

The Western Sahara conflict: regional and international repercussions

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A second round of informal talks between Moroccan government and the Polisario Front¹ conducted under UN auspices and in the presence of Algeria and Mauritania as observer countries, was held on 10-11 February 2010. Announced as a preliminary, informal meeting leading to the fifth round of direct negotiations between the Western Saharan independence movement and Morocco, these discussions followed four sessions of direct talks, which began in June 2007, without producing any tangible results. At least for the informed analyst, the latest meeting would likely hold few differences from the previous rounds — which was indeed the case — even if the international context has changed somewhat since the arrival of Barack Obama to the White House one year prior. The Western Sahara conflict, defined as a ‘forgotten conflict’ or ‘frozen conflict’ (Zoubir 2010) is approaching

1. *Frente Popular de Liberación de Saguía el Hamra y Río de Oro* (Frente POLISARIO).

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its 35th year; it has had significant damaging effects. A proposed regional trading bloc, *L’Union du Maghreb Arabe* (UMA, Arab Maghrib Union), inaugurated with great fanfare in February 1989, has been in hibernation since 1996, precisely because of this dispute. The question has poisoned relations between Algeria, the main sponsor of Western Saharan self-determination, and Morocco, which claims the territory it has illegally occupied since 1975. Even if the issue very rarely makes the headlines, the Western Sahara conflict has had a significant impact on the development of the region. Indeed, the lack of regional integration is a serious consequence: economic exchange between the Maghrib states represents only 1.3% of their trade, the lowest regional trade in the world. Economists in the United States have shown that an integrated Maghrib market and free trade area would produce highly beneficial results for the populations of the region (Hufbauer & Brunel 2008). In addition, the land border between Algeria and Morocco has been closed since August 1994, seriously affecting the economic life of the city of Oujda, which depended heavily on trade with and tourism from Algeria. Morocco has repeatedly called on the Algerian authorities to reopen the border, but Algiers has decided that that reopening the border without a comprehensive agreement, which would include the settlement of the conflict in Western Sahara, would be useless, no matter the cost of a non-integrated Maghrib. Furthermore, not surprisingly, the tension between Algeria and Morocco has led to a rather costly and dangerous arms race.

In addition, the dispute has generated other consequences. It has affected relations between France

(defending the Moroccan monarchy's irredentist claims) and Algeria, as well as relations between Spain (the former colonial power in Western Sahara) and, on the one hand, Morocco, and, on the other, Spain and Algeria. The United States, which during the Cold War allowed the occupation of the former Spanish colony by Morocco (Mundy 2006a/b), has also suffered some of the consequences in its policy in the Maghrib: Its repeated calls for Maghrib integration have proven fruitless.

Only a geopolitical perspective can explain the stalemate that has persisted in the Western Sahara conflict. The alleged technical difficulties to ensure a referendum have been mere pretext to allow Morocco to continue its colonization of the territory. If today powers like the United States, France and Spain, support, albeit to different degrees, the concept of 'autonomy for the Sahrawi people', they have failed to impose it because international law is on the side of the Sahrawi people (Chinkin 2008).

The conflict has increased even more as a younger generations of Sahrawis have resorted to active, continued peaceful resistance, which has succeeded in alerting the international community on human rights issues. The case of the activist Aminatou Haidar is a perfect illustration. In fact, her hunger strike, triggered in November-December 2009 and the diplomatic reaction that ensued, have had such reverberations that the Personal Envoy of the UN Secretary-General to Western Sahara, Christopher Ross, asked the UN Security Council on January 28, 2010, during a closed-door meeting, to include human rights monitoring in the prerogatives of the *Mission des Nations Unies pour l'Organisation d'un Référendum au Sahara Occidental* (MINURSO, UN Mission for the Referendum in Western Sahara) — the only United

Nations peacekeeping force that does not include, as part of its mandate, the protection of human rights. The same request had been made in 2009 but France opposed it. On 30 April 2010, France once again, opposed the inclusion of the protection of human rights in MINURSO's mandate. Therefore, UNSC Resolution 1920, which has extended MINURSO's mandate for another year, does not contain any mention of human rights. In the meantime, the violations of human rights in occupied Western Sahara have in fact amplified despite their denunciations by respectable human rights organizations, such as Amnesty International or Human Rights Watch.

The lack of resolution of the Western Sahara conflict



US-Moroccan troops during 2008 'African Lion' exercise, Cap Draa, Morocco, 75 miles north of Western Sahara border, 13 June 2008 (Source: US military)

boils down to two main points: the conflicting positions of Morocco and Western Saharan nationalists, on the one hand, and geopolitical considerations, on the other hand. These geopolitical interests have been the main impediment to the resolution of the conflict because they strengthened the obstinate position of Morocco, which argues, thanks to external support, that it

will only negotiate on the basis of 'autonomy' within Moroccan sovereignty. This proposal currently enjoys the implicit consent of France, the United States, and Spain, regardless of UN resolutions that refute any preconditions for the current negotiations.

Morocco and the Sahrawi: Irreconcilable Positions

Despite the acceptance of the original UN Settlement Plan by Morocco and Polisario in 1991, all attempts to organize the referendum on self-determination of the last colony in Africa have failed. Since 2001, Morocco has continuously opposed the inclusion of the option

of independence to any referendum process based on self-determination. Today, the Moroccans consider the referendum process altogether as an 'obsolete practice'. Moroccans are comforted in their position owing to the backing they receive from France and the United States in the Security Council. The Security Council has refused to impose a solution that includes the option of independence, as inscribed in UN resolutions. This not only includes the original 1991 Settlement Plan but also, in 2003, the Security Council failed to impose the second Baker Plan² — because of the US about-face but also because France made clear it would oppose it by its Security Council veto. Recently, France, the United States (under George W Bush) and Spain have made no doubt as to their support for the proposal Morocco made in 2007 to supposedly grant Western Sahara 'autonomy' within the Moroccan Kingdom. Implicitly, these countries have recognized Morocco's sovereignty over Western Sahara, while adopting an official position that indicates otherwise. Thus, since the adoption on 30 April 2007, of UN resolution 1754, Moroccans have reiterated their position that they will not negotiate anything other than their own proposal, insisting that they have garnered support from France and, more importantly, from the George W. Bush administration and the current Barack Obama Administration, following Hillary Clinton's declarations in Morocco in December 2009. During all the recent negotiations, Moroccans refused to discuss the Polisario's counter-proposal, thus ignoring recent UN resolutions which insist on 'negotiations without preconditions and in good faith [...] with a view to achieving a just, lasting and mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara'. Polisario's counterproposal submitted to the United Nations in 2007, which conforms to international legality, does not reject outright the Moroccan 'autonomy' option, but insists that the any proposal be considered only as a third option (independence and integration being the others) as part of talks between the two parties. Polisario is also committed to accepting the results of the referendum whatever they are and to negotiate with the Kingdom of Morocco, under the auspices of the United Nations, the guarantees that it is prepared to grant to the Moroccan population residing in Western Sahara, as well as to the Kingdom of Morocco, in terms of Morocco's political, economic

2. [The second power sharing proposal developed by former US Secretary of State James Baker, the UN lead negotiator for Western Sahara between 1997 and 2004 — ed.]

and security interests in Western Sahara, in the event that the referendum on self-determination would lead to independence.

The perpetuation of this impasse is inevitable, despite the optimism of former US diplomat, Christopher Ross, formally appointed in January 2009 to serve as UN Secretary General Ban Ki-moon's Personal Envoy to Western Sahara. Prudently, Ross first arranged for an informal meeting between the two parties in Dürnstein, Austria, on 10-11 August 2009. Unsurprisingly, no progress was made despite a fairly positive statement issued at the end of the meeting. The two parties however agreed to pursue yet another informal round of discussions in Armonk, near New York. According to Ban Ki-moon, the meeting would be 'based on guidelines provided by resolution 1871 (2009) and other previous resolutions of the Security Council'. But the talks produced little headway because reality on the ground was and still is favorable to Morocco, not only because Morocco has consolidated its colonization of the territory, but it also exploits illegally, with no fear of punishment, the natural resources of Western Sahara, primarily phosphates and fisheries. The European Union is complicit in this exploitation through the fisheries agreement with Morocco, which includes Western Saharan waters, notwithstanding the doubts that the European Parliament has expressed on the reasonableness of EU policy; in fact, it deemed EU fishing in Western Saharan waters to be illegal. In view of Morocco's intransigence and the support it receives from external actors, it is thus not surprising that the second informal meeting held in New York to prepare for the 5th round failed, like the previous ones, to produce any tangible results. Given that neither side has accepted the proposal of the other as the sole basis for future negotiations, it is obvious that, short of unforeseen developments, the status quo will undoubtedly persist.

Geopolitics as Impediment to Resolution of the Conflict

The United Nations is responsible for the decolonization of Western Sahara, but the key to breaking the stalemate and implementing the legal solution lies in the hands of France and the United States, which, even if they do not recognize Morocco's sovereignty over the territory, have allowed Morocco to consolidate its control over Western Sahara. The ingredients that have led to the status quo are in fact contained in

UN resolutions, which while reaffirming the right to self-determination for the people of Western Sahara, encourage the Polisario to seek with Moroccans — the colonizers — a ‘mutually acceptable’ political solution. In other words, each party has a veto, even if Morocco has the advantage.

France, regardless of its ‘official’ position, considers Western Sahara as an integral part of Morocco. Since 1975, successive French governments have never hidden their opposition to an independent Sahrawi state that would purportedly fall under Algeria’s influence. In addition, the emergence of an independent Sahrawi state is seen as a destabilizing factor for the Moroccan Kingdom, in which France has considerable political, economic, military and cultural interests. With nearly 70 percent of total Foreign Direct Investments in Morocco, France is the largest trading partner and major investor. Of course, France’s steadfast support of Morocco’s irredentist claims has complicated further Algerian-French relations. The French government is of the conviction that the resolution of the conflict lies between Algiers and Rabat, an attitude that irritates Algiers.

The United States, too, supports the position of Morocco, a reliable ally in the Arab world (Zoubir 2009a). *A priori*, the U.S. does not oppose the right to self-determination of peoples, but in the case of Western Sahara, geopolitical considerations are the driving force in the US attitude toward this particular question. There were times, as under the George HW Bush administration, in the late 1980s, when the United States was open to the idea of an independent Sahrawi state. Then in 2003, the United States, supported the second Baker Plan, under which the Sahrawis were to enjoy autonomy for a period of five years before hold-

ing a referendum on self-determination that would include the three options, of which independence was one, as inscribed in UN resolutions. Moroccans have objected to such referendum in spite of the numerical advantage of Moroccan settlers in the territory, who would have been allowed to vote under the 2003 proposal. At the time, the George W Bush administration had promised Algerians that if Algiers and Polisario accepted the plan, the United States would impose that solution at the Security Council. However, perhaps not wishing to aggravate the rift with the French over the issue of Iraq, coupled with the threat of veto from France, the United States was pushed to renege on its promise. The Bush administration then supported

the 2007 Moroccan autonomy proposal despite its illegality — for what gives Moroccans the right to offer autonomy to Sahrawis? — and its utter ambiguity (Theofilopoulou 2007).

It would be naïve to believe a reversal of the US position in this conflict under the current Obama Administration despite the seeming shift in attitude towards the autonomy proposal.

There have been some indications that the Obama administration may not be decidedly biased in favor of Morocco. Indeed, in June 2009, it appeared that the U.S. no longer supported unequivocally the Moroccan autonomy plan; Obama evaded mentioning the autonomy plan in his letter to King Mohamed VI, which was interpreted as a reversal in US policy on the question. A passage in the letter was particularly revealing: ‘I share your commitment to the UN-led negotiations as the appropriate forum to achieve a mutually agreed solution [...] My government will work with yours and others in the region to achieve an outcome that meets the people’s need for transparent governance, confidence in the rule of law, and equal administration of justice’ (quoted in World Tribune 2009). Citing



US Navy personnel offering free dental services to Moroccan civilians just north of Western Saharan border during African Lion exercise, 17 June 2008 (Source: US military)

diplomatic sources, the report in which the letter was quoted suggested that 'The United States no longer supports or endorses the Moroccan autonomy plan . . . Instead, the administration has returned to the pre-Bush position that there could be an independent POLISARIO state in Western Sahara' (*ibid*). United States officials refused to confirm or deny such reports, stating only that the US encourages the parties to engage in discussions under the United Nations auspices.³ Undoubtedly, by referring to international legality, which in the case of Western Sahara would include the option of independence, Obama seemed to abide by the values he promised to uphold. However, as UNSC Resolution 1920 demonstrates, the United States does not seem to have undertaken any shift in policy toward Western Sahara. What is certain is that the administration is torn between continuing to support a traditional ally and setting a new course that would contradict the interests of that ally. The conflicting pronouncements in Obama's letter and those issued by Hillary Clinton during her visit to Morocco in November 2009 highlight the policy constraints of the new administration. During her visit to Marrakesh in November 2009 to attend the Forum for the Future, Hillary Clinton responded to the question as to whether the Obama administration had changed its position on the autonomy plan by saying that, 'Our policy has not changed, and I thank you for asking the question because I think it's important for me to reaffirm here in Morocco that there has been no change in policy' (Clinton 2009a). In another interview, she was asked, what she meant by her affirmation that there was 'no change in the Obama Administration's position as far as the Moroccan autonomy plan in the Sahara is concerned'. Her response was:

Well, this is a plan, as you know, that originated in the Clinton Administration. It was reaffirmed in the Bush Administration and it remains the policy of the United States in the Obama Administration. Now, we are supporting the United Nations process because we think that if there can be a peaceful resolution to the difficulties that exist with your neighbors, both to the east and to the south and the west that is in everyone's interest. But because of our long relationship, we are very aware of how challenging the circumstances are. And I don't want anyone in the region or elsewhere to have

any doubt about our policy, which remains the same. (Clinton 2009b)

This being said, the U.S. displayed a tougher stand toward Morocco during the hunger strike of Haidar. The U.S. was instrumental in resolving the case (Jamaï & Rhanime 2010), thus making it possible for Haidar to return to Western Sahara.

One of the major questions to be asked is whether the White House, despite the seemingly evenhanded approach, will succumb to the Senate's pressure to endorse Morocco's illegal annexation of Western Sahara (Zunes 2010), at the risk of alienating Algeria, a major actor in the war against terrorism in the region (Zoubir 2009b).

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3. See video statement (English with Arabic subtitles) on Al-Muhaajar TV, <http://www.elmuhaajer.com/statedepartment.php>, accessed April 2010.

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