomed the direct talks with King Hassan which, they claimed, would lead to "the active phase" of the peace process and allow the two sides to "move on, hand in hand, to a free and fair referendum on self-determination among the people of the Western Sahara" [*Algérie Presse Service*, 9 January 1989]. The Sahrawi delegation was composed of three top officials: Bachir Mustapha Sayed, Mahfoud Ali Beïba, and Brahim Ghali. They carried with them a letter written by the SADR's President Mohamed Abdelaziz on the SADR's stationery in which he asserted that the three were mandated to negotiate as plenipotentiaries. The three were accompanied to the doorsteps by the king's closest cabinet members, Abdellatif Filali, Driss Basri, and Ahmed Réda Guedira. The three Moroccan officials then sat in the waiting room until the meeting between the king and the POLISARIO representatives ended. This occurred twice, with the only difference that another Moroccan official, Karim Lamrani, accompanied the Sahrawi delegation to the doorsteps. The king is said to have told the delegation: "I know you Sahrawis, you don't like constraints. Despite all the investments I have made in the Territory, I haven't succeeded in winning your hearts. There has been too much bloodshed, we need to put an end to this conflict." Although the Sahrawis have reported only bits from the talks they held with the king, they reported that Hassan II was very concerned about his succession and that he did not want to leave a "time bomb" for his son, the crown prince. Despite Morocco's insistence that the king "only talked" with the Sahrawi representatives, the substance of their discussions could well be described as quasi-negotiations, since not only were the details of the referendum raised, but also arrangements for a truce and an exchange of prisoners. Contrary to some reports, there was no agreement on autonomy under Moroccan sovereignty.<sup>8</sup> What is certain is that the king promised that he would meet again with the Sahrawis.

The king's immediate objective in agreeing to hold the talks with the Sahrawis was to appease the Algerians and to guarantee the success of the upcoming Maghrebi Summit. The fervor over Maghrebi unity led to a tacit agreement between Algeria and Morocco to leave aside the Sahrawi question. From the Algerian perspective, the UN was in charge of the dossier anyhow.

Having achieved his objective, King Hassan exploited the regional developments to his own benefit by stating very bluntly



that he had never met with Sahrawi nationalists, but "it is Moroccans who have gone astray that I met in the hope that they would be put back on the right path. Never were they received as members of the so-called POLISARIO" [*Agence France Presse*, 16 January 1989]. Following his meeting with the Sahrawis, King Hassan admitted that he should have met with them earlier. At the same time, he insisted that the Western Sahara is Moroccan territory. He argued that the referendum would be "bothersome" even to POLISARIO—the implication being that the result was a foregone conclusion—and that he had agreed it should be held only to avoid having Morocco put on the defensive and accused of expansionism. Once again, he reiterated his promise to the Sahrawi nationalists that "when they have reintegrated their homeland [sic], they would benefit, like the other Moroccan provinces, from the regionalization plan which has been envisaged" [*Le Nouvel Observateur*, 12-18 January 1989].

The king's attitude was predicated upon both domestic and international considerations. On the domestic front, assuming there was a willingness to resolve the conflict politically regardless of the outcome of the referendum, Hassan still had to face the opposition parties—who often, for tactical reasons, take an uncompromising position on the question—and the military. Both will use the issue as a lever to extract corporatist demands from the palace. Hassan's decision not to involve any members of his cabinet in the talks with POLISARIO indicates not only that solving the Western Sahara issue is his own affair, but also that he wants to use it for political ends. In order to prevent the opposition from raising any doubts on his determination to keep the Territory, the king declared immediately after his meeting with the three Sahrawi nationalists that Morocco "will not give an inch of its territory" [*AFP*, 16 January 1989]. Externally, the king perhaps hoped that Algeria will help him find a face-saving formula. By reestablishing and consolidating relations with Algeria, feigning to begin negotiations with the Sahrawis, and excluding the issue from the bilateral ties with Algeria, the king forced the Maghrebi States to put the Sahrawi issue on the back burner.

King Hassan's unwillingness to renew talks with the Sahrawis provoked the POLISARIO in March 1989 to end the unilateral cease-fire it had declared for the whole of February as a goodwill gesture. However, it was in that very month that the *Union du Maghreb Arabe* (UMA) between Algeria, Libya, Mauritania, Morocco, and Tunisia had been inaugurated at their summit meeting in Marrakech after more than three decades of pan-



Maghreb rhetoric. In so far as the king had achieved his goal of securing the creation of the UMA without the participation of the SADR, it began to appear as if the latter might become sufficiently ignored and isolated as to die what the Moroccans hoped would be a natural death. This explains why Morocco reneged on the pursuit of negotiations as the best avenue for achieving a solution. For instance, on 1 September 1989, King Hassan promised President Bendjedid that he would hold a new round of talks with POLISARIO before his forthcoming trip to Spain, only to declare bluntly three weeks later that this was unnecessary, for "there is nothing to negotiate because the Western Sahara is Moroccan territory" [*West Africa*, 2-8 October 1989]. What is rather ironic is that consistent denials by Moroccans that they had ever agreed to a second round of talks with POLISARIO did not stop them from arguing that the Sahrawis' continued military operations had put an end to the "planned meeting" [*Al Sharq al Awsat*, 10 October 1989]. This only confirmed Moroccan opposition to direct negotiations and their promises to hold such negotiations as mere tactical maneuvers. In fact, when, in Spring 1990, the SADR's president Mohamed Abdelaziz announced that direct talks were soon to be held, the Moroccan Minister of the Interior, Driss Basri, denied the statement arguing that UN Secretary-General Perez de Cuellar had been asked to use his "good offices" in order "to conduct indirect negotiations between the interested parties" in an attempt to find the best means to hold a referendum [*AFP*, 2 April 1990].

## THE UN PEACE PLAN: FROM PEACEMAKING TO WARMAKING

The peace plan proposed by the Secretary-General and accepted "in principle" by both sides to the conflict—although it offered no timetable as to the dates of its implementation—constituted the basis upon which the referendum was to take place. It was rather surprising that Morocco accepted it, for the latter had been reluctant hitherto to view POLISARIO as an independent party to the conflict. There is no doubt that the king accepted the peace plan because he knew that the ambiguities in the plan could help him give it his own interpretation and force the other sides, the POLISARIO and the UN to adjust to his own understanding of the plan. The main reason he agreed to it was also determined by the cost of the war which became increasingly unbearable. Further, the fact that more than seventy states had recognized the SADR could not leave the king oblivious to such a reality. No country, no

matter how close to Morocco, endorsed the latter's claim over the Territory—at least not publicly. The mood in the UN was favorable to adopting and eventually implementing the OAU's proposals for resolving the dispute. For its part the POLISARIO, despite its many military successes, could not hope to bring Morocco to the table through an inconceivable defeat of the estimated 120-150,000 Moroccan troops entrenched in the Western Sahara. The prospect of direct talks—especially after the secret contacts in Taëf—coupled with the resumption of Algerian-Moroccan ties, compelled POLISARIO to also subscribe to the Secretary-General's peace plan. Sahrawi officials who had constantly urged Morocco to negotiate hoped that the contacts in Taëf and the resumption of Morocco's ties with Algeria, POLISARIO's main benefactor, were a sign that the king may have altered his position on direct talks. As later events will demonstrate, this assessment was totally groundless.

In June 1990, the UN Secretary-General introduced an elaborate plan for the factual transition of the former Spanish colony to either independence or internationally sanctioned integration to Morocco. The plan included the modalities of a cease-fire, phased troop withdrawal, repatriation of refugees, the exercise of transitional authority, a timetable for the process, mandate of the Identification Commission for eligible voters, the role of the Special Representative, etc. [*UN Doc. S/21360*, June 1990]. The UN Security Council unanimously approved the Secretary-General's undertaking and called on both Morocco and POLISARIO to "cooperate fully" with him.

Strengthened by his mandate, Perez de Cuellar traveled to Geneva in the same month in the hope to convene the two parties and persuade the Moroccans to hold direct talks with the Sahrawi nationalists. On 5 July 1990, he declared that "indeed, there will be a direct meeting between the Moroccan government and a delegation of the POLISARIO Front" [*APS*, 5 July 1990]. De Cuellar was hopeful that the meeting he had just succeeded in arranging between the Iranians and the Iraqis would have a spill over effect. But, despite five days of intensive efforts, the Secretary-General failed to convince the Moroccan side to meet and negotiate with POLISARIO officials under UN auspices. Another opportunity to build upon the potential momentum created by the January 1989 meeting was thus missed. Nevertheless, thirty-eight tribal elders, 19 from Al Ayoun (under Moroccan control) and 19 from Tindouf and the liberated sections of the Territory (under POLISARIO authority) gathered to examine the census rolls. The Elders were

seemingly members of the *djemaa* (tribal council), which existed under Spanish colonial rule. Even in this meeting, a controversy arose as to the exact identity of one of the Elders whom POLISARIO accused of being a member of the Moroccan interior ministry [*The Economist*, 14 July 1990]. Indirect talks did, however, take place whereby the two sides agreed on the question to be asked in the referendum, independence or integration with Morocco. They also concurred on who should be allowed to vote, i.e., those whose names figured in the 1974 Spanish census. The plan stipulates that the Identification Commission's task was to "implement the agreed position of the parties that all Western Saharans counted in the 1974 census undertaken by the Spanish authorities and aged 18 or over will have the right to vote, whether currently present in the Territory or outside as refugees or for other reasons."

There were also pending problems regarding the presence during the vote of the tens of thousands of Moroccan troops and administrators in the Territory. The Secretary-General was, however, hopeful that these problems would be solved through his own negotiations with the Moroccan authorities. The UN operation as a whole was named MINURSO, the French acronym for the United Nations Mission for the Referendum in the Western Sahara, composed of 375 members (military and medical personnel) to supervise a referendum [*UN Doc. S/23662*, 28 February 1992] in a territory the size of Colorado or half the size of France.

In 1991, in an effort to update certain administrative aspects of his plan, Perez de Cuellar introduced in paragraph 20 of his new report [*UN Doc. S/22464*, 19 April 1991], elements which will be exploited by Morocco to add new voters favorable to Morocco, thus stalling the peace process altogether. In paragraph 20 on the identification and registration of voters, it is declared that:

The [Identification] Commission's...mandate to update the 1974 census will include (a) removing from the lists the names of persons who have since died and (b) considering applications from persons who claim the right to participate in the referendum on the grounds that they are Western Saharans and were omitted from the 1974 census.

The second clause of this paragraph offered King Hassan a golden opportunity to turn the referendum to his own advantage. In August 1991, he submitted a list of 120,000 additional voters to the 1974 census. A month later, on 18 September, Morocco began moving 170,000 individuals, claiming they were Sahrawis, into the

Western Sahara. This has been referred to as the second "Green March." This constituted such a violation of the peace plan that Johannes Manz, the Secretary-General's representative, a Swiss high-ranking civil servant known for his competence and high integrity, resigned from his position in December 1991. In a "personal and confidential" letter he wrote to Perez de Cuellar on 13 December 1991, he made a number of recommendations. In one of them, Manz insisted that the UN propose "an agreement which both parties can accept, even in defeat. Such an agreement can only be sought and reached at the negotiating table, based on a model which would guarantee an outcome with neither a clear winner nor a clear loser." This was one of the most realistic observations, which POLISARIO and the international community could easily accept. More importantly, Johannes Manz sought to avoid complicating the peace process by showing a firm UN position on the military violations (mainly Morocco's) of the cease-fire established since 6 September 1991, but also the non-military ones. In this respect, he stated:

Concerning the non-military violations, the movement of unidentified persons into the Territory, the so called "Second Green March," constitutes, in my view, a breach of the spirit, if not the letter, of the Peace Plan. It was, therefore, with great sadness that I took note of the contents of your letter on this subject to the King of Morocco dated November 18, which was sent without my prior consultation or my knowledge, although I had made very clear recommendations on this matter.

Instead of pursuing Manz's recommendations, Perez de Cuellar succumbed to Morocco's increasing demands for the inclusion of additional voters. On 19 December 1991, less than two weeks before his term in office was due to expire, Perez de Cuellar submitted a final report on the question [*UN Doc. S/23299*, 19 December 1991]. In part VII of the annex to the report, he recommended, in essence, that eligibility be extended to include people who can show they had resided in the Western Sahara continuously for a period of six years before December 1974 or who had lived there intermittently over a period of twelve years before Spain's withdrawal. Johannes Manz resigned the following day. On 31 December, the UN Security Council refused to endorse the Secretary-General's report. Although France attempted to convince members of the council to endorse Perez de Cuellar's proposals, the United States was unwilling to accept them. Instead of endorsing this report, the Security Council adopted a resolution

on 31 December 1991, the last day of the Secretary-General's term in office, stating that the council "approves" his efforts but only "welcomes" the text of the proposal [UN Security Council, *Resolution 725, S/23330*, 31 December 1991]. The Security Council correctly understood that de Cuellar's report not only ran against the efforts of the Identification Commission, but was undoubtedly a unilateral modification of the original peace plan and represented the will of only one side of the conflict [Morocco's] to the detriment of the POLISARIO and even the co-sponsor of the peace plan, the OAU. Therefore, the council's resolution meant that the new Secretary-General, Boutros Boutros-Ghali, would have to develop a proposal on voter eligibility acceptable to both sides.

There is no doubt that at that stage the process had already been undermined. The French had supported Perez de Cuellar's proposals as a means to finish up with the Western Sahara question and to strengthen Morocco's stability at a time when the legislative elections in Algeria were favorable to the Islamists. The prospect of an Islamist victory, from a French perspective, would have created a period of great instability in Algeria. The risk of a spill over into Moroccan being almost certain, it became logical for the French to strengthen the Moroccan monarchy by offering it a victory in the Western Sahara, thus consolidating the king's legitimacy and at the same time allegedly creating a bulwark against the spread of Islamic fundamentalism.

It must be pointed out at the onset, from an objective point of view, that the new Secretary-General, Boutros Boutros-Ghali and his Special Representative, Sahabzada Yaqub Khan, have, for reasons beyond the scope of this article, acted in such a way as to be interpreted by many as an attempt to align the UN position on the Moroccan stance. Ever since they took office, they seem to have progressively favored one side of the conflict at the expense of the other. The POLISARIO, in particular, has emphasized the absence of objectivity in this protracted conflict. Indeed, some of their actions may explain why Morocco did not have an interest in entering any serious negotiations with POLISARIO.

In November 1992, a scheduled meeting of tribal chiefs in Geneva failed to convene. On 26 January 1993, Boutros Boutros-Ghali issued his update report on the situation concerning the Western Sahara. After outlining the major areas of contention between the two parties regarding the eligibility criteria, the Secretary-General presented three broad options as possible ways of resolving the dispute:

- (a) Continuation and, if possible, intensification of talks. It is my considered opinion, however, that the chances for success under this option are very slim;
- (b) Immediate implementation of the settlement plan on the basis of the instructions for the review of applications for participation in the referendum appearing in the annex of my predecessor's report of 19 December 1991 (S/23299). This may mean that the implementation would have to proceed without the cooperation of one of the parties;
- (c) A third option would be to adopt an alternative approach not based on the settlement plan [*UN Doc. S/25170*, 26 January 1993].

With France's backing, Boutros-Ghali was hopeful that option B would be adopted as a UN Security Council resolution. The United States preference for option A, with draft propositions by Spain and New Zealand, led to the adoption on 2 March 1993 of *UN SC Resolution 809 (S/25340)*, which stressed the necessity of "ensuring the full cooperation of both parties for the implementation of the Settlement Plan," invited the Secretary-General and his Special Representative to "intensify their efforts with the parties in order to resolve the issues [...] in particular those relating to the interpretation and the application of the criteria for voter eligibility." It also invited the Secretary-General "to make the necessary preparations for the organization of the referendum of self-determination of the people of Western Sahara and to consult accordingly with the parties for the purpose of commencing voter registration on a prompt basis starting with the updated lists of the 1974 census."

The report was followed in June by a tour of the region by Boutros-Ghali. During his talks with the belligerents, he proposed a "compromise" regarding the criteria for eligibility, which in fact was little more than to repeat the criteria of his predecessor and the ones he had himself already proposed in his previous reports.

UN Security Council Resolution 809 had the merit of encouraging negotiations. The idea of direct talks gained more grounds and seemed to be accepted by both parties. By mid-July, direct talks, under UN auspices, were held in the Sahrawi capital of Al Ayoun. In reality, the United States had used its weight to induce Morocco to participate in the upcoming "historic" event and Algeria encouraged POLISARIO to be forthcoming. The POLISARIO negotiating team was composed of eleven



representatives, of whom six occupied important positions. The UN was reassured that the Moroccan delegation would be headed by Ahmed Senoussi, the king's UN representative in New York and by Mohamed Azmi from the ministry of the interior. The objective of the meeting, as contained in the letter sent by the Secretary-General to the negotiators, was to overcome the differences on the criteria for identifying the electoral body. The talks, however, ended in failure because the two protagonists came with totally different agendas. The POLISARIO representatives came to the meeting in the hope of negotiating a break in the deadlock and speeding up the process for holding a referendum. The Moroccans maintained their approach: no Moroccan official would be mandated to negotiate in order to avoid giving any legitimacy to POLISARIO. Ahmed Senoussi did not lead the discussions. The leading "negotiator" in the Moroccan delegation was a Sahrawi, Biyadillah Ould Mohamed Cheikh, who had made allegiance to the Moroccans. When Senoussi received the POLISARIO delegation in Al-Ayoun, he told the representatives in a paternalistic tone: "You are our sons and you are here in your country." He also told them that since the peace plan "is locked up in the Secretary-General's safe in New York, we are not here to discuss it" [cited in *Jeune Afrique*, No. 1699, 29 July-4 August 1993:11]. During the fourth meeting of the two delegations, the Moroccans read the king's message which stated that "all Saharans are his sons and that none of them are disobedient as he expresses the hope that anyone who has gone astray will return to the right path." He repeated his proposal for autonomy within the framework of regionalization. He asked the Sahrawis "to contribute any vision, idea, suggestion, or whatever you deem appropriate, to the development of this region within Moroccan sovereignty and territorial integrity..." [FBIS-NES-93-138, 21 July 1993:18].

This and other statements show little evidence of a genuine intention on the Moroccan side to negotiate with the Sahrawis. The July meeting was not a case of "getting to the table" to begin negotiation or even prenegotiation, but rather, as bluntly put by the head of the Moroccan delegation:

From the beginning, it was out of the question to discuss the procedures for implementing the referendum on self-determination, which remain under the authority of the UN Secretary-General alone. Therefore anything that comes under the authority of the Secretary-General or of his Special Representative cannot be discussed in our meetings. Definitely,



this was not what our Saharan brothers of POLISARIO thought....The issue was connected with informing our brothers that the Moroccan character of the Sahara cannot be a subject for compromise. As long as his majesty has announced that the homeland is forgiving and merciful, it remains for them to study the best and most honorable way to return to the homeland, since the Moroccan character of the Sahara has become an irrevocable matter...[FBIS-NES-93-138, 21 July 1993:19].

The meetings ended on 19 July. Even if some psychological barriers were broken, overall the Al Ayoun talks accomplished nothing. There was much bickering over protocol and other trivial issues. The main problems were never addressed. As put by the Sahrawi Ambassador to Algeria, Mohamed Lamine, "the only positive result is that we met, officially. As for exploring the depths of the issue, that did not happen" [FBIS-NES-93-137, 20 July 1993:16]. The two positions were too far apart to be narrowed down in a few meetings. Morocco sought—and still does seek—to absorb the Western Sahara through a confirmatory referendum to be held whenever the Moroccans are sure of the outcome or through an acceptance of POLISARIO of the so called regionalization plan which amounts to the exact same thing as annexation. For its part, POLISARIO strives for independence and seeks negotiations in order to convince the Moroccan government that, once independent, it would grant Morocco all sorts of advantageous cooperative agreements: normal relations with the kingdom, security arrangements (non interference), economic cooperation at all levels, and an adequate solution for Moroccan citizens remaining in the SADR [POLISARIO *Front Declaration at End of Al Ayoun Meeting*, 19 July 1993].

Even though Al Ayoun might have constituted a positive step toward the resolution of the conflict, what was described as the "tragicomedy" that took place in New York in October 1993 proved how deceptive promises of negotiations can be. Indeed, a high-level Sahrawi delegation went to New York to engage in direct negotiations with a Moroccan negotiating team. Instead, they were faced with Sahrawi defectors despite the UN demand that the Moroccan delegation be composed of government officials only. Although some members of the Security Council found Morocco's maneuver "provocative" (US Ambassador to the UN, Madeleine Albright), little was done to penalize such a violation. In defiance of the world body, the Moroccan foreign minister reiterated the same arguments following such situations, i.e., that the meeting

was simply a gathering between Sahrawis which would allow them to envisage the future of the Territory within the framework of Moroccan regionalization.

In January 1994, Boutros Boutros-Ghali sought to encourage the holding of direct negotiations. Both sides agreed, but the Moroccans chose as their main negotiator General Abdelhak Kadiri, head of the Moroccan secret services. POLISARIO apparently expressed some reservations with respect to the choice, suggesting instead that the crown prince or the minister of foreign affairs be the chief negotiator. The Sahrawis were also opposed to including Sahrawi defectors as participants in the eventual negotiations. Further, the two sides objected to the proposed sites: the Sahrawis wished, and obtained the agreement of the French, that negotiations be held in Paris, whereas the Moroccans preferred Lisbon, Portugal.

These talks have yet to materialize. In the meantime, the Secretary-General submitted a report on 10 March [S/1994/283], in which he basically reiterated his three propositions. In its resolution [S/1994/907, 29 March 1994], the Security Council adopted Option B of the Secretary-General's report which calls for the continuation of the work of the Identification Commission. "Meanwhile, the United Nations would continue its efforts to obtain the cooperation of both parties on the basis of the compromise proposal of the Secretary-General." Undoubtedly, the Security Council rejected Options A and C which would have been decidedly in favor of Morocco, for the first would have permitted the UN "to proceed to hold the referendum regardless of the cooperation of either party," i.e., without the POLISARIO, still opposed to the criteria for eligibility imposed by the Moroccan side. In Option C, the Secretary-General recommends that should the UN fail "to obtain the cooperation of both parties in the completion of the registration and identification process," the Security Council might "decide either that the whole MINURSO operation should be phased out...or that the registration and identification process should be suspended but that a reduced United Nations military presence should be retained to encourage respect for the cease-fire."

In Spring 1994, the situation concerning the Western Sahara was rather bleak. The specter of renewed military hostilities was hanging over the region. There were no signs that direct talks, let alone negotiations, were about to take place. The United Nations has lost much of its credibility in the eyes of the Sahrawis. The United Nations has failed to hold the referendum for self-determination and to implement the peace plan it has itself elaborated. Such a failure, coupled with the Sahrawi lack of

confidence in what is perceived as overt partiality of Boutros-Ghali and Yaqub Khan in favor of Morocco, led POLISARIO to seek another alternative. This came in the form of a proposal made by the president of the SADR on 21 April 1994. His proposal calls for an international peace conference, similar to the one that served as an umbrella to the Arab-Israeli talks in fall of 1991. He suggested that the participants to the conference would include the UN, the OAU, Algeria, Morocco, Spain, SADR, Mauritania, the United States and France. In an interview he gave the author, Mohamed Abdelaziz insisted that this conference, if accepted, would be an ideal forum. All the actors involved would face up to their responsibility and would allow the protagonists to move towards a definitive solution guaranteed by international institutions. In his view, such a conference would, as a first step, prevent a military confrontation from taking place. For, at the present time, war seems the only alternative to the present deadlock.

### **CONCLUSION: "WHY DON'T MOROCCO AND POLISARIO NEGOTIATE?"**

In this protracted conflict of nearly twenty years, the absence of serious direct negotiations between the two parties at war has prevented its resolution through peaceful means. As has been seen, the Sahrawis have been more open to the idea of direct talks. Morocco has always resisted, for various and obvious reasons, such an option. Even though such talks did take place, the Moroccan side never considered them to be a viable option. Morocco's opposition to genuine negotiations has been motivated by several factors. Many considerations—political, economic, cultural, and geopolitical—have prevented King Hassan, who has made the Western Sahara a question of national resolve, from agreeing to enter real negotiations. In response to Saunders question, "Why don't people negotiate?" [Saunders, 1985:251], the answer, as applied to Morocco, is obviously very complex. Yet, a few propositions can be advanced.

As has been seen throughout this article, the two sides to the conflict have had a different definition of the problem. Morocco has defined the problem as one of "national sovereignty," which consists of the "recovery of the lost territories," and a war against "secessionists," sponsored by outside powers. The objective, from a Moroccan point of view, is to maintain the illegal occupation of the Territory and to obtain the recognition of the *fait accompli* by the international community. All means must, therefore, be used

to convince the "secessionists" to join the homeland. For POLISARIO, the Sahrawi question is one of decolonization and of self-determination based on international legality. The ultimate objective is total independence of the disputed Territory. Thus, there is total disagreement on the nature of the problem. When trying to get to the table, the two sides did not address the same issues.

From the inception of the conflict, except on a few occasions when he thought he could negotiate a settlement with the Algerians at the exclusion of the Sahrawis, King Hassan has consistently sought to prolong the status quo, for it serves his interests much better. Regardless of what the outcome of negotiations or the referendum might be, the king would face difficult choices. Negotiating with the Sahrawis on concrete issues would be interpreted as weakness of the monarchy and abandonment of a national cause. Allowing a genuine referendum for self-determination to take place would lead, whatever the results, to major difficulties. If he wins it, the king can no longer justify the domestic policies he has adopted since the beginning of the dispute. Further, he will no longer keep at a distance an untrustworthy military. Also, a victorious referendum—without prior negotiations with POLISARIO—would confront Moroccan society with rebellious Sahrawis. A defeat in the referendum would have grave consequences for the monarchy because its continued legitimacy might be jeopardized. This partly explains why the king has used the stalemate to his own advantage by establishing an irreversible presence in the "useful" part of the Territory occupied by Morocco. The huge investments and the settlement of Moroccan citizens in the area have, from a Moroccan point of view, a permanent character [Bookmiller, 1992; Zoubir, 1990a].

The support he obtained from the Western powers are among the other factors that encouraged the king to pursue his tactics. During the Cold War, this support was quite obvious even though it was clear that the Sahrawi issue never took an East-West dimension and that POLISARIO had no links with the Soviet Union [Zoubir, 1993:103-125]. In the post Cold-War era, the US position has become much more neutral; France and Spain have remained ambivalent despite public statements to the contrary. The lack of political will in the bilateral relations with Morocco, and within the United Nations, did little to persuade King Hassan to seek a negotiated settlement in the Western Sahara conflict. The instability in Algeria has compelled Western powers not to act in a way that may lead to the destabilization of Morocco.

The weakness of the United Nations, combined with a complaisant attitude on the part of the Secretary-General and his Special Representative, has been an additional factor in encouraging the king to cling to his determined position not to negotiate with the Sahrawi nationalists.

The weakness of the Algerian regime, due to severe socio-economic and political problems, has affected Moroccan (mis)perception of the capacity of its neighbor to continue supporting the POLISARIO Front and the SADR. There is no doubt that Algeria's preoccupation with domestic problems and the signs of divisions within its leadership concerning support for the Sahrawi cause, combined with the factors listed above, have prompted King Hassan to estimate that "the possible outcomes from negotiations are less attractive than the alternatives to negotiation" [Saunders:257]. The dissensions within POLISARIO, due to the lack of progress toward a solution, have created a new dimension in the king's calculations. These dissensions and the defections of a few POLISARIO leaders have convinced the king that the best course of action is to gain time until the POLISARIO Front has disintegrated. Further, having profited from the cease-fire to strengthen his military position, the king is assured of total military domination in the field should the war resume.

There is another factor in explaining why the king is reluctant to negotiate with POLISARIO leaders. Direct, genuine, negotiations with the Sahrawis would result in the official recognition of the POLISARIO as a legitimate interlocutor and representative of the Sahrawi people—even though one might argue that there was a *de facto* recognition in the talks of January 1989—but it would also open the door to further state recognitions to the more than 75 already obtained by the SADR. In addition, direct negotiations with the Sahrawis would encourage opposition parties in Morocco to also seek negotiations with the king in the hope of getting concessions on domestic issues. Clearly, the refusal to negotiate with POLISARIO fulfills a domestic function.

At the moment, it is doubtful whether the successful cases of negotiations between the Israelis and the Palestinians or between the ANC and the white minority in South Africa to achieve a peaceful resolution of protracted conflicts will have any impact on Morocco. The Kingdom of Morocco seems to be firmly clinging to its decision not to negotiate and to hold an uncertain referendum. The main objective at the present time is to preserve the status quo for as long as possible. Whether the United Nations and the

international community have the political will to upset this state of affairs is, of course, another question.

# ENDNOTES

1. A good discussion of this point can be found in Cohen (1991:34 *passim*).
2. For detailed accounts of the origins of the conflict and its evolution, see Zoubir and Volman (1993); Tony Hodges (1983 and updated version 1987); Damis (1983); Zartman (1985).
3. Hodges (1983, 1987) and Zoubir and Volman (1993) are favorable to Sahrawi self-determination as expressed in international resolutions. Zartman (1985:26), supports Moroccan claims or at least a compromise between Algeria and Morocco, for he believes that "there is little interest in seeing additional states carved out of the Sahara, for they can only be further cases of African balkanization, needing financial and development assistance, open to competing influences from neighbors, and a rising temptation to outside powers' interference." It is questionable—especially in the post Cold-War era—how valid such arguments are. Can a people really be denied self-determination only because they may later need foreign assistance? In fact, the Western Sahara has much more wealth (phosphates, fisheries, natural gas, and many valuable minerals, as well as tourism) than many of the newly recognized states. Damis (1983) is also sympathetic to Morocco's claims.
4. It is important to note that this right to self-determination for all non self-governing territories was coupled with respect for the territorial integrity of the given territory as it advanced toward independence. On a good discussion of this issue, see Franck (1987) and Pazzanita (1993).
5. International Court of Justice. *Western Sahara, Advisory Opinion of 16 October 1975* (The Hague: ICJ, 1975), p. 68. For elaborate discussions of the ICJ's opinion, see Appendix in Hodges (1983); Franck (1976); Joffé (1987). See also the discussion in Gerhard von Glahn, 1980:322-324). Morocco's response to the ICJ's opinion was as follows: "The Opinion of the Court can only mean one thing...The so-called Western Sahara was a part of Moroccan territory over which the sovereignty was exercised by the kings of Morocco and the population of this territory considered themselves and were considered to be Moroccans...Today, Moroccan demands have been recognized by the legal advisory organ of the United Nations" (Press release of the Permanent Mission of Morocco to the UN, 16 October



1975, cited in UN Document S/PV. 1849, 20 October 1975, cited in Hodges (1983:225)).

6. Author's interview on 17 January 1994 with Mahmoud Abdelfattah, POLISARIO official who held those talks with Moroccan officials in Fall 1978 in Bamako. M. Abdelfattah is today a member of the POLISARIO's National Directorate and president of the commission of identification of eligible voters in the referendum for self-determination decided by the United Nations.
7. This information was revealed to the author by high-ranking Algerian military officers and POLISARIO representatives.
8. This part is reconstituted from various discussions, held in 1989 and in 1994, with POLISARIO officials, including one of the three members and principal negotiator, Bachir Mustapha Sayed, who met with the king.

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