

Africa's last decolonization problem has been a scene of a litany of failures led by UN attempts to find a political settlement on the basis of UN resolutions affirming the right of the Saharawis to self-determination.

The extension of the mandate of the UN mission to Western Sahara, MINURSO, on 28 April 2005 for another six months raised hopes for success this time. Just what the new MINURSO mandate means for the future of the territory and whether a final peaceful resolution of the problem is imminent are questions this policy brief attempts to address. Since peacekeeping operations do not in themselves lead to the resolution of political crises but rather provide a secure climate for a political process seeking an end to the impasse, this policy brief establishes whether conditions exist for a successful political process.

The UN advances the Peace Process

It was only in 1985, nine years after Moroccan occupation, that the UN in collaboration with the OAU began a joint mission of good offices in the search for a solution to the question of Western Sahara. By August 1988, the joint mission's special envoy presented to Morocco and POLISARIO a set of proposals for a settlement based on the 1960 General Assembly Resolution 1514 (XV) that sought a just and

definitive solution by means of a ceasefire and the holding of a referendum to enable Saharawis to exercise their right to self-determination and choose between independence and integrating their territory with Morocco. The proposal led to a broader settlement plan proposed by the UN Secretary General (UN SG) and affirmed by the UN Security Council Resolution 658 two years later. The UN SG proceeded with implementation plans on the understanding that the transition period would begin as soon as the outstanding tasks had been completed. The proposed implementation plan entailed a ceasefire taking effect in September 1991, a date both parties had accepted, and a referendum the following year. On that basis was MINURSO established, that is, specifically to monitor the ceasefire including verification of Moroccan troop reduction, the release of political prisoners as well as to prepare and organize a free referendum for the Saharawis.

However, even before MINURSO began its work, there were numerous signs mainly to the intransigence on the part of Morocco, that MINURSO would not be able to deliver on its mandate. MINURSO's implementation tasks depended on parties agreeing on various modalities, most crucially the identity of voters. While the POLISARIO supported

the idea that all Saharawis within the territory should be eligible to vote, Morocco insisted that only the pre-1975 Saharawi population be eligible to vote. Morocco reasoned that such a Saharawi population was too small to deliver a pro-independence verdict in the referendum. Sensing the possible unfavourable outcome of a vote on the future on Western Sahara, Morocco sent thousands of Moroccan settlers to the territory in an attempt to stack the referendum process and force the UN to accept new settlers as eligible voters.

In 1997, the UN made fresh efforts to deal with the impasse by means of direct negotiations including high-level Algerian and Mauritanian observers chaired by the eminent former US Secretary of State, James Baker³, in Houston, US. Like the 1988 plan, the resultant Houston Agreement represented a significant step forward since it provided for the full implementation of the settlement plan. The agreement entailed, among other things, a proposed code of conduct for the referendum on Western Sahara, guidelines for the role of the UN during the transition period, and the principles that would govern the process of identifying voters who could participate in the referendum. However, once again

³ James A. Baker III was later appointed by the UN Secretary General to be his Personal Envoy to Western Sahara.

erstwhile disagreements emerged over potential voters, thus causing another stalemate.⁴

Weighed down by Morocco's obstinacy but emboldened by tacit support from the US, France and other big powers, the UN sought to play into the hands of Morocco in a manner that almost sacrificed the self-determination principles underlying all previous UN resolutions. In 2001, the UN adopted a Moroccan proposal that called for a substantial devolution of authority to Western Sahara during a 10-year transition period, during which the implementation of a self-determination referendum would be studied.⁵ Seeing that the Baker I Plan, as the plan was known, did not guarantee a referendum, the POLISARIO rejected it out of hand.⁶ When the Baker II plan ensued in July 2003, the UN good offices seemed to have lost the plot. It was disillusioned at the Morocco-orchestrated stand-off and exhausted by growing doubts within the

⁴ This was the 12th time the referendum had been delayed and this led to a very explosive situation in the territory.

⁵ The UN Secretary General then proposed that the UN abandon the settlement plan by offering instead a "framework agreement" (the Moroccan proposal), thereby denying the Saharawi people their inalienable right to self-determination.

⁶ Contrary to POLISARIO's position, the Moroccan King publicly dismissed any UN Settlement Plan for Western Sahara but indicated that the territory could be granted autonomy as part of Morocco.

UN Security Council about the UN SG efforts. Baker II then called for an initial vote on autonomy, followed by a second vote on independence after five years. Although this arrangement favoured Morocco, it had been emboldened by willingness of mediators to favour its position, to reject any mention of independence or self-determination in the text, thereby refusing to take even minimal risk at the talks. It was at this point that James Baker reached a cul-de-sac and tendered his resignation as UN SG Personal Envoy effective June 2004. The UN special representative, Alvaro De Soto, took over from Baker but a year later he too resigned, leaving the UN SG at his wits end about what to do next and who to appoint.

Against this background, the Security Council's extension of MINURSO's mandate comes amidst a litany of failures, but the process stands at the confluence of possibilities arising out of fresh thinking, new measures and the expected deployment of new envoys. The extension was intended to maintain the existing ceasefire in Western Sahara and facilitate a peaceful settlement of the low intensity conflict that had been going on since 1976. The extension of the UN's mandate, however, evoked mixed feelings within the international community. On the one hand, there appears to be hope for Western Sahara judging from a recent UN Secretary

General report that the political climate in the territory had improved and that MINURSO was in a position to provide adequate and effective monitoring of the unstable ceasefire. On the other hand, this unstable ceasefire could escalate into an all-out war if not monitored effectively. This fear is not unfounded, given POLISARIO's ongoing plans to conduct military exercises in the *Tafriti* region of the territory and its recent threat of resuming its armed struggle as a result of peace process fatigue. The tendency of the 'good offices' route of the UN to rely too much on persuasion to reach an amicable solution is a major weakness in the peace process. Studies have shown that in impasses, the success of negotiated settlements depend on either pressure by external players who have the leverage over the stronger party in the stand-off or the abundant will of the parties to end the stalemate, usually because it is hurting their cause.

It clearly seems that the effect of the conflict on the POLISARIO, its 38 years of exile in conditions of squalor, and the Saharawis' vulnerability to complete subjugation by the mightier Morocco have taken their toll. Thus, the stalemate hurts POLISARIO more than Morocco. Notwithstanding the threats of an armed conflict, 16 years of attempts at a peaceful resolution, with a strong UN backing and growing support in

Africa and elsewhere is where the POLISARIO leadership now pins its hope on a possible negotiated settlement. However, the willingness of only one side to agree to such a settlement will not break the impasse. It seems that what is needed is what William Zartman called 'a mutually hurting stalemate,' a point at which the rational parties consider the absence of negotiation to be a loose-loose situation.⁷ Obviously the latter is not the case, especially for Morocco. In the following section we consider the role that major foreign players play in the resolution of the Western Sahara issue.

The Role of Foreign Players

The problem for African and Arab countries is that in political and economic terms, they do not have sufficient leverage over Morocco to cause a shift in its approach to the peace process. Given Morocco's hostile attitude to the organization, over the last 16 years the OAU/AU has failed to exert the pressure needed. This leaves the UN, with key world powers that do have such leverage over Morocco, to assist it in breaking the deadlock and preventing a resurgence of war.

⁷ William Zartman refined this theory in his seminal work, (2001) "The Timing of Peace Initiatives: Hurting

France

As Morocco's closest ally, France supports a solution that ultimately gives jurisdiction over the territory to Rabat. France's support of the Moroccan cause is clearly related to the former's vested interests in the territory. On 19 October 2001, Morocco allocated a 200 square mile territory off the coast of Western Sahara to the French conglomerate *TotalFinaElf* by signing contracts to explore possible oil reserves there. *TotalFinaElf*, however, ended its activities in the territory in 2004 due to public pressure from international NGO's and following on the heels of a Danish company that had conducted pre-exploration seismic studies earlier. Even though *TotalFinaElf* eventually left the region, there is continued French support for Rabat that leads one to suspect that France hopes to secure more lucrative deals, such as in the exploration of the enormous phosphorus and fisheries resources that the territory holds.

Spain

Even though Spain left its colonial acquisition 30 years ago, it still has a unique and important role to play in the politics and resolution of the crisis in Western Sahara. The historical, cultural

Stalemates and Ripe Moments," Global Review of Ethnopolitics, I (1), pp. 8-10.

and linguistic links with the Saharawis give Spain the potential to act as an arbiter in the dispute, apart from their traditional support for the idea of a referendum with regard to the future of the territory. However, the current government of Spain appears to be drifting away from its past ongoing support for a referendum on independence for the Saharawis, and appears to be moving towards a solution favourable to Morocco. As a result Spain has become one of Rabat's major allies and for the first time, it is challenging France as Morocco's main trade partner.

This is part of an effort by Spain's Prime Minister, José Luis Rodríguez Zapatero, to repair his country's damaged relationship with its southern neighbour, which suffered under the premierships of Felipe Gonzales and Jose Maria Aznar, both of whom strongly supported a referendum in the territory. This position by the current government in Madrid is of great concern to POLISARIO, which is aware that the position that the former colonial ruler holds would be very important for the final resolution of the Western Saharan crisis, just as Portugal's position was decisive to the organization of the referendum in East Timor. The position of the Spanish government, however, is in conflict with that of provincial parliaments, major

civil society formations and a large number of Spaniards who favour an independent Western Sahara.

The United States of America

Consistent with the US's position regarding Western Sahara that has vacillated between supporting Morocco and aiding the Baker efforts, Washington signed a bilateral free trade agreement with Rabat in 2004 that specifically excluded the territory of Western Sahara and its resources. This was an attempt at striking a delicate balance between US interests in maintaining strong trade relations with Morocco and its reluctance to cement Morocco's disputed control over the Saharawi Republic. By excluding the disputed territory, the US avoided legitimizing Morocco's occupation of the territory. This could be read as a setback for Morocco's intentions. Yet, Washington is aware of and it arguably supports the involvement of US companies in the Morocco-sanctioned exploitation of Western Saharan resources. In 2001, the *Kerr-McGee* company signed contracts with Morocco to explore possible oil reserves off the coast of the Western Sahara. The company has refused to give in to pressure to abandon its activities and its agreements with the Moroccan government. This is in contrast to other multinationals such as France's

TotalFinaElf, Dutch and Norwegian seismic companies, *Fugro-Svitzer*, and *TGS-Nopec*, which left due to mounting international pressure. Furthermore, despite an opinion issued by the UN Under-Secretary General for Legal Affairs in 2002 that as long as the status of Western Sahara remained unresolved, further exploration of oil and mineral resources were "in violation of international law", *Kerr-McGee* continued with exploration. This UN legal opinion effectively implies that Morocco had no right to act on behalf of Western Sahara and market its resources. This apparent inconsistency is further reflected in the fact that this company is run by political heavyweights in the US, including James Baker, who ironically had spent seven years seeking a settlement in Western Sahara.⁸

⁸ James Baker has his own close ties to Kerr McGee. His James Baker Institute at Rice University funded a study Called "Strategic Energy Policy: Challenges for the 21st Century." The author of that report was Matt Simmons, President of Simmons and Company Investment Bankers and member of the Board of Directors of Kerr McGee. In addition, Baker's former spokesperson at the Departments of State and Treasury and close personal friend, Margaret Tutwiler, serves as the U.S. ambassador to Morocco. It is indeed no coincidence that she is in Rabat to secure oil contracts and, therefore, she is in a commanding position to influence U.S. policy on Western Sahara. Besides, one of her best friends, former White House Communications Director and close Bush confidant, Karen Hughes, who was one of three top aides to George W. Bush in the Texas governor's

Norway

The inconsistency between official government positions and economic interests is wider. Alongside Moroccan settlers, Norway's fishing companies have continued to exploit Western Sahara's fishing assets with tacit approval of the Norwegian government. This is in spite of the official government position in favour of the Saharawi cause. Norway is one of Europe's leading nations in the fisheries industry that includes the construction of fisheries vessels, and innovations in fishing technology, fish processing and distribution technology. In 2002, questions were raised regarding Oslo's 4 million EURO aid of Norwegian exports to Morocco's fisheries sector. This enabled the Norwegian company, *Finsam*, to construct an ice-producing plant in El Aaiun, for fish landed there, the construction of modern coastal fisheries (*Selfa Arctic*), the supply of marine electronics to its Moroccan retailers in El Aaiun by *Simrad*, the exporting of fishing vessels and equipment to Morocco by *Astia Holdings*, and selling electronics navigation equipment in Morocco by *Furuno*. As a result, Oslo's reputation as a neutral player, let alone a backer for

mansion, probably ensures that Morocco's case receives the personal attention of President Bush (All Africa, 2003).

the Western Sahara cause, has been tarnished and its position compromised.

Algeria

As POLISARIO's host and foremost supporter, Algeria is a key player in the resolution of the problem of Western Sahara. In the past few years, Algeria's political profile as a major player in Maghreb politics has risen. After a long stand-off, in recent weeks, there have been several ministerial meetings between Algeria and Morocco⁹ in an attempt to break the cold relations between the two countries. Such mature interstate diplomacy could pave the way for more productive interaction between Morocco and POLISARIO, especially if it allays Morocco's fears and provides it with some incentives in terms of political positions in the Arab Maghreb Union (UMA)¹⁰ for ceding Western Sahara. These efforts could eventually lead to a long-awaited summit between Algerian President Abdelaziz Bouteflika and King Mohammed VI, that could be a prelude

⁹ Morocco is insulated from pressure from Africa by its boycott of the African Union and the general African cause, while the North African organization, the Arab Maghreb Union, remains moribund.

¹⁰The UMA was set up in 1989 to facilitate free trade amongst the countries but it has not met in over a decade because of the Western Sahara conflict, especially differences between Algeria and Morocco over the territory. The regional organisation comprises of Algeria, Libya, Mauritania, Morocco and Tunisia.

to the final resolution of Western Sahara's status.

Challenges and Obstacles for the UN and MINURSO

The UN's inability to force Morocco to abide by its international obligations and allow a referendum demanded by the UN Security Council in 1991 to take place, undermines MINURSO's extended tenure. Furthermore, the UN and MINURSO have not voiced serious objections when Morocco, on numerous occasions, clearly pursued actions that disturbed the status quo in the territory, such as the 2 720 km long wall cutting through Western Sahara. The wall, which is much longer than the Great Wall of China and the Israeli wall in the West Bank, effectively incorporates a large part of the territory into Morocco, containing most of the fertile land, the coast with its excellent fishing industry, huge phosphate deposits, and recently discovered oil reserves. All these factors undermine a just resolution of the dispute.¹¹

At the same time, both Morocco and POLISARIO do not hold the UN in high esteem; Morocco views the UN as the enemy and POLISARIO sees the UN as either toothless or unwilling to respond

¹¹ The wall built on Ariel Sharon's advice, cuts across the territory and divides Saharawis living on both sides of it and is reinforced by soldiers, anti-personnel and anti-tank mines, trenches,

effectively to Moroccan violations of the ceasefire. In these circumstances, MINURSO does not have an easy task, since it does not enjoy the full support of any party in this conflict. The situation in which MINURSO officials have to operate is also aggravated by Moroccan security forces which prevent MINURSO officers at gunpoint from performing their duties, thus virtually making them hostages without UN condemnation or sanction. Furthermore, there are no signs of UN presence or evidence of its authority that could foster hope within the population. Moreover, Morocco does not permit any contact between the population and MINURSO.

Conclusion

While the resumption of hostilities does not seem likely in the short-to medium-term, the collapse of trust in the UN system and its ability to break the impasse is a matter for concern. This is not so much of the UN's making, but points to a lack of political will on the part of Morocco to act on agreements it has signed and UN resolutions it has accepted. The reluctance of key foreign players and the international community at large to defend the UN's resolutions against violations by Morocco, especially as a legitimate member of the UN liable to censure,

radar detectors, barbed wire and several million

simply encourages impunity. In the current lull on the political front following the departure of Baker and De Soto, the extension of MINURSO's mandate by six months is of no consequence in resolving the Western Sahara question. It seems that the UN Secretary General needs to review the choice of strategies at his disposal to bring about a resolution of the Western Sahara problem, perhaps abandoning use of 'good offices' and resorting to multi-track diplomacy, a carrot-and-stick approach or keeping open the possibility of imposing sanctions. The international players will need to find a balance in order to ensure that the impasse does hurt Morocco's economic and political interests but which encourages Rabat to favour negotiations.

Policy Considerations

a) To the Moroccan Government

- It needs to abide by existing UN rulings and resolutions that have been passed and any ruling or resolution that may be the outcome of a UMA initiative.
- It should demonstrate more willingness to find an amicable settlement

landmines.

on the basis of UN resolutions.

b) To the POLISARIO movement in exile

- POLISARIO should not resort to any military initiatives to resolve the deadlock since this can only heighten but not resolve the conflict. In addition, POLISARIO would have no chance of a military victory over Morocco, even with the support of Algeria.
- The movement should pursue its diplomatic agenda for the resolution of the Western Sahara question.

c) To the members of the UN Security Council

- The UN Security Council needs to enforce its own resolutions and coerce, if necessary, Morocco to abide by its decisions.

d) To MINURSO

- The UN need to strengthen MINURSO in order to give it more legitimacy when dealing with Morocco.

e) To Foreign States and Oil companies

- They should withdraw from the territory with immediate effect and not compromise the peace process by exploiting the resources in Western Sahara under the aegis of Morocco.
- They should rather put pressure on Morocco, using the country's need for economic relations.

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